

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 20 April 2021 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

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

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

Participants are required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others. By attending this meeting, you agree to abide by these conditions.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

2.0 ATTENDANCES AND APOLOGIES

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

Jeannette Madison from the Repair Café will be in attendance to make a deputation.

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	Draft Amended Local Planning Policy No. 16 – Control of Advertisements Under the Local Planning Scheme No. 10
File Ref	LUAP/POLCY/16
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. 1	<ul style="list-style-type: none"> Local Planning Policy No. 16 – Control of Advertisements Under the Local Planning Scheme No. 10 Draft Local Planning Policy No. 16 – Advertising and Signage

Purpose

The purpose of this report is for Council to consider amending Local Planning Policy No. 16 – Control of Advertisements under the Local Planning Scheme No. 10 (LPP 16).

Background

LPP 16 was adopted in October 2010 to provide assistance to the Town when determining an application for development approval to erect, place or display an advertisement under Local Planning Scheme No. 10.

The policy provides assistance by setting out the standards that apply to different types of advertisements and matters which the Town should have regard to in the assessment of applications for advertisements. It also provides guidance as to what conditions which may be appropriately imposed on an approval issued by the Town.

Whilst the Town's existing policy has operated for the most part without issue, as part of the review process, the Town reviewed policies from 10 other local governments and now seeks to revise its policy, based on what is considered best practice approaches to dealing with advertisements.

Proposal

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

Communication and Engagement

The draft policy was distributed to Councillors for review via the CEO's Bulletin. No responses were received.

Strategic Implications

Not applicable.

Comment

Proposed Amendments to Policy

It is considered appropriate to amend the policy, protect and enhance the character and amenity of the built environment of the district, by ensuring the volume and scale of signage is appropriate.

The key changes to the draft policy include:

- Updated terminology and formatting;
- Updated provisions in line with current legislation and best practice;
- Renaming the policy for simplification;
- Updating the policy to include exemption criteria from development approval for certain advertisements where they meet the prescribed development standards within the policy;
- Updating the definition of an animated sign to refer to digital advertisements;
- Updating the standard policy specifications for advertisements to clarify the Town's specifications to internal and external stakeholders;
- Including visual examples of some of the advertisements and their specifications for ease of reference.

Conclusion

The modifications will result in a simplified, yet comprehensive, local planning policy that clearly sets out the Town's standards and expectations for advertisements and signage within the Town. It is therefore recommended that Council advertises the draft amended policy.

Statutory Requirements

If the local government resolves to amend a local planning policy, the local government must advertise the proposed policy in accordance with the Regulations.

Financial Considerations

Nil.

Risk Management Implications

Low. The risk of not proceeding is that the Local Planning Policy will not be improved and it may compromise future built form/signage outcomes.

Officer Recommendation – Item 7.1

That Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 16 – Advertising and Signage, for the purposes of advertising.

Voting requirements: Simple majority

Item No. 7.2	Review of Responsible Cat Ownership Amendment Local Law 2006
Property Address	N/A
Landowner/Applicant	N/A
Ref	LAWE/LOCLWS/2
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 2	<ul style="list-style-type: none"> • Responsible Cat Ownership Amendment Local Law 2006 • Draft Cat Local Law 2021 (accepted track changes) • Draft Cat Local Law – with track changes

Purpose

The purpose of this report is for Council to consider a proposed new Cats Local Law.

Background

On 22 February 2005, Council adopted the *Responsible Cat Ownership Local Law* to help manage and control cats within the Town. The Local Law was subsequently amended on 25 July 2006 by the *Responsible Cat Ownership Amendment Local Law 2006* (gazettal date 18 August 2006).

Since the gazettal of the *Responsible Cat Ownership Amendment Local Law 2006*, the State Government has made and implemented the *Cat Act 2011*, *Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*. The purpose of the Act is to provide for the control and management of cats and promote and encourage the responsible ownership of cats, and for related matters.

The Act also provides additional provisions for Local Governments to make local laws for one or more of the following matters:

- (a) *the registration of cats;*
- (b) *removing and impounding cats;*

- (c) *keeping, transferring and disposing of cats kept at cat management facilities;*
- (d) *the humane destruction of cats;*
- (e) *cats creating a nuisance;*
- (f) *specifying places where cats are prohibited absolutely;*
- (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
- (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
- (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
- (j) *the regulation of approved cat breeders, including record keeping and inspection;*
- (k) *fees and charges payable in respect of any matter under the Act; and*
- (l) *offences and penalties up to \$5,000; if the offence is continuing in nature, the local law can make a further penalty of \$500 per day. Local laws can also specify a minimum penalty.*

Section 3.16 of the *Local Government Act 1995* requires that all of the local laws of local governments must be reviewed within an eight year period after their commencement to determine if they should remain unchanged or be repealed or amended. The local law is due for review.

The Town has reviewed the *Responsible Cat Ownership Amendment Local Law 2006* and considers the local law should be repealed and a new Cats Local Law be created for the reasons outlined in this report.

Proposal

For Council to endorse and advertise the draft Cats Local Law.

A copy of the draft local law is attached and further discussed below.

Communication and Engagement

In preparing the draft local law, the Town has reviewed the local laws of other local governments.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

New Cats Local Law

The Department of Local Government, Sport and Cultural Industries (DLGSCI) provide the following in regards to making a local law relating to cats:

“A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter; and*
- there appears a sufficient need for additional regulation in that area.”*

The draft local law reflects current practices, formatting of local laws and gives consideration to the *Cat Act 2011* and associated regulations. Amendments include updates to the definitions, inserting of sections, parts and clauses that are now relevant and new penalties. The Town has also considered whether it is appropriate to introduce cat prohibited zones in areas of environmental sensitivity.

Given the extent of the above changes, a new local law was proposed, rather than amending the existing *Responsible Cat Ownership Amendment Local Law 2006*.

Cat Prohibited Areas (CPA)

The Act does not specify places where cats are prohibited, and therefore, if Council wishes to have such areas, it is required to be addressed by a local law. Whilst the Act does not prescribe where a CPA can be created, it should be noted that in reviewing other local governments' local laws, CPAs were generally only provided for national parks and reserves and large bushland parks and recreation areas for protection from cats.

The draft local law proposes Bindaring Park (a local reserve) to be designated as a CPA on the basis of its environmental significance. This includes penalties associated with cats being found in the CPA.

It should be noted that in regards to cats within Bindaring Park, in the 2018 fox activity survey of the Ashfield Flats, Bindaring and Pickering Parks, only six cats were identified on the trail cameras in the Bindaring and Pickering Park area. For the week of trapping, it was noted that no fox activity was witnessed and one cat was reported by a resident in a trap, however as the cat was not in the trap when the Ranger attended the site, it is not known if the cat was owned or unowned.

In any event, the CPA is considered warranted given the environmental significance of the area.

Should Council not proceed with a CPA, cats may be dealt with under the general provisions of the Act for cats in public places, meaning they may be seized if it is believed that they are not registered, sterilised or microchipped. It should be noted that under the Act, it is not an offence for a cat to be in a public place, unless it is not registered, microchipped or sterilised.

Additional Provisions

The draft local law also includes the following:

- an inclusion of an offence for a cat to be in a place that is not public i.e. private property. By including this clause and associated penalty, officers would have more options to deal with cats entering private property without the consent of the property owner or occupier.
- The nuisance provisions provide clearer direction for reporting and actioning nuisance cat complaints.
- The limitation on the number of cats that may be kept clause has been reviewed for clarification and to include references to the provisions under the *Cat (Uniform Local Provisions) Regulations 2013*.

Conclusion

The draft local law is considered to reflect best practice, current community expectations and that updated legislative provisions are included. The inclusion of a CPA for Bindaring Park will also ensure this area is generally free from cats, which can cause damage to this environmentally significant area.

Statutory Requirements

The process for making a local law is governed by section 3.12 of the *Local Government Act 1995*. In accordance with section 3.12(2) the purpose and effect of the proposed local law is as follows:

- The purpose of the proposed Cats Local Law is to encourage responsible cat ownership and to provide for the effective management of cats within the Town of Bassendean in relation to places that are not public places, nuisance, number of cats at a premise and cat prohibited areas; and
- The effect of the proposed Cats Local Law is that persons who own or keep a cat within the Town of Bassendean are to comply with the provisions of this local law.

Should Council proceed with reviewing the local law, the draft local law will be required to be advertised for a minimum of 42 days. The Town intends to undertake advertising and consultation in the following manner:

- Providing notice on the Town's website and by making a copy of the local law available for inspection at the administration centre.
- Publish a notice in the West Australian newspaper;
- Ensuring a copy of the proposal local law is publicly available for inspection at the Customer Services Centre and Library;
- Writing to residents in proximity to proposed cat prohibited area; and
- Providing a copy of the proposed local law to the Minister for Local Government.

Following conclusion of the advertising and consultation period, Council will be required to consider any submissions prior to resolving whether to make the proposed local law.

Financial Considerations

The costs of advertising the draft local law can be met within the 2020/21 budget. The costs of advertising are likely to be approximately \$750, with additional costs for gazettal should the draft local law be adopted.

The implementation of the Cat Local Law being made would be a separate cost and for consideration in the budget.

Risk Management Implications

Failure to undertake the periodic review of the local law would constitute a breach of the *Local Government Act 1995*.

Officer Recommendation – Item 7.2

That Council advertises the draft Cats Local Law attached to this report, in accordance with section 3.12 of the *Local Government Act 1995*.

Voting requirements: Simple majority

Item No. 7.3	Fencing Local Law 2013 – Periodic Review
Property Address	N/A
Landowner/Applicant	N/A
File Ref	LAWE/LOCLWS/2
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes 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. 3	Fencing Local Law 2013

Purpose

The purpose of this report is for Council to consider the periodic review of the *Fencing Local Law 2013*.

Background

On 26 November 2013, Council adopted the *Fencing Local Law 2013*, which prescribes requirements relating to fences, including:

- Maintenance of fences;
- Defining a sufficient fence; and
- Prescribing offences and penalties.

Section 3.16 of the *Local Government Act 1995* requires that local laws are reviewed within an eight year period after their commencement, to determine if they should remain unchanged or be repealed or amended. The *Fencing Local Law 2013* requires review by November 2021.

Communication and Engagement

No consultation has been undertaken.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Whilst the *Dividing Fences Act 1961* largely deals with fences, it does not define what constitutes a sufficient fence. As such, the local law is required to remain in place to ensure minimum standards for fencing are provided. For this reason, it is not proposed to revoke the local law.

It is not proposed to amend the local law, as it is considered fit for purpose. It is not considered necessary to insert design requirements as these are largely dealt with by *State Planning Policy 7.3 – Residential Design Codes*, or relevant local planning policies (i.e. prescribing garrison fencing in industrial areas via *Local Planning Policy No. 6 – Industrial Development*)

Statutory Requirements

The process for amending a local law is set out in the *Local Government Act 1995*.

Should Council proceed with reviewing the local law, the Town must advertise the local law for a minimum of 42 days. It is intended to undertake advertising via the Town's website and by making a copy of the local law available for inspection at the administration centre.

Following conclusion of the advertising period, Council will be required to consider any submissions prior to resolving whether or not it considers the local law should be repealed or amended.

Financial Considerations

Nil.

Risk Management Implications

Failure to undertake the periodic review of the local law would constitute a breach of the *Local Government Act 1995*.

Officer Recommendation – Item 7.3

That Council, pursuant to Section 3.16 of the *Local Government Act 1995*, undertakes the periodic review of the *Fencing Local Law 2013* and notes that the local law will be advertised for a minimum of 42 days, before being subsequently considered by Council.

Voting requirements: Simple Majority

Item No. 7.4	Use of Youth Services Centre
File Ref	WSTMNGT/SVPROVN/3
Directorate	Sustainability and Environment
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licenses (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	Nil

Purpose

For Council to consider providing use of a storage space at the Youth Centre by one of the Town's volunteer sustainability groups, Repair Café Bassendean, at no charge.

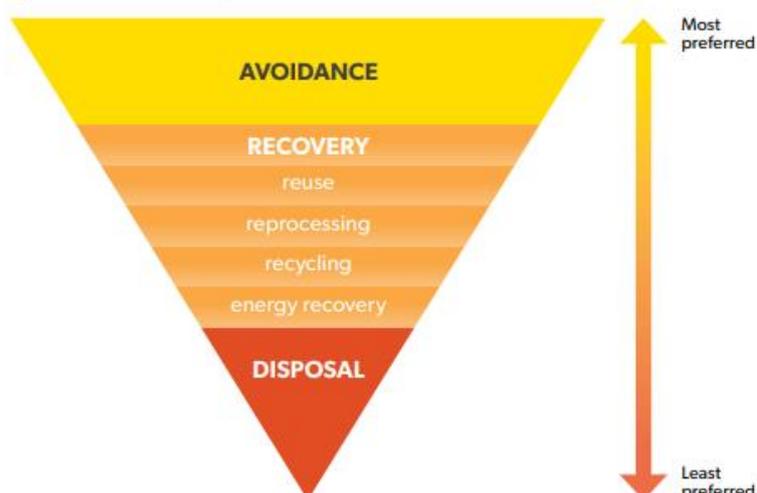
Background

The Town has received a request from the Repair Café Bassendean (a Town of Bassendean sustainability volunteer group) to use a storage space at the Youth Centre.

Post-consumer waste has become a significant economic and environmental problem for local government and this partly stems from a shift in behaviours to discarding broken items, rather than repairing them. Barriers to repairing items include the cost of professional services being higher than replacement costs of an item and access to specialist tools, skills and knowledge to facilitate repair. Repair Café provide tools, materials and skills to support the Town of Bassendean community to repair a range of everyday goods such as clothes, furniture, electrical appliances, bicycles, toys etc.

Repair Café Bassendean has additionally asked to use the Youth Centre facility for three (3) hours once a month, to host a repair event for the community. In the future, the group has also considered developing a 'library of things', providing an opportunity for people to borrow tools for a project, rather than having to buy it.

As part of Western Australia's Waste Strategy 2030, Recovery (including repair) is the second most preferred waste management option.



The Town of Bassendean Waste Plan and Corporate Business Plan also support the outcomes of the Repair Café in its objectives:

- 2.1. Initiate and drive innovative waste management practices; and
- 2.3.1 Increase community support for sustainability considerations.

The Repair Café, a not-for-profit incorporated association, has requested that the Town consider supporting the organisation by providing space to store their materials they use as part of the Repair Café. Significant effort is used by the group to store, pack, unpack and transport the repair materials to their various events. Supporting the group with storage of their materials in one location will facilitate members to spend more of their time on sustainability outcomes, and less on lower value logistical work. This is an important aspect in supporting the longevity and preventing burn out of community group members.

Proposal

The Youth Centre has a small storage area, which is suitable for this activity, however, the area would have a limited potential for an alternative purpose. The Manager Youth Services has indicated that supporting the storage of the Repair Café materials at this site can be accommodated and will have an immaterial effect on the running of the centre's main community activities.

The storage area would not normally be available for lease, due to its limited usability.

Communication and Engagement

Due to the minor nature of this request and the proposed activity supporting the Town's Strategic Community Plan, officers would 'inform' the community of the use (under the IAP2 spectrum of community engagement).

Strategic Implications

Direction	Potential Strategies	What Success Looks Like
Demonstrate strong leadership in waste reduction and carbon neutrality	Initiate and drive innovative waste management practices	SHORT TERM • State Government targets are met • Waste generated per capita is reduced by 10% LONG TERM • 70% of waste is diverted from landfill by 2030 • On track to achieve carbon neutrality by 2030
Foster an empowered community that drives sustainability	Increase community support for sustainability considerations	Increased community support for sustainable initiatives

Comment

The Repair Café has developed a good reputation in the Town developing a positive relationship with the community and the Town’s administration. The Repair Café has also already established bonding social capital (the social capital that occurs between groups).

Based on the latter two elements and that the group is supporting sustainability objectives of the Town’s Strategic Community Plan, Officers propose that storage at the Youth Centre for materials, and occasional ‘repair events use’ of the Repair Café be approved for a 2 year period. It would be expected that a review would be completed at the end of this time to help formally support the expected community benefits.

Statutory Requirements

Nil

Financial Considerations

The storage of the materials in this storage room are at the opportunity of other uses, albeit limited.

Officer Recommendation – Item 7.4

That:

1. Council approve the Repair Café Bassendean to store its materials at the Youth Centre, for a 2 year period;
2. Council approve the occasional use of the Youth Centre for ‘Repair days’, as approved by the Manager of Youth Services; and
3. The Town waive any fees associated with this use.

Voting requirements: Absolute majority

Item No. 7.5	Draft Policy - Purchase and Placement of Memorial Trees and Seats
Directorate	Environment and Sustainability
File Ref	COMR/MEMLS/1
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licenses (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. 4	Draft Policy - Purchase and Placement of Memorial Trees and Seats

Purpose

For Council to consider a policy relating to requests for memorials in parks and reserves.

Background

Officers occasionally receive requests from residents or the family of a deceased resident requesting permission to install a memorial for deceased loved ones in public open spaces. The Council does not currently have a policy position on this matter.

In undertaking a review of other local governments there appears to be different policy responses, based on their own unique geographical and demographic considerations. In saying this, there is often broad concern that relates to transforming parks from public open spaces to permanent memorial sites or ongoing asset liabilities for the local government. This is generally managed through the development of a policy that supports limited memorials at the applicant's expense.

An environmental scan of the Town's Asset needs has identified that there are often community requests for additional seating, and a broader council commitment to increasing the Town's Urban Canopy. Discreet memorials, which support these outcomes, could be argued to provide an increased amenity outcome for the urban form.

Officers are seeking Council consideration and direction on how to respond in the future to this sensitive conversation.

Proposal

The following has been developed for Council consideration:

People will be given the opportunity to apply for the installation of a memorial seat or tree in the Town of Bassendean. This approach is indicated in the attached Purchase and Placement of Memorial Seats and Trees Policy (the Policy).

The Policy provides for the opportunity for a resident or family member to apply for a memorial seat to be installed at the applicants' cost. The applicant would also be responsible for the purchase and installation of a small plaque for installation and an asset by the Town. The actual cost of this is expected to be identified in the annual fees and charges, and at this stage would be \$2,500 a seat.

The Policy would also provide an alternative option for a resident to fund the planting of a tree as part of the annual Urban Forest Planting Program. The tree planting location would not be specified and instead be incorporated in to the larger planting program. The applicant will receive a memorial certificate to identify that a tree has been planted in the Town, in the memory of the deceased person, and that this tree will provide shade, clean air and enjoyment for generations of residents in the Town of Bassendean. The actual cost of this would be identified in the annual fees and charges, and at this stage would be \$300 a tree. This cost includes, planting an established tree, its maintenance for 2 years, labour and a memorial certificate.

Communication and Engagement

The item has been developed in response to various community requests for memorials for deceased family members.

Strategic Implications

Direction	Potential Strategies	What Success Looks Like
Create a community closely connected to its history and heritage	Maintain and share the historical stories of the Town of Bassendean	Create a community closely connected to its history and heritage
Creating an environment where people feel welcome and safe	Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)	Creating an environment where people feel welcome and safe

Comment

Officers receive enquiries from residents in relation to the matter at the time of their loved ones' death, which is always a distressing and sad time. At present, Officers have responded to the requests on a case-by-case basis.

Statutory Requirements

Local Government Act 1995 – s. 6.16 that refers to the setting of fees.

Financial Considerations

Whilst the applicant receives a perceived value in remembering their loved one in the public space, the Town receives the benefit of more trees or seats provided in its urban form.

Officer Recommendation – Item 7.5

That:

1. Council adopt the Purchase and Placement of Memorial Seats and Trees Policy, as attached to this report; and
2. The service fees and charges be considered as part of the 2021/22 draft budget.

Voting requirements: Absolute majority

Item No. 7.6	Town of Bassendean History Book
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	COMS/LPIAC/4
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 checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 1	History Book Comments

Purpose

The purpose of this report is for Council to consider and make a determination on whether or not to publish the history book of the Town of Bassendean from the 1970's to the present day. (The completed document that was received by the Town deals with the period of history up until June 2012.)

Background

The idea behind the commissioning of the work in 2011, was to develop a history of the Town that dealt with the events from the 1970's and followed on from the work completed by Jennie Carter. (The Town had commissioned that work in 1982.)

The Town at its Ordinary Council Meeting in April 2011 considered the potential to research into and publish a history of the Town from the early 1970's to the present day. The idea to update the existing history was raised as a notice of motion at the June 2010 meeting of the Bassendean Local Studies Collection Management Committee (a former Committee of Council).

The matter was raised once more at the October 2010 Committee meeting when a report was called for that included indicative costings for a review and update of the Jennie Carter history.

Further Committee meetings in November 2010 and February 2011 progressed the matter and the Committee resolved at the February 2011 meeting to prepare a report for Council's consideration on the desirability and indicative cost of a publication covering the period of history.

The drivers for the proposal included that the period of history had seen a number of significant changes in the Town such as the development of Eden Hill and Ashfield; the encroachment of the inner city; the Town's centenary, and the increased role of women on Council; and the potential for amalgamation in the future. The Town specific history would likely reflect the Town's development and character as an entity particularly bearing in mind if it was to become part of a larger local government (based upon the former amalgamation agenda).

In April 2011, Council resolved to support the commissioning of further research and documentation of the Town's history from the period of the 1970's to the present day.

Council resolved the following:

- “1. Council agrees with the concept of undertaking further research and documentation of the Town's history since the 1970's;
2. The Local Studies Collection Management Committee be requested to advise on the establishment and structure of a Project Team; and
3. The Local Studies Collection Management Committee be asked to develop a timeframe for the project and that a budget item of \$95,000 be included for consideration in the 2011/12 budget deliberations.”

The Local Studies Collection Management Committee (LSCMC) was to advise on the establishment and structure of a project team and develop a timeframe for the project.

In December 2011, the Town requested expressions of interest for membership on the History Review Steering Group (HRSG) that would oversee the project. The HRSG was a Steering Group that was overseen by the LSCMC.

In February 2012, the HRSG was formed and was comprised of members of Council, the community and an officer of the Town.

In May 2012, the Town requested a tender provision for author/historian services.

By June 2012, Council had appointed an author. The Council report from June 2012 stated for the work to be an “*accurate and an unbiased account and record all important historical events connected with the Town of Bassendean district and its inhabitants. The preference is for a 'Readable History' rather than overly scholarly work.*” The work would include all important historical events from 1 January 1970 to 30 June 2012.

During 2012 – 2014 chapters were presented to the HRSG with the final chapter sent in June 2014. In February 2015, the HRSG met to review the final draft version. In April 2015, the HRSG met and resolved to engage an independent editor to edit the manuscript, to prepare it for publication.

A request for quotation was advertised by the Town in December 2015 and the editor was engaged in March 2016. The author was not involved in the edit of the work.

In May 2016, the author sent a final draft of the manuscript to the Town.

During this time, concerns were raised by the group, that part of the book could leave the Town open to an action for defamation.

The Town sought independent legal advice on the issue. Advice received suggested further edits be made to the book. The document was sent in January 2019 to the editor to complete those changes.

The Town received the edited copy in April 2019.

Proposal

That Council resolves:

1. not to publish or make available the history book commissioned in April 2011; and
2. the Town of Bassendean does not commission any further local histories by third parties.

Communication and Engagement

Councillors have previously been advised by the Administration on the appropriateness of publishing the manuscript .

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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 	SHORT TERM <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
---	---	---

Foster an environment of innovation and leadership	<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 	SHORT TERM <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 LONG TERM <ul style="list-style-type: none"> • Recognition of excellence by other organisations
--	--	---

Comment

This report does not seek to critique the content of the author’s work, nor the edit that was made to the work. The report deals with the unique issues that publication of the work may present for the Town of Bassendean and the potential risks that may be associated with that publication. Further comment is provided in the Confidential Attachment.

Council had requested that the work should be a *‘Readable History’ rather than overly scholarly work.*”

The work that was commissioned presents as a social commentary rather than a historical text. This is not an adverse reflection on the quality of the work provided by the author, but rather the anecdotal references tend to detract from the history.

Social commentaries are difficult to present as they tend to be contentious and reflective of an individual’s perspective. They are based on the memories of the individuals involved and they may cause disputes as to the accuracies associated with the events reported. These comments may reflect poorly on the Town and it is unrealistic that the Town would be desirous to expend further funds to revisit the material and/or seek to publish such a document.

Cost

In terms of the costs attributed to this history book, the Town paid a total of \$99,999.96 to Dr Glen McLaren (author) in 23 payments between July 2012 and July 2014 and a total of \$7,800 to John Hall (editor) in 5 payments between March 2016 and January 2019. There was also legal advice sought from McLeods regarding potential defamation at a cost of \$5,701.52 dated 30 August 2018. In addition, there has been the cost of staffing resources since the conception of this project.

Conclusion

A recommendation to Council not to publish the document is not made lightly. The book cost a significant amount. To have it prepared so that it might be published would require further funds and staff time. The book is already heavily edited and further edits would be expected in order to present a document that could be published in this current day.

For future purposes, the Town should reconsider its role in the formal publication of local histories by third parties as these require significant cost and oversight, and limited control for the Town over the final content that is provided.

Statutory Requirements

Copyright Act.

Financial Considerations

Should Council decide to progress with the publication of the manuscript, there will be further costs associated with editing the document, and further legal costs to determine the attribution of authorship of the final work.

If published, there is the risk of potential dispute as to unauthorised use of the content, and the potential liability associated with contentious content that may remain in the work.

Risk Management Implications

Publication of the manuscript in its present form has the potential to damage the reputation of the Town, and/or cause offence to those individuals mentioned in the book or their families. Further editing of the document is also likely to require a procedural fairness process to be applied for all those referenced in the book where there may be adverse reflection to enable the opportunity for comment to be considered prior to proceeding further.

There are also risks associated with the attribution of authorship in the work, which may be mitigated by appropriate legal advice but which remain nonetheless.

Officer Recommendation – Item 7.6

That Council resolves:

1. Not to publish or make available the history book commissioned in April 2011; and
2. That the Town of Bassendean does not commission any further local histories by third parties.

Voting requirements: Simple majority

Item No. 7.7	General Meeting of Electors - Notices of Motion
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/CCLMEET/1
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. 5	Minutes of the General Meeting of Electors held on 17 March 2021

Purpose

The purpose of this report is for Council to consider the notices of motion that were passed at the General Meeting of Electors (GME) held on 17 March 2021.

Background

On 17 March 2021 two notices of motion were passed at the General Meeting of Electors by those electors that were present. These motions were as follows –

Motion 1

MOVED Don Yates, Seconded William Bosworth, that the Electors of the Town of Bassendean seek to change the procedure to elect the person to occupy the position of Mayor to a popular vote at the same time and with a similar method as the selection of candidates to fill Councillor vacancies, (such as a postal election system), an event usually every two years, allowing electors the opportunity to consider possible past performance of such Mayoral candidates and to select possible future directions for the community for the following two years.

CARRIED 8/3

Motion 2

MOVED William Bosworth, Seconded Don Yates, that the Town of Bassendean reverts to a Ward based Councillor system.

CARRIED 8/3

These are discussed in detail below.

Proposal

That Council notes the notices of motion that were passed at the General Meeting of Electors held on 17 March 2021.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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 	SHORT TERM <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
Foster an environment of innovation and leadership	<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 	SHORT TERM <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 LONG TERM <ul style="list-style-type: none"> • Recognition of excellence by other organisations

Comment

Motion 1

This motion dealt with changing the method of voting for the position of Mayor from elected by the Council to popular election by the electors of the district. Under section 2.11(2) of the Act, *Alternative methods of filling office of mayor or president*, a local government may change the method of filling the office of mayor used by the local government from the election by the council method to the election by the electors method by an absolute majority of the Council. Alternatively, Council is required to consider a proposal under s. 2.12(1) made to the local government by electors of the district who —

- (a) are at least 250 in number; or
- (b) are at least 10% of the total number of electors of the district,

and the proposal is to comply with the regulations.

At the GME, the electors spoke both for and against the motion. Arguments for the motion were that the electors would directly choose the Mayor thereby having a say in who was elected to the position; whereas arguments against were that the direct election of the Mayor by the electors could mean that the election might simply be a popularity vote that would favour candidates who had the financial resources to fund a campaign. Emphasis was placed on the fact that the Council, as the elected representatives of the district, were well placed to consider the merits of the individuals who nominated for the position of Mayor and could be trusted to make the decision on behalf of the district. A decision on whether to change the method of filling the office of Mayor would be one for Council to consider. There is no favoured approach under the Act. The Act allows for either method to be undertaken.

The election of the mayor through a popular vote would have a financial impact on the local government as the conduct of the election by the Electoral Commission would need to be included in future local government elections.

Officer Recommendation

That the Council notes motion 1 carried at the General Meeting of Electors held on 17 March 2021 and resolves not to change the method of voting of the Mayor from election by Council to election by electors at this time.

Motion 2

Until 2011, the Town has a ward system. The Town was divided into three wards – West, East and North. This system was abolished in favour of the present system. While a ward system is utilised in other local governments, wards are not generally used in smaller local government districts that do not have large elector numbers or a large local government district. The reintroduction of a ward system would possibly need to reconsider the number of councillors to ensure parity of elector representation.

An increase in the number of Councilors will have a financial impact on the local government in terms of allowances.

It should be noted that the argument that a ward system would allow for electors in a ward to have their own representative who would pursue the interest of their ward on Council, is not one supported by the *Local Government Act 1995*. Section 2.10 of the Act states that the role of a Councillor is to represent the interests of electors, ratepayers and residents of the district. This refers to the whole of the district not only the ward. Should a Councillor be seen to represent simply the interests of their ward, then they would not be fulfilling their role as a Councillor.

Where a ward system is advantageous is in the encouragement of diversity on a Council. For example, where there are vast distances in a local government area it allows for representatives from other localities to be included on the Council. Councillors therefore do not come from one particular area or class of individual and bring with them diverse backgrounds or knowledge of particular issues in the district.

Officer Recommendation

That the Council notes motion 2 carried at the Annual General Meeting of Electors held on 17 March 2021 and resolves not to make a submission to the Local Government Advisory Board to divide the district into wards.

Statutory Requirements

The *Local Government Act 1995* s. 5.33 states –

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Alternative methods of filling office or mayor or president

Local Government Act 1995 s. 2.11 – 2.16

Local Government (Constitution) Regulations 1998 regulation 11.

2.11. Alternative methods of filling office of mayor or president

(1) *When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —*

- (a) *elected by electors of the district under Part 4; or*
- (b) *elected by the council from amongst the councillors under Schedule 2.3, Division 1.*

(2) *A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

** Absolute majority required.*

(3) *A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.*

(4) *The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.*

2.12. Electors may propose change of method

(1) *A proposal to change the method of filling the office of mayor or president used by a local government to the other method mentioned in section 2.11(1)(a) or (b) may be made to the local government by electors of the district who —*

- (a) *are at least 250 in number; or*
- (b) *are at least 10% of the total number of electors of the district.*

(2) *The proposal is to comply with any regulations about such proposals.*

(3) *If the proposal is to change the method of filling the office of mayor or president from the election by the council method to the election by the electors method, consideration is to be given to the proposal by such means as the council thinks fit after which a motion to change the method of filling the office of mayor or president is to be put to the council for decision under section 2.11(2).*

Wards and representation

Local Government Act 1995 Schedule 2.2.

Local Government (Constitution) Regulations 1998 regulation 10.

Financial Considerations

Nil.

Risk Management Implications

Failure to consider the notices of motion that were passed by the electors at the General Meeting of Electors held on 17 March 2021 will place the Council in breach of s. 5.33 of the *Local Government Act 1995*. Breach of the statutory obligation will place the Council at risk of reputational damage and possible censure from the Department.

Officer Recommendation – Item 7.7

That Council:

1. Notes Motion 1 and 2 of the General Meeting of Electors held on 17 March 2021;
2. Resolves not to change the method of voting of the Mayor from election by Council to election by electors at this time; and
3. Resolves not to make a submission to the Local Government Advisory Board to divide the district into wards.

Voting requirements: Simple majority

Item No. 7.8	Code of Conduct - Council members, Committee Members and Candidates
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. 6	Code of Conduct - Council members, Committee Members and Candidates.

Purpose

The purpose of this report is for Council to adopt the Council Members, Committee Members and Candidates Code of Conduct.

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* and the Town of Bassendean Code of Conduct as it relates to Council and Committee members. 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 (3 May 2021). In accordance with section 5.104(5), the Model Code will apply until the Town adopts its own Code.

Proposal

That Council resolves to adopt the Council Members, Committee members and Candidates Code of Conduct.

Communication and Engagement

The Department of Local Government, Sport and Cultural Industries has advised local governments that they are required to adopt the Model Code of Conduct by 3 May 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 Town has prepared a Council Members, Committee Members and Candidates Code of Conduct that has as its basis the model code of conduct as contained in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*. No amendments have been made to the Code of Conduct. It is intended that the Code of Conduct will be reviewed in 12 months to determine if any additional provisions are required.

Statutory Requirements

Local Government Act 1995 section 5.104.

5.104. Adoption of model code of conduct

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

The *Local Government (Model Code of Conduct) Regulations 2021* Schedule 1.

Financial Considerations

Nil.

Risk Management Implications

Failure to adopt the Model Code of Conduct will place the Town in breach of its statutory obligation under s. 5.104 of the *Local Government Act 1995*. This will have consequence for the Town's reputation within the sector and with its community.

Officer Recommendation – Item 7.8

That Council adopts the Council members, Committee members and Candidates Code of Conduct as attached to this report.

Voting requirements: Absolute majority

Item No. 7.9	Implementation of Differential Rates
Property Address (if applicable)	Various
Landowner/Applicant (if applicable)	Various
File Ref/ROC	RAT & Vac/ FEECHAG/3
Previous Council Reports (if applicable)	18 June 2019 23 July 2019 20 August 2019 3 September 2019 10 September 2019
Directorate	Corporate Services
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 7	Proposed Differential Rates 2021/2022 – Statement of Objects and reasons for the proposed differential rates

Purpose

The purpose of this report is to obtain Council approval to advertise the differential rates proposed for inclusion in the 2021/22 Annual Budget.

Background

Council has shown interest in exploring options for the implementation of differential rates that impose a higher rate in the dollar on vacant land, since 2018. Council approved differential rates for the purpose of advertising at a Special Council meeting on 18 June 2019. While Council initially adopted differential rates for inclusion in the 2019/20 Annual Budget, Council subsequently resolved to apply a general rate in the dollar and minimum payment.

Council sought a further report on differential rating for consideration in advance of workshops for the 2020/21 Annual Budget. Council resolved at its Ordinary Council Meeting on 28 April 2020 to defer consideration of the imposition of differential rating until the 2021-22 Annual Budget, as part of a raft of measures in response to the COVID-19 pandemic.

Proposal

That Council approves the differential rates and minimum payment for 2021/22 for advertising by public notice, as follows:

Rating Category	Rate in Dollar	Minimum Payment
Improved – Residential, Commercial and Industrial (GRV)	8.4895	\$1,106
Vacant Land – Residential, Commercial and Industrial (GRV)	12.7342	\$1,106

Communication and Engagement

A report on differential rates that included various differential rating models and a comparison of differential rating regimes at other metropolitan local governments, was provided to Councillors via the CEO Bulletin, on 30 October 2020 and discussed at a workshop on 3 November 2020. At that workshop, some Councillors expressed interest in further considering differential rates and sought further modelling, particularly to combine all vacant land into a single differential rating category to determine whether that may result in further models meeting the 50% minimum payment requirement.

The report on differential rates was updated to include further modelling, provided to Councillors via the CEO Bulletin, on 1 April 2021 and discussed at a workshop on 13 April 2021. Discussion at that workshop has informed the differential rates proposed for advertising presented in this report, calculated using the following parameters:

- An increase in the rate in the dollar from 2020/21 of 2%;
- A premium of 50% for vacant residential, commercial and industrial land; and
- A cap on the minimum payment for all differential rating categories to that levied in 2019/20.

Importantly, the differential rates proposed for inclusion in the 2021/22 Annual Budget will be advertised in accordance with the *Local Government Act 1995* and submissions invited. The Town will also write to all vacant land owners and advise of the proposed differential rates and the consequential effect on the rates for their property. A report will be prepared for Council following the closing date for submissions. Council may adopt the proposed differential rates with or without modification.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The Town's recently adopted Strategic Community Plan (SCP) has as one of its priority areas to create a vibrant town and precincts, by encouraging activation and development in the town centre and around the Town's three train stations. The draft Local Planning Scheme, submitted to Council in November 2020 for approval to advertise, supports the SCP through a range of planning initiatives, including substantial increases to zoning in some areas to encourage development. Finally, the Town is currently developing a masterplan for the town centre, to facilitate and guide development and economic recovery.

In considering the introduction of differential rates at the Town, Council has considered its strategic objectives and determined the objects and reasons for the proposed differential rating categories in that context. The proposed differential rating model is designed to achieve those objectives, while protecting the Town's rates revenue base.

In proposing a higher rate in the dollar for vacant land within the Town, Council is seeking to encourage development, as the Town considers the development of all vacant rateable land to be in the best interests of the community, to stimulate growth and development and improve the vibrancy of the Town. The Objects and Reasons for the Proposed Differential Rates are detailed in the attachment to this report.

Statutory Requirements

The requirements of the *Local Government Act 1995* (the **Act**) and *Local Government (Financial Management) Regulations 1996* (the **Regulations**) may be summarised as follows:

- A local government may, by absolute majority, resolve to impose differential rates as part of the annual budget (section 6.32 of the Act)
- Differential rates may be based on zoning, land use, whether the land is vacant, situated in a townsite or in a particular district (section 6.33 of the Act; Reg 52A(2))
- Provide budgeted revenue of between 90% and 110% of the estimated budget deficiency (section 6.34 of the Act)
- Ensure the minimum payment in any rating category is not imposed on more than 50% of properties in that category (section 6.35 of the Act; Reg 52)
- Comply with the advertising requirements of section 6.36 of the Act:
 - give local public notice, in the two months preceding the start of the financial year;
 - publish the objects and reasons for each proposed rate and minimum payment;
 - include details in the local public notice of each rate and minimum payment in the public notice and invite submissions, allowing at least 21 days;
 - advise in the public notice the place the objects and reasons can be inspected and that the objects and reasons are published on the website; and
 - consider any submissions received.

The Act also states that a local government cannot impose a differential rate that is more than twice the lowest differential rate, without the approval of the Minister for Local Government.

Financial Considerations

All Local governments must prepare and adopt an Annual Budget between 1 June and 31 August for the following financial year. In doing so, the local government must prepare a detailed estimate of expenditure and revenue (independent of rates) to arrive at the deficiency to be made up by the levying of Council rates.

For 2020/21, the Town budgeted for rates revenue of \$13,474,356 from 7,308 rateable properties. With the proposed differential rates, the expected rates revenue for 2021/22 is \$13,820,979 from 7,335 rateable properties.

For 2020/21, the Town budgeted for 2,397 (32.8%) properties being subject to the minimum payment of \$1,106. With the proposed differential rates, it is expected that 2,072 (28.2%) properties will be subject to the minimum payment.

Whilst work on the 2021/22 Draft Annual Budget has commenced, the expected budget deficiency is not yet known. Should Council resolve to adopt differential rates following advertising and consideration of any submissions received, the expected additional revenue to be raised from differential rates will be taken into account when calculating the general rate in the dollar required to fund the budget deficiency.

Risk Management Implications

There is a risk that the imposition of differential rates will not achieve the objectives sought by Council.

Officer Recommendation – Item 7.9

That Council:

1. Approves the differential rates and minimum payment for 2021/22 for advertising by public notice, as follows:

Rating Category	Rate in Dollar	Minimum Payment
Improved – Residential, Commercial and Industrial (GRV)	8.4895	\$1,106
Vacant Land – Residential, Commercial and Industrial (GRV)	12.7342	\$1,106

2. Endorses the Objects and Reasons for the Proposed Differential Rates for 2021/22, attached to this report.

Voting requirements: Absolute majority

Item No. 7.10	Monthly Financial Report – March 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</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 8	Monthly Financial Report March 2021

Purpose

The purpose of this report is for Council to receive the monthly financial report for March 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 March 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 Statement of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the month ending 31 March 2021.

Statement of Financial Activity (by nature or type)

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

Item	Original Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	21.6	21.6	0.16
Expenditure	26.9	20.5	18.3	11.02
Capital Works	6.4	5.0	2.6	49.03
Non-Operating Grants, Subsidies and Contributions	1.8	0.6	0.3	(43.54)

Operating Revenue

Revenue year to date is 0.16% above budget.

Operating grants, subsidies and contributions are above budget due to senior's grants over budget.

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

Operating Expenditure

Expenditure year to date is 11.02% 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, administration costs and operational projects.

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

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

Loss on Disposal of Assets

Expenditure year to date is 12.75% under budget.

This is due to the timing of disposal of other assets.

Non-Operating Grants, Subsidies and Contributions

Revenue year to date is 43.54% 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 March 2021 is \$7 million. The reserve summary shows all movements to and from the 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 \$19.1 million. The major components of which are cash and cash equivalents of \$16.6 million and trade and other receivables of \$2.6 million. Current liabilities total \$7.1 million. The major components are trade and other payables (including bonds and deposits) of \$4.3 million and employee provisions of \$2.2 million.

Statement of Cash Flows

Net cash provided by operating activities is \$4 million and net cash used in investing activities \$0.6 million.

Monthly Investment Report

The overall balance of the Town's investments is \$14.3 million. This is comprised of municipal investments of \$6.6 million (including restricted cash), reserve investments of \$7 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 56% of its funds invested in non-fossil fuel ADIs.

Budget Amendments

The following budget amendment is proposed.

Jubilee Place – Road resurfacing and minor drainage works

The roads sealed surface is close to the end of its physical life. Resurfacing is required to restore the life of the road surface and avoid water ingress into the underlying road pavement. The drainage lid replacement and kerb sections replacement is also required.

There is risk that damage to the road pavement could occur through water ingress. If this happens, the cost of renewing the road will then be more expensive.

The cost of the project is \$46,795, which is fully funded by grant funds – Roads to Recovery.

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 7.10

That Council receive the monthly financial report for March 2021.

Voting requirements: Simple majority

Item No. 7.11	Accounts Paid – March 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. 9	List of Payments

Purpose

The purpose of this report is for Council to receive the list of payments for March 2021.

Background

Payments made during March 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 March 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,	<ul style="list-style-type: none"> Build understanding and support for the vision and Strategic Community Plan 	SHORT TERM <ul style="list-style-type: none"> Openness and transparency of decision making Enhanced staff morale

administration and the community	<ul style="list-style-type: none">• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations• Create an organisational culture of performance, innovation and excellence• Develop shared values between Council, administration and the community	<ul style="list-style-type: none">• 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 7.11

That Council receive the list of payments for March 2021.

Voting requirements: Simple majority

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.0 CONFIDENTIAL BUSINESS

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

Item No. 9.1	Community Awards
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	COMR/AWADP/2
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.

<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 2	<ul style="list-style-type: none"> • Council Policy 5.2 – Community Awards • Nomination forms

Purpose

The purpose of this report is for Council to determine the recipients of the inaugural 2021 Town of Bassendean Community Awards.

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

Item No. 9.2	Expression of Interest for the Staging of Markets in the Town of Bassendean
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	ECOD/EVMNGT/2
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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.
Confidential Attachment No. 3	<ul style="list-style-type: none"> • EOI Submission – Rotary Club of Midland Swan Valley Inc and Chaos Theory Events • Assessment of EOI Submission in Comparison to Current Markets Staged. • EOI Engagement Plan • References

Purpose

The purpose of this report is for Council to consider responses received from the recent Expression of Interest (EOI) process conducted for the staging of markets in the Town of Bassendean.

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

10.0 CLOSURE

The next Briefings Session will be held on Tuesday 18 May 2021, commencing at 6.00pm.