



**AGENDA**

**ORDINARY MEETING OF COUNCIL**

**TUESDAY 27 APRIL 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**

22 April 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:

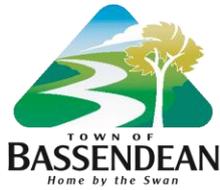
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

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 March 2021** **Attachment No. 1:**

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

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

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

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

### **9.2 General Meeting of Electors held on 17 March 2021** **Attachment No. 2:**

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

That the minutes of the General Meeting of Electors held on 17 March 2021, be received.

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

That the minutes of the General Meeting of Electors held on 17 March 202, be confirmed as a true record.

## **10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

## **11.0 EXTERNAL COMMITTEE REPORTS/UPDATES**

<b>Item No. 11.1</b>	<b>Receipt of External Committee and Organisation Minutes</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	Not applicable
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 3</b>	EMRC Council Meeting Abridged Minutes - 25 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"><li>• Ensure clear communication and flow of information from decision makers to operational staff</li><li>• Implement a framework on decision making that identifies delegated authority for different levels of decision</li></ul>	SHORT TERM <ul style="list-style-type: none"><li>• Efficient and effective Council meetings</li><li>• Outcomes-focused decision making (not process-focused)</li><li>• More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li></ul>

## Comment

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

Meeting	Date Held
EMRC Council Meeting Abridged Minutes	25 March 2021

## Statutory Requirements

Not applicable.

## Financial Considerations

Not applicable.

## Risk Management Implications

Not applicable.

## Officer Recommendation – Item 11.1

That Council notes the minutes attached to this report 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	Draft Amended Local Planning Policy No. 16 – Control of Advertisements Under the Local Planning Scheme No. 10
12.3	Review of Responsible Cat Ownership Amendment Local Law 2006
12.4	Fencing Local Law 2013 – Periodic Review
12.6	Town of Bassendean History Book
12.7	General Meeting of Electors - Notices of Motion
12.10	Audit and Governance Committee Meeting held on 14 April 2021
12.11	Monthly Financial Report – March 2021
12.12	Accounts Paid – March 2021
12.13	Common Seal
12.14	Calendar for May 2021

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

Item	Report
12.5	Use of Youth Services Centre
12.8	Code of Conduct - Council members, Committee Members and Candidates
12.9	Implementation of Differential Rates
13.1	Cr Hamilton –BIC Reserve Concept Plan
13.2	Cr Hamilton –Establishment of an Arts, Culture and Events Committee
13.3	Cr Gangell – Request to Attend ALGA National General Assembly
16.1	Community Awards
16.2	Expression of Interest for the Staging of Markets in the Town of Bassendean

<b>Item No. 12.2</b>	<b>Draft Amended Local Planning Policy No. 16 – Control of Advertisements Under the Local Planning Scheme No. 10</b>
<b>File Ref</b>	LUAP/POLCY/16
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment No. 4</b>	<ul style="list-style-type: none"> <li>Local Planning Policy No. 16 – Control of Advertisements Under the Local Planning Scheme No. 10</li> <li>Draft Local Planning Policy No. 16 – Advertising and Signage</li> </ul>

## Purpose

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

## Background

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

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

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

## **Proposal**

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

## **Communication and Engagement**

The draft policy was distributed to Councillors for review via the CEO's Bulletin. **One response was received, however, that did not result in any changes being made to the draft policy at that time.**

## **Strategic Implications**

Not applicable.

## **Comment**

### Proposed Amendments to Policy

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

The key changes to the draft policy include:

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

### Conclusion

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

### **Statutory Requirements**

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

### **Financial Considerations**

Nil.

### **Risk Management Implications**

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

### **Officer Recommendation – Item 12.2**

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

**Voting requirements: Simple majority**

<b>Item No. 12.3</b>	<b>Review of Responsible Cat Ownership Amendment Local Law 2006</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>Ref</b>	LAWE/LOCLWS/2
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 5</b>	<ul style="list-style-type: none"> <li>• Responsible Cat Ownership Amendment Local Law 2006</li> <li>• Draft Cat Local Law 2021 - with track changes</li> <li>• Draft Cat Local Law – accepted track changes</li> </ul>

## Purpose

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

## Background

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

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

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

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

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

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

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

### **Proposal**

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

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

### **Communication and Engagement**

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

## Strategic Implications

### Priority Area 1: Strengthening and Connecting our Community

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

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

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

## Comment

### New Cats Local Law

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

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

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

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

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

### Cat Prohibited Areas (CPA)

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

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

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

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

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

### Additional Provisions

The draft local law also includes the following:

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

## Conclusion

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

## **Statutory Requirements**

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

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

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

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

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

## **Financial Considerations**

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

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

### **Risk Management Implications**

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

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

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

**Voting requirements: Simple majority**

<b>Item No. 12.4</b>	<b>Fencing Local Law 2013 – Periodic Review</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Ref</b>	LAWE/LOCLWS/2
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
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<b>Attachment No. 6</b>	Fencing Local Law 2013

## Purpose

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

## Background

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

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

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

## Communication and Engagement

No consultation has been undertaken.

## Strategic Implications

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

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

### Comment

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

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

### Statutory Requirements

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

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

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

### Financial Considerations

Nil.

### **Risk Management Implications**

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

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

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

**Voting requirements: Simple Majority**

<b>Item No. 12.5</b>	<b>Use of Youth Services Centre</b>
<b>File Ref</b>	WSTMNGT/SVPROVN/3
<b>Directorate</b>	Sustainability and Environment
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
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<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licenses (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 7</b>	Written Deputation - Repair Café Bassendean Inc

## Purpose

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

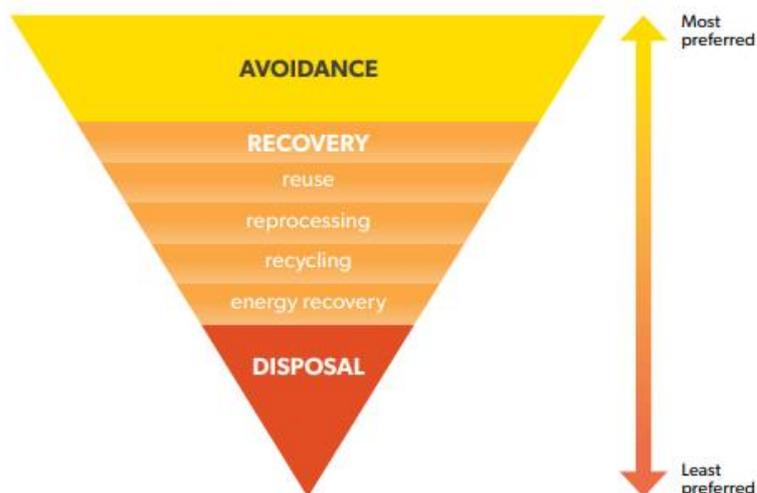
## Background

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

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

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

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



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

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

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

### **Proposal**

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

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

### **Communication and Engagement**

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

## Strategic Implications

Direction	Potential Strategies	What Success Looks Like
Demonstrate strong leadership in waste reduction and carbon neutrality	Initiate and drive innovative waste management practices	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• State Government targets are met</li> <li>• Waste generated per capita is reduced by 10%</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• 70% of waste is diverted from landfill by 2030</li> <li>• On track to achieve carbon neutrality by 2030</li> </ul>
Foster an empowered community that drives sustainability	Increase community support for sustainability considerations	Increased community support for sustainable initiatives

## Comment

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

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

## Statutory Requirements

Nil

## Financial Considerations

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

## Officer Recommendation – Item 12.5

That:

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

**Voting requirements: Absolute majority**

<b>Item No. 12.6</b>	<b>Town of Bassendean History Book</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	COMS/LPIAC/4
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<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.
<b>Confidential Attachment No. 1</b>	History Book Comments

## Purpose

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

## Background

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

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

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

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

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

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

Council resolved the following:

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

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

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

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

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

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

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

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

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

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

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

The Town received the edited copy in April 2019.

### Proposal

That Council resolves not to publish or make available the history book commissioned in April 2011.;

### Communication and Engagement

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

### Strategic Implications

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

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

	<ul style="list-style-type: none"><li>• Recognise and reward innovation and leadership</li></ul>	<ul style="list-style-type: none"><li>• Professional development for staff and councillors</li><li>• Inductions to professional networks</li></ul> LONG TERM <ul style="list-style-type: none"><li>• Recognition of excellence by other organisations</li></ul>
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## Comment

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

Council had requested that the work should be a *'Readable History' rather than overly scholarly work.*"

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

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

## Cost

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

## Conclusion

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

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

## **Statutory Requirements**

*Copyright Act.*

## **Financial Considerations**

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

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

## **Risk Management Implications**

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

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

### Additional Information

Point 2 of the (former) Officer Recommendation presented at the Briefing Session has been removed, which read "*that the Town of Bassendean does not commission any further local histories by third parties*", as it was considered too restrictive should the Town, at a future date, wish to commission works or offer grants to third parties.

## **Officer Recommendation – Item 12.6**

That Council resolves not to publish or make available the history book commissioned in April 2011.

**Voting requirements: Simple majority**

<b>Item No. 12.7</b>	<b>General Meeting of Electors - Notices of Motion</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	GOVN/CCLMEET/1
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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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<b>Attachment No. 2</b>	Minutes of the General Meeting of Electors held on 17 March 2021

## Purpose

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

## Background

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

### Motion 1

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

CARRIED 8/3

**Motion 2**

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

**CARRIED 8/3**

These are discussed in detail below.

**Proposal**

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

**Communication and Engagement**

Nil.

**Strategic Implications**

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

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

## **Comment**

### *Motion 1*

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

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

and the proposal is to comply with the regulations.

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

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

### *Officer Recommendation*

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

### *Motion 2*

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

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

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

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

#### *Officer Recommendation*

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

### **Statutory Requirements**

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

#### **5.33. Decisions made at electors' meetings**

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

#### **Alternative methods of filling office or mayor or president**

*Local Government Act 1995* s. 2.11 – 2.16

*Local Government (Constitution) Regulations 1998* regulation 11.

## **2.11. Alternative methods of filling office of mayor or president**

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

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

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

*\* Absolute majority required.*

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

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

## **2.12. Electors may propose change of method**

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

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

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

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

## **Wards and representation**

*Local Government Act 1995 Schedule 2.2.*

*Local Government (Constitution) Regulations 1998 regulation 10.*

## **Financial Considerations**

Nil.

## **Risk Management Implications**

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

## **Officer Recommendation – Item 12.7**

That Council:

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

**Voting requirements: Simple majority**

<b>Item No. 12.8</b>	<b>Code of Conduct - Council members, Committee Members and Candidates</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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.
<b>Attachment No. 8</b>	Code of Conduct - Council members, Committee Members and Candidates.

## Purpose

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

## Background

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* introduced a mandatory Code of Conduct for Council Members, Committee Members and Candidates. The Model Code replaces the previous *Local Government (Rules of Conduct) Regulations 2007* and the Town of Bassendean Code of Conduct as it relates to Council and Committee members. The *Local Government Act 1995*, section 5.104 requires that local governments adopt the Model Code of Conduct within three months of the regulations coming into operation (3 May 2021). In accordance with section 5.104(5), the Model Code will apply until the Town adopts its own Code.

## Proposal

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

## Communication and Engagement

The Department of Local Government, Sport and Cultural Industries has advised local governments that they are required to adopt the Model Code of Conduct by 3 May 2021.

## Strategic Implications

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

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

## Comment

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

## Statutory Requirements

*Local Government Act 1995* section 5.104.

#### **5.104. Adoption of model code of conduct**

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

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

#### **Financial Considerations**

Nil.

#### **Risk Management Implications**

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

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

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

**Voting requirements: Absolute majority**

<b>Item No. 12.9</b>	<b>Implementation of Differential Rates</b>
<b>Property Address (if applicable)</b>	Various
<b>Landowner/Applicant (if applicable)</b>	Various
<b>File Ref/ROC</b>	RAT & Vac/ FEECHAG/3
<b>Previous Council Reports (if applicable)</b>	18 June, 23 July, 20 August, 3 September and 10 September 2019
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 9</b>	Proposed Differential Rates 2021/2022 – Statement of Objects and reasons for the proposed differential rates

## Purpose

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

## Background

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

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

## Proposal

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

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

## Communication and Engagement

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

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

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

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

## Strategic Implications

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

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

### Comment

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

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

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

### Statutory Requirements

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

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

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

### **Financial Considerations**

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

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

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

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

## Risk Management Implications

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

### Officer Recommendation – Item 12.10

That Council:

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

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

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

**Voting requirements: Absolute majority**

<b>Item 12.10</b>	<b>Audit and Governance Committee Meeting held on 14 April 2021</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	GOVN/CCLMEET/18
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b>	<input checked="" type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 10</b>	<ul style="list-style-type: none"> <li>Minutes of the Audit and Governance Committee meeting held on 14 April 2021</li> <li>Audit Planning Memorandum FY21</li> </ul>

## Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 14 April 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

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

		LONG TERM • Examples of being first adopters
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### **Comment**

The Committee was requested to receive the Audit Planning Memorandum (APM) for the audit of the Town's Financial Report for 2020-21.

### **Officer Recommendation – Item 12.10**

That Council receives the:

1. Audit Planning Memorandum (APM) for the audit of the Town's Financial Report for 2020-21; and
2. Report on the Audit and Governance Committee meeting held on 14 April 2021.

**Voting requirements: Simple majority**

<b>Item No. 12.11</b>	<b>Monthly Financial Report – March 2021</b>
<b>File Ref/ROC</b>	FINM/AUD/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <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.
<b>Attachment No. 11</b>	Monthly Financial Report March 2021

## Purpose

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

## Background

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

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

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

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

## Proposal

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

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

## Comment

The Statement of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the month ending 31 March 2021.

## Statement of Financial Activity (by nature or type)

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

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

## Operating Revenue

Revenue year to date is 0.16% above budget.

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

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

#### Operating Expenditure

Expenditure year to date is 11.02% under budget.

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

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

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

#### Loss on Disposal of Assets

Expenditure year to date is 12.75% under budget.

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

#### Non-Operating Grants, Subsidies and Contributions

Revenue year to date is 43.54% under budget.

This is due to timing of grant payments.

#### Capital Works

Expenditure on capital projects is under budget due to timing.

#### **Cash backed reserves**

The closing balance of the cash backed reserves at 31 March 2021 is \$7 million. The reserve summary shows all movements to and from the reserve deriving the expected closing balance. The report provides information on the Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

#### **Statement of Financial Position**

The Town has current assets of \$19.1 million. The major components of which are cash and cash equivalents of \$16.6 million and trade and other receivables of \$2.6 million. Current liabilities total \$7.1 million. The major components are trade and other payables (including bonds and deposits) of \$4.3 million and employee provisions of \$2.2 million.

### **Statement of Cash Flows**

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

### **Monthly Investment Report**

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

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

### **Budget Amendments**

The following budget amendment is proposed.

#### *Jubilee Place – Road resurfacing and minor drainage works*

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

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

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

### **Statutory Requirements**

Local Government (Financial Management) Regulations 1996.

### **Financial Considerations**

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

### **Risk Management Implications**

Nil.

### **Officer Recommendation – Item 12.11**

That Council receive the monthly financial report for March 2021.

**Voting requirements: Simple majority**

<b>Item No. 12.12</b>	<b>Accounts Paid – March 2021</b>
<b>File Ref/ROC</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 12</b>	List of Payments

## Purpose

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

## Background

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

## Proposal

For Council to receive the list of payments for March 2021.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>Build understanding and support for the vision and Strategic Community Plan</li> </ul>	SHORT TERM <ul style="list-style-type: none"> <li>Openness and transparency of decision making</li> <li>Enhanced staff morale</li> </ul>

	<ul style="list-style-type: none"><li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li><li>• Create an organisational culture of performance, innovation and excellence</li><li>• Develop shared values between Council, administration and the community</li></ul>	<ul style="list-style-type: none"><li>• Staff have appropriate strategic direction</li><li>• Agreement on the link between projects and Strategic Community Plan</li><li>• General alignment regarding values</li></ul>
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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 12.12**

That Council receive the list of payments for March 2021.

**Voting requirements: Simple majority**

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

### Purpose

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

### Background

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

### Proposal

Not applicable.

### Communication and Engagement

Not applicable.

### Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

### Comment

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

Document Sealed	Date Sealed
Section 70A Notification – 9 Colstoun Road, Ashfield	23 March 2021
Section 70A Notification – 36 Cyril Street, Bassendean	29 March 2021
Restrictive Covenant – 40 Gallagher Street, Eden Hill x3	29 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

<b>Item No. 12.14</b>	<b>Calendar for May 2021</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment</b>	Nil

### Purpose

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

## Comment

Calendar for April 2021:

Date	Time	Location	Meeting/ Event
Wed 5 May 2021	3.30pm	Council Chamber	Bassendean Local Emergency Management Committee
Thurs 6 May 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Audit Committee (if required)
Tues 18 May 2021	6.00pm	Council Chamber	Briefing Session
Sunday 23 May 2021	2.00pm to 4.00pm	Swan Districts Football Club Function Centre	Citizenship Ceremony and presentation of Town of Bassendean Community Awards
Tues 25 May 2021	6.00pm	Council Chamber	Ordinary Council Meeting
Thurs 27 May 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Ordinary Council Meeting (if required)

## Statutory Requirements

Not applicable.

**Financial Considerations**

Not applicable.

**Risk Management Implications**

Not applicable.

**Officer Recommendation – Item 12.14**

That Council adopt the calendar for May 2021.

**Voting requirements: Simple majority**

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

### **13.1 Cr Hamilton –BIC Reserve Concept Plan**

*“That Council:*

- 1. Receives information on the estimated costing, inclusive of consultancy fees and potential funding opportunities, to develop a BIC Reserve Concept Plan to guide a future detailed landscape vision and enhancement of our most prominent central green-space; and*
- 2. Requests information be provided for consideration in the 2021/22 draft budget process.”*

#### **OFFICER COMMENT**

The Town is currently progressing a masterplan for the Town Centre, which is expected to be completed in June 2021. Once that is completed, Council could consider a “BIC Reserve Masterplan” project as part of a future review of the Corporate Business Plan. It is considered that the understood scope of works could be completed in-house using existing staff resources.

### **13.2 Cr Hamilton –Establishment of an Arts, Culture and Events Committee**

*“That Council requests the CEO to:*

- 1. Facilitate the establishment of a formal committee of council titled Arts, Culture and Events Committee the membership of which comprises nominated elected members and relevant staff; and*
- 2. Coordinate the first meeting of the Arts, Culture and Events Committee to occur within 45 days from a resolution of council endorsing this motion.”*

#### **OFFICER COMMENT**

The proposal is not supported for the following reasons:

- It is not clear what the purpose of the committee would be and therefore what the Instrument of Appointment and Delegation would entail; and
- Given the potential budget allocation for town-led events, the committee would not deliver significant public value, particularly when considering the cost of establishing and servicing a committee.

### **13.3 Cr Gangell – Request to Attend ALGA National General Assembly**

*“That Council considers a request to attend the ALGA National General Assembly by Cr Gangell.”*

The National Assembly is to be held in Canberra between 20 - 23 June 2021. Under the Councillor Training and Professional Development Policy clause 2.2, a Councillor wishing to attend interstate professional development is required to make application through a notice of motion.

#### **OFFICER COMMENT**

##### **Rationale to deal with the notice of motion expeditiously**

A notice of motion has been included at the April Council meeting to consider the application by Cr Gangell to attend the ALGA National Conference pursuant to clause 2.2 of the Councillor Training and Professional Development Policy. The Notice of Motion has been included at this meeting due to the time constraints for the Town to take advantage of the early registration discounted fee. The discounted registration fee is required to be made by 21 May 2021. The Council meeting in May is held after that date.

Cr Gangell, in accordance with the policy, has requested Council consider his application for payment of the discounted registration fee to attend the ALGA National Assembly. Authorisation to attend requires Council to consider:

1. The relevance of the application to the elected member's professional development needs;
2. The relevance of the professional development to the business of the Town of Bassendean; and
3. The availability of funds.

The Conference program is focussed on Planning post COVID future, the recovery of local government from crises, and strengthening communities. The learnings from the conference would be useful to the Town as Western Australia emerges from the pandemic crisis.

As a member of the Council, involved in the setting of the Town's strategic agenda, the conference would be useful for the Councillor to assist with learning opportunities involved in strengthening communities during and post crises and providing strong leadership.

The Town currently has approximately \$6,000 remaining in its Councillor Training budget for 2020/21.

It is recommended that:

1. Council approves Cr Gangell's attendance at the ALGA National General Assembly to be held in Canberra between 20-23 June 2021;
2. The Town shall pay the discounted registration fee of \$989 for Cr Gangell to attend the conference; and
3. That Cr Gangell is to pay all costs associated with his flights to and from Canberra, his accommodation in Canberra and all incidental expenses to attend the conference.

**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.*

<b>Item No. 16.1</b>	<b>Community Awards</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	COMR/AWADP/2
<b>Previous Council Reports (if applicable)</b>	N/A
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.

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

## Purpose

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

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

<b>Item No. 16.2</b>	<b>Expression of Interest for the Staging of Markets in the Town of Bassendean</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	ECOD/EVMNGT/2
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Confidential Attachment No. 3</b>	<ul style="list-style-type: none"> <li>• EOI Submission – Rotary Club of Midland Swan Valley Inc and Chaos Theory Events</li> <li>• Assessment of EOI Submission in Comparison to Current Markets Staged.</li> <li>• EOI Engagement Plan</li> <li>• References</li> </ul>

## **Purpose**

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

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

## **17.0 CLOSURE**

The next Briefing Session will be held on Tuesday 18 May 2021.

The next Ordinary Council meeting will be held on Tuesday 25 May 2021.