



AGENDA

ORDINARY MEETING OF COUNCIL

TUESDAY 25 MAY 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.

A handwritten signature in blue ink that reads "P. Mabbs."

Peta Mabbs
CHIEF EXECUTIVE OFFICER

21 May 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



Director
Corporate
Services

Paul White



Chief
Executive
Officer

Peta Mabbs

Mayor

Cr Renée
McLennan
E: crmclennan
@bassendean.
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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

The CEO, Ms Peta Mabbs has provided written declarations for the following:

Item 12.3 - Standards for CEO Recruitment, Performance and Termination Policy – Financial and Impartiality Interests;

Item 6.1 - Amendments to CEO Employment Contract - Financial and Impartiality Interests; and

Item 16.2 0 CEO Annual Performance Review Facilitation (Consultant Recommendation) - Impartiality Interest

Pursuant to Section 5.60A of the Local Government Act 1995 (Financial Declaration) and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 (Impartiality Interest).

5.0 PRESENTATIONS OR DEPUTATIONS

Mr Jeff Dennis, CEO Swan Districts Football Club will be in attendance to provide a deputation relating to Item 12.2 – Bassendean Oval Lighting.

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 27 April 2021

Attachment No. 1:

Officer Recommendation – Item 9.1(a)

That the minutes of the Ordinary Council meeting held on 27 April 2021, be received.

Officer Recommendation – Item 9.1(b)

That the minutes of the Ordinary Council meeting held on 27 April 2021, be confirmed as a true record.

10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

11.0 EXTERNAL COMMITTEE REPORTS/UPDATES

Item No. 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 2	<ul style="list-style-type: none">• WALGA East Metropolitan Zone – Minutes 22 April 2021• WALGA State Council Meeting – Summary Minutes 5 May 2021

Purpose

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

Background

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

Proposal

Not applicable.

Communication and Engagement

Not applicable.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

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

Meeting	Date Held
WALGA East Metropolitan Zone – Minutes	22 April 2021
WALGA State Council Meeting – Summary Minutes	5 May 2021

Statutory Requirements

Not applicable.

Financial Considerations

Not applicable.

Risk Management Implications

Not applicable.

Officer Recommendation – Item 11.1

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

Voting requirements: Simple majority

12.0 REPORTS

12.1 Adoption of Recommendations En Bloc

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

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

Officer Recommendation – Item 12.1

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

Item	Report
12.3	Expression of Interest – 1 (Lot 50) Surrey Street, Bassendean
12.5	Proposed Tree Preservation Orders
12.6	Road Closure – Portions of Extension Road and West Road, Bassendean
12.7	Draft Local Planning Policy No. 8 – Car Parking and End of Trip Facilities
12.8	Use of Youth Services Centre
12.9	Eden Hill Network Renewal Underground Program Pilot (NRUPP) – Deferral of Service Charge
12.14	Quarterly Report for Period Ended 31 March 2021
12.15	Accounts Paid – April 2021
12.16	Monthly Financial Report – April 2021
12.17	Calendar for June 2021
12.18	Use of Common Seal

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

Item	Report
12.2	Bassendean Oval Lighting
12.4	Draft Policies - Purchase and Placement of Memorials and Celebration Trees
12.10	Children's Services – Fees for Wind in the Willows Early Education Centres for 2021/22
12.11	Waiver of Rates – Lot 304 Kenny Street (Deposited Plan 417198)
12.12	Town of Bassendean Local Government Ordinary Election 2021
12.13	Standards for CEO Recruitment, Performance and Termination Policy
16.1	Amendments to CEO Employment Contract
16.2	CEO Annual Performance Review Facilitation (Consultant Recommendation)

Item No. 12.2	Bassendean Oval Lighting
Property Address	1 West Road, Bassendean
Landowner/Applicant	Crown land vested with Town of Bassendean
File Ref	A673
Directorate	Community Planning
Authority/Discretion	
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Attachment No. 3	Deputation from SDFC
Confidential Attachment No. 1	Bassendean Oval Licence

Purpose

The purpose of this report is for Council to consider contributing to the funding of new lights at Bassendean Oval.

Background

Lighting

The current lights were constructed in 1985.

Under the relevant Australian Standard (AS2560.2. 3 – 2007), for semi-professional football purposes, the playing surface should be illuminated to 100 lux for match practice and training and 200 lux for competitive matches.

Results of the latest lighting audit show the lux level to be approximately 30 lux. The lighting is aged infrastructure that cannot be upgraded to improve the lighting of the playing surface due to it being old technology which limits options and requires ongoing maintenance. The lights are beyond their useful life with the only viable option being full replacement.

The Town understands the importance of the lighting to the Swan Districts Football Club and makes every endeavour to have them operating at their optimum, undertaking regular maintenance.

This year the Town has spent approximately \$18,000 in replacing globes, realigning lights and replacing the control gear which, according to the Club has resulted in little improvement in the lighting of the playing surface.

The Club has sought support for upgrades to 100 lux lighting, but with infrastructure to support additional luminaries being added at a later stage to reach 200 lux. It has requested that the Town contribute to one third of the cost of providing such lighting, with the other thirds to be funded by the Club and the State Government through the CSRFF grant. The total cost of the lights is estimated to be \$780,000 (\$30,000 for a design and \$750,000 for the lights themselves), with each third equal to \$260,000.

Playing Surface (Turf)

The current usage of the oval is beyond the capacity of the turf and increased usage would cause further degradation which is already rated as being in poor condition by a report commissioned by the Western Australian Football Commission (WAFC). The turf has an ongoing nematode issue which may not be resolvable. This issue requires regular ongoing maintenance, with \$60,000 recently spent of turf upgrades.

Town Centre Masterplan

In June 2020, Council resolved to commence a Town Centre Masterplan project, so as to provide a vision for the Bassendean Town Centre area that responds to the community's desire to be a vibrant and activated mixed use precinct. That project is progressing and the current draft masterplan, which has recently been subject to a round of community consultation, provides for the playing surface to be slightly shifted eastwards. The issue of the oval alignment is a key factor in informing the basis for the lighting design.

License

In October 2017, Council resolved to enter into a licence agreement with the Club for the use of Bassendean Oval until October 2027. The agreement obliges the Town to maintain the playing surface, lights, viewing stands and toilets, which collectively represent a significant cost per year. This is in addition to the installation of an artesian bore in 2015 at a cost of approximately \$450,000. The agreement obliges the Club to pay an annual licence fee of approximately \$33,000 per year. In 2020/21, Council waived this fee due to COVID-19.

Communication and Engagement

The Town has had numerous discussions with the Club regarding this matter. The Club has frequently raised its concerns with the current state of the lighting, playing surface and toilet maintenance.

The Town has raised the potential for the existing license to be redrafted to redistribute some of the costs and responsibilities relating to servicing Bassendean Oval, so as to better suit both parties. The Club advised that it is prepared to consider such a proposal and as such, staff will continue discussions with the Club with a view to reaching agreement on a revised licence.

The matter has been discussed with Councillors at a recent workshop, as a precursor to this report and Council's formal consideration of the 2021/22 annual budget.

Strategic Implications

Priority Area 4: Driving Financial Suitability

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

Comment

In considering it, the following is relevant:

- Council is not obliged to agree to the request.
- If Council does not agree to the request, it is open to the Club and/or the WAFC to secure alternative funding.
- The Town's current financial position and the need to carefully consider new expenditure in the context of current projects, asset renewal requirements and the forthcoming draft annual budget for 2021/22.
- The Town currently contributes to the maintenance and servicing of Bassendean Oval, which represents a significant financial cost every year.
- The existing lights are below standard and there are limitations in what can be done due to a combination of the height of the poles, the technology of the lights and the associated infrastructure and whilst the Town provides regular repairs and upgrades each year, there is little or no improvement in the overall condition or improvement to the lighting of the playing surface.
- The proposed request is consistent with Council Policy 5.17 – Sports Lighting Policy, which states that "*the provision of sports lighting shall be permitted on the Town's Ovals, Reserves and Outdoor Sporting Facilities, subject to Council approval and compliance with relevant Australian standards (or similar) up to designated "training standard" and other Council policies*".
- The provision of improved lighting will allow for greater use of the facility, which will in turn result in a greater maintenance burden.

- The provision of improved lighting will allow for greater use of the facility and therefore greater visitation to the Town Centre.
- The provision of improved lighting will result in cost savings associated with electricity usage.
- The draft Town Centre Masterplan provides for the realignment of the playing surface, which would impact the location of any new lights.
- The Club has a long history with Bassendean Oval and it is embedded as part of the Town's established identity.
- The existence of the Club does attract visitors to the Town Centre, although it is difficult to quantify the business impact of the Club on the economy.
- In respect to community development, the Club states that its purpose is "*to build community and develop people. Our vision is to be a well-connected and engaged community club which improves social outcomes and sense of well-being in the Swans community. In turn, this will improve the club's relevance by creating a reciprocal sense of belonging between SDFC and the community the club belongs.*" It is acknowledged that the reference to "community" applies to the geographic zone allocated to the Club by the WAFC, rather than the Town of Bassendean.

Statutory Requirements

Nil.

Financial Considerations

The Club's request is for the Town to contribute \$260,000 towards the cost of the lights. In addition, the improved lighting may lead to increased usage of the facility, which in turn would result in increased expectations of the Club potentially resulting in greater costs to the Town associated with turf management, unless alternate arrangements were struck in relation to the licence agreement.

Risk Management Implications

Medium. There is a financial risk associated with funding the lighting, the potential reputational risk associated with not funding the lighting and the practical risk associated the provision of sub-standard lighting. There is a risk associated with not having sufficient clarity on the oval alignment prior to proceeding with the lighting design.

Officer Recommendation – Item 12.2

That Council:

1. Advises whether or not it wishes to fund one third of the cost of providing improved lighting at Bassendean Oval as part of its 2021/22 annual budget, up to \$260,000; and
2. Requests that the Chief Executive Officer continue to liaise with the Swan Districts Football Club regarding a revised agreement for the Club's use of Bassendean Oval.

Voting requirements: Simple majority

Item No. 12.3	Expression of Interest – 1 (Lot 50) Surrey Street, Bassendean
Property Address (if applicable)	1 (Lot 50) Surrey Street, Bassendean
Landowner/Applicant (if applicable)	Town of Bassendean
File Ref/ROC	A673
Previous Council Reports (if applicable)	24 November 2020 28 July 2020
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Confidential Attachment No. 2	<ul style="list-style-type: none">• Evaluation Report• EOI• Two Submissions Received

Purpose

The purpose of this report is for Council to consider the outcomes of a recent Expression of Interest (EOI) process undertaken in relation to the potential disposal of 1 (Lot 50) Surrey Street, Bassendean, which is currently owned by the Town.

Background

The Town acquired the subject site in 1988.

Since that time, Council has considered matters relating to this site many times. Below represents only a selection of the relevant milestones and is not to be taken as a complete record of the history of the site:

- In November 2015, Council resolved (amongst other things) to endorse the Option 2C design proposal prepared by SIA Architects.
- In early 2017, the Town was awarded a \$375,000 grant from LotteryWest.
- In April 2017, Council resolved to rescind the November 2015 resolution and to pursue Option 1 design proposal prepared by SIA Architects.

- In February 2018, Council resolved to amend the 2017/18 Budget for the purpose of “*engaging a suitable contractor to explore the SIA Architect Option 2c design with a view to repurposing the homestead and extension for use as a Family & Children’s Services Facility.*”
- In July 2020, Council considered the appointment of a contractor in response to *Request for Tender 06/2019 - Provision of Restoration and Conservation Works to the Residency and the Pensioner Guard Cottage and Construction of a New Community Space at 1 Surrey St, Bassendean*. Council declined all tender responses given all tender responses significantly exceeded the budget for the project. The effect of Council’s resolution is that the majority of a \$375,000 Lotterywest grant was relinquished, with Lotterywest maintaining a \$37,500 grant to fund improvement works on the Cottage.
- Council last considered this matter at its meeting on 24 November 2020, when it resolved that it “*seeks to dispose of 1 (Lot 50) Surrey Street, Bassendean by Expression of Interest (EOI) in accordance with section 3.58(3) of the Local Government Act 1995, with the EOI process to require interested parties to demonstrate a genuine community benefit associated with their intended acquisition, which may include a public/private partnership with the Town of Bassendean and will include, heritage restoration, community access benefits and/or financial benefit*”

Communication and Engagement

The EOI process was advertised on Saturday 6 March 2021 and closed on Thursday 8 April 2021. A mandatory site meeting took place on Thursday 18 March 2021. The EOI was promoted to various development industry bodies, including the Urban Development Industry Australia, Housing Industry Association and Master Builders Association.

In response, the Town received two submissions.

Strategic Implications

Priority Area 4: Driving Financial Sustainability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none">• Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalize	<p>SHORT TERM</p> <ul style="list-style-type: none">• All Town-owned buildings increased in their utilisation• Defined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none">• Consolidated infrastructure footprint• Enhanced sustainability footprint• Clear indications of whole-of-life costs

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

Direction	Potential Strategies	What Success Looks Like
Create a community closely connected to its history and heritage	<ul style="list-style-type: none">• Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community	<ul style="list-style-type: none">• Historical and heritage facilities are well used by the community• Heritage sites and buildings are visible to locals and visitors

Comment

Expression of Interest Process

The submissions were assessed by an Evaluation Panel comprising three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

Both submissions were assessed against the qualitative criteria of heritage restoration and community access.

If Council wishes to dispose of the site on the basis of the November 2020 resolution, it is recommended that it proceed to advertise the intended disposal to the party identified in the confidential attachment, as required under the *Local Government Act 1995*.

Alternative options for the site

If Council does not wish to dispose of the site on the basis of the November 2020 resolution, it has the following options available, as well as any others that Council may deem worthy of consideration.

Option	Benefits	Shortcomings
1. Retain the whole site in its current form (status quo).	<ul style="list-style-type: none">• Cottage will be able to be opened to the community.	<ul style="list-style-type: none">• Ongoing maintenance obligations to the site.• No financial return.
2. Subdivide off PGC / residence. Retain that site and dispose of the balance site for a commercial return.	<ul style="list-style-type: none">• Financial return on sale.• Cottage will be able to be opened to the community.	<ul style="list-style-type: none">• Town will need to fund part demolition of residence.• Ongoing maintenance obligations to the site.
3. Subdivide off PGC / residence. Dispose of both sites, with the disposal of the balance site for a commercial return.	<ul style="list-style-type: none">• Financial return on sale.• No further maintenance obligations to the site.• Potential for restoration by third party.	<ul style="list-style-type: none">• Town will need to fund part demolition of residence.• Potentially limited interest given condition of residence.
4. Disposal of the whole site for a commercial return.	<ul style="list-style-type: none">• No further maintenance obligations to the site.• Financial return on sale.	<ul style="list-style-type: none">• Potentially limited interest given condition of residence.• Cottage may not be able to be opened to the community.

		<ul style="list-style-type: none">• Residence may be removed by new owner (subject to approval).
5. Subdivide off PGC only. Retain that site and dispose of the balance site for a commercial return.	<ul style="list-style-type: none">• Cottage will be able to be opened to the community.• Financial return on sale.	<ul style="list-style-type: none">• May not be supported by DPLH.• Ongoing maintenance obligations (albeit only for the PCG).• Residence may be removed by new owner (subject to approval).

In considering the merits of each option, the following is relevant:

- The subject site is a Town-owned asset, however, given Council's July 2020 decision, there is no clear purpose for it in terms of community amenity, particularly in its current state. Typically, local governments will only own land where that land genuinely assists in delivering a benefit to the community.
- Whilst the site does accommodate heritage value, there is limited capability for the site, if retained by the Town, to deliver a benefit to the community beyond its heritage value.
- Council's recently adopted Strategic Community Plan advocates for the rationalisation of Town assets so as to optimise their use and provide a consolidated infrastructure and enhanced sustainability footprint.
- Any option for the future of the site involving the Town retaining the Cottage and/or the residence represents an ongoing cost for rate payers associated with the maintenance of those buildings. Given the heritage nature of the buildings, those costs could be significant and potentially increase over time and have implications for long term financial planning.
- A structural assessment conducted in August 2020 found that the Pensioner Guard Cottage is generally in fair condition, with only slight cracking observed. If Council chooses to retain the site, it will need to also determine what, if anything, it does to rectify the above issues.
- A structural assessment conducted in August 2020 found that the Residence has a number of structural issues that require remediation as they pose safety issues to the extent that the building is unfit for occupancy (specifically, the suspended concrete roof, ceilings and lintels). The assessment noted other structural issues that do not pose an immediate safety risk, but will require repair, including timber roof members, masonry wall cracks, mortar fretting (rising damp) and sloping timber floors. If Council chooses to retain the site, it will need to also determine what, if anything, it does to rectify the above issues.

Restrictive Covenants

On 24 November 2020, Council resolved to request that a report be provided that sets out the “*options available to the Town under the various types of restrictive covenants to protect community access and heritage considerations*”.

A restrictive covenant is an agreement which restricts the use or enjoyment of a landowner’s land for the benefit of other land or for the benefit of a public authority. Restrictive covenants which benefit a public authority are referred to as restrictive covenants ‘in gross’ where there is no benefited land. A restrictive covenant not only binds the present landowner but also subsequent owners of that land, where the burden of the covenant is intended to run with the land.

A restrictive covenant is negative in nature as it prevents the owner of the burdened land from undertaking particular activities or exercising certain rights. As such, if Council wishes to oblige a subsequent owner to do certain things to or in relation to the site, it is recommended that it pursue a deed of agreement, that would also be supported by a caveat over the land.

Statutory Requirements

The *Local Government Act 1995* sets out requirements and processes for disposing of Town-owned land.

Financial Considerations

Financial considerations are potentially significant depending on which option is selected. Any option for the future of the site involving the Town retaining the Cottage and/or the residence represents an ongoing cost associated with the renovation and maintenance of those buildings. Given the heritage nature of the buildings, those costs could be significant and potentially increase over time.

If Council resolves to pursue any form of subdivision, there will be costs associated with lodging the application and satisfying any conditions of subdivision approval.

If Council resolves to pursue any form of sale, there will be costs associated with engaging a real estate agent. A commercial sale of any land would deliver revenue to the Town.

Risk Management Implications

High. The Town-owned site accommodates two buildings; one of which has been found to be unfit for occupation and requires remedial work to rectify. In addition, there is significant reputational risk associated with any and all of the options for the site.

Officer Recommendation – Item 12.3

If Council wishes to dispose of the site on the basis of the November 2020 resolution, that it requests the Chief Executive Officer proceed to advertise the intended disposal to the organisation (to the party identified in the Confidential Attachment to this report), as required under the Local Government Act 1995.

Voting requirements: Simple majority

Item No. 12.4	Draft Policies - Purchase and Placement of Memorials and Celebration Trees
Directorate	Environment and Sustainability
File Ref	COMR/MEMLS/1
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
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Attachment No. 4	<p>Draft Policies:</p> <ul style="list-style-type: none">• Purchase and Placement of Memorial Seats and other Infrastructure.• Celebration Trees.

Purpose

For Council to consider two policies relating to requests for memorials and celebration trees in parks and reserves.

Background

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

An alternative policy was initially developed for this service. Officers have since reviewed and updated the draft policy based on the initial Councillor feedback.

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

Proposal

The following two policies has been developed for Council consideration:

Memorial seats and Other Infrastructure

Applicants will be given the opportunity to apply for the installation of a memorial seat in the Town of Bassendean. The actual cost of this is expected to be identified in the annual fees and charges, and at this stage would be \$2,500 a seat.

Based on community feedback, it is understood that occasionally, friends of the family of a deceased person may wish to provide a more substantial donation to build an alternative asset in the Town such as a playground or parks upgrade.

Whilst the latter request is expected to only occur occasionally, the option can allow the Council to occasionally bring forward projects that provide public benefit or improve the amenity of parks in the Town.

The instrument to support this is attached in the Purchase and Placement of Memorial Seats and Other Infrastructure Policy.

Celebration Trees

It has also been identified that occasionally residents may request to plant a tree in memory of a loved one. In conducting a broader environmental scan of this query, it was identified, that there are likely going to be different drivers for people to want to plant a tree in the community beyond the death of a person, which could include the birth of a child, graduation or another significant life event.

In reviewing the planting of a tree as part of a significant life event, officers have developed a draft Celebration Trees Policy. This policy supports residents to plant a celebration tree as part of the winter planting program. The program will support increasing the urban forest, connecting people better with the intrinsic value of trees and an opportunity for members of the public to mark key life events.

The estimated cost of providing the service to Council is \$300 per celebration tree planted. It is uncertain what this uptake would be however, the demand for the service would likely increase, the cheaper it is.

Options identified to fund this activity are as follows:

1. Provide the service at no charge and fund the activity through the existing tree planting budget (noting there will also be an additional administrative overhead). It is uncertain what the cost and impact of this uptake will be to the budget. Under this approach the program would be limited to the winter tree planting program trees. This approach could reduce the economy of scale of the contemporary tree planting program and would likely result in a small reduction of the net number of trees planted in the Town for the set budget. The increased cost pressures would essentially be driven by Parks and Gardens staff being resourced to mobilise and de-mobilise to plant a small number of trees for a site versus the multiple trees per site as part of the annual tree planting program.

2. Provide the service as a full cost recovery model of \$300 per tree, with a fee to the applicant.
3. Provide the service as a cost recovery model for overheads to support the program. This cost would be \$175 per service. The cost of the tree is approximately \$125 and would be funded through the existing trees budget.

Implementation period

This report essentially introduces a new service line for the Council, and as such there will naturally be uncertainty in terms of take up and the best approaches' to provide the best community experience. As such the intent of this new service and policy is to trial the program for 12 months and report back to Council after that period with a formal review. This approach will provide the Town an opportunity to refine and better support the outcome of the service.

Communication and Engagement

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

Strategic Implications

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

Comment

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

The proposed policy will provide options for our community to undertake a personal ceremony in their own unique or different way.

Statutory Requirements

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

Financial Considerations

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

Officer Recommendation – Item 12.4

That:

1. Council adopt the Purchase and Placement of Memorial Seats and Other Infrastructure Policy as attached to this report;
2. Council adopt the 'Celebration Trees' policy as attached to this report; and
3. Council notes that the service fees and charges will be considered as part of the 2021/22 draft budget and will incorporate
4. A charge of an administration fee only to be paid at the time that the Celebration Tree Application form is submitted noting the tree will be provided free of charge (thereby representing a partial cost recovery model).

Voting requirements: Absolute majority

Item No. 12.5	Proposed Tree Preservation Orders
Property Address	17 (Lot 5) and 23 (Lot 6) Old Perth Road, Bassendean
Landowner	Bassendean Hotel Holdings Pty Ltd
File Ref	ENVM/NOTIF/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permit, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 5	<ul style="list-style-type: none">• Arboricultural Impact Assessment• TPO Nominations• Landowner Submission

Purpose

The purpose of this report is for Council to consider nominations for tree preservation orders (TPOs) for seven trees located at 17 (Lot 5) and 23 (Lot 6) Perth Road, Bassendean (Bassendean Hotel site).

Background

On 28 November 2017, Council considered making TPOs over three trees on the subject site but resolved not to do so.

On the 16 February 2021, the Town received an application for development approval for additions and alterations to the Bassendean Hotel. The proposal was supported by an arboricultural impact assessment (see attached) which recommended the removal of eight trees on the subject site. The proposal included the retention of one of the two Hill's Weeping Fig trees on site.

Following the lodgement of the application, the Town received three separate TPO nominations (see attached) for the following seven trees on the subject site:

- The two Hill's Weeping Fig trees (*Ficus carica*);
- Three Lemon-scented Gum trees (*Corymbia citriodora*); and
- Two Jacaranda trees (*Jacaranda mimosifolia*).

On 13 April 2021, the Metro-Inner North Joint Development Assessment Panel (JDAP) granted conditional approval for the additions and alterations to the Bassendean Hotel. Condition No. 4 of the approval requires the retention of a Lemon Scented Gum abutting the eastern boundary of the subject site and the second Hill's Weeping Fig Tree.

The applicant has since (i) submitted revised plans in accordance with that condition and (ii) removed the balance of the nominated trees, in accordance with the JDAP approval.

Communication and Engagement

In accordance with Clause 4.7.7.3 of LPS 10, the Town gave written notice to the landowner of the Bassendean Hotel for a period of 21 days, from 16 March 2021 to 6 April 2021.

The landowner has objected to the proposed TPOs for the reasons outlined below. A copy of the submission is contained as an attachment.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

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

Comment

Local Planning Scheme No. 10

A TPO affords statutory protection that prevents an owner from cutting, removing or otherwise destroying a tree the subject to a TPO, without the prior written consent of the local government. The landowner can still apply to the Town for approval to cut or remove a tree the subject of a TPO. The Town would assess such applications on their individual merits following assessment of the tree.

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

- aesthetic quality;
- historical association;
- rarity; and
- any other characteristics which make the tree worthy of preservation.

The three existing (retained) trees are already required to be retained by virtue of the existing JDAP development approval and therefore there is little consequence in also making them subject to TPOs.

Statutory Requirements

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

Financial Considerations

Nil.

Risk Management Implications

Low.

Officer Recommendation – Item 12.5

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes TPOs for the easternmost Lemon Scented Gum (*Corymbia citriodora*) and two Hill's Weeping Fig Trees located at Lot 6 (No. 23) Old Perth Road, Bassendean.

Voting requirements: Simple majority

Item No. 12.6	Road Closure – Portions of Extension Road and West Road, Bassendean
Property Address (if applicable)	Extension Road and a portion of West Road adjacent Bassendean Shopping Centre
Landowner/Applicant (if applicable)	State of Western Australia
File Ref	ROAD/RDCLRS/3
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 6	Road Closure Sketch Plan Submission

Purpose

The purpose of this report is for Council to consider the closure of portions of Extension Road and West Road, Bassendean.

Background

In August 2012, the Metro Central Joint Development Assessment Panel (JDAP) approved an application for the refurbishment and expansion of the Hawaiian's Bassendean Shopping Centre, which involved 107 car parking bays and landscaping being located within the adjacent road reserve, and not within the confines of the site.

The Town has sought to rectify this issue by requiring the landowner to either purchase the land or enter into a licence agreement for the use and ongoing management of the car parking bays and landscaping. The landowner has requested that it be able to purchase the land, which, given the road reserve is owned by the State of Western Australia (Crown land), is a matter that requires the approval of the Minister for Lands.

Proposal

That Council consider requesting that the Minister for Lands close Extension Road and a portion of West Road, to enable the land to be acquired by the owner of Lot 2 West Road and amalgamated into that site (Bassendean Shopping Centre).

Communication and Engagement

In accordance with Section 58 of the *Land Administration Act 1997* the proposal was advertised for 36 days (18 March 2021 – 23 April 2021), by advertisement in the local newspaper and display on the Town's website.

At the close of the consultation period, one submission was received; objecting to the proposal. A copy of the submission is attached, with the Town's responses to the matters raised in the submission included in this report.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none">Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationaliseEnsure financial planning has a long term outlook and a focus on land asset rationalisation	<p>SHORT TERM</p> <ul style="list-style-type: none">All Town-owned buildings increased in their utilisationDefined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none">Consolidated infrastructure footprintEnhanced sustainability footprintClear indications of whole-of-life costs

Comment

Boundary of Road Closure

With the exception of a left-in access via Guildford Road connecting to Whitfield Street, the balance of Extension Road is, for all intents and purposes, a car park and access way serving the shopping centre. Closing Extension Road will have no impact on the surrounding road network.

The portions of West Road the landowner is seeking to purchase relate to constructed areas of car parking and landscaping connecting to the shopping centre site only, and do not relate to the carriageway on West Road.

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

Reference is made in the submission to the application of SPP 4.2, specifically in relation to the redevelopment of the shopping centre and the zoning of nearby properties. This proposal is for a road closure only, and SPP 4.2 is not applicable in this respect.

Whilst SPP 4.2 is used to guide the preparation of local planning strategies, schemes, and structure plans; and development control, it is not the statutory tool for rezoning land. Zoning of land occurs via the Local Planning Scheme text and associated Scheme map, which requires approval from the Minister for Planning. The Town is in the process of preparing a new local planning framework which proposes increases in density to the land surrounding the shopping centre. The timing of the new local planning framework is dependent on the Western Australian Planning Commission granting consent to advertise, and ultimately, Ministerial approval.

The ability for the landowner to redevelop the shopping centre site is consistent with the current zoning of the land.

Car Parking Bays Cash-in-Lieu of Car Parking

Concern was raised in the submission regarding the amount of car parking bays on site and the absence of cash-in-lieu of car parking bays.

This proposal is for a road closure only, and the application of cash-in-lieu of car parking is not relevant to this process.

In approving the application for the refurbishment and expansion of the shopping centre, the shortfall in car parking bays was considered. The JDAP did not impose a condition requiring the cash-in-lieu payment, and the Town cannot retrospectively seek such a contribution. Notwithstanding, the applicant has not proposed to remove car parking bays (which would require further development approval), and the road closure will rectify a land tenure anomaly to ensure the maintenance of the bays is the responsibility of the landowner, not the Town.

Parking Infringements and Signage

The submission makes reference to parking infringements from 2017 and recent parking restriction signage. The Town is aware of signage erected by the shopping centre landowner restricting parking within the road reserve, which have since been removed at the request of the Town.

Parking offences are enforced with respect to the *Parking Local Law 2019*, which is applicable to public land only. Should the land be amalgamated into the shopping centre site, it is open for the landowner to impose private parking restrictions.

Compliance with Australian Standards

Reference is made to suggested non-compliance with relevant Australian Standards at the shopping centre. This proposal relates to the road closure only. The requirement to upgrade facilities to ensure compliance with Australian Standards occurs when there is a nexus between new/redevelopment and the relevant non-compliance. Should the landowner seek to redevelop the centre in future, the Town will ensure compliance with the relevant standards.

Section 152 and Sale/Development of Land

The submission requests that the Town use Section 152 of the *Planning and Development Act 2005* to require the shopping centre owner to purchase the land from the Town.

Section 152 is for the vesting of certain land to the Crown at the time of subdivision (i.e. the Western Australian Planning Commission imposing a condition of subdivision approval requiring the landowner to cede land free of cost to the Crown for a public purpose). The land is already owned by the Crown. Further, this proposal is for a road closure only, not for the subdivision of land, and therefore Section 152 is not applicable.

Various commentary was also included in the submission regarding the sale of a portion of Bassendean Oval to the shopping centre owners, the provision of additional parking in this location and upgrades to the lighting/facilities at the Oval. Bassendean Oval is reserved as Parks and Recreation under the Metropolitan Region Scheme. Residential development is inconsistent with the use of the reserve for recreational purposes and therefore cannot be accommodated without the land first being rezoned or the purpose of the reserve being modified, both of which would require Ministerial approval. This proposal is for a road closure only, and does not relate to development/upgrades to Bassendean Oval.

State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)

The submitter incorrectly states that SPP 3.6 is mandatory, and lists a range of items that could be funded via income from a development contribution scheme (DCP). Further, this proposal is for a road closure only, and does not relate to the creation of a DCP.

The Planning Regulations Amendment Regulations 2020 amended the *Planning and Development (Local Planning Schemes) 2015* require local governments to ensure that SPP 3.6 is published in accordance with clause 87 of the deemed provisions of the Regulations. It does not require the Town prepare a DCP.

In any event, the creation of a DCP requires an amendment to the Town's Local Planning Scheme, which is a separate process to the subject road closure.

Conclusion

The portions of road proposed to be closed will provide the opportunity for the shopping centre landowner to purchase this land from the Crown and amalgamate the land into the shopping centre site.

This will rectify a land tenure anomaly and ensure the ongoing maintenance of the car parking bays, retaining walls, access ways and landscaped areas currently within the road reserve will then become the responsibility of the shopping centre landowner, once the portions of land are amalgamated into the shopping centre site.

Given the proposals will have no impact on traffic movements and will rectify the existing maintenance situation on site, it is recommended that Council request the Minister for Lands permanently close the relevant portions of Extension and West Road.

Statutory Requirements

In accordance with the Section 58 of *Land Administration Act 1997*, when a local government wishes a road in its district to be closed permanently, it may request the Minister to close the road.

Financial Considerations

Nil, however, should Council resolve not to close the respective portions of road reserve, there will be no ability for the shopping centre landowner to purchase the land from the Crown and amalgamate the land into the shopping centre site. The ongoing cost of maintaining the car parking bays, access ways and retaining walls within the portions of road reserve associated with the JDAP approval to redevelop the shopping centre will remain with the Town.

Whilst the Town has not expended funds in this respect to date, the Town will be responsible for the maintenance of these areas for the life of the development.

Risk Management Implications

As above.

Officer Recommendation – Item 12.6

That Council authorises a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of portions of Extension Road and West Road road reserves as identified by hatching on the Location Plan attached to this report, to enable the land to be amalgamated into Lot 2 West Road, Bassendean (Bassendean Shopping Centre).

Voting requirements: Simple Majority

Item No. 12.7	Draft Local Planning Policy No. 8 – Car Parking and End of Trip Facilities
Property Address	N/A
Landowner/Applicant	N/A
File Ref/ROC	LUAP/POLCY13
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 7	<ul style="list-style-type: none">• Local Planning Policy No. 8 – Parking Specifications• Draft Local Planning Policy No. 8 – Car Parking and End of Trip Facilities• Draft Local Planning Policy No. 17 – Home Based Businesses

Purpose

The purpose of this report is for Council to consider adopting draft amended Local Planning Policy No. 8 – Car Parking and End of Trip Facilities and making a minor amendment to Local Planning Policy No. 17 – Home Based Businesses, as it relates to car parking.

Background

On 27 October 2020, Council resolved to adopt Local Planning Policy No. 17 – Home Based Businesses.

On 23 March 2021, Council resolved to advertise the draft amended Local Planning Policy No. 8 – Car Parking and End of Trip Facilities.

Communication and Engagement

Following Council's resolution, the draft Policy was advertised for public comment for a period of 26 days (including an additional five days for the Easter Period), being from 24 March 2021 to 19 April 2021, by way of display on the Town's website and promotion on the Town's Facebook page.

No submissions were received.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

Priority Area 2: Leading Environmental Sustainability

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

Comment

Draft amended Local Planning Policy No. 8 - Car Parking and End of Trip Facilities

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

Local Planning Policy No. 17 – Home Based Businesses (LPP 17)

Under Local Planning Scheme No. 10 (LPS 10), a Home Occupation is defined to mean

"an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- (a) *does not employ any person not a member of the occupier's household;*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) *does not occupy an area greater than 20 square metres;*

- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, **does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling** or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone."

The LPP 17 provision requiring a minimum of two car parking bays for Home Occupations (in addition to the single dwelling) is inconsistent with the definition of a Home Occupation under LPS 10 and is required to be deleted.

In this regard, Clause 5(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the procedure for amending local planning policies and state that "*the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*"

The amendment is considered minor and therefore no further advertising is required.

Conclusion

It is recommended that Council adopts the draft Policy as advertised and adopts a minor modifications to LPP 17.

Statutory Requirements

For draft amended LPP 8, the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the procedure that the local government must follow after the consultation period, which is to:

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

If Council proceeds with the policies, the local government is required to provide copies of the policies on its website.

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council not adopt the draft policy, the Town will revert back to the existing policy, the provisions of which are not considered sufficient to provide guidance for matters relating to car parking and access nor best practice, which could result in poor development outcomes.

Officer Recommendation – Item 12.7

That Council:

1. Pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 8 – Car Parking & End of Trip Facilities as contained in the attachment to this report; and
2. Pursuant to Clause 5(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 17 – Home Based Businesses as contained in the attachment to this report.

Voting requirements: Simple majority

Item No. 12.8	Use of Youth Services Centre
Property Address	1 West Road, Bassendean
Landowner/Applicant	Crown land vested with Town of Bassendean
File Ref	A3180
Directorate	Community Planning
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil.

Purpose

The purpose of this report is for Council to consider allowing Scouts WA to use the Bassendean Youth Services Centre (Dudley Robinson Youth Centre) as the base of operations for the Bassendean Scout Group.

The matter is presented to Council to on the basis that it involves the use of a Town asset that has no associated usage fee.

Background

Scouts WA had a presence within the Town of Bassendean until the early 2000s. Scout Groups in surrounding areas are currently at capacity and there is anecdotal evidence of an appetite within the local community for the reintroduction of Scouting to the area; a view supported by a well-attended information session. Local residents have nominated for key Leader and Committee Member positions and will undertake training in coming months including mentoring opportunities at other Groups.

Proposal

Scouts WA has requested access to the facilities at the Youth Centre, with access to the whole centre on select evenings (when the Youth Centre is not open) with use being on an 'unpack' and 'pack away' basis so as not to disrupt the Centre's regular operations. It also seeks exclusive use of a storeroom for the storage of various belongings and materials.

Communication and Engagement

Officers have been in discussion with representatives from Scouts WA in relation to the matter.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Establishing partnerships with the community that build capacity, connection and sense of belonging	<ul style="list-style-type: none">Identify community members and organisations with the capacity to deliver projects and programsFoster volunteering to provide services for our community and to build connectionsBuild capacity of volunteers to deliver programs and services with limited input from the Town	<ul style="list-style-type: none">Increased percentage of services delivered by community groups compared to the TownIncreased social return on investment using an agreed approachIncreased volunteer participation ratesTown staff hours result in greater return for time in volunteer management
Facilitating connection	<ul style="list-style-type: none">Prioritise projects that bring people together and strengthen community connectedness	<ul style="list-style-type: none">Increased participation rates in volunteering, community activities and events

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none">Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise	<p>SHORT TERM</p> <ul style="list-style-type: none">All Town-owned buildings increased in their utilisationDefined position and strategy of when buildings need renewal

Comment

The use of the Youth Services Centre by Scouts WA would not disrupt the core function of the facility.

Scouting is a good fit for the Town's Youth Services as it offers an on-site option for disadvantaged local young people to engage in mainstream activities. Officers will take advantage of potential future opportunities to link disadvantaged youth to Scouting activities, potentially through 'bring a friend' evenings. New Scout groups generally commence with Joeys and Cubs, and these children are eventually retained as Scouts, Venturers and Rovers. There will be more overlap and synergies with the Youth Services programs in the medium term when these older groups are populated.

Youth Services' staff will remain in a support role to the Group, especially in its formative stages, and then provide ongoing liaison on facility related issues.

It is recommended that Council approves the use of the Youth Services Centre by Scouts WA for a period of three years.

Statutory Requirements

Local Government Act 1995

Financial Considerations

Council has no adopted fee or charge in relation to the subject site.

Utility costs incurred for power and water are considered to be low and can be absorbed into the operating costs of the facility.

Risk Management Implication

As part of the Town's standard property management practices, it is proposed that an agreement be developed outlining roles and responsibilities on using the facility, as well as indemnifying the Town of any costs in the event of negligent damage. A public liability insurance Certificate of currency and proof of incorporation will also be required.

Based on the above, the subject issue represents a low risk to Council.

Officer Recommendation – Item 12.8

That Council approves the use of the Bassendean Youth Services Centre (Dudley Robinson Youth Centre), West Road, Bassendean, by Scouts WA for a period of three years and notes that the Chief Executive Officer will enter into an agreement with Scouts WA that addresses the following:

1. The roles and responsibilities associated with using the facility;
2. The need for insurances indemnifying the Town of any costs in the event of negligent damage;
3. A non-disparagement clause and provisions relating to dispute resolution;
4. The suitable, routine acknowledgement that Scouts WA is supported by the Town of Bassendean; and
5. Any other matters considered necessary.

Voting requirements: Simple majority

Item No. 12.9	Eden Hill Network Renewal Underground Program Pilot (NRUPP) – Deferral of Service Charge
Property Address (if applicable)	Various
Landowner/Applicant (if applicable)	Various
File Ref/ROC	ESAT/CONCTN/1
Previous Council Reports (if applicable)	23 June 2020
Directorate	Corporate Services
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act or Local Laws</i>) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil.

Purpose

The purpose of this report is for Council to consider deferral of the service charge to recoup the cost of underground power consumer mains connection from property owners.

Background

In response to the COVID-19 pandemic, at a Special Council meeting on 24 March 2020, Council resolved that “*any proposal for the undergrounding of power by Western Power in parts of Eden Hill and the Bassendean area, not to financially impact home owners in the 2020-21 financial year*”.

At an Ordinary Council Meeting on 23 June 2020, Council resolved to endorse the Network Renewal Underground Program Pilot (NRUPP) Co-Funding Agreement between the Town of Bassendean and Western Power to support this project. Council also approved recouping the cost from property owners through a service charge levied via property rates over a three-year period, and resolved not to pass on the Town’s internal administrative overhead costs for the project.

The Town executed the NRUPP Co-Funding Agreement with Western Power on 25 June 2020. Western Power will fund the undergrounding of Western Power infrastructure and property owners will fund the undergrounding of the consumer mains connection.

Council was informed at the Ordinary Council Meeting on 28 July 2020, as part of the budget paper, that the Town would seek to have property owners fund the cost of connection from the property boundary to the property via a service charge from 2021-22.

Proposal

That Council defer levying the service charge to recoup the cost of underground power consumer mains connection from property owners until property rates are levied for 2022/23.

Communication and Engagement

Town staff have continued to meet with Western Power representatives regularly and are currently in the process of negotiating a deferred cash call schedule.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Creating an environment where people feel welcome and safe	<ul style="list-style-type: none">• Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)• Encourage the adoption of a collective responsibility towards safety	<ul style="list-style-type: none">• Increased use of public transport by different demographics• Increased active transport by different demographics• Reduced antisocial incidents

Comment

Under the Co-Funding Agreement, construction was to have commenced in August 2020 and be completed by November 2021. That timetable aligned with the earlier proposal to commence levying the service charge in 2021/22, with the first instalment payable in September 2021; at a time when the project was nearing completion and most property owners would have had consumer mains connected to their property or connection would have been imminent.

Western Power has experienced delays with the project, primarily concerning the tender and internal gateway approval processes and construction is now not scheduled to commence until July 2021. Construction is scheduled for completion by the end of the 2022 calendar year.

Should the Town seek to recoup the cost from property owners via a service charge to be levied as part of property rates in 2021/22, little construction activity will occur throughout the district by the due date of the first instalment in September 2021. Western Power has advised that the project will be conducted in three zones, with zone one scheduled for completion in December 2021. By September 2021, the consumer mains connection to only a small portion of properties within zone one will have been completed. Works will not have commenced for the majority of properties within zone one, or for any property in zones two or three.

Consequently, it is proposed to defer levying the service charge to the 2022/23 rating period, meaning the first instalment will be due around September 2022. This is consistent with the original intent, being to commence recouping of the consumer mains cost from property owners at a time when the project was nearing completion.

Statutory Requirements

6.32 LGA A Local Government may impose a service charge (Absolute Majority).

6.38 LGA Service charges

(1) A local government may impose on —

- (a) owners; or
- (b) occupiers,

of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.

6.38(4) LGA A Local Government may only use the money from a service charge to meet the cost of providing the service or to repay money borrowed for that purpose (including interest).

6.45 LGA Service charges are eligible for instalment payment options.

6.47 LGA Local government may waive or grant a concession in relation to a rate or service charge.

Financial Considerations

The Town will incur interest on the loan from WA Treasury to fund the cash call schedule to Western Power while it recoups the cost from property owners via the service charge. The estimated interest expense can be included when determining the cost of the project to the Town used to set the service charge.

Risk Management Implications

The proposed approach provides closer alignment with levying the service charge and completion of the bulk of the project. Proceeding to levy the service charge in 2021/22 risks community dissatisfaction with being required to pay for consumer mains connection well prior to completion of the works.

Officer Recommendation – Item 12.9

That Council defer levying the service charge to recoup the cost of underground power consumer mains connection from property owners in connection with the Eden Hill Network Renewal Underground Program Pilot until rates are levied for 2022/23.

Voting requirements: Simply majority

Item No. 12.10	Children's Services – Fees for Wind in the Willows Early Education Centres for 2021/22
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
File Ref/ROC	FINM/AUD/1
Previous Council Reports (if applicable)	
Directorate	Corporate Services
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act or Local Laws</i>) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil.

Purpose

The purpose of this report is for Council to adopt the fees for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education for 2021/22.

Background

Council adopted the current fees for Wind in the Willows at a Special Council meeting on 18 August 2019. The current fees are:

Daily fee	\$115
Weekly fee (full-time care)	\$540

Council resolved to freeze all fees and charges for 2020/21, as part of a raft of measures in response to the COVID-19 pandemic.

While Council will consider the Town's fees and charges for all services and facilities as part of the 2021/22 draft Annual Budget, adoption of the 2021/22 fees for Wind in the Willows in advance of the Annual Budget to allow reasonable notice to be provided to families, prior to the new fees taking effect on 1 July 2021.

The Manager of Children's Services, in preparing for the 2021/22 Annual Budget, has closely examined expected revenue and expenditure of both Wind in the Willows Early Education Centres and proposed the daily fee be increased to \$123 and that the weekly fee be abolished.

Proposal

The Council adopt a daily fee of \$123 for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education for 2021/22.

Communication and Engagement

The Town will write to all families using the Wind in the Willows services to advise of the increase to the daily and weekly fees for 2021/22.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Treating people equitably with access to programs and services, regardless of advantage or ability	<ul style="list-style-type: none">• Ensure access and inclusion to spaces and places throughout our Town for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people• Enable programs and services that cater for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people	<ul style="list-style-type: none">• Alignment between services delivered and community needs• Diversity (in terms of demographic, ability, culture, background) of community members accessing spaces, places, programs and services is reflective of community structure

Comment

The National Quality Framework (NQF) was introduced in 2012 to improve education and care across long day care, family day care, preschool/kindergarten, and outside school hours care services. The NQF provides a national approach to regulation, assessment and quality improvement for early childhood education and care and is administered by the Australian Children's Education and Care Authority.

The NQF includes:

- National Law and National Regulations
- National Quality Standard
- Assessment and quality rating process
- National learning frameworks.

The National Quality Standard (NQS) sets a high national benchmark for early childhood education and care and outside school hours care services in Australia. Services are assessed and rated against the NQS and given a rating for each of the seven quality areas and an overall rating based on these results. Both Wind in the Willows services are rated as 'exceeding' the NQS.

Under the NQF, services are required to base their educational program on an approved learning framework. This should focus on addressing the developmental needs, interests and experiences of each child, while taking into account individual differences. Wind in the Willows' services are based on 'Belonging, Being and Becoming: The Early Years Learning Framework for Australia (EYLF)'.

The EYLF forms the foundation for ensuring that children in all early childhood education and care settings experience quality teaching and learning. It has a specific emphasis on play-based learning and recognises the importance of communication and language (including early literacy and numeracy) and social and emotional development. It was designed for use by early childhood educators working in partnership with families, children's first and most influential educators.

Clearly, with the introduction of the NQS and EYLF, there has been a significant shift from 'Child Care' to 'Education and Care.' The importance of, and emphasis on, early education cannot be overstated. The CEO recently rebranded the service from Wind in the Willows Childcare to Wind in the Willows Early Childhood Education, to reflect the role and requirements of a modern service and of the quality education and care programs provided by the Town's services.

Wind in the Willows staff are Educators, who are all Certificate III or Diploma qualified (or working towards), with a qualified Teacher to oversee development and implementation of the curriculum. Our Educators practice holistically and pedagogically to both educate and care for children.

Wind in the Willows is dedicated to quality education and care programs that strive to exceed the NQS, operating with high ratios of qualified Educators who have a strong commitment to performing above the standards. Some key principles of the programs at Wind in the Willows include a connectedness to nature, respect for diversity and reconciliation, environmental responsibility and active citizenship. Wind in the Willows also has a strong commitment to families, including developing a Parenting Champion over the last three years to support the community with skills and knowledge in the best interest of children.

Wind in the Willows has a higher cost structure as a direct result of its quality educational and care programs and the increase in the daily fee is necessary to the service can keep improving the quality of its programs.

Wind in the Willows continues to experience strong demand for both services and operates at high utilisation, with a wait list for certain days of the week at both centres.

Statutory Requirements

Section 6.16 of the *Local Government Act 1995* governs the imposition of fees and charges and states:

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* *Absolute majority required.*

Financial Considerations

The fee has been set at the level required to allow the Town to continue to provide quality activities and programs. The fee is also aligned with the proposed fee cap for the purpose of the child care rebate, preserving maximum eligibility for parents.

Setting the fee in advance will ensure there is no delay in implementing the fee, providing reasonable notice to families.

Risk Management Implications

Should Council decide to adopt the Wind in the Willows fees for 2021/22 as part of the Annual Budget, there is a risk that either insufficient notice will be provided to families or delayed imposition of the higher fee resulting in lost revenue.

Should Council decide to adopt a lower fee than recommended, there is a risk that the service may need to curtail some of the activities and programs planned for 2021/22.

Officer Recommendation – Item 12.10

That Council adopt a daily fee of \$123 for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education for 2021/22.

Voting requirements: Absolute majority

Item No. 12.11	Waiver of Rates – Lot 304 Kenny Street (Deposited Plan 417198)
Property Address (if applicable)	Lot 1003 (No.97) Kenny Street, Bassendean
Landowner/Applicant (if applicable)	Lorraine Jean & Wade Lance Burton
File Ref	DABC/BDVAPPS/345-20
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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 permit, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 8	Plan of Subdivision (WAPC 345-20) Deposited Plan 417198

Purpose

That Council considers a waiver of rates for Lot 304 Kenny Street on Deposited Plan 417198, in accordance with Section 6.47 of the *Local Government Act 1995*.

Background

- On 20 May 2020, the Town received a referral from the Department of Planning, Lands and Heritage (DPLH) for a proposed two lot survey strata subdivision at Lot 1003 (No.97) Kenny Street, Bassendean. The proposed subdivision included two survey strata lots (Lot 1 – 500m² and Lot 2 - 849m²).
- Proposed Lot 2 included an 82m² portion of land which, despite being separated from the balance of the site by a strip of land owned by the Town containing water infrastructure, forms part of 97 Kenny Street.
- Despite being in private ownership, the 82m² portion of land is effectively being used as a pedestrian access way (PAW) connecting Hatton Court to Bridson Street, and there is a constructed footpath over the land.
- Town Planning Scheme No. 4A (TPS 4A) refers to the acquisition of a portion of part lots 127 Hatton Court and Lot 1003 Kenny Street, and construction of a footpath.

- Notwithstanding the reference to acquisition contained in TPS 4A, given that the 83m² portion of land is unzoned and is being used for a public purpose (a PAW), the Town considered that as this land should be vested, free of cost, to the Crown pursuant the *Planning and Development Act 2005*.
- On this basis, in its response to the DPLH on the subdivision on 2 June 2020, the Town recommended the imposition of a condition to cede the relevant portion of PAW as a 'reserve for pedestrian access way' free of cost to the Crown under the *Planning and Development Act 2005*. Imposition of this condition would have ensured that, upon the completion of the subdivision, the land would be ceded to the Crown for the Town to manage.
- On 18 August 2020, the DPLH/Western Australian Planning Commission (WAPC) approved the application, but failed to impose the recommended condition. It also failed to impose a condition that required the PAW to be shown as a separate lot from the balance site, so as to enable the Town to acquire the lot at some point in future.
- When the landowner and the Town brought this matter to the attention of DPLH, the landowner was advised that the 82m² of land could be created at the deposited plan stage instead of requiring a new subdivision application to be lodged.
- Subdivision clearance was issued for the lot, and the deposited plan was endorsed by Western Australian Planning Commission on 30 March 2021 (with the lot being reduced in area to 80m²)
- On 17 May 2021, the Town received notification from Landgate that the strata plan was being endorsed and the lot was being created.
- On 18 May 2021, the Town advised the landowner that once formally created, the land is considered rateable property under the *Local Government Act 1995*.
- The Town offered the landowner \$1,000 for the 80m² parcel of land, and for the cost of the transfer (approximately \$179) to be borne by the Town. This offer was based on the following:
 - The cost of a licenced valuation for the land would likely exceed the actual value of the land (valuations are approximately \$2,500); and
 - The 2020/21 minimum rate that would otherwise be levied against the property was \$1,106.
- The landowner rejected the offer and requested that the rates be waived or a concession be granted, which is the subject of this report.

Communication and Engagement

The Town has liaised with the DPLH as part of the subdivision application expressing its concerns regarding the proposal, and the need to cede the land for public purposes as part of the subdivision process.

The Town has liaised with the landowner throughout the assessment of the subdivision application and as part of the recent offer for the subject land.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

Rateable land

Section 6.26 of the Act establishes that all land in the district is rateable land, unless otherwise prescribed in the Act (i.e. land owned by the local government, or used for private educational or charitable purposes).

The subject lot does not meet the criteria for land which is not rateable land, and therefore rates are applicable.

Concessions

In accordance with Section 6.47 of the Act, subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, at the time of imposing a rate or service charge or at a later date, resolve to waive a rate or service charge or resolve to or resolve to grant other concessions in relation to a rate or service charge.

Given the land is effectively used as a PAW and the decision to create the lot as a rateable parcel of land instead of ceding the land for public purposes was the decision of the WAPC and not at the request or fault of the landowner, the Town considers it appropriate to waive the rates for the balance of this financial year.

Notwithstanding, in coming financial years, it is not considered appropriate to continue to waive the rates on the basis the land meets the criteria for rateable land under the Act. The Town will continue to liaise with the landowner as to the transfer of land to the Town, but should the landowner retain the land, the minimum payment will be applicable.

Waiver Approval Commencement Date

Liability to pay rates stems from the rates notice, which can only be issued upon 'rateable land' as described in the Act (ss6.32(1)(a) and (b), s6.41 and s6.50).

Further, Section 6.53 of the Act determines an owner's liability is based on when land becomes 'rateable land', rather than when a waiver application is made or approved. As such, the land is already rateable and without a waiver, the liability to pay the rates is within the current landowner.

Should Council resolve to waive the rates, it is considered appropriate to apply the waiver from the date the lot was created (17 May 2021), as opposed to the date of Council's resolution on the matter.

Acquisition of Subject Site

The reasons for the landowner rejecting the Town's offer of \$1,000 for the land and relevant commentary is provided below:

TPS 4A Contributions

On 23 October 2020, the Town approved a Single House on one of the lots at 97 Kenny Street. Condition No. 1 of this approval required the payment of the dwelling unit contribution fee, as required by TPS 4A. The contribution requirement was \$7,190.42, which was paid by the landowner at the time of the Building Permit.

The landowner contends that they were required to pay \$7,190.42, and therefore offering \$1,000 for the 80m² portion of land is unreasonable.

The contribution per dwelling unit rate and the Town's offer are two related yet separate matters. The contribution per dwelling unit rate is a figure that is adjusted annually in accordance with an inflation factor consistent with the Perth Land Value Index, with contributions set aside in a reserve account for the future acquisition of land within the TPS 4A Scheme Area (primarily privately owned portions of land within Bindaring Wetlands).

The obligation for the landowner to make this contribution is applicable, irrespective of the landowner also having a portion of land reserved for a public purpose.

Valuation

The landowner contends that the value of the land cannot be determined in isolation as its value is dependent on the land it is linked to.

In this instance, as the 80m² parcel of land has been created as a separate parcel of land, its valuation cannot be determined on the basis of the balance of former Lot 1003 (No.97) Kenny Street, Bassendean (now Lot 303).

Additional costs

The landowner has advised the cost of creating the 80m² parcel of land on a separate deposited plan was in excess of \$2,000, due to the need for additional surveying and DPLH fees.

The Town does not dispute this, however, the need to create the lot on a separate deposited plan was as a result of the failure of the WAPC to impose a condition requiring the land to be ceded for public purposes, as was recommended by the Town.

As such, the Town maintains that the offer of \$1,000 is a fair and appropriate sum for the land.

Conclusion

The Town sought to avoid the issue of land that is effectively used for public purposes being rateable via the transfer of the land to the Crown at the time of subdivision. Given the WAPC has failed to apply the appropriate and recommended condition, the land has consequently become rateable land and cannot be considered as non-rateable land under the Act.

The Town therefore recommends that Council waives the rate for Lot 304 Kenny Street on Deposited Plan 417198 (80m²) from the date the lot was created (1 April 2021) to 30 June 2021.

The matter of ultimate acquisition can continue to be negotiated between the landowner and the Town.

Statutory Requirements

Local Government Act 1995
Section 6.26 – Rateable Land
Section 6.47 - Concessions

Financial Considerations

If the rate waiver is approved, the Town will forgo \$275.74 in interim rate revenue in the 2020/21 financial year. The minimum payment for 2021/22 will be determined through the budget process.

Risk Management Implications

TPS 4A refers to the acquisition of this land for a PAW. If the landowner does not agree to the transfer of land to the Town, the Town will be unable to finalise TPS 4A.

Officer Recommendation – Item 12.11

That Council waives rates for Lot 304 Kenny Street, Bassendean, on Deposited Plan 417198, for the period from 1 April 2021 to 30 June 2021, in accordance with Section 6.47 of the *Local Government Act 1995*.

Voting requirements: Absolute majority

Item No. 12.12	Town of Bassendean Local Government Ordinary Election 2021
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/ELECT/2
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 9	Letter from the WAEC dated 16 December 2020.

Purpose

The purpose of this report is for Council to consider the appointment of the Western Australian Electoral Commissioner to be responsible for the election and for the election to be conducted as a postal vote.

Background

Local Government ordinary elections are held every two years. The last local government election at the Town of Bassendean was held on 19 October 2019.

The Town received correspondence from the Western Australian Electoral Commission dated 16 December 2020, advising of the estimated cost to conduct the 2021 Local Government Ordinary election. The letter also constituted the written agreement by the Electoral Commissioner to be responsible for the conduct of the ordinary elections in 2021 for the Town of Bassendean in accordance with s. 4.20(4) of the *Local Government Act 1995* (the Act), subject to the proviso that the Town would conduct the election as a postal election.

Before the Electoral Commissioner can conduct the Town of Bassendean election in October 2021, it is a requirement under s. 4.20 of the Act that the Town appoint the Electoral Commissioner and confirm that the election is to be conducted by the postal method.

Proposal

That the Council by absolute majority decision –

1. in accordance with section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2021 Ordinary Elections; and
2. in accordance with section 4.61(2) of the *Local Government Act 1995*, declares that the method of conducting the elections will be as a postal election.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The Town of Bassendean has, in the past, appointed the Electoral Commissioner to be responsible for its Ordinary Local Government Elections, which have also been conducted as postal elections. This has, in general, resulted in higher than metropolitan average voter participation rates. Indeed, the *2019 Local Government Ordinary Elections - Election Report* dated July 2020 by the WAEC, stated that the average participation rate for metropolitan local governments (postal method) was 27.6%. The Town of Bassendean had a higher than average voter participation rate at 32.2%. In 2017, the voter participation rate was 39.4%.

The appointment of the WAEC brings independence and expertise to the election process. The acceptance of a postal election by the community, demonstrated by continually higher than metropolitan average voter participation rates, supports the continuation of the postal election method. Further, with concerns in the community over safety due to the global pandemic crisis, and the fact that voting in local government elections is not compulsory, it is recommended that the election be conducted through the postal method. This may ensure consistent voter participation rates, then might otherwise result if the election were held as an in-person election.

It is therefore recommended that the WAEC conduct the Town of Bassendean 2021 election and that the election be held as a postal election.

Statutory Requirements

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*
 - (a) *an election; or*
 - (b) *all elections held while the appointment of the person subsists.*

* Absolute majority required.

- (3) *An appointment under subsection (2) —*
 - (a) *is to specify the term of the person's appointment; and*
 - (b) *has no effect if it is made after the 80th day before an election day.*

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

4.61. Choice of methods of conducting election

- (1) *The election can be conducted as a — postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*
- (2) *The local government may decide* to conduct the election as a postal election.*

* Absolute majority required.

Financial Considerations

The Town has been provided with a written quotation of \$54,000 including GST from the WAEC to conduct the 2021 ordinary election as a postal election.

There will also be additional costs incurred directly for salary costs, non-statutory advertising and potential legal expenses.

An allocation for these funds will need to be included in the 2021-2022 budget.

Risk Management Implications

It is assessed that the risk of an election being conducted by the WAEC and encountering significant problems is low. The risk of reduced voter participation for an in-person elections is acknowledged especially with current concerns of lockdowns due to the current State of Emergency and the global pandemic crisis.

Officer Recommendation – Item 12.12

That Council by absolute majority decision, in accordance with:

1. Section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2021 Ordinary Elections; and
2. Section 4.61(2) of the *Local Government Act 1995*, declares that the method of conducting the elections will be as a postal election.

Voting requirements: Absolute majority

Item 12.13	Standards for CEO Recruitment, Performance and Termination Policy
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/POLCY/2
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Attachment No. 10	<ul style="list-style-type: none">• Updated Standards for CEO Recruitment, Performance and Termination Policy (21 May 2021)• Annual Performance Review – Chief Executive Officer Policy• Department of Local Government, Sport and Cultural Industries ‘Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination’

Purpose

The purpose of this report is to seek Council's adoption to replace the Town's current 'Annual Performance Review – Chief Executive Officer' Policy with the recommended 'Standards for CEO Recruitment, Performance and Termination' Policy.

The recommended Policy ensures the Town aligns with the new *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

Background

The *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* (collectively the New Regulations) were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021. New sections of the *Local Government Act 1995* (the Act) that provided for the New Regulations were proclaimed concurrently and are also now in effect.

The CEO Standards amend the *Local Government (Administration) Regulations 1996* to prescribe model standards for the recruitment, selection, performance review and termination of Local Government CEO's.

As part of incorporating the model standards, it is recommended Local Governments determine whether any inconsistencies exist between the CEO Standards and any relevant Council Policies.

Proposal

The Western Australian Local Government Association (WALGA) has published a Model CEO Standards Policy, to assist Local Governments adopt a Council Policy aligned to the New Regulations and Standards.

The attached 'Standards for CEO Recruitment, Performance and Termination' Policy is based on the WALGA model Policy. The recommended policy has been adapted to incorporate the Town's relevant logo and branding.

The Town's current 'Annual Performance Review – Chief Executive Officer' Policy has been incorporated within the recommended 'Standards for CEO Recruitment, Performance and Termination' Policy. This ensures the Town's already adopted practice and step by step process is included within the new standard Policy.

A minor amendment has been included within these steps for the CEO's annual review to be delayed (as outlined in clause 2.5).

A further amendment has been made to clause 2.7 in relation to the selection of the independent external facilitator as follows:-

- The Mayor, as the representative of Council, and the CEO, shall agree upon a shortlist of candidates for the position of a facilitator. The shortlist of candidates will be presented to Council for its consideration. Council is to appoint by resolution, the independent facilitator from the shortlisted candidates provided.

This amendment aligns with the principles of the new Regulations. These principles are set in the spirit of the performance criteria and the performance process being recorded, negotiated and agreed upon by the CEO and Council.

The current and proposed Policy, includes the following requirement for Councillors participating in the review process as follows:-

- a) Required to attend a WA Local Government Association (WALGA) 'CEO Performance Appraisal' training session.

This training is not required as part of the new Regulations, however would support Councillors to develop further knowledge and skills to make their contribution to the CEO annual performance review process. The training would also support Councillors with further comprehension about the 'Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination'. Council has the option to retain or remove this clause.

Communication and Engagement

The recommended policy is in line with the New Regulations which took effect on 3 February 2021. Further community consultation or engagement is considered unnecessary for the purpose of this policy.

Strategic Implications

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

Comment

NA

Statutory Requirements

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs).

The reforms are intended to ensure best practice and greater consistency in these processes between local governments. The ‘Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination’ developed by the Department of Local Government, Sport and Cultural Industries outline the recommended practice for local governments in undertaking these processes. These guidelines assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The recommended Policy ensures alignment to these Guidelines and recommended practice for local government.

Financial Considerations

NA

Officer Recommendation – Item 12.13

That Council:

1. Revoke the current Annual Performance Review – Chief Executive Officer Policy; and
2. Adopt the recommended Standards for CEO Recruitment, Performance and Termination Policy, as attached to this report.

Voting requirements: Absolute majority

Item No. 12.14	Quarterly Report for Period Ended 31 March 2021
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/CCLMEET/1
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans, reports and strategies, accepting tenders, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 11	<ul style="list-style-type: none">• Quarterly Report• Outstanding Resolutions for Deletion

Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ended 31 March 2021.

Background

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

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

Proposal

That Council resolves to adopt the Quarterly Report P/E 31 March 2021.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The Quarterly Report reflects a composite of the activities that have occurred in the third quarter of the 2020/2021 financial year and provides a progress report on budget deliverables in the Corporate Business Plan (CBP). The report provides updates on the strategic priority projects and the deliverables of each priority area as contained in the CBP.

Recently, Officers sought feedback from Councillors on the structure of the Quarterly Report. One Councillor indicated a desire to see a more streamlined report. No other feedback was received. A change to achieve this end will be implemented for the quarter four report..

Statutory Requirements

Local Government Act 1995.

Financial Considerations

Nil.

Risk Management Implications

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

Officer Recommendation – Item 12.14

That Council:

1. Receives the Quarterly Report for the quarter ended 31 March 2021; and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report that are marked for deletion.

Voting requirements: Simple majority

Item 12.15	Accounts Paid – April 2021
File Ref/ROC	FINM/CREDTS/4
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 12	List of Payments - April 2021

Purpose

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

Background

Payments made during April 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 April 2021.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

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

Nil.

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 12.15

That Council receive the List of Payments for April 2021.

Voting requirements: Simple majority

Item No. 12.16	Monthly Financial Report – April 2021
File Ref/ROC	FINM/AUD/1
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 13	Monthly Financial Report, containing the Statement of Financial Activity, for April 2021

Purpose

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

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

The Statement of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the month ending 30 April 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	22.3	22.4	0.45
Expenditure	26.9	22.5	20.0	11.19
Capital Works	6.4	5.5	2.8	48.95
Non-Operating Grants, Subsidies and Contributions	1.8	0.8	0.7	(12.15)

Operating Revenue

Revenue year to date is 0.45% above budget.

Operating grants, subsidies and contributions are above budget due to receipt of a youth grant for the urban art mentoring program not budgeted and Seniors CHSP and HCP funding above budget.

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

Operating Expenditure

Expenditure year to date is 11.19% under budget.

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

Utility charges are under the year to date budget due to timing of street lighting charges and telephone charges for Governance.

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 assets.

Non-Operating Grants, Subsidies and Contributions

Revenue year to date is 12.15% under budget.

This is due to timing of grant payments.

Capital Works

Expenditure is under budget due to timing and carryover of some projects to 2021/22.

Cash backed reserves

The closing balance of the cash backed reserves at 30 April 2021 is \$7 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on the Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

Statement of Financial Position

The Town has current assets of \$18.5 million. The major components of which are cash and cash equivalents of \$16.8 million and trade and other receivables of \$1.7 million. Current liabilities total \$7 million. The major components are trade and other payables (including bonds and deposits) of \$4.2 million and employee provisions of \$2.2 million.

Statement of Cash Flows

Net cash provided by operating activities is \$4.2 million, net cash used in investing activities \$0.5 million and financing activities \$0.1 million.

Monthly Investment Report

The overall balance of the Town's investments is \$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

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

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

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

Risk Management Implications

Nil.

Officer Recommendation – Item 12.16

That Council receive the monthly Financial Report for April 2021.

Voting requirements: Simple majority

Item No. 12.17	Calendar for June 2021
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil

Purpose

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

Background

Nil.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

Calendar for June 2021:

Date	Time	Location	Meeting/ Event
Wed 2 June 2021	5.00pm	City of South Perth Cnr South Tce and Sandgate St South Perth	PAMG Ordinary Council Meeting
Thurs 3 June 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Audit Committee
Mon 7 June 2021	Public Holiday - WA Day		
Wed 9 June 2021	5.30pm	Council Chamber	Audit and Governance Committee
Tues 15 June 2021	6.00pm	Council Chamber	Briefing Session
Tues 22 June 2021	6.00pm	Council Chambers	Ordinary Council Meeting
Thurs 24 June 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Ordinary Council Meeting
Thurs 24 June 2021	6.30pm	City of Belmont 215 Wright Street Cloverdale	WALGA East Metropolitan Zone Meeting

Statutory Requirements

Not applicable.

Financial Considerations

Not applicable.

Risk Management Implications

Not applicable.

Officer Recommendation – Item 12.17

That Council adopt the calendar for June 2021.

Voting requirements: Simple majority

Item No. 12.18	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil

Purpose

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

Background

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

Proposal

Not applicable.

Communication and Engagement

Not applicable.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

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

Comment

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

Document Sealed	Date Sealed
Section 70A Notification – 49 Hamilton Street, Bassendean	11 May 2021
Restrictive Covenant s129BA of Transfer of Land Act 1893 – Lot 100 (No 129) Walter Road, Bassendean x3	17 May 2021
Section 70A Notification - 9 Anstey Road Bassendean	19 May 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 12.18

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

Voting requirements: Simple majority

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

15.0 URGENT BUSINESS

16.0 CONFIDENTIAL BUSINESS

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

Item 16.1	Amendments to CEO Employment Contract
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	HR/PER-FIL/2424
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Confidential Attachment No. 3	Employment Contract - Peta Mabbs

Purpose

The purpose of this report is to seek Council's agreement to amend the CEO's current employment contract to align with the new *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

This matter is to be considered with members of the public excluded from the Chambers under Clause 5.23 (2) (e) (iii) of the Local Government Act 1995, as the report discusses the financial affairs of a person. which relates to a matter to be discussed at the meeting.

Item 16.2	CEO Annual Performance Review Facilitation (Consultant Recommendation)
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/CCLMEET/22
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Confidential	<ul style="list-style-type: none">• Civic Legal Quotation• Brainbox Quotation
Attachment No. 4	

Purpose

The purpose of this report is for Council to resolve the engagement of an independent external person to facilitate the annual performance review of the Chief Executive Officer. This is in line with Council's current 'Annual Performance Review – CEO' Policy and proposed updated 'Standards for CEO Recruitment, Performance and Termination Policy' along with the *Local Government Act 1995*.

This matter is to be considered with members of the public excluded from the Chambers under Clause 5.23 (2) (e) (iii) of the Local Government Act 1995, as the report discusses the financial affairs of a person. which relates to a matter to be discussed at the meeting.

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 15 June 2021.

The next Ordinary Council meeting will be held on Tuesday 22 June 2021.