

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 16 February 2021, commencing at 6.00pm.

In accordance with regulation 12(2) and 14D of the *Local Government (Administration) Regulations 1996*, public notice is hereby given that due to the public health emergency arising from the COVID-19 Pandemic, the Mayor has considered it appropriate for the Briefing Session to be held by electronic means.

Members of the public may still participate in public question time by providing their written questions to the Town by 12noon on the day of the meeting for inclusion at the meeting. Questions and statements can be submitted in advance via the online form: <https://www.bassendean.wa.gov.au/forms/public-question-time/36>.

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

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

2.0 ATTENDANCES AND APOLOGIES

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 PUBLIC QUESTION TIME/STATEMENTS

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

Questions and statements can be submitted prior to the Briefing Session to:

<https://www.bassendean.wa.gov.au/forms/public-question-time/36>.

6.0 DEPUTATIONS

7.0 REPORTS

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

Item No. 7.1	Amendment to Development Application – Place of Worship
Property Address (if applicable)	Lot 1 (Unit A, No. 105) Broadway, Bassendean
Landowner/Applicant (if applicable)	Perth Chin Baptist Church Inc. / Dynamic Planning & Developments PTY LTD
File Ref	DABC/BDVAPPS/2020-135
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input 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.
Attachment No. 1	1. Location Plan 2. Development Application Plans 3. Written Agreement for reciprocal parking arrangement 4. Parking Management Plan

Purpose

The purpose of this report is for Council to reconsider an application to amend development approval for a Place of Worship at Lot 1 (Unit A, No. 105) Broadway, Bassendean. The matter is referred to Council for determination as the original development application was determined by Council.

Background

On 22 August 2017, Council resolved to grant conditional development approval for a proposed Change of Use to a 'Place of Worship' at Lot 1 (Unit A, No. 105) Broadway, Bassendean (Chin Baptist Church).

Condition 2 of the development approval required the following:

- “2. Operation of the Place of Worship is to be in accordance with details provided in correspondence from the applicant date stamped received 20 July 2017 and which form part of this approval. Any changes to the operations may require lodgement of a new application for planning approval for consideration by the Town”*

This condition sets out the times and maximum occupancy for each different type of activity on the site, with all but the Sunday services attracting a maximum of 30 people.

Condition 3 of the development approval required the following:

- “3. The proposed Place of Worship is limited to a maximum capacity of 110 people at any given time. Any future proposed increase in total capacity will require lodgement of a new application for development approval and consideration by the Town.”*

The basis for Condition 3 was the site provides 22 car parking bays and the car parking requirements of Local Planning Scheme No. 10 (LPS 10) requires 1 car bay per 5 seats. Therefore, a maximum capacity of a 110 people was imposed.

On 15 December 2020, Council considered the subject application and resolved to defer determination of the matter so as to allow for the proposal to be advertised to owners and occupiers of the units north of the Broadway Arboretum.

Proposal

The applicant seeks to amend the conditions of approval to increase the maximum capacity at the Sunday service, from 110 people to 200 people. The applicant also seeks to reduce the number of Sunday services from two to one, being an afternoon service at 2:30pm. All other services and activities will remain unchanged.

The applicant has provided a Parking Management Plan and Traffic Impact Statement in support of the proposal, which is further discussed in this report.

Communication and Engagement

The application was originally advertised to nearby landowners/residents via a letter for a period of 14 days, being from 12 November 2020 to 26 November 2020. At the close of this submission period, no responses were received.

In response to Council's decision to defer the application, the application was advertised by letter to nearby landowners/residents for a period of 15 days, being from 12 January to 27 January 2021. A consultation plan follows.



At the close of the submission period, two responses were received; one objecting to the proposal and one lodging no objection. The planning reasons for the objection related to concerns of parking inadequacy, traffic safety, and noise. Each of the issues are discussed later in the report.

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"> Ensure community engagement processes are implemented in major strategic projects 	<ul style="list-style-type: none"> Ensure community engagement processes are implemented in major strategic projects

Comment

Vehicular Parking

The following table details LPS 10 car parking requirements.

Use	LPS 10 Car Parking Standards	LPS 10 Car Parking Requirements	Car Parking Bays Provided
Place of Worship	1 bay per 5 seats	200 people = 40 bays	22 bays
Total		40 bays	22 bays

The proposal results in a shortfall of 18 car parking bays.

To address the shortfall, the applicant has obtained written agreement from the Morley Baptist Church at Lot 20 (No. 33) Hanwell Way, Bassendean (83m to the south of the subject site) for the use of 30 car parking bays on this site during the Sunday service.

The hours of the Sunday service will not conflict with the service hours of the Morley Baptist Church and access to the bays is via a footpath that runs through the Broadway Arboretum. To support the agreement, the applicant has prepared a Parking Management Plan (PMP) to be made available to patrons attending the Place of Worship. A copy of the PMP is attached.

The proposed parking arrangements are supported for the following reasons:

- The bays are within reasonably close proximity to the subject site and access to them can be secured by requiring the parties to enter into a legal agreement;
- Additional street parking is available which is permitted under the Town's *Parking Local Law 2019*; and
- The Traffic Impact Statement has demonstrated that the existing road network is capable of accommodating the projected additional traffic movements.

Traffic Safety

Given the proposal involves a maximum of 180 additional vehicles movements per day, it is considered that the surrounding road network can adequately cater for the additional traffic generated by the site. This view is supported by the traffic impact statement that was submitted with the application.

Noise

A concern was raised in relation to noise. Whilst the proposal involves the place of worship being used by additional patrons, it is not expected that those additional patrons will result in a material increase in noise. In any event, the development will be required to comply with the *Environmental Protection (Noise) Regulations 1995* at all times.

Conclusion

It is considered that appropriate car parking will be made available to service the development and additional traffic movements associated with the increase in patrons can be satisfactorily accommodated. As such, it is recommended that the application be conditionally approved.

Statutory Requirements

Planning and Development (Local Planning Schemes) Regulations 2015

Financial Considerations

Nil.

Risk Management Implications

Low, however, should Council refuse the application, the applicant may appeal to the State Administrative Tribunal.

Officer Recommendation – Item 7.1

That Council approves the application dated 21 October 2020 to amend the existing development approval dated 22 August 2017 for a Place of Worship at Lot 143 (No. 105A) Broadway, Bassendean as follows:

1. Amending Condition No. 2 to read as follows:

“2. The operation of the Place of Worship is to be in accordance with details provided in correspondence from the applicant date stamped received 20 July 2017, but not include any services on Sunday mornings.”
2. Amending Condition No. 3 to read as follows:

“3. The proposed Place of Worship is limited to a maximum capacity of 200 people, which is only permitted to occur on Sundays, between 2.30pm and 4.00pm.”
3. Inserting a new Condition No. 10, to read as follows:

“10. Prior to the Place of Worship being occupied by more than 110 people, a legal agreement is to be prepared and executed at the cost of the landowner/applicant, to the satisfaction of the Town of Bassendean, confirming the reciprocal access and car parking arrangements for the use of 30 vehicle parking bays at Lot 20 (No. 33) Hanwell Way, Bassendean. The Town of Bassendean is to be party to that arrangement.”
4. All other conditions and advice notes on the previous approval dated the 22 August 2017 shall remain.

Voting requirements: Simple majority

Item No. 7.2	Proposed Tree Preservation Orders
Property Address	32 (Lot 134) Bridson Street, Bassendean
Landowner/Applicant	Ms Samara Groves
File Ref	ENVM/NOTIF/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input 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 permit, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 2	1. Submission 2. Arboricultural Assessment

Purpose

The purpose of this report is for Council to consider making Tree Preservation Orders (TPOs) for three red ironbark trees (*Eucalyptus sideroxylon*) located at 32 (Lot 134) Bridson Street, Bassendean.

Background

On 12 August 2020, a TPO nomination was received from a nearby landowner for three red ironbark trees on the basis the trees attract and provide habitat and food for wildlife. The landowner was advised of the nomination.

On 22 September 2020, the Western Australian Planning Commission granted subdivision approval for the creation of two freehold lots on the subject site. Condition 3 of the approval required the following:

“Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.”

The (then) landowner was advised that the trees can be used to offset the number of trees required to be provided at the development stage, in accordance with *Local Planning Policy No. 13 – Tree Retention and Provision* (LPP 13).

On 19 November 2020, the site was sold to the current landowner.

Whilst the landowner has not yet lodged an application for subdivision clearance, the subdivision approval expires on 22 September 2023 and it is open to the current landowner to act on this approval.

Communication and Engagement

In accordance with Clause 4.7.7.3 of LPS 10, the Town gave written notice to the current landowner of the subject site of the nomination. In response, the landowner lodged an objection to the proposed TPOs (attached), based on the following:

- Impact on property values;
- The trees being non-native;
- Non-compliance with Clause 4.7.7.2 of LPS 10;
- Liability Matters; and
- Future Additions.

These matters are further discussed in this report.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

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

Comment

Local Planning Scheme No. 10

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

- aesthetic quality;
- historical association;
- rarity; and

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

Given the landowner did not nominate the trees for TPOs, the Town engaged an arborist to undertake an independent assessment of the trees.

The arboricultural report identified that the trees were in a satisfactory structural condition and the health of the trees is high, with a useful life expectancy of 15-40 years. Whilst the report concluded that the trees do not have outstanding significance, the trees contribute a range of benefits to the ecosystem and to the climate. No urgent remedial pruning or other arboricultural works were recommended at present.

Property Values

The Town acknowledges that at the time of purchasing the property, the current landowner was not aware that trees on the site had been nominated for TPOs. The Town has withheld its consideration of the matter until such time the current landowner was able to make a submission on the proposal.

In respect to the future subdivision and development potential of the land (which contributed to the value of the property), at the time of subdivision or development, the Town would identify trees worthy of retention and require that:

- (i) the trees that are worthy of retention are to be protected from subdivision works, or
- (ii) advise the developer that the trees that are suitable to meet the requirements for trees in accordance with LPP 13, and could therefore be used to offset the amount of trees otherwise required to be planted.

The trees are located to the rear of the site and any future subdivision or development could be achieved without the removal of the trees.

It is also noted that the draft State Planning Policy 7.3 – Residential Design Codes are proposing the retention and provision of trees on development sites. Future subdivision or development will therefore likely require the retention or provision of trees, or at the very least, space for future trees to be planted.

Non-native Species

It is noted that *Eucalyptus sideroxylon* are not native to Western Australia. Whilst the trees are not endemic to Western Australia, the trees are considered to meet the Clause 4.7.7.2 criteria based on their aesthetic quality and other significance (i.e. habitat source and mitigating urban heat island effects).

Non-compliance with Clause 4.7.7.2 of LPS 10

As previously advised, the trees are considered to meet the criteria based on their aesthetic quality. The criteria does not limit aesthetic quality to those trees visible from the public realm, and can include trees that provide aesthetic value to neighbouring landowners.

The canopy of the trees is also considered to reduce the urban heat effect and provide habitat for birdlife, and can therefore be considered to have other significance.

Liability Matters

The landowner was concerned that they would be unable to cut/prune the trees, resulting in an increased risk of liability should the trees damage adjacent structures/property.

The TPOs will not prevent the pruning of the trees, but will simply require the Town's approval prior to pruning being undertaken.

As with all trees on private property (either the subject of a TPO or not), damage caused by trees is a civil matter between the neighbouring landowners, although the Town can, on request, provide advice on the health of the tree and the extent of any pruning required.

Future Additions

The landowner was also concerned that the TPOs could restrict the ability to extend the existing dwelling.

The trees are located to the rear of the site; approximately 14m from the existing dwelling and there is considered sufficient space on site to cater for both the trees and any proposed additions to the dwelling.

In any event, any addition requiring development approval and valued at \$100,000 or more would be subject to LPP 13, to which the trees could be used to offset the amount of trees otherwise required to be planted.

Conclusion

Whilst it is acknowledged that the landowner was not aware of the proposed TPOs at the time of purchasing the property, the location of the trees is such that it is unlikely the TPOs would prevent any future subdivision or development. The trees can instead be used to offset the trees that would be required by LPP 13. Given the trees are considered to have aesthetic and other value, and are in satisfactory condition, it is recommended that the trees be protected via TPOs.

Statutory Requirements

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

Financial Considerations

Nil in relation to the current decision. The Town did commission an arborist report, with the \$924 cost borne by the Town.

Risk Management Implications

Whilst the Town can request trees be retained at the development stage, in the absence of a Tree Preservation Order, trees on private property can be removed without the need for prior approval.

Officer Recommendation – Item 7.2

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes Tree Preservation Orders for three Red Iron Bark trees (*Eucalyptus sideroxylon*) located at 32 (Lot 134) Bridson Street, Bassendean.

Voting requirements: Simple majority

Item No. 7.3	Development Application – Change of Use – Fast Food Outlet to a Use Not Listed (Small Bar)
Property Address (if applicable)	Shop Tenancy 23A - Lot 2 West Road, Bassendean
Landowner/Applicant (if applicable)	Hawaiian Investments PTY LTD
File Ref	2020-167
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input 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 licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 3	Development Plans

Purpose

The purpose of this report is for Council to consider a development application for a proposed Change of Use of Tenancy 23A within the Hawaiian Shopping Centre from a Fast Food Outlet to a Use Not Listed (Small Bar).

Background

On 31 July 2014, the Town, under delegated authority issued approval for the change of use of Tenancy 23A from a 'Shop' to a 'Fast Food Outlet' (Pasta Cup). That approval was based on a car parking requirement of six bays and resulted in a nominal car parking shortfall of 367 bays across the broader site.

In 2019, a further change of use approval was granted for a separate tenancy which reduced the overall car parking shortfall to 361 bays.

Proposal

The application seeks approval for a small bar, where the predominant use of the venue will be to serve food and drink for the consumption on premises, with the ability to serve liquor independently to a meal. The service of alcohol will require a separate approval from the Department of Racing, Gaming and Liquor.

The development plans are attached.

Communication and Engagement

The proposal was advertised for a period of 28 days, being from the 15 December 2020 to the 12 January 2021. Due to the location of Tenancy 23A within the broader Shopping Centre, the application was advertised on the Town’s website. In response, no submissions were received.

Strategic Implications

Priority Area 3: Creating a vibrant town and precincts

Direction	Potential Strategies	What Success Looks Like
Support the town centre to thrive	Advocate for economic growth of our Bassendean town centre	Increased number and retention of new businesses

Comment

Local Planning Scheme No. 10

Land Use Classification and Permissibility

The subject site is zoned Town Centre under Local Planning Scheme No. 10 (LPS10). The application is for a Small Bar, which is a use that is not listed within the Zoning Table under the scheme. In relation to unlisted uses, Clause 3.4.2 of LPS 10 states:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 67 of the deemed provisions in considering an application for development approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

The objectives of the Town Centre Zone, as defined by LPS 10, are:

- “a) to promote, facilitate and strengthen the town centre zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;*
- b) to recognise the unique and specific function of each precinct within the town centre in terms of:*

- (i) *traditional main street pedestrian based commercial retail, west of Wilson street;*
 - (ii) *civic, drive-by commercial and town centre living uses between Wilson and Whitfield Street; and*
 - (iii) *car based retail in Bassendean Village Shopping Centre;*
- c) *to accommodate diversity of commercial, cultural and residential facilities;*
- d) *to encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area;*
- e) *to achieve safety and efficiency in traffic circulation;*
- f) *to ensure that buildings, ancillary structures and advertising are of high quality and achieve an architectural theme contributing to the uniqueness of the townscape;*
- g) *to provide sheltered places for pedestrians and shade to car parking areas;*
- h) *to preclude the storage of bulky and unsightly goods from public view;*
- i) *to provide landscaping appropriate to the scale of development; and*
- j) *to ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.”*

Based on the above, the proposed use is not considered to be prejudicial to the existing commercial or residential uses within the zone, and will not affect the amenity of the adjoining or nearby tenancies. The proposal facilitates a diversity of commercial facilities, and will further enhance the cultural and entertainment activities within the zone. Therefore, the proposal is consistent with the objectives of the zone.

Car Parking

As Small Bar is not a use listed within the Scheme, Table 2 of LPS 10 does not specify parking requirements. Therefore, the Town is able to determine an appropriate provision of car parking for the proposed use.

Accepting the land use will also involve the serving of food and operate similar to that of a restaurant, it is considered appropriate to apply the Restaurant parking standards under LPS10, which is calculated at one bay per four seats.

On this basis, given that the tenancy is proposed to have an occupancy of 46 seats, the proposal would therefore require 12 vehicle parking bays. This would result in the parking shortfall being increased from 361 bays to 367 bays, which is the same shortfall that was permitted by the 2014 approval.

In considering the matter, the following is relevant:

- Council is able to impose an occupancy condition to ensure the shortfall is no greater than what had previously been supported by the Town.
- From a practical perspective, a review of aerial photography indicates that the vehicle parking does not reach maximum capacity.
- The site is located in close proximity to two train stations.
- At least some of the visits to the proposed Small Bar would form part of multi-destination visits to the shopping centre.

Based on the above, the proposal is considered acceptable from a car parking perspective.

Draft Local Planning Scheme No. 11

Whilst not yet considered a “seriously entertained planning proposal”, the Council-initiated draft Local Planning Scheme No. 11 (LPS 11) proposes that a ‘Small Bar’ be a ‘P’ (permitted) land use within the Centre (Town Centre) zone.

Local Planning Policy No. 1 – Bassendean Town Centre (LPP 1)

The purpose of LPP 1 is to provide a vision and objectives for development within the Bassendean Town Centre. LPP 1 primarily provides guidance on the design outcomes of the external façade of the building and the impacts on the streetscape. The proposed change in use does not compromise these objectives.

Conclusion

The proposed use not listed has been considered consistent with the objectives of the zone and relevant local planning policy, therefore in accordance with Clause 3.4.2 of LPS10 the use is considered permitted. It is recommended that Council approve the proposed change of use, subject to appropriate conditions.

Statutory Requirements

- Local Planning Scheme No. 10;
- Planning and Development (Local Planning Schemes) Regulations 2015; and
- Local Planning Policy No. 1 – Bassendean Town Centre Strategy and Guidelines.

Financial Considerations

Nil.

Risk Management Implications

Nil.

Officer Recommendation – Item 7.3

That Council approve the application for development approval for a change of use from a Fast Food Outlet to Use Not Listed (Small Bar) – Shop Tenancy 23A, Lot 2 West Road, Bassendean, subject to the small bar being limited to a maximum of 46 seats.

Voting requirements: Simple Majority

Item No. 7.4	Draft Local Planning Policy No. 19 – Parking of Commercial Vehicles (Final Adoption)
Property Address	N/A
Landowner/Applicant	N/A
File Ref/ROC	LUAP/POLCY/3
Previous Council Reports (if applicable)	15 December 2020 (Resolution 7/12/20)
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 4	<ul style="list-style-type: none"> Local Planning Policy No. 19 – Parking of Commercial Vehicles Draft amended Local Planning Policy No. 19 – Parking of Commercial Vehicles

Purpose

The purpose of this report is for Council to consider adopting a draft amended Local Planning Policy No. 19 – Parking of Commercial Vehicles.

Background

At its meeting on 15 December 2020, Council resolved to advertise draft amended Local Planning Policy No. 19 – Parking of Commercial Vehicles.

Communication and Engagement

Following Council's resolution on the matter, the draft policy was advertised for public comment for a period of 30 days, being from 16 December 2020 to 15 January 2021, by way of the following:

- Displayed on the Town's website; and
- Promoted on the Town's Facebook page.

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

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

Priority Area 4: Driving Financial Suitability

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

Comment

The draft policy prescribes requirements relating to on-site parking and access, the use and maintenance of commercial vehicles and conditions which may be applied to a development approval for Commercial Vehicle Parking. The following outlines key changes to the draft policy:

- The incorporation of relevant definitions.
- Clarification as to the assessment parameters which would be used to assess an application for development approval.
- Information regarding public consultation, which is not contained within the current policy.
- The removal of the assessment procedure, as this is administrative in nature and can be appropriately replaced by an information sheet.

The draft policy rectifies anomalies between the existing policy and LPS 10, and updates land use definitions and clearly outlines what is considered acceptable in relation to applications for the parking of commercial vehicles.

It is therefore recommended that Council adopt the draft amended policy without modification.

Statutory Requirements

The *Planning and Development (Local Planning Schemes) Regulations 2015 (amended)* outline the procedure that the local government must follow after the consultation period, which is to:

- "(a) *review the proposed policy in the light of any submissions made; and*
(b) *resolve to:*
- (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not proceed with the policy."*

If Council proceeds with the policy, the local government is required to publish the policy on its website.

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council not adopt the draft policy, the anomalies which exist between the existing policy and LPS 10 will not be rectified, and standards for commercial vehicle parking will not be clearly outlined.

Officer Recommendation – Item 7.4

That Council, pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (amended)*, adopts Local Planning Policy No. 19 – Parking of Commercial Vehicles as contained in the attachment.

Voting requirements: Simple majority

Item No. 7.5	Revocation of Council Policies 1.21 and 1.22
Property Address	N/A
Landowner/Applicant	N/A
File Ref	COMPLA/POLCY/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 5	<ol style="list-style-type: none"> 1. Council Policy 1.21 – Standards for Street Numbering (CP 1.21) 2. Council Policy 1.22 – Guidance for Street Numbering (CP 1.22) 3. Information Sheet – Street Names and Street Numbers

Purpose

The purpose of this report is for Council to consider revoking *Council Policy 1.21 – Standards for Street Numbering* and *Council Policy 1.22 – Guidance for Street Numbering*.

Background

The purpose of CP 1.21 is to provide standards for street numbering, including guidance on the size of numbers to be displayed.

The purpose of CP 1.22 is to provide guidance on the allocation (and re-allocation) of street numbers.

Both policies were last reviewed in March 2014.

Proposal

To revoke CP 1.21 and CP 1.22 for the reasons outlined in this report.

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

Comment

The naming of streets and the numbering of properties is a largely administrative task and is appropriately guided by the following:

- *Australian Standard 4819:2011 (Rural and Urban Addressing);*
- *Land Administration Act 1997;*
- *The Town's Activities of Thoroughfares and Trading in Public Places Local Law; and*
- *Landgate's Policies and Standards for Geographical Naming in Western Australia.*

The Town rarely receives requests for changes to street numbering or street names, and, in relation to street numbering, is generally involved at the subdivision/development clearance stage as part of the creation of new lots/dwellings. Given the relevant standards are captured elsewhere, it is considered appropriate to include relevant information in an information sheet (attached). It is therefore recommended that Council revoke CP 1.21 and CP 1.22.

Statutory Requirements

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

Financial Considerations

Nil.

Officer Recommendation – Item 7.5

That Council revokes *Council Policy 1.21 – Standards for Street Numbering* and *Council Policy 1.22 – Guidance for Street Numbering*.

Voting requirements: Absolute Majority

Item No. 7.6	Draft Alfresco Dining and Public Trading Policy
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	COMPLA/POLCY/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 6	<ul style="list-style-type: none"> • Council Policy 3.2 – Outdoor Eating Facilities on Public Places Policy • Council Policy 3.3 – Trading in Public Places Policy • Draft Council Policy – Alfresco Dining and Public Trading

Purpose

The purpose of this report is for Council to consider revoking *Council Policy 3.2 – Outdoor Eating Facilities on Public Places Policy* (CP 3.2) and *Council Policy 3.3 – Trading in Public Places Policy* (CP 3.3) and to adopt a draft *Council Policy – Alfresco Dining and Public Trading*.

Background

The Town's two existing policies on the matter (CP 3.2 and CP 3.3) were last reviewed in March 2014.

In August 2019, Council considered a draft Parklet Policy and resolved to defer the matter.

More broadly, the Town's Strategic Community Plan 2020-2030 seeks to build economic capacity and to facilitate local business retention and growth. Alfresco dining and public trading can increase vibrancy and activity throughout the Town, and when guided by appropriate policy, can achieve this in a balanced way which takes into consideration issues of pedestrian safety, traffic flow and local amenity for residents and other commercial operators.

Proposal

It is proposed to consolidate relevant provisions contained in CP 3.2 and CP 3.3 into one singular Council policy to replace the two existing policies, and to simplify and expand on some requirements.

A copy of the draft policy is attached. Details of the review of the existing Council policies, and the expanded provisions in the draft policy are discussed in the following sections.

Communication and Engagement

The draft policy was provided to Councillors via the CEO Bulletin on 4 December 2020. One Councillor raised queries, which resulted in a minor change to the draft policy in relation to the maximum number of vendors that may trade in the Town's reserves at any given time.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Supporting healthy lifestyles throughout our Town	<ul style="list-style-type: none"> Improve functionality of amenities and lifestyle options Improve walkability and cycle-ability, including through infrastructure improvements 	<ul style="list-style-type: none"> Increased use of public open spaces and other amenities Improved health and wellbeing of residents

Priority Area 3: Creating a Vibrant Town and Precincts

Direction	Potential Strategies	What Success Looks Like
Support the town centre to thrive	<ul style="list-style-type: none"> Advocate for economic growth of our Bassendean town centre Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean 	<p>LONG TERM</p> <ul style="list-style-type: none"> Increased number of developments within the town centre Improved retention of existing businesses Increased number and retention of new businesses Increased local employment

Priority Area 4: Driving Financial Suitability

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

	<ul style="list-style-type: none"> • Ensure the local economy is positioned to recover from crises 	<ul style="list-style-type: none"> • Increased local supply-chain use, relative to non-local supply
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Comment

The draft Policy seeks to consolidate the existing decision making guidance that relates to proposals under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*, but in a simplified and less stringent manner that actively encourages alfresco dining, mobile food vendors and parklets.

Parked Mobile and Roaming Mobile Food Vehicles

The Town is proposing to limit where parked and roaming mobile food vehicles can trade, for the following reasons:

- To ensure existing permanent tenancies that contribute to the vibrancy and amenity of the Town and are required to pay rates, do not face competition with mobile food vendors. In this respect, vendors cannot operate from locations that abut or are within 50m of land zoned for commercial purposes (unless operating as part of a Town-approved event);
- To ensure parked and mobile food vendors do not contribute to traffic congestion;
- To ensure parked and mobile vendors are appropriately located in large reserves, as opposed to small local parks where the impact of trading could adversely affect nearby residents.

Parklets

Parklets are small public parks set into the existing streetscape, typically within existing car parking bays. The intent of parklets is to create a point of interest within the streetscape, encouraging people to linger in the space to potentially support local businesses.

The draft Policy contains appropriate criteria to ensure parklets do not compromise the functionality and amenity of the streetscape and that they are safe and accessible by all members of the community.

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

Should Council retain the existing CP 3.2 and CP 3.3 and not adopt the draft policy, the requirements relating to alfresco dining and outdoor trading will remain onerous and unclear, which may be a disincentive for businesses to operate within the Town.

Officer Recommendation – Item 7.6

That Council:

1. Revokes Council Policy 3.2 – Outdoor Eating Facilities on Public Places Policy;
2. Revokes Council Policy 3.3 – Trading in Public Places Policy; and
3. Adopts draft Council Policy – Alfresco Dining and Public Trading.

Voting requirements:

Points 1 and 2 - Absolute majority

Point 3 -Simple Majority

Item No. 7.7	Second Avenue Bicycle Path – WA Bicycle Network Grant
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	GRSU/APPS-D/8
Directorate	Infrastructure
Authority/Discretion	<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.
Attachment	Nil.

Purpose

The purpose of this report is for Council to consider allocating \$32,000 in 2021/22 to match grant funding received from the West Australian Bicycle Network (WABN) for concept and detailed design of a bicycle path along the Second Ave road corridor from Railway Parade through to Morley Drive East.

Background

In August 2020, the Town submitted a grant funding application in the 2021-22 / 2022-23 West Australian Bicycle Network (WABN) Grants Program for concept and detailed design of a bicycle path along second Ave between Railway Parade and Morley Drive East.

The Town was notified on 22 January 2021 that its application was successful and has been allocated a funding amount of \$32,000 for design work. Further funding through the WABN is possible for construction.

Communication and Engagement

Direct community consultation has not been undertaken on this particular project as yet. However, through community consultation conducted as part of the Town's "Integrated Transport Plan" and "BassenDream our Future" the community's desire to create a well-connected community has been reinforced.

These engagements also highlighted the community's aspiration to create improved connection throughout the District.

Further direct consultation on the Second Ave bicycle path will be undertaken as part of the concept and detailed design process.

Strategic Implications

Creating an environment where people feel welcome and safe	<ul style="list-style-type: none"> • Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use) • Encourage the adoption of a collective responsibility towards safety 	<ul style="list-style-type: none"> • Increased use of public transport by different demographics • Increased active transport by different demographics • Reduced antisocial incidents
Supporting healthy lifestyles throughout our Town	<ul style="list-style-type: none"> • Improve functionality of amenities and lifestyle options • Improve walkability and cycle-ability, including through infrastructure improvements 	<ul style="list-style-type: none"> • Increased use of public open spaces and other amenities • Improved health and wellbeing of residents
Facilitating community connection	<ul style="list-style-type: none"> • Prioritise projects that bring people together and strengthen community connectedness 	<ul style="list-style-type: none"> • Increased participation rates in volunteering, community activities and events

Comment

The Second Avenue bicycle path alignment is identified in the Town's Bike Plan 2012 and is nominated in the Council approved Long Term Cycle Network as a key North-South link across the Town. The proposed bicycle path will form an important access route for residents to various community amenities and connection across physical barriers such as Walter Road East.

Second Avenue is currently a low volume road, however intersections with Morley Drive, Walter Road and Railway Parade pose crossing difficulties for cyclists and pedestrians. Improving cycling/pedestrian facilities in this corridor will promote alternative modes of transport providing social and health benefits.

The addition of this path will create a good North–South link in conjunction with the recently installed Whitfield Safe Active Street that will provide alternative modes of transport from Sandy Beach Reserve in the South to Morley Drive in the North linking through the Town centre, transport centres and recreational/community centres. The path will also provide connection and access to education centres including Eden Hill Primary School and Sparx Early Learning Centre.

The path increases access to the Midland-Perth Principal Shared Path, Bassendean Train Station and bus interchange and links to a main transport artery in Walter Road East that will link to the Metronet upgrades at Morley Station.

The path also links with upcoming projects across the Town such as:

- Second Avenue to Fourth Avenue Living Stream project that is being developed in partnership with the Water Corporation;
- The Eden Hill Underground Power Project that is being undertaken by Western Power; and
- Mary Crescent Reserve and the “Our Park Our Place project which is about reconnecting people with nature in their neighbourhood” including proposed wetland project being developed in partnership with Greening Australia.

The Second Ave bicycle path will support the One Planet Principle of sustainable transport, to encourage low and zero carbon modes of transport to reduce emissions.

Statutory Requirements

Nil.

Financial Considerations

The WABN grant is allocated on a 50/50 split with the Town. As the Town was awarded \$32,000 in State Government funding, a further \$32,000 will need to be committed by the Town in the 2021/22 budget.

Risk Management Implications

This is a low risk proposal requiring a commitment of \$32,000 from the Town to develop design options to improve and add to our cycling network.

Officer Recommendation – Item 7.7

That Council accepts the West Australian Bicycle Network grant and makes budget allocation of \$32,000 in the 2021/22 budget.

Voting requirements: Simple majority

Item No. 7.8	Adoption of Town of Bassendean Annual Report 2019/2020
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 7	Town of Bassendean Annual Report 2019/2020

Purpose

The purpose of this report is for Council to adopt the Town of Bassendean Annual Report 2019/2020, including the Audited Annual Financial Statements for the year ended 30 June 2020, and set a date for the General Meeting of Electors.

Background

The 2019/20 Annual Report has been completed and Council is requested to adopt the document. The CEO is required to give local public notice of the availability of the annual report as soon as practicable after the report has been adopted by Council. Additionally, a General Meeting of Electors is to be held on a day selected by the local government but not more than 56 days after Council adopts the annual report. The proposed date for the General Meeting of Electors is 17 March 2021. In selecting that date a number of factors were considered, including the statutory requirement, other Town events and Officer and venue availability.

Proposal

That Council adopt the Annual Report 2019/2020 for the year ended 30 June 2020.

Communication and Engagement

The draft Annual Report was circulated to members of the Corporate Management Committee and was also provided to Councillors under cover of the CEO Bulletin on 4 December 2020 for comment.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The Annual Report and the 2019/20 draft Financial Statements provide an overview of the activities of the Town of Bassendean and report on the measures of success in line with the Corporate Business Plan.

Statutory Requirements

5.53. Annual reports

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

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

5.54. Acceptance of annual reports

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

* Absolute majority required.

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

5.55. Notice of annual reports

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

5.55A. Publication of annual reports

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

Financial Considerations

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

Risk Management Implications

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

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

Officer Recommendation – Item 7.8

That Council:

1. Adopts the Town of Bassendean's 2019/20 Annual Report for the year ended 30 June 2020; and
2. Holds its General Meeting of Electors on 17 March 2021 in the Bassendean Seniors' Hall, 50 Old Perth Road, Bassendean, commencing at 6.00pm.

Voting requirements: Absolute majority

Item No. 7.9	Adoption of Quarterly Report period ending 31 December 2020
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 8	Quarterly Report – period ending 31 December 2020. Outstanding Council Resolutions – Recommended for Deletion.

Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ending 31 December 2020.

Background

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables in the 2020-2024 Corporate Business Plan, where those deliverables commence in the current financial year.

The Quarterly Report also contains the list of Outstanding Council Resolutions.

Proposal

That Council resolves to adopt the Quarterly Report for the period ending 31 December 2020.

Communication and Engagement

The draft Quarterly Report was provided to Councillors under cover of the CEO Bulletin dated 29 January 2020.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The Quarterly Report P/E 31 December 2020 is the second report for the financial year 2020/2021. The report reflects a composite of the activities that have occurred in the second quarter of the 2020/2021 financial year and provides a progress report on budget deliverables in the Corporate Business Plan. The report provides updates on the strategic priority projects and the deliverables of each priority area as contained in the SCP.

As an addendum to the Quarterly Report is the list of Outstanding Council Resolutions. Updates on the progress of these outstanding resolutions have been made for Council's noting. Administration has reconciled the list so that closed out resolutions may now be deleted.

Statutory Requirements

Local Government Act 1995.

Financial Considerations

Nil.

Risk Management Implications

A comprehensive and strategically aligned Quarterly Report will ensure transparency of performance and timeliness of service deliverables.

Officer Recommendation – Item 7.9

That Council:

1. Receives the Quarterly Report for the quarter ending 31 December 2020;
and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report for the period ending 31 December 2020, that are marked for deletion.

Voting requirements: Simple majority

Item No. 7.10	Appointment of Authorised Complaints Officer and Adoption of Complaints Form
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 9	Complaints Form

Purpose

The purpose of this report is for Council to appoint an authorised officer for the purpose of receiving complaints and withdrawals of complaints in accordance with clause 11(3) of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*, and to adopt the Complaints Form.

Background

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* introduced a mandatory Code of Conduct for Council Members, Committee Members and Candidates. The Model Code replaces the previous *Local Government (Rules of Conduct) Regulations 2007*. The *Local Government Act 1995*, section 5.104 requires that local governments adopt the Model Code of Conduct within three months of the regulations coming into operation (by 3 May 2021). In accordance with section 5.104(5), the Model Code will apply until the Town adopts its own Code. Local Governments have been advised by the Department to undertake the following actions by 24 February 2021 –

- Appoint a person to receive complaints; and
- To approve a form for complaints to be lodged.

Proposal

That Council appoint the Chief Executive Officer, Ms Peta Mabbs, and the Director Corporate Services, Mr Paul White, as authorised persons for the purposes of receiving complaints and withdrawals of complaints in accordance with clause 11(3) of the Model Code of Conduct.

Communication and Engagement

The Department of Local Government, Sport and Cultural Industries has advised local governments that they should appoint an authorised person and adopt a complaint form by 24 February 2021.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The appointment of two authorised persons will ensure that complaints may be dealt with in a timely manner and that no disruption to the process will occur due to absences of leave. It is determined that the CEO and the Director Corporate Services are appropriate officers for appointment due to their standing within the Local Government and their previous work experiences in integrity bodies.

The complaints form is derived from the DLGSC template form and has been amended to include the contact details for the Town. It will be later branded to align with the template forms adopted by the Town.

Statutory Requirements

The *Local Government (Model Code of Conduct) Regulations 2021* Schedule 1 clause 11(3) states –

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

Local Government Act 1995, Part 5, Division 9.

Financial Considerations

Nil.

Risk Management Implications

Failure to appoint an authorised officer in accordance with the *Local Government (Model Code of Conduct) Regulations 2021* would place the Town in breach of its statutory obligation under clause 11.

Officer Recommendation – Item 7.10

That Council:

1. In accordance with Schedule 1, clause 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*, appoints the Chief Executive Officer, Ms Peta Mabbs and the Director Corporate Services, Mr Paul White as authorised persons to receive complaints and withdrawals of complaints; and
2. Adopts the Complaints Form as attached to this report.

Voting requirements: Absolute majority

Item No. 7.11	Monthly Financial Report – December 2020 and January 2021
File Ref/ROC	FINM/AUD/1
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 10	<ul style="list-style-type: none"> • Monthly Financial Report - December 2020 • Monthly Financial Report - January 2021

Purpose

The purpose of this report is for Council to receive the monthly financial report for December 2020 and January 2021.

Background

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

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

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

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

Proposal

For Council to receive the monthly financial report for December 2020 and January 2021.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

The Statements of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the months ending 31 December 2020 and 31 January 2021.

Statement of Financial Activity (by nature or type) – December 2020

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

Item	Amended Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	20.2	20.5	1.86
Expenditure	27.0	13.4	11.9	11.03
Capital Works	6.3	4.4	2.3	48.97
Non-Operating Grants, Subsidies and Contributions	1.8	0.2	0.2	(10.71)

Operating Revenue

Revenue year to date is 1.86% above budget.

Operating grants, subsidies and contributions and seniors grants are above the YTD budget.

Fees and charges are above budget due to Wind in the Willows fee relief, planning and building fees, hall and reserve hire, and private works income above the YTD budget. Also, income recovered for street tree damage was not budgeted.

Other revenue is under budget due to timing of insurance income and senior's client fees.

Operating Expenditure

Expenditure year to date is 11.03% under budget.

Materials and contracts are under budget due to timing of waste collection charges, reserve and building maintenance, road, drainage and footpath maintenance, the street tree program and operational projects.

Utility charges are under the YTD budget due to timing of street lighting charges and other facilities.

Other expenditure is under budget due to timing of operational projects, COVID-19 expenses and administration costs.

Non-Operating Grants, Subsidies and Contributions

Expenditure year to date is 10.71% under budget.

This is due to timing of grant payments.

Capital Works

Expenditure on capital projects is under budget due to timing.

Cash backed reserves

The closing balance of the cash backed reserves at 31 December 2020 is \$6.5 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

Statement of Financial Position

The Town has current assets of \$24.2 million. The major components of which are cash and cash equivalents of \$19.2 million and trade and other receivables of \$5 million. Current liabilities total \$8.3 million. The major components are trade and other payables (including bonds and deposits) of \$5.6 million and employee provisions of \$2.3 million.

Statement of Cash Flows

Net cash provided by operating activities is \$6.5 million and net cash used in investing activities \$0.5 million and financing activities \$0.1 million.

Monthly Investment Report

The overall balance of the Town's investments is \$15.5 million. This is comprised of municipal investments of \$7.4 million (including restricted bonds and deposits), reserve investments of \$7.4 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 59% of its funds invested in non-fossil fuel ADIs.

Statement of Financial Activity (by nature or type) – January 2021

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

Item	Amended Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	20.6	20.8	1.15
Expenditure	27.0	15.8	14.0	11.49
Capital Works	6.3	4.7	2.3	51.72
Non-Operating Grants, Subsidies and Contributions	1.8	0.2	0.2	(12.77)

Operating Revenue

Revenue year to date is 1.15% above budget.

Operating grants, subsidies and contributions are above budget due to senior's grants over budget and an Australia Day grant received but not budgeted.

Fees and charges are above budget due to planning and building fees, hall and reserve hire, and private works income above the YTD budget. Also, income recovered for street tree damage was not budgeted.

Other revenue is under budget due to timing of insurance income and senior's client fees.

Operating Expenditure

Expenditure year to date is 11.49% under budget.

Materials and contracts are under budget due to timing of waste collection charges, reserve and building maintenance, road, drainage and footpath maintenance, the street tree program and operational projects.

Utility charges are under the year to date budget due to timing of street lighting charges and other facilities.

Other expenditure is under budget due to timing of operational projects and programs, COVID-19 expenses and administration costs.

Loss on Disposal of Assets

Expenditure year to date is 30.25% under budget.

This is due to the loss on sale of land assets being less than estimated.

Non-Operating Grants, Subsidies and Contributions

Revenue year to date is 12.77% under budget.

This is due to timing of grant payments.

Capital Works

Expenditure on capital projects is under budget due to timing.

Cash backed reserves

The closing balance of the cash backed reserves at 31 January 2021 is \$7.1 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on the Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

Statement of Financial Position

The Town has current assets of \$22.7 million. The major components are cash and cash equivalents of \$18.7 million and trade and other receivables of \$4 million. Current liabilities total \$7.6 million. The major components are trade and other payables (including bonds and deposits) of \$4.8 million and employee provisions of \$2.3 million.

Statement of Cash Flows

Net cash provided by operating activities is \$6.1 million and net cash used in investing activities is \$0.5 million and financing activities \$0.1 million.

Monthly Investment Report

The overall balance of the Town's investments is \$16.1 million. This is comprised of municipal investments of \$7.4 million (including restricted bonds and deposits), reserve investments of \$8 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 55% of its funds invested in non-fossil fuel ADIs.

Budget Amendments

There are no budget amendments identified in the statements of financial activity for December 2020 or January 2021.

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 7.11

That Council receive the monthly financial report for December 2020 and January 2021.

Voting requirements: Simple majority

Item No. 7.12	Accounts Paid – December 2020 and January 2021
File Ref/ROC	FINM/CREDTS/4
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 11	<ul style="list-style-type: none"> • List of payments - December 2020 • List of payments - January 2021

Purpose

The purpose of this report is for Council to receive the list of payments for December 2020 and January 2021.

Background

Payments made during December 2020 and January 2021 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Proposal

For Council to receive the list of payments for December 2020 and January 2021.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

Nil.

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 7.12

That Council receive the list of payments for December 2020 and January 2021.

Voting requirements: Simple majority

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Tourism and Marketing Strategy

Cr Gangell has advised that he wishes to move the following motion at the next Ordinary Council meeting:

“That Council receives a report on creating a tourism and marketing strategy in-house for the Town with a focus on creating the Town of Bassendean as a destination location.”

OFFICER COMMENT

Through the adopted Corporate Business Plan (2020 – 2024) and CEO Performance Agreement for 2020/21, Council has supported the creation of a Strategic Communications Strategy. This strategy is designed to shape organizational behavior and build reputation through promoting the Town’s unique value proposition via different channels. Following further discussions with Cr Gangell, the CEO is confident that many of the elements being sought through this NOM can be addressed through the Strategic Communications Strategy work.

As part of developing the scope for the Strategic Communications Strategy, the CEO will seek comment from Councillors. This work will commence in the near future.

8.2 Lighting at Steel Blue Oval Bassendean

Cr Gangell has advised that he wishes to move the following motion at the next Ordinary Council meeting:

“That Council receives a report on the cost and funding opportunities available to install match quality lighting at Steel Blue Oval Bassendean for consideration in the 2021/22 draft budget.”

OFFICER COMMENT

The West Australian Football Commission (WAFC) commissioned a report late last year into the current status of the lighting at Bassendean Oval which it will integrate into a 'WAFL Critical Projects' proposal to be presented to State Government for funding consideration. The assessment identifies that the current lighting is dated technology with lux levels below the required standard for Professional level AFL match practice.

Two scenarios were investigated being a 200 lux for semi professional level AFL match practice and a 500 lux for professional level AFL match practice. A probable order of cost would be \$750K and \$1.1M respectively.

Costs and the details as to the nature of the upgrades, notwithstanding any other major infrastructure on the Oval, may be considered premature until the Town Centre Master Plan has been considered/finalised. On this basis, the above Notice of Motion is not supported.

9.0 CONFIDENTIAL BUSINESS

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

10.0 CLOSURE

The next Briefings Session will be held on Tuesday 16 March 2021, commencing at 6.00pm.