

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 17 August 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 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

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	Jubilee Reserve Masterplan
Property Address	N/A
Landowner/Applicant	N/A
Ref	
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 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	Draft Jubilee Reserve Masterplan (To be finalised)

Purpose

The purpose of this report is for Council to consider adopting the draft Jubilee Reserve Masterplan.

Background

In July 2020, Council adopted the 2020/21 Budget, which included \$40,000 for the preparation and finalisation of a masterplan for Jubilee Reserve, Eden Hill.

In late 2020, the Town appointed consultant Tredwell Management Services to prepare the draft masterplan.

Proposal

For Council to adopt the draft Jubilee Reserve Masterplan.

Communication and Engagement

Consultation was undertaken by way of the following:

- Site visit with Town staff.
- Face to face meetings with current user groups at Jubilee Reserve, which were done via Zoom due to a snap lockdown during the consultation period.
- Electronic club specific survey completed prior to face-to-face meetings.
- Electronic community survey completed by the surrounding residents and wider community.
- Prospective user groups also had face to face meetings via Zoom to indicate further uses for the reserve and subsequent facilities.

The online surveys alone resulted in 503 submissions, which demonstrated that Jubilee Reserve is highly valued by the community for its large open space, natural environment and the sense of community it creates. It is utilised regularly by a range of different passive recreational user groups (e.g. dog walking, jogging/running) and organised sporting clubs. The infrastructure on Jubilee Reserve was identified as poor and requires significant upgrades to accommodate a larger section of the community. The majority of user groups/clubs support a collaborative management agreement for the new facility.

Early in the club/user group consultation, the idea of relocating the new facility to the centre of the reserve was raised. Support for this waned after the effects of prevailing weather conditions and cost implications were explained and the existing site was largely supported. The existing playing surface layout was also largely supported.

In terms of engagement with Councillors, the matter was discussed at a workshop on 24 February 2021, prior to the commencement of public consultation. Following the public consultation, the matter was discussed at a Councillor Workshop on 3 August 2021, where three options were presented.

Based on the broad feedback from Councillors in attendance, Option 2 (which included two indoor basketball courts) was identified as the preferred option, and is now the subject of this report.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities) Leasing, Licensing and Hiring Strategy 	SHORT TERM <ul style="list-style-type: none"> Increased use of facilities Increased shared use of spaces/diversity of use
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The Town’s Corporate Business Plan 2020-2024 contains the following action:

“Develop Jubilee Reserve Masterplan”

Comment

The draft masterplan is a high-level concept for the redevelopment of Jubilee Reserve, including an accessible, multipurpose facility for the benefit of a range of user groups. It has been prepared based on significant community and user group input and broadly provides for the following:

- The removal of the existing Stan Moses Pavilion.
- The provision of a new multi-purpose facility, incorporating the indoor sports courts as a single stage development.
- The facility includes features such as new universally accessible change rooms and toilets, provision of an umpires room, meeting room and first aid room, additional storage space and car parking, a new servery and kitchen, a large function area, viewing veranda/seating and PVC (solar).
- Scope for the extension of the Bassendean Caledonian Soccer Clubrooms. This option includes features such as provision of additional change rooms, toilets, storage space, first aid room, a new kitchen/kiosk.
- The retention of the current playing fields generally in accordance with the status quo.

It is recommended that Council adopt the Masterplan.

Statutory Requirements

Nil.

Financial Considerations

Nil, in relation to the adoption of the masterplan.

Implementation of the masterplan will be a significant financial undertaking and likely require external funding from other tiers of government. It will be recommended that Council commit up to 25% (up to \$2 million) to the implementation of the masterplan, with the remaining funds to be sourced from external sources.

Risk Management Implications

Failure to adopt the masterplan will compromise the Town's ability to secure external funding to undertake a redevelopment of the reserve.

Officer Recommendation – Item 7.1

That Council:

1. adopts the draft Jubilee Reserve Masterplan;
2. notes that the detailed design of any future facility will be subject to a Council decision and will be based upon, but not necessarily the same as, the concept design contained within the Jubilee Reserve Masterplan;
3. commits up to 25% (up to \$2 million) to the implementation of the Jubilee Reserve Masterplan, as it relates to the replacement of the existing Stan Moses Pavilion and the improvements to the immediate surrounds of the proposed new building (including lighting), with the remaining funds to be sourced from external sources;
4. requests that the Chief Executive Officer advocate to the Federal and State Governments for external funding to enable the implementation of the Jubilee Reserve Masterplan; and
5. advises that the future implementation of the Jubilee Reserve Masterplan, as it relates to the Bassendean Caledonian Soccer Clubrooms, will depend on financial resources, user demand and prioritisation relative to other projects.

Voting requirements: Simple majority

Item No. 7.2	Heritage Conservation Notice – 1 (Lot 223) River Street, Bassendean
Property Address	1 (Lot 223) River Street, Bassendean (Success Hill Lodge)
Landowner/Applicant	Michael John Murphey
Ref	DABC/BDVAPPS/2011-224
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 & 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 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 giving a heritage conservation notice (HCN) to the owner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge), to ensure the maintenance and conservation of the heritage place.

Background

On 27 October 2020, Council resolved to issue a HCN to complete various re-roofing works in accordance with the development approval dated 6 October 2020, and to require the landowner to obtain development approval for (and thereafter carry out) internal conservation works by 30 June 2021.

On 24 November 2020 meeting, Council reconsidered the matter (via a motion of which previous notice had been given), and resolved to revoke the previous resolution and resolve the following:

“2. *That In accordance with Clause 13(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) a Heritage Conservation Notice requiring the landowner to carry out the following in accordance with the development approval dated 6 October 2020 (Ref: 2020-117) by 31 March 2021:*

- *Re-roofing to the main building;*
- *Provide stormwater drainage away from the building;*
- *Replacement of the fascia and guttering of the main roof.*

3. *Request the landowner to lodge an application and obtain development approval for, and thereafter carry out, the following specified repairs to the heritage place in accordance with the Conservation Management Strategy (dated 17 May 2019) by 30 June 2021, specifically:*

- *Repairs to the Dining Room west wall (internally and externally);*
- *Repairs to the double hung windows to the Dining Room;*
- *Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and*
- *Investigation and treatment of time for terminate control,*

by which date, if the works are not substantially commenced a report will be brought back to Council to consider the issuing of a Heritage Conservation Notice for the above works.”

On 2 December 2020, the HCN was issued to the landowner in accordance with Council’s resolution.

In May 2021, the landowner was successful in obtaining \$40,000 in the 2020-21 State Heritage Grants Program for the reroofing works.

Proposal

In accordance with Council’s November 2020 resolution, the purpose of this report is for Council to consider giving a HCN to the owner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) for the following works:

- Repairs to the Dining Room west wall (internally and externally);
- Repairs to the double hung windows to the Dining Room;
- Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and
- Investigation and treatment of time for terminate control.

Communication and Engagement

The following outlines the correspondence between the Town and the owner since the 24 November meeting:

- On 9 April 2021, the Town sought confirmation the works required by Part 1 of the HCN (due 31 March 2021) had been completed.
- On 14 April 2021, the landowner advised that the roofing had been completed, and additional time was required for the downpipes due to tradespeople shortages. The Town requested images of the completed works and requested to be advised once the balance of works were completed. No response was received.
- On 18 May 2021, the Town followed up with the applicant requesting images of the completed works, and advised the applicant that a development application for the balance of the works was required by to be lodged by 30 June 2021.
- On 19 May 2021, the landowner provided images of the completed re-roofing works yet provided no comment on the required development application.

Strategic Implications

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

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

The State Heritage Council had previously awarded \$7,703.00 to fund the preparation of a Conservation Management Strategy (CMS), which was completed in May 2019. The CMS contains a building condition assessment report, which ranks various elements of the building in terms of its condition and priority for maintenance. In addition to the re-roofing works already undertaken, the following actions were also recommended for immediate action (i.e. within one year of the CMS; by May 2020):

- Undertaking repairs to the west Dining Room wall (externally and internally) to address issues of damp;
- Undertaking urgent repairs to four timber double hung windows to the west Dining Room wall where water damage is evident. New ropes and pulleys to all double hung windows. New glass where required;
- Undertaking any essential structural stabilising works to the verandah, as instructed by engineer report;
- Removal of intrusive air vent pipes to verandah as part of reconstruction; and
- Undertaking any works deemed necessary in response to recommendations arising from the thorough termite investigation.

The Town had originally recommended the above works be included in a HCN, however, Council instead resolved to request a development application for approval for the works, on the basis that the external roofing was considered the priority.

The landowner has not entered into discussions with the Town or lodged the required application for development approval for the above works.

The Town's position on the matter remains unchanged from July 2020, in that the significance of the property and the likelihood that it will fall into further disrepair if the works are not undertaken warrant the issuing of a HCN.

The written notice requiring the person to carry out specified repairs to the heritage place is required to specify a time, being at least 60 days. Given the tasks and works required, it is recommended that Council allow until the end of the June 2022.

Statutory Requirements

Clause 13 of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that Council is able to give HCNs that require a landowner to carry out specified repairs to the heritage place by a specified time. It also provides that if the works are not carried out, the Town may enter the site and carry out the repairs and that the expenses incurred may be recovered via the Courts.

Under Section 222 of the *Planning and Development Act 2005*, it is an offence to undertake any development of a Heritage Place without development approval.

Financial Considerations

Should Council issue a HCN and the landowner does not complete the works, it is open to the Town to complete the works. Whilst the Town can seek to recover costs from the owner in this respect, it would represent an upfront cost to Council.

Risk Management Implications

It is open to Council to not issue a HCN however, the items identified in the CMS, would be unresolved.

Officer Recommendation – Item 7.2

That Council, in accordance with Clause 13(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge), a Heritage Conservation Notice requiring the landowner to obtain development approval for, and thereafter carry out, the following specified repairs to the heritage place in accordance with the Conservation Management Strategy (dated 17 May 2019), to be completed by 30 June 2022:

- Repairs to the Dining Room west wall (internally and externally);
- Repairs to the double hung windows to the Dining Room;
- Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and
- Investigation and treatment of time for terminate control.

Voting requirements: Simple majority

Item No. 7.3	Draft Local Planning Strategy and Local Planning Scheme No. 11 – Progress update
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	LUAP/PLANNG/24
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 type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input checked="" type="checkbox"/> Information	For the Council/Committee to note.
Attachment	Nil.

Purpose

The purpose of this report is for Council to note the status of the draft amended Local Planning Strategy and draft Local Planning Scheme No. 11 (LPS 11).

Background

The current Local Planning Scheme No. 10 was originally gazetted on 24 June 2008. The existing Local Planning Strategy came into effect in June 2008 and was updated in February 2015 (endorsed by the WAPC on 9 December 2014). Over the last 16 months, the following has occurred.

- In late 2019 and early 2020, there were a series of discussions between the Town and the Department regarding the review of the local planning framework. The Town's subsequent work on the project was based upon the advice provided in these discussions.
- On 28 April 2020, Council resolve to endorse the Report of Review which recommended that LPS 10 be repealed and a new Scheme prepared in its place, and that the Local Planning Strategy for the Scheme should be reviewed.
- The Western Australian Planning Commission (WAPC) considered the Report of Review, and on 19 June 2020 advised that it accepted the recommendations within the Report.

- On 23 June 2020, Council resolved to prepare a plan for the Bassendean Town Centre. The masterplan project is strategic planning exercise to demonstrate to the community, Council, State Government and potential investors the great outcomes that are possible in the Bassendean town centre.
- On 4 November 2020, Council resolved to adopt the draft Strategy and draft LPS 11 for the purposes of advertising, subject to the various modifications.
- The Town amended the draft documents and draft Scheme map in accordance with Council's resolution, and submitted the documentation to the WAPC for consent to advertise on 18 November 2020.
- In accordance with Regulation 21(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, the WAPC was required, within 90 days (being by 18 February 2021), to examine the documents and advise if it required any modification to the documents required prior to advertising. No response was received by this date.
- On 11 March 2021, the Department of Planning, Lands and Heritage (DPLH) met with the Town to discuss the draft documents.
- On 30 March 2021, the Statutory Planning Committee (SPC) of the WAPC considered the draft Strategy and draft LPS 11 and resolved to:
 - "1. *Note the content of the Town of Bassendean Draft Local Planning Strategy (draft Strategy) and Draft Local Planning Scheme (draft Scheme);*
 2. *Advise the Town of Bassendean that the aspirations set out in the draft Strategy appear to align with the direction of the Central Perth Sub-regional Planning Framework. However, the draft Strategy does not include sufficient detail to allow for consideration by the WAPC or to support the assessment of the draft Scheme.*
 3. *Request that the Town of Bassendean continue to work on the content of the draft Strategy and draft Scheme in collaboration with the Department of Planning, Lands and Heritage to;*
 - a. *Align the draft Strategy with the Local Planning Strategy Guidelines released for consultation by the Department of Planning, Lands and Heritage in February 2021. Including, providing a strategy map or maps;*
 - b. *Provide information and analysis to demonstrate that the Town can meet its minimum dwelling infill target under the Central Sub-Regional Planning Framework;*
 - c. *Provide information demonstrating alignment with the Central Sub-Regional Planning Framework with respect to areas for urban consolidation (centres and urban corridors) and the urban consolidation principles. A map or maps linked to text in the draft Strategy will assist with this;*
 - d. *Clearly articulate the planning directions in the Bassendean Town Centre and the Success Hill station precinct, particularly;*

- i. The extent of the area constituting the Bassendean Town Centre, inclusive of Success Hill; and*
 - ii. Desired future land use and development in these areas and planning framework required to facilitate that development.*
 - e. Provide further information and rationale in relation to the purpose of proposed Special Control Areas for heritage and character protection.*
4. *Request that that the Town review and resubmit revised draft Strategy and Scheme as a matter of priority for the Town.”*
- On 7 April 2021, the Town provided a draft amended Strategy to the DPLH for informal review (amended to address the SPC resolution).
 - On 23 April 2021, the Town met with DPLH staff to discuss any outstanding issues. Town staff summarised the main points raised and provided them to the Department to ensure a shared understanding of what was required going forward and to enable the Town to confidently progress with further changes to the draft documents. The Department confirmed that the summary was correct and accurate and did not identify any further information that would be required.
 - In late April 2021 and early May 2021, there were a series of subsequent discussions between the Town and the DPLH. As part of these discussions, the Town requested that the Department provide frank, specific and detailed comments to ensure that the draft documents would be amended to the Department's satisfaction.
 - On 12 May 2021, the Town provided a further amended draft Strategy to the DPLH for informal review (amended to address comments previously provided by DPLH staff).
 - On 22 July 2021, the Town received broad feedback and comments from DPLH staff. Many of the comments raised new issues or matters that were outside the scope of the SPC's March 2021 decision and were issues and matters that would have been appropriate to raise as part of the discussions in late 2019 and the first half of 2020.
 - Notwithstanding the above, on 2 August 2021, the Town provided a further amended draft Strategy to the DPLH for informal review (amended to address the SPC requirements and the additional comments provided by DPLH staff on 22 July 2021).
 - The Department has committed to provide a response to the Town by 12 August 2021. At the time of drafting this report, no response, nor update, has been received.

Communication and Engagement

Town staff have been engaging with DPLH staff with a view to progressing the draft documents to a point where they can be advertised for public comment, as detailed above.

Comment

As previously detailed, the Town has provided a draft amended Strategy to the DPLH for informal review (amended to address comments provided by DPLH staff on 22 July 2021). A broad overview of those changes are as follows:

- Further information in relation to how the draft documents align with the principles of urban consolidation.
- Designation of the Bassendean Town Centre, so as to align with the Town Centre Masterplan process.
- Further information of the achievement of dwelling targets.
- Removal of the Special Control Area that was proposed to apply to the Success Hill precinct.
- Removal of the Special Control Areas that was proposed to apply to various Heritage and Character precincts (to be replaced by Heritage Areas).

Once the DPLH advises that it is broadly comfortable with the draft Strategy, it will be presented to Council for formal consideration.

Conclusion

The Town will continue liaising with the DPLH to enable the draft Strategy and Scheme to again be presented to the SPC for endorsement to advertise.

Statutory Requirements

Planning and Development Act 2005
Planning (Local Planning Schemes) Regulations 2015
Environmental Protection Act 1986
Heritage Act 2018

Financial Considerations

Nil.

Risk Management Implications

Nil.

Officer Recommendation – Item 7.3

That Council notes the status update on the draft amended Local Planning Strategy and draft Local Planning Scheme No. 11.

Voting requirements: Simple Majority

Item No. 7.4	Proposed Heritage Areas and Draft Local Planning Policy – Heritage and Character
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	LUAP/POLCY/24
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.
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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 1	Draft Local Planning Policy – Heritage and Character

Purpose

The purpose of this report is for Council to consider designating Heritage Areas and to consider a new Local Planning Policy – Heritage and Character, for the purposes of advertising.

Background

Draft Local Planning Framework

On 4 November 2020, Council resolved to adopt the draft Strategy and draft Local Planning Scheme (draft LPS 11) for the purposes of advertising. The draft Strategy recommended the following actions related to heritage:

- The designation of Special Control Areas (those areas which contain special provisions related to the particular issue which would apply in addition to the provisions of the zones and reserves) for heritage protection;
- Provide specific guidelines for character areas;
- Continue to work with landowners for the retention of Heritage Areas;
- Apply the Aboriginal Heritage Act 1972 as required; and
- Undertake a review the Town's Municipal Heritage Inventory.

In accordance with the draft Strategy, draft LPS 11 proposed three special control areas for heritage and character, being the Old Perth Road Heritage Precinct, Devon Road Heritage Precinct and the Kenny Street Character Precinct.

On 30 March 2021, the Statutory Planning Committee of the Western Australian Planning Commission (WAPC) considered the draft framework and resolved, amongst other things to request the Town provide further information in relation to the purpose of the proposed Special Control Areas for heritage and character protection.

The Department of Planning, Lands and Heritage subsequently advised that it did not support SCAs as a mechanism to protect heritage and character.

It is still considered that additional development controls for land within these precincts is warranted to ensure the retention of heritage and character, and it is now proposed to designate Heritage Areas, as further discussed in this report.

Town of Bassendean Municipal Heritage Inventory

The *Heritage Act 2018* requires each local government to identify places of cultural heritage significance in a Local Heritage Survey (LHS – formerly Municipal Heritage Inventory), which are used to identify and record places that are, or that might become, of cultural heritage significance. The Town is undertaking a general review of its existing LHS, which is the subject of a separate report.

Proposal

That Council considers designating the following areas as Heritage Areas, for the purposes of Schedule 2, Part 3, Clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Old Perth Road Heritage Area;
- Devon Road Heritage Area; and
- Kenny Street Heritage Area.

It is also proposed that Council also consider a new Local Planning Policy – Heritage and Character, for the purposes of advertising.

A map of the draft Heritage Areas and a copy of the draft policy are attached.

Communication and Engagement

The draft Policy was provided to Councillors via the CEO Bulletin on 23 July 2021. One response was received, which did not result in any changes to the draft policy.

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 7: Building Community Identity by Celebrating Culture and Heritage

Direction	Potential Strategies	What Success Looks Like
Create a community closely connected to its history and heritage	<ul style="list-style-type: none"> Maintain and share the historical stories of the Town of Bassendean Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community Implement initiatives, events and activities that focus on a range of cultural and artistic endeavours (not limited to entertainment) 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Local studies collection actively accessed by the community <p>LONG TERM</p> <ul style="list-style-type: none"> Historical and heritage facilities are well used by the community Heritage sites and buildings are visible to locals and visitors

The Town's Corporate Business Plan 2020-2024 contains the action "*Create a Local Planning Policy relating to protecting heritage and character*".

Comment

Existing Heritage Protection

Currently, only places included on the Town's Heritage List (i.e. places with a management category of 1 or 2) are afforded statutory protection. Development approval is required for all demolition, alterations or other development affecting the cultural heritage significance of the place.

There is no statutory protection for those places on the LHS that are not contained within the Heritage List (i.e. category 3 or 4). Whilst these places have some level of significance and conservation of these places is desirable, demolition/alterations can still occur, without the requirement to obtain development approval.

Heritage Areas

The Regulations provide that if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area within the district, the local government may, by resolution, designate that area as a Heritage Area, following public consultation.

The effect of such a resolution is that development that would generally not require development approval would thereafter require such an approval, thereby allowing the application of any provisions with an associated local planning policy.

Requirement for Local Planning Policy

In accordance with the Regulations, if the local government designates an area as a Heritage Area, the local government must adopt for the area a local planning policy that sets out the following:

- a map showing the boundaries of the heritage area;
- a statement about the heritage significance of the area; and
- a record of places of heritage significance in the heritage area.

If it is to proceed with designating Heritage Areas, Council must adopt a local planning policy that meets the above requirements.

Irrespective of requiring development approval via designation of a Heritage Area, the Town has no adopted local planning policy on heritage, and as such, there is no guidance provided for any heritage property in the district as to the type of development that would be considered appropriate. A local planning policy is therefore considered necessary to ensure that development is sympathetic to the existing character of the heritage place.

Policy Requirements

The provisions contained within the draft policy seek to conserve places and areas of heritage and character significance. The following general principles inform the proposed provisions:

- Faux heritage is to be avoided for new development. A new dwelling in a heritage street should be of contemporary design, and not seek to replicate other heritage places in the street;
- Alterations and additions to a heritage place should be compatible with the balance of the building by way of design materials and architectural style and form;
- The existing façade of heritage places should not be altered to require openings. Any new additions should be to the side of and generally in line with the existing dwelling, to ensure the heritage place remains visible from the street;
- Similarly, enclosed garages are not to be located in the front setback area of a heritage place. Carports can be considered, where they are compatible with the heritage place;
- The original fabric of the heritage place should not be modified by way of render or inappropriate paint colour schemes.
- Lots containing a heritage place should not be further subdivided in such a way that creates narrow lots or new lots in front of heritage buildings;
- Parameters for demolition, and the ability to require an archival record of the place where demolition occurs;

- The ability to vary requirements of the R-Codes to enable the retention of a heritage place;
- Information requirements for development applications to a heritage listed place, including structural reports and heritage impact statements.

Part 7.3 of the R-Codes sets out the scope of local planning policies that may contain provisions that amend or replace the 'deemed-to-comply' provisions set out in the R-Codes. While the draft policy contains provisions relating to siting of developments, location of parking structures, appearance of the retained dwelling and site works, these matters are permitted to be varied by a local planning policy, and therefore consultation and the prior approval of the WAPC is not required.

Conclusion

Conserving heritage places will ensure the community can remain closely connected to its history and heritage.

Designating Heritage Areas will provide statutory protection by ensuring development approval is required for works within these areas. Further, a new local planning policy will ensure there is design guidance for development within Heritage Areas, and other heritage listed places within the district.

As such, it is recommended that Council advertise both the designation of the Heritage Areas and the draft local planning policy.

Statutory Requirements

Before designating a heritage area, the Regulations require the local government to give public notice of the proposal for a minimum of 21 days by way of the following:

- Giving each owner of land affected by the proposal notice of the proposed designation and details of how the proposed local planning policy can be inspected;
- Publishing a notice of the proposed designation on its website;
- Making the documents publicly available for inspection at the offices of the local government; and
- Erecting signs giving notice of the proposed designation in a prominent location in the affected area.

The Regulations also require public advertising of the draft local planning policy, which can be undertaken concurrently.

Should Council not proceed with designating Heritage Areas, it is also open to Council to modify the draft policy to remove reference to Heritage Areas, and undertake public consultation on only a draft local planning policy dealing with the other heritage and character related matters included in the draft policy.

Financial Considerations

The cost of advertising can be met through the Town's adopted budget.

Risk Management Implications

Low. Should Council not adopt the draft policy, the provisions of the R-Codes will prevail and no statutory protection or design guidance will be available to some heritage places. Without designating Heritage Areas, development on those sites that are not contained on the Heritage List will not require development approval.

Officer Recommendation – Item 7.4

That Council:

1. Pursuant to Clause 9(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises the proposed Old Perth Road Heritage Area, Devon Road Heritage Area and Kenny Street Heritage Area as shown on the attached map; and
2. Pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy - Heritage and Character Conservation as attached to this report.

Voting requirements: Simple majority

Item No. 7.5	Draft Rights of Way Strategy
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	ROAD/STMNGT/4
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 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.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 2	Draft Rights of Way Strategy Existing Council Policy 1.20 – Right of Way Closure

Purpose

The purpose of this report is for Council to consider a draft Rights of Way (ROW) Strategy for the purpose of advertising.

Background

On 4 November 2020, Council endorsed a draft local planning strategy, which included an action to undertake a review of ROWs to determine opportunities for redevelopment and better connectivity.

ROWs are separate parcels of land which were generally created in subdivisions around the turn of the century to facilitate sanitary collections from the rear of properties prior to the installation of reticulated sewerage. There are 22 ROWs (a total of 4.9km) within the Town, some of which are made up of multiple parcels of land.

The ownership of ROWs throughout the Town is highly fragmented. Despite the majority of ROWs being privately owned, tenure and management responsibility confusion have led to some being in poor condition, creating safety and amenity issues. Many facilitate anti-social behaviour and are used for illegal dumping and trespassing onto adjacent properties. The community increasingly views these ROWs as public and look to the Town to resolve such issues.

The placement of utilities and service infrastructure further complicates their usage and management.

Proposal

That Council consider the draft ROW Strategy (attached) for the purposes of advertising.

The purpose of the draft strategy is to ensure a coordinated approach to matters relating to ROWs, and to inform future design guidelines for subdivision/development abutting ROWs. The draft Strategy recommends ROWs either be retained, upgraded or closed based on set criteria such as width, surface material and condition, tenure, access arrangements, usage, service infrastructure assets and safety.

Communication and Engagement

In preparing the draft Strategy, consultation was undertaken with the following service agencies, with the advice summarised below:

ATCO Gas

ATCO Gas and Dial Before You Dig analysis have revealed gas infrastructure, predominately servicing pits, are located in 21 ROWs. ATCO Gas has indicated a preference for all ROWs to be dedicated as public roads to enable the maintenance of their infrastructure.

Department of Fire and Emergency Services (DFES)

DFES has no infrastructure within the ROWs, and requests that all ROWs be upgraded to a public road standard to cater for current and/or potential future emergency vehicle access.

Telstra & NBN Co.

Although no response was received from Telstra & NBN Co, a Dial Before you Dig analysis revealed 3 ROWs had NBN Co. cables and 4 ROWs had Telstra cables.

Water Corporation (WC)

The WC has a significant amount of sewerage infrastructure within 19 of the ROWs that generally require easements to ensure access is available for maintenance. Whilst some infrastructure could be relocated, this would be at the developers' expense. Drainage assets also exists within 6 of the ROWs, and the WC generally objects to the closure of any ROWs with drainage infrastructure.

Western Power (WP)

WP recommended the Town utilise its clearance assessment mapping tool, which indicates no WP infrastructure located within the ROWs.

The Dial Before you Dig analysis revealed 3 ROWs that had either low voltage cables or are within very close proximity to a power pole. WP assets generally follow the existing street network and as such, there is the potential for WP assets to be located at the intersection of ROWs and public roads.

The Town has used the responses from service agencies to inform recommendations for each ROW contained within the draft Strategy.

The draft Strategy was presented to Councillors via the 23 July 2021 CEO Bulletin. Only one response was received which did not result in any changes to the draft document.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
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

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 • Increased population within the Town • Improved retention of existing businesses • Increased number and retention of new businesses • Increased local employment
Increase the residential population close to centres and train stations	<ul style="list-style-type: none"> • Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations 	<p>LONG TERM</p> <ul style="list-style-type: none"> • Meet obligations under State population targets • Appropriately located development • Increased dwelling numbers and diversity of dwelling types

		<ul style="list-style-type: none"> Enhanced quality of development outcomes
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Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise Ensure financial planning has a long term outlook and a focus on land asset rationalisation 	<p>SHORT TERM</p> <ul style="list-style-type: none"> All Town-owned buildings increased in their utilisation Defined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none"> Consolidated infrastructure footprint Enhanced sustainability footprint Clear indications of whole-of-life costs
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities) Leasing, Licensing and Hiring Strategy 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Increased use of facilities Increased shared use of spaces/diversity of use

Comment

Draft Strategy

Review of ROWs

The Town has investigated the land tenure of all 22 ROWs through Landgate mapping, Certificate of Title information and probate searches through the State Records Office. The following is the land tenure of the 22 ROW's within the Town:

- 14 are privately owned;
- 12 of the privately owned ROWs are deceased estates, 10 of which are held by the same deceased estate; and
- Eight are in public tenure by the Town, the State of WA, or the Water Corporation.

In respect to the 10 held in the same deceased estate, the Department of Lands has advised that the probate search undertaken for these ROWs will be sufficient to meet the requirements of the *Land Administration Act 1997*, which requires all reasonable steps being taken to give notice to the owner of the land prior to dealings with the land. The Town can therefore seek approval from the Minister for Lands to deal with this land in accordance with the recommendations in the draft Strategy.

In respect to the two remaining deceased estates, the Town has identified the descendants of the estate to enable correspondence.

ROW Dedication

For those ROWs proposed to be retained, it is appropriate to ensure the land is formally dedicated as a public road. This will ensure the ROW is lawfully available for public use, and enable the management of the land by the Town. The Town would following the procedural requirements of Section 56 of the Act, request the Minister for Lands to dedicate the land as a road where required.

ROW Widening

Where ROWs have been recommended to be retained, yet require widening to ensure an appropriate width for access (i.e. minimum 6 metres), the *Planning and Development Act 2005* provides the mechanisms for the widening at the time of subdivision. In addition, the Town can impose conditions on development approvals to require the ceding of the land for this purpose. As previously advised, the creation of a local planning policy to clearly outline the purpose of such a condition is recommended, to ensure certainty for developers.

Where appropriate, the Town will recommend conditions of subdivision/development approval to enable widening of ROWs where required.

ROW Upgrading

To ensure ROWs are suitable for vehicle use, some require upgrading to ensure a trafficable surface is provided to an appropriate standard, which includes such elements as drainage, kerbing, marking and lighting.

Whilst it is open to Council to wholly fund the upgrades from municipal funds, the Town can seek contributions towards the cost of upgrading the ROWs from adjacent landowners via conditions of subdivision or development approval where a relevant need and nexus is demonstrated between the proposed development and the upgrades. It is appropriate to publicly outline such requirements via a local planning policy.

A coordinated approach to upgrades is recommended to avoid piecemeal upgrades of sections of ROWs. It is therefore recommended that the Town prepare the engineering designs for the upgrades, including cost estimates for the works, to form the basis of any local planning policy requiring contributions from abutting developers.

ROW Closure

Where it is suitable to close a ROW, the Town is required to follow the procedural requirements under Section 52 of the Act by requesting the Minister for Lands close the ROW following a period of public consultation.

Through this process and where appropriate, the Town would seek adjacent landowners support to purchase the adjacent section of ROW, to be amalgamated into private landholdings. The value of the ROW is determined by the Valuer General, with proceeds of any sale of ROWs to the Crown.

New Local Planning Policy

A recommendation of the draft Strategy is to instead prepare a new local planning policy on the matter, which will include relevant planning matters such as the design of development abutting ROWs to cater for passive surveillance and vehicle access, standards for the upgrading and widening of ROWs and the statutory basis for imposing conditions requiring the ceding of land and/or financial contributions.

The draft local planning policy will be progressed as a separate body of work and will be presented for Council's consideration in due course.

Process and community consultation

Should Council resolve to advertise the draft Strategy, the Town intends to undertake advertising for a period of 28 days by way of letters to all owners and occupiers directly adjacent ROWs, displayed on the Town's website and promotion via the Town's Facebook page.

Following advertising, the matter will be presented to Council for final adoption.

Council Policy 1.20 – Rights-of-Way Closure (CP1.20)

Existing Council Policy 1.20 – Rights-of-Way Strategy (CP 1.20) was last reviewed by Council in March 2014 and seeks to ensure consideration on short and long term impacts of ROW closure requests. It establishes a set of principles where closure of ROWs will generally not be considered (such as where it is the only point of access to a dwelling), which have been captured in the recommendations of the draft Strategy. A copy of CP 1.20 is attached.

CP 1.20 otherwise replicates the process to close ROWs contained within the Act, and therefore the Policy is no longer considered necessary and is suitable for revocation as part of the future finalisation of the draft Strategy.

Conclusion

The ROWs within the Town are currently underutilised and poorly managed. Development of a ROW Strategy will provide certainty on the future management of ROWs and adjacent development.

The draft Strategy will provide for a coordinated approach to the ongoing use and management of ROWs. It is therefore recommended that Council adopt the draft Strategy for the purposes of advertising.

Statutory Requirements

Planning and Development Act 2005

Land Administration Act 1997
Transfer of Land Act 1893
Planning and Development (Local Planning Schemes) Regulations 2015

Financial Considerations

The cost of advertising can be met through the Town's operating budget.

Risk Management Implications

In the absence of a Council adopted ROW Strategy, the Town will not have a coordinated approach for the use and management of ROWs nor a basis to inform a local planning policy to address design issues and financial contributions associated with developments abutting ROWs.

Officer Recommendation – Item 7.5

That Council adopts the draft Rights of Way Strategy, for the purposes of advertising.

Voting requirements: Simple Majority

Item No. 7.6	Proposed Cats Local Law 2021
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. 3	Responsible Cat Ownership Local Law Draft Cats Local Law 2021 Schedule of Submissions

Purpose

The purpose of this report is for Council to consider making the Town of Bassendean Cats Local Law 2021.

Background

On 27 April 2021, Council resolved to advertise the draft Town of Bassendean Cats Local Law 2021 in accordance with section 3.12 of the *Local Government Act 1995*.

Proposal

The Town has reviewed the *Responsible Cat Ownership Amendment Local Law 2006* and considers the local law should be repealed and a new Town of Bassendean Cats Local Law 2021 be created for the reasons outlined in this report.

Communication and Engagement

The draft local law was advertised for a period of 51 days (being from 19 May 2021 to 9 July 2021) in the following manner:

- Providing notice on the Town's website and by making a copy of the draft local law available for inspection at the administration centre and library;
- A notice published in the West Australian newspaper;

- Writing to 700 owners and occupiers in close proximity to the proposed cat prohibited areas; and
- Providing a copy of the draft local law to the Minister for Housing and Local Government.

At the close of the submission period, the Town received 21 submissions (five opposed, 12 in support and four comments). Matters raised in the submissions are further discussed in this report, and a copy of the Schedule of Submissions is attached.

The following advice was also received from the Department of Local Government, Sports and Cultural Industries (DLGSCI):

“Prohibiting cats absolutely

The Delegated Legislation Committee has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- *ban cats from all public areas;*
- *place conditions on when a cat may be permitted in a public area; or*
- *attempts to restrict all cats in the district to their owner’s premises.*

It is suggested that clause 2.2 be deleted. If this clause isn’t removed, it is likely the Committee will request an undertaking to delete it.

Seizing of Cats

Clause 2.2(2)(b) and 2.3(2)(b) states that a cat which is not in a public place may be seized.

The Delegated Legislation Committee has expressed concerns about local laws which permit the seizure of cats in circumstances beyond those provided in section 27 of the Cat Act 2011.

It is suggested that clause 2.2(2)(b) and 2.3(2)(b) be deleted. If this clause is retained, it may be raised as an issue by the Committee.

Common issues

1.5(1) insert the definition of “occupier”.

The Town should also ensure that all references and cross references are checked, particularly if any changes are made as a result of the Department’s comments.”

These matters are discussed in the report.

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

Seizure of Cats

In respect to the seizure clause raised by DLGSCI, the Town already has the power to seize cats within public places in order to determine compliance with the *Cat Act 2011* (i.e. microchipping, sterilization and registration). Given this is already provided for in the Act, it is not considered necessary to amend the draft local law in this respect.

Cat Prohibited Areas

A submission recommends the following areas be included in Schedule 3 of the draft Local Law to be CPAs:

- Pickering Park which has more bush than Point Reserve;
- The remnant bush of Jubilee Reserve; and
- Habitat regeneration areas within Mary Crescent Reserve.

Whilst the *Cat Act 2011* 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.

The Town originally proposed that only Bindaring Park (a local reserve) be designated as a CPA, on the basis of its environmental significance, and on the basis of evidence of previous fox and feral cat activity within the reserve.

Whilst the Town has no in-principle objection to the inclusion of other areas of environmental value, additional CPAs will likely require additional resources to monitor and enforce the local law. The Town will review resources required to enforce the local law once enacted (including those CPAs previously resolved for inclusion by Council) to determine appropriate staff/resourcing requirements in subsequent budget processes.

Procedurally, whilst it is open for Council to propose to include the three areas, it would likely require re-advertising of the draft local law, as this would be deemed, in accordance with the Act, a significant amendment to what was previously proposed.

Ashfield Flats Cat Prohibited Area

In considering the draft local law for advertising, Council resolved to include Ashfield Flats as a CPA. This land is owned by the Western Australian Planning Commission (WAPC) and managed by the Department of Planning, Lands and Heritage (DPLH).

Advice from the DLGSCI is that the Town cannot lawfully make a CPA over land it does not own (or any privately owned land). It should be noted that given removing the Ashfield Flats could be considered a significant change to what was advertised, the DLGSCI may direct the Town to re-advertise the draft local law.

The Town met with the DPLH to discuss the management of cats on the Ashfield Flats. Whilst it is the preference of the WAPC to make the area a CPA, and the proposal is environmentally sound, it is considered more appropriate for the Town to enter into discussions with the DPLH regarding resourcing and management of the Ashfield Flats as it relates to feral foxes and cats, dogs and mosquitos, and the drafting of a Memorandum of Understanding for the shared use of resources in this respect.

Identification of trapped cats

Comments were made regarding the ability to identify trapped cats, and that owners who microchip their cats would be unfairly penalised as they could easily be identified.

Any trapped cats must be dealt with according to the relevant provisions of the Act in regards to seizure and disposal. Generally, an unowned cat must be held for three business days and an owned cat (i.e. that can be identified via the microchip) must be held for seven working days (unless claimed sooner) before it can be disposed of either through rehoming or euthanasia (if the cat is not appropriate for rehoming).

Trapped cats are checked to ensure veterinarian attention is not required, before being transported to the Animal Management Facility and checked for registration, identification and microchip details.

Cats in Private Places

The draft local law includes an offence for a cat to be in a place that is not public (i.e. private property, such as an adjacent owner's property). Numerous comments were received regarding the ability of owners to confine their cats to their properties.

The Town considers it the responsibility of cat owners to confine cats to their property to ensure cats do not cause a nuisance. Cat-proof boundary fencing, cat runs, or keeping cats inside are all options to ensure cats are retained on private property.

In respect to the advice from the DLGSCI relating to cats on private property, the DLGSCI does not support the Town attempting to restrict cats from private property. Whilst the DLGSCI would consider Cat Prohibited Areas (CPA) from certain prescribed areas such as environmentally sensitive reserves, the advice is effectively advising the Town to modify the draft local law to remove the private property clause, which would enable cats to enter private property without penalty.

The purpose of including this clause and associated penalty was to enable officers to have more options to deal with cats entering private property without the consent of the property owner or occupier. This would address concerns relating to nuisance cats. The Town would still require sufficient evidence that the cat had entered private property without permission prior to enforcement action being undertaken.

Should Council resolve to make the local law as is, the Joint Standing Committee on Delegated Legislation, which reviews local laws, may seek a written undertaking from the Town to amend the local law. If the Town did not, the local law may be disallowed. Notwithstanding, the Town considers the clause is appropriate and should be retained.

Enforcement

Comment was made on the fines prescribed in the draft local law, which some submitters deemed excessive.

The modified penalties proposed are in line with those in the *Cat Act 2011*, *Cat Regulations 2013* and other Cat Local Laws within the sector that were considered during the review process. Whilst the Town takes an education first approach to compliance, the penalties are considered appropriate.

The Town will continue to operate on an educational basis in lieu of taking an enforcement approach in the first instance.

Conclusion

The provisions in the draft local law are considered to result in a measured and balanced approach to the management of cats within the district. As such, it is recommended that Council make the draft local law, subject to the insertion of the definition of “occupier” as requested by the DLGSCI, and removal of Ashfield Flats from the CPA for the reasons outlined in this report.

Statutory Requirements

Section 3.12 of the *Local Government Act 1995* prescribes the process to be followed in making a local law and requires Council to consider any submissions received and allows it to make the local law as proposed or make a local law that is not significantly different from what was proposed. If the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the advertising process.

Should Council endorse the recommendation as proposed, there are a number of procedural requirements that must be complied with, as follows.

- Publishing the local law in the Government Gazette;
- Giving local public notice of the adoption of the local law and its commencement date. The local law will come into operation 14 days after the day on which it is published in the Government Gazette;
- Provide a copy of the local law, as made, to the Minister for Local Government; and
- Provide a copy of the local law, local law checklist, and explanatory memorandum to the Joint Standing Committee on Delegated Legislation.

Financial Considerations

The cost of publishing the local law in the Government Gazette and providing the required statutory notices of the local law’s adoption can be met within the 2021/22 budget.

Ongoing implementation of the Local Law will be monitored and may require consideration as part of future budget processes.

Risk Management Implications

Failure to undertake the review of the existing local law would constitute a breach of the *Local Government Act 1995*. Should Council not make the draft local law, the Town will have limited ability to control cats in areas of environmental significance or to manage nuisance cats.

Officer Recommendation – Item 7.6

That Council:

1. In accordance with Section 3.12(4) of the *Local Government Act 1995*, makes the Town of Bassendean *Cats Local Law 2021*, as attached, and authorises the Common Seal to be affixed to the local law; and
2. Notes the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 of the *Local Government Act 1995*.

Voting requirements:

Point 1 - Absolute majority

Point 2 – Simple majority

Item No. 7.7	Draft Amended Council Policy – Community Funding
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
File Ref/ROC	
Previous Council Reports (if applicable)	Nil.
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 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. 4	<ul style="list-style-type: none"> • Policy 1.18 - Financial Incentives for Municipal Heritage Inventory Listed Buildings • Policy 4.4 - Fee For Service, Community Groups, Public Events • Council Policy 5.16 - Use of Community Facilities • Policy 6.11 - Sponsorship and Grants • Draft Policy – Community Funding

Purpose

The purpose of this report is for Council to consider adopting a new Council Policy – Community Funding and revoking the following existing Council Policies:

- Council Policy 1.18 - Financial Incentives for Municipal Heritage Inventory Listed Buildings Policy (CP 1.18)
- Council Policy 4.4 - Fee For Service, Community Groups, Public Events Policy (CP 4.4)
- Council Policy 5.16 - Use of Community Facilities Policy (CP 5.16)
- Council Policy 6.11 – Sponsorship and Grants (CP 6.11)

Background

Corporate Business Plan

One of the actions contained in the current Corporate Business Plan is the review of the Sponsorship and Grants Policy so as to better meet the needs of the community and the various groups that operate within the district.

Existing Council Policies

CP 1.18 seeks to assist in the conservation of the Town's places of cultural heritage Significance, provide appropriate financial incentives to conserve places of cultural heritage significance for the benefit of the community and outline the criteria with which Council can provide financial incentives to assist owners with the preservation of buildings of cultural heritage value.

CP 4.4 provides a set of parameters when negotiating a fee for service for participation in Public Events for community groups.

CP 5.16 seeks to support local groups by providing free use of sporting reserves, ovals and hard courts to local schools during normal school attendance times and free use of meeting rooms to locally based, self-help, welfare and charitable groups, providing no charge or entry fee is made by the organisations,.

CP 6.11 provides the requirements and minimum standards for all sponsorship and grants for events or initiatives delivered by, or hosted in, the district.

The first three policies were last reviewed in March 2014 and the last policy was last reviewed in August 2019.

Communication and Engagement

The draft Policy was referred to Councillors via the CEO's Bulletin on Friday 2 July 2021, inviting feedback until Monday 12 July 2021. No feedback was received.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Establishing partnerships with the community that build capacity, connection and sense of belonging	<ul style="list-style-type: none"> Identify community members and organisations with the capacity to deliver projects and programs Build capacity of community groups to deliver social return on investment Identify and deliver community funding 	<ul style="list-style-type: none"> Increased percentage of services delivered by community groups compared to the Town Increased social return on investment using an agreed approach

	<ul style="list-style-type: none"> • Foster volunteering to provide services for our community and to build connections • Build capacity of volunteers to deliver programs and services with limited input from the Town 	<ul style="list-style-type: none"> • Increased volunteer participation rates • Town staff hours result in greater return for time in volunteer management
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Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

Direction	Potential Strategies	What Success Looks Like
Create a community closely connected to its history and heritage	<ul style="list-style-type: none"> • Maintain and share the historical stories of the Town of Bassendean • Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community • Implement initiatives, events and activities that focus on a range of cultural and artistic endeavours (not limited to entertainment) 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Local studies collection actively accessed by the community <p>LONG TERM</p> <ul style="list-style-type: none"> • Historical and heritage facilities are well used by the community • Heritage sites and buildings are visible to locals and visitors

Comment

Staff have reviewed the existing policies, the equivalent policies of other local governments and feedback provided from various community groups, and have subsequently prepared a draft “Community Funding Policy”. The new policy incorporates the relevant components of the four existing policy, but represents a clearer, consolidated policy position on a variety of community funding matters; one which allows for the existing policies to be revoked.

Statutory Requirements

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

Financial Considerations

The draft Policy provides for community funding, which represents a financial cost to the Town. This requires a specific allocation within the annual budget.

Risk Management Implications

Low. The majority of the provisions are already contained within existing Council Policies. In addition, the matter is completely discretionary for Council, with Council having no obligation to provide any form of community funding.

Officer Recommendation – Item 7.7

That Council adopts a new Council Policy – Community Funding and revokes the following existing Council Policies:

- Council Policy 1.18 - Financial Incentives for Municipal Heritage Inventory Listed Buildings Policy;
- Council Policy 4.4 - Fee For Service, Community Groups, Public Events Policy;
- Council Policy 5.16 - Use of Community Facilities Policy; and
- Council Policy 6.11 – Sponsorship and Grants.

Voting requirements: Absolute majority

Item No. 7.8	Draft amended Council Policy - Community Awards
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
File Ref/ROC	
Previous Council Reports (if applicable)	27 April 2021
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 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	<ul style="list-style-type: none"> • Current Policy – Community Awards • Draft Policy – Community Awards

Purpose

The purpose of this report is for Council to consider amending Council Policy – Community Awards.

Background

On 23 November 2020, Council resolved to amend the (then) existing Council Policy 5.2 - Awards by effectively replacing it with a new Council Policy – Community Awards.

On 27 April 2021, Council considered the recipients of the inaugural 2021 Town of Bassendean Community Awards and resolved to issue a series of awards as well as that it:

“Requests that the CEO, in collaboration with the Mayor, review Council Policy 5.2 Community Awards, to simplify and streamline the process, and that this review be finalised by August 2021”

Communication and Engagement

In response to the Council resolution, Staff sought feedback from Councillors via the CEO Bulletin on 7 May 2021. One response was received which only provided very limited feedback.

Staff again sought feedback from Councillors via the CEO Bulletin on 21 May 2021. One response was received, which raised concerns with the procedural aspects of the Policy, specifically in relation to the call for nominations, the assessment of nominations received and the determination of award winners (which in effect, also determines those that will not receive an award).

Staff prepared a draft amended Policy, which was referred to Councillors via the CEO Bulletin on Friday 16 July 2021. No feedback was received.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

Comment

The existing Policy provides an appropriate framework that facilitates the recognition and celebration of significant contributions to the local community and district. It clearly sets out the award categories, nomination eligibility, nomination assessment parameters and the means of issuing the awards.

Staff have prepared a draft amended policy so as to disallow self-nominations.

Statutory Requirements

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

Financial Considerations

Nil.

Risk Management Implications

Low.

Officer Recommendation – Item 7.8

That Council amends the existing *Council Policy – Community Awards*, as contained as Attachment 2 to this report.

Voting requirements: Simple majority

Item No. 7.9	Supply, Preparation and Installation of Turf and Turf Renovation Services (RFT 03/2021)
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	PARE/TENDNG/73
Previous Council Reports (if applicable)	
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, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 1	RFT 03/2021 Tender Evaluation Report

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 03/2021 Supply, Preparation and Installation of Turf and Turf Renovation Services for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a contractor to provide Supply, Preparation and Installation of Turf and Turf Renovation Services. The Town does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Town had a single contract for this service with Greenacres Turf Group, which expired on 24 July 2021. Currently the Town provides this service through short-term quotations.

Proposal

That Council review the Tender Evaluation Report and accept the tender provided by GTF Pty Ltd t/a Greenacres Turf Group.

Communication and Engagement

The Request was advertised in The West Australian Newspaper and the Town's website on Saturday 29 May 2021, and closed at 11:00am on Thursday 17 June 2021.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> Conserve, enhance and repair natural and urban areas Facilitate management of reserves by Friends groups 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> Restoration and revegetation measures improve

Comment

The Town received three (3) submissions from following Tenderers:

- GTF Pty Ltd t/a Greenacres Turf Group (Conforming Offer);
- GTF Pty Ltd t/a Greenacres Turf Group (Alternative Offer); and
- Turfmaster Pty Ltd t/a Turfmaster Facility Management.

The Evaluation Panel for this tender comprised three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

All three (3) submissions met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 70% for this tender.

QUALITATIVE CRITERIA	WEIGHTING
Capacity	30%
Demonstrated Experience	30%
Demonstrated Understanding of the Requirements	40%

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer qualified for stage two to assess value for money to the Town.

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

Statutory Requirements

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

Financial Considerations

The costs associated with this contract will be included in the Town of Bassendean's Operational Budget for each year of the contract.

Officer Recommendation – Item 7.9

That Council accepts the tender submitted by GTF Pty Ltd t/a Greenacres Turf Group (Conforming Offer) for the supply, preparation and installation of turf and turf renovation services for the Town of Bassendean as specified in tender 03/2021 at the submitted schedule of rates for a period of four (4) years with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

Voting requirements: Absolute majority

Item No. 7.10	Construction of Sandy Beach Reserve Play Space (RFT 01/2021)
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	(PARE/TENDNG/72)
Previous Council Reports (if applicable)	
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, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 2	RFT 01/2021 Tender Evaluation Report

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 01/2021 Construction of Sandy Beach Reserve Play Space for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a contractor for the Construction of Sandy Beach Reserve Play Space. The Town does not have the internal resources to undertake the works and as such requires an appropriate external service provider.

Proposal

That Council review the Tender Evaluation Report and accept the tender provided by Phase3 Landscape Construction.

Communication and Engagement

The request was advertised in The West Australian Newspaper and the Town's website on Saturday, 8 May 2021 and closed at 11:00am on Thursday 10 June 2021.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
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
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 Town received eight (8) submissions from the following Tenderers:

- D.B. Cunningham Pty Ltd t/a Advantearing Civil Engineers;
- Eighth Street Pty Ltd t/a Ligna Construction;
- Environmental Industries Pty Ltd;
- Pinochle Holdings Pty Ltd t/a Landscape Australia Construction;
- Nature Play Solutions Pty Ltd t/a Nature Play Solutions;
- Phase3 Landscape Construction Pty Ltd;
- Tim Davies Landscaping Pty Ltd; and
- Vinsan Corporation Pty Ltd t/a Vinsan Demolition.

The Evaluation Panel for this tender comprised of three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

The following submissions were assessed as non-compliant:

- Eighth Street Pty Ltd t/a Ligna Construction: The submission did not provide registrations, licences, or qualification details or a response to the sustainability criteria.
- Pinochle Holdings Pty Ltd t/a Landscape Australia Construction: The submission did not provide any information on proposed alternative equipment.
- Vinsan Corporation Pty Ltd t/a Vinsan Demolition: The submission provided a response and price for demolition works only.

The remaining five (5) Tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 70% for this tender.

QUALITATIVE CRITERIA	WEIGHTING
Capacity	30%
Demonstrated Experience	50%
Demonstrated Understanding of the Requirements	20%

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage two to assess value for money to the Town.

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

Statutory Requirements

A public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

Financial Considerations

The project budget has been included in the 2021/22 Annual Budget for the Town.

Officer Recommendation – Item 7.10

That Council accepts the tender submitted by Phase3 Landscape Construction for the Construction of Sandy Beach Reserve Play Space as specified in tender 03/2021 at its submitted lump sum price with works to be completed within nine (9) months from the date of letter of acceptance.

Voting requirements: Absolute majority

Item No. 7.11	Draft Property Management Policy and Community Leasing Framework
Property Address (if applicable)	Various
Landowner/Applicant (if applicable)	Town of Bassendean
File Ref/ROC	
Previous Council Reports (if applicable)	
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 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	<ul style="list-style-type: none"> • Draft Property Management Policy • Draft Community Leasing Framework

Purpose

The purpose of this report is for Council to consider the draft Property Management Policy and draft Community Leasing Framework.

Background

The Town owns properties that are currently provided to a range of entities under lease or license. The lease and license agreements for these properties have developed over time on an ad hoc basis and lack consistency and equity.

There is a need for a policy framework to guide future leases and licenses to optimise use of the Town's community facilities for the benefit of the community and provide an open, transparent and equitable process for granting new leases or licenses.

Proposal

That Council adopts the draft Property Management Policy and draft Community Leasing Framework, attached to this report.

Communication and Engagement

A draft Property Management Policy and draft Property Management Framework was provided to Councillors via the CEO Bulletin on 30 July 2021 and discussed at a workshop with Councillors on 30 August 2021.

The draft policy and framework divided leases/licenses into two categories:

- Category One: Sporting clubs, community groups and organisations; and
- Category Two: Commercial entities, state and national clubs, associations and community organisations, and government entities.

Feedback from Councillors during the workshop was that Councillors were broadly comfortable with the proposed arrangements for category one entities, but the framework as it applied for category two entities required further work, particularly in terms of social dividend considerations.

Following the workshop, the draft Property Management Policy was amended to separate out what has been termed community leases from what could be considered commercial leases. The draft Property Management Framework was reworked to a draft Community Leasing Framework. The draft Community Leasing Framework applies to sporting clubs and community organisations only. The interaction of the draft Policy and Framework is proposed to operate as follows:

- The CEO may enter into a lease or license agreement with sporting clubs and community organisations (community lease/license), provided the terms and conditions of the lease or license are consistent with those specified in the Community Leasing Framework; and
- The CEO may enter into negotiations for other leases or licenses (commercial leases or licenses), having regard to the relevant factors listed in the draft Property Management Policy, and present the proposed lease or license agreement to Council for decision.

The updated documents were provided to Councillors via the CEO Bulletin on 6 August 2021, with comments sought by 10 August 2021. No comments were received.

Should Council adopt the draft Policy and Framework, it is proposed to write to lessees and provide a copy of the Policy and Framework and invite the entity to renegotiate the current lease. Should that not result in a renegotiated lease or license agreement, it is proposed to write to each entity at least six months prior to expiry of the lease or license and advise of the intention to renegotiate the lease or license in accordance with the Framework.

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
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 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> • Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities) • Leasing, Licensing and Hiring Strategy 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Increased use of facilities • Increased shared use of spaces/diversity of use

Comment

The draft Property Management Policy aims to

- optimise use of the Town’s community facilities;
- ensure Town owned and managed properties are used to meet demonstrated community needs; and
- provide for sound financial management, sustainable asset management and effective administration of the Town’s properties.

The draft Property Management Policy applies to the leasing and licensing of the Town’s properties and does not include regular or occasional hire of facilities for the purpose of programs, events and activities.

The draft Property Management Policy is split into two parts:

- Community leasing/licensing; and
- Commercial leasing/licensing.

The Community Leasing/licensing part of the draft policy is supported by the draft Community Leasing Framework. While the draft Policy sets the overarching principles guiding management of properties by the Town, the draft Framework will:

- guide management of the Town’s properties for the benefit of the community, in compliance with statutory obligations;

- provide an equitable methodology for calculating annual lease and license fees;
- establish general terms and conditions that the Town will use as the basis for negotiating all leases and licenses; and
- outline maintenance obligations for both the Town and lessee/licensee.

Given application of the draft Community Leasing Framework will involve the granting of a lease or license to an entity over use of property of the Town, it is envisaged that lessees and licensees will be more substantial organisations, appropriately registered, with a source of funds to meet the ongoing expenses associated with operating and maintaining the property.

The draft Property Management Policy provides for a delegation to the CEO to enter into a lease or license agreement with sporting clubs and community organisations where the terms of the lease or license agreement are consistent with the essential terms in the Community Leasing Framework.

The commercial leasing/licensing part of the draft policy provides for lease or license agreements to be negotiated with government bodies, commercial entities, or state and national clubs, associations and community organisations, having regard to all relevant factors, including those set out in the policy. Council approval will be required for all commercial lease and license agreements.

Statutory Requirements

A lease is a disposal of property for the purposes of section 3.58 of the Local Government Act. Broadly, section 3.41 provides strict requirements for disposal of property.

Regulation 30 of the Local Government (Functions and General) Regulations provides that section 3.58 of the Act does not apply to disposals of property to charitable, benevolent, religious, cultural, educational, recreational, sporting or other like entities where the members are unable to profit from the entity's activities.

Financial Considerations

Leases and licenses based on the Property Management Policy and Community Leasing Framework may result in increased lease premiums payable to the Town in some cases. For the Town's current community leases, this increase would be between \$809 and \$14,798 per annum.

Leases and licenses based on the Property Management Policy and Community Leasing Framework may result in the realignment of responsibilities of the Town and lessee or licensee under the relevant agreement.

The Town will incur legal costs associated with preparing lease and license agreements.

Risk Management Implications

Failure to adopt an appropriate Property Management Policy will make it difficult for the Town to provide an open, transparent and equitable process for granting new leases or licenses for use of Town owned and managed properties.

Officer Recommendation – Item 7.11

That Council adopts the draft Property Management Policy and draft Community Leasing Framework as attached to this report.

Voting requirements: Simple majority

Item No. 7.12	Councillor Information and Communications Technology (ICT) Policy
Property Address (if applicable)	n/a
Landowner/Applicant (if applicable)	n/a
File Ref/ROC	
Previous Council Reports (if applicable)	
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 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	Draft Councillor ICT Policy Councillor Allowances and Expenses Policy

Purpose

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

Background

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

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

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

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

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

Proposal

That Council adopts the draft Councillor ICT Policy attached to this report and makes consequential amendments to the Councillor Allowances and Expenses Policy.

Communication and Engagement

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

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

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

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

Should Council wish to be provided with options for devices operating on different platforms, it may be necessary for the administration to seek an appropriate increase in the ICT operational budget to develop the capacity to service and support multiple platforms.

Strategic Implications

Priority Area 5: Facilitating People-Centred Services

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

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

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

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

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

- Sustainable IT – Equip our staff with mobile computing devices, enabling access to information and systems in the field to enhance productivity and efficiency.

Comment

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

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

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

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

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

The draft policy proposes that Councillors will not be permitted to 'bring their own device' as this inhibits the ability of the Town to implement appropriate cybersecurity controls. Councillors will, however, be able to access information held on the Office 365 portal and Councillor portal (once operational) via any device connected to the Internet.

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

Provision of a single device to Councillors will provide efficiencies for the Town, as the device will be consistent with those provided to staff, allowing streamlined maintenance and service of the device.

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

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

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

Consequential Amendments to the Councillor Allowances and Expenses Policy

The objective of the Councillor Allowances and Expenses Policy is to: "*provide Council members with an appropriate level of remuneration and reimbursement of expenses to ensure that they are able to effectively fulfil their role, this policy sets out the entitlements of Councillors to receive fees, allowances and reimbursement of expenses*".

Adoption by Council of the draft Councillor ICT Policy will require the following amendments to the Councillor Allowances and Expenses Policy:

1. Insertion of the following at the end of the 'Objective' section: "*The Councillor ICT Policy applies to Councillor ICT allowance and expenses*"; and
2. Deletion of the following sections: "*Telecommunication/Information Technology (ICT) Allowance, Information Technology for Councillors and Information Technology Training for Councillors*".

The Councillor Allowances and Expenses Policy will be subject to review at a later date.

Statutory Requirements

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

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

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

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

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

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

Financial Considerations

The cost of providing a laptop device to all Councillors and Office 365 with upgraded cybersecurity protection is approximately \$7,000 per annum, which can be met from the Town’s capital budget for ICT Equipment (devices) and operational ICT budget (licenses).

Risk Management Implications

The primary and overriding risk, should Council resolve not to adopt the draft Councillor ICT Policy, or adopt a policy that permits ‘bring your own devices’, is the inability of the administration to appropriately protect the Town from cybersecurity attacks. This exposes the Town to infiltration by external parties, which could lead to data compromise/loss and loss or incapacitation of the Town’s systems. This risk arises from the inability of the Town to install and monitor its cybersecurity software on ‘bring your own devices’ where those devices are used for other work or business purposes.

The remaining risks, as discussed throughout this report, are associated with operational efficiency.

Officer Recommendation – Item 7.12

That Council:

1. Adopts the draft Councillor ICT Policy, attached to this report;
2. Endorses the following amendments to the Councillors' Allowances and Expenses Policy:
 - a. At the end of the 'Objective' section, insert: "*The Councillor ICT Policy applies to Councillor ICT allowance and expenses*"; and
 - b. Deletion of the following sections: "*Telecommunication/Information Technology (ICT) Allowance, Information Technology for Councillors and Information Technology Training for Councillors*".

Voting requirements: Absolute majority

Item No. 7.13	Review of Delegations Register
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/CCLMEET/6
Previous Council Reports (if applicable)	27 October 2020
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	Delegations Register

Purpose

The purpose of this report is for Council to review the delegations to the Audit and Governance Committee, the Complaints Committee, and to the Chief Executive Officer under s. 5.46(2) of the *Local Government Act 1995*.

Background

The *Local Government Act 1995* requires that all delegations must be reviewed by the delegator at least once every financial year. The Delegations Register was adopted by Council in October 2020. The annual review was scheduled for October/November 2021. A request was made by a Councillor that the review of the Delegations Register be conducted in July, rather than after the local government ordinary elections in October. The Review has been brought forward in order to comply with this request.

Proposal

That Council reviews its delegations to the Audit and Governance Committee, Complaints Committee, and to the Chief Executive Officer in accordance with section 5.46(2) of the *Local Government Act 1995*; and makes the amendments to the Delegations of Authority as contained in Attachment 1 and in accordance with section 5.42 of the *Local Government Act 1995*.

Communication and Engagement

All business units have been consulted regarding the delegation review through their Director or Executive Manager. The Corporate Management Committee was sent a copy of the Delegations Register on 18 June 2021 and requested to comment on the delegations relevant to their operations.

Councillors were provided with a copy of the consolidated Delegations Register (inclusive of proposed amendments) through the CEO Bulletin dated 2 July 2021. Councillors were asked to provide comment on the Delegations Register. Comments were received prior to the July Ordinary Council Meeting. These formed the basis of proposed amendments that were to be tabled at the July Council Meeting. Due to the item being deferred, these were not formerly tabled.

The Delegations Register was included in the Agenda for the July Ordinary Council Meeting. At the Council Meeting it was resolved that the item be deferred to the August OCM. An item was placed in the CEO Bulletin on 30 July 2021 and 6 August 2021 requesting Councillors provide feedback on the Delegations Register. No further comment was received.

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 	<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

	<ul style="list-style-type: none"> Recognise and reward innovation and leadership 	<ul style="list-style-type: none"> Inductions to professional networks <p>LONG TERM</p> <ul style="list-style-type: none"> Recognition of excellence by other organisations
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Comment

The Delegations Register was included in the agenda for the July Ordinary Council Meeting. At that meeting Council resolved to defer the item until the August Ordinary Council Meeting. Council is now required to consider the review.

Comments were received from one Councillor that were later formulated into proposed amendments. Due to the item being deferred, the amendments were not formerly tabled at the meeting. They were received, however, by Administration and were circulated to Councillors at that meeting. Should these be tabled, Administration has provided comment to Council through the CEO Bulletin.

The first of these dealt with –

1.2.11 Expressions of Interest for Goods and Services Council Conditions on this Delegation Delete “Nil” and insert the following –

“Delegates exercising this delegation must comply with:

- The Town of Bassendean Purchasing Policy.*
- Town of Bassendean Procurement Guidelines.*

Prior to going to market, notification to Councillors through the CEO Bulletin of the nature of the goods and the estimated cost sought.”

In response to the proposal, it is recommended that the conditions be included in the delegation. Council will note that notification to Councillors through the CEO Bulletin, is already provided, but the condition will formalise the process.

1.2.12 Tenders for Goods and Services Function

- (2) Amend the following to include additional text: *“Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G reg 11(f)] up to a maximum of \$50,000, with sole supplier proposals in excess of \$50,000 to come before Council for determination.”*

By way of response, delegations are designed to achieve efficiency in local government business. The proposal is deemed to go against this efficiency. The proposal would require amendment to the Purchasing Policy (approved in December 2020) and associated purchasing guidelines. The value to be created from this proposal is unclear.

The review of the duties to be performed, conditions and legislation of the current delegations has been undertaken in accordance with section 5.46(2) of the *Local Government Act 1995*.

A marked up copy of the Delegations Register has been attached to this report (Attachment 1). This attachment contains the proposed amendments to be made to the delegations contained within the Delegations Register. These amendments have been highlighted in red throughout the document.

It is proposed that delegation 1.2.23 – Administration of Local Laws be amended to place a condition on the delegation to prevent approval for circus' with exotic animals.

Amendments that have been made subsequent to Council adoption of the Delegations Register in 2020, have also been included in the Delegations Register. These have been marked in blue. The first set of amendments did not require any action from Council. These delegations referred to –

- 1.2.1 – Appoint Authorised Persons;
- 4.1.4 – *Cat Act 2011* – Appoint Authorised Persons; and
- 5.13 – *Dog Act 1976* – Appoint Authorised Persons.

These delegations were deleted by an amendment to the statutory framework in November 2020. The amendment to the legislation meant that the delegations were no longer valid.

Three further delegations were made separately by Council between June 2020 and June 2021 and these have subsequently included in the Register. These refer to:

- 1. 1.1.2 – Complaints Committee;
- 2. 1.2.27 – Authority to waive or grant concessions pursuant to Compassionate Waste Services Guidelines; and
- 3. 1.2.28 – Authority to make tree preservation orders in prescribed circumstances.

The review was undertaken to determine the appropriateness of the delegations and whether any further delegations were necessary to the Chief Executive Officer to ensure the efficiency of decision-making.

Statutory Requirements

Local Government Act 1995 – s. 5.42 – s. 5.46

Local Government (Administration) Regulations 1996 – reg. 19

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Financial Considerations

Nil. Where there is ineffective use of delegation powers this may result in additional financial cost to the Town, through additional administrative resources required to refer minor decisions to Council, and potential financial cost to Customers from slower decision-making.

Risk Management Implications

Comprehensive and strategically aligned delegations are an essential component of good governance in ensuring efficiency of decision-making and timeliness of the functions of the local government. The Annual Review of the Delegations Register ensures that delegations are appropriate and relevant to achieving the objective of efficient decision-making. Failure by the delegator to review the delegations made, would place the Town in breach of its statutory obligation, but also could lead to the maintenance of unnecessary delegations or inefficiencies in decision-making.

Officer Recommendation – Item 7.13

That Council:

1. in accordance with Section 5.46(2) of the Local Government Act 1995, reviews its delegations to the Audit and Governance Committee, Complaints Committee, and those delegations to the Chief Executive Officer; and
2. in accordance with Section 5.42(1) of the Local Government Act 1995, adopts the amended delegations of authority to the Chief Executive Officer as provided in the attachment to this report.

Voting requirements: Absolute majority

Item No. 7.14	Quarterly Report for Period Ended 30 June 2021
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 checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans, reports and strategies, accepting tenders, 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.
Attachment No. 9	<ul style="list-style-type: none"> Quarterly Report, including Outstanding Resolutions Recommended for Deletion

Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ended 30 June 2021.

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 newly approved 2020-2024 Corporate Business Plan, where those deliverables commence in the current financial year.

The Quarterly Report also contains an addendum of 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.

Proposal

That Council resolves to adopt the Quarterly Report P/E 30 June 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 <p>General alignment regarding values</p>
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 	<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 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 (CBP). The report provides updates on the strategic priority projects and the deliverables of each priority area as contained in the CBP.

Statutory Requirements

Local Government Act 1995.

Financial Considerations

Nil.

Risk Management Implications

A comprehensive and strategically aligned Quarterly Report will ensure transparency and accountability.

Officer Recommendation – Item 7.14

That Council:

1. Receives the Quarterly Report for the quarter ending 30 June 2021; and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report that are marked for deletion.

Voting requirements: Simple majority

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.0 CONFIDENTIAL BUSINESS

Item No. 9.1	Eastern Metropolitan Regional Council Establishment Agreement
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
Ref	LEGL/AGMT/44
Directorate	Environment and Sustainability
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	Draft Eastern Metropolitan Regional Council Establishment Agreement

Purpose

The purpose of this report is for Council to consider the Eastern Metropolitan Regional Council's (EMRC's) draft Establishment Agreement (EA) and provide feedback to the EMRC.

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.

Item No. 9.2	Regional Waste Collection Services
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
Ref	WSTMNGT/SVPROVN/9
Directorate	Environment and Sustainability
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. 4	EMRC Draft ACCC Regional Waste Collection Submission (Confidential)

Purpose

The purpose of this report is for Council to consider the Eastern Metropolitan Regional Council's (EMRC's) application to the Australian Competition and Consumer Commission (ACCC) for Regional Waste Collection Services.

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.

Item No. 9.3	CEO Key Performance Indicators 2021/2022 - Confidential
Property Address	N/A
Landowner/Applicant	N/A
File Ref	
Directorate	Office of the CEO
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 checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 5	Standards for CEO Recruitment, Performance and Termination Policy

Purpose

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 Briefing Session will be held on Tuesday 21 September 2021, commencing at 6.00pm.