



# **AGENDA**

## **ORDINARY MEETING OF COUNCIL**

### **TUESDAY 2 NOVEMBER 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**

29 October 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
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Chief Executive Officer  
  
Peta Mabbs



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

Director Corporate Services  
  
Paul White



Director Community Planning  
  
Luke Gibson



Executive Manager Infrastructure  
  
Phillip Adams



Executive Manager Environmental Sustainability and Environment  
  
Nicole Davey



Cr Emily Wilding  
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Cr Hilary MacWilliam  
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Cr Tallan Ames  
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Cr Renee MacLennan  
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Cr Jennie Carter  
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Cr Paul Poliwka  
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**1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS; DISCLAIMER**

**Acknowledgement of Traditional Owners**

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

**2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

**4.0 DECLARATIONS OF INTEREST**

**5.0 PRESENTATIONS OR DEPUTATIONS**

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

The public statement session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise, on matters contained in the agenda.

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

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

*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 unless the Council, by resolution, decides otherwise, 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:  
[www.bassendean.wa.gov.au/forms/public-question-time/36](http://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 and is provided as an attachment.

#### **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 Ordinary Council Meeting held on 28 September 2021** **Attachment No. 2:**

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

That the minutes of the Ordinary Council meeting held 28 September 2021, be received.

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

That the minutes of the Ordinary Council meeting held on 28 September 2021, as amended, be confirmed as a true record.

### **9.2 Special Council Meeting held on 18 October 2021** **Attachment No. 3:**

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

That the minutes of the Special Council meeting held 18 October 2021, be received.

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

That the minutes of the Special Council meeting held on 18 October 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>	EMRC Ordinary Council Meeting – Abridged Minutes – 23 September 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>	<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

Meeting	Date Held
EMRC Ordinary Council Meeting – Abridged Minutes	23 September 2021

## Statutory Requirements

Not applicable.

## Financial Considerations

Not applicable.

## Risk Management Implications

Not applicable.

## Officer Recommendation – Item 11.1

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

**Voting requirements: Simple majority**

## **12.0            REPORTS**

### **12.1            Adoption of Recommendations En Bloc**

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

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



**Officer Recommendation – Item 12.1**

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda:

<b>Item</b>	<b>Report</b>
12.3	Existing Carport and Patio - 50 (Lot 585) Faulkner Way, Eden Hill
12.8	WALGA Energy Sustainability and Renewables Project (Phase 1): Renewable Energy
12.9	WALGA – Elected Member Superannuation
12.11	Use of Common Seal
12.12	Calendar for November 2021

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

<b>Item</b>	<b>Report</b>
8.1	Petition - Right of Way No. 5 (Declaration of Interest – Cr Hamilton)
12.2	Draft Local Heritage Survey (Declaration of Interest – Cr Carter)
12.4	Social Housing Economic Recovery Package
12.5	Revocation of Council Policy 4.6 – Circus
12.6	Local Planning Policy No. 4 – Floodplain Management and Development - Withdrawn
12.7	Draft amended Local Planning Policy No. 12 – Developments within the Street Setback Area
12.10	2022 Meeting Dates - Ordinary Council Meetings, Briefing Sessions, Committees and Citizenship Ceremonies

<b>Item No. 12.2</b>	<b>Draft Local Heritage Survey</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Ref</b>	LUAP/REGSTN/3
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 5</b>	<b>Draft Local Heritage Survey</b>

## Purpose

The purpose of this report is for Council to consider endorsing the draft Local Heritage Survey (LHS) for the purposes of advertising.

## Background

The *Heritage Act 2018* requires each local government to prepare a LHS (previously known as a Municipal Heritage Inventory) to identify and record places that are, or that might become, of cultural heritage significance. The document assists the Town in making decisions that impact heritage places and supports the creation of a heritage list or heritage areas, which provide for statutory protection of places under the local planning scheme.

There are three types of updates and reviews to a LHS:

- *Administrative updates*: minor corrections and addition of file notes or other information for future consideration.
- *Place-specific reviews*: addition or more substantial amendment of a heritage assessment of an individual place.
- *General review*: open process inviting community participation to produce a new version or edition of the LHS.

The Town's LHS was last reviewed in 2017 (see link below):

<https://www.bassendean.wa.gov.au/profiles/bassendean/assets/clientdata/municipal-heritage-inventory.pdf>

The Heritage Council's 'Guidelines for Local Heritage Surveys' recommend general reviews occur every 5-8 years for local governments with ongoing urban development, or coinciding with the major review of a strategic community plan or local planning strategy, which is currently occurring.

The Town commenced its review in January 2021. Consistent with the Guidelines, the scope of review included:

- Review of the Historical Overview of the LHS covering Aboriginal History of the district, Early Colonial and Late Colonial History, the pre WW1 period, pre WWII period and the Post Second World War period;
- Review of the Thematic Framework for the LHS;
- Review of current heritage places and nomination of new heritage places to inform the draft LHS;
- Review of existing management categories; and
- Review of the requirements for the layout of place forms for heritage places.

The Town's review of the existing LHS and draft LHS form the basis of this report.

### Communication and Engagement

Councillors have previously been advised, via the 12 March 2021 CEO Bulletin, of the Town's intention to undertake a review of the LHS, and publicly call for nominations.

The Town invited nominations from the community for places to be assessed for their local heritage significance. Nominations were invited for a period of 29 days between 15 April and 14 May 2021 by way of display on the Town's website, social media (16 April 2021) and advertisement in the Eastern Reporter newspaper (15 April 2021).

In response, no nominations were received.

### Strategic Implications

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

Direction	Potential Strategies	What Success Looks Like
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>

#### Priority Area 7: Building Community Identify by Celebrating Culture and Heritage

Direction	Potential Strategies	What Success Looks Like
Create a community closely connected to its history and heritage	<ul style="list-style-type: none"> <li>• Maintain and share the historical stories of the Town of Bassendean</li> <li>• Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Local studies collection actively accessed by the community</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Historical and heritage facilities are well used by the community</li> </ul>

	<ul style="list-style-type: none"> <li>Implement initiatives, events and activities that focus on a range of cultural and artistic endeavours (not limited to entertainment)</li> </ul>	<ul style="list-style-type: none"> <li>Heritage sites and buildings are visible to locals and visitors</li> </ul>
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## Comment

### Heritage Places

Under the *Heritage Act 2018*, “place” means:

*“a defined or readily identifiable area of land and may include any of the following things that are in, on or over the land:*

- (a) archaeological remains;*
- (b) buildings, structures, other built forms, and their surrounds;*
- (c) equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;*
- (d) gardens and man-made parks or sites;*
- (e) a tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.”*

### Management Categories

The Guidelines provide four management categories which determine a places level of heritage significance as follows:

Category	Level of Significance	Description	Desired Outcome
1	Exceptional Significance	Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place)
2	Considerable Significance	Very important to the heritage of the locality. High degree of integrity/authenticity	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.
3	Some / Moderate Significance	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.
4	Little significance	Contributes to the understanding of the history of the Town of Bassendean.	Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

Each place within the draft LHS has been allocated a management category based on its level of significance.

### Proposed Modifications to LHS

As part of the review, the following general modifications have been made to the draft LHS:

- Updated photographs of heritage places;
- Corrections to factual and grammatical errors; and
- Revised formatting to meet the Guidelines.

In addition to the above, the following place specific modifications have occurred:

<b>Place</b>	<b>Modification</b>
Place No. 2 – Holmehouse, 16 Anstey Road, Bassendean (category 1)	The physical description has been updated to provide reference to the lot, acknowledging the parent lot has since been subdivided (2020).
Fmr. Place No. 3 – House, 6 Anzac Terrace, Bassendean (Category 3)	The structure has been demolished; therefore, the place number has been removed from the list (2020).
Place No. 19 (20 fmr) – House, 15 Barton Parade, Bassendean (Category 3)	The physical description has been updated to include reference to a garage addition (2020).
Place No. 36 (37 fmr) - House, 7 Daylesford Road, Bassendean (Category 1)	The physical description has been updated to include reference to a garage addition (2018).
Place No. 41 (42 fmr) – House, 14 Devon Road, Bassendean (Category 3)	The physical description has been updated to include reference to additions and alterations made to the dwelling (2020).
Place No. 45 (46 fmr) – House, 21 Devon Road, Bassendean (Category 3)	The physical description has been updated to include reference to additions and alterations made to the dwelling (2017).
Place No. 73 (74 fmr) – House, 6 Ivanhoe Street, Bassendean (Category 3)	The physical description has been updated to include reference to the four outbuildings constructed on the eastern boundary (2018), and the new building and driveway extension that occurred (2020).
Place No. 89 (90 fmr) – House, 24 James Street, Bassendean (Category 3)	The physical description has been updated to include reference to the significant additions to the rear of the existing bungalow and addition of a carport (2016).
Place No. 94 (95 fmr) - House, 14 Kathleen Street, Bassendean (Category 3)	The physical description has been updated to reference the change in roofing material (2018).
Place No. 99 (100 fmr) – House, 36 Kathleen street, Bassendean (category 3)	The physical description has been updated to include reference to additions and alterations that occurred at the rear of the dwelling (2020).

Place No. 101 (102 fmr) – House, 47 Kathleen Street, Bassendean (Category 3)	The physical description has been updated to include reference to additions and alterations at the rear of the dwelling (2020).
Place No. 103 (104 fmr)– House, No. 14 Kenny Street, Bassendean (Category 3)	The physical description has been updated to include reference to additions and alterations that occurred onsite (2019).
Place No. 107 (108 fmr) – House, No. 20 Kenny Street, Bassendean (Category 2)	The physical description has been updated to include reference to a patio developed at the rear of the dwelling (2019).
Place No. 122 (123 fmr) – House, No. 98 Kenny Street, Bassendean (Category 3)	The physical description has been updated to include reference to additions and alterations at the rear of the property (2019).
Fmr. Place No. 135 – House, 35 Maidos Street, Bassendean (Category 3)	A demolition permit has been issued, therefore, the place number has been removed from the list (2021).
Place No. 149 (151 fmr) – House, 32 North Road, Bassendean (Category 3)	The history and the physical description has been updated to make reference to restoration works that were conducted (2020).
Place No. 160 (162 fmr) – Commercial Precinct, 1-42 Old Perth Road (Category 2)	The history and the physical description has been updated to make reference to the façade modification (rendered to exposed red brick) (2021).
Place No. 161 (163 fmr) – Bassendean Hotel, 25 Old Perth Road Bassendean (Category 2)	The history has been updated to reflect the approved additions to the hotel (2021).
Place No. 179 (181 fmr) – House, No. 27 Parker Street, Bassendean (Category 3)	The physical description has been updated to include the carport and shed additions to the existing dwelling (2020).
Place No. 183 (185 fmr) – House, No. 80 Parker Street, Bassendean (Category 3)	The physical description has been updated to include additions and alterations at the rear of the property (2018).
Place No. 191 (193 fmr) – House, 6 Prowse Street, Bassendean (Category 3)	The physical description has been updated to include reference a carport addition. The additions erected match the materials and pitch of the existing dwelling (2020).
Place No. 192 (194 fmr) – House, 32 Railway Parade, Bassendean (Category 3)	The physical description updated to refer to patio addition to the northern side of the dwelling (2020).
Place No. 202 (204 fmr) – Success Hill Lodge, 1 River Street, Bassendean (Category 1)	The history has been updated to reflect the development approval for re-roofing works (2021).
Place No. 250 (252 fmr) – House, 150 West Road, Bassendean (Category 3)	The physical description has been updated to refer to additions and new carport which have been developed onsite (2019).
Place No. 265 (267 fmr) – House, No. 88 Whitfield Street, Bassendean (Category 3)	The physical description has been updated to include reference to the steel gable patio developed at the rear of the premises (2018).
Place No. 271 (273 fmr) – Anglican Rectory (fmr) - House, 4 Wilson Street Bassendean (Category 2)	The physical description has been updated to make reference to the additions to the dwelling (2020).

## Consultation

Whilst there is no statutory requirement to undertake further consultation, it is recommended that Council adopt the LHS for the purposes of advertising. In this regard, it is intended that consultation be undertaken in the following manner:

- Notifying in writing each owner and occupier of places where the place record is new or changed;
- Displaying on the Town's website and social media;
- Static displays at the Library and Customer Services; and
- Advertising in a newspaper circulating the district.

Following public consultation, the matter will be presented to Council, to enable the draft LHS to be formally considered for final adoption.

## Conclusion

The review of the LHS will ensure it remains relevant and current. The existing LHS has been reviewed to ensure heritage listings are consistent with the Guidelines and place records have been updated to accurately reflect changes to existing heritage places. It is therefore recommended that Council adopts the draft LHS for the purposes of advertising.

## **Statutory Requirements**

In accordance with Part 8 of the *Heritage Act 2018*, a local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.

## **Financial Considerations**

The cost of consultation will be funded from the Development and Place operational budget.

## **Risk Management Implications**

If Council does not endorse the draft LHS for public advertising, the existing framework will remain unchanged, and will not be an accurate reflection of the Town's heritage, nor meet the requirements of the Guidelines.

## **Officer Recommendation – Item 12.2**

That Council endorses the draft Local Heritage Survey, as contained as an attachment to this report, for the purpose of advertising for public comment **for a period of at least 42 days**.

## **Voting requirements: Simple Majority**

<b>Item No. 12.3</b>	<b>Existing Carport and Patio - 50 (Lot 585) Faulkner Way, Eden Hill</b>
<b>Property Address</b>	50 (Lot 585) Faulkner Way, Eden Hill
<b>Landowner/Applicant</b>	Landowner: Jarryd Antcliff and Hayley Sluchniak Applicant: Paramount Patios
<b>File Ref</b>	DABC/BDVAPP/2021-088
<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 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 checked="" type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 6</b>	Site Photos and Development Plans

## Purpose

The purpose of this report is for Council to consider an application for development approval for amendments to an existing carport and patio at 50 (Lot 585) Faulkner Way, Eden Hill. The matter is referred to Council for determination as it is outside the authority delegated to staff due to an objection being received during the consultation period.

## Background

### Site Description

The subject site is a freehold lot zoned Residential R17.5 with an area of 866m<sup>2</sup>. The site contains a single house with various patio and outbuilding additions, including those the subject of this report. The site is located on the corner of Faulkner Way and Cothill Court, with vehicle access via Cothill Court.

### Existing Unauthorised Development

In 2019 and 2020, the Town issued two building permits for two patios at the subject site, as follows:

- A patio on the eastern boundary was approved with a 1.5m setback to the secondary street (Cothill Court); and



- The patio on the southern boundary was approved with a 1.8m side (southern) setback and a 1.5m rear (western) setback. The patio was open on all sides, with no enclosed portions.

Given the proposed structures were compliant with the deemed-to-comply requirements of State Planning Policy 7.3 – Residential Design Codes (R-Codes), no development approval was required.

On 15 April 2021, the Town received a complaint in relation to the development at the premises. Upon investigation, including a site visit with the landowner, it was determined that the structures were not built in accordance with the approved building permits and were constructed such that they were not exempt from the requirement to obtain a development approval.

On 24 May 2021, an application for development approval was lodged.

On 27 July 2021, Council resolved to refuse the application. No application for review was lodged with the State Administrative Tribunal.

On 6 August 2021, an application for development approval was lodged, proposing amendments to the existing structures.

## **Proposal**

The application involves:

- A 14.3m long x 5.05m wide flat-roofed carport on the southern portion of the site to the rear of the dwelling, with informal access from Cothill Court. The carport is 3.5m high, constructed with metal columns and metal sheet paneling, and partially enclosed on the sides. The carport is used for the storage of a boat. This application differs from the previous application by virtue of the absence of sheeting for the portion of the carport closest to the secondary street (Cothill Court).
- A 10.07m long x 5.10m wide patio, located along the eastern boundary of the site. It is 2.4m high and constructed with metal columns and sheet metal roofing, which is proposed to be painted to match that of the existing dwelling.

The above is broadly consistent with feedback provided to the applicant in July 2021. A copy of the development plans are attached.

## **Communication and Engagement**

The development application plans were referred to owners and occupiers of affected properties for a period of 14 days (being from 11 August to 25 August 2021). At the close of the submission period, one submission was received **from a resident in Cothill Court, Bassendean**, objecting based on the scale and appearance of the development, **as follows:**

*“The proposal is no different to what is there, everything should be below the fence line.*

*As approval was not granted, it should now be denied. Otherwise everyone will break the rules”.*

## 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

### Local Planning Scheme No. 10 (LPS 10)

The subject site is zoned Residential R17.5 under LPS 10. A Single House is a “P” use within the Residential zone, meaning the use is permitted providing it complies with the relevant development standards and the requirements of the Scheme.

### State Planning Policy 7.3 – Residential Design Codes Volume 1

The R-Codes include ‘deemed-to-comply’ Criteria (prefixed by “C”) and Design Principles (prefixed by “P”). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The subject proposal complies with all relevant deemed-to-comply provisions of the R-Codes with the exception of those detailed in the table below.

R-Code and Policy Provision	Assessment/Comment
5.1.2 – Street Setback	
C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.  Table 1 requires a 1.5m setback for the carport and a 1m setback for the patio.	The proposed carport is setback 1.0m to secondary street. The patio is set back 0.5m to the secondary street.  As both structures do not comply with the deemed-to-comply criteria, assessment against the design principles is required.
P2.1 Buildings set back from street boundaries an appropriate distance to ensure they: <ul style="list-style-type: none"> <li>- contribute to, and are consistent with, an established streetscape;</li> <li>- provide adequate privacy and open space for dwellings;</li> <li>- accommodate site planning requirements such as parking, landscape and utilities; and</li> </ul>	In considering the principles, the following is relevant: <ul style="list-style-type: none"> <li>- The patio, by virtue of its roof colour, will appear complimentary with the existing dwelling and will therefore be consistent with the established streetscape;</li> <li>- Both structures maintain privacy for both the site and adjoining properties;</li> <li>- Open space on the site is compliant with the requirements of the R-Codes; and</li> </ul>

<p>- allow safety clearances for easements for essential service corridors.</p> <p>P2.2 Buildings mass and form that:</p> <ul style="list-style-type: none"> <li>- uses design features to affect the size and scale of the building;</li> <li>- uses appropriate minor projections that do not detract from the character of the streetscape;</li> <li>- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.</li> </ul>	<ul style="list-style-type: none"> <li>- The carport, by virtue of there being no sheeting for the portion closest to the secondary street, presents as an open structure that does not have an inappropriate bulk or undue impact on the streetscape or the amenity of the local area, particularly given the presence of large, soft-landscaped verges.</li> </ul> <p>Based on the above, the structures are considered to meet the design principle and is acceptable in this respect.</p>
<p><b>5.1.3 – Lot Boundary Setback</b></p>	
<p>C3.1 Buildings are setback in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b.</li> </ul>	<p>The carport is setback 0.5m to the rear (southern) boundary in lieu of the 1.5m required.</p> <p>As the proposal does not comply with the deemed-to-comply criteria, assessment against the design principles is required.</p>
<p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>- reduce impacts of building bulk on adjoining properties;</li> <li>- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>	<p>In considering the principles, the following is relevant:</p> <ul style="list-style-type: none"> <li>- The carport, by virtue of there being no sheeting for the portion closest to the secondary street, presents as an open structure that does not have an inappropriate bulk or undue impact on nearby properties. This is evidenced by the adjacent landowner impacted by carport raising no objection to the proposal; and</li> <li>- The extent of overshadowing meets the deemed-to-comply criteria and allows adequate sun and ventilation to the building and open spaces on the site and the adjoining properties.</li> </ul> <p>The proposal is therefore considered to meet the relevant design principle and is acceptable.</p>

Local Planning Policy No. 12 – Developments within the Street Setback Area (LPP 12)

The purpose of LPP 12 is to provide criteria for development within the street setback area to ensure such development is complementary and compatible with existing development and to enhance and preserve streetscapes within the Town.

In the case of secondary street setbacks, LPP 12 requires that structures do not dominate the streetscape and remain as unobtrusive as possible.

The carport (without a portion of the previous sheeting) appears open and therefore has an acceptable building bulk as viewed from the street. The lot has a large soft landscaped verge, further reducing the impact of the structure, as shown in the attached photos.

The patio, when painted, will be complementary to the dwelling in terms of design, colours, materials and roof pitch. This will reduce the impact of the reduced setback from the street as the structure will appear as part of the dwelling. The proposal is therefore considered to meet the requirements of LPP 12.

#### Draft Local Planning Policy No. 12 – Residential Development and Fences

On 27 July 2021, Council resolved to advertise a draft amended LPP 12. The proposal is a 'seriously entertained' document for the purposes of assessment and as such, due regard to the draft policy is required. The proposal has been assessed against the relevant requirements of this draft policy below:

<b>Draft LPP12 Policy Requirements</b>	<b>Proposal</b>
C5.1.2 – Street Setback Patios are permitted to have a nil setback to the secondary street boundary where the structure: (i) is not more than 10m in length and 2.7m in height; (ii) is located behind the primary street setback; and (iii) has eaves, gutters and roofs set back at least 450mm from the lot boundary.	The proposed patio complies with the draft requirement.
C5.2.1 – Setback of Garages and Carports Carports are permitted to be set back 1.0m from a secondary street.	The proposed carport is setback 1.0m from the secondary street and therefore complies with the draft requirement.

#### Crossover

Should Council approve the application and the carport is retained, it may result in vehicles accessing the site at that location. Given that there is no constructed crossover, such access may result in damage to the Town's kerb infrastructure; a breach of the Town's *Activities on Thoroughfares and Trading and Thoroughfares and Public Places Local Law*. It is therefore recommended that the landowner construct a crossover (from the roadway to the property boundary) in accordance with the Town's specifications.

#### Other Structures on Site

In considering this application, the Town reviewed other existing structures on site, being:

- Small shed – this shed is located on the western boundary and is 8m<sup>2</sup> in area and has a height of 2.1m;
- Small shelter – The small shelter is used in conjunction with the larger shed and is 8.7m<sup>2</sup> in area and has a height of 2.3m;
- Large Shed – this shed is 27m<sup>2</sup> in area and 2.4m in height; and
- Rear patio – this patio was approved along with the dwelling in 1976.

The above structures either meet the deemed-to-comply requirements of State Planning Policy 7.3 – Residential Design Codes and are exempt from requiring development approval, or were previously approved. As such, the applicant was not requested to amend the application to include any other existing structures on site.

### Conclusion

The proposal is consistent with the objectives and provisions of both LPP12 and draft LPP12 and to not have a detrimental impact on the streetscape. The development meets the relevant design principles prescribed within the R-Codes, and as such it is recommended that Council approve the application.

### **Statutory Requirements**

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by:

- “(a) *granting development approval without conditions; or*
- “(b) *granting development approval with conditions; or*
- “(c) *refusing to grant development approval.*”

If Council resolves to refuse the application, the Town will take action to ensure that the subject structures are removed.

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Low. Should Council refuse the proposal, the applicant may seek to appeal to the State Administrative Tribunal. Whilst such a process would review Council's decision, it is not considered a significant reputational or financial risk.

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

That Council:

1. approves the application for development approval for an existing carport and patio at 50 (Lot 585) Faulkner Way, Eden Hill, subject to the following conditions:
  - a) All building works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot; and
  - b) Within 30 days of the date of this approval, the roof colour of the approved patio is to be painted 'Deep Ocean' to match that of the existing dwelling, in accordance with the approved plans.
2. advises that the landowner that under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, it is an offence to damage a kerb and therefore it is recommended that the landowner seek to provide a formalised crossover in accordance with the Town's specifications.

**Voting requirements: Simple Majority**

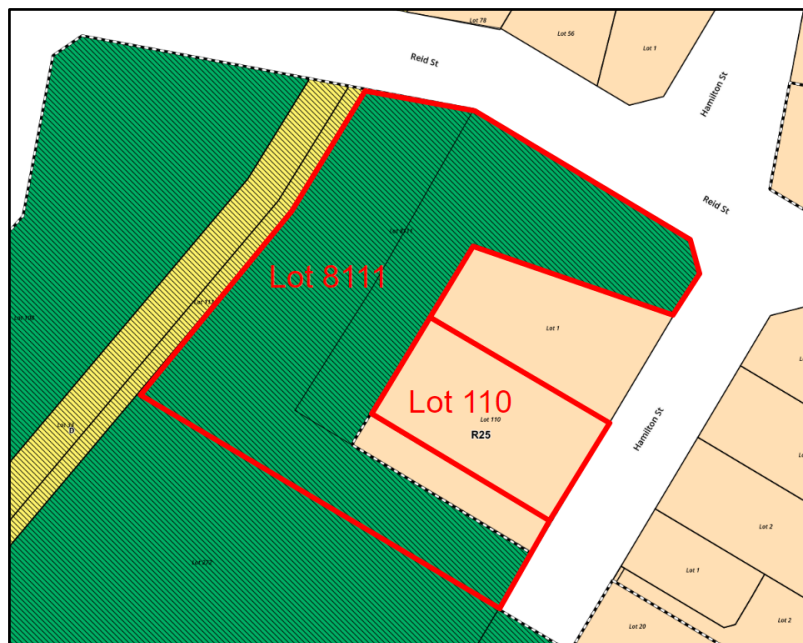
<b>Item No. 12.4</b>	<b>Social Housing Economic Recovery Package</b>
<b>Property Address</b>	122 (Lot 110) Hamilton Street, Bassendean
<b>Landowner/Applicant</b>	Town of Bassendean
<b>File Ref</b>	
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes 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 include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment</b>	Nil.

### Purpose

The purpose of this report is for Council to consider the development of 122 (Lot 110) Hamilton Street, Bassendean for the purposes of social housing.

### Background

The Town owns Lot 110 Hamilton Street (1,400m<sup>2</sup>) as well as the adjacent Lot 8111 Hamilton Street, which contains a 443m<sup>2</sup> strip of Residential zoned land.



The sites are vacant and serve no community benefit. The Town is required to maintain the land in accordance with the annual bushfire notice, which represents an ongoing cost, albeit minimal, to the community.

In mid-2021, the Town obtained approval to either (i) excise off the 443m<sup>2</sup> residential portion of Lot 8111 or (ii) amalgamate the residential portion of Lot 8111 with 122 (Lot 110) Hamilton Street so as to create a 1,843m<sup>2</sup> Residential zoned lot.

On 22 June 2021, Council considered the disposal of the lot and resolved to

*“defer consideration of this item and requests that the CEO prepares a confidential report on the range of options for disposal, including consideration of valuations and the merits of the options, including:*

- a) disposal of the amalgamated block; and*
- b) disposal of the two blocks as currently defined.”*

Since that time, the Department of Communities has launched its Social Housing Economic Recovery Package (SHERP) grant program.

The grants program will provide \$92.8 million for new and upgraded community housing for hundreds of the state’s most vulnerable people. This includes new housing construction projects and refurbishment works which will create more fit-for-purpose homes to help address the State’s increasing social housing demands. The program is part of the overall State Government initiative currently underway to increase the number of social housing dwellings in Western Australia and to ensure the state’s ageing social housing stock remains fit for purpose and in the system for many years to come.

Through the program, the Department of Communities will invest up to \$33 million towards the development of new social housing. A maximum of \$5 million is available for organisations per development per single application. There are no restrictions on the number of dwellings or configurations however, applications must only be for one location. Given that the 1,843m<sup>2</sup> area of land zoned residential on Hamilton Street is capable of accommodating seven single-bedroom dwellings, it would potentially be well suited to development for social housing.

Applications for the various grants close 30 November 2021.

### **Communication and Engagement**

Nil.



## Strategic Implications

### Priority Area 4: Driving Financial Suitability

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

### Comment

In considering the prospect of developing the site for social housing via the SHERP grant program, the following is relevant:

- The Town would be actively assisting in addressing the current housing crisis. This is particularly relevant to the Town's geographic location, as it is within an area that the Department considers to have a "very high demand".
- The grant can specifically target housing for older women (those aged 55 and older), which is the fastest growing cohort of homeless in Australian. This is a trend that is predicted to continue given the ongoing shortage of affordable housing, the ageing population and the significant gap in wealth accumulation between men and women.
- It would make use of an existing lazy land asset that does not otherwise currently provide any benefit to the Town nor the broader community. It is considered important for Council to facilitate at least some level of development on this site given its recent decision to impose differential rates on owners of vacant/underdeveloped land.
- The costs associated with developing the land (including civil works) would be met by a third party. This would not be the case if Council chose to develop the site outside of the grant program.
- The housing would provide an ongoing income source for the Town. The Town would retain ownership of the underlying land asset which would not be the case if Council chose to simply dispose of the land by way of commercial sale.
- The Town would be required to, directly or indirectly, manage the site on an ongoing basis, including the provision of supportive tenancy management with a commitment to tenant wellbeing. Whilst the indirect approach (outsourcing the management to a third-party community housing provider) would reduce the revenue to the Town, it is likely to be the most appropriate approach. The Town could seek to appoint a provider by way of an Expression of Interest process or similar.

Based on the above, it is recommended that Council support the use of the site for the development of social housing by way of the SHERP grant. If it does, given that the approach will not be completely consistent with Council's previous resolution relating to the Hamilton Street property, it is considered appropriate for it to be revoked. If the grant is unsuccessful, the previously requested work can still be undertaken.

It is open to Council to not support the use of the site for the development of social housing by way of the SHERP grant, in which case, the Town will undertake the tasks contemplated by the June 2021 resolution.

### **Statutory Requirements**

Nil associated with this decision.

Registered community housing providers are regulated by the Department of Communities under a Community Housing Regulatory Framework.

### **Financial Considerations**

The creation of one consolidated lot will incur costs associated with civil works (which are estimated to be approximately \$60,000), the preparation of a deposited plan, clearance fees and an application for new titles. If successful with the grant, these costs will be borne by the Department.

Any future subdivision/development of the land for housing will be a source of revenue to the Town.

### **Risk Management Implications**

There is a reputational risk associated with the Town owning, but not developing, land that could otherwise be developed with numerous dwellings.

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

That Council:

1. revokes its resolution from the Ordinary Council Meeting of 22 June 2021, which reads that:

*“Council defers consideration of this item and requests that the CEO prepares a confidential report on the range of options for disposal, including consideration of valuations and the merits of the options, including:*

- a) disposal of the amalgamated block; and*
- b) disposal of the two blocks as currently defined.”*

2. notes that the Town will lodge an application for a Social Housing Economic Recovery Package grant from the Department of Communities.

3. in the event that the Town is successful in obtaining a grant, authorises the Chief Executive Officer to take the necessary steps to create a new 1,843m<sup>2</sup> lot, located at 122 Hamilton Street, Bassendean.
4. in the event that the Town is unsuccessful in obtaining a grant, requests that the CEO prepares a confidential report on the range of options for disposal of the site, including consideration of valuations and the merits of the options.

**Voting requirements:**

**Point 1 - Absolute majority**

**Point 2, 3 and 4 – Simple majority**

<b>Item No. 12.5</b>	<b>Revocation of Council Policy 4.6 – Circus</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref</b>	COMDEV/POLCY/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 and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 7</b>	Council Policy 4.6 - Circus

## Purpose

The purpose of this report is for Council to consider revoking Council Policy 4.6 - Circus (CP 4.6)

## Background

CP 4.6 was adopted in 2006 and has not been reviewed since. The Policy seeks to “*provide a decision-making framework for determining use of the Town’s reserves and facilities for circuses*”.

On 24 August 2021, Council resolved to amend the Delegation Register such that the Town may only issue a permit under the Property Local Law for the operation of a circus on Town property, where that circus does not involve the use of exotic animals.

## 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>	<b>SHORT TERM</b> <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

The only material provision within the Policy is now adequately captured in the Delegation Register.

It is therefore recommended that Council revoke the policy.

### Statutory Requirements

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

### Financial Considerations

Nil.

### Risk Management Implications

Low.

### Officer Recommendation – Item 12.5

That Council revokes Council Policy 4.6 – Circus.

**Voting requirements: Absolute majority**

<b>Item No. 12.6</b>	<b>Local Planning Policy No. 4 – Floodplain Management and Development</b>
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*Please note that this item has been withdrawn from the agenda pending a response being received from the Minister for Local Government as to the eligibility of a Councillor to participate in the determination of the item.*

<b>Item No. 12.7</b>	<b>Draft amended Local Planning Policy No. 12 – Developments within the Street Setback Area</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	LUAP/POLCY/17
<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. 8</b>	<ul style="list-style-type: none"> <li>Local Planning Policy 12 – Development within the Street Setback Area</li> <li>Draft Local Planning Policy 12 – Residential Development and Fences</li> </ul>

## Purpose

The purpose of this report is for Council to consider endorsing draft amended Local Planning Policy No. 12 – Residential Development and Fences (LPP 12) and seeking approval from the Western Australian Planning Commission.

## Background

At its meeting on 27 July 2021, Council resolved to advertise draft amended LPP 12, which seeks to control residential development and includes and augments provisions within State Planning Policy 7.3 – Residential Design Codes (R-Codes).

## Communication and Engagement

Following Council's resolution on the matter, LPP 12 was advertised for public comment in the following manner:

- Advertised on the Town's website for a period of 24 days, being from 3 August 2021 to 27 August 2021;
- The Town's social media; and

- Copies of the draft policy were also made available at the Customer service Centre and Library.

At the close of the public consultation period, no submissions were received.

Part 7.3 of the R-Codes sets out the scope of local planning policies that may contain provisions that amend or replace the 'deemed-to-comply' provisions set out in the R-Codes. On 19 August 2021, the Town provided a copy of the draft policy to the Department of Planning, Lands and Heritage (DPLH) along with the necessary justification for the draft policy under Part 7.3 of the R-Codes. The DPLH advised that it had no comments on the proposal.

### **Strategic Implications**

Priority Area 1: Strengthening and Connecting our Community

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
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**

#### Policy Scope

Part 7.3 of the R-Codes sets out the scope of local planning policies that may contain provisions that amend or replace the 'deemed-to-comply' provisions set out in the R-Codes. The draft amended policy provides alternate deemed-to-comply provisions which vary and/or expand on the provisions contained within the R-Codes.

#### Policy Amendment – Stormwater Management

The relevant deemed-to-comply provision of the R-Codes requires all stormwater to be contained on site, however, given the soil conditions within some parts of the district are not conducive to on-site retention via soakwells (particularly south of the railway line), connection to the Town's stormwater infrastructure is required. As such, an otherwise compliant single house would require a development approval where it was proposed to be connected to the Town's stormwater infrastructure.

To avoid that situation, the draft policy has been amended to an alternate deemed-to-comply provision, so as to allow connection to the Town's stormwater infrastructure. Whilst a development approval would not be required, a permit is required from the Town's Asset Services team, and that permit must be obtained before the release of the Building Permit.

This policy provision will require Western Australian Planning Commission approval.



## Process

The following design elements proposed to be augmented by LPP 12 cannot be varied without the prior approval of the Western Australian Planning Commission:

- Ancillary Dwellings;
- Outdoor Living Area Setbacks;
- Outbuilding Setbacks; and
- Stormwater management.

Clause 4(3A) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) prevents a local government from 'proceeding with' (i.e. finalising) a local planning policy if it amends or replaces deemed-to-comply provisions of the R-Codes that require the Western Australian Planning Commission's approval.

As such, if Council notionally adopts the Policy, it will be forwarded to the Western Australian Planning Commission for approval prior to full and final adoption. It will be recommended that a one-off delegation be granted to the CEO to enable that final adoption, following Western Australian Planning Commission approval. Should the Western Australian Planning Commission require modifications to LPP 12, the matter will require reconsideration by Council.

## Conclusion

Adoption of LPP 12 will result in a simplified, yet comprehensive local planning policy that clearly sets out the Town's standards and expectations for development within the street setback areas, whilst also providing flexibility for other R-Code related elements. It is therefore recommended that Council endorse the amended policy for Western Australian Planning Commission approval.

## **Statutory Requirements**

In accordance with the Regulations, Council is required to review the policy and resolve to either:

- (i) proceed with the policy without modification; or
- (ii) proceed with the policy with modification; or
- (iii) not proceed with the policy.

As detailed above, the draft policy will require Western Australian Planning Commission approval.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

Low. Should Council not adopt the draft policy, the Town will revert back to the existing policy, the provisions of which are no longer considered appropriate acknowledging the existing policy is not considered to encapsulate the range of developments proposed within street setback areas and does not align with the R-Codes.

### **Officer Recommendation – Item 12.7**

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves draft amended Local Planning Policy No. 12 – Residential Development and Fences as contained in the attachment;
2. Notes that the approved amended Local Planning Policy No. 12 – Residential Development and Fences will be forwarded to the Western Australian Planning Commission for approval of the provisions relating to Ancillary Dwellings, Outdoor Living Area Setbacks, Outbuilding Setbacks, and Stormwater Management; and
3. In the event that the Western Australian Planning Commission approves the provisions relating to Ancillary Dwellings, Outdoor Living Area Setbacks, Outbuilding Setbacks, and Stormwater Management, delegates to the Chief Executive Officer authorisation to finally approve the draft amended Local Planning Policy No. 12 – Residential Development and Fences.

#### **Voting requirements:**

**Point 1 and 2 – Simple majority,  
Point 3 - Absolute majority**

<b>Item No. 12.8</b>	<b>WALGA Energy Sustainability and Renewables Project (Phase 1): Renewable Energy</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	ENVM/PROGM/11
<b>Directorate</b>	Environment and Sustainability
<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</b>	N/A

## Purpose

The purpose of this report is for Council to consider an offer received through Phase 1 of WALGA's Energy and Renewables Project, for supply of renewable energy for eligible sites from 1 April 2022 - 31 March 2025.

## Background

WALGA is facilitating a joint procurement process for electricity and renewable energy over an initial 3-year term (1 April 2022 - 31 March 2025), through Phase 1 of the Energy and Renewables Project.

In July 2021, the Town signed a Memorandum of Understanding regarding participation in the project.

At the Special Council Meeting held on 29 July 2021, a 2021/22 budget allocation of \$43,000 was approved for the purchase of renewable energy and carbon credits. It was calculated that approximately half of this budget would be required for renewable energy.

On 30 September 2021, WALGA advised the Town that Synergy had been awarded the supply of energy, renewables and integrated projects, and provided the offer for consideration.

The deadline to respond to WALGA is 18 November 2021, with the offer subject to aggregated minimum quantities from participating local governments.

As the 3-year contract with Synergy will involve a commitment of future budget funds for purchase of renewable energy for eligible sites extending to 31/03/2025, support from Council is required.

Renewable energy is applied as an additional rate based on electricity consumption, in addition to standard electricity supply costs. The supply of electricity itself does not require Council approval, as this is operational in nature and utility charges are included in the Long Term Financial Plan. The offer through WALGA for the supply of electricity (part of Phase 1) is also being considered by the Town's officers.

### Proposal

Synergy's offer through the WALGA contract provides the below price for Natural Power (renewable energy) for eligible sites over a 3-year contract from 1 April 2022- 31 March 2025.

The accredited sites associated with provision of Natural Power include Albany Wind Farm, Collgar Wind Farm and Emu Downs Wind Farm.

<b>Contract Duration</b>	<b>Start Date</b>	<b>End Date</b>	<b>Rate (c/kWh)</b>
Year 1	01/04/2022	31/03/2023	3.00
Year 2	01/04/2023	31/03/2024	2.60
Year 3	01/04/2024	31/03/2025	2.23

These prices are considerably lower than Synergy's standard Natural Power rate, which is currently 3.5397 c/kWh.

The proportional cost saving associated with the contract Natural Power rates, in comparison to the current standard Natural Power rate (predicted to increase) is summarised below:

<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
-15%	-27%	-37%

The standard Natural Power rate is subject to market variations and is predicted to increase as additional businesses and organisations commit to net zero emissions targets, resulting in an increased demand for renewable energy.

Should Council continue to support Carbon Neutrality in future years, the offer through WALGA is the most cost-effective option for renewable energy and provides certainty in pricing for future budgets.

### Communication and Engagement

Not applicable

## Strategic Implications

### Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Demonstrate strong leadership in waste reduction and carbon neutrality	<ul style="list-style-type: none"> <li>Initiate and drive innovative waste management practices</li> <li>Initiate and drive innovative renewable energy practices</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>State Government targets are met</li> <li>Waste generated per capita is reduced by 10%</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>70% of waste is diverted from landfill by 2030</li> <li>On track to achieve carbon neutrality by 2030</li> </ul>

### 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><b>SHORT TERM</b></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><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>Examples of being first adopters</li> </ul>

## Comment

The WALGA offer is limited to contestable sites; accounts consuming >50,000 units (kWh) per year, or those that previously met the contestability threshold. This is subject to future negotiations with Synergy. It is anticipated that five accounts meet this requirement and are therefore eligible:

- Administration, Library & Senior Citizen's Buildings (Meter No. 8001001129)
- Bassendean Oval (Meter No. 80010142339)
- Customer Service Centre (Meter No. 80010144179)
- Jubilee Reserve (Meter No. 80010002312)
- Town of Bassendean Depot (Meter No. 80014720949)

Renewable energy for non-contestable sites (including street lighting) can be purchased separately through the standard Natural Power rate.

Based on the commitments of the Strategic Community Plan and Corporate Business Plan and 2021/22 budget allocation for purchase of renewable energy, it is anticipated that the Town will continue to pursue Carbon Neutrality in future years.

It is therefore recommended that the Town purchase 100% Natural Power from Synergy through the WALGA contract for all eligible sites, excluding street lighting. The purchase of renewable energy for remaining sites (excluding street lighting) will be submitted for approval in the Annual Budget, based on the standard Natural Power rate.

This, in conjunction with the purchase of Carbon Offsets for gas consumption and vehicle emissions will result in the Town successfully achieving Carbon Neutrality for its Scope 1 and 2 emissions. Scope 3 emissions are associated with indirect “upstream” activities such as waste from operations and purchased goods and services, which at this stage is not feasible to offset.

Alternatively, the Town can consider the purchase of renewable energy for all sites on an annual basis. This will result in a premium / additional cost of between 15-37% (or potentially higher), in comparison to the contract rates.

### **Statutory Requirements**

Part 4 of the *Local Government (Functions and General) Regulations 1996* outlines purchasing requirements for goods and services.

As per Clause 11. (2), Tenders do not have to be publicly invited if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

### **Financial Considerations**

The forecast cost of purchasing renewable energy for eligible sites has been calculated based on the average electricity consumption at each site in 2019/20 and 2020/21.

The forecast cost for each year of the WALGA contract is:

- Year 1 (1/04/22- 31/03/23): \$11,728
- Year 2 (1/04/23- 31/03/24): \$10,164
- Year 3 (1/04/24- 31/03/25): \$8,718

The corresponding pro-rata forecast cost for each financial year is:

2021/22 (commences 1 April 2022)	\$2,932
2022/23	\$11,337
2023/24	\$9,803
2024/25 (expiry 31 March 2025)	\$6,538

The comparative annual cost through the standard Natural Power rate (currently 3.5397c/kWh) is \$13,838.

The actual cost of renewable energy will be dependent on future electricity consumption at the Town's buildings, parks, reserves and other facilities.

### **Risk Management Implications**

Risks are associated with the 3-year commitment, as it will not be possible to withdraw from the contract should Council's position on Carbon Neutrality and purchase of renewable energy change.

However, the contract mitigates risks by avoiding predicted price increases in the cost of renewable energy, providing certainty for future budgets.

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

That Council supports the purchase of 100% Natural Power (renewable energy) through Phase 1 of WALGA's Energy and Renewables Project for the Town's eligible sites (excluding street lighting), and allocate the following costs in the Town's Long Term Financial Plan:

- 2022/23: \$11,337;
- 2023/24: \$9,803; and
- 2024/25: \$6,538.

**Voting requirements: Simple majority**

<b>Item No. 12.9</b>	<b>WALGA – Elected Member Superannuation</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	GOVN/COUNCLS/1
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" 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 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. 9</b>	<b>Draft Policy - Superannuation for Elected Members</b>

## Purpose

The purpose of this report is for Council to provide a position statement to WALGA on whether or not the Town of Bassendean supports the idea of local governments paying superannuation for elected members for work undertaken as a Councillor.

## Background

WALGA sent the draft policy statement to the Town of Bassendean under cover of an email dated 24 September 2021. WALGA would like feedback on whether the Town of Bassendean supports the payment of paid superannuation to Councillors.

## Proposal

That Council supports WALGA's recommendation to the Minister for Local Government –

That the *Local Government Act 1995* be amended to require local governments to pay elected members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each elected member.



## Communication and Engagement

The policy statement was presented to Corporate Management Committee for feedback. The policy was not distributed to Councillors for feedback, as the correspondence arrived during caretaker period which prohibits decisions of this nature that would bind the next Council.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Foster an environment of innovation and leadership	<ul style="list-style-type: none"> <li>• Foster an environment of innovation, where people are encouraged to contribute</li> <li>• Foster leadership: harness the talent of individuals</li> <li>• Recognise and reward innovation and leadership</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Councillors and staff feel empowered to make appropriate decisions</li> <li>• Professional development for staff and councillors</li> <li>• Inductions to professional networks</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Recognition of excellence by other organisations</li> </ul>

## Comment

WALGA is seeking feedback on a draft policy proposal, as per the attached paper, to advocate for Elected Members to be required to be paid superannuation. The recommended advocacy approach is to propose that the *Local Government Act 1995* be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

This approach avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

There is general support for the policy position to amend the *Local Government Act 1995*, to pay superannuation to Elected Members, primarily for the reasons outlined in the paper being alignment to the objectives of the superannuation system. Councillors are deemed elected representatives of the community 24/7 during their term. Councillors may forgo employment opportunities to facilitate their role. The work is remunerated through the payment of meeting fees, which does not always adequately reflect the requirements of the role. The payment of superannuation, into a nominated superannuation fund, would recognise the work undertaken by Councillors and align this with the requirements under the current superannuation system for other paid work.

The Town's position is particularly relevant in this discussion. The Town has had for many years, individual Councillors who have balanced their role on Council with raising families or working in part-time employment, rather than pursuing careers in their chosen profession. If these Councillors derived income from a chosen profession, they would be entitled to superannuation contributions from their employer.

Based on the current State Administrative Tribunal determination and the compulsory superannuation rate, the total cost to the Town would be \$19,424 per annum.

It is considered appropriate that the Act be amended to require local governments to pay superannuation to Councillors, rather than leave individual local governments to make the decision on whether to do so or not. To politicise the decision on whether to pay superannuation or not, degrades from the general acceptance of the universality of superannuation. The policy position is that legislative amendment would provide for a universal entitlement for Councillors. The Salaries and Allowances Tribunal would consider the payment of superannuation as part of their deliberative process.

### **Statutory Requirements**

*Superannuation Guarantee (Administration) Act 1992 (Cth) and Taxation Administration Act 1953 (Cth).*

### **Financial Considerations**

The proposal, if supported, will cost the Town an additional \$19,424 per annum. This would increase incrementally to align with adjustments made by the Salaries and Allowances Tribunal.

### **Risk Management Implications**

The justification for providing superannuation is to appropriately remunerate Councillors for their time and contribution. Payment of superannuation may lead to greater interest to serve on council from groups that are usually underrepresented on Councils such as women and younger people. This may support greater diversity on Council. Councillors do make a number of sacrifices to serve their community and their role is a continuous one for the length of their term. Failure to recognize the contribution that Councillors make in their employ as representatives to the community and to adequately remunerate the work that they do, may lead to fewer nominations to Council and lack of diversity.

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

That Council supports WALGA's recommendation to the Minister for Local Government that the *Local Government Act 1995* be amended to require local governments to pay elected members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each elected member.

**Voting requirements: Simple majority**

<b>Item No. 12.10</b>	<b>2022 Meeting Dates - Ordinary Council Meetings, Briefing Sessions, Committees and Citizenship Ceremonies</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	GOVN/CCLMEET/1
<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 & 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. 10</b>	<ul style="list-style-type: none"> <li>• Council Meeting Schedule Policy</li> <li>• Draft Electronic Recording and Livestreaming of Council Meetings</li> </ul>

## Purpose

The purpose is for Council to consider and endorse its Ordinary Council Meetings, Briefing Sessions, Audit and Governance Committee and Bassendean Local Emergency Management Committee meeting dates, as well as Citizenship Ceremonies for 2022.

Council is also requested to consider revoking the Council Meeting Schedule and amending the Electronic Recording and Live Streaming of Council Meetings, as part of this report.

## Background

The policy on the Council Meeting Schedule states that Briefing Sessions are to be held one week prior to the monthly Ordinary Council Meeting, generally on the third Tuesday of the month, commencing at 7.00pm, effective from the commencement of 2018.

## Proposal

To adopt the Ordinary Council Meetings, Briefing Sessions, Audit and Governance Committee and Bassendean Local Emergency Management Committee meeting dates, as well as Citizenship Ceremonies for 2022. It should be noted that venues for the Citizenship Ceremonies are yet to be confirmed.

It proposed that the commencement times of the Briefing Sessions and Ordinary Council meetings commence at 6:00pm. Council has held its Briefing Sessions and Ordinary Council meetings at 6.00pm for at least the last 18 months.

It is also proposed that the Council Meeting Schedule Policy be revoked, as it is no longer required, as the Local Government Act, s5.25 makes provision for giving of public notice of the date and agenda for Council or Committee meetings.

## Communication and Engagement

Once adopted, public notice will be provided in the local newspaper, the Town's website, public notice boards and social media.

## 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

### Council Meeting Schedule

Currently, Council commences its Briefing Sessions and Ordinary Council meetings at 6.00pm.

### Meeting Dates

Briefing Sessions are designed to brief Council one week prior to the more formal Council meetings, where decisions are made. Councillors and staff also meet at Concept workshops which are scheduled on alternative Tuesdays of each month.

As in the past, no meetings have been scheduled for January noting a number of Councillors and Officers take leave during this time.

Briefing Session Agendas and Ordinary Council Meeting Agendas will be made available electronically to Councillors and staff.

Briefing Session Agendas will be provided on a Thursday, the week prior to the meeting and Ordinary Council Agendas will be provided on a Friday, the week prior to the meeting.

### Live Streaming

Council currently live streams its Council meetings. It is proposed that Council live streams the Briefing Sessions as well as Council meetings, and that the Electronic Recording and Livestreaming of Council Meetings Policy be amended accordingly.

This will benefit members of the community who cannot attend meetings in person, and can watch the live streaming in their own environment or watch the streaming at a later time.

### **Statutory Requirements**

*Local Government Act 1995, Section 5.25(1)(g) and Local Government (Administration) Regulation 12.*

A local government is required at least once each year to give local public notice of all Ordinary Council meetings and Committee meeting dates, times and places that are open to the public and are to be held in the next twelve months.

### **Financial Considerations**

N/A

### **Risk Management Implications**

If the local government was not to provide public notice of all Ordinary Council meetings and Committee meeting dates, times and places that are open to the public and are to be held in the next twelve months, it would be non-compliant and risk reputational damage.

## **Officer Recommendation – Item 12.10**

That:

1. Council adopts the following Ordinary Council meetings and Briefing Sessions for 2022, to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm:

### **Briefing Sessions**

15 February, 15 March, 19 April, 17 May, 21 June, 19 July, 16 August, 20 September, 18 October, 15 November and 13 December.

### **Ordinary Council Meetings**

22 February, 22 March, 26 April, 24 May, 28 June, 26 July, 23 August, 27 September, 25 October, 22 November and 20 December.

2. The Audit and Governance Committee meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean on a Wednesday, commencing at 5.30pm on 9 March, 8 June, 7 September and 7 December 2022;
3. The Bassendean Local Emergency Management Committee meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean on a Wednesday, commencing at 3.30pm on 2 March, 1 June, 14 September and 30 November 2022;
4. Council notes the following Citizenship Ceremonies are to be held on:  

26 January (Australia Day), 21 or 22 May 2021 (tbc) and 17 September (Australian Citizenship Day);
5. Briefing Sessions that are held in the Council Chamber be live streamed, and that the Electronic Recordings and Live Streaming of Council Meetings Policy be amended accordingly; and
6. The Council Meeting Schedule Policy be revoked.

### **Voting requirements:**

**Points 1 to 5 - Simple majority**

**Point 6 – Absolute majority**

<b>Item No. 12.11</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.
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<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.

### 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>	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**

Document Sealed	Date Sealed
Lease – 11 Hamilton Street Bassendean – Casa Mia Montessori Community School Inc	13 October 2021
Agreement for Restoration Works and Transfer of Lot 50 (No 1) Surrey Street Bassendean	13 October 2021
Final Licence Agreement – Movies By Burswood Inc (Telethon Community Cinemas) 2021/22 to 2022/23 x2	26 October 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 12.11**

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

**Voting requirements: Simple majority**



<b>Item No. 12.12</b>	<b>Calendar for November 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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<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 consider the calendar for November 2021.

### Background

Nil.

### Proposal

Not applicable.

### Communication and Engagement

Not applicable.

### Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
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>	<b>SHORT TERM</b> <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 November 2021:

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Meeting/ Event</b>
Tuesday 2 November 2021	6.00pm	Council Chamber	Ordinary Council Meeting
Wednesday 3 November 2021	3.30pm	Council Chamber	Bassendean Local Emergency Management Committee
Thursday 4 November 2021	4.45pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Special Council Meeting (Appointment of Councillors)
Thursday 4 November 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Audit Committee (if required)
Tuesday 16 November 2021	6.00pm	Council Chamber	Briefing Session
Thursday 18 November 2021	6.30pm	City of Belmont 215 Wright Street Cloverdale	WALGA East Metropolitan Zone Meeting
Tuesday 23 November 2021	6.00pm	Council Chamber	Ordinary Council Meeting
Thursday 25 November 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Ordinary Council Meeting
Wednesday 1 December 2021	5.30pm	Council Chamber	Audit and Governance Committee

### Statutory Requirements

Not applicable.

**Financial Considerations**

Not applicable.

**Risk Management Implications**

Not applicable.

**Officer Recommendation – 12.12**

That Council adopt the calendar for November 2021.

**Voting requirements: Simple majority**

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

**14.0                    ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**15.0                    URGENT BUSINESS**

**16.0                    CONFIDENTIAL BUSINESS**

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

**17.0                    CLOSURE**

The next Briefing Session will be held on Tuesday 16 November 2021, commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 23 November 2021, commencing at 6pm.