



AGENDA

ORDINARY MEETING OF COUNCIL

23 MARCH 2021

Notice is hereby given of the Ordinary Council Meeting to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

Peta Mabbs
CHIEF EXECUTIVE OFFICER

19 March 2021

Tune in to live streaming from the comfort of your own home by going to:

<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg/live>

or if you miss it live, go to:

<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

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

Any person attending is required to be respectful, courteous and have due regard for individual rights and differences.

Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.



Council Seating Plan

Minute Secretary

Amy Holmes

Manager Governance and Strategy

Elizabeth Kania



Chief Executive Officer

Peta Mabbs



Mayor

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

Director Corporate Services

Paul White



Director Community Planning

Luke Gibson



Executive Manager Infrastructure

Phillip Adams



Executive Manager Sustainability and Environment

Jeremy Maher



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



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

Cr John Gangell
E: crgangell@bassendean.wa.gov.au



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

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



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

1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS; DISCLAIMER

Acknowledgement of Traditional Owners

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

2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DECLARATIONS OF INTEREST

5.0 PRESENTATIONS OR DEPUTATIONS

6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEM

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

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

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

7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

15 minutes will be allocated for questions by members of the public on matters contained in the agenda. Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Questions can be submitted prior to the Council meeting to:
<https://www.bassendean.wa.gov.au/forms/public-question-time/36>

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

8.0 PETITIONS

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 23 February 2021 **Attachment No. 1:**

Officer Recommendation – Item 9.1(a)

That the minutes of the Ordinary Council meeting held on 23 February 2021, be received.

Officer Recommendation – Item 9.1(b)

That the minutes of the Ordinary Council meeting held on 23 February 2021, be confirmed as a true record.

10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

11.0 EXTERNAL COMMITTEE REPORTS/UPDATES

Item No. 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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Attachment No. 2	<ul style="list-style-type: none"> • WALGA East Metropolitan Zone Meeting Minutes - 18 February 2021 • EMRC Council Meeting Delegates Report - 25 February 2021 • WALGA State Council Meeting Summary Minutes - 3 March 2021

Purpose

The purpose of this report is for Council to consider minutes from external Committees and organisations.

Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

The following meetings have been held where Councillors as delegates have attended during the reporting period.

Meeting	Date Held
WALGA East Metropolitan Zone Meeting Minutes	18 February 2021
EMRC Council Meeting Delegates Report	25 February 2021
WALGA State Council Meeting Summary Minutes	3 March 2021

Statutory Requirements

Not applicable.

Financial Considerations

Not applicable.

Risk Management Implications

Not applicable.

Officer Recommendation – Item 11.1

That Council notes the attached minutes from external Committee meetings held within the reporting period.

Voting requirements: Simple majority

12.0 REPORTS

12.1 Adoption of Recommendations En Bloc

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

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

Officer Recommendation – Item 12.1

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

Item	Report
12.2	Joint Development Assessment Panel Application - Tavern (Additions and Alterations to Bassendean Hotel)
12.4	Road Dedication – Lot 55 on Diagram 41398, Eden Hill
12.5	Draft Local Planning Policy No. 8 – Car Parking & End of Trip Facilities
12.7	Waste Plan
12.9	Outdoor Eating Facility (Parklet) – Permit Modification
12.11	Audit and Governance Committee Meeting held on 10 March 2021
12.12	Calendar for April 2021
12.13	Use of Common Seal
12.14	Monthly Financial Report – February 2021
12.15	Accounts Paid – February 2021

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

Item	Report
12.3	New Lease for Casa Mia Montessori Community School Inc.
12.6	Riverbank Grant – Point Reserve
12.8	Revocation of Various Council Policies
12.10	Annual Budget 2020/21 – March Review

Item No. 12.2	Joint Development Assessment Panel Application - Tavern (Additions and Alterations to Bassendean Hotel)
Property Address	Bassendean Hotel Holdings Pty Ltd
Landowner/Applicant	Bassendean Hotel Holdings Pty Ltd
File Ref	DABC/DBVAPPS/2021-022
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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Attachment No. 3	<ul style="list-style-type: none"> • Responsible Authority Report (RAR) • Attachments to RAR – 3.1 to 3.18 • Schedule of Submissions

Purpose

The purpose of this report is for Council to provide a recommendation to the Metro Inner-North Joint Development Assessment Panel (JDAP) for a proposed renovation and additions to the Bassendean Hotel and adjacent carpark.

Background

In November 2017, Council considered making a Tree Preservation Order for three Lemon Scented Gums on the subject site and resolved to reject the Order and seek to enter into an agreement with the owners for the retention of the trees. No agreement was ever struck.

Proposal

The proposed development includes the following:

- Modifications to the façade of the existing Bassendean Hotel, including clear panelling to the existing balustrade, restoring original brickwork and including tendered sandstone and tiled finishes at ground level;
- New courtyards facing Old Perth Road (247m²) and Parker Street (203m²), including courtyard screening and a playground;
- Removal of the existing drive-through bottle-shop, eastern portico structure and service areas;
- Modifications to the internal layout of the existing building, including accessible hoist to enable the future use of the first floor. The first floor is currently proposed for use as storage only, and will not be accessible to the public;
- Landscaping treatments, including landscaping to the southern boundary of the site and planting of new trees;
- Re-surfacing of the existing car parking area, including the provision of 81 car parking bays (including one bay for people with disabilities) and five motorcycle bays; and
- Bin store and storage areas.

Communication and Engagement

Details of public consultation are contained within the Responsible Authority Report (RAR).

Strategic Implications

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

Priority Area 4: Driving Financial Suitability

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

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

The Town's assessment of the development application, and resultant recommendation, is contained within the RAR.

Statutory Requirements

The *Planning and Development (Development Assessment Panels) Regulations 2011* require the Town to prepare and submit a RAR for the JDAP which sets out the planning assessment and recommendation(s) on a JDAP application.

Council is required to support the Town's recommendation (with or without modifications) or provide a different recommendation. In considering this matter, Council is required to provide valid planning reasons for any decision it makes.

Financial Considerations

Nil.

Risk Management Implications

Reputational risk: If Council does not support the application, it will compromise the Town's ability to:

- (i) Promote the Town Centre Master Plan; and
- (ii) Attract private sector investment within the district.

Officer Recommendation – Item 12.2

That Council endorses the Officer Recommendation contained within the attached Responsible Authority Report on the basis that the proposed development is generally consistent with the requirements of Local Planning Scheme No. 10 and relevant local planning policies and the instances of variations are either considered acceptable or can otherwise be adequately addressed via conditions of development approval.

Voting requirements: Simple Majority

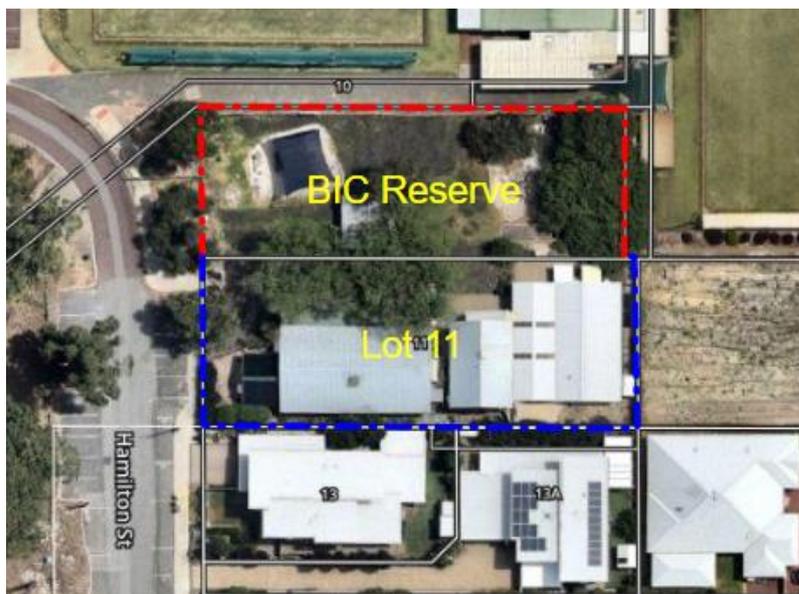
Item No. 12.3	New Lease for Casa Mia Montessori Community School Inc.
Property Address (if applicable)	11 (Lot 67) Hamilton Street, Bassendean BIC Reserve, Bassendean
Landowner/Applicant (if applicable)	Town of Bassendean and Casa Mia Montessori Community School Inc.
File Ref	
Directorate	Community Planning
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.
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Attachment No. 4	Lease Agreement

Purpose

The purpose of this report is for Council to consider terminating an existing lease arrangement with Casa Mia Montessori School and entering into new lease agreement for the use of 11 (Lot 67) Hamilton Street, Bassendean and a portion of the BIC Reserve.

Background

The Casa Mia Montessori School currently occupies 11 (Lot 67) Hamilton Street, Bassendean and a portion of BIC Reserve. A location plan follows.



On 26 July 2016, Council considered a request from the School for a lease extension beyond December 2017 and resolved as follows:

- “1. Council grants an extension of the lease to 31 December 2019 for the Casa Mia Montessori School located at 11 Hamilton Street, Bassendean; and
2. The lease extension fee for the Casa Mia Montessori School be based on 75% of the gross rental value of 11 Hamilton Street, Bassendean.
3. Council informs the school it is prepared to consider the sale of 11 Hamilton Street, if the school purchases 16 Whitfield Street, and grants planning approval of the school and allows the ongoing use of the BIC currently used by the school.”

On 25 July 2017, Council considered a request from the School to reconsider its position on the conditions that relate to the sale Lot 67 to the School, and resolved that Council:

- “1. Rescinds OCM – 17/07/16, Point 1, which reads: “MOVED Cr Bridges, Seconded Cr McLennan, that Council grants an extension of the lease to 31 December 2019 for the Casa Mia Montessori School located at 11 Hamilton Street, Bassendean”
2. Agrees to grant a new 5 year Lease with a 5 year option at the lapsing of the current Lease, being 31 December 2017 over 11 Hamilton Street, Bassendean, and that aspect of the BIC Reserve currently under lease for the School playground; and
3. Informs the Casa Mia Montessori School that it is only prepared to consider the sale of 11 Hamilton Street, Bassendean, if the School purchases 16 Whitfield Street, Bassendean, or the Crown disposes of the portion of the BIC Reserve leased for playground.”

A recent review of the lease arrangement found that the lease was not forwarded to the Minister for Lands for approval. This step was required under the *Land Administration Act 1997* due to the lease relating (in part) to a Crown Reserve (BIC Reserve). As such, the lease, as it relates to BIC Reserve, is invalid.

Proposal

For Council to consider terminating an existing lease arrangement with Casa Mia Montessori School and entering into new lease agreement for the use of 11 (Lot 67) Hamilton Street, Bassendean and a portion of BIC Reserve to conduct a community school. The agreement would be essentially the same as the current lease, but reflect provision for a portion of BIC Reserve, a new commencement date of the lease and a standard non-disparagement provision. The lease would still ultimately be valid until 31 December 2027.

Communication and Engagement

The Town has maintained regular communication with the School over this matter and with staff briefing the School's board on the subject proposal. The School's board support the proposed course of action.

The Town has discussed the matter with the Department of Planning, Lands and Heritage (DPLH), which has advised that it will support the approval of the lease, subject to it being consistent with the purpose of the reserve.

Strategic Implications

Nil. The proposed action is required simply to correct a procedural issue with the current lease arrangement.

Comment

Lease

The proposed course of action involves the following:

- seeking Council's in-principle support for a new lease (the subject of this report);
- seeking and obtaining Ministerial approval for the new lease;
- once Ministerial approval is obtained, terminating the current lease; and
- formally executing the new lease.

Reserve Purpose

The current purpose of the reserve is "recreation" only, which will not accommodate the proposed lease for the purposes of a community school. To accommodate the lease, the purpose of the reserve needs to be amended to include "community purposes". This is an administrative matter that will be addressed with the DPLH.

Statutory Requirements

Disposal (including leasing) of land with a value of greater than \$5,000 must be undertaken in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*, which provides for an auction, public tender or public advertising processes.

Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* provides that the disposition of land is exempt from those requirements if the objectives of the receiving body are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Based on the above, the proposed lease is an exempt disposition.

Financial Considerations

The Town will generate revenue from the proposed lease.

Risk Management Implications

If Council does not agree to the proposal, there is a risk of reputational damage due to not being able to fulfil the terms of the existing lease arrangement.

Officer Recommendation – Item 12.3

That, subject to approval by the Minister for Lands under the *Land Administration Act 1997*, Council agrees to:

1. Terminate the existing lease with Casa Mia Montessori Community School Inc; and
2. Endorse a new lease agreement to Casa Mia Montessori Community School Inc. for the use of 11 (Lot 67) Hamilton Street, Bassendean and a portion of BIC Reserve for a period until 31 December 2022, with the option of extending the agreement to 31 December 2027.

Voting requirements: Absolute Majority

Item No. 12.4	Road Dedication – Lot 55 on Diagram 41398, Eden Hill
Property Address (if applicable)	Lot 55 on Diagram 41398 (abutting Christie Way and Morley Drive East, Eden Hill)
Landowner/Applicant (if applicable)	Town of Bassendean
File Ref	ROAD/NAME/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.
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Attachment	Nil

Purpose

The purpose of this report is for Council to consider requesting the Minister for Lands to dedicate Lot 55 on Diagram 41398 as part of the adjoining Christie Way road reserve.

Background

Lot 55 is designated as a Pedestrian Access Way (PAW), but is owned in freehold by the Town. It is located between the existing Christie Way road reserve and 248 (Lot 4) Morley Drive East, which is zoned for commercial purposes and is privately owned. Lot 55 currently obstructs legal access to that site from Christie Way.

A plan showing the subject lot follows.

In mid-2020, the Town met with consultants acting on behalf of the owners of the commercial site regarding redevelopment of the site and the preparation of a Local Development Plan to guide future development, including future access locations to the site via Christie Way.

For access to become legally available to the site via Christie Way, Lot 55 would need to be dedicated as a road reserve by the Minister for Lands, the details of which form the basis of this report.



Proposal

That Council consider requesting the Minister for Lands to dedicate Lot 55 as part of the Christie Way road reserve.

Communication and Engagement

Public consultation was not required as the proposal is seeking to dedicate the site as road, which maintains its public access.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Support the local economy	<ul style="list-style-type: none"> • Prioritise infrastructure projects that generate local employment and support a circular economy • Ensure the local economy is positioned to recover from crises 	SHORT TERM <ul style="list-style-type: none"> • Increased local employment, relative to nonlocal employment • Increased local supply-chain use, relative to non-local supply
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Comment

Christie Way currently does not accommodate any verge on the western side of the road pavement. Dedication of Lot 55 as a road reserve would rectify this issue as well as provide legal access from Christie Way to the commercial site, allowing alternative access opportunities to the site and its future redevelopment.

The proposal does not involve any changes to the road pavement with any future access to the commercial site to form part of a Local Development Plan or Application for Development Approval. These proposals would be subject to their own public consultation processes.

The Land Administration Act 1997 requires that the Council indemnifies the Minister for Lands against any claim for compensation equal to the amount of all costs and expenses incurred by the Minister in considering and granting the road dedication request. As the subject parcel is owned by the Town, there is no risk to Council indemnifying the Minister.

It is recommended that Council authorise a request to be made to the Minister to dedicate Lot 55 as road reserve.

Statutory Requirements

- *Land Administration Act 1997*
- *Land Administration Regulations 1998*

Financial Considerations

Nil.

Risk Management Implications

Should Council not proceed with the request, access to the site will be restricted to Morley Drive East and Ivanhoe Street, which would restrict vehicle movements in and around the site and potentially compromise the functionality of the future redevelopment of the site.

Officer Recommendation – Item 12.4

That Council:

1. Authorises a request being made to the Minister for Lands, pursuant to Section 56 of the *Land Administration Act 1997*, to dedicate Lot 55 on Diagram 41398 as part of the Christie Way road reserve; and
2. Pursuant to Section 56 of the *Land Administration Act 1997*, indemnifies the Minister for Lands against any claim for compensation associated with the dedication.

Voting requirements: Simple Majority

Item No. 12.5	Draft Local Planning Policy No. 8 – Car Parking & End of Trip Facilities
Property Address	N/A
Landowner/Applicant	N/A
File Ref/ROC	LUAP/POLCY13
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Attachment No. 5	<ul style="list-style-type: none"> • Local Planning Policy No. 8 – Parking Specifications • Draft Local Planning Policy No. – Car Parking and End of Trip Facilities • Car Parking Comparison

Purpose

The purpose of this report is for Council to consider adopting an amended Local Planning Policy No. 8 – Parking Specifications for the purposes of advertising.

Background

Existing Local Planning Policy No. 8 – Parking Specifications, was adopted by Council in December 2008. No review of this policy has occurred since its adoption.

The existing LPP 8 does not address a range of parking related matters such as access and egress, manoeuvrability within the site, end of trip facilities and alternative transport modes. Further, as the draft LPS 11 does not include car parking standards, there is a need to prescribe minimum car parking requirements in a local planning policy. As such, LPP 8 is proposed to be amended as detailed in this report.

Proposal

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

Communication and Engagement

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

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Foster an empowered community that drives sustainability	<ul style="list-style-type: none"> Increase community support for sustainability considerations 	SHORT TERM <ul style="list-style-type: none"> Increased community support for sustainable initiatives

Comment

Minimum Car Parking Requirements

Car parking requirements are not included in draft Local Planning Scheme No. 11 (LPS 11), and requirements for car parking and access are instead proposed to be contained within a local planning policy (LPP). As policy can be amended by Council as required (such as upon updates to relevant Australian Standards, changes to Regulations or as demand for car parking changes), this approach will avoid the need to formally amend the scheme in response to any future changes.

Minimum car parking requirements have historically been based on predicting peak-parking demand for individual land uses. Alternative methods of determining car parking ratios include prescribing maximum parking ratios, which prevent developers providing an oversupply of car parking, and locational based criteria, which aims to tailor car parking provision based on individual needs of a given precinct or area.

Whilst it is recognised that prescribing an applied ratio may not reflect the needs of a particular development (i.e. actual staff numbers), the capacity of the local road network, or availability of nearby parking or non-car based transport options, it is still considered appropriate to provide minimum car parking requirements to provide certainty to developers in the form of a deemed-to-comply option.

Notwithstanding, to address issues of oversupply and parking appropriate to its location, the draft policy includes provisions allowing variations to the prescribed amounts based on the following criteria:

- The nature of the proposed development;
- The number of employees likely to be employed on site;
- The anticipated demand for parking; and
- The orderly and proper planning of the locality.

Providing minimum standards and flexibility in the application of those standards is considered the most appropriate way of ensuring car parking provided is sufficient to cater for demand, on a case by case assessment.

In addition to the above, it is noted that the existing car parking requirements in LPS 10 do not provide a car parking standard for every land use listed within the zoning table. The draft policy provides a car parking standard for every land use listed in draft LPS 11, which aligns with the land uses provided within the Model Scheme Text.

A comparison of the existing LPS 10 and proposed car parking requirements is attached. The proposed requirements in the draft policy differ to the minimum car parking standards and design requirements for car parking contained within LPS 10. Given the Scheme has the force and effect of law, and local planning policies are used to guide decision making, LPS 10 prevails over the draft policy. Notwithstanding, applicants have the ability to seek variations to LPS 10 requirements, and the draft policy will be used to provide guidance on decision making where variations to the Scheme are sought.

Car Parking Design

Whilst the existing policy requires compliance with the relevant Australian Standards, further details have been included in the draft policy in respect to the location of parking bays and manoeuvring areas, including ensuring bays and manoeuvring areas are located external to tenancies (which can be proposed in industrial developments), and ensuring tandem bays are only used for single use tenancies or long term staff car parking.

Shared Parking and Cash in Lieu of Car Parking

The draft policy includes the ability for a variation to the minimum car parking standards where shared parking arrangements are in place, based on set criteria. The intent of this provision is to reduce the amount of car parking required, and encourage the shared use of car parking facilities where appropriate.

Provision 6.3.2 and 6.3.3 of the draft policy requires a shared parking arrangement to be prepared by the applicant for shared parking arrangements and a payment-in-lieu of parking condition where a payment-in-lieu of parking plan has been prepared by the Town. These requirements reflect proposed changes to *Planning and Development (Local Planning Schemes) Regulations 2015*.

End of Trip Facilities

Clause 4.7.6 of LPS 10 states that, with respect to bicycle facilities, *“The local government may require the provision of facilities that provide for and encourage cycling as part of any private development. Such facilities shall provide for storage and parking of bicycles and change rooms/showers for cyclists.”* This clause is not considered specific enough to provide certainty to applicants on the amount and type of end-of-trip facilities required. As such, the draft policy provides a ratio for the amount of bicycle parking required based on land use, with the amount of end-of-trip facilities based on the number of bicycle parking spaces required. Specifications for the design of the end-of-trip facilities have also been included.

Vehicle Access

The draft policy provides criteria for the location and amount of vehicular access points to minimise the amount of crossovers and to ensure access points do not conflict with existing infrastructure. Preference is given to access via secondary streets, rights of way or existing crossovers, to maintain the existing streetscape and to maximise space available in the verge for street tree planting.

Alternative Transport

The draft policy provides for taxi/ride share bays in larger commercial or mixed use developments and encouraging the provision of electric vehicle charging points. The Town has not included provisions relating to autonomous vehicles as a means of reducing car parking requirements given the infancy of this technology.

Traffic

The Western Australian Planning Commission’s Transport Assessment Guidelines for Developments determined the level of traffic assessment required for a development based on the volume of traffic generated by the proposal. Reference has been in the draft policy to these guidelines, so applicants are aware of the need to provide the relevant traffic assessment by a suitably qualified traffic engineer.

Conclusion

The draft policy is considered to provide more certainty on the requirements for car parking and end-of-trip facilities. The provisions allow for the flexible application of car parking standards to respond to site specific conditions, and new provisions relating to the design requirements for bicycle parking, end-of-trip facilities and ride share will provide for alternative modes of transport. It is recommended that Council adopt the draft policy for the purposes of advertising.

Statutory Requirements

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

Financial Considerations

Nil.

Risk Management Implications

Low.

Officer Recommendation – Item 12.5

That Council pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 8 – Car Parking and End-of-Trip Facilities, for the purposes of advertising.

Voting requirements: Simple majority

Item No. 12.6	Riverbank Grant – Point Reserve
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 and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licenses (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil

Purpose

For Council to receive notification that it has been successful in its grant application to the Department of Biodiversity Conservation and Attractions (DBCA) for \$32,000 to co-fund the development of a concept plan for the riverbank restoration of Point Reserve and an update on the proposed approach.

Background

Point Reserve was once a popular swimming location, where the Helena River intersects the Swan River. In 1946 two jetties were constructed to create a swimming area for the community. Officially opened in 1947 the jetties were a source of recreation for many locals and visitors for many decades. Recently the jetties were deemed unsafe and unsalvageable due to their age and meeting the end of their asset life.

There is now an opportunity to consider not only the future reserve amenity, but how we can better conserve and protect the long-term health of the reserve's river foreshore; as well as providing a level of river park amenity that the community would like to see for this river precinct.

To address the issues of foreshore physical and ecological condition, it will be imperative to integrate this with the future use of this area by our community.

As such the issues that need to be addressed are as follows:

- a. Environmental degradation: this includes vegetation loss, sedimentation, trampling, impact of mean sea level;
- b. Reviving the park-scape amenity and infrastructure value; and
- c. Developing a future landscape vision for the reserve.

Additional Information

It should be noted that whilst the project would likely include the restoration of the riverbank with native vegetation, this work would not materially affect the water quality in the river. The improvement of the water quality in the river is part of a whole of government response, which is lead through the Swan and Canning Water Quality Improvement Plan (WQUIP) and local WQUIP's. Recently the Town completed a water indexing workshop with members of the community, Government and Council. This foundation work will be used to develop a 'Waterwise Bassendean Strategy' to help guide the Town on its path to a water sensitive Town.

The Town has received verbal notification that it has received a grant from the Department of Biodiversity Conservation and Attractions (DBCA) for \$32,000 to co-fund the development of a concept plan for the riverbank restoration of Point Reserve.

The project concept design is planned to be completed over the following 12 months. The delivery of a project at the reserve is unfunded and not currently identified in the long-term financial plan. That being said, this is understood to be a priority for the Town and expected to be represented in a future long-term financial plan to be developed in the 2021/22 financial year.

In respect to Point Reserve, the project objectives are to:

- a. Undertake river park planning or place-planning to assess the community aspirations for the precinct. This would be from a perspective of how to integrate the future use of the reserve by the community with the restoration of the environmental assets of the site; and
- b. Apply the DBCA Best Management Practice for foreshore management to design soft restoration techniques for the foreshore including revegetation, bioengineering and managed retreat for the site.

Proposal

The planning project is expected to be delivered over the following 12 months. The key milestones in developing a concept plan for Point Reserve are as follows:

Milestone 1 - River value desktop and field report

In this milestone a desktop assessment and field trip will be used to develop a short report that will describe some of the reserve's values in simple terms and also identify opportunities for the site. The report will help to identify both the environmental and social value of the site.

Milestone 2 – Community survey

The second stage will focus on better understanding community aspirations for the site. This will include community engagement through a survey to allow the Town to better describe the current community values and aspirations for the area. The results will be summarised in a report, and will be used to support milestone 3.

Milestone 3 – Landscape options

The third stage will develop landscape options to identify enabling factors to implement the preferred option.

Milestone 4 – Review

The options would be presented to the DBCA and Town of Bassendean for consideration.

Milestone 5 - Council formal consideration and community engagement

The preferred option would need to be formally considered by Council. Further community engagement on the preferred option would also be expected to be undertaken at this point.

A vision has not yet been set for the project, which would be developed from Councillor and community engagement. The site does however have the opportunity to create a place where people can relax, play and work on the river. This can be supported by a jetty/boardwalk, revegetation, upgrade of existing landscaping, upgrade of playground and parks furniture and creating new opportunities to use the river amenity for activities like working, playing and relaxing.

Opportunity to consolidate land to develop a larger River Park at Point Reserve

The Town currently manages a smaller land parcel than may be intuitive at Point Reserve. As part of a river park renewal at Point Reserve there is an opportunity to consolidate the land management of some state managed land parcels to the Town. This approach would create a singular land manager for the site and provide a number of opportunities for the environmental and amenity outcomes for the reserve.

Bassendean precinct plan

Officers are in the early stages of scoping a river precinct plan at the Town in partnership with the DBCA to support the Towns strategic management of the river. One opportunity that this precinct plan would present is the opportunity to consider land use and how river trails could be connected into the future.

Potential future Riverbank funding opportunities

The DBCA releases a riverbank funding program to support restoration of the river annually. There may be an opportunity to apply for a riverbank grant to support the natural or rehabilitation elements of a restoration of the river.

Opportunity cost

It is identified that there are a range of other competing projects for resources in the Town, including a number of environmental and river-based projects.

A broader body of work is being undertaken to provide better information for Council decision making for environmental projects such as a Waterwise Bassendean Strategy, Assessment of the Town's foreshore/marine assets and a public open space strategy; these projects are required to be completed before officers can provide informed advice for council project prioritisation.

In considering the above, Point Reserve has been a focus of community concern over the past 18 months to 2 years and is understood by officers to be a priority for the Town.

Over the following financial year, the Town will be reviewing its long-term financial plan. The development of this plan will provide councillors the opportunity to prioritise and gain better certainty for specific river projects. At this stage the minimum municipal funds requirement for an upgrade at Point Reserve is expected to be \$500,000.

Communication and Engagement

A communication and engagement strategy would be developed for the successful projects. The key engagement strategies will include:

- Community consultation through a survey to determine aspirations for the area;
- Councillor scope setting for the project and determination of preferred option; and
- Engage the community on the developed concept plans (for the preferred option).

Strategic Implications

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
Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people	Enhance partnerships with Noongar people – be guided by Traditional Owners in the appreciation, celebration and participation of Noongar Boodjar, history, culture and people	Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people
Create a community closely connected to its history and heritage	Maintain and share the historical stories of the Town of Bassendean	Create a community closely connected to its history and heritage
Creating an environment where people feel welcome and safe	Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)	Creating an environment where people feel welcome and safe
Encourage the adoption of a collective responsibility towards safety	Increased use of public transport by different demographics	Encourage the adoption of a collective responsibility towards safety

Comment

The project will support the Town to develop a future vision for Point Reserve.

It should also be noted that a \$0.5M upgrade/renewal of the park will be modest when compared with riverside upgrades which have significantly greater investment. There may be opportunities in an extended project timeframe to source additional funding support.

Statutory Requirements

At this stage of the project cycle there are no additional statutory requirements. Prior to construction of a project at this site, the Town will need to meet the requirements of the Swan and Canning River Management Act and the Aboriginal Heritage Act.

Financial Considerations

The current budget allocation (including the DBCA grant) for the concept design for this project is \$62,000.

As officers begin to help consolidate the community vision for the site, it will be important that funding for the project is reflected in the longer-term financial years. As such it is recommended that \$150,000 be allocated to a Reserve account for this project in the 2021/2022 draft Annual Budget. Whilst the majority of these funds would not be expected to be spent in that financial year, it will provide the community confidence mentioned, as well as reduce pressure in the subsequent financial years to fund the implementation of the project.

Officer Recommendation – Item 12.6

That Council:

1. Receives the Department of Biodiversity Conservation and Attractions Riverbank funding grant to develop a foreshore plan for Point Reserve;
2. Allocates \$150,000 for Point Reserve in the 2021/22 draft annual budget
3. Allocates funding for Point Reserve in the draft long-term financial plan, as follows:

Project	Budget	2022/23	2023/24	Total
Point Reserve	Municipal	\$150,000	\$200,000	\$500,000

Voting requirements: Absolute majority

Item No. 12.7	Waste Plan
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	WSTMNGT/POLCY/1
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.
Attachment No. 6	Draft Waste Plan

Purpose

The purpose of this report is for Council to consider the draft Waste Plan for in principle endorsement and submission for approval by the Department of Water and Environmental Regulation.

Background

The Town launched its three bin FOGO collection service in July 2020. The change to the three bin FOGO system enables residents to divert organic material from landfill. Diversion benefits include:

- Reducing the greenhouse impact of our waste;
- Creating valuable soil improver from a waste product; and
- Insulating against future increases in the waste levy.

The Town is active in putting One Planet Living Principles in to practice. The FOGO rollout has been a major step in this direction and the creation of a Waste Plan, which provides a five-year horizon for waste reduction and landfill diversion, is the next important step.

The Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy) includes a headline strategy to *"implement local government waste plans, which align local government waste planning processes with the Waste Strategy"*.

Consistent with the Waste Strategy, the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (the DWER) has exercised his powers under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*, by written notice, to require certain local governments and regional councils to include a waste plan within their plan for the future.

Local Governments will be required to report on the implementation of the waste plan annually to the DWER. A waste plan is considered to be a plan for the future under section 6.2(2) of the *Local Government Act 1995* requiring local governments to have regard for this plan in the preparation of their annual budgets.

As the Town is an early adopter of FOGO and a One Planet Living Council, the Town is largely compliant with the Waste Strategy. The Waste Plan outlines the next steps the Town is taking to reduce waste and increase recycling rates.

Proposal

Officers have drafted a Waste Plan which incorporates the Town's waste aspirations and meets State Strategic requirements. The Waste Plan details the Town's previous landfill diversion performance and creates an opportunity for the Town to promote its successes such as the change to FOGO collections.

The Waste Plan includes an implementation plan which includes, but is not limited to, the following actions to be completed over the five-year period:

- Review the Recycling Service, specifically the bin sizes offered;
- Review the Town's Collection Contract to align these services with the Town's goals, the Waste Strategy and better practice including the Verge Collection Service, by comparing on demand options such as skip bins and 'verge valet' services;
- Creating a Litter and Illegal Dumping Strategy to protect our precious environment; and
- Trialing recycled materials in the Town's infrastructure.

It was noted in the development of the Waste Plan that it was difficult to cost each individual action and broad costings were indicated in its development. Each action and cost would be considered as part of the annual budget process.

Communication and Engagement

The Waste Plan incorporates the Community's vision and aspirations from the Bassendean Our Future community engagement process. This consultation process was used to inform the drafting of the Waste Plan.

The draft Waste Plan was submitted to the DWER for feedback in February 2021. DWER reviewed the submitted draft Waste Plan and provided feedback. This feedback has now been incorporated in the draft Waste Plan attached to this report.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

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

Comment

Prior to the DWER CEO giving direction to create a Waste Plan, the Town had already committed to creating a Waste Strategy. This Waste Strategy would detail the Town's waste management goals and provide a pathway to increase diversion from landfill. Upon being notified of the DWER CEO's direction, the Waste Strategy was adapted into a Waste Plan.

To create the Waste Plan, the Town's Officers reviewed the following items:

- National Waste Policy 2018;
- Waste Avoidance and Resource Recovery Strategy 2030;
- Waste Avoidance and Resource Recovery Strategy Action Plan 2020-2021;
- Strategic Community Plan 2020-2030;
- Corporate Business Plan 2019;
- Bassendream Our Future Report; and
- Previous decisions of Council.

After the review of these documents, Officers developed scenarios which were further discussed at the Council Workshop held 1 December 2020.

A draft Waste Plan was then developed from the feedback received at the workshop, and sent to the DWER for their consideration. This optional review process provides the Town a level of confidence that the Waste Plan will meet the DWER requirements. The draft Waste Plan was updated as a result of the DWER feedback and attached to this report.

DWER requires updates to Waste Plans when the State Waste Strategy is reviewed, which occurs approximately every five (5) years. Local Governments may choose to update their Waste Plan earlier but these updates are still subject to the DWER CEO's approval. Officers are proposing to review the Waste Plan in two years to reflect items completed to date and to enable the inclusion of emerging opportunities.

A Waste Plan is considered a plan for the future under the Local Government Act and therefore Council will need to take the Waste Plan into account when setting the annual budget.

Inclusion of an item in the Waste Plan requires that the Town implement the action and report on the action's progress annually. Not including an action in the Waste Plan does not exclude the Town from pursuing this action during the Waste Plan period. Actions can also be added or amended when the Waste Plan is updated.

Statutory Requirements

Under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*, the Chief Executive Officer (CEO) of the department principally assisting the Minister for Environment in the administration of the WARR Act may by written notice require a local government to include within its plan for the future a waste plan outlining how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the Western Australian Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy).

On 7 November 2019, the CEO of the DWER gave notice to the Town of Bassendean to prepare a waste plan under section 40(4) of the *WARR Act*. The Town must submit a waste plan to the DWER by 30 September 2020. The deadline for submission was extended until 31 March 2021 to account for the operational impacts of the Covid-19 pandemic.

Section 6.2(2) of the Local Government Act 1995 requires local governments to have regard to their plans for the future (which include waste plans made under section 40 of the WARR Act) in the preparation of their annual budgets.

Further to the above, the Town is required under section 44 of the WARR Act to report on the implementation of the waste plan annually with the first report being due on 1 October 2021.

Financial Considerations

Adopting the Waste Plan does not have a material financial impact. However, the actions included in the Waste Plan do have a financial impact. The actions in the adopted Waste Plan will be included in the relevant financial years Annual Budget for Council's consideration. Actions which are to be completed in the 2020/21 financial year have already been included in the relevant budget.

Risk Management Implications

The Town is required to endorse and submit a Waste Plan to the DWER by the due date. Failure to complete this task will result in the DWER drafting the Town's plan with costs paid by the Town. The DWER plan may not align to a goals and aspirations of Council and community.

The Town must complete actions in the Waste Plan within the delivery timeframe. Failure to complete an action in the timeframe could result in the Town becoming non-compliant. The Town may complete actions which are not included in the Waste Plan.

Officer Recommendation – Item 12.7

That Council:

1. Provide in principle endorsement of the draft Waste Plan attachment to this report.
2. Note that Officers will submit the draft waste plan for final review and approval by the CEO of DWER.

Voting requirements: Simple majority

Item No. 12.8	Revocation of Various Council Policies
Property Address	N/A
Landowner/Applicant	N/A
File Ref	COUP/POLCY/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 7	Council Policy 1.1 – Conservation Policy and Development Guidelines Council Policy 2.5 – Landscaping with Local Plants Policy Council Policy 2.7 – Acid Sulfate Soils Policy Council Policy 5.8 – Temporary Holiday Accommodation in Caravans Council Policy 5.9 – Keeping of Other Cage-Birds & Poultry Policy

Purpose

The purpose of this report is for Council to consider revoking the following Council policies for the reasons outlined in this report:

- Council Policy 1.1 – Conservation Policy and Development Guidelines (CP 1.1)
- Council Policy 2.5 – Landscaping with Local Plants Policy (CP 2.5)
- Council Policy 2.7 – Acid Sulfate Soils Policy (CP 2.7)
- Council Policy 5.9 – Keeping of Other Cage-Birds & Poultry Policy (CP 5.9)
- Council Policy 5.8 – Temporary Holiday Accommodation in Caravans (CP 5.8)

Each policy was last reviewed in March 2014.

Communication and Engagement

Nil, the Council policies proposed for revocation are largely administrative and operational in nature as further discussed below.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

Council Policy 1.1 – Conservation Policy and Development Guidelines (CP 1.1)

CP 1.1 applies to places on the State Register of Heritage Places and sets out the Town’s commitment to manage and care for site features and significant buildings and provides guidance for the management and future use of the place.

Since CP 1.1 was first adopted in June 2005, the *Heritage Act 2018* has come into effect, which provides for statements of cultural heritage significance, conservation management plans and requirements for proposals affecting places of heritage interest.

Any proposal affecting a State registered place is now required to be referred to the Heritage Council for advice, with the Heritage Council providing advice on the matters outlined within CP 1.1, including elements that contribute to the cultural significant of the place, the appropriateness of restoration and adaptation of the building.

Given the requirements prescribed in CP 1.1 are captured by the advice provided by the Heritage Council, and mandatory referrals to the Heritage Council are required by the *Heritage Act 2018*, it is recommended that Council revoke the policy.

Council Policy 2.5 – Landscaping with Local Plants Policy (CP 2.5)

CP 2.5 seeks to encourage the use of local plant species and ensure landscaping is suitable in respect to reducing the amount of irrigation and fertilizer required. It also seeks to raise awareness of the use of local native species to conserve existing vegetation.

The Town primarily considers species types when considering the appropriateness of landscape plans, as required by conditions of development approval.

In this regard, the Town has prepared a publicly available landscape plan information sheet, which encourages the use of local native vegetation, water-wise plants and hydro-zoning, and includes a detailed species list. The Town provides this information sheet to residents/developers as required.

At its 31 March 2020 Ordinary Meeting, Council also adopted a new Council Policy 1.9 – Verge Treatment Policy and associated guidelines, which encourages the development and maintenance of environmentally sustainable verge treatments. The recommendations in CP 2.5 are now captured elsewhere, and it is therefore recommended that CP 2.5 be revoked.

Council Policy 2.7 – Acid Sulfate Soils (ASS) Policy (CP 2.7)

The purpose of CP 2.7 is to guide the management and disturbance of acid sulfate soils.

Acid sulfate soils occur naturally in Western Australia and are harmless when left in a waterlogged, undisturbed environment. However, when exposed to air, through drainage or excavation, the iron sulfides in the soils react with oxygen and water to produce iron compounds and sulfuric acid. This acid can release other substances, including heavy metals, from the soil and into the surrounding environment and waterways.

Activities with the potential to disturb ASS must be managed carefully to avoid serious environmental harm.

The Department of Environment Regulation has produced guidelines to assist with the assessment and management of acid sulfate soils in Western Australia. Depending on the level of risk, landowners may be required, before any subdivision works or development are commenced, to prepare an acid sulfate soils report and an acid sulfate soils management plan for approval by the Department.

The Town effectively manages acid sulfate soils through its assessment of development and subdivision applications, as informed by state government guidance on the matter. It is therefore recommended that this policy is revoked.

Council Policy 5.9 – Keeping of Other Cage-Birds & Poultry Policy (CP 5.9)

The objective if CP 5.9 is to ensure cage birds and other poultry are kept in an appropriate manner via controlling the number of birds and how they are kept.

At its 31 March 2020 Ordinary Meeting, Council adopted the *Animals, Environment and Nuisance Local Law 2019*, which stipulates the requirements for keeping of poultry. The Town has also prepared a publicly available information sheet which simplifies the requirements of the Local Law. Given information relating to the keeping of poultry and other birds is prescribed in the Local Law and information is available on the Town's website, CP 5.9 is obsolete and is recommended for revocation.

Council Policy 5.8 – Temporary Holiday Accommodation in Caravans (CP 5.8)

CP 5.8 allows visitors on holidays to stay in caravans with friends or relatives for up to three months.

Such activities are regulated under both the *Caravan Parks and Camping Grounds Act 1995* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the former requiring the local government to issue a licence for caravanning and camping on private property and the latter requiring a development approval for the occupation of a caravan for a period of more than 48 hours.

It is the development application process, rather than the license process, that should consider the impact the proposal will have on amenity of neighbouring properties and the broader area.

As such, if policy guidance is required, it should be in the form of a local planning policy rather than a council policy, however, given that such proposals for the use of caravans or camping on private property are particularly rare, there is little need for such a policy and any future applications can be considered on a case by case basis.

Given limited need for policy guidance on this particular use of land, it is recommended that CP 5.8 be revoked.

Conclusion

Effective policy management is critical in ensuring policies are current, relevant and consistent with relevant legislation. To ensure Council's policy manual remains contemporary and fit for purpose, it is recommended that Council revoke the listed policies.

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. Should Council not adopt the recommendations within this report, existing policies may be inconsistent with relevant legislation, and Council may be scrutinized for failing to review policies in line with contemporary practices and standards.

Officer Recommendation – Item 12.8

That Council revokes:

1. Council Policy 1.1 – Conservation Policy and Development Guidelines;
2. Council Policy 2.5 – Landscaping with Local Plants Policy;
3. Council Policy 2.7 – Acid Sulfate Soils Policy;
4. Council Policy 5.9 – Keeping of Other Cage-Birds & Poultry Policy; and
5. Council Policy 5.8 – Temporary Holiday Accommodation in Caravans.

Voting requirements: Absolute majority

Item No. 12.9	Outdoor Eating Facility (Parklet) – Permit Modification
Property Address	Old Perth Road reserve (abutting 22 (Lot 351) Old Perth Road, Bassendean)
Landowner/Applicant	Drew Mimmo
File Ref/ROC	COMDEV/POLCY/1
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	N/A

Purpose

The purpose of this report is for Council to consider amending the permit issued under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* (Local Law) for the Outdoor Eating Facility (parklet) on Old Perth Road, Bassendean, abutting 22 Old Perth Road, Bassendean (O2 Café).

Background

At its 27 October 2020 Ordinary Meeting, Council resolved to issue a permit for an Outdoor Eating Facility (parklet) on Old Perth Road, Bassendean, abutting 22 Old Perth Road, Bassendean (O2 Café). The applicant has since constructed the parklet.

Proposal

To modify Condition No.3 on the permit to enable the applicant to obtain a liquor licence, for the reasons outlined in this report.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
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

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

Priority Area 4: Driving Financial Suitability

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

Comment

Liquor Licence

The Department of Racing, Gaming and Liquor (RGL) has advised the applicant and the Town that it is not prepared to issue a liquor licence to enable the consumption of alcohol within the parklet on the basis that the second part of Condition No. 3 on the permit requires the parklet to be publicly available at all times:

- “3. *The applicant does not have exclusive or uninterrupted use of the area. The parklet must be publicly available at all times.*”

RGL is concerned that the applicant would not be able to evict intoxicated patrons from the licensed area if it is required to be publicly available at all times, and therefore the applicant would not be able to comply with licensing requirements. The applicant and the Town has advised RGL that it is prepared to accept a condition on the liquor licence that restrict the licensing times to coincide with the opening hours of O2 Café (Tuesday to Sunday from 11am to 11.30pm). Whilst RGL supports this proposal, it still requires the condition to be modified before it can issue a licence.

The parklet structure is not proposed to be modified to create physical barriers to restrict public access (which would require a revised application/permit). The Town is therefore satisfied the parklet will remain publicly available with the exception of the applicant upholding licensing requirements to evict intoxicated patrons if necessary, similar to the Town liaising with WA Police to move on intoxicated members of the public from other public land.

Duration of Permit

Permits issued under the Local Law are only valid for one year from the date on which it is issued, unless otherwise stated in the permit or if the permit is cancelled by the local government.

The Town originally considered that the one year validity of the permit was an appropriate timeframe to in part enable the Town to review the parklet if modifications to the structure were necessary. The Town has inspected the parklet since its construction and is satisfied that it is acceptable from a safety perspective.

Given the applicant is yet to utilise the facility due to the construction period and difficulties in obtaining a liquor licence, and the Town is satisfied with the construction standard of the parklet, the Town considers the validity period can be extended until March 2023 (two year approval timeframe).

Conclusion

The Town supports the modification of the condition to enable the licence to be issued, consistent with its commitment to reduce red tape, support local businesses and promote town centre activation.

Statutory Requirements

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 provides the ability for Council to issue permits for Outdoor Eating Facilities.

Financial Considerations

There is no fee prescribed for parklets. Council also removed the fee associated with outdoor eating facility permits when adopting the 2020-21 fees and charges to assist in economic recovery and to encourage activation.

Risk Management Implications

Nil.

Officer Recommendation – Item 12.9

That Council, pursuant to Clause 6.2 of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*, issue a permit for a parklet on Old Perth Road abutting 22 (Lot 351) Old Perth Road, Bassendean (O2 Café) subject to the following conditions:

1. This permit is issued for the use of the loading bay only.
2. The applicant must hold a current Public Liability Insurance Policy with indemnity of not less than \$20,000,000. If requested, the Applicant is to provide a Certificate of Currency to the Town of Bassendean.
3. The applicant does not have exclusive or uninterrupted use of the area.
4. The road and footpath pavement areas must be kept clean and free of litter at all times.
5. The applicant must ensure that no damage or obstruction is caused to a manhole, inspection pit, fire hydrant, water, gas, electrical or communications infrastructure, drainage or other service, within the location of parklet.
6. All furniture shall be durable, waterproof, rustproof and weather resistant, be maintained in good condition and be designed so that corners and fastenings do not create potential hazards for patrons and pedestrians.
7. Umbrellas shall be maintained to a high standard and securely anchored in accordance with *Australian Standard AS1170.2-2002 – Structural Design Actions – Wind Actions* and/or any recommendations provide by the manufacturer.
8. Alcohol consumption shall only be permitted where the necessary approvals have been obtained from the Department of Racing, Gaming and Liquor.
9. Smoking is not permitted within the facility. The permit holder is required to provide appropriate non-smoking signage to ensure compliance.

Voting requirements: Simple majority

Item No. 12.10	Annual Budget 2020/21 – March Review
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
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. 8	<ul style="list-style-type: none"> • Statement of Financial Activity • Proposed Budget Amendments

Purpose

The purpose of this report is to present the second review to the Annual Budget 2020/21 for adoption (the March Budget Review).

Background

The *Local Government Act 1995* and Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

This year, in addition to the planned budget review set out above, the Town carried out a review of the annual budget after the first three months of the financial year (1 July 2020 to 30 September 2020). The review was adopted by Council in November 2020.

The budget review must be submitted to the Department of Local Government, Sport and Cultural Industries (the Department) within 30 days after Council has made its determination.

Proposal

That Council adopt the March Budget Review.

Communication and Engagement

The Chief Executive Officer, Directors, Managers and relevant staff were consulted about current and future projects and cost pressures and changes attributed to their functional area of responsibility.

The draft March Budget Review was distributed to Councillors via the CEO Bulletin on 5 March 2021 and a workshop was held with Councillors on 9 March 2021.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

The March Budget Review reflects actual year to date income and expenditure to 31 December 2020 and savings and overspends identified through discussions with business units across the Town.

The proposed amended Annual Budget 2020/21 is presented as the Statement of Financial Activity attached. The statement shows:

- The Original Annual Budget 2020/21 (the full year budget adopted by Council in July 2020);
- The Current Annual Budget 2020/21 (incorporating the November review adjustments adopted by Council in November 2020);
- Budget Amendments (the net difference between the Current Annual Budget and the proposed Amended Annual Budget 2020/21); and
- Amended Annual Budget 2020/21 (the Original Annual Budget, including recommended Budget Amendments from November and March reviews).

The current Annual Budget forecast net result was a surplus of \$14,486 (original Budget forecast net result \$4,647). The amended Annual Budget forecast net result is \$68,775.

The detailed review of the budget and consultation with business units, requires numerous adjustments, as detailed in the list of proposed budget amendments included in the March Budget Review.

The following is a summary of the key variations and recommended Budget Amendments.

Operational Priority Projects

The budget for Operational Priority Projects is proposed to fall by \$499, primarily due to the following:

- An increase in costs associated with the Strategic River Assessment - \$2,155 and town driven community events - \$17,151; and
- A reduction in the Green Power Purchasing project as it is unlikely to occur this financial year - \$20,000.

Capital Expenditure

The Capital Expenditure budget is proposed to fall by \$35,557, primarily due to the following:

- Drainage at Bridson St/Whitfield St/Watson St (install storage cells) – the budget adjustment proposes to remove this project, place \$110,000 of existing budget into Drainage Reserve and utilise the remaining \$10,000 to purchase/rent equipment to undertake accurate data collection of the Towns Drainage Network - \$110,000;
- The carry forward budget for FOGO was less than expected - \$119,820; and
- The purchase of Lot 100 Hyland Street was less than expected - \$23,624.

Offset by:

- An additional \$100,000 to appropriately carry out remediation works at Success Hill Jetty. The November review included an indicative \$70,000 for the repairs (funded by the Emergency repairs budget). The additional \$100,000 will be partially funded (\$73,121) by the Local Roads and Community Infrastructure (LRCI) grant;
- Acquisition of a Dual Axle 3 Tonne Multi use trailer capable of transporting the works roller to multiple sites (acquisition partially funded by the disposal proceeds of 5 redundant trailers (\$15,000));

- Ashfield Parade Drainage - An existing drainage feature at Ashfield Parade is failing. It is difficult to predict if the failing item would survive the winter period and what a critical failure would look like, however a failure would be significantly more expensive to repair. A detailed design has been developed - \$80,000; and
- Palmerston Reserve upgrade - Replace existing plastic/metal fort structure which does not meet current standards; with nature play system more in keeping with Councils vision of the park upgrade - \$30,000.

Operating Expenditure

Operating expenditure is \$445 more than budget primarily due to:

- Salary changes identified during the Salaries Review. The review adjusted the budget for staff resignations, current vacancies, redundant and new positions (partially funded through corporate services vacancy) - \$92,416;
- Payments to be made to EMRC for Regional Economic development and regional integrated Transport Projects - \$15,461;

Offset by:

- Lower than expected loss on disposal of Lot 8713 (No. 48) Chapman Street, Bassendean and Lot 7557 (No. 93) Lord Street, Eden Hill - \$92,273;

Capital Revenue

Capital Revenue is more than budget by \$1,914,155 due to:

- Accounting treatment changes \$1,381,034; and
- Local Roads and Community Infrastructure Grants (to be approved) to fund the Sandy Beach ablutions (\$460,000) and Success Hill Jetty (\$73,121) - \$533,121.

Operating Revenue

Operating revenue is \$224,667 higher than budget. The following factors contributed to this:

- Higher than anticipated revenue in various operating revenue areas (including development application fees, building licenses and interim rating) - \$190,657;
- Change in accounting treatment for the Bassendean Oval Business Case – recognised as expenditure to match revenue - \$45,000; and
- Australia Day grant received - \$17,151.

Offset by a reduction in estimated Municipal interest - \$35,000.

Proceeds from Disposal of Assets

Increase in proceeds from disposal of assets by \$97,173 as a result of:

- The higher than budgeted proceeds on sale of land - \$92,273; and
- The estimated proceeds to be received from the sale of redundant trailers - \$4,900.

Transfer to Reserves

The Land and Buildings Infrastructure reserve is expected to increase as a result of higher proceeds for the sale of Lot 8713 (No. 48) Chapman Street, Bassendean and Lot 7557 (No. 93) Lord Street, Eden Hill - \$92,273.

Transfer from Reserves

There is a requirement to amend fund transfers from the following reserves:

- Land and Building Reserve – transfer from reserve decreased as the purchase price for Lot 100 Hyland Street was less than expected - \$23,624;
- Waste Management Reserve – changes in accounting treatment for the EMRC FOGO distribution, which is now classified as a contract liability (2019/20) - \$372,824
- Drainage Infrastructure Reserve - Drainage at Bridson St/Whitfield St/Watson St (install storage cells) will not proceed in 2020/21. As a result, the Drainage Infrastructure Reserve funding is no longer required - \$24,500.
- Underground Power Reserve – an increase in the reserve as the Green Power Purchasing project is unlikely to occur this financial year - \$20,000;
- Unspent Grants Reserve – change in accounting treatment in 2019/20 (\$1,182,570), the removal of the Sandy Beach Ablutions allocation as funding will be sought through the LCRI (\$210,000) and the removal of the Sandy Beach Playground allocation (\$4,463) - \$1,397,033;
- Wind in Willows Reserve – increase in reserve as office upgrade was less than budget - \$3,972;
- Plant and Equipment Reserve – minor adjustment for the cost of fertiliser spreader and bobcat attachment - \$781;
- Cash in Lieu – There is an overall decrease in the use of Cash in Lieu funds for Sandy Beach Playground and Ablutions as the Town is requesting Sandy Beach Ablution works to be funded through the LCRI - \$252,106; and

- Future Project Reserve – This reserve is being utilised to carry out drainage work on Ashfield Parade - \$80,000.

Statutory Requirements

The *Local Government Act 1995*, section 6.2, states:

“During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

**Absolute majority required.”*

The Town chose to conduct two budget reviews in 2020/21. The first was the November Budget Review (adopted by Council at the November 2020 meeting) and second being the March Budget Review, as required by the *Local Government Act 1995*.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
 - (a) Consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
 - (b) Consider the local government’s financial position as at the date of the review; and
 - (c) Review the outcomes for the end of that financial year that is forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Financial Considerations

Amendment of the Annual Budget 2020/21 in accordance with the recommended adjustments, as contained in this report and attachments, results in a small increase in the budgeted closing surplus.

Risk Management Implications

Nil.

Officer Recommendation – Item 12.10

That Council adopts the March Budget Review, as outlined in this report and detailed in the attached list of proposed Budget Amendments.

Voting requirements: Absolute majority

Item No. 12.11	Audit and Governance Committee Meeting held on 10 March 2021
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
File Ref/ROC	GOVN/CCLMEET/18
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</i> , <i>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"> • Minutes of the Audit and Governance Committee meeting held on 10 March 2021 • Town of Bassendean Compliance Audit Return 2020 • Local Government (Model Code of Conduct) Regulations 2021 • OAG Independent Auditor's Report 2019/2020 • Report to the Minister for Local Government, Town of Bassendean Audit Findings for 2019/2020
Confidential Attachment No. 1	<ul style="list-style-type: none"> • RFQ 02/2021 CEO Contract Approval • RFQ 02/2021 Quotation Evaluation Report • Risk Register

Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 10 March 2021.

Background

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

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

Proposal

For Council to receive the report on the meeting of the Audit and Governance Committee held on 10 March 2021.

Communication and Engagement

To ensure openness, accountability and integrity, Council has appointed three community representatives to be members of the Audit and Governance Committee.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> • Early identification of potential risks / issues/opportunities • Embed opportunity cost considerations 	SHORT TERM <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 LONG TERM <ul style="list-style-type: none"> • Examples of being first adopters
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Comment

The Committee considered the following items:

Town of Bassendean Compliance Audit Return 2020

All Local Governments are required to submit a Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries by 31 March each year for the previous calendar year. The Compliance Audit Return is used to measure the level of compliance with the *Local Government Act 1995* and associated Regulations.

Local Government (Model Code of Conduct) Regulations 2021

On 3 February 2021, the Local Government (Model Code of Conduct) Regulations 2021 introduced a mandatory Code of Conduct for Council Members, Committee Members and Candidates. The Model Code of Conduct replaces the previous Local Government (Rules of Conduct) Regulations 2007.

The *Local Government Act 1995*, section 5.104 requires local governments to adopt the Model Code of Conduct within three months of the regulations coming into effect. In accordance with section 5.104(5) of the Act, the Model Code of Conduct will apply until the Town adopts its own Code of Conduct.

OAG Audit Update

The OAG provided an Audit Update to help inform the Committee of:

- Audit reports tabled in Parliament;
- Audits in progress;
- Changes to Accounting Standards; and
- Other matters of interest.

Independent Auditor's Report 2019/2020 – Significant Adverse Trends

RSM Australia conducted the audit of the Town's Annual Financial Report for 2019/20. The Auditor General reviewed the Annual Financial Report and provided its Independent Auditor's Report, which was received by Council on 23 February 2021.

While the Town received an unqualified audit report, the Auditor General identified significant adverse trends in the financial position of the Town:

- The Asset Sustainability Ratio has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three financial years; and
- The Operating Surplus Ratio has been below the DLGSCI standard for the last three financial years.

The administration is aware of the continuing adverse movement in these two ratios, the reversal of which requires a whole of Town approach to asset management and long-term financial and operational planning. The Town is presently conducting a comprehensive review of its asset management plans and its long-term financial plan to identify opportunities for capital renewal and replacement in the coming years. The Town will continue to explore further sources of own source revenue and is closely managing operating expenditure.

The *Local Government Act 1995*, section 7.12A, requires the Town to:

- (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
- (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

The Town must also publish the report to the Minister on its website within 14 days of providing the report to the Minister.

Provision of Internal Auditing Services

The Town has a requirement for Internal Auditing Services, to ensure compliance with the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996. Council adopted the internal audit schedule at its ordinary council meeting on 23 June 2020.

In accordance with Town's Purchasing Policy and Procurement Manual, the Town issued RFQ 02/2021 Provision of Internal Auditing Services to identify and select a suitably licensed auditor. The contract period will be from 3 March 2021 to 30 June 2023.

The Chief Executive Officer has the Delegated Authority in relation to the acceptance of offers below \$250,000, and awarded the contract to William Buck Consulting.

Audit Risk Register

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

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

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

Statutory Requirements

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

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

Financial Considerations

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

Risk Management Implications

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

Officer Recommendation – Item 12.11

That Council:

1. Receives the report on the Audit and Governance Committee meeting held on 10 March 2021;
2. Adopts the Town of Bassendean Compliance Audit Return for the period 1 January 2020 to 31 December 2020, as attached to this report;
3. Notes the *Local Government (Model Code of Conduct) Regulations 2021*, as attached to this report;
4. Provides the Independent Auditor's 2019/2020 report to the Minister for Local Government, as attached to this report;
5. Publishes a copy of the report to the Minister for Local Government, attached to this report, on the Town's website; and
6. Notes the CEOs approval to award the Contract for Provision of Internal Auditing Services for the Town of Bassendean from 3 March 2021 to 30 June 2023 to William Buck Consulting.

Voting requirements: Simple majority

Item No. 12.12	Calendar for April 2021
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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.
Attachment	Nil

Purpose

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

Background

Nil.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

Calendar for April 2021:

Date	Time	Location	Meeting/ Event
Fri 2 April 2021 to Mon 5 April 2021 (inclusive)			Office Closure (Good Friday and Easter Monday)
Wed 14 April 2021	5.30pm	Council Chamber	Additional Audit and Governance Committee
Tues 20 April 2021	6.00pm	Council Chamber	Briefing Session
Thurs 22 April 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Ordinary Council Meeting (if required)
Thurs 22 April 2021	6.30pm	City of Belmont, Council Chambers, 215 Wright Street Cloverdale	WALGA East Metropolitan Zone Meeting
Tues 27 April 2021	6.00pm	Council Chamber	Ordinary Council Meeting

Statutory Requirements

Not applicable.

Financial Considerations

Not applicable.

Risk Management Implications

Not applicable.

Officer Recommendation – Item 12.12

That Council adopt the calendar for April 2021.

Voting requirements: Simple majority

Item No. 12.13	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Attachment	Nil

Purpose

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

Background

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

The Common Seal was attached to the following document during the reporting period:

Document Sealed	Date Sealed
Restrictive Covenant – 9 Watkins Street, Eden Hill	9 March 2021

Statutory Requirements

Affixing of the Common Seal is done in accordance with section 9.49A of the *Local Government Act 1995*

Financial Considerations

Not applicable

Risk Management Implications

Not applicable

Officer Recommendation – Item 12.13

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

Voting requirements: Simple majority

Item No. 12.14	Monthly Financial Report – February 2021
File Ref/ROC	FINM/AUD/1
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 10	Financial Statements – Feb 2021

Purpose

The purpose of this report is for Council to receive the monthly financial report for February 2021.

Background

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

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

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

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

Proposal

For Council to receive the monthly financial report for February 2021.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

The Statement of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the month ending 28 February 2021.

Statement of Financial Activity (by nature or type)

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

Item	Amended Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	23.0	21.0	21.2	0.85
Expenditure	27.0	17.9	15.8	11.59
Capital Works	6.3	5.0	2.3	54.00
Non-Operating Grants, Subsidies and Contributions	1.8	0.2	0.2	(12.77)

Operating Revenue

Revenue year to date is 0.85% above budget.

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

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

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

Operating Expenditure

Expenditure year to date is 11.59% under budget.

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

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

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

Loss on Disposal of Assets

Expenditure year to date is 32.54% under budget.

This is due to the loss on sale of land assets less than estimated and timing of disposal of other assets.

Non-Operating Grants, Subsidies and Contributions

Revenue year to date is 12.77% under budget.

This is due to timing of grant payments.

Capital Works

Expenditure on capital projects is under budget due to timing.

Cash backed reserves

The closing balance of the cash backed reserves at 28 February 2021 is \$7 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on the Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

Statement of Financial Position

The Town has current assets of \$21.4 million. The major components of which are cash and cash equivalents of \$18 million and trade and other receivables of \$3.4 million. Current liabilities total \$7.5 million. The major components are trade and other payables (including bonds and deposits) of \$4.8 million and employee provisions of \$2.3 million.

Statement of Cash Flows

Net cash provided by operating activities is \$5.3 million and net cash used in investing activities \$0.6 million.

Monthly Investment Report

The overall balance of the Town's investments is \$15.4 million. This is comprised of municipal investments of \$7.6 million (including restricted bonds and deposits), reserve investments of \$7 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 52% of its funds invested in non-fossil fuel ADIs.

Budget Amendments

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

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 12.14

That Council receive the Monthly Financial Report for February 2021.

Voting requirements: Simple majority

Item No. 12.15	Accounts Paid – February 2021
File Ref/ROC	FINM/CREDTS/4
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 11	List of Payments – Feb 2021

Purpose

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

Background

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

Proposal

For Council to receive the list of payments for February 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 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Openness and transparency of decision making Enhanced staff morale

	<p>Plan, project and business as-usual services and operations</p> <ul style="list-style-type: none">• Create an organisational culture of performance, innovation and excellence• Develop shared values between Council, administration and the community	<ul style="list-style-type: none">• Staff have appropriate strategic direction• Agreement on the link between projects and Strategic Community Plan• General alignment regarding values
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Comment

Nil.

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 12.15

That Council receive the List of Payments for February 2021.

Voting requirements: Simple majority

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

15.0 URGENT BUSINESS

16.0 CONFIDENTIAL BUSINESS

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

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 20 April 2021.

The next Ordinary Council meeting will be held on Tuesday 27 April 2021.