



**CITY OF BAYSWATER**

**MINUTES**

**FOR THE**

**ORDINARY MEETING OF COUNCIL**

**28 August 2018**





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**CITY OF BAYSWATER**

**Minutes** of the Ordinary Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **28 August 2018**.

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**MINUTES****1. OFFICIAL OPENING**

Notice is hereby given that the Ordinary Council Meeting will be audio recorded in accordance with the resolution of Council of 17 May 2016.

Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.

The Chairperson, Cr Dan Bull, Mayor, welcomed those in attendance and declared the meeting open for the ordinary business of Council at 6:30pm.

**1.1 Traditional Owners Acknowledgement**

The Chairperson, Cr Dan Bull, Mayor, acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

**1.2 Declaration of Due Consideration**

The Chairperson read the Declaration of Due Consideration and all Councillors present raised their hands to indicate that due consideration was given to all matters contained in the Agenda.

**2. RECORD OF ATTENDANCE, APOLOGIES, ABSENCE AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)****Attendance, Apologies and Absence****Members****West Ward**

Cr Dan Bull, Mayor (Chairperson)

Cr Lorna Clarke

Cr Giorgia Johnson

**Central Ward**

Cr Chris Cornish, Deputy Mayor

Cr Barry McKenna

Cr Sally Palmer

North Ward  
Cr Stephanie Gray

South Ward  
Cr Catherine Ehrhardt  
Cr Elli Petersen-Pik

**Officers**

Mr Andrew Brien	Chief Executive Officer
Mr Doug Pearson	Director Works and Infrastructure
Mr Des Abel	Director Community and Development
Ms Carissa Bywater	Director Corporate and Strategy

**Observers**

Press - 0  
Public - 7

**Leave of Absence**

Cr Filomena Piffaretti

**Apologies**

Nil.

### 3. PUBLIC QUESTION TIME

In accordance with section 5.24(1)(a) of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public, as follows:

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4)(a) of the *Local Government (Administration) Regulations 1996*, questions from the public must relate to a matter affecting the local government.

In accordance with section 5.25(1)(f) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, in accordance with clause 5.6(7)(b) of the *City of Bayswater Standing Orders Local Law 2013* a summary of the response to the question will be included in the minutes for the following Council meeting.

The City will continue to provide written responses to those questions taken on notice at the meeting but will no longer include associated forms and personalised correspondence as part of Council Minute appendices.

#### 3.1 Responses to Public Questions Taken 'On Notice'

**Stella Grey, 7 Cityview Close, Maylands**

**Question 1**

**My first question is regarding the Minutes of tonight's meeting. I had three questions at the last Council meeting and only one of the questions was recorded in the Minutes. I was just wondering why that is?**

**Answer 1**

Your questions 1 and 3 were answered at the Council Meeting and the responses were contained in the Minutes of the Ordinary Council Meeting held on 26 June 2018. The City provided the response to the question taken on notice (Question 2) in the subsequent Council Meeting Minutes.

**Question 2**

**My second question is regarding my question which is actually in there, which is in response to Question 2 in the Minutes, and it was regarding where we asked for a meeting workshop from the Friends of Maylands Brickworks regarding the proposals. There was a date that was set in there for 7 August 2018 and we haven't received actually an email or any administrative notification that that was the case, until we saw it in the Minutes of the meeting tonight. So the Committee met tonight and has asked whether we can get an**

extension on that, because that's only giving us a couple of weeks' notice to actually prepare for this and as we are just general people in the community, we'd like a lot more time to actually prepare a workshop for that, please, if that's possible?

#### Answer 2

At your request, the briefing by the Friends of Maylands Brickworks to the Councillors has been deferred until the evening of Tuesday 4 September 2018. The City will be in contact closer to that date with a time for your briefing.

#### **3.2 Public Question Time**

**Public Question Time commenced at 6:31pm.**

**The following questions were submitted verbally:**

**Harvey Tonkin, [harveyt@iinet.net.au](mailto:harveyt@iinet.net.au)**

**Item 11.4 - Dog Exercise Area Review**

#### Question 1

There have been a few agenda items where decisions have been made without due regard for each particular case. Recently, the Councillors discussed the *Dog Act 1976* and rules pertaining to the parks around the City of Bayswater. One decision was that all dogs had to be on a lead within 20 metres of a playground. Does the 20 metres start from the centre or the edge of the playground?

#### Answer 1

Cr Dan Bull, Mayor, noted that he had a proximity interest in the item and was unable to answer the question; however, he could ask others to answer on his behalf.

Cr Chris Cornish, Deputy Mayor, advised that it had not been specified, and what was put forth to the public for consultation was now coming back. Mr Tonkin's comment and question would be taken into consideration during the debate tonight.

#### Question 1A

I regularly walk around Deschamp Reserve with my dogs. The playground is situated approximately 35 metres from the road. Within that area there is a large tree that has bees living in it for the past 30 years. 20 metres places me within 5 metres of the tree and if I was to walk my dogs on the other side of the tree closer to the road, then I have the problem of being too close to the road. Is it possible to amend the policy to the original 10 metres on this reserve to allow people to allow their animals to run freely without having to put them on a lead for 15 metres and then taking them off again?

#### Answer 1A

Cr Chris Cornish, Deputy Mayor advised it was certainly possible and Council would determine tonight whether they would or not.

#### Question 2

There are agenda items that will affect the ratepayers, however, they are often encased in a private and confidential envelope. The results of these items are never known until weeks later. I understand the confidential nature covers many different scenarios. There was one item last May where the waste disposal contract was discussed. There were many items that affected the ratepayers but were hidden under the guise of a lease when in actual fact, from my observation, were not a state secret and could have been displayed

for everyone to read and absorb. Or were they a state secret? Is it possible for the Council Officers to provide a general summary of the item to be discussed when it pertains to all ratepayers?

More specifically, I think it was the waste disposal, you did amendments, you created extra bins, you allocated days where you would pick up beds and fridges twice a year for ratepayers. We had no idea of that in the agenda. I come here on a regular basis to find out how the Council operates, but I felt that on that specific item, there was no information, it was just hidden. It's a lease with Cleanaway, which I don't have a problem with, I don't need to know the finer details. But, there are lots of items that you discuss that have had confidential items attached, but we still see the general overview of what you're going to discuss. So all I'm asking is, is it possible for the Officers to provide that for us?

#### Answer 2

Andrew Brien, Chief Executive Officer, advised that the City would take Mr Tonkin's comments on board. The Council is currently reviewing the Standing Orders. As part of that process, the City was also looking at the information that is going to be contained in Council reports going forward, so it would take that into consideration.

**Tony Green, Bayswater City Residents Association (Inc) - P.O. Box 1639, Morley**

**Item 14.1 - Cr Sally Palmer - Support for the Uluru Statement from the Heart**

#### Question 1

Why is this even being considered when it is based on the falsehood that Aboriginal and Torres Strait Island people owned the land we call Australia? They did not, and every Aboriginal tribe in Australia has the identical saying in their own languages which states, in English: 'look after Country and Country will look after you'. This is a custodial statement, because Aboriginal people saw themselves as custodians of the land, not its owners. The idea of owning a bush, tree or a patch of ground was laughable to the original nomadic occupants of this land.

#### Question 2

Why do we need a treaty when any one of these people currently have the legal right to take part in any level of our current civilization commensurate with their skills, knowledge and qualifications?

#### Question 3

Why is Council seriously considering advocating something that is inevitably going to lead to the formation of a separate nation within our existing one, with both being mutually exclusive? There is not, and never has been such a thing as an Aboriginal Nation, merely an assembly of diverse tribes with often widely conflicting cultures, languages and customs, so what kind of multiplicity of sub-nations would this treaty lead to? The whole thing is badly thought through, divisive and based on a false basis, by people who are obviously placing their ignorance or self-interest above the formation of a much more desirable, integrated Australia. Please do not put up our rates to pay for feel-good rubbish like this.

#### Answers 1, 2 & 3

Cr Dan Bull, Mayor, advised that he would take the questions in totality, and that there was an element of view and questions. It was being considered by Council because it is a Notice of Motion and that is the process we go through. The question of whether it was a valid or invalid process in terms of the Statement itself, and also in terms of whether Council should be considering it or not, was something for Councillors to consider, and no doubt would have heard Mr Green's comments and would take them on board during the debate.

Mr Green stated that as an addition to that, when he was talking about the multiplicity of the peoples, when he was an Aboriginal rep. for a company in Port Hedland, his area covered from Warmun point in the north to Turkey Creek in the east, right the way down to Onslow. In that relatively small area, he had 100 languages to deal with. Most of the tribes didn't get on with each other.

Cr Dan Bull, Mayor, stated that the number of languages was quite remarkable and mentioned that the Deputy Mayor, Cr Chris Cornish, recently attended a ceremony at John Forrest Secondary College for the unveiling of a mural, and at the heart of the mural was the message of the different cultures and languages within the Aboriginal communities of Australia.

**Public Question Time was closed at 6:40pm.**

#### **4. LEAVE OF ABSENCE**

##### **4.1 Leave of Absence (Previously Approved)**

Councillor	Date of Leave	Approved by Council
CR FIOMENA PIFFARETTI	26 August to 31 August 2018	OCM 22.05.2018
CR FIOMENA PIFFARETTI	19 September to 24 September 2018	OCM 24.07.2018

##### **4.2 Application for Leave of Absence**

#### **COUNCIL RESOLUTION**

That Leave of Absence be granted as follows:

CR BARRY MCKENNA from 10 September 2018 to 14 September 2018 inclusive;

CR BARRY MCKENNA from 16 October 2018 to 18 October 2018 inclusive; and

CR DAN BULL, MAYOR from 20 September 2018 to 24 September 2018 inclusive;

CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED

CARRIED UNANIMOUSLY: 9/0

#### **5. CONFIRMATION OF MINUTES**

##### **5.1 Ordinary Meeting: 24 July 2018**

#### **COUNCIL RESOLUTION**

The Minutes of the Ordinary Meeting of Council held on Tuesday, 24 July 2018 which have been distributed, be confirmed as a true and correct record.

CR ELLI PETERSEN-PIK MOVED, CR STEPHANIE GRAY SECONDED

CARRIED UNANIMOUSLY: 9/0

## 5.2 Planning and Development Services Committee Meeting: 17 July 2018

**COUNCIL RESOLUTION**

That Council accepts the minutes of the Planning and Development Services Committee meeting held on Tuesday, 17 July 2018 which have been distributed and acknowledges the decisions made at the Committee Meeting in accordance with section 5.17 of the *Local Government Act 1995*, and the Committees delegation of powers and duties.

CR ELLI PETERSEN-PIK MOVED, CR SALLY PALMER SECONDED

CARRIED UNANIMOUSLY: 9/0

## 5.3 Community, Technical, Finance and Corporate Services Committee Meeting: 18 July 2018

**COUNCIL RESOLUTION**

That Council accepts the minutes of the Community, Technical, Finance and Corporate Services Committee meeting held on Wednesday, 18 July 2018 which have been distributed and acknowledges the decisions made at the Committee Meeting in accordance with section 5.17 of the *Local Government Act 1995*, and the Committees delegation of powers and duties.

CR ELLI PETERSEN-PIK MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED: 7/2

*For: Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Barry McKenna, Cr Elli Petersen-Pik and Cr Catherine Ehrhardt.*

*Against: Cr Lorna Clarke, and Cr Giorgia Johnson.*

## 6. DISCLOSURE OF INTEREST SUMMARY

### 6.1 Disclosures at Ordinary Council Meeting

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

In accordance with section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:

Date	Name	Item No.	Item Name
28 August 2018	Cr Barry McKenna	14.4	Cr Lorna Clarke - Bayswater Parking Strategy

In accordance with section 5.61 of the *Local Government Act 1995* the following disclosures of indirect financial interest were made at the meeting:

Nil.

In accordance with section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:

Date	Name	Item No.	Item Name
28 August 2018	Cr Barry McKenna	11.4	Dog Exercise Area Review
28 August 2018	Cr Barry McKenna	11.6*	Local Planning Strategy - Building Bayswater Recommendations
28 August 2018	Cr Lorna Clarke	11.6*	Local Planning Strategy - Building Bayswater Recommendations
28 August 2018	Cr Catherine Ehrhardt	11.6*	Local Planning Strategy - Building Bayswater Recommendations
28 August 2018	Cr Chris Cornish, Deputy Mayor	14.5	Cr Lorna Clarke - Bedford Rejuvenation
28 August 2018	Cr Stephanie Gray	11.6*	Local Planning Strategy - Building Bayswater Recommendations
28 August 2018	Cr Sally Palmer	11.6*	Local Planning Strategy - Building Bayswater Recommendations
28 August 2018	Cr Dan Bull, Mayor	11.4	Dog Exercise Area Review

\*On 28 August 2018, the City of Bayswater received approval from the Department of Local Government, Sport and Cultural Industries, for the disclosing members, Cr Catherine Ehrhardt, Cr Barry McKenna, Cr Sally Palmer, Cr Stephanie Gray, Cr Filomena Piffaretti and Cr Lorna Clarke, to fully participate in the discussion and decision making relating to the item at this Ordinary Meeting of Council and any future Council meetings where the same item is being considered. The Councillors will need to disclose at any future meetings to ensure that this approval is noted in the Minutes. A copy of the participation approval letter is included in the Minutes (listed as Attachment 4 under the item) for public reference.

In accordance with regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* the following disclosure of interests affecting impartiality (Elected Members) were made at the meeting:

Date	Name	Item No.	Item Name
28 August 2018	Cr Giorgia Johnson	11.4	Dog Exercise Area Review
28 August 2018	Cr Giorgia Johnson	14.3	Cr Chris Cornish - Voting Representation at WALGA
28 August 2018	Cr Dan Bull, Mayor	13.3*	Community Facility Lease and Licence/User Agreement Policy
28 August 2018	Cr Lorna Clarke	13.3*	Community Facility Lease and Licence/User Agreement Policy

\*Cr Dan Bull, Mayor, and Cr Lorna Clarke only declared the interest in the item following the debate and voting on the matter.

In accordance with section 5.60A of the *Local Government Act 1995* the following disclosures of financial interest (Officers) were made at the meeting:

Date	Name	Item No.	Item Name
28 August 2018	Andrew Brien	13.16	Chief Executive Officer Annual Review

In accordance with regulation 34C of the *Local Government (Administration) Regulations 1996* and clause 5.5 of the City of Bayswater's Code of Ethics, the following disclosure of interests affecting impartiality (Officers) were made at the meeting:

Nil.

## 7. URGENT BUSINESS

Nil.

## 8. PETITIONS

Nil.

### **ORDER OF BUSINESS**

Items were dealt with in the following order: Items 11.1, 11.2, 11.3, 11.4, 11.6, 11.7, 13.3, 13.5, 13.8, 13.10, 13.11, 13.12, 13.14, and 13.16.

All remaining items were carried by en bloc resolution.

**9. PLANNING AND DEVELOPMENT SERVICES COMMITTEE REPORTS**

Nil.

**10. COMMUNITY, TECHNICAL, FINANCE AND CORPORATE SERVICES COMMITTEE REPORTS**

Nil.

## 11. OFFICER REPORTS

### 11.1 Additional Street Tree Planting - Slade Street

**Reporting Branch:** Engineering  
**Responsible Directorate:** Works and Infrastructure  
**Refer:**  
Item 12.1.6: OMC 11.12.12  
Item 12.1.1: OMC 28.05.13  
Item 11.3: OCM 30.01.18  
Item 9.2.1: CTFCS 18.07.18  
Item 11.2: OCM 24.07.18

## EXECUTIVE SUMMARY

### Application:

For Council to consider the installation of additional traffic calming devices and planting of additional street trees along Slade Street between Whatley Crescent and Guildford Road, Bayswater.

### Key Issues:

- A Motion was raised at the Annual General Meeting (AGM) of Electors on 14 December 2017 in relation to traffic management works on Slade Street in 2012-13 for Council to consider planting additional trees on Slade Street.
- Council, at its Ordinary Meeting of 30 January 2018, considered the AGM Motions and resolved to investigate the possibility and costs associated with planting of additional trees along Slade Street for Council's further consideration.
- Council, at its Community, Technical, Finance and Corporate Services Committee Meeting of 18 July 2018, considered a report on the additional street tree planting and resolved to defer the matter pending a site meeting with the original Mover of the AGM Motion.
- Additional traffic calming treatments were requested from the original Mover at the site meeting.

## BACKGROUND

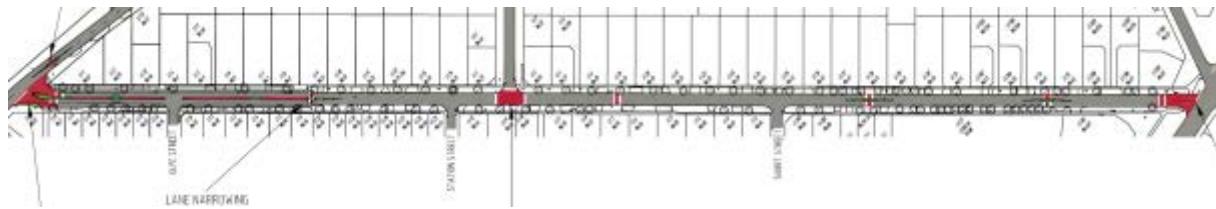
The City undertook an extensive community consultation program including the trialling of a number of alternatives during the development of the Bayswater 'Triangle' Traffic Management Plan. One of the traffic treatments proposed during the early stages of the project was the use of elliptical or blister islands which offered an opportunity for the planting of vegetation within the islands, thus providing line of sight interruption in conjunction with horizontal displacement of vehicles.

During the consultation phase for the project, there was a degree of community opposition to the use of elliptical islands. In considering this matter at the Ordinary Council Meeting of 11 December 2012, Council resolved as follows:

*"That Council implement Stage 1 of traffic management works on Slade Street/Whatley Crescent in accordance with a modified version of the draft traffic management plan with all blister (elliptical) islands being replaced with plateaus."*

Following the adoption of the above resolution, some Slade Street residents approached Council requesting that the raised plateaus be modified to include central median islands in the raised plateaus to facilitate the planting of trees. Accordingly, following further consultation, Council resolved as follows at the Ordinary Council Meeting of 23 July 2013:

*"The Council approves the additional central median islands being incorporated within the raised plateaus as depicted on Drawing No. 17/13 and the Bayswater 'Triangle' Working Group be advised accordingly."*



It should be noted that as detailed in the report to Council (28 May 2013), a tree could not be accommodated on the plateau in the vicinity of No. 31 Slade Street as it would unduly restrict access.

Subsequently, traffic calming was installed in accordance with the relevant Council resolutions and traffic data collected following the completion of the project verified its success in terms of a reduction in traffic speed and volume.

Notwithstanding the above, at the AGM of 14 December 2017, the following motion was raised for Council's consideration:

*That the City review the following omissions (all promised):*

1. *Re-instate "line-of-sight interruption" by planting 8 (in-road) trees, midway in Slade Street.*
2. *2 (Two) "entry-statement" trees on verge (Slade Street, Whatley Crescent end).*
3. *Offset negative amenity impact on affected residents opposite Red Rooster (Slade St, Guildford Rd end) by screening off with verge vegetation.*

*What is currently in place does not constitute 'screening-off'.*

Accordingly, Council, at its Ordinary Meeting of 30 January 2018, on 14 December 2017, considered the AGM motions and resolved in part as follows:

2. *In accordance with section 5.33 of the Local Government Act 1995, having considered the motions of the Annual General Meeting of Electors held on 14 December 2017, resolves the following motions:*

*Motion 2*

*That:*

1. *City officers investigate the planting of additional trees within the Slade Street pavement and on the verges at the Whatley Crescent end of the street and report back to Council with the options and costs for additional planting."*

Furthermore, Council at its Community, Technical, Finance and Corporate Services Committee Meeting of 18 July 2018, considered a report on the additional street tree planting and resolved as follows:

*"That this item be deferred to the next Ordinary Council Meeting to allow a site meeting to be held with the Mover of Motion 2 from the Annual General Meeting of Electors".*

In accordance with the July 2018 resolution, a site meeting was held on Monday, 23 July 2018, with the Mover of the AGM Motion, a number of Slade Street residents, West Ward Councillors (Mayor Dan Bull and Cr Giorgia Johnson) and City officers. The discussions that took place at this meeting centred around investigating alternative traffic treatment options for the mid-section

of Slade Street. The Mover had proposed that additional traffic calming devices be installed along Slade Street rather than planting of additional street trees. Based on this outcome from the meeting, Council resolved as follows at the Ordinary Council Meeting of 24 July 2018:

*"That this item be deferred to the Ordinary Council meeting on 28 August 2018, to enable the City to carry out additional design work, following on from discussions at the site meeting held on 23 July 2018."*

## **CONSULTATION**

Apart from the above mentioned site meeting, no consultation with the residents on Slade Street has occurred on this proposal. This would, however, be required as the implementation of additional traffic treatments and/or planting of additional trees along Slade Street would result in the loss of on-street parking and may cause inconvenience to some residents' access to their properties.

## **ANALYSIS**

Traffic management works including central median islands and raised plateaus were installed as part of the Bayswater 'Triangle' Traffic Management Plan back in 2013. Raised median islands were installed along the central median of Slade Street for approximately 200m at the Whatley Crescent end. The central median provided potential benefits to discourage vehicles speeding as it created narrower lane widths for traffic flow. The median islands in turn allowed the opportunity for planting of vegetation and trees within the islands. The carriageway width along this section of Slade Street is 12.6m which also includes on-street parking bays on both sides of the carriageway.

The road carriageway then narrows down to 8.5m from the vicinity of No. 28 Slade Street down to Guildford Road. Raised speed plateaus which included central median islands that facilitated planting of trees have been installed along this section of Slade Street.

The current road environment along this section of Slade Street allows on-street parallel parking except in close proximity to the speed plateaus. As these plateaus also consist of median islands, parking along and on the approach to these islands are restricted due to *Road Traffic Code* regulations, which requires sufficient clearance to enable through traffic to pass.

In accordance with Council's resolution, an investigation was undertaken to look at the possibility of additional tree planting on Slade Street.

To facilitate tree planting, a painted central median could be continued along the remaining section of this street where it currently does not have a median. This would allow an additional nine islands being created to enable the planting of a further 10 trees. The species proposed would be *Eucalyptus maculata* (Spotted Gum) in order to maintain consistency with those already in situ at the Whatley Crescent end of the street. A detail of the proposed tree median islands is shown in **Attachment 1**.

The proposed painted central median would be flush with the current road surface level allowing vehicle access to properties and overtaking. The location and number of the proposed median islands are governed by the location of all the existing crossovers. Consideration had been given to ensure appropriate clearances have been provided for access to driveways and existing services. It should be noted though that some driveways would have a much tighter access as a result of these additional islands. The extension of the median would also promote further traffic calming, however, it should be noted that parallel on-street parking would not be permitted adjacent to the median. As an alternative, the extent of the painted median could be reduced as per **Attachment 2** however, there would still be restrictions on parking at the locations where the central median exists.

As detailed above, whilst additional median tree planting is possible in Slade Street, this needs to be balanced against the cost per tree as opposed to verge planting in other locations, such as, where trees can be planted at a much lower cost as there is no need for pavement removal, kerb and line marking installation.

Subsequent to the meeting with Councillors and the Mover of the AGM Motion, two additional traffic calming treatment design options have been developed. These treatments are one-way slow points where the road carriageway is narrowed down to a single lane width thus reducing vehicle speeds by restricting traffic flows to a single direction at a time.

A single lane angled slow point has been proposed which offers horizontal deflection as the primary form of reducing vehicle speed as can be seen in Attachment 3. The alternative single lane slow point is a straight slow point with a speed hump that provides vertical deflection as the form of vehicle speed reduction. This option is shown in Attachment 4.

Even though both of these options would promote further traffic calming, it should be noted that there will still be restrictions to on-street parking on the approaches to these treatment devices. Parallel on-street parking would not be permitted on the approaches where the road carriageway tapers from two-way down to one-way. Further restrictions would also apply to the 'Give Way' control approach due to the storing of vehicles necessary under give way control.

It should also be noted that these treatment devices can generate increased noise and vibration and can exacerbate traffic congestion caused by the interruption of traffic flows from two-way down to one-way. The City has also received concerns in relation to vehicle priority at similar treatments within the City.

No additional tree planting on the verge has been proposed as there are already a considerable number of trees along both sides of the Slade Street verge. The planting of trees within the traffic calming devices in Options 3 and 4 is however possible and has been considered in these design options. The provision of additional tree planting at the Whatley Crescent entry statement was also investigated, however, there was either insufficient space or to sight line issues.

The additional native shrub planting, to screen the commercial property on Guildford Road has been completed with twelve Grevillea species recently being planted along Slade Street.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Undertakes public consultation with the residents of Slade Street on the proposed works.  <b>Estimated Cost:</b> Approximately \$2,000 of officer time and mailout costs.	<ul style="list-style-type: none"> <li>Residents would be given the opportunity to provide comment.</li> <li>Residents would also be made aware of the implications with the proposed works.</li> </ul>	<ul style="list-style-type: none"> <li>Dissatisfaction of resident who raised motion.</li> <li>Diversion of staff resources from other projects.</li> </ul>
2. Undertakes the installation of central median islands and the planting of additional trees within these islands along Slade Street.  <b>Estimated Cost:</b> \$35,000.	<ul style="list-style-type: none"> <li>Planting of additional trees within the City's road reserve.</li> <li>Traffic calming benefits associated with creation of central median.</li> </ul>	<ul style="list-style-type: none"> <li>Loss of on-street parking.</li> <li>Reduction of funding from tree planting and traffic management treatments on other higher priority locations.</li> <li>Dissatisfaction of residents who object to proposed</li> </ul>

			<ul style="list-style-type: none"> <li>works</li> <li>Some inconvenience may be caused to residents' access.</li> </ul>
3.	<p>Undertakes the installation of one-way slow point traffic treatment devices along Slade Street at the City's cost.</p> <p><b>Estimated Cost:</b> \$25,000.</p>	<ul style="list-style-type: none"> <li>Traffic calming benefits associated with installation of slow point treatment devices.</li> <li>Planting of additional trees within the treatment devices.</li> <li>Meets the expectations of the Mover of the AGM Motion.</li> </ul>	<ul style="list-style-type: none"> <li>Loss of on-street parking.</li> <li>Reduction in funding from tree planting and traffic management treatments on other higher priority locations.</li> <li>Dissatisfaction of residents who object to proposed works</li> <li>Some inconvenience may be caused to residents' access.</li> <li>Disruption to current two-way traffic flow.</li> </ul>
4.	<p>Do not proceed with the proposed works.</p> <p><b>Estimated Cost:</b> Nil</p>	<ul style="list-style-type: none"> <li>The City can expend on tree planting and traffic management treatments on other higher priority locations.</li> </ul>	<ul style="list-style-type: none"> <li>Dissatisfaction of resident who raised the AGM Motion.</li> </ul>

## CONCLUSION

Option 1 is recommended as this option will enable the Slade Street residents to provide comments on whether they support the proposed works. This option would also make residents aware of the different traffic treatments considered and how parking and traffic flow would be affected. Residents would not be able to park on the side of the street where there is a painted median or on the approach to a slow point traffic calming device.

Although crossover access to all the properties on Slade Street will not be restricted, manoeuvres to some properties such as reversing a vehicle with a trailer or a caravan can become more difficult.

## FINANCIAL IMPLICATIONS

### Item 1: Median Island Works

**Asset Category:** New **Source of Funds:** Municipal

**LTFP Impacts:** Not currently included in the LTFP

### Notes:

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1 (Option 1 & 2)	\$35,000	Nil	\$2,000	Nil	20	\$24,000	\$50,000
2 (Option 3)	\$25,000	Nil	\$800	Nil	20	\$16,000	\$50,000
3 (Option 4)	\$25,000	Nil	\$800	Nil	20	\$16,000	\$50,000

## STRATEGIC LINK

In accordance with the City of Bayswater's Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment.

Outcome B2: A connected community with sustainable and well maintained transport.

Outcome B3: Quality built environment.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- Street Verge Policy;
- Street Tree Policy; and
- Parking and Parking Facilities Local Law.

## **VOTING REQUIREMENTS**

Simple Majority Required

## **ATTACHMENTS**

1. Tree Planting Concept Plan: Drawing No. 23/18-1 (Option 1)
2. Tree Planting Concept Plan: Drawing No. 23/18-1 (Option 2)
3. Traffic Calming Treatment Concept Plan: Drawing No. 23/18-1 (Option 3)
4. Traffic Calming Treatment Concept Plan: Drawing No. 23/18-1 (Option 4)

## **COUNCIL RESOLUTION**

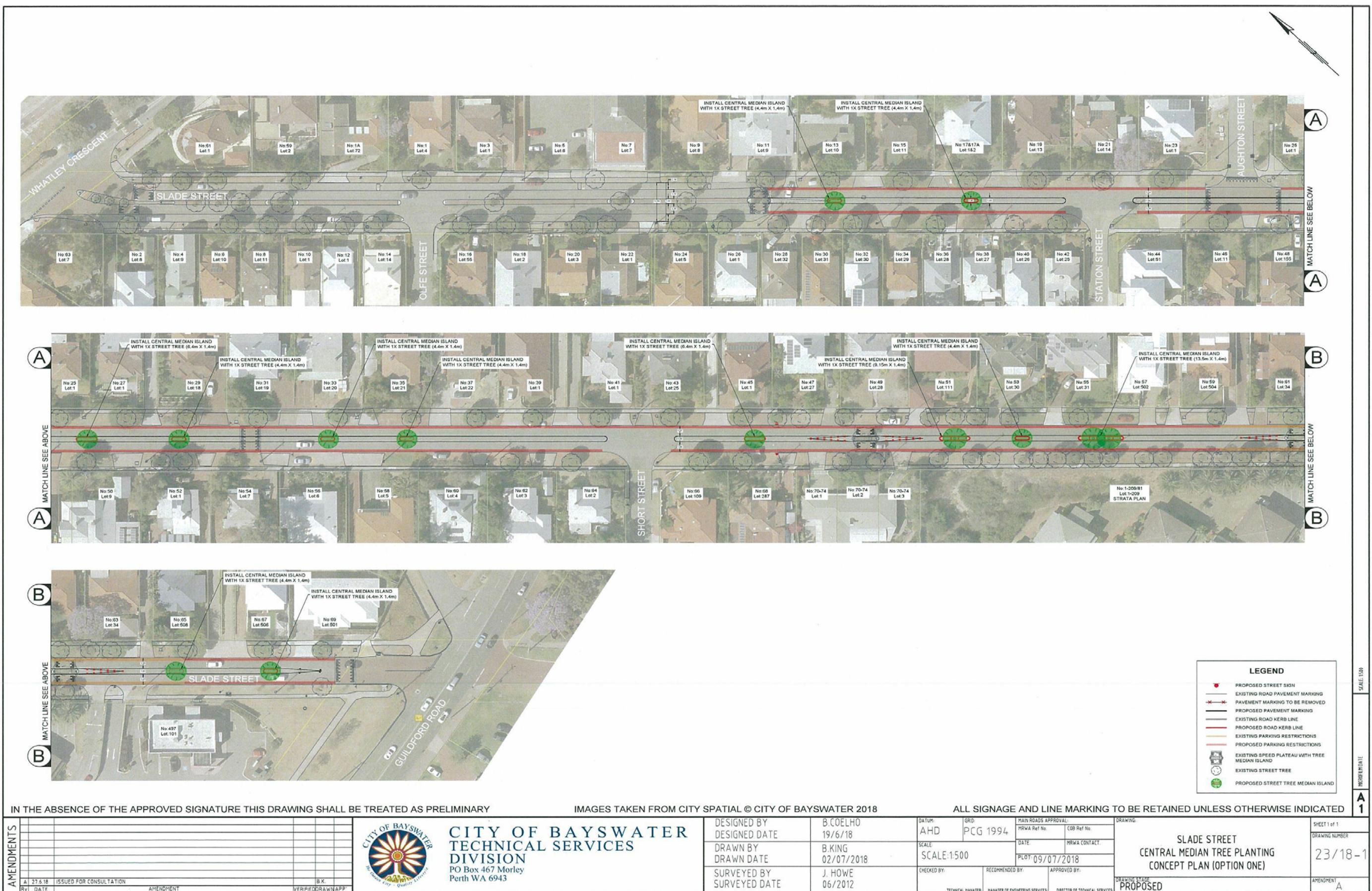
### **(OFFICER'S RECOMMENDATION)**

**That Council consults with affected residents on Slade Street in relation to the proposed additional traffic management and tree planting options and a report be provided on the outcome for Council's further consideration.**

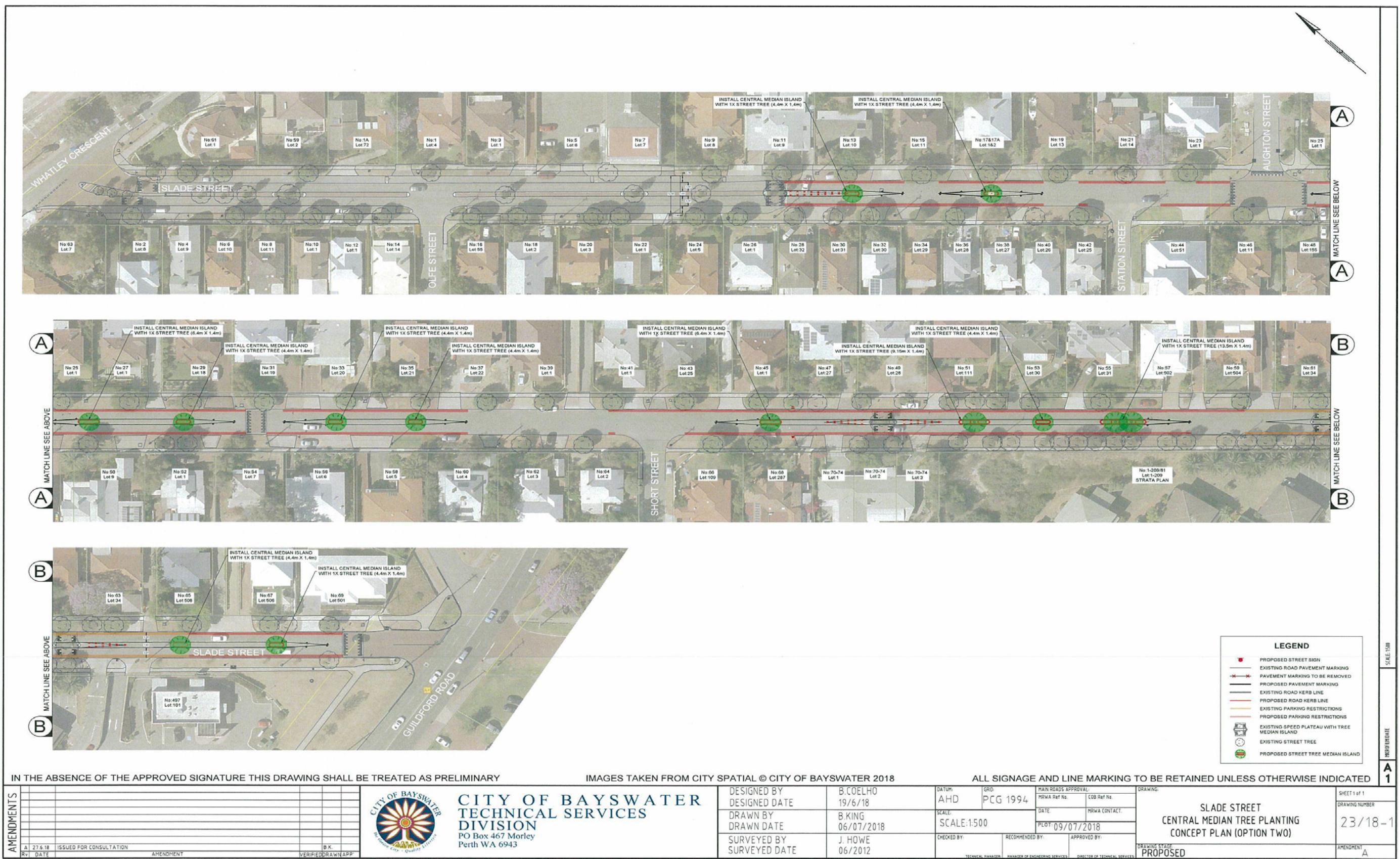
**CR SALLY PALMER MOVED, CR LORNA CLARKE SECONDED**

**CARRIED UNANIMOUSLY: 9/0**

## Attachment 1



## Attachment 2

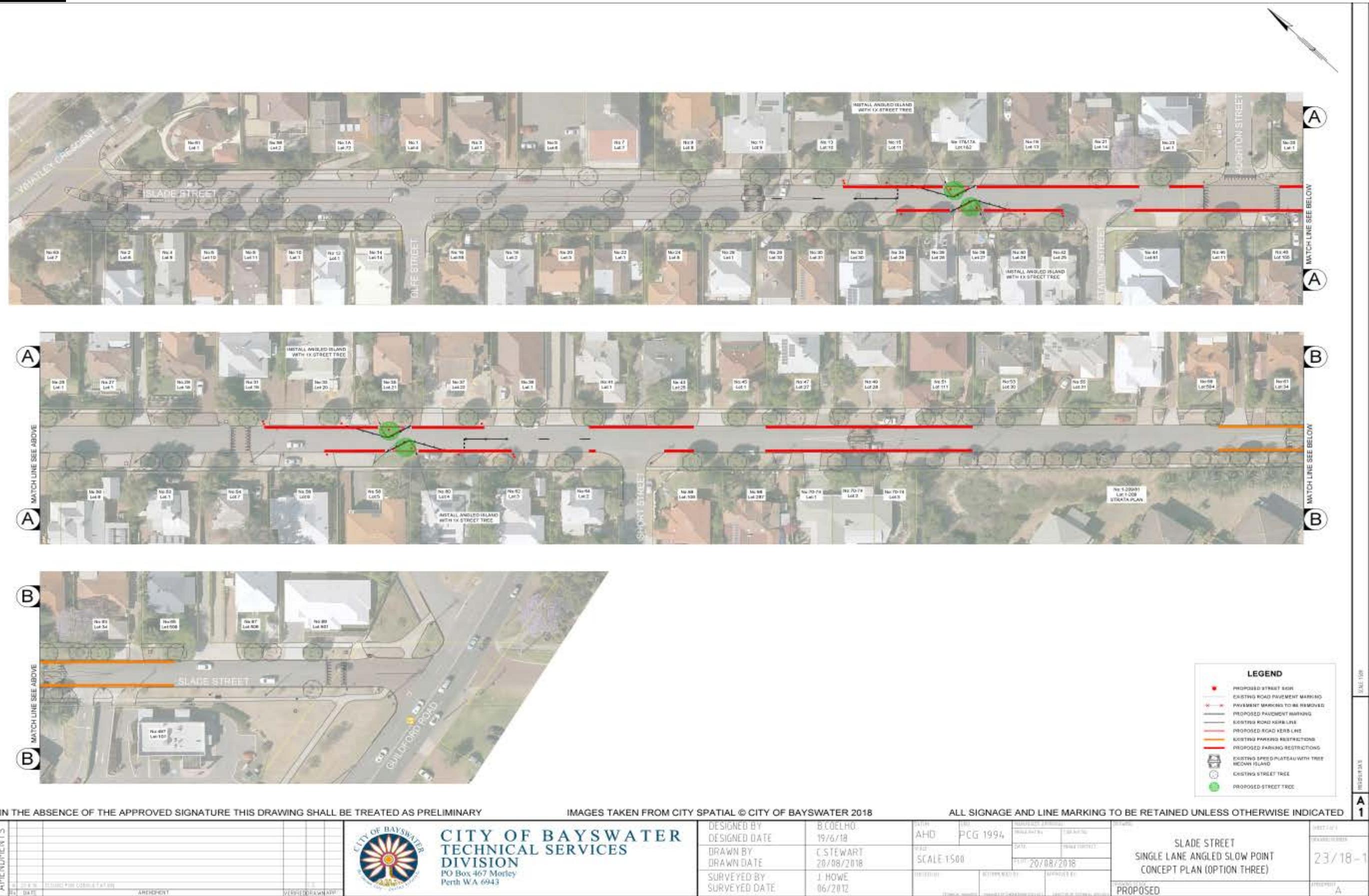


IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY

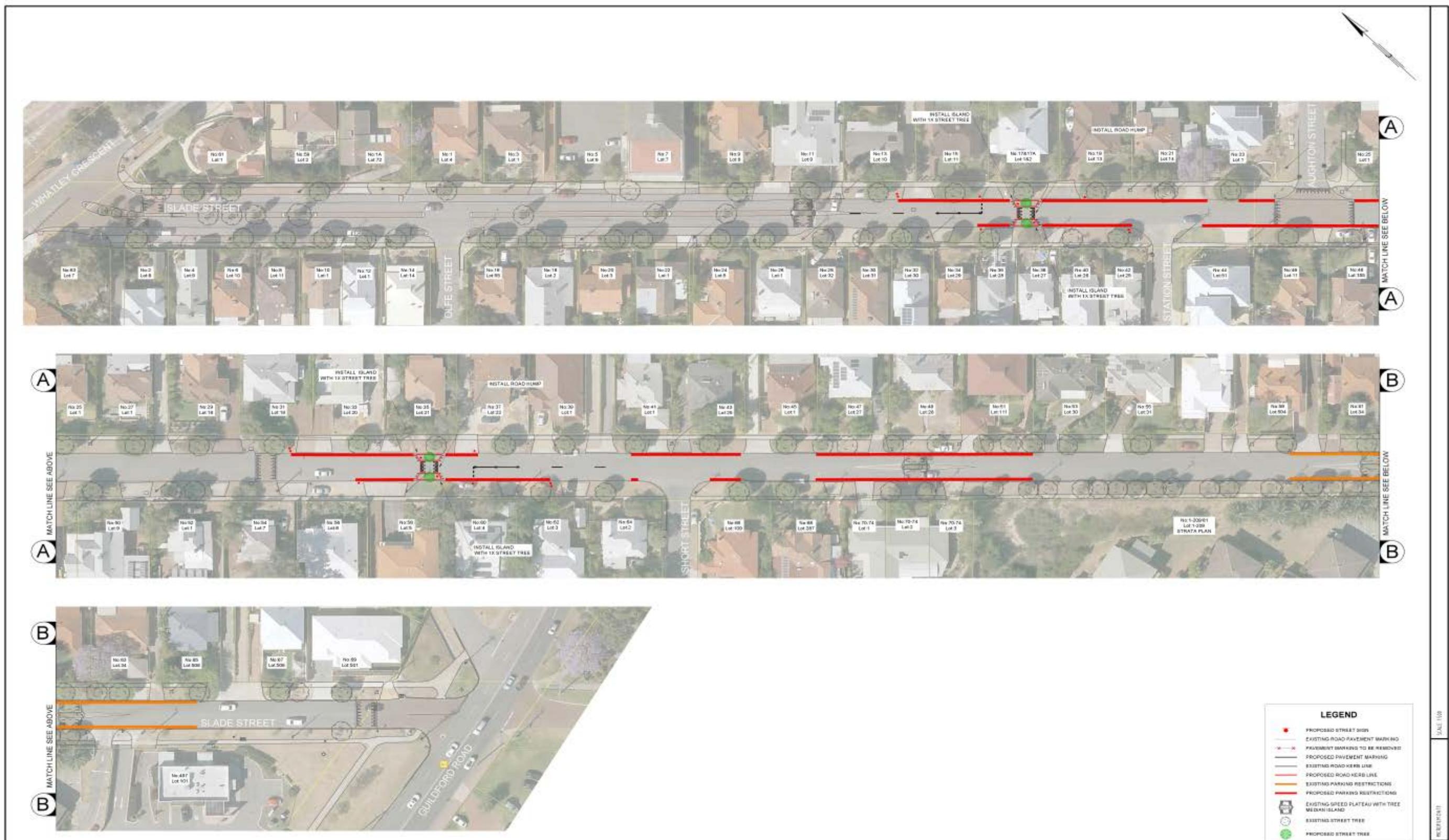
IMAGES TAKEN FROM CITY SPATIAL © CITY OF BAYSWATER 2018

ALL SIGNAGE AND LINE MARKING TO BE RETAINED UNLESS OTHERWISE INDICATED

### **Attachment 3**



## **Attachment 4**



IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY

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ALL SIGNAGE AND LINE MARKING TO BE RETAINED UNLESS OTHERWISE INDICATED

**11.2 Replacement of Deputy (Alternate) Development Assessment Panel (Metropolitan Central) Member****Responsible Directorate:** Community and Development**Refer:**

Item 9.1: SCM 31.10.2017

Item 11.1.19: OCM 2.2.2016

Item 13.5: SCM 19.10.2015

Item 11.1.13: OCM 25.9.2012

**EXECUTIVE SUMMARY****Application:**

For Council to consider the appointment of a replacement deputy (alternate) member to the Metropolitan Central Joint Development Assessment Panel (DAP), to fill the vacancy created by the recent resignation of the former Councillor Brent Fleeton.

**Key Issues:**

- Former Councillor Fleeton was a deputy (alternate) member of the Metropolitan Central Joint DAP, however resigned as a City of Bayswater North Ward Councillor, effective from 5pm, 29 June 2018.
- The DAP members are appointed by the Minister for Planning.
- The current DAP membership term expires on 26 April 2020.
- A new member is only required where an incumbent member ceases to be an Elected Member of the City or resigns from the DAP.
- The DAP meets as required on a date, time and place to be advised.

**BACKGROUND**

Former Councillor Brent Fleeton provided written notice of his resignation as a City of Bayswater North Ward Councillor to the Chief Executive Officer on 21 June 2018, effective from 5pm 29 June 2018.

Former Councillor Fleeton was nominated as deputy (alternate) member of the DAP at the Special Council Meeting on 31 October 2017 and the City received confirmation of his appointment from the Minister for Planning on 5 February 2018.

The Minister for Planning appoints a new member in accordance with the DAP member appointment/reappointment process, as stated in the DAP Procedures Manual as follows:

*"Where the office of a DAP member becomes vacant, the Minister will appoint a new member in accordance with the procedures discussed under the heading, '1.2 DAP member appointment / reappointment process'. Depending on the circumstances, the vacancy will either be filled through the use of an alternate member or by the appointing of a new member."*

If the City does not provide such nominations, the DAP Procedures Manual states that the Minister can "appoint a community representative as a new deputy (alternate) member. The DAP regulations require that these alternative representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community."

Council consideration is sought for a replacement for the vacant position of a deputy (alternate) member of the Metropolitan Central Joint DAP.

Prior to formal appointment, the Minister will present the new local DAP deputy (alternate) member nominee to State Cabinet for approval. Upon appointment, and prior to attendance at a DAP meeting, the nominated member is required to satisfactorily complete the training for DAP members, which will be provided by the Department of Planning, Lands and Heritage (DPLH).

## CONSULTATION

Nil.

## ANALYSIS

### Organisation/Group

The Department of Planning, Lands and Heritage.

### Purpose/Role

DAP will determine the following classes of development applications within the City of Bayswater:

1. All development applications with a value of \$10 million or more.
2. Some development applications with a value of between \$2 million and \$10 million if an applicant decides to 'opt-in' and refer the application to the DAP or development of a warehouse that has an estimated cost of \$2 million or more.

Notwithstanding the above, according to Part 1, Section 3 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the following development applications are excluded from the DAP process and will be determined by the relevant local government:

"(a) *Construction of -*

- (i) *A single house and any associated carport, patio outbuilding and incidental development;*
- (ii) *Less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development,*
- (iii) *Less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development; or*

(b) *Development in an improvement scheme area; or*

(c) *Development by a local government or the Commission; or*

(d) *Development in a district for which -*

- (a) *A DAP is not established at the time the application is made; or*
- (b) *A DAP has been established for less than 60 days at the time the application is made."*

The DAPs are bound by the provisions of the relevant local town planning scheme and planning policies and Metropolitan Region Scheme. The DAPs have the same discretion regarding decision making as local governments and the Western Australian Planning Commission (WAPC) currently have.

### Representative (Member)

Each DAP will comprise the following:

1. Three independent specialist members/technical experts (one of whom will be the Presiding Member and one the deputy presiding member).

2. Two local members, nominated by the local government.

#### Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on the DAP are:

- Spokesperson for City of Bayswater; and
- Member in own right.

#### Meeting Details

Meeting Frequency:	As required
Day of Meeting:	When suitable on weekdays
Time of Meeting:	When suitable, during business hours
Location of Meeting:	Rotated between Member local governments and the DPLH, if required.

#### Sitting Fees

\$425 per meeting/session.

Council's current membership to the DAP comprises:

- Councillor Chris Cornish - member;
- Councillor Catherine Ehrhardt - member;
- Councillor Filomena Piffaretti - deputy (alternate) member; and
- Subject vacant member position.

As per the *Planning and Development Act 2005* and the *DAP Regulations*, Councillors Cornish, Ehrhardt and Piffaretti have been appointed as members of the DAP by the Minister for Planning for up to a two year term ending on 26 April 2020.

#### Training

As per the *DAP Regulations*, upon appointment, and prior to attendance at a DAP meeting, the nominated members are required to satisfactorily complete the training for DAP members, which will be provided by the DPLH. Local government representatives who have previously (or are currently) appointed and have received training are not required to attend further training.

At the Ordinary Council Meeting held on 25 August 2015, Council resolved to adopt the City of Bayswater Code of Conduct 2015 for Elected and Committee Members. Members of this Committee will be required to adhere to the provisions of the Code of Conduct 2015.

#### Declaration of Interests

At Committee and Council meeting, local government DAP members are not considered required under the *DAP Regulations* to declare a financial interest in a DAP application if it only relates to the sitting fee payable to DAP members.

It is considered that members are only required to declare an interest in a DAP application if there is a proximity, financial or impartial interest directly relating to the subject property or the proposed development.

Notwithstanding the above, should DAP members participate in both prior Council consideration and a subsequent DAP decision on an application, these members are required to make a public statement at the respective DAP meeting declaring the following:

1. Participation in prior Council consideration of the application within the function as a Councillor; and
2. The exercise of independent judgement of the application on its planning merits, and not be bound by any prior Council resolution.

### Extraordinary Election

An Extraordinary Election is being held 14 September 2018 to fill the North Ward Councillor Vacancy. Council may opt to defer this item to the Ordinary Council meeting on 25 September 2018 so the newly elected member also has the opportunity to nominate for this position on the DAP.

### **OPTIONS**

Not applicable.

### **CONCLUSION**

If an appointed Council representative on the DAP is no longer a Councillor, Council is required to appoint a new Council representative.

In light of former Councillor Fleeton's resignation as a City of Bayswater Councillor, Council is required to appoint a new Council representative to DAP as deputy (alternate) member.

### **FINANCIAL IMPLICATIONS**

Members receive a sitting fee of \$425 per meeting/session, and this is paid by the DPLH.

### **STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance.  
Aspiration: Open, accountable and responsive service.  
Outcome: L1: Accountable and good governance.

### **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- *Planning and Development (Development Assessment Panels) Regulations 2011.*
- The DAP is an external body, controlled and managed by the DPLH, and therefore does not fall under the auspices of the *Local Government Act 1995*. Accordingly, any meetings, processes and procedures are implemented and controlled by the DPLH.
- As appointments are as City of Bayswater representatives, members must still comply with the obligations under the *Local Government (Rules of Conduct) Regulations 2007*.

### **VOTING REQUIREMENTS**

#### ***ABSOLUTE MAJORITY REQUIRED***

### **ATTACHMENTS**

Nil.

**COUNCIL RESOLUTION**

**(OFFICER'S RECOMMENDATION)**

That:

1. Council nominates Councillor Elli Petersen-Pik as deputy (alternate) member to the Metropolitan Central Joint Development Assessment Panel (DAP) to the end of the DAP term, expiring on 26 April 2020.
2. Details of the nominated replacement deputy (alternate) member be forwarded to the Minister for Planning for consideration, and presentation to State Cabinet for approval.

**CR STEPHANIE GRAY MOVED, CR LORNA CLARKE SECONDED**

**CARRIED UNANIMOUSLY: 9/0**

**11.3 Community Sport and Recreation Facility Fund Grant Application for Maylands Waterland**

**Reporting Branch:** Project Services  
**Responsible Directorate:** Works and Infrastructure

**EXECUTIVE SUMMARY****Application:**

For Council to consider a grant application to the Department of Local Government Sport and Cultural Industries (DLGSCI) Community Sport and Recreation Facility Fund (CSRFF) in relation to the refurbishment of Maylands Waterland, 32 Clarkson Road, Maylands.

**Key Issues:**

- The City is investigating external funding opportunities to refurbish Maylands Waterland.
- A CSRFF grant application seeking funding towards the refurbishment of Maylands Waterland is possible, however it is considered that the success of such an application is unlikely.
- CSRFF grant applications must be endorsed by Council prior to submission.

**BACKGROUND**

Maylands Waterland is an ageing seasonal water playground situated on the end of the Maylands Peninsula. A condition report commissioned on the facility identified the requirement for significant refurbishment to ensure continued operation of the facility and compliance with current legislation.

At Special Council Meeting 3 July 2018 Council resolved, in part:

*"That Council:*

...

(b) *Authorises the Chief Executive Officer to seek sufficient external funding (including potential State funding, Federal funding, grants, and/or private sector funding) in respect of the capital costs of refurbishment of all current pools and essential supporting facilities (such as toilets and first aid) of Maylands Waterland;*

(c) *Requests the Chief Executive Officer is to advise Council and the public of the outcome of all external funding sought in respect of the capital costs of refurbishment as outlined point b) above of all current pools and essential supporting facilities (such as toilets and first aid) of Maylands Waterland by the end of October 2018;*

(d) *In the event that sufficient external funding to cover the capital costs of the refurbishment of all current pools and essential supporting facilities (such as toilets and first aid) of Maylands Waterland cannot be obtained, authorises the Chief Executive Officer to progress with an alternative redevelopment option as a consequence of the current budget contemplating the use Public Open Space cash in lieu funding with public consultation to commence as soon as practicable."*

...

The Chief Executive Officer and officers have been progressing various external funding opportunities in relation to the refurbishment of Maylands Waterland. An opportunity has been identified to partially source funding for these refurbishment works through the CSRFF grant program. The DLGSCI provides this grant funding to develop basic infrastructure for sport and recreation.

## CONSULTATION

Officers have liaised with key staff at the DLGSCI. Having discussed the situation surrounding Maylands Waterland DLGSCI suggested that an application could be submitted but advised that there are significant questions around eligibility and potential success in comparison to other more suitable applications they are likely to receive.

## ANALYSIS

Community Sports and Recreation Facility Fund (CSRFF) provides financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Priority is focussed towards new or upgraded facilities which will maintain or increase physical activity, or result in a more coordinated use of facilities that lead to facility sharing and rationalisation.

A total pool of \$12,000,000 CSRFF funding is available Statewide in the 2019/20 financial year. Annual grants are available for total project costs of \$201,000 - \$500,000 and forward planning grants are available for projects exceeding \$500,000. The maximum CSRFF grant approved will be no greater than normally one-third, or in special development circumstances (development bonus) up to 50% of the total estimated project cost (excluding GST).

In order to achieve up to 50% funding through the development bonus an applicant must provide evidence to support at least one of the following criteria:

- Facility / service co-location;
- Increased participation;
- Environmental sustainability through substantive water or energy savings; or
- Be considered a growth local government.

It is considered that the proposed project at Waterland refurbishment does not significantly address the above criteria.

All submissions to the DLGSCI for CSRFF require local government endorsement. Applications relating to funding in the 2019/20 financial year are to be lodged with Department of Sport and Recreation (DSR) by 28 September 2018. Successful applications will be announced by DLGSCI in February/March 2019.

The City has an opportunity to seek funding through the CSRFF program for the refurbishment of Maylands Waterland. The proposed project consists of refurbishment of all existing pools, plant and supporting facilities including ablutions and grounds. A full refurbishment was estimated to cost between \$2,132,000 and \$2,732,000 with like for like facilities in 2015. The actual cost will depend on the condition of the pool shells, which cannot be established until work commences, and any cost inflation since the original report. The cost does not include an upgrade to the cafe facilities that has been proposed in previous reports. Inclusion of the café upgrade is estimated to increase the total project cost to \$3,000,000.

Given that the project is costed over \$500,000 a forward planning application would be applicable.

The funding has a number of evaluation criteria which are summarised in the table below along with comment regarding the specifics of the Waterland Project:

Funding Criteria	Waterland Project
Funding of up to one third of the project cost	\$1.5million is allocated in the 2018/19 budget to provide a playspace of regional significance on the site of the current Maylands Waterland. Funding to be sourced from the Cash in Lieu of Public Open Space (POS) Trust Funds applicable to the Maylands area. However the facility must be open and free of charge for the community to access/use in order for this POS cash in lieu funding to be applied. Accordingly, funding of an additional \$2,000,000 will need to be secured to be eligible for a CSRFF grant.
Maximum grant of \$2,000,000	Suitable to cover one third of the refurbishment cost.
Funds will not be available for playgrounds	Waterland may be considered a playground by the DLGSCI
Funding submission must include: <ul style="list-style-type: none"> <li>• Needs Assessment</li> <li>• Feasibility Study</li> <li>• Community Consultation</li> <li>• Facility Management Plan</li> <li>• Concept Design</li> <li>• Project Costing</li> <li>• Lifecycle Cost Analysis</li> <li>• Project Delivery Plan (including key milestones)</li> </ul>	Some data has been collected that can be utilised for the generation of these documents but significant further work is required. Resources will need to be diverted from other operations to meet timeframes for application lodgement and required document quality.

It is noted that Maylands Waterland is deemed a recreation facility rather than a sports facility. Also the facility is stand alone with limited opportunity to be developed as a multi-purpose facility with a number of clubs / operators based on site. Given the informal unstructured type of free play that is offered by the site it is unclear whether the facility is classed as a community sports and recreation facility or a playground. If the DLGSCI classes Maylands Waterland as a playground then it will be ineligible for CSRFF funding.

In addition, the application may not be deemed a priority when evaluated against similar submissions such as extending a swimming pool from a 25m teaching pool to a 50m competition pool capable of hosting a range of sports such as swimming, waterpolo diving etc. and increasing community sports participation through community learn to swim programs.

As the project is a major infrastructure redevelopment, the project is planned to be delivered over a two year timeframe. Council may wish to consider staged funding of \$1,000,000 in 2019/20 and \$1,000,000 in 2020/21 in order to achieve the required \$3,000,000 total project funding.

The City is also progressing options to secure additional external funding towards the refurbishment works, including other grants and private sponsorship. Should additional external funding be secured, any contribution from municipal funding will be adjusted accordingly.

Should Council wish to progress a CSRFF application for the refurbishment of Maylands Waterland a significant amount of officer time will be required to prepare the application which is due to the Department by 28 September 2018. The application requires significant supporting

documentation (including needs assessment, feasibility study, facility management plan, concept design, lifecycle cost analysis and project delivery plan) in order to evidence sufficient planning has been undertaken prior to any funding submission as detailed in the table above.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Council does not progress a CSRFF application in the 2018/19 financial year for the refurbishment of Maylands Waterland.  <b>Estimated Cost:</b> <ul style="list-style-type: none"><li>• Nil</li></ul>	<ul style="list-style-type: none"> <li>• Allows for the development of supporting documentation such as Management Plans and Life Cycle Costing should a CSRFF submission be relevant for the next funding round (2020/21).</li> <li>• Does not divert staffing resource to a submission that appears to have limited potential.</li> </ul>	<ul style="list-style-type: none"> <li>• Forego potential CSRFF part funding of any project commencing from 1 July 2019.</li> </ul>
2. Authorise Officers to progress a \$1,000,000 forward planning CSRFF grant application to DLGSCI for the refurbishment of Maylands Waterland.  Council considers a contribution of \$1,000,000 in the 2019/20 financial year and a further contribution of \$1,000,000 in the 2020/21 financial year toward the refurbishment works.  <b>Estimated Cost:</b> <ul style="list-style-type: none"><li>• \$20,000 consultancy for needs assessment and feasibility study.(currently unbudgeted)</li></ul>	<ul style="list-style-type: none"> <li>• Potential external funding stream.</li> <li>• Project progresses sooner rather than later.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional supporting documentation yet to be developed required in a short timeframe diverting staff resources from other projects.</li> <li>• Maylands Waterland refurbishment is unlikely to be considered a priority project for funding.</li> <li>• No contributory funding currently identified for the remaining \$2,000,000.</li> <li>• Ineligible application submission may damage the relationship between the City and DLGSCI or impact on future applications.</li> </ul>

## CONCLUSION

It is considered that a number of factors are working against a successful application including:

- The refurbishment of Maylands Waterland may not be considered eligible for funding if the facility is deemed to be a playground rather than a sport and recreation facility.
- The proposed project is unlikely be considered a high priority by the DLGSCI when assessing the application as the stand alone facility does not promote multi sport activities or the rationalisation / co-location of facilities.
- An application to the DLGSCI for the Community Sport and Recreation Facility Fund for grant aid for the 2019/20 financial year is due for submission by 28 September 2019. A number of key supporting documents are yet to be developed and will require the diversion of considerable resources in order to complete.

- If the application is successful the maximum funding is for one third of total project cost. No contributory funding has been identified for the remaining two thirds.

It is therefore recommended not to progress a Community Sport and Recreation Facilities Fund application to the DLGSCI for contributory funding toward the refurbishment of Maylands Waterland in the 2019/20 financial year (Option 1).

## FINANCIAL IMPLICATIONS

**Item 1:** Preparation of CSRFF grant application and supporting documentation

**Asset Category:** Recreational Facility      **Source of Funds:** External Grant

**LTFP Impacts:** \$1,500,000 identified for 2018/19 and a further \$1,500,000 Identified for 2019/20

**Notes:** Costs identified below relate to the preparation of supporting documents such as concept designs, feasibility study, management plans etc. required to accompany and support the CSRFF grant application. Given the informal unstructured type of free play that is offered by the site it is unclear whether the facility is eligible for CSRFF funding.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$3million	\$20,000	\$10,000	Potential \$1million CSRFF Grant	40yrs should new asset be developed	Not applicable for subject grant application	\$1.5m POS Cash In Lieu

## STRATEGIC LINK

In accordance with the City of Bayswater's Strategic Community Plan 2017-2027, the following applies:

**Theme:** Our Community

**Aspiration:** A strong sense of community through the provision of quality services and facilities.

**Outcome C1:** Plan and provide a range of community facilities and services to meet current and future needs.

**Outcome B3:** Quality built environment.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority Required.

## ATTACHMENTS

1. Community Sporting and Recreation Facilities Fund Guidelines for Applicants 2019/20.

## OFFICER'S RECOMMENDATION

That Council does not progress a Community Sport and Recreation Facilities Fund application to the Department of Local Government Sport and Cultural Industries for contributory funding toward the refurbishment of Maylands Waterland in the 2019/20 financial year due to the considerable preparatory work required and the unlikely success of such a submission.

**MOTION**

That Council:

1. Authorise Officers to progress a \$1,000,000 forward planning CSRFF grant application to DLGSCI for the refurbishment of Maylands Waterland.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR STEPHANIE GRAY SECONDED

**AMENDMENT**

That Council:

2. Authorises the Chief Executive Officer to propose, in the application, various changes to the facility that may increase the likelihood of funding being granted, for example adding:

- (a) casual swimming classes for toddlers during the school holiday months
- (b) aquacise classes for seniors or for people with disabilities
- (c) mums and bubs (and seniors) fitness classes on the grass area
- (d) solar pool heating or pool blankets (to be eligible for up to \$1 million allocated to projects that demonstrate sustainability principles).

CR ELLI PETERSEN-PIK MOVED, CR CATHERINE EHRHARDT SECONDED

The Amendment was put and

CARRIED: 8/1

**For:** *Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Lorna Clarke, Cr Barry McKenna, Cr Giorgia Johnson, Cr Elli Petersen-Pik and Cr Catherine Ehrhardt.*

**Against:** *Cr Sally Palmer*

The Amendment became part of the Substantive Motion.

**COUNCIL RESOLUTION**

That Council:

1. Authorise Officers to progress a \$1,000,000 forward planning CSRFF grant application to DLGSCI for the refurbishment of Maylands Waterland.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR STEPHANIE GRAY SECONDED  
CARRIED UNANIMOUSLY: 9/0

**COUNCIL RESOLUTION**

That Council:

2. Authorises the Chief Executive Officer to propose, in the application, various changes to the facility that may increase the likelihood of funding being granted, for example adding:

- (a) casual swimming classes for toddlers during the school holiday months
- (b) aquacise classes for seniors or for people with disabilities
- (c) mums and bubs (and seniors) fitness classes on the grass area
- (d) solar pool heating or pool blankets (to be eligible for up to \$1 million allocated to projects that demonstrate sustainability principles).

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR STEPHANIE GRAY SECONDED

CARRIED: 8/1

**For:** *Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Lorna Clarke, Cr Barry McKenna, Cr Giorgia Johnson, Cr Elli Petersen-Pik and Cr Catherine Ehrhardt.*

**Against:** *Cr Sally Palmer*

**REASON FOR CHANGE**

*Council determined to apply for a grant as it considered that it was beholden to seek external funding options in accordance with the resolution of the Special Council meeting on 3 July 2018. In addition, Council determined to consider more ways to use the Waterland which were likely to improve the chances of receiving external funding.*

Attachment 1



Department of  
Local Government, Sport  
and Cultural Industries

GOVERNMENT OF  
WESTERN AUSTRALIA

## Community Sporting and Recreation Facilities Fund



## Guidelines for applicants

2019–2020 funding round

Our whole  
community wins

## Contents

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## About CSRFF

The Community Sporting and Recreation Facilities Fund (CSRFF) exemplifies the Western Australian Government's commitment to the development of sustainable infrastructure for sport and recreation across the State.

The purpose of the program is to provide financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Through CSRFF, the Western Australian Government will invest \$12 million in the 2019–2020 financial year towards the development of quality physical environments in which people can enjoy sport and recreation. The maximum grant offered for standard grant applications is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$2 million.

The Department of Local Government, Sport and Cultural Industries (DLGSC) will assess the total eligible cost of your project (excluding GST) from the information provided.

Some applications will be eligible for up to one half of the project cost. This eligibility will be measured against key development principles. Applicants will have to show their eligibility through the development bonus section of the application form. Meeting Development Bonus criteria will not automatically ensure the applicant is eligible for 50% of the project cost. Applicants will need to return unspent funds to DLGSC in accordance with the terms of the grant agreement.

## Priority consideration

CSRFF can fund new or upgraded facilities which will maintain or increase physical activity, or result in a more rational use of facilities. Priority will be given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability. The program is not designed to

provide facilities to meet a club's ambitions to compete in a higher grade.

Examples of projects which will be considered for funding include:

- New playing surfaces e.g. ovals, courts, synthetic surfaces etc.
- Floodlighting.
- Change rooms and ablutions.
- Sports storage.
- Clubrooms including social space, kitchen, administration areas and viewing areas. Please note that these areas have a minimal impact on physical activity and would be considered a lower priority.
- Resurfacing of existing sports surfaces. It is expected that facility managers will budget for these items as part of the ongoing operation of the facility, frequently over 7 to 10 years, and will be considered a low priority for funding. If successful the project is likely to attract reduced funding of 16.66%. In competitive rounds it is unlikely that these projects will receive funding.

Funds will not be available for:

- Projects that commence before approvals are announced.
- Development of privately owned facilities.
- Arts, music, craft and non-physical recreation facilities.
- Facilities considered to be a full State Government responsibility proposed by either government departments, schools or parents and citizen associations, unless there is demonstrated community sporting and recreation need/benefit commensurate with the funding request.
- Recurring maintenance or operating costs of existing facilities.
- Purchase of land, landscaping, carparks and access roads.
- Playgrounds.
- Bikeways or pathways.
- Non land-based facilities, e.g. boat launching ramps, ocean pools and marinas.
- Non-fixed equipment.
- Fixed sports specific equipment (e.g. electronic targets, scoreboards).
- Facilities or fixtures for the express purpose of serving alcohol.
- Projects that do not meet Australian Standards and National Construction Code.
- Projects that have already received a CSRFF grant and are seeking an additional grant to meet cost increases.
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted that grant. In some cases this may apply to localities where other significant projects have not been progressed or have not completed a previous project in accordance with the conditions of the grant provided. An assessment will be made and if no physical progress has occurred, new applications may not be recommended.
- Projects that have State Government funding in excess of 66.66% of the total project cost.
- Local government overheads, project administration and project management (unless expressly approved in the grant agreement).



## Level of funding available

An amount of \$12 million will be allocated in the 2019–2020 financial year.

The maximum grant offered for standard grant applications is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$2 million. DLGSC will assess the total eligible cost of your project (excluding GST) from the information provided. Any ineligible items shown as eligible will be deducted from the eligible project cost. This may result in the funding eligible for your project being less than the amount you have requested.

Through a development bonus, some applications will be eligible for up to one half of the project cost. This eligibility will be measured against key development principles. Applicants will have to show their eligibility through the development bonus section of the application form. Meeting development bonus criteria will not automatically ensure the applicant is eligible for 50% of the project cost.

DLGSC will assess the total eligible cost of your project (excluding GST) from the information provided. Any ineligible items shown as eligible will be deducted from the eligible project cost. This may result in the funding eligible for your project being less than the amount you have requested.

The Department does not guarantee you will receive the full amount of financial assistance requested or the maximum level of funding. The level of financial assistance offered will be based on the overall significance of the proposed project, including the benefits provided to the community. Receiving financial assistance under this program does not guarantee future stages of your project will be funded.

There is no obligation on your local government to make a contribution to a community group project however a contribution from all stakeholders (local government or community club/group) in a project that meets local needs will be viewed more favourably.

State Government funding for any project cannot exceed two thirds of the total project cost.

## Life cycle cost guidelines

An important part of the funding process is to make sure the community can bear the true cost of running and maintaining a facility well into the future.

Developing a life cycle cost approach when considering your project's parameters will provide you with a solid and informed base from which to make the most effective financial, economic and operationally sustainable decisions. This life cycle assessment should be undertaken in the planning of any project so all parties have an understanding of the upfront, ongoing and replacement costs over the life of the project.

A life cycle cost analysis must be provided for projects with a total cost over \$500,000.

The Department will undertake spot audits of funded projects over their life cycle to ensure than grantees are meeting the obligations they outline in their grant application. Local Governments are encouraged to outline in their project assessments how they will monitor their sporting groups and provide advice to the department on an ongoing basis.

Please refer to DLGSC's Life Cycle Cost Guidelines [www.dsr.wa.gov.au/lifecyclecostguidelines](http://www.dsr.wa.gov.au/lifecyclecostguidelines) or by contacting the Department at [csrff@dlgsc.wa.gov.au](mailto:csrff@dlgsc.wa.gov.au).

## Sinking fund

A sinking fund is established by setting aside revenue over a period of time to meet future capital expenses. The annual amount to be set aside is determined by the expected life of the asset using the formula

Expected cost of replacement (including inflation)

Expected number of years before replacement

e.g. A club may set aside \$15,000 from club revenue each year to replace a \$150,000 synthetic surface in 10 years' time.

The responsibility for maintaining and operating a facility rests with the local government, the club or a combination of both. It is important that CSRFF applicants can demonstrate they can maintain the facility by developing a sinking fund for asset replacement. Local governments, as the asset owner, are expected to ensure that part of their assessment of a project includes confirmation they will underwrite any shortfalls.

Resurfacing of existing sporting surfaces is an example of a project where a sinking fund will be required following a successful application. Typically, synthetic sporting surfaces have a life of 7-10 years over which a facility owner/manager is expected to budget for the operation and replacement of the surface at the end of life via the development of a sinking fund and an annual contribution to the fund.

It should be noted that resurfacing projects are a low priority and where the applicant has previously been funded through CSRFF, the project is likely to attract reduced funding of 16.66%. In competitive rounds it is unlikely that these projects will receive funding.

The Department will undertake spot audits of funded projects to ensure than grantees are meeting the obligations they outline in their grant application for replacement. Local governments are encouraged to outline in their project assessments how they will monitor their sporting groups and provide advice to the Department on an ongoing basis.

## Female facility improvements

CSRFF prioritises projects that improve the usability of facilities for female participants. To encourage female participation funding has been set aside in the funding round for projects that support female participation.

Projects that address this issue, such as the upgrade of change rooms to cater for females including lockable, individual showers and more toilet cubicles in lieu of urinals, will be a priority. Facility audits will also be considered for funding so that a future project can be appropriately scoped and designed.

## Sustainability initiatives

\$1 million is allocated each round out of the \$12 million available to projects that demonstrate sustainability principles/outcomes. Sustainability principles include reduction in energy or water use, minimisation of building waste, green-building design, efficient pool heating and capacity to self-fund maintenance. Only upgrades to existing facilities will be considered as part of this allocation. The maximum sustainability initiative grant available is \$500,000.

The Department encourages all new facilities to incorporate sustainability initiatives in their design.

## Aboriginal projects

\$500,000 is notionally allocated each round out of the \$12 million available to projects that provide sport and recreation infrastructure to remote Aboriginal communities and regional communities with a significant Aboriginal population.

## Voluntary labour

Voluntary labour is work undertaken by people, without compensation or reward.

The value of work undertaken by volunteers can be included in the applicant's contribution. Voluntary labour is allowable up to \$50,000 in value, however the grantee's cash contribution must match any non-cash contribution to the project.

Administration of projects, preparation of applications, claim forms, documentation, etc, is not recognised as a claimable item. In general local government staff hours will not be recognised.

Voluntary labour can be classified as follows:

### Unskilled

General work is being undertaken where no recognised qualification is required. This includes work that is supervised by a skilled person and labourers.

### Skilled

A person with a recognised qualification specific to the work to be undertaken, i.e. trades person, grader driver, truck driver, etc.

### Professional

A person with a formal tertiary qualification specific to the work to be undertaken, i.e. architectural, legal, engineering, surveying work or similar.

**Charge-out rates**

- Unskilled voluntary labour is calculated at a rate no greater than \$25 per hour.
- Skilled voluntary labour is calculated at a rate of up to \$40 per hour.
- Professional voluntary labour is calculated at a rate of up to \$60 per hour.
- Voluntary labour must be recorded on a Schedule of Voluntary Labour, which must be endorsed by the local government (Appendix 16). This can be included as part of the overall project cost when making a claim.

## Donated materials

Donated materials can be recognised as part of an applicant's contribution (see examples at the end of this section). Donated materials must be recorded on a Schedule of Donated Materials, which must be endorsed by the local government (Appendix 17).

There is no limit on donated materials, however the applicant's non-cash contribution cannot exceed the applicant's cash contribution to the project.

Any local government cash/labour/machinery/materials is to be costed as part of the applicant's cash contribution, not as voluntary labour or donated materials. However, certain services are considered to be part of the local governments normal function, i.e. shire engineers and administration/finance staff, and costs associated will not be recognised.

Donated materials may not be recognised where:

- The donor is the supplier or contractor involved in the project. It is essential that the applicant completes a valid tender process before considering donations or discounts related to suppliers and contractors.

NB: If the supplier or contractor provides materials at the wholesale price or lower, then the difference between the retail price and the wholesale price may be recognised as a donation, (i.e. it has to be demonstrated that the donor is foregoing their profit component in favour of the applicant/project).

- The intent is to prevent suppliers or contractors simply scaling up components or project costs to secure a greater level of grant.
- The applicant is to provide satisfactory supporting evidence to establish the value of donated material, e.g. A letter or an invoice from the supplier stating the value of the donation and how or on what basis the valuation was made.
- Cash donations form part of a grantee's cash contribution.
- Donated land – neither a local government nor an applicant can claim donated land as part of their contribution.
- Land purchased by the applicant – the funds spent by an applicant on purchasing the land for the facility is not allowable as part of the applicants contribution.
- The donation is a sponsorship.

**Examples of voluntary labour/donated materials**

There are a variety of voluntary labour and/or donated materials combinations possible. Applicants must first estimate the total cost of the project and then work backwards to see if the method by which they intend to fund the project is allowable. The most important rules are:

1. CSRFF contribution will not exceed 1/2 of the GST exclusive project cost (or the percentage of funding approved as per application).
2. The applicant's non-cash contribution must be matched by the applicant's cash contribution.  
Local government donations in cash or kind are treated as cash contributions by the applicant.
3. Voluntary labour cannot exceed \$50,000.

## How do I apply?

You must contact your nearest DLGSC office to discuss your project in order to be eligible for funding. There are nine regional offices located throughout Western Australia. See page 14 for your nearest DLGSC office.

Application forms are available from your nearest DLGSC office (regional WA) and local government (metro area only). A draft for information purposes can be downloaded from the Department's website [www.dsr.wa.gov.au/csrfapplication](http://www.dsr.wa.gov.au/csrfapplication)

## Eligibility – who can apply?

Applicants must be either a local government or a not-for-profit sport, recreation or community organisation incorporated under the *WA Associations Incorporation Act 1987* and have an Australian Business Number (ABN). Clubs must demonstrate equitable access to the public on a short term and casual basis.

The land on which the facility is to be developed must be one of the following:

- Crown reserve.
- Land owned by a public authority.
- Municipal property.
- Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

## Grant categories

### CSRFF small grants

Small grants will be awarded to projects involving a basic level of planning. The total project cost for small grants must not exceed \$200,000. Grants given in this category must be claimed by 15 June in the relevant financial year. Please see page 11 for an overview of the small grants application process.

Examples of small grant projects:

- Cricket pitch and practice wickets.
- Storage upgrades.
- Changerooms refurbishments.
- Safety fences for sport and recreation facilities, i.e. ballistic sports
- Small floodlighting projects.
- Court surface conversion.
- Large scale dams, water collection systems and pipelines for distribution (maximum grant offered is \$60,000).
- Various planning studies to a maximum grant amount of \$25,000.

Value of total project	\$7,500-\$200,000 exclusive of GST.
Value of grant	Minimum Grant of \$2,500. Maximum Grant of \$66,666 Note the maximum grant may increase to 50% funding if a development bonus is approved.
Management	Generally, Small Grant projects will not require a facility manager to be assigned to the project.
Planning process	The skills required to plan a project supported by a Small Grant will be simple and generally readily accessible to the local community.
Impact on the community	Projects are generally local in scale.
Grant funds	Grant funds for Small Grant projects must be claimed by 15 June in the relevant financial year. Under the CSRFF Small Grants program applicants can receive an upfront payment of their grant. Payment will be made to an applicant upon the signing of a works contract (copy of signed contract to be provided to the department) or where no formal works contract exists, payment will be determined on a case by case basis in consultation with the applicant. Upon completion of a project the applicant will be required to acquit the grant by providing CSRFF claim forms and sufficient evidence of expenditure. If the project is delivered under budget, then grant monies not expended will need to be returned to the department.

## CSRFF annual grants

Annual grants will be awarded to projects with a planning and construction process that will be complete within 12 months and have a total project cost (exclusive of GST) of \$200,001–\$500,000. Grants given in this category must be claimed by 15 June in the next financial year.

Examples of annual projects:

- Upgrades to clubrooms/pavilions
- Large floodlighting projects
- Court or bowling green construction
- Reticulation system for a grassed playing field.

Value of total project	\$200,001–\$500,000, exclusive of GST.
Value of grant	Minimum grant of \$66,667 Maximum grant of \$166,666 Note the maximum grant may increase to 50% funding if a development bonus is approved.
Management	Generally, annual projects will not require a facility manager to be assigned to the project.
Planning process	The skills required to plan a project supported by an annual grant will be simple and generally readily accessible to the local community. Some fundamental research and planning may be required. Applicants for annual grants are required to address the questions in the application form. Consultation with DLGSC will assist in understanding what is required.
Impact on the community	Projects are generally neighbourhood to district level in scale.
Grant funds	Grant funds for annual projects must be claimed in the next financial year.



## Forward planning grants

Forward planning grants will be given to the more complex projects that require a planning period of between one and three years. Grants in this category will have a total project cost (exclusive of GST) of over \$500,001 and may be allocated in one or a combination of the years in the next triennium.

Examples of forward planning grant projects:

- Multipurpose leisure/recreation centre
- Swimming pool – new or major upgrade including heating to allow increased use
- Construction of large synthetic fields
- Playing field construction
- Clubroom – new or major upgrade
- Large ablution block/change rooms.

Funding availability	<p>Most applicants request funding in the first year but few achieve any physical progress. Major projects require time to prepare and for appropriate processes to be followed.</p> <p>Applicants are given the opportunity to indicate their preferred year(s) of claim on the application form, however, as funds are limited, there is no guarantee that their preferred year(s) of claim will coincide with the year of offer. It may also be necessary to allocate funding to some larger projects over two or three financial years. Most projects will have funding allocated in Years 2 or 3 of the triennium.</p> <p>Where applicants request funding in Year 1, all planning documentation must be in place to allow such progress to occur, e.g. architectural drawings, building approvals, other funding.</p>
Value of total project	\$500,001 and over, exclusive of GST.
Value of grant	Minimum Grant of \$166,667. Maximum Grant of \$2,000,000.
Management	Projects will usually require a full-time or part-time manager to be assigned to the facility in order to control usage and maintenance.
Planning process	<p>The skills required to plan this type of project will be highly developed in a technical and/or administrative sense – some expertise may need to be obtained from outside the local community. Applicants are required to address the questions in the application form. Comprehensive research and planning will be required.</p> <p>It is anticipated that Forward Planning projects will require between one and three years to complete from start to finish.</p> <p>Projects of regional significance should have been identified within a regional sport and recreation facilities plan and are supported by a range of local governments.</p>
Impact on the community	Projects will generally be of either district or regional level.

## Assessment of application

Throughout the planning process you must liaise with DLGSC officers to ensure that you adequately address the assessment criteria and that information in your application can be clearly understood. The emphasis of the assessment factors is on a planned approach to facility provision and will require the applicant to demonstrate need and to consider planning, design, and management issues to substantiate the need for the proposed project.

Officers assessing applications will provide a rating against the level of project consultation. Where no consultation has occurred, the rating will be zero which will affect your chances of obtaining a grant. To apply for a development bonus, you must contact your nearest DLGSC office in order to determine whether you are eligible to apply.

### The key principles of facility provision

The key principles of facility provision explains in depth the principles against which applications for CSRFF funding will be assessed. Your application will be assessed on the quality of information you provide and how well this information meets the key assessment criteria. You must answer each question in the application form and supply all requested information.

Assessments have been based on the following criteria:

- Project justification
- Planned approach
- Community consultation
- Management planning
- Access and opportunity
- Design
- Financial viability
- Coordination
- Potential to increase physical activity
- Sustainability.

Further details are available in the DLGSC's document Key Principles of Facilities Provision available through your local DLGSC office or on the website or [www.dsr.wa.gov.au/keyprinciples](http://www.dsr.wa.gov.au/keyprinciples)

Joint provision and shared use of facilities is a priority consideration for CSRFF support. It is not a scheme to ensure separate facilities of equal standard for all clubs. It is not designed to provide facilities to meet a club's ambitions to compete in a higher grade.

Projects must also demonstrate that they can be delivered within the funding period. Projects will be assessed against the scope, time and budget being proposed. You must demonstrate that your project will be completed within the nominated timeframe.

### Local government involvement

Applicants must liaise with their local government regarding planning and building approvals pertinent to their project. Your local government will assess all relevant applications and is to rank applications in priority order for the municipality.

No distinctions should be made in the ranking, between local governments, applicants, forward planning or annual projects.

### State Sporting Association involvement

Applicants must liaise with their State Sporting Association to discuss the project. State Sporting Associations are involved in the assessment of applications and may be able to provide valuable information when planning your project, particularly on information related to technical design issues.

Advice from all of the above forms part of the assessment of your project.

Your application form, together with the supporting documentation required, must be submitted to your local council by the relevant date outlined in the application process and timeline section. Please note that many local governments will close the application period sooner to accommodate council meeting schedules. It is recommended that you check the closing date for CSRFF applications with your local government to avoid missing out.

## Application process and timeline

### Annual/forward planning grants

<b>June 2018</b>	<ul style="list-style-type: none"> <li>Advertising in The West Australian and regional newspapers.</li> <li>Application forms available from local governments (metro area only) and DLGSC offices (regional WA only).</li> </ul>
<b>August 2018</b>	<ul style="list-style-type: none"> <li>Mid to end August closing date (check with your local government for local closing date which may be prior to August).</li> <li>Applications lodged at local governments by the last working day in August, or sooner if required by your local government.</li> </ul>
<b>September 2018</b>	<ul style="list-style-type: none"> <li>Applications are assessed by local government and recommendations prepared</li> <li>Applications presented at local government council meeting.</li> <li>Applications lodged at DLGSC metropolitan and regional offices by 4pm on 28 September 2018.</li> </ul>
<b>October 2018</b>	<ul style="list-style-type: none"> <li>Applications are assessed by DLGSC and State Sporting Associations.</li> </ul>
<b>November 2018</b>	<ul style="list-style-type: none"> <li>CSRFF Advisory Committee considers applications and makes recommendations.</li> </ul>
<b>December 2018/January 2019</b>	<ul style="list-style-type: none"> <li>Hon Minister considers recommendations and grants approvals</li> <li>Successful/unsuccessful applicants notified.</li> </ul>



### Small grants

WINTER	SUMMER
February 2019	July 2019
<ul style="list-style-type: none"> <li>Advertising in The West Australian and regional newspapers.</li> <li>Application forms available from local government (metro only) and DLGSC offices (regional WA only).</li> <li>Applications to be lodged at local governments by the end of the month. Applicants should check the closing date with their local government, as they do vary.</li> </ul>	
<b>March 2019</b>	
<ul style="list-style-type: none"> <li>Applications are assessed by local government staff and recommendations prepared. Local governments are required to rate and rank all applications they receive in order of priority.</li> <li>Applications presented at local government council meeting.</li> <li>Applications must be lodged at DLGSC regional offices by 4pm on the last working day of the month.</li> </ul>	
April 2019	September 2019
<ul style="list-style-type: none"> <li>Applications are assessed by DLGSC and State Sporting Associations.</li> </ul>	
<b>May/June 2019</b>	
<b>October/November 2019</b>	
<ul style="list-style-type: none"> <li>Small Grants Committee considers applications and makes recommendations to the Minister.</li> <li>Hon Minister for Sport and Recreation considers recommendations and grants approvals.</li> <li>Successful/unsuccessful applicants notified.</li> </ul>	

### Conditions of grant

Funding under this program is administered in accordance with the grant agreement, which is executed by successful applicants. An abridged version of the grant agreement is below — please note actual conditions may differ at time of grant acceptance:

1. The State Government's grant will only be available up to 15 June in the financial year(s) in which it is offered (see above) and is only for use on the project approved. Grants not claimed in the year of offer may be forfeited.
2. A grant will not exceed the stipulated percentage of the completed project cost (excluding GST), or the maximum grant offered, whichever is the lesser. DLGSC will assess the total eligible cost of your project (excluding GST) from the information provided.
3. Where the grantee is an incorporated community group or a local government and is registered for GST, payments will be grossed up by 10% of the grant amount (see point 5 below). The DLGSC will issue a Recipient Created Tax Invoice (RCTI) with the grant payment.
4. Where the grantee is an incorporated community group and is not registered for GST, grant payments will not be grossed up by 10% of the grant amount.
5. With regard to Recipient Created Tax Invoices (RCTI), the Department and the grantee agree that:
  - (i) the recipient can issue tax invoices in respect of the supplies;
  - (ii) the supplier will not issue tax invoices in respect of the supplies;
  - (iii) the supplier acknowledges that it is registered for GST when it enters into the agreement and that it will notify the recipient if it ceases to be registered;
  - (iv) the recipient acknowledges that it is registered when it enters into the agreement and that it will notify the supplier if it ceases to be registered for GST or if it ceases to satisfy any of the requirements of the Commissioner's determination of the classes of invoices that recipients may issue; and
  - (v) the recipient must not issue a document that would otherwise be a RCTI, on or after that date when the recipient or the supplier has failed to comply with any of the requirements of the Commissioner's determination of the classes of invoices that recipients may issue.

6. Projects must comply with all laws and applicable building or construction codes, including access for persons with a disability, National Construction Code and other legislation.
7. Before calling tenders, expression of interest or signing contracts, final plans and specifications must be submitted to DLGSC, with any other required documentation, to ensure consistency with the original approval. Subsequent alterations of plans or specifications must also be submitted to DLGSC for approval.
8. If the grant exceeds \$20,000, grantees must demonstrate to DLGSC that more than one quote has been sourced, prior to commencement of construction.
9. For all grants the grantee is required to invite their DLGSC regional manager to sit on any Project Management Committee and acknowledge that this officer will have voting rights.
10. Subject to all criteria being met and DLGSC written approval, projects can commence at any time following the announcement of approval. The grant allocated to your project must be claimed by 15 June of the year in which it is offered.
11. CSRFF is a reimbursement system. Funds must be spent and receipts presented. Only project expenditure which commenced after approvals were announced will be recognised for payment. Claims must be supported with detail (receipts) satisfying audit or *Financial Management Act (FMA)* and *Auditor Generals Act 2006* requirements.
12. A grant may be claimed when the project is 100% complete, all payments have been acquitted, a copy of the building permit and a copy of the Certificate of Occupancy have been forwarded to DLGSC, as appropriate.
13. Applicants are now able to claim 25% of their grant upon the signing of a major works contract. 50% of the grant may then be claimed once expenditure has reached 50%. The final 25% of the grant is to be claimed upon the completion of the project. It is important to note that the CSRFF program still primarily operates on a reimbursement basis. Grantees are required to demonstrate that the expenditure of funds has occurred prior to submitting a claim for payment.
14. Under the CSRFF small grants program applicants can receive an upfront grant payment upon the signing of a works contract (copy of signed contract to be provided to the department) or where no formal works contract exists, payment will be determined on a case by case basis in consultation with the applicant. Upon completion of a project the applicant will be required to acquit the grant by providing the CSRFF claim forms and sufficient evidence of expenditure. If the project is delivered under budget, then grant monies not expended will need to be returned to the DLGSC in accordance with the terms of the grant agreement. Any concerns should be discussed with DLGSC at the time of application.
15. Staged payments for major projects may be arranged.
16. Voluntary labour can be a maximum of one-third of the project cost, but cannot exceed \$50,000. Unskilled labour is calculated at \$25 per hour, skilled labour at \$40 per hour and professional labour at \$60 per hour.
17. Grantees are required to retain financial acquittal statements for at least three years following the date of final claim. The parties agree that, despite any provision of the conditions of grant to the contrary, the powers and responsibilities of the Auditor General under the FMA are not limited or affected by the conditions of grant.
18. Grantees agree that the completed project may be randomly audited by DLGSC or the Office of the Auditor General, or his representative, against the submission and agreed conditions of grant. They also agree to assist with any research, evaluation, promotion and usage of the project as requested.
19. At the completion of the project, grantees accept that they will be required to display signage acknowledging the State Government's contribution to the project.
20. Grantees are required to keep complete, up-to-date, accurate and detailed written records.
21. Grantees must provide DLGSC with a detailed written report outlining the project's progress every 90 business days or upon request from DLGSC.
22. Neither the State nor any agent, instrumentality or emanation of the State shall be liable in negligence for the success or otherwise of the project or responsible for any losses or financial shortfalls based on the project.
23. In an event of default, the State may terminate this agreement. Successful applicants should carefully read the terms of the grant agreement prior to acceptance.

## State Government recognition

The State Government, through DLGSC, provides a significant contribution to the sustainability and development of the sport and recreation industry. This is achieved through financial assistance and the provision of expertise, advice and services. It is important that recipients of this support recognise the State Government contribution during the funding relationship.

Accordingly, successful applicants are required to abide by the grant acknowledgement requirements.

## Privacy Act

All information provided to the Department and gathered during the grant assessment process will be stored on a database that will only be accessed by departmental personnel. The database is subject to privacy restrictions in accordance with the *Privacy Act 1998 (Commonwealth)* and the *Freedom of Information Act 1992*.

## Other reference material

There are publications available on the Department's website which will assist you in preparing your application. These are available on [www.dsr.wa.gov.au/managingfacilities](http://www.dsr.wa.gov.au/managingfacilities)

Suggested publications are:

- Needs Assessment Guide
- Feasibility Study Guides.
- Life Cycle Cost Guidelines
- Asset Management Guide
- Decision-Making Guide for Facilities
- Management Plan Guide
- Guide to Project Design Brief
- Focus papers
- Case studies
- Synthetic surfaces study.

## Department of Local Government, Sport and Cultural Industries regional offices

### Metropolitan

246 Vincent Street, Leederville  
PO Box 329, Leederville WA 6903  
Telephone 08 9492 9700  
Email [info@dlgsc.wa.gov.au](mailto:info@dlgsc.wa.gov.au)

### Gascoyne

15 Stuart Street, Carnarvon  
PO Box 140, Carnarvon WA 6701  
Telephone 08 9941 0900  
Email [gascoyne@dlgsc.wa.gov.au](mailto:gascoyne@dlgsc.wa.gov.au)

### Goldfields

Suite 1, 349-353 Hannan Street,  
Kalgoorlie  
PO Box 1036, Kalgoorlie WA 6430  
Telephone 08 9022 5800  
Email [goldfields@dlgsc.wa.gov.au](mailto:goldfields@dlgsc.wa.gov.au)

### Great Southern

22 Collie Street, Albany WA 6330  
Telephone 08 9892 0100  
Email [greatsouthern@dlgsc.wa.gov.au](mailto:greatsouthern@dlgsc.wa.gov.au)

### Kimberley

**Broome**  
Unit 2B, 23 Coghlan Street, Broome  
PO Box 1476, Broome WA 6725  
Telephone 08 9195 5750  
Email [kimberley@dlgsc.wa.gov.au](mailto:kimberley@dlgsc.wa.gov.au)

### Kununurra

Telephone 08 9195 5750  
Mobile 0427 357 774  
Email [kimberley@dlgsc.wa.gov.au](mailto:kimberley@dlgsc.wa.gov.au)

### Mid West

Level 1, 268-270 Foreshore Drive  
PO Box 135, Geraldton WA 6531  
Telephone 08 9956 2100  
Email [midwest@dlgsc.wa.gov.au](mailto:midwest@dlgsc.wa.gov.au)

### Peel

Suite 94, 16 Dolphin Drive, Mandurah  
PO Box 1445, Mandurah WA 6210  
Telephone 08 9550 3100  
Email [peel@dlgsc.wa.gov.au](mailto:peel@dlgsc.wa.gov.au)

### Pilbara

Karratha Leisureplex  
Dampier Highway  
PO Box 941, Karratha WA 6714  
Telephone 08 9182 2100  
Email [pilbara@dlgsc.wa.gov.au](mailto:pilbara@dlgsc.wa.gov.au)

### South West

80A Blair Street, Bunbury  
PO Box 2662, Bunbury WA 6231  
Telephone 08 9792 6900  
Email [southwest@dlgsc.wa.gov.au](mailto:southwest@dlgsc.wa.gov.au)

### Wheatbelt

#### Northam

298 Fitzgerald Street, Northam  
PO Box 55, Northam WA 6401  
Telephone 08 9690 2400  
Email [wheatbelt@dlgsc.wa.gov.au](mailto:wheatbelt@dlgsc.wa.gov.au)

#### Narrogin

Government Offices  
50 Clayton Road, Narrogin WA 6312  
PO Box 54, Narrogin WA 6312  
Telephone 0429 881 369  
Email [wheatbelt@dlgsc.wa.gov.au](mailto:wheatbelt@dlgsc.wa.gov.au)

**11.4 Dog Exercise Area Review**

**Reporting Branch:** Rangers and Security  
**Responsible Directorate:** Community and Development  
**Refer:** Item 10.3: OCM 22.05.2018

**CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Giorgia Johnson declared an impartial interest in this item as she owns a business which is located in Riverside Gardens which is named in the report. Cr Giorgia Johnson remained in the room during voting on this item.*

**CR BARRY MCKENNA DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Barry McKenna declared a proximity interest in this item as his property is in close proximity to McPherson Reserve. At 6:50pm, Cr Barry McKenna withdrew from the meeting.*

**CR DAN BULL, MAYOR DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Dan Bull, Mayor declared a proximity interest in this item as his home is opposite Gobba Lake. At 6:50pm, Cr Dan Bull, Mayor withdrew from the meeting.*

The Deputy Chairperson, Cr Chris Cornish, Deputy Mayor, assumed the Chair.

**EXECUTIVE SUMMARY****Application:**

For Council to finalise adoption of the review of dog exercise areas within the City of Bayswater.

**Key Issues:**

- Council on 22 May 2018 resolved to process various outcomes of the dog exercise and review including local public notice of the intention to specify changes to dog exercise areas and where dogs are prohibited.
- Provide legally required local public notice was published on 12 June 2018.

**BACKGROUND**

The City's Corporate Business Plan 2017-2021 included an action to "Review the City's dog exercise areas."

The City of Bayswater currently has 5,479 dogs registered to local households. It is estimated that this may represent 50% of dogs residing in this locality as not all owners currently register dogs. There are currently 41 gazetted off leash dog exercise areas within the City.

Some of the issues which prompted a review of dog exercise areas include:

- Conflicts between animals and children in playgrounds/play spaces;
- Dogs off leash near cycle and walk paths;
- The need for clearer guidance and communication at dog exercise areas to guide dog owners regarding their responsibilities;
- Overcrowding at dog exercise areas because of the growth in population and dog numbers;

- Interactions between dogs and wildlife in some sensitive environmental areas;
- Sporting fixtures are sometimes played on reserves also used as dog exercise areas; and
- Some community groups are actively lobbying for additional fencing, facilities and specialist dog agility equipment at dog exercise areas.

Increased housing/population density being promoted by the State government will see the development of a significant number of new housing units within the City. It is reasonable to assume that this will also lead to a growth in the number of dogs within the City.

At the Ordinary Council meeting on 22 May 2018, Council considered the outcomes of the dog exercise areas review, and resolved as follows:

*"That Council:*

1. *Approves the local public notice for the intention to specify under section 31 (3A) of The Dog Act 1976 that the City of Bayswater will make no change to dog exercise areas within the City, unless otherwise specified below:*
  - a) *Bert Wright Park will no longer be a dog exercise area;*
  - b) *Specified area of Riverside Gardens West as per attachment 4, west of a line directly south from the carpark to the river will no longer be a dog exercise area;*
  - c) *Riverside Gardens East to be considered as a new dog exercise area;*
  - d) *Any park or reserve during a community event or sporting activity will not be a dog exercise area;*
  - e) *Within 5 metres of any lake or carpark will not be a dog exercise area regardless of whether the park is a specified dog exercise area.*
  - f) *With respect to Bardon Park Maylands, the only area to be considered a dog exercise area will be the open grassed area in the Northern portion of Bardon Park, adjacent to Fourth Avenue East and Bardon Place.*
  - g) *Within 20 metres of any playground will not be a dog exercise area regardless of whether the park is a specified dog exercise area.*
2. *Approves local public notice for the intention to specify under section 31 (2B) of the Dog Act 1976, that the following public places will be considered to be places where dogs are prohibited:*
  - a) *Lightening Swamp Bushland, other than on designated paths and with a leash securely fastened;*
  - b) *Eric Singleton Bird Sanctuary, other than on designated paths and with a leash securely fastened; and*
  - c) *Any park or reserve where fox trapping, nesting wildlife, weed eradication or other seasonal activities are taking place and are suitably signed during these activities.*
3. *Introduce new park signage to clarify dog owner responsibilities with priority for implementation being Riverside Gardens, conservation areas, major sporting venues and playgrounds;*
4. *Develop costings and a design for a specialist dog park separated for large and small dogs at Strutt Way Reserve, Noranda to include fencing, dog agility equipment, water fountains and shade;*
5. *Provide community education programs at parks and other public spaces including events, to improve local knowledge of where and when dogs can be exercised off lead, how to control dogs off lead, social etiquette at Dog Exercise Areas and key features of the WA Dog Act and City of Bayswater Dog Local Law;*

6. *Conduct at least two major Ranger enforcement campaigns a year in parks to issue cautions/infringements for dog offences and check registrations;*
7. *Conduct a door knock program to identify unregistered animals every three years;*
8. *Note that a review the Dog Local Law is proposed to be undertaken in 2019/20; and*
9. *Considers an allocation of \$20,000 in the 2018/19 operating budget for design and development of new park signage."*

## CONSULTATION

As outlined in section 1.7 of the *Local Government Act 1995* and resulting from the 22 May 2018 Council resolution, the local public notice outlining the intended changes was published on 12 June 2018 in the *Eastern Reporter* newspaper. Local public notices were also displayed at the City's three public libraries and Civic Centre for a period of no less than 28 days.

In addition, information was provided to survey participants who requested feedback, the City's website and via social media.

No feedback has been received in relation to the local public notice.

## ANALYSIS

In February 2018, community consultation was undertaken to ascertain if the local dog areas were appropriate to the contemporary needs of the community. The outcome of this consultation and subsequent recommendations were provided via the Dog Exercise Area Review report dated April 2018.

Council considered the review report and officer's recommendations and approved for the aforementioned changes to the dog exercise and prohibition areas to be published in accordance with the *Local Government Act 1995* and the *Dog Act 1976*.

Section 31 of the *Dog Act 1976*, relating to the control of dogs in certain public places, states:

*"(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited*

- (a) at all times; or*
- (b) at specified times.*

*(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area."*

For the changes to take effect, the remaining requirement is adoption by Council. This will enable the commencement of education, promotion and awareness campaigns by the City to members of the community. This will outline the changes and include the updating of signage.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Specify the dog exercise and prohibition areas as contained in the 22 May 2018 Council resolution and local public notice.	<ul style="list-style-type: none"> <li>• Improved clarity for all park users.</li> <li>• Events, sport, wildlife protection, carparks and</li> </ul>	<ul style="list-style-type: none"> <li>• Park users may still not understand the changes regardless of the City promoting the change(s).</li> </ul>

	<p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>• New signage - \$20,000 in 2018/19; and \$10,000 in 2019/20.</li> <li>• \$5,000 for education and promotion.</li> </ul>	<ul style="list-style-type: none"> <li>children's playgrounds are identified as dog on lead areas.</li> <li>• Local public notice and required legislated notification has been completed.</li> </ul>	
2.	<p>Specify other change(s) to the dog exercise and prohibition areas.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>• \$900 for new local public notice.</li> </ul>	<ul style="list-style-type: none"> <li>• Dependent on the other change(s).</li> </ul>	<ul style="list-style-type: none"> <li>• New local public notice of change(s) to comply with legislation would be required.</li> <li>• Dependent on the other change(s).</li> </ul>
3.	<p>Not specify the dog exercise and prohibition areas as contained in the 22 May 2018 Council resolution and local public notice.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes required to current processes with no additional costs.</li> </ul>	<ul style="list-style-type: none"> <li>• There will continue to be confusion about where and how dogs can be exercised in City parks;</li> <li>• Conflict between different park users will not have been addressed.</li> </ul>

## CONCLUSION

Option 1 is recommended as it provides greater clarity for all park users with regards to where dogs can be exercised and are prohibited and the responsibilities of dog owners in each of the subject public places.

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Installation/replacement of signage to reflect the amended dog exercise areas (50 areas to be covered in total)

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP.

**Notes:** Nil

**Item 2:** Education/promotion of the changes to the community through media and website update

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP

**Notes:** Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$ ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$20,000 in 2018/19. \$10,000 in 2019/20.	Nil.	Nil	Unable to ascertain however, based on non-compliance, infringement \$200 per offence	5 years	\$30,000	\$20,000
2	\$5,000	Nil	Nil	Nil	N/A	N/A	\$5,000

## **STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community

Aspiration: An active and engaged community.

Outcome C1: A strong sense of community through the provision of quality services and facilities

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Dog Local Law (2016)
- *Dog Act 1976*

## **VOTING REQUIREMENTS**

***ABSOLUTE MAJORITY REQUIRED.***

## **ATTACHMENTS**

1. Riverside Gardens East and West new dog exercise area map
2. Bardon Park new dog exercise area map

**OFFICER'S RECOMMENDATION**

That Council:

1. Specifies under section 31 (3A) of the *Dog Act 1976* that the City of Bayswater makes no change to dog exercise areas within the City, unless otherwise specified below:
  - (a) Bert Wright Park will no longer be a dog exercise area.
  - (b) Specified area of Riverside Gardens West as per Attachment 1, west of a line directly south from the carpark to the river will no longer be a dog exercise area.
  - (c) Riverside Gardens East to be considered as a new dog exercise area.
  - (d) Any park or reserve during a community event or sporting activity will not be a dog exercise area.
  - (e) Within 5 metres of any lake or carpark will not be a dog exercise area regardless of whether the park is a specified dog exercise area.
  - (f) With respect to Bardon Park Maylands, the only area to be considered a dog exercise area will be the open grassed area in the Northern portion of Bardon Park, adjacent to Fourth Avenue East and Bardon Place as per Attachment 2.
  - (g) Within 20 metres of any playground will not be a dog exercise area regardless of whether the park is a specified dog exercise area.
2. Specifies under section 31 (2B) of the *Dog Act 1976*, that the following public places are where dogs are prohibited:
  - (a) Lightening Swamp Bushland, other than on designated paths and with a leash securely fastened.
  - (b) Eric Singleton Bird Sanctuary, other than on designated paths and with a leash securely fastened.
  - (c) Any park or reserve where fox trapping, nesting wildlife, weed eradication or other seasonal activities are taking place and are suitably signed during these activities.

**COUNCIL RESOLUTION****(PROCEDURAL MOTION)**

That this item be deferred to a Councillor Workshop on 2 October 2018.

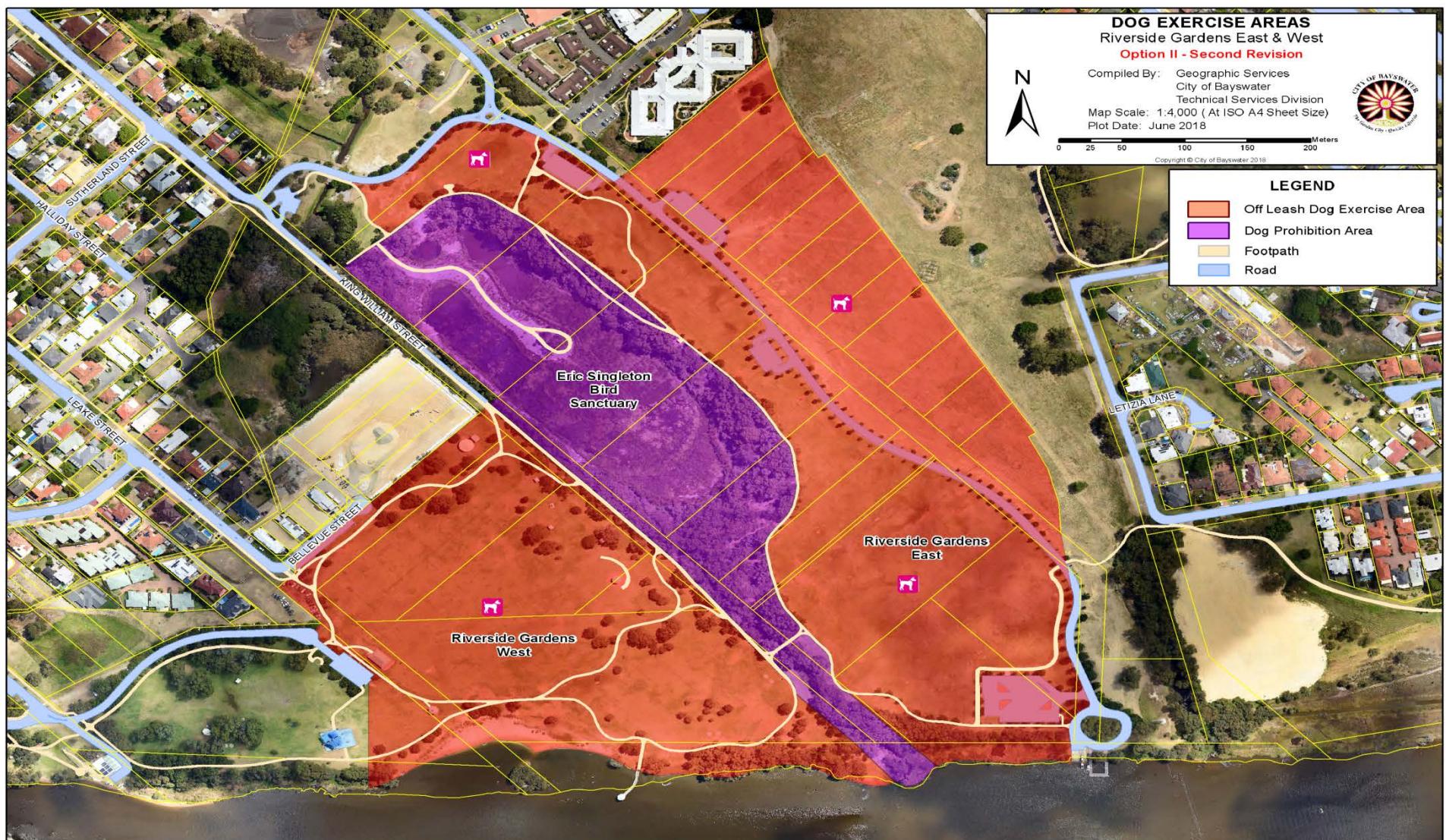
**CR GIORGIA JOHNSON MOVED, CR SALLY PALMER SECONDED**

**CARRIED: 6/1**

**For:** *Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Sally Palmer,  
Cr Lorna Clarke, Cr Giorgia Johnson, and Cr Elli Petersen-Pik.*

**Against:** *Cr Catherine Ehrhardt*

**At 6:53pm, Cr Barry McKenna and Cr Dan Bull, Mayor, returned to the meeting. Cr Dan Bull, Mayor, resumed the Chair.**

**Attachment 1**

**Attachment 2**

**11.5 Residential Aged Care Service Strategic Review**

**Reporting Branch:** Financial Services  
**Responsible Directorate:** Corporate and Strategy

***Confidential Attachment(s) - in accordance with Section 5.23(2) of the Local Government Act 1995 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.***

**Council wished to discuss components of the confidential information in the attachments and in accordance with the provisions of the Local Government Act 1995 moved the discussion behind closed doors.**

**EXECUTIVE SUMMARY****Application:**

**For Council to consider development of a strategic plan for the City's residential aged care services (excluding Mertome Village).**

**Key Issues:**

This report provides an overview of the project scope submitted by Ansell Strategic for review of the City's residential aged care assets (excluding Mertome Village).

It commends Council consideration of this proposal in the context of the *Local Government Act 1995* and its subordinate instruments.

**BACKGROUND**

The City of Bayswater's residential aged care assets comprise:

1. Retirement Villages:
  - Mertome Village comprises: 88 ILUs; Tranby Hostel; and 42 units in Mertome Gardens
  - Carramar Village: 52 ILUs
  - Noranda Retreat: 12 ILUs
  - Salisbury Retreat: 8 ILUs
2. Residential care facilities:
  - Carramar Hostel: 40 beds
  - City of Bayswater Hostel: 70 beds

In 2006, the City of Bayswater entered into a Residential Aged Care Facilities Management Agreement with Juniper to manage the City's RCF and ILU facilities (executed 25 July 2006). The Management Agreement was later amended by the Residential Aged Care Facilities Management Agreement Addendum dated 27 May 2014.

At its meeting on 22 March 2016, Council exercised the option to renew the Management Agreement with Juniper for the Second Extended Term from 1 July 2016. This amended agreement expires on 30 June 2021 and gives the City the right to terminate on six months' written notice. It expressly excludes the operation of Tranby Hostel. Tranby is operated by Juniper under a licence agreement with the City which expires on 31 March 2019.

Further to Council's resolution at its Ordinary Meeting on 26 June 2018, the City is progressing negotiations with Hall & Prior and Heathley to dispose of Lot 16, 30 Winifred Road, Bayswater via a long-term lease. The City would also sell the business assets associated with Mertome Village to the lessee under the lease. Accordingly, any future review of the City's residential aged care assets excludes Mertome Village.

Further to this resolution and in the context of the 2021 expiry of the Management Agreement with Juniper for operation of all of the City's residential aged care services, a review of all other aged care assets is now commended. Similar to Mertome, the City has no plan for the future of residential aged care services. To ensure these services meet the needs of current and future generations of residents, it is recommended that Council commission a review of these assets.

## CONSULTATION

No consultation has been undertaken at this stage. Notwithstanding, a planned engagement approach will be undertaken to inform relevant stakeholders at appropriate stages throughout the proposed review.

## ANALYSIS

A project scope of services has been sought from Ansell Strategic (**Confidential Attachment 1**) for the review of the City's residential aged care assets (excluding Mertome Village).

Stage one of this project will comprise a number of activities including a review of physical building stock and provision of an estimate on the likely investment required to bring the current services to contemporary market expectations. This analysis will provide information not currently available, to enable Council to proactively plan for the future.

The estimated cost of the proposed three-stage project is \$122,710 (GST-exclusive). Ordinarily, the City is required to invite quotations for this service however, based on past experience with other aged care projects, this process is unlikely to yield other competitive bidders able to undertake this sector-specific strategic review. Furthermore, Ansell Strategic is the commercial advisor for the Mertome redevelopment project and so is familiar with the City's aged care assets and systems. For this reason, it is recommended that Council apply regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996 to engage Ansell Strategic on the basis of the attached scope.

Specifically: *(2) tenders do not have to be publicly invited according to the requirements of this Division if- f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.* Notwithstanding, should Council evaluate it necessary, quotations may be sought via a public advertising process for this project.

In summary, it is recommended that a review of the City's aged care assets be undertaken for the benefit of current and future residents. To assist this review it is recommended that Ansell Strategic be engaged on the basis of **Attachment 1**.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Council undertakes a review of all City of Bayswater aged care assets (excluding Mertome Village) and applies regulation 11(2)(f) to engage Ansell Strategic at an estimated cost of \$122,710 (on the basis of the Project Scope outlined in the <b><u>Confidential Attachment</u></b> ). It is to be noted that a further report	<ul style="list-style-type: none"> <li>This enables the City to manage and plan for the future sustainability of City-owned aged care assets.</li> <li>This option enables the City to progress this project without the cost of potentially unnecessary administration.</li> </ul>	<ul style="list-style-type: none"> <li>The City will incur additional resources (time, people and money) to manage this review project and engage stakeholders.</li> </ul>

	<p>will be provided to Council to seek endorsement of the Community Engagement and Communications Plan for this project. A budget provision of \$140,000 is required and will be sourced from Aged Care funds.</p> <p><b>Estimated Cost:</b> \$122,710 + incidental costs = \$140,000.</p>		
2.	<p>Council undertakes a review of all City of Bayswater aged care assets (excluding Mertome Village) and invites quotations from appropriately-qualified specialists for this project. A budget provision will be required.</p> <p><b>Estimated Cost:</b> To be determined.</p>	<ul style="list-style-type: none"> <li>This enables the City to manage and plan for the future sustainability of City-owned aged care assets.</li> <li>This option requires the City to test the market for other appropriately-qualified service providers.</li> </ul>	<ul style="list-style-type: none"> <li>The City will incur additional resources (time, people and money) to manage this review project and engage stakeholders.</li> </ul>
3.	<p>Council does not undertake a review of all City of Bayswater residential aged care assets in 2018-19.</p> <p><b>Estimated Cost:</b> Nil.</p>	<ul style="list-style-type: none"> <li>Deferment of this review process may enable due consideration to be given to the final outcome of negotiations with Hall &amp; Prior and Heathley in relation to Mertome Village.</li> </ul>	<ul style="list-style-type: none"> <li>The future of these services may be adversely affected.</li> </ul>

## CONCLUSION

Option 1 is recommended as it enables development of a strategic plan for the City's residential aged persons services (comprising RV's and RCFs) in the context of the Management Agreement term and the Mertome redevelopment project.

## FINANCIAL IMPLICATIONS

No allocation has been included in the 2018-19 budget for the review of the City's aged care assets. On the basis that Council approves the recommendation to undertake this strategic review, a provision of \$140,000 is required and may be sourced from the ILU fund as follows: 50% ILU fund and 50% RCF fund.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
 Aspiration: A quality and connected built environment.  
 Outcome B3: Quality built environment.

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service.  
 Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996 provides that tenders do not have to be publicly invited if: ... *(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.*

**VOTING REQUIREMENTS**

Simple Majority Required (Parts 1 and 2)  
**ABSOLUTE MAJORITY REQUIRED (Part 3)**

**ATTACHMENTS**

1. Ansell Strategic scope of services (Confidential)

**OFFICER'S RECOMMENDATION**

That Council:

1. Undertakes a review of the City's residential aged care assets (except from Mertome Village).
2. Proceeds on the basis of the quote and project scope provided by Ansell Strategic (Confidential attachment 1) and regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996 given both the unique nature of the service required and that it is unlikely there is more than one potential supplier.
3. Approves a budget allocation of \$130,000 for this project to be sourced from the ILU fund (50% ILU and 50% RCF).

**COUNCIL RESOLUTION**

That the CEO arrange a briefing on the current issues surrounding the aged care industry and request that Ansell Strategic be invited to present at the Workshop.

**CR DAN BULL, MAYOR MOVED, CR BARRY MCKENNA SECONDED**  
**CARRIED UNANIMOUSLY: 8/0**

**REASON FOR CHANGE**

*Council felt that they required further information prior to making a final decision on the matter and as such requested a separate briefing.*

**11.6 Local Planning Strategy - Building Bayswater Recommendations**

Reporting Branch: Strategic Planning and Place Services  
Responsible Directorate: Planning and Development Services  
Refer: Item 9.3: PDSC 14.08.2018  
Item 9.7: PDSC 12.06.2018  
Item 11.1.16: OCM 2.02.2016  
Item 11.1.17: OCM 23.04.2013

**CR BARRY MCKENNA DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Barry McKenna declared a proximity interest in this item as his residence at 32 Lindsay Drive, Morley, is in a green zone which may be up zones making this land more valuable. Cr Barry McKenna remained in the room during voting on this item, as per the conditions stipulated in the Participation Approval Letter from the Deputy Director General - Regulation (Attachment 4).*

**CR LORNA CLARKE DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Lorna Clarke declared a proximity interest in this item as her residence is located on the boundary of the Bayswater Structure Plan as outlined in the map in this item. Cr Lorna Clarke remained in the room during voting on this item, as per the conditions stipulated in the Participation Approval Letter from the Deputy Director General - Regulation (Attachment 4).*

**CR CATHERINE EHRHARDT DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Catherine Ehrhardt declared a proximity interest in this item as she co-owns property within an area highlighted in the report. Cr Catherine Ehrhardt remained in the room during voting on this item, as per the conditions stipulated in the Participation Approval Letter from the Deputy Director General - Regulation (Attachment 4).*

**CR STEPHANIE GRAY DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Stephanie Gray declared a proximity interest in this item as her residential property falls under a green zone. Cr Stephanie Gray remained in the room during voting on this item, as per the conditions stipulated in the Participation Approval Letter from the Deputy Director General - Regulation (Attachment 4).*

**CR SALLY PALMER DECLARED A PROXIMITY INTEREST**

*In accordance with section 5.60b of the Local Government Act 1995, Cr Sally Palmer declared a proximity interest in this item as her residence is located within the LPS recommendations within the proposed green zone. Cr Sally Palmer remained in the room during voting on this item, as per the conditions stipulated in the Participation Approval Letter from the Deputy Director General - Regulation (Attachment 4).*

**EXECUTIVE SUMMARY****Application:**

Council consideration is sought regarding the outcomes of the Building Bayswater engagement process and the built form recommendations report.

**Key Issues:**

- The City undertook the Building Bayswater community engagement process from November 2017 to March 2018.
- The City's consultants have prepared a built form recommendations report to reflect the outcomes of the engagement process.
- Council at its Planning and Development Services Committee (PDSC) meeting held on 12 June 2018 resolved to defer this matter to a Councillor Workshop which was subsequently held on 31 July 2018.
- This matter was on the Agenda for the PDSC meeting held on 14 August 2018, however there was a loss of quorum and the item could not be considered.

**BACKGROUND**

The City is required to have a Local Planning Strategy (LPS) in accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The LPS is required to set out the long term planning directions for built form and density, commerce and employment centres, public open space, infrastructure services, community facilities, heritage, traffic and transport and management of the natural environment etc. within the City and be compliant with any state or regional planning policy or strategy. In accordance with the Regulations the City is required to have an LPS prior to reviewing its Town Planning Scheme. As the City's town planning scheme No. 24 was last reviewed in 2006 it is considered that it requires a comprehensive review.

At the Ordinary Council Meeting held 2 February 2016 Council considered a process to proceed with for the preparation of a Local Planning Strategy (LPS) for the City, and resolved as follows:

*"That Council endorses the preparation of a local planning strategy for the City of Bayswater in accordance with the process detailed in this report, including:*

1. *Phase 1 - Strategic Visioning.*
2. *Phase 2 - Draft Strategy.*
3. *Phase 3 - Advertise and Finalise Strategy."*

Since February 2016 the City has commenced work on the LPS background information and in September 2017 appointed consultants Shape Urban to undertake the strategic visioning phase of the LPS process. The consultants were asked to focus specifically on built form outcomes for the whole City, with emphasis on the activity centres, activity corridors and station precincts identified by the strategic plan for the Perth region, *Perth and Peel @3.5 Million*.

The preliminary community engagement process was considered necessary to establish the community's thoughts and opinions prior to the LPS being developed. Preliminary engagement is not a requirement under the Regulations however it was considered that the community may be more supportive of the LPS and that having a preliminary engagement process would result in better outcomes which more broadly reflect the needs of the community. Additionally, the City's Corporate Business Plan for 2017-2021 and Strategic Community Plan 2017-2027 both emphasised the need for the City to provide a greater focus on engaging the community, it was considered that the community engagement process strongly engaged the community in accordance with the City's strategic framework.

The Deliberative Panel process was previously considered and supported by Council as a part of the report to the 2 February 2016 Ordinary Council Meeting. It was considered the best approach to the preliminary consultation as it would reach a broad cross section of the community and engage the silent majority who do not generally participate in community

engagement processes. Additionally, by getting a third party to undertake the panel selection it was a random process with no bias from the City.

Council considered this matter at the Planning and Development Services Committee (PDSC) meeting held on 12 June 2018, and resolved as follows:

*"That this matter be deferred to a future Councillor Workshop for discussion."*

The matter was subsequently presented to the Councillor Workshop on 31 July 2018, and then on the Agenda for the PDSC meeting on 14 August 2018. At the 14 August 2018 PDSC meeting there was a loss of quorum and the Committee was unable to vote on the item. Councillors that disclosed an interest in this matter has sought approval from the Minister for Local Government to be able to consider and vote on this item.

## **CONSULTATION**

The consultants and the City undertook a significant consultation process known as Building Bayswater. The Building Bayswater preliminary engagement process provided the community with the opportunity to share thoughts, ideas and expectations on how the City should respond to the challenges and opportunities of new development.

The Building Bayswater engagement process was undertaken between November 2017 and March 2018 (with a break over the Christmas and January school holiday period). There were two key stages to the engagement process. The first part was undertaken between November and December 2017 and involved broad community engagement by way of letters to stakeholder groups, focus groups, pop-up sessions, online questionnaires and quick polls. The second stage of the engagement process was a community panel which occurred in late February - early March. The engagement activities are detailed below.

### Broad Community Engagement

#### Stakeholder and Database Correspondence

228 community and social groups were emailed directly advising them about the engagement process, inviting them to be involved by holding a focus group and encouraging them to distribute the information among their networks. Additionally, organisations representing hard to reach communities were specifically targeted through follow up telephone calls.

A further 10,000 letters were sent to a random selection of the community inviting them to be involved in the broad engagement process and the community panel portion of the engagement process.

#### Building Types

To ensure that the Building Bayswater engagement process could clearly link the community's expectations for built form, the engagement process referenced six building 'types' that are commonly seen in the Perth Metropolitan context in lieu of the Residential Design Codes (R-Codes) normally referred to. The six building types were used to describe the character and visual amenity of development at six different scales. They provided a more specific outcome for participants to use to describe their preferred development style. All engagement activities reflected the building types as described in the 'Building Bayswater – Typical Building Types' document, the summary of which is included in Attachment 1.

#### Focus Groups and Pop-Ups

The primary engagement tool for the broad community consultation was the focus group discussions. 10 focus groups organised by the City and community groups and four pop-ups in areas of high pedestrian traffic were held between Monday 20 November 2017 and Thursday 7 December 2017. 129 participants attended the focus groups.

At the beginning of each focus group the participants were provided a presentation on the Building Bayswater and LPS processes and information about the 'Building Types' used. The focus group participants were asked to complete two tasks:

1. The first task was 'What, Where, Why'. Participants were asked to answer the following questions and write their answers on the maps provided:
  - Where do you go and where do you care about?
  - What type of building do you want to see in that area?
  - Why would you like to see those building types in those areas?
2. Participants were asked to share the outcome of task 1 by:
  - Discussing with the surrounding people your choices.
  - Comparing your reasoning and examples with their own.
  - Thinking about how their thinking impacts your own.
  - Seeing if that alters your choice.

Participants were encouraged to write on post it notes, draw on the maps and use coloured dots to identify what building types they would like to see in specific locations and what (if any) conditions they would place on the building types (i.e. setbacks, maximum building height etc.). The maps created during the focus groups and the comments from participants are included in the Community Engagement Summary document. Due to the size of the document it has not been attached to this report, however it can be found at the following link; <https://engage.bayswater.wa.gov.au/building-bayswater/documents> .

#### Building Bayswater Webpage

The Building Bayswater webpage was established on the City's existing engagement website Engage Bayswater. The webpage contained information about the Building Bayswater process, updates on the process, the online questionnaire, quick polls and information about the focus groups. The following table indicates how many people accessed the online information.

Level of Engagement	No. Engaged
Registered for information on Building Bayswater (registration was not mandatory)	13
Engaged visitors (participated in questionnaire or polls)	512
Informed visitors (downloaded documents, visited Key Dates or FAQ pages)	784
Aware visitors (visited the page)	1,067

#### Online Questionnaire

As not everyone can attend a focus group or pop up session an online questionnaire was made available on the Building Bayswater webpage. Similar to the focus group sessions, participants were asked to consider the building types they would like to see in specific locations throughout the City. Participants were provided with a document detailing the building types as a part of the questionnaire. The questionnaire comprised a map on which the user could drop a pin in any location of interest in Bayswater, on up to ten different locations. Participants were then asked the following questions in relation to each of the pins they dropped:

- From the building types we have identified, what type of housing or building types do you think should be encouraged in this area?

- Thinking about your preferred building types in this location, would you be willing to support greater building height or scale if the development was able to provide any of the following amenities either within the development site or in the nearby area?
- If buildings could provide the public or private benefits that you indicated support for in Question 2, what type of housing or building types do you now think should be encouraged in this area?
- Thinking about the building type that you would like to see in this area, do you have any other comments?

It is noted that a hard copy version of the questionnaire was also made available at the City's Civic Centre and Libraries, for community members who did not have access to the internet.

#### Quick Polls

Throughout the engagement process quick polls were used to supplement the online mapping and questionnaires. The intent of the quick polls was to ascertain high level community perceptions on common themes which arose throughout the process. Throughout the engagement process six quick polls were released. The majority of the quick polls asked participants to rank the question / statement on a scale from strongly disagree to strongly agree. The following statements / questions were asked through the quick polls:

- Wide footpaths and places to sit and relax are important in town centres;
- What do you think we mean when we say 'tall' buildings (in storeys)\*;
- A mix of housing, shops and offices within walking distance is important to me;
- Taller buildings should be located on transport corridors, or near bus stops and train stations;
- I want to see more apartments and housing choice in the City of Bayswater; and
- The most important thing to me in new development is\*\*.

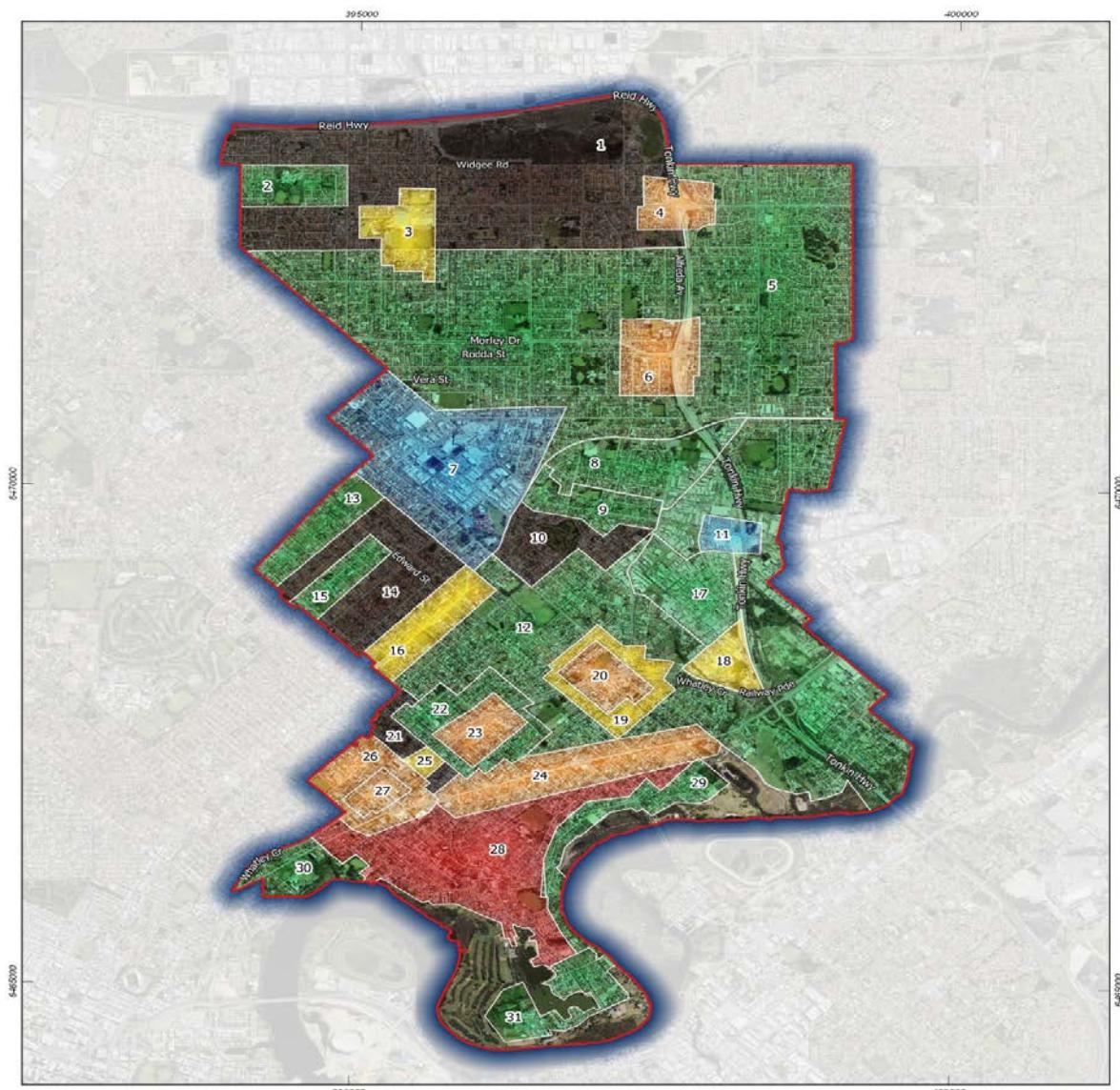
\* The following scale was used for this question: 2 storeys, 4 storeys, 6 storeys, 8 storeys, 10 storeys or more than 10 storeys.

\*\* The following options were available for this question: It is respectful of my privacy, it avoids overshadowing of my property, it does not increase parking and traffic and it is designed well.

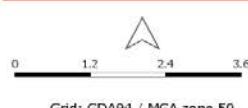
Contributions for the quick polls ranged from 44 responses to 293 responses. The results from the quick polls are included in the Community Engagement Summary as detailed above.

#### Broad Engagement Summary

The broad engagement portion of the process concluded in late December 2017. The consultants developed a map detailing the most common building type selected in a precinct by colour, as shown below.



### Preferred development types



**Legend**  
 City of Bayswater  
 Type 3  
 Type 1  
 Type 5  
 Type 4  
 Type 6

Grid: GDA94 / MGA zone 50



© 2017 Whilst every care has been taken to prepare this map, GIS PRO makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unsuitable in any way and for any reason.

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### Online Forum

Of the 10,000 letters sent to a random selection of the community 315 responded indicating that they would like to be involved in the community panel. As the community panel was limited to 40 participants an online forum was held to involve the respondents in the Building Bayswater process. The online forum was the first of its kind in Western Australia.

The online forum was held on Saturday 10 February and participants were able to participate using their home computer, or if they did not have access to a computer or needed assistance computers were provided at the City's Civic Centre. 72 people participated in the online forum.

The online forum asked participants a series of questions and required them to rank other participants responses on a scale of strongly disagree to strongly agree. The participants were asked to respond to the following questions:

- Tell us what suburb you come from and what you like most about living there.
- What do you think makes population growth and development such a hot topic?
  - What do you think is the main concern of people who oppose growth?
  - Why do you think some people support growth?
- Two broad scenarios for handling growth have been identified so far - Dispersed development and Focused development. What do you think are the advantages (pros) and/or disadvantages (cons) of each? We will address advantages and disadvantages separately.
  - Let's start with dispersed development.
- Now what do you think are the advantages and/or disadvantages of the Focused development.
- Is there another approach for handling growth that you believe is better than the two identified so far? Please describe any other approaches
- Reflecting on the discussion so far, what perspective was new to you?
- Which scenario makes the most sense to you in your suburb? Also please tell us why you support a particular approach.
  - Let's start with Dispersed development.
- What 'rules' would Council need to implement these approaches to work in the City of Bayswater?
- Finally, the Building Bayswater Panel has been asked to advise the Council on the future of the built environment in Bayswater. If you could give one piece of advice to the Panel what would it be?

The outcomes of the Online Forum generally supported the feedback of the broader community with regard to the general expectation for the location of higher density and the necessary conditions upon which higher density would be supported. The full summary of the online forum is available in the 'Building Bayswater Online Forum Summary' due to the size of the document it has not been attached to this report, however it can be found at the following link; <https://engage.bayswater.wa.gov.au/building-bayswater/documents>.

#### Community Panel

The Building Bayswater engagement process culminated in a two day community panel. The event was held over 24 February 2018 and 10 March 2018 and was attended by 35 community members, selected at random by a third party. The panellists were provided with presentations by community representatives and industry professionals discussed the results of the engagement to date and provided inputs and recommendations based on that information.

#### Community Panel Selection

Panellists were randomly selected by an independent organisation with experience putting together randomly selected stratified groups.

At the end of November 2017 10,000 persons were personally invited to express interest in participating in the Panel using the certified electoral roll for the City. The 314 respondents who expressed an interest in attending the panel were asked to provide their gender, age range, residential status and geographic location for stratification purposes.

The final number selected for the community panel included 44 community members, including 3 local business owners. The table below shows the number of community members who said they would attend and the number who did attend the first day of the community panel, breaking them down into the demographic groups targeted. Numbers presented in brackets refer to Day 2 of the Community Panel, where one less participant attended than attended on Day 1.

Age	Percentage in CoB	Goals	RSVP	Attended	Attendees by Suburb		
					Suburb	RSVP	Attended
18 - 29	16.61	9	9	8			
30-39	17.34	10	8	4	Bayswater	10	6
40-49	13.61	7	7	6	Maylands	5	2
50-59	11.92	6	6	6 (5)	Bedford	6	6 (5)
60-69	10.24	6	7	6	Embleton	3	3
70+	10.71	6	4	3	Morley	9	8
<b>TOTAL</b>	<b>80.43</b>	<b>44</b>	<b>41</b>	<b>33 (32)</b>	<b>Noranda</b>	<b>5</b>	<b>5</b>
Male	49.8	22	20	16	Mt Lawley	2	2
Female	50.2	22	21	17 (16)	Dianella	1	1
Owner	64.4	30	26	21			
Tenant	32.2	14	15	12 (11)			
Business	-	4	3	2			

### Community Panel Day 1

Prior to Day 1 of the panel, panellists were provided an information package which included:

- A summary defining the terms that would be used and other important information;
- A complete summary of the results of the engagement process to that point; and
- A map visually summarising the results of the engagement process to that point.

Day 1 of the community panel was focused on presentations from community organisations and technical experts discussing themes that were prominent in the broader Building Bayswater campaign. Each presentation lasted between 15-25 minutes and included time for questions. The presentations were from:

- Jacque Stone from the Department of Planning, Lands and Heritage spoke about planning at the State level and the City's rights and responsibilities in responding to the State Planning Strategy;
- Greg Smith from Bayswater Urban Tree Network discussed the importance of trees in the Bayswater context;
- Paul Shanahan from Future Bayswater spoke about the necessity of talking about how City of Bayswater was going to house the inevitably growing population;
- Bernard Seeber from Seeber Pty Ltd Architects spoke about the importance of heritage integration and the means by which it can be done;

- Julian Bolleter from Australian Urban Design Research Centres spoke about the effects of the current accommodation of growth in the Perth Metropolitan Region; and
- Trent Woods from Officer Woods Architects Pty Ltd spoke about the different building types that had been discussed in the process, including their common characteristics, benefits and drawbacks.

In addition to the presentations panellists were asked to engage with the several questions in their table groups and individually throughout the day. The conversations can broadly be separated in three tasks.

1. Panellists were asked to reflect on their time living in City of Bayswater and how the landscape and the community had changed.
2. Panellists were asked to comment on the information taken from the Building Bayswater process so far and the emerging thoughts around the location of infill development.
3. Panellists were asked to discuss the building types and their suggested 'rules'\* or requirements for those building types.

*\* Rules in this context are things like 'buildings should be set back from the street', or 'each property should have 'x'm<sup>2</sup> open space'. These rules help the City of Bayswater to guide new built form and the street environment of new development. This was explained to the panellists during the task.*

Towards the conclusion of the day panellists were provided maps to begin discussing the placement of each of the building types to encourage the kind of thinking that will be required for Day 2 of the Community Panel.

#### Recommended Built Form for Building Types

During task 2 panellists were asked to discuss the building types and suggest rules for those building types. Based on the comments received during the broad engagement process and the presentations received, the panellists recommended a number of rules for each building type relating to building heights, setbacks, vehicle parking, environmental outcomes, open space requirements, accessibility, design and land uses. Attachment 2 includes a table summarising the rules for each of the Building Types.

#### Community Panel Day 2

Day 2 of the community panel was designed to support a process of group design (co-design) and review that repeated several times. The co-design process built on the presentations and workshopping which agreed the features of each building type on Day 1.

Panellists were first presented with a summary of Day 1 including answers to questions asked by the Panel. Panellists were then grouped to undertake three tasks applying the output from Day 1.

1. Panellists were asked to formulate agreed principles that should be used to determine the location of any future development.
2. Groups were given a precinct map and asked to identify locations for each building type, based on the previous agreed building type features from Day 1 and the principles formulated in the first task. Panellists were given the opportunity to assess and critique the work of other groups, who in turn were given the opportunity to amend their design. Panellists were then polled on the proposed precinct plans.
3. Panellists were asked to produce final recommendations and comments regarding the Panel and the Panel remit.

### Principles for Development

During task 1 panellists were asked to formulate an agreed set of principles to be used to determine the location of any future development. After significant discussion the following eight principles were agreed to:

- Principle 1- Within walking distance of high-quality, usable public open/green space.
- Principle 2- It utilises currently underutilised land.
- Principle 3- There is community support.
- Principle 4- Where it maintains enhances and improves current precinct character.
- Principle 5- Where existing community areas are incorporated with small business' and space which bring the community together.
- Principle 6- The site is located in a mixed-use area with local employment opportunities.
- Principle 7- Communities have access to social and/or community amenities.
- Principle 8- Around transport hub, corridors and public transport.

The panel used these principles to determine what building type should occur in specific locations throughout the City.

The full summary of the community panel is available in the 'Building Bayswater Community Panel Summary' due to the size of the document it has not been attached to this report, however it can be found at the following link; <https://engage.bayswater.wa.gov.au/building-bayswater/documents>.

## **ANALYSIS**

The outcomes of Building Bayswater engagement will be informing consideration of the preparation of the City's LPS with regard to residential built form elements. The below planning recommendations have been suggested by the consultant's recommendations based on the broad community feedback and the recommendations of the community panel. Council's consideration on the recommendations is sought prior to the City considering them as a part of the draft LPS.

### Planning Recommendations

The Built Form Recommendations report has been produced by the City's consultants to detail the recommendations of the broad engagement and the community panel, and to translate those recommendations into actions which can be considered as a part of the LPS.

Each of the recommendations is considered to be either a short, medium and long term recommendation based on the following scale:

- *Short Term* recommendations – changes to the planning scheme at the next planning scheme review and quite significant changes to the existing status quo, and are therefore likely to result in more rapid physical changes. These recommendations should be considered suitable for achieving a proportion of the City's infill targets in the short-term.
- *Medium Term* recommendations – changes to the planning scheme at the next planning scheme review whilst suggesting relatively minor physical changes to the existing environment and which are therefore likely to result in quite slow adoption.
- *Long Term* recommendations – areas to be identified for future redevelopment, with no immediate change to the planning scheme proposed. These recommendations should be considered suitable for achieving a proportion of the City's infill targets in the long-term.

The recommendations have not been given specific timeframes in recognition of the fact that the LPS is not the planning scheme, and that proposals within the LPS will take some time to translate to the planning scheme. Beyond that, once a change is made to the planning scheme, the landowners have the ultimate control over when changes to the existing built form occur. A proposed recommendation may take up to five years to translate to a planning scheme change, and private landowners may take 10-15 years to act on those changes or longer.

During the community panel the City was separated into six precincts. The recommendations are detailed below by precinct, including a map of the recommendations for each precinct area. **Attachment 3** contains a Summary of Recommendations Map which details the recommendations for the whole City. Larger versions of the plans are available in 'Building Bayswater Community Panel Summary' due to the size of the document it has not been attached to this report, however it can be found at the following link; <https://engage.bayswater.wa.gov.au/building-bayswater/documents>.

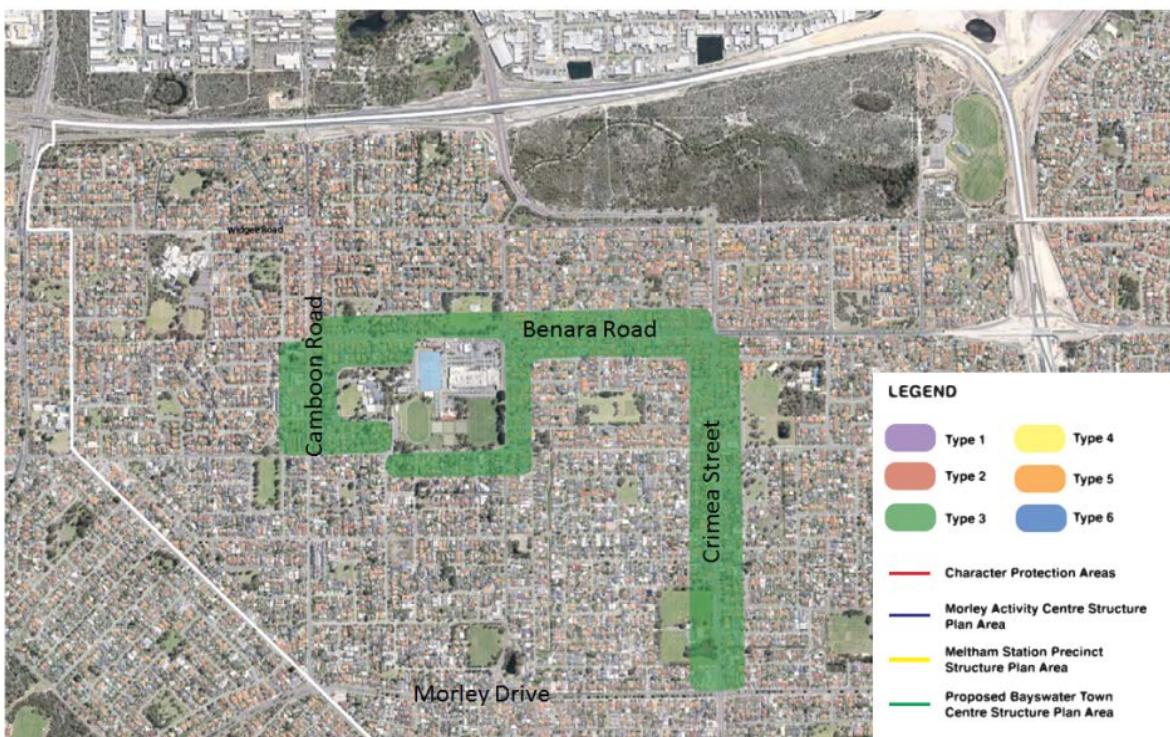
#### Precinct 1 - Noranda Area

Precinct 1, the Noranda Area included most of the suburb of Noranda. Panellists were asked to consider development around the Hawaiian's Noranda Shopping Centre, as it has been identified as an activity centre in *Perth and Peel @3.5 Million*. Due to the size of the precinct the recommendations were split into the area surrounding the Noranda activity centre and Benara Road corridor and the remainder of Noranda.

For the areas surrounding the Noranda activity centre the panellists' recommended Type 3 buildings with some areas of Type 4 surrounding areas of high amenity (parks etc.) The panellists were reluctant to recommend higher densities due to limited transport options in the area and to ensure some areas of the City remained a lower density.

The Recommendations report proposes a range of medium term actions in response to the panel's recommendations.

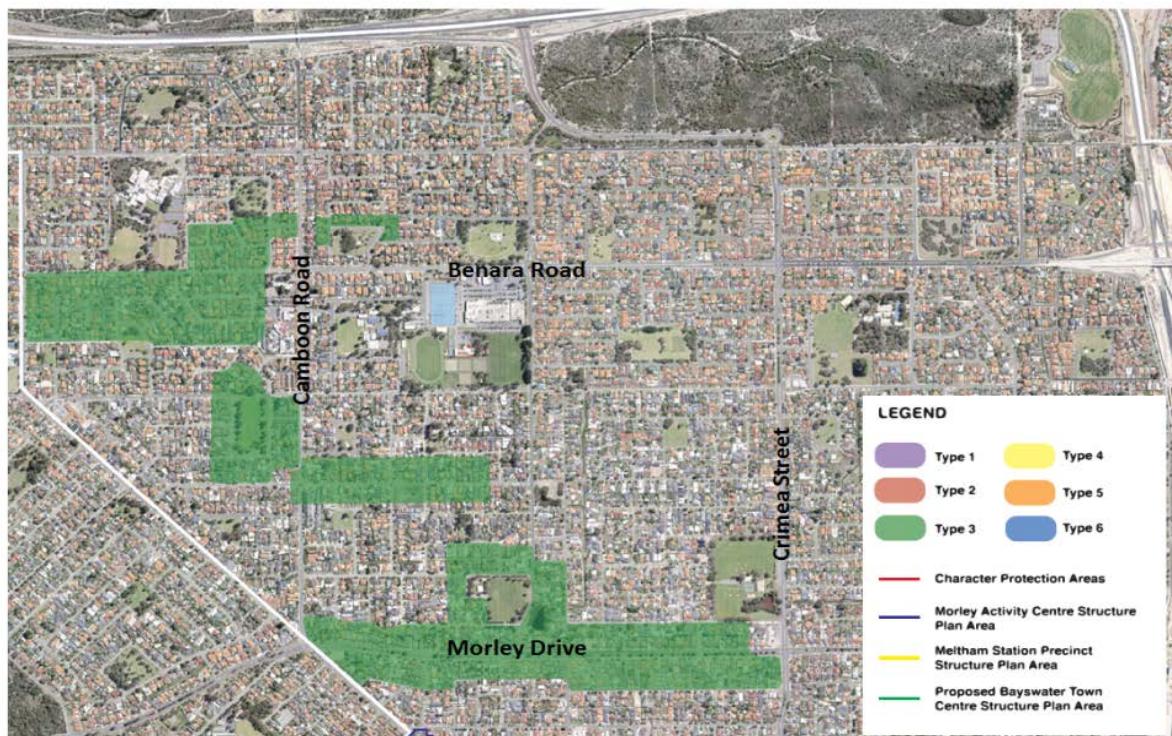
Zoning Proposed	Area	Time Frame
<b>Noranda Shopping Centre (Activity Centre) and Benara Road (Activity Corridor) Recommendations</b>		
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>• A two-lot depth along both sides of Benara Road between Camboon Street and Crimea Street;</li> <li>• A two-lot depth along both sides of Crimea Street from Benara Road to Morley Drive;</li> <li>• A two-lot depth along the east side McGillvray Avenue between Benara Road and Wylde Road;</li> <li>• A two-lot depth along the south side of Wylde Road between McGillvray Avenue and Cooper Road;</li> <li>• A two-lot depth on the north side of Wylde Rd between Cooper Road and Camboon Road;</li> <li>• A two-lot depth along both sides of Camboon Road between Wylde Road and Benara Road; and</li> <li>• A one lot depth on the eastern side of Parkinson Street and the southern side of Weatherill Way alongside Robert Thompson Reserve.</li> </ul> <p><i>*Should a significant expansion of the shopping centre be proposed, recommends that a Structure Plan be developed for the area.</i></p>	Medium Term



For the remainder of Noranda a number of long term recommendations have been proposed. Panellists recommended type 3 and type 4 buildings in this area along key corridors and surrounding areas of high amenity.

The Recommendations report proposes a range of long term actions in response to the panel's recommendations.

Zoning Proposed	Area	Time Frame
<b>Noranda – Broader area Recommendations</b>		
R60 with a 4 storey maximum	<ul style="list-style-type: none"> <li>Key nodes such as the Crimea Street shopping centre, between F.J. Beales Park and Morley Drive and on the lots between Noranda Shopping Centre and Camboon Primary School.</li> </ul>	Long Term
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>A one-lot depth adjacent to Millerick Reserve;</li> <li>A one-lot depth along both sides of Bramwell Road between Kirkpatrick Crescent and Camboon Road;</li> <li>The area between Kirkpatrick Reserve and Kirkpatrick Crescent;</li> <li>The area between Barnard Place and Bramwell Road adjacent to Morley Senior High School;</li> <li>The area bounded to the west by Bunya Street and the east by Camboon Road between Bramwell Road and a line approximately to Logan Way, Farmer Court and Hepworth Way;</li> <li>A two-lot depth surrounding Abinger Reserve;</li> <li>A two-lot depth surrounding F.J. Beales Park; and</li> <li>A two-lot depth for the balance of Morley Drive between Crimea Street and Camboon Road.</li> </ul>	Future Reviews LPS



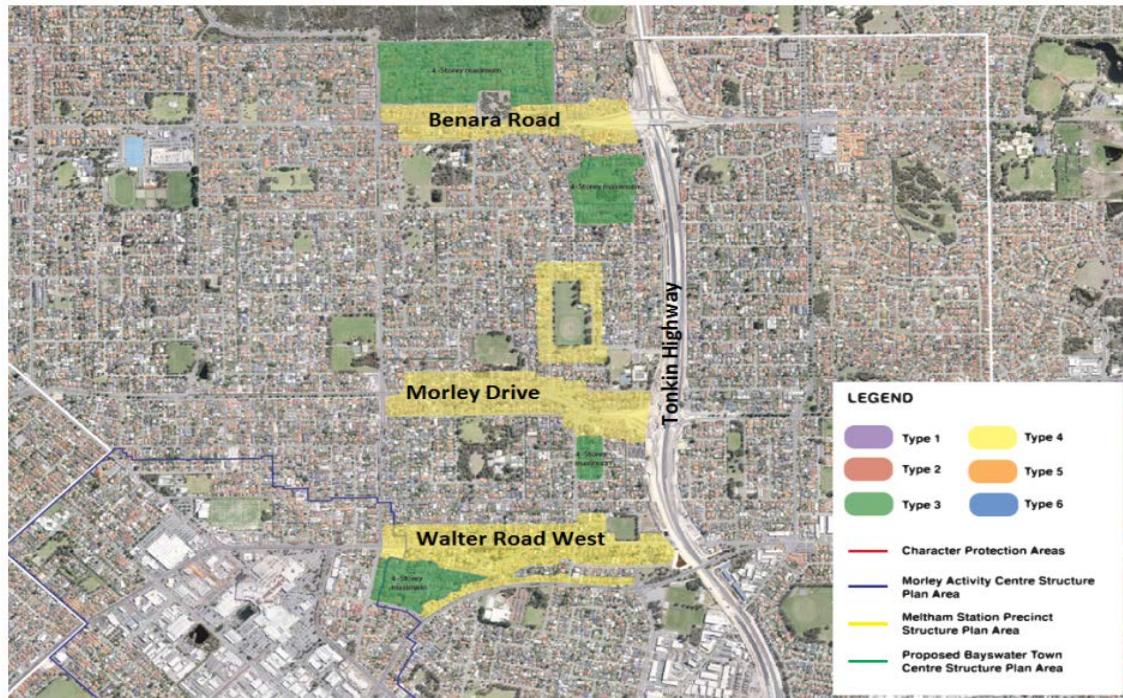
### Precinct 2 - Proposed Train Stations

With the development of Morley - Ellenbrook train line a number of new train stations are proposed to be developed within the City. Panellists were asked to consider densities on the western side of the indicative train station locations in Noranda (at the intersection of Benara Road and Tonkin Highway) and Morley (at the intersection of Walter Road West or Morley Drive and Tonkin Highway).

In the event the proposed train stations are constructed at the indicative locations the panellists supported higher densities (type 4 - 6) in the surrounding areas to support the new stations. In the event the train stations do not eventuate no changes were recommended to these areas.

The Recommendations report proposes a number of long term actions in response to the panel's recommendations. The highest densities proposed by the panel were within an 800m radius of the indicative train stations, the consultant has recommended that structure plans be developed (in partnership with the State Government) for these areas in lieu of rezoning those areas the higher density proposed by the panellists.

Zoning Proposed	Area	Time Frame
<b>Proposed Train Stations Area Recommendations</b>		
N/A	<ul style="list-style-type: none"> <li>Development of structure plans by the State Government for the 800m catchment surrounding proposed rail stations.</li> </ul>	N/A
R60 with a 4 storey maximum	<ul style="list-style-type: none"> <li>A two-lot depth either side of Benara Road between Crimea Street and Tonkin Highway;</li> <li>A two-lot depth either side of Morley Drive between Crimea Street and Tonkin Highway;</li> <li>A two-lot depth either side of Walter Road West between Crimea Street and Tonkin Highway; and</li> <li>A one-lot depth along the north side of Broun Avenue between Johnsmith Street and Tonkin Highway; and</li> <li>A one-lot depth surrounding Embleton Reserve.</li> </ul> <p>*There may be an opportunity to propose increased density subject to the outcome of State Government planning for Metronet stations. Proposals for this precinct are otherwise limited to relatively low scale development surrounding key nodes and along main corridors linked to existing public transport, shops and services.</p>	Long Term
R50 with a 4 storey maximum	<ul style="list-style-type: none"> <li>The area between Lightning Swamp Bushland to the north, Crimea Street to the west, Delta Road to the east and a line approximately to Belstead Avenue and McCaskill Way in the south;</li> <li>A two-lot depth surrounding McPherson Reserve;</li> <li>The area surrounded by Bath Road, Lingfield Way and Woking Street; and</li> <li>The area bounded to the south by Johnsmith Street, to the west by Collier Road, and higher density areas along Walter Road West and Broun Avenue.</li> </ul>	Long Term



### Precinct 3 - Beechboro

Precinct 3 included the Beechboro area, east of Tonkin Highway to the City's boundary. This area included the eastern portion of the areas surrounding the proposed train station locations. Panellists were asked to consider appropriate densities surrounding the indicative train stations and throughout the remaining area.

The panellists recommended higher densities surrounding the proposed train stations (type 4 - 6 developments), elsewhere in the precinct panellists recommended relatively low scale development as the area is underserviced by transport and community facilities and are thus less attractive for development.

The Recommendations report proposes a range of long term actions in response to the panel's recommendations. It is noted, that as with Precinct 2, the majority of the proposed density changes are within an 800m of the indicative train stations and are recommended to be included in a structure plan.

Zoning Proposed	Area	Time Frame
<b>Beechboro Area Recommendations</b>		
N/A	<ul style="list-style-type: none"> <li>Development of structure plans by the State Government for the 800m catchment surrounding proposed rail stations.</li> </ul>	N/A
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>A one-lot depth surrounding Arbor Park;</li> <li>A one-lot depth surrounding Allan Hill Park;</li> <li>A one-lot depth surrounding Gus Weimar and Moses Saunders Park;</li> <li>A one-lot depth surrounding the park bounded by Flemin Close, Marcon Street, Newington Street and Solas Road; and</li> <li>A one-lot depth surrounding Hampton Senior High School and Batterslea Reserve.</li> </ul>	Long Term

	<ul style="list-style-type: none"> <li>*There may be an opportunity to propose increased density subject to the outcome of State Government planning for Metronet stations. Proposals for this precinct are otherwise limited to relatively low scale development surrounding key nodes and along main corridors linked to existing public transport, shops and services.</li> </ul>	
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#### Precinct 4 - Morley, Bedford and Embleton

Precinct 4 included the portion of Morley east of Tonkin Highway and south of Morley Drive, as well as Embleton and Bedford. As the Morley Activity Centre Structure Plan (MACSP) has recently been finalised panellists were asked to consider the area outside of Morley Activity Centre along the activity corridors along Morley Drive, Walter Road and Broun Avenue. Panellists made a few recommendations for the Morley Activity Centre Area, however as they were generally the same as what is currently permitted they have not been included in the consultant's recommendations.

The panel recommended relatively modest density nodes surrounding train stations, along main roads and surrounding the Morley Activity Centre. There was some double up in this area with Precinct 2 so the recommendations along Walter Road and Morley Drive have been included with the Precinct 2 recommendations.

The Recommendations report recommends a range of medium term actions in response to the panel's recommendations:

Zoning Proposed	Area	Time Frame
<b>Morley, Bedford, Embleton Area Recommendations</b>		
N/A	<ul style="list-style-type: none"> <li>Development of structure plans by the State Government for the 800m catchment surrounding proposed rail stations.</li> </ul>	N/A
N/A	<ul style="list-style-type: none"> <li>Development in accordance with the approved Morley</li> </ul>	N/A

	Activity Centre Structure Plan in that locality.	
R60 with a 4 storey maximum	<ul style="list-style-type: none"> <li>A one-lot depth on the eastern/southern side of Broun Avenue between Embleton Avenue and Sage Street and surrounding Broun Park.</li> </ul>	Medium Term
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>A two-lot depth surrounding Pat O'Hara Reserve</li> <li>A one-lot depth on the north side of Collier Road between Broun Avenue and Embleton Avenue; and</li> <li>A one-lot depth surrounding Birkett Reserve, RA Cook Reserve and Brown Lake Reserve.</li> </ul>	Medium Term



#### Precinct 5 - Maylands, Guildford, Bedford

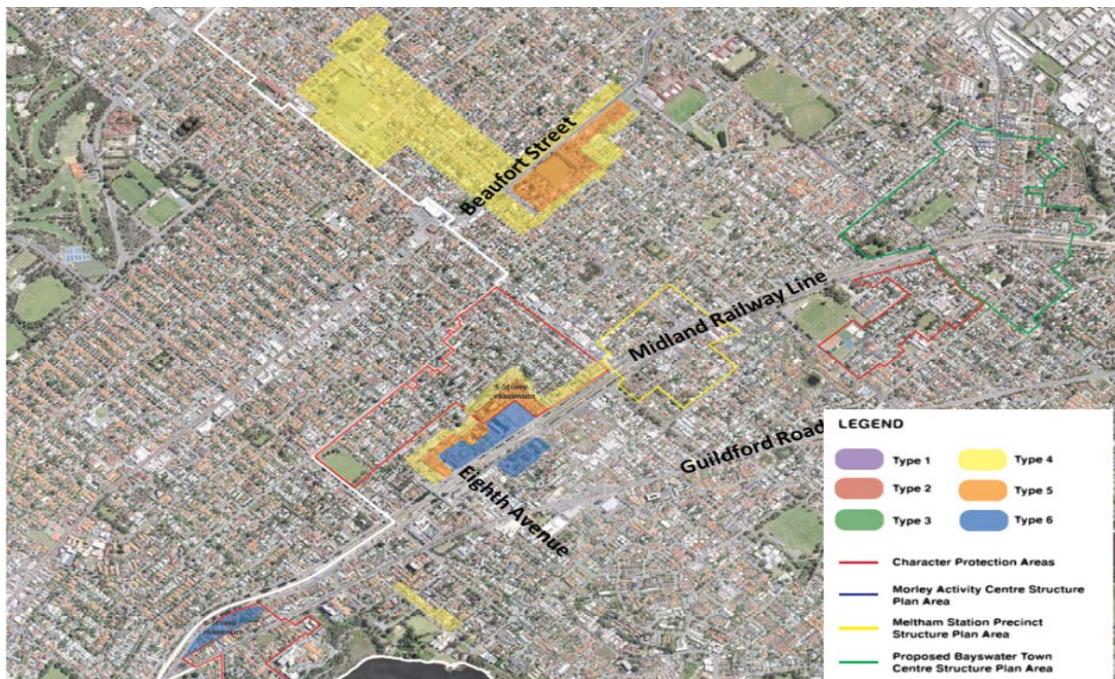
For Precinct 5 the panel were asked to consider all of Maylands and Mount Lawley and the southern portion of Bedford, with a particular focus on the western portion of the Guildford Road Corridor and areas surrounding the train stations. It is noted that Precinct 5 included the Meltham train station. As the Western Australian Planning Commission (WAPC) has recently adopted the Meltham Station Precinct Structure Plan the area was only considered in a general way and panellists generally did not address the area. Due to the size of Precinct 5 the recommendations were divided into three sections, major nodes and corridors, minor nodes and corridors. Guildford Road was a part of this Precinct during the community panel; however the recommendations for Guildford Road are considered holistically and are included under the Precinct 6 recommendations below.

For the major nodes and corridors within Precinct 5 panellists supported significantly increased densities (between type 4 and type 6) along main road corridors, rail corridors and surrounding public open space. The report recommends a significant number of short term developments as follows:

Zoning Proposed	Area	Time Frame
<b>Maylands, Guildford, Bedford major node and corridor Recommendations</b>		
N/A	<ul style="list-style-type: none"> <li>Development in accordance with the approved Meltham</li> </ul>	N/A

	Station Precinct Structure Plan in that locality.	
R100 with a 10 storey maximum	<ul style="list-style-type: none"> <li>• A two-lot depth along Railway Parade between Eighth Avenue and Kennedy Street; and</li> <li>• A two-lot depth along Whatley Crescent between Ninth Avenue and Caledonian Avenue.</li> </ul>	Short Term
R100 with a 6 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth on the eastern side of Whatley Crescent from the boundary of the City north to First Avenue.</li> </ul>	Short Term
R80 with a 6 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth either side of Guildford Road between Second Avenue on the north and the equivalent cadastral boundary on the south side of Guildford Avenue, and the area intersected by Grosvenor Road on the north and Gordon Street on the south side of Guildford Road, with minor variations due to the varying depth of lots along this corridor and including the commercial properties and The RISE at Maylands;</li> <li>• The area bounded by Seventh Avenue, Ninth Avenue, Whatley Crescent and Guildford Road;</li> <li>• An approximate two-lot depth surrounding the R100 area along Railway Parade between Eighth Avenue and Tenth Avenue; and</li> <li>• A two-lot depth along the eastern side of Beaufort Street surrounding Beaufort Park and along the road corridor north to May Street.</li> </ul>	Short Term
R80 with a 4 storey	<ul style="list-style-type: none"> <li>• A one-lot depth either side of Guildford Road between the southern boundary of the City and the area intersected by Second Avenue on the north and the equivalent cadastral boundary on the south side of Guildford Avenue</li> </ul>	Short Term
R80 with a 5 storey maximum	<ul style="list-style-type: none"> <li>• An approximate two-lot depth surrounding the R100 area along Railway Parade north from Tenth Avenue</li> </ul>	Short Term
R60 with a 4 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth along the length of the R80/6-storey zone on the south side of Guildford Road;</li> <li>• A one-lot depth along the length of the R80/6-storey zone on the north side of Guildford Road between First Avenue and Seventh Avenue;</li> <li>• A one-lot depth along the north side of Fourth Avenue between View Street and Guildford Road;</li> <li>• A two-lot depth along Railway Parade and to the west edge of the R80/5-storey maximum area between Seventh Avenue and Sussex Street;</li> <li>• The area bounded by Ferguson Street, Ninth Avenue and Guildford Road (from the edge of the R80 and R100 areas);</li> <li>• A one-lot depth along the length of the R80 zone on the north side of Guildford Road;</li> <li>• A two-lot depth along Beaufort Street from the southwestern border of the City north to May Street surrounding the Beaufort Park R80 area; and</li> <li>• A two-lot depth surrounding the combined Alan Lehman Reserve, Grand Promenade Reserve, Catherine Reserve and along Grand Promenade to Beaufort</li> </ul>	Short Term

Street.		
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth along the length of the R60/4-storey zone on the south side of Guildford Road; and</li> <li>• A one-lot depth along the length of the R60/4-storey zone on the north side of Guildford Road between First Avenue and Seventh Avenue.</li> </ul>	Short Term



For the minor nodes within Precinct 5 lower densities were supported (type 4), with development to occur over a longer period of time. This type of development was focused around areas of high amenity (surrounding public open space (POS)).



Zoning	Area	Time Frame
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Proposed		
<b>Maylands, Guildford, Bedford minor node Recommendations</b>		
R60 with a 4 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth surrounding the public open space on Kathleen Avenue, De Lacy Reserve, Gibbney Reserve, Essex Reserve and Toowong Reserve; and</li> <li>• A one-lot depth surrounding the large vacant site on Peninsula Road between Elizabeth Street and Kirkham Hill Terrace.</li> </ul>	Long Term

#### Precinct 6 - Bayswater, Guildford

Precinct 6 included the eastern portion of the City including the Bayswater Town Centre and Guildford Road. The Bayswater Town Centre Structure Plan (BTCSP) has undergone significant engagement and was considered by Council at the Planning and Development Services Committee Meeting held 8 May 2018 where it was adopted with modifications and forwarded to the Western Australian Planning Commission (WAPC) for final consideration, therefore no short to medium term recommendations have been proposed in this area. Some commentary has been provided for the Bayswater Town Centre area based on the feedback from the engagement exercise, which may be relevant to apply in future reviews of the BTCSP structure plan.

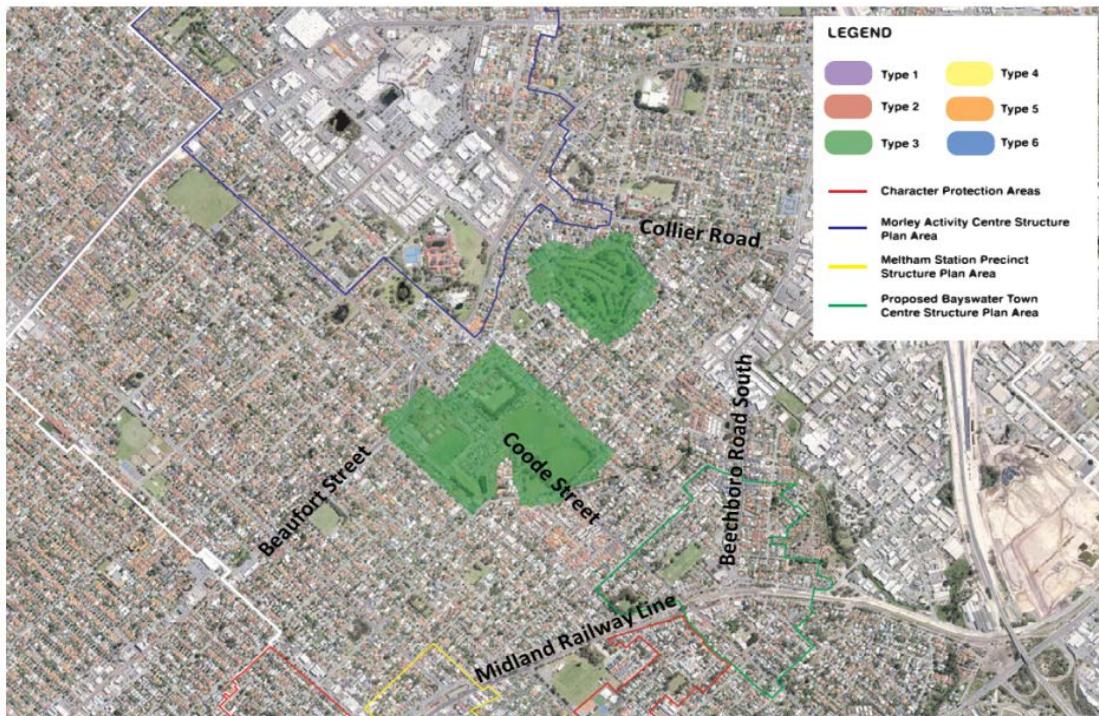
Panellist recommended building types 3 - 6 along main road corridors, the rail corridor and surrounding areas of high amenity (POS). While the panellists did not identify some areas of open space (around Hillcrest Park, Chisholm Catholic College and Embleton Golf Course) the broader community indicated that low scale development in these areas was supported.

The Recommendations report proposes a range of short and medium term actions in response to the recommendations of the panel.

Zoning Proposed	Area	Time Frame
<b>Meltham and Bayswater Town Centre Recommendations</b>		
N/A	<ul style="list-style-type: none"> <li>• Development in accordance with the approved Meltham Station Precinct Structure Plan in that locality and with a transition from the edges of that structure plan within the 800m catchment to R50 with a 3 storey maximum. Support was provided for Type 3, 4 and 5 in this location.</li> <li>• The ongoing approval of a structure plan for Bayswater Town Centre.</li> </ul>	N/A
<b>Bayswater Guildford Corridor Recommendations</b>		
R80 with a 6 storey maximum	<ul style="list-style-type: none"> <li>• A two-lot depth along Guildford Road at the intersection of King William Street extending east to approximately the location of Slade Street, west to approximately the location of Leake Street, south to approximately the location of Sutherland Street and north to approximately the location of Short Street;</li> <li>• A two-lot depth at the intersection of Garratt Road and Guildford Road;</li> <li>• The area south of Guildford Road bordered by Slade Street and along Newton Street and Higgins Way; and</li> <li>• A two-lot depth along the north side of Guildford Road between Tonkin Highway and Slade Street.</li> </ul>	Short Term
R60 with a 4 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth surrounding the R80 areas at the intersection of King William Street and Guildford Road;</li> </ul>	Medium Term

	<ul style="list-style-type: none"> <li>• A one-lot depth surrounding the R80 areas at the intersection of Garratt Road and Guildford Road;</li> <li>• A lot-lot depth surrounding the R80 areas area south of Guildford Road bordered by Slade Street and along Newton Street and Higgins Way;</li> <li>• A one-lot depth along the R80 area on the north side of Guildford Road between Tonkin Highway and Slade Street; and</li> <li>• The area bordered by Anzac Street, Whatley Crescent, Newton Street and Guildford Road.</li> </ul>	
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth surrounding the R60 areas at the intersection of King William Street and Guildford Road;</li> <li>• A two-lot depth along both sides of Guildford Road from the area intersected by Grosvenor Road on the north and Gordon Street on the south side of Guildford Road to King William Street with the exception of areas identified as R80 and R60;</li> <li>• A one-lot depth along both sides of Garrett Road between Whatley Crescent and the Garratt Road Bridge (eastern border of the City); and</li> <li>• A one-lot depth along King William Street with the exception of areas identified for R80 or R60.</li> </ul>	Medium Term
<b>Bayswater Guildford Minor Nodes Recommendations</b>		
R50 with a 3 storey maximum	<ul style="list-style-type: none"> <li>• A one-lot depth surrounding the Embleton Golf Course;</li> <li>• A one-lot depth surrounding the Hillcrest Park and Hillcrest Primary School; and</li> <li>• A one-lot depth surrounding the Chisholm Catholic College and the associated playing fields.</li> </ul>	Medium Term





### Other Recommendations

In addition to the recommendations for the building types within each precinct a number of topics were raised by the community during the engagement process which have relevance to future planning within the City. The topics included setbacks, vehicle parking, private open space, public open space, visual privacy, solar access, environmental / sustainability outcomes, universal access, tree retention, affordable housing, access for Guildford Road, design review panels, development bonuses and transport advocacy. In response the consultant has recommended some policy responses to address the concerns raised by the community.

Area	Time Frame
<b>General Recommendations</b>	
<ul style="list-style-type: none"> <li>Develop a locally appropriate built form policy that amends to the provisions of the relevant R-Codes or Design WA policy to support;</li> <li>Flexible setbacks and inclusion of deep soil areas to achieve maximum use of space and avoid wasted/unused open space;</li> <li>Flexible parking provision based on proximity to public transport and provision of bicycle parking and end-of-trip facilities;</li> <li>Flexible parking options including the possibility for unbundled parking and separate titles for parking spaces to de-link these costs from housing;</li> <li>The provision of temporary screening measures that are designed to be removed once transition of neighbouring development has been effected;</li> <li>Development of solar panels and rainwater tanks (or tank pads) in new low to medium density development;</li> <li>New high density development to be of a high standard of sustainability, and potentially achieving a Green Star rating or</li> </ul>	Short Term

<p>similar measure;</p> <ul style="list-style-type: none"> <li>• The potential inclusion of incentives to provide a minimum of 40% accessible housing;</li> <li>• The potential inclusion of incentives associated with tree retention for new and existing developments, or dis-incentives for removal of significant trees;</li> <li>• Provision of cash-in-lieu for subdivisions of three lots or more or providing minimum deep soil zones;</li> <li>• Water sensitive urban design principles;</li> <li>• Incentivisation of affordable units through development bonuses for delivering apartments of varying size and configuration; and</li> <li>• The requirements for common open space and facilities, as per the Design WA draft Apartment Design Policy. This should include the requirement for 10% of the site area for 11-20 residences and 15% of the site for 21-30 residences.</li> </ul>	
<ul style="list-style-type: none"> <li>• Work with the State Government and other local governments to consider responses to protection and enhancement of tree canopy in the City. Consider legal options such as tree protection registers and fines and incentive options such as rates reductions or increased development rights, as well as others.</li> </ul>	Short Term
<ul style="list-style-type: none"> <li>• Develop a specific control-of-access policy or detailed structure plan for Guildford Road to support improved safety and aesthetics along Guildford Road.</li> </ul>	Short Term
<ul style="list-style-type: none"> <li>• Investigate grey water in conjunction with State authorities.</li> </ul>	Short Term
<b>Area</b>	<b>Time Frame</b>
<ul style="list-style-type: none"> <li>• Work with developers to deliver best possible solar access during transition from lower density codes to higher density codes - developers to respond to this on a case-by-case basis where existing statutory controls cannot be met.</li> </ul>	Short Term
<ul style="list-style-type: none"> <li>• Ensure all higher density development and all development proposed within a Character Protection Area is assessed by the Design Review Panel.</li> </ul>	Short Term

#### Councillor Workshop - 1 May 2018

The Recommendations report was presented to a Councillor Workshop held 1 May 2018. Councillors raised a number of queries in response to the Recommendations report. The City's consultants provided the following responses to the Councillors queries:

- Why has the land by Slade Street, Guildford Road, and King William Street Bayswater has been omitted from the suggested planning?

The consultants noted that this area was excluded from the recommendations as no recommendation was provided by the panellists. Based on the aerial mapping it is assumed the panellists decided it was part of that reserve area. It can be considered in the draft LPS that this area be rezoned in accordance with the surrounding area.

- Why are the proposed zoning changes around Gibbney Reserve and DeLacy Reserve so high as they are not on high frequency public transport routes, are not on major roads and are not near shopping facilities?

The consultants noted that they had similar concerns for the area, which was why these recommendations were long term recommendations.

- Why is type 6 proposed for Eighth Avenue to Kennedy Street, but not inclusive if the current shopping precinct from Seventh Avenue to Eighth Avenue?

The consultants noted that this is the recommendation of the panel and provides for a moderate increase for part of the area between Seventh Avenue and Eighth Avenue to R80/6 storeys (type 5) up from 5 storeys. This is a relatively good way to step down from the R100 (type 6) development.

The boundary of the area identified by the Panel and in the Recommendation report reaches further north-west than the previous plan, increasing the overall area of higher density development, but still allowing for a step down to the lower density surrounding it. It links well with the 3 storey height limited area between Sixth Avenue and Seventh Avenue.

- It appears that it is shifting the core closer to the Unison complex and missing further opportunity to increase housing / commercial next to a train station?

The consultants noted that whilst it seems minor, the recommendations provide more than 30 lots within the Seventh Avenue to Ninth Avenue precinct at R60 / 4 storeys or R80 / 6 storeys. Some of these lots are quite large which can encourage a good scale of development. There is no reason why Council cannot push for greater density up to Coode Street without moving too far away from the panellist recommendations. The earlier engagement did recommend higher densities in this location also.

- 10 storey directly next to the old Peninsula Hotel (current Peninsula Tavern site) is a higher and better land use, but it does not seem to take into account potential dwarfing / visual occlusion of one of the City of Bayswater's few significant buildings.

There is an opportunity for Council to demand a higher quality interface in this location. This could be identified in the LPS, and further highlighted in the Scheme. Alternatively a Special Control Area could be placed over this site. The development of the Peninsula Hotel site under a similar Special Control Area would have similar impact and currently provides consideration of this interface issue.

- Why is not there a recommendation along Walter Road West (on the boundary with Stirling) as the panellists map had it as Type 4?

The consultants noted that this area was left out of the recommendations due to the extent of the development proposed within the Morley Activity Centre just adjacent and the interface with R20 in the City of Stirling. The recommendations were a relatively low scale around generally scaling back from the MACSP extents. The length of this area is already significantly developed into type 2 with a likely long time before redevelopment would be undertaken.

The consultant considers that it may be appropriate to extend a short run of type 4 along the edge of the proposed type 3 to interface with the R60 / 100 area (of the MACSP). In the short and medium term the consultants would not propose anything more than a type 3 for the balance of the existing R40 area because the opposite built form is very low scale. However, type 4 could be included in the final LPS as a long term proposal. This might encourage landowners to take a longer term view of redevelopment.

Councillor Workshop - 31 July 2018

In accordance with Council's 12 June 2018 resolution the Recommendations report was presented to a second Councillor Workshop held 31 July 2018. The second workshop was to provide further clarity to Councillors on the process of the LPS from this point and to further detail how the information in the Recommendations report will be used in developing the draft LPS.

Councillors were advised that the Recommendations report details the community's vision for future built form within the City. City officers will now consider the information in the Recommendations report in the context of other relevant planning considerations to develop recommendations and actions for the LPS.

It was further highlighted that the draft version of the LPS, which will include the actions on future built form and other elements of planning (such as transport, commercial and industrial uses etc.) will be considered by Council at a later date.

Officer Comment

It is considered that the Building Bayswater community engagement process successfully met the needs of the City as it reached a broad cross section of the community including the 'silent majority'. Additionally, the panel process allowed more in-depth consideration of the broader community's feedback. Given the final recommendations were generally similar to the broad community's feedback it is considered that the process generally reflects the community's thoughts and opinions on growth within the City.

City officers consider the Recommendations report to be an accurate reflection of the feedback received during the consultation period. It is considered that the short, medium and long term recommendations will adequately accommodate growth within the City, while preserving some areas of lower density.

Next Steps

The Recommendation report is intended to be considered as a part of the LPS. The recommendation and the background information the City has been working on will be used to develop a series of actions and recommendations to be included in the LPS. It is anticipated that a draft LPS will be presented to Council prior to the end of 2018.

Once a draft LPS has been adopted by Council it will be forwarded the WAPC for approval to advertise. The WAPC may request modifications be made to the LPS prior to public advertising. Once the WAPC has granted approval to advertise the City must advertise the LPS for a minimum of 21 days. Councillors and the community will have further opportunity to consider the built form recommendations as a part of the whole LPS when the draft version is presented to Council and again after the conclusion of the advertising period. It is intended that the advertising period will involve workshops with Councillors and the community. At the end of the advertising period Council will reconsider the LPS with any proposed modifications to reflect the submissions received. Council may resolve to support the LPS with or without modification.

Once the LPS has been supported by Council after advertising it will be forwarded to the WAPC for final approval. The City will then commence a review of the City's town planning scheme to align it with the LPS, this may be done through amendments to the existing scheme or by developing a new scheme.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
<p>1. Council receives this report relating to the Building Bayswater community engagement process and the built form recommendations, and that the outcomes be considered in the context of other relevant planning considerations to develop recommendations and actions for the draft LPS.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>The actions included in the Recommendations report will be considered as a part of the draft LPS.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
<p>2. Council provides other comment(s) relating to the Building Bayswater community engagement process and the built form recommendations, and that these comment(s) be considered in the context of other relevant planning considerations to develop recommendations and actions for the draft LPS</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the other comment(s). Notwithstanding, Council will have the opportunity to provide comment in the context of the whole LPS process which will be considered at a later date.</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the other comment(s).</li> </ul>

## CONCLUSION

In light of the above it is considered that Council should proceed with Option 1 to receive this report relating to the Building Bayswater community engagement process and the built form recommendations, and that the outcomes be considered in the context of other relevant planning considerations to develop recommendations and actions for the draft LPS.

## FINANCIAL IMPLICATIONS

The costs associated with this project are within the allocated budget amount and the subsequently approved budget variation.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
 Aspiration: A quality and connected built environment.  
 Outcome B1: Appealing streetscapes.  
 Outcome B2: A connected community with sustainable and well maintained transport.  
 Outcome B3: Quality built environment.

Theme: Our Local Economy  
Aspiration: A business and employment destination  
Outcome E2: Active and engaging town and city centres.

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L2: Proactively communicates and consults.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

The LPS is to be undertaken in accordance with Section 88 of the *Planning and Development Act 2005* and Part 3 of the *Planning and Development (Local Planning Schemes) 2015*.

## **VOTING REQUIREMENTS**

Simple Majority required.

## **ATTACHMENTS**

1. Building Bayswater – Typical Building Types Summary
2. Building Types Rules Summary
3. Summary Recommendations Map
4. Participation Approval Letter from Deputy Director General - Regulation

## **COUNCIL RESOLUTION** **(OFFICER'S RECOMMENDATION)**

That Council receives this report relating to the Building Bayswater community engagement process and built form recommendations, and that the outcomes be considered in the context of other relevant planning considerations to develop recommendations and actions for the draft Local Planning Strategy.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR LORNA CLARKE SECONDED**  
**CARRIED UNANIMOUSLY: 9/0**

## Attachment 1 - Building Bayswater - Typical Building Types Summary

### Building Type Summary

#### 1. Building Type One

A single or two storey house that is typically physically setback from the street and from the neighbouring house, and has a significant amount of private open space.



#### 2. Building Type Two

Single or two storey units or houses with multiple or long driveways servicing each home, with limited green open space and setback from the street.



#### 3. Building Type Three

Two to three storey units or houses, situated close to the front setback and often with common boundary walls and small rear courtyards.



#### 4. Building Type Four

Three to four storey units close to the street with common walls and small courtyards, or shared spaces with balconies provided per home. Can include some commercial uses at ground level.



#### 5. Building Type Five

Four to six storey apartments situated close to the street with balconies for private open space, a larger area of shared space within the complex. Often includes commercial uses at ground level.



#### 6. Building Type Six

Apartment buildings of around ten storeys built up to the street, with large shared areas including facilities such as pools and shared parking. Often includes some commercial activity or offices.



Building Bayswater

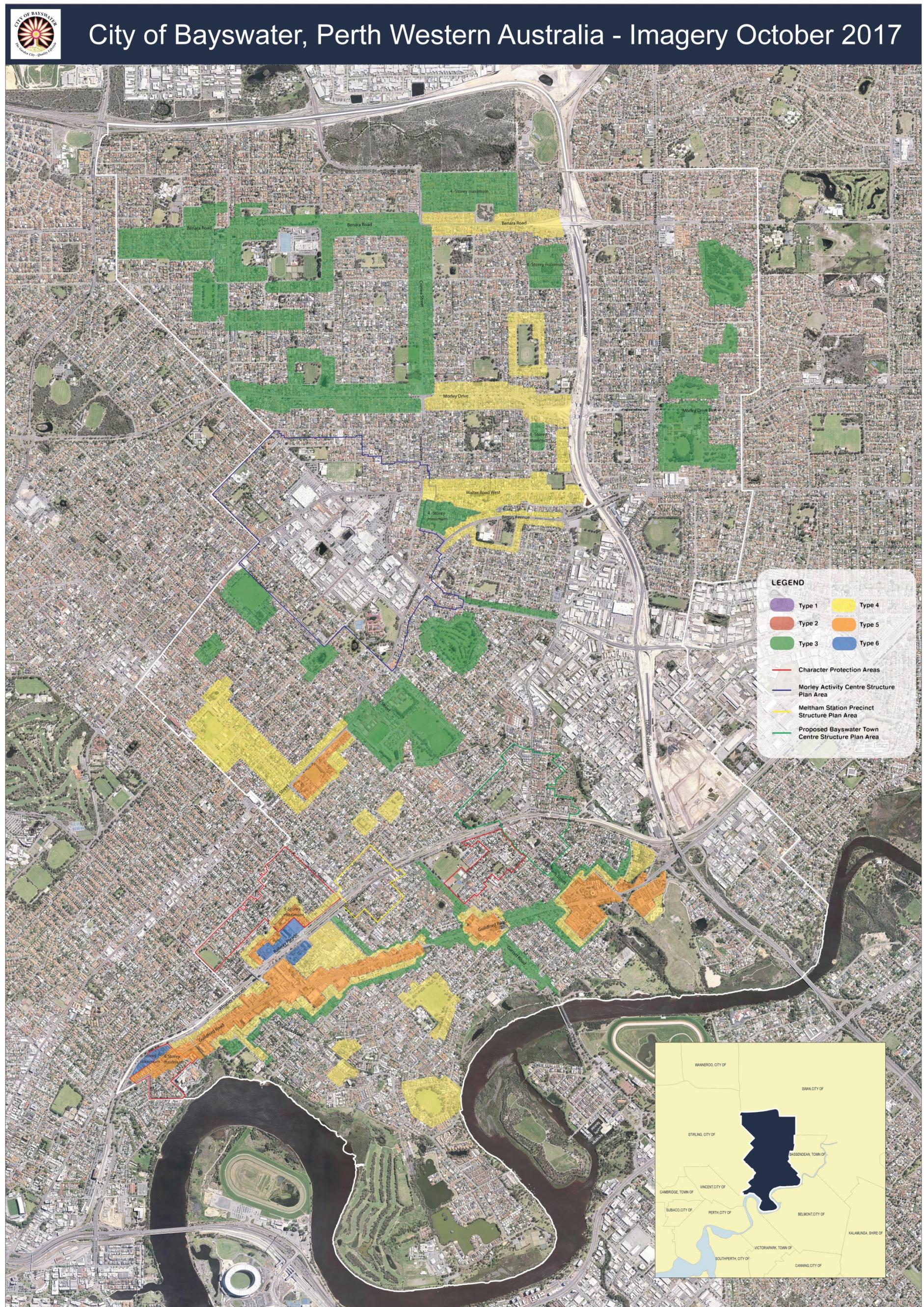
Images: Typical buildings that might be achieved or what you might see with this type of building

**Attachment 2 - Building Type Rules - Recommended By Community Panellists.**

Building Type	1	2	3	4	5	6
<b>Building Heights</b>	1 - 2 storeys.	1 - 2 storeys.	2 - 3 storeys.	4 storeys. The fourth storey to be setback.	4 - 6 storeys	10 storeys
<b>Recommended R-Coding</b>	R20	R20 - R40	R40 - R60	R60 – R70	R80	R100
<b>Setbacks</b>	Increased flexibility for front setbacks, to allow for larger backyards and more useable open space	Increased flexibility for front setbacks, to allow for larger backyards and more useable open space.	Common boundary walls (nil setbacks). 2-4m front setback.	Supported usable setbacks. “A 1m strip on each side of the building is not useful. 2-3m is ‘usable.’ Nil front setbacks.	2m front setback to allow trees and green scaping.	2m front setback to allow trees and green scaping.
<b>Vehicle Parking</b>	2 bays per dwelling.	1 - 3 bays per dwelling, Minimum of 2 to be provided in areas not well serviced by public transport.	0.5 bays per dwelling, with bike bays and end of trip facilities	0.5 car bays and 0.5 bike bays per dwelling, with end of trip facilities to also be provided	1 car bay and 1 bike bay per dwelling, with end of trip facilities to also be provided.	1 car bay and 1 bike bay per dwelling, with end of trip facilities to also be provided.
<b>Environmental Outcomes</b>	Rain water tanks, solar panels and double glazing and demonstration of a suitable standard of energy efficiency and water efficiency.	Rain water tanks, solar panels and double glazing and demonstration of a suitable standard of energy efficiency and water efficiency.	Rain water tanks, solar panels and double glazing and demonstration of a suitable standard of energy efficiency and water efficiency.	Solar panels and water capture to be compulsory Encourage rain water tanks, double glazing and demonstration of a suitable standard of energy efficiency.	Very high standards of environmental design, a Green Star rating or similar.	Very high standards of environmental design, a Green Star rating or similar.

<b>Open Space</b>	As per the existing R-Codes requirements	No specific recommendation, however there was a general concern over the lack of trees associated with this building type	No specific recommendation, however there was a general preference to maintain space for backyards	Open space to be used for communal good, including trees and common facilities.	-	-
<b>Accessibility</b>	-	-	-	-	High levels of accommodation be accessible (40%) for aged and disabled persons.	High levels of accommodation be accessible (40%) for aged and disabled persons.
<b>Design</b>					All buildings to be assessed by a design panel.	All buildings to be assessed by a design panel.
<b>Land Use</b>					Encourage mixed use around open spaces for cafes, retail and small convenience shopping	Encourage home based businesses and some small scale commercial development (adjacent to parks and other high amenity areas / attractors to support the commercial).

## Attachment 3 - Summary Recommendations Map



**Attachment 4 - Participation Approval Letter Deputy Director General - Regulation**

Department of  
Local Government, Sport  
and Cultural Industries

Our ref BW1-22#03; E1821392  
Enquiries Claire Ware  
Phone 6552 1530  
Email legislation@dlgsc.wa.gov.au

Mr Andrew Brien  
Chief Executive Officer  
andrew.brien@bayswater.wa.gov.au

Dear Mr Brien

I refer to your correspondence dated 17 August 2018 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General – Regulation has approved your application under section 5.69(3)(a) of the *Local Government Act 1995* (the Act).

This approval allows disclosing members Cr Catherine Ehrhardt, Cr Barry McKenna, Cr Sally Palmer, Cr Stephanie Gray, Cr Filomena Piffaretti and Cr Lorna Clarke to fully participate in the discussion and decision making relating to the below mentioned agenda item at the City's Ordinary Council Meeting of 28 August 2018 and any future council meetings when agenda items relating to the same item are considered:

**9.3 LOCAL PLANNING STRATEGY – BUILDING BAYSWATER  
RECOMMENDATIONS**

Subject to the following conditions:

1. *The approval is valid for the 28 August 2018 Ordinary Council Meeting, and any subsequent meeting, when the agenda item (9.3) Local Planning Strategy – Building Bayswater Recommendations are considered;*
2. *The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting, and any subsequent meeting, when the agenda item (9.3) Local Planning Strategy – Building Bayswater Recommendations are considered, together with the approval provided;*
3. *The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, and any subsequent meeting, when the agenda item (9.3) Local Planning Strategy – Building Bayswater Recommendations are considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting, and any subsequent meeting, to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*
7. *Should the other interests be identified, or changed the Shire is required to reapply seeking Ministerial approval under section 5.69 of the Act.*

Should you require further information in relation to this matter, please contact Claire Ware,  
Manager Licensing and Industry Services via the details provided above.

Yours sincerely



Michael Connolly  
DEPUTY DIRECTOR GENERAL – REGULATION

 August 2018

**11.7 Draft Standing Orders Local Law 2018**

<b>Owner:</b>	<b>Manager Governance</b>
<b>Reporting Branch:</b>	<b>Governance Unit</b>
<b>Responsible Directorate:</b>	<b>Corporate &amp; Strategy</b>
<b>Refer:</b>	<b>Item 11.3: OCM 26.06.2018</b> <b>Item 9.38: CTFCS 06.09.2017</b>

**EXECUTIVE SUMMARY****Application:**

For Council to consider proceeding with the *Standing Orders Local Law 2018* as proposed.

**Key Issues:**

- This report outlines the outcome of the recent public notice including comments from the Department of Local Government, Sport and Cultural Industries (the Department) in relation to the draft City of Bayswater *Standing Orders Local Law 2018* and commends that Council proceeds with this proposed local law.
- The processes for reviewing local laws are set out in section 3.12 and 3.16 of the *Local Government Act 1995* (the Act), and it is crucial that these processes are followed in the correct sequence.

**BACKGROUND**

The *Local Government Act 1995* (the Act) requires local governments to review their local laws every eight years. The Department prescribes the process, which includes an initial public consultation process advising of Council's intention to review an existing local law.

A report was provided to the Community, Technical, Finance and Corporate Services Committee on 6 September 2017 advising of the plan for reviewing all of the City's local laws, and the Committee resolved to prioritise the review of the *Standing Orders Local Law 2013* in line with contemporary sector practices for dealing with meeting proceedings and business of the council. The draft Standing Orders Local Law 2018 is based on the WALGA model local law.

Accordingly, the intention to review the *Standing Orders Local Law 2013* was published in early April 2018. The public notice period closed on 23 May 2018 and no public submissions were received.

At its meeting of 26 June 2018, and after having duly considered that no public submissions were received, Council resolved to repeal the *Standing Orders Local Law 2013* with the intention of making a new local law.

**CONSULTATION**

Internal consultation was undertaken with officers and a workshop was held with elected members to inform the review.

The Act requires a minimum six week consultation period for each of the public consultation periods, the first of which is to advise and seek public comments on the intention to review the local law and the second of which is to advise of the *intention to make* the new local law. These timeframes have both been met, and in either case no public comments were received.

An exact copy of the draft 2018 Local Law was provided to the Minister for Local Government, Sport and Cultural Industries and the Department has since recommended some changes which have been incorporated into the draft local law.

As these changes are not significant, they do not require further public consultation. After the adopted local law is published into the Government Gazette final public notice is required in a specified form and the documents are sent to the Parliament's Joint Standing Committee on Delegated Legislation (JSCDL).

## ANALYSIS

A table summarising all of the points of difference between the 2013 Local Law and the draft 2018 Local Law as presented in the report of 26 June 2018 is shown as Attachment 1.

The further changes recommended by the Department are shown in Attachment 2 and have been incorporated into the final version of the draft 2018 Local Law as shown in Attachment 3.

The draft *Standing Orders Local Law 2018* was advertised in July 2018, and no public submissions were received by the closing date of 16 August 2018. The Department has however, recommended some minor changes which are mainly in the formatting. The procedure for making local laws allows the Council to proceed with the local law as proposed or make alterations that are not significantly different from what was first proposed.

Council can now resolve, by an absolute majority, to proceed with the new Local Law as proposed.

## OPTIONS

The following options are available to Council in relation to the *Standing Orders Local Law 2018*.

OPTION	BENEFIT	RISK
1. Accept the Officer's Recommendation to make the <i>Standing Orders Local Law 2018</i> inclusive of the minor changes recommended by the Department.	The City's Standing Orders will reflect contemporary practices and plain English standards. This will assist in ensuring the orderly conduct of meetings and Council business and transparent decision making.	The cost of gazettal for the <i>Standing Orders Local Law 2018</i> will be approximately \$2500. There is also a risk that the local law will be rejected by the JSCDL, however it is noted that the WALGA model local law has already been approved by JSCDL.
2. Reject the Officer's Recommendation and resolve not to change the current <i>Standing Orders Local Law 2013</i> .	Reviewing a local law does not require that any changes be made. Should Council resolve not to amend the local law, no further action is required and the review process is finalised. Under the current LG Act a further local law review will not be required until 2026.	Council has already resolved to repeal the 2013 <i>Standing Orders Local Law</i> . The new local law reflects contemporary sector practice for the orderly conduct of Council and Committee meetings.

## CONCLUSION

Option 1 is recommended having regard to Council's earlier decisions in relation to the draft *Standing Orders Local Law 2018* and the steps taken to make this local law.

## FINANCIAL IMPLICATIONS

Gazettal of the local law will cost approximately \$2500, which has been included in the Governance advertising budget.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance  
Outcome L3: Strong stewardship and leadership

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

### *Local Government Act 1995*

Section 3.16 of the *Local Government Act 1995* requires local laws to be reviewed within 8 years from the date of commencement; however they may be reviewed prior to that.

Section 3.12 of the Act sets out the procedure for making local laws, including public notices and gazettal. The Local Government Operational Guidelines (Number 16 - November 2011): Local Laws also applies. A local law comes into operation 14 days after publication of Gazette, or such later day as specified.

## VOTING REQUIREMENTS

### **ABSOLUTE MAJORITY REQUIRED**

## ATTACHMENTS

1. **Summary of the points of differences between the 2013 and draft 2018 *Standing Orders Local Laws*.**
2. **Summary of the recommendations from the Department of Local Government, Sport and Cultural Industries.**
3. **Draft *Standing Orders Local Law 2018* inclusive of the Department's recommended changes.**

## COUNCIL RESOLUTION (OFFICER'S RECOMMENDATION)

That Council resolves to make the *Standing Orders Local Law 2018* inclusive of the changes recommended by the Department as they are considered not significantly different from what was proposed and note that no other submissions were received from the public during the consultation period.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR SALLY PALMER SECONDED**  
**CARRIED UNANIMOUSLY: 9/0**

Attachment 1

2012	Previous detail	2018 draft	Changes
<b>PART 1 - PRELIMINARY</b>		<b>PART 1 - PRELIMINARY</b>	
<b>1.1 Title</b>	Standing orders Local Law 2012	<b>1.1 Citation</b>	Similar wording for 2018 version.
<b>1.2 Commencement</b>	Commences 14th day after gazetted	<b>1.2 Commencement</b>	Similar wording.
<b>1.3 Application and intent</b>	Outline of purpose	<b>1.3 Application and intent</b>	Same wording except 'Standing Orders' is changed to 'Local laws'
<b>1.4 Definitions</b>	CEO, Minister etc	<b>1.4 Interpretation</b>	Similar wording
<b>1.5 Repeal</b>	Similar wording	<b>1.5 Repeal</b>	Similar wording
<b>PART 2 - MEETINGS</b>		<b>PART 3 - CALLING AND CONVENING MEETINGS</b>	
<b>2.1 Ordinary and Special Council meetings</b>	Monthly basis or as otherwise determined	<b>3.1 Ordinary and Special Council meetings</b>	No changes to wording
<b>2.2 Calling Council meetings</b>	CEO to give 72 hrs notice	<b>3.2 Calling Council meetings</b>	No changes to wording
<b>2.3 Convening Council meetings</b>	72 hrs or less if 1/3 of members and Mayor agree it to be urgent	<b>3.3 Convening Council meetings</b>	CEO can now also call urgent meeting with less than 72 hours' notice.
<b>2.4 Calling committee meetings</b>	Verbal or written request, min 1/3 of committee members	<b>3.4 Calling committee meetings</b>	Now only requires any two members to request CEO to call a meeting, previously required 1/3 of members.
<b>2.5 Public notice meetings</b>	As dealt with in Regs	<b>3.5 Public notice meetings</b>	No changes to wording
<b>PART 3 - PRESIDING MEMBER AND QUORUM</b>		<b>PART 4 - PRESIDING MEMBER AND QUORUM</b>	
<b><i>Division 1 - Who presides</i></b>			
<b>3.1 Who presides</b>	As dealt with in the Act	<b>4.1 Who presides</b>	No changes to wording
<b>3.2 When Deputy Mayor can act</b>	As dealt with in the Act	<b>4.2 When Deputy Mayor can act</b>	No changes to wording
<b>3.3 Who acts if no Mayor</b>	As dealt with in the Act	<b>4.3 Who acts if no Mayor</b>	No changes to wording
<b>3.4 Election of presiding members of committees</b>	As dealt with in the Act	<b>4.4 Election of presiding members of committees</b>	No changes to wording

2012	Previous detail	2018 draft	Changes
<b>3.5 Election of deputy presiding members</b>	As dealt with in the Act	4.5 Election of deputy presiding members	No changes to wording
<b>3.6 Functions of deputy presiding members</b>	As dealt with in the Act	4.6 Functions of deputy presiding members	No changes to wording
<b>3.7 Who can act if no presiding member</b>	As dealt with in the Act	4.7 Who can act if no presiding member	No changes to wording
<b>3.8 Functions of presiding member</b>	Ensure conduct of the meeting, questions of order and procedure	<b>Division 2 - Quorum</b>	
<b>3.9 Quorum for meetings</b>	As dealt with in the Act	4.8 Quorum for meetings	No changes to wording
<b>3.10 Reduction of quorum for Council meetings</b>	As dealt with in the Act	4.9 Reduction of quorum for Council meetings	No changes to wording
<b>3.11 Reduction of quorum for committee meetings</b>	As dealt with in the Act	4.10 Reduction of quorum for committee meetings	No changes to wording
<b>3.12 Procedure where no quorum to begin a meeting</b>	As dealt with in the Regulations	4.11 Procedure where no quorum to begin a meeting	No changes to wording
<b>3.13 Procedure where quorum not present during a meeting</b>	Presiding member to suspend for period or adjourn	4.12 Procedure where quorum not present during a meeting	Initial period for suspending proceedings is increased from 15 minutes to 30 minutes but no provision for further extension in same meeting
<b>3.14 Names to be recorded</b>	If suspended or adjourned, names of members present to be recorded	4.13 Names to be recorded	No changes to wording
<b>PART 4 - BUSINESS OF A MEETING</b>			
<b>4.1 Business to be specified</b>	No other business to be transacted other than that specified	5.1 Business to be specified	Wording condensed slightly - requirement for approval of presiding officer has been deleted.

2012	Previous detail	2018 draft	Changes
<b>4.2 Order of business</b>	Order of business from opening to closure	5.2 Order of business	Expanded to include Acknowledgement of Country and announcements of Presiding Member. Right of CEO to add items to the agenda has been deleted and Mayor's report has been deleted. .
<b>4.3 Grant of leave of absence</b>	As dealt with in the Act		
<b>4.4 Mayor's report</b>	Purpose and how the report is to be presented including time limit of 10 mins		
<b>4.5 Motions of which previous notice has been given</b>	Form of notice and min time required, lapses and amendments	5.3 Motions of which previous notice has been given	Wording condensed slightly, that time for submitting notice of motion has been increased from 7 days to 10 days.
<b>4.6 Urgent business</b>	Defines what are urgent matters which may be considered after prep of agenda and how they are to be debated	5.4 Urgent business	Generally the same wording condensed slightly, except that 'considered by the meeting' has been expanded to 'considered by the Presiding Officer or the CEO, or Member'
<b>4.7 Adoption by exception resolution</b>	Defines purpose and how to be adopted by simple or absolute majority	5.5 Adoption by exception resolution	Generally the same wording except that the reference to resolution being passed by absolute and simple majority has been deleted and the part relating to what adoption by exception may not be used for has been expanded to include matters that require a 75% majority or special majority.
<b>PART 5 - PUBLIC PARTICIPATION</b>			
<b>5.1 Meetings generally open to the public</b>	As dealt with in the Act	6.1 Meetings generally open to the public	No changes to wording

2012	Previous detail	2018 draft	Changes
<b>5.2 Meetings not open to the public</b>	CEO may recommend closure, to be by resolution of Council or committee	6.2 Meetings not open to the public	Generally the same wording except that ' any employee of the City unless specified in a resolution' is changed to 'any Officer specified by the Presiding Member'
<b>5.3 Question time for the public</b>	As dealt with in the Act	6.3 Question time for the public	Same wording except 'the Act and the Regulations' is now just 'the Act'
<b>5.4 Minimum question time for the public</b>	As dealt with in the Regulations	6.5 Minimum question time for the public	No changes to wording
		6.4 Question time for the public at certain meetings	Same wording as 6.5 except 'at certain meetings' has been added.
		6.5 Procedures for question time for the public at certain meetings	As dealt with in the Regulations
<b>5.5 Procedures for question time for the public</b>	As dealt with in the Regulations	6.6 Procedures for question time for the public	No changes to wording
<b>5.6 Other procedures for question time for the public</b>	Name and address to be given, up to 3 questions may be asked etc	6.7 Other procedures for question time for the public	The requirement for the public to direct prior notice though the CEO has been deleted and the requirement for the CEO to provide a written response 'within 10 workings days' has also been deleted. The requirement for relevant person to declare an interest in the matter has been added.
<b>5.7 Distinguished visitor</b>	Presiding officer may acknowledge	6.8 Distinguished visitor	Wording has been condensed slightly and the requirement for the Presiding Member to identify if a distinguished visitor is present has been removed.

2012	Previous detail	2018 draft	Changes
<b>5.8 Deputations to a committee</b>	Procedure for receiving deputations and addressing the committee	6.9 Deputations	Similar wording except that deputations may now be received at Council and Committee (previously only at Committee) and requirement has been added for deputations to leave the room at request of Presiding Member when other deputations are being heard.
<b>5.9 Petitions</b>	Format and presentation	6.10 Petitions	Similar wording except that 'petitioners' is changed to 'electors' and petitions must now also contain the date that each elector signed. Requirement for the petition to be 'respectful and temperate in its language' has been deleted.
		6.11 Presentations	Defines acceptance of a gift or award and when presentation to Council is to be made
<b>5.10 Participation at committee meetings</b>	Entitlements to attend as observer where not a member	6.12 Participation at committee meetings	Same wording except that person addressing the Committee is limited to 5 minutes (previously dealt with as 'Council may make a policy on 'the circumstances in which a person may be given consent to address a committee meeting'')
		6.13 Council or Committee may meet to hear public submissions	Where an item on the agenda is contentious, Council or the committee may resolve to meet at a later time to allow greater opportunity to hear public submissions.
<b>5.11 Public inspection of agenda materials</b>	As dealt with in the Regulations	6.14 Public inspection of agenda materials	More detail has been provided on regulations (regs 14) and right of public to inspect documents at the Civic Centre and on the City's website.

2012	Previous detail	2018 draft	Changes
<b>5.12 Confidentiality of information withheld</b>	Matters to be identified and marked as confidential, circumstances when it can be disclosed	6.15 Confidentiality of information withheld	Similar wording condensed slightly and \$5,000 penalty for non-compliance has been deleted
<b>5.13 Prevention of disturbance</b>	Mobile devices not to be used during meeting, presiding member may expel person causing disturbance	6.17 Prevention of disturbance	Similar wording but requirement for person observing a meeting to switch off their phone has been added and the \$1,000 penalty for non-compliance has been deleted.
<b>5.14 Proceedings not to be recorded</b>	Recording devices not to be used without written authorisation of presiding member	6.16 Recording of proceedings	Similar wording except that 'proceedings of a meeting' is changed to 'proceedings of the Council'
<b>PART 6 - QUESTIONS BY MEMBERS</b>		<b>PART 7 - QUESTIONS BY MEMBERS</b>	
<b>6.1 Questions during debate</b>	Member may ask a question, presiding member may consent to further questions	7 (1) - (5) Combined into one section	Reworded to be more specific re questions asked of officers
<b>6.2 Restrictions on questions and answers</b>	Questions to be brief and concise, answers may be qualified		Requirement to be concise has been condensed slightly
<b>PART 7 - CONDUCT OF MEMBERS</b>		<b>PART 8 - CONDUCT OF MEMBERS</b>	
<b>7.1 Members to occupy own seats</b>	CEO to allot seats by random draw after election	8.1 Members to be in their proper places	CEO allocation reworded slightly from 'chair' to 'position at table' and 'random draw' changed to 'alphabetically by ward' and requirement to occupy those seats until the next election has been deleted.
<b>7.2 Official titles to be used</b>	Speaker to use person's title	8.2 Titles to be used	Same wording except the word 'official' deleted and 'employee' changed to 'officer'

2012	Previous detail	2018 draft	Changes
<b>7.3 Entering or leaving a meeting</b>	Member to indicate to facilitate recording	8.3 Advice of entry or departure	Reworded title and requirement of member to advise Presiding Member on entry and leaving has been added.
<b>7.4 Members who wish to speak</b>	Member to indicate intention to speak by raised hand or other method determined by Council and to stand when invited to address meeting through presiding member	8.4 Members who wish to speak	Similar except that 'determined....by Council' changed to 'agreed....by Council' and the requirement to stand when addressing meeting through presiding member has been removed.
<b>7.5 Priority of speaking</b>	Where 2 or more members wish to speak, Presiding member to determine who speaks first	8.5 Priority of speaking	Expanded to cover Council procedure and committee meeting procedure. Requirement to cease speaking when directed by Presiding Member has been deleted.
<b>7.6 Presiding member may take part in debates</b>	Presiding member may take part in discussion on any matter before the meeting	8.6 Presiding member may take part in debates	Same wording other than removal of 'compliance with procedures' - Presiding Member's right to take part is now just subject to compliance with the Local Law
<b>7.7 Relevance</b>	Member to restrict remarks to motion or item under discussion	8.7 Relevance	Same wording except slightly expanded - 'irrelevant or repetitious remarks' now includes 'offensive or insulting language...or any breach of order or decorum'
<b>7.8 Speaking twice</b>	Member may only speak once except as mover, right of reply, point of order or explanation	8.8 Speaking twice	Same wording other than deletion of the second part in which a member who asks a question before speaking has not addressed the meeting.
<b>7.9 Duration of speeches</b>	Matter to be limited to 5 minutes	8.9 Duration of speeches	Same wording except that a second part has been added allowing an extension not exceeding 10 minutes.
<b>7.10 No speaking after conclusion of debate</b>	Member not to speak after mover has replied or question has been put	8.10 No speaking after conclusion of debate	No changes to wording

2012	Previous detail	2018 draft	Changes
<b>7.11 No interruption</b>	Member not to interrupt other than point of order, absence of quorum, explanation or procedural motion	8.11 No interruption	No change to wording except that 'member must not interrupt' is now 'Member is not to interrupt'
		8.12 Personal explanations	New section allowing a Member to make a personal explanation and Presiding Member may determine whether it is to be heard immediately or at end of speech of the other Member.
<b>7.12 No reopening of discussion</b>	Member must not reopen discussion except to move that decision be revoked or changed	8.13 No reopening of discussion	Same wording except that 'any Council or committee decision' is now just 'any Council decision'
<b>7.13 Offensive language</b>	Member must not use offensive or objectionable expressions	8.14 Adverse reflection	Now covered in 8.14 Adverse Reflection and penalties have been removed.
<b>7.14 Withdrawal of offensive language</b>	Member must withdraw when directed by presiding member and make apology	8.15 Withdrawal of offensive language	Member not to reflect adversely on decision or other member or officer
<b>7.15 Personal explanation</b>	Member to indicate intention to make personal explanation, presiding member to determine when to be heard	8.12 Personal explanation	Same wording but with additional right of the Presiding Member to refuse to hear the member further
<b>PART 8 - PRESERVING ORDER</b>		<b>PART 9 - PRESERVING ORDER</b>	
<b>8.1 Presiding officer to preserve order</b>	Members to be silent and seated when presiding member speaking	9.1 Presiding officer to preserve order	Same wording but 'rises or speaks' is now just 'speaks' and \$500 penalty has been deleted
<b>8.2 Point of order</b>	Member may object to speaker's remarks by point of order	9.2 Point of order	Same wording except that the examples of valid points of order have been deleted and 'Standing Orders' changed to 'Local laws'

2012	Previous detail	2018 draft	Changes
<b>8.3 Procedures on point of order</b>	Member not to be interrupted except by point of order	9.3 Procedures on point of order	Same wording except that 'member...must not be interrupted' is changed to 'member...is to stop speaking'
		9.4 Calling attention to breach	Member may at any time draw the Presiding Member's attention to a breach of this Local Law
<b>8.4 Ruling by the presiding member</b>	Presiding member to rule on any point of order	9.5 Ruling by the Presiding Member	No changes to wording
<b>8.5 Continued breach of order</b>	Conduct ruled out of order, presiding member may direct a member to refrain from taking any further part in meeting, other than voting.	9.6 Continued breach of order	No changes to wording
<b>8.6 Presiding member may adjourn meeting</b>	For purposes of preserving or regaining order, presiding member may adjourn meeting up to 15 minutes	9.7 Right of Presiding member to adjourn	No changes to wording other than slight change to heading
<b>PART 9 - DEBATE OF SUBSTANTIVE MOTIONS</b>		<b>PART 10 - DEBATE OF SUBSTANTIVE MOTIONS</b>	
<b>9.1 Motions to be stated and in writing</b>	When member is to state substance of motion and circumstances for when to put it in writing	10.1 Motions to be stated and in writing	Requirement to put in motion writing has been condensed. Part 2 requiring written terms of the motion or amendment to be given to CEO has been deleted.
<b>9.2 Motions to be supported</b>	Circumstances for when a substantive motion or amendment can be debated	10.2 Motions to be supported	No changes to wording
<b>9.3 Unopposed business</b>	Circumstances for when a motion may be declared carried.	10.3 Unopposed business	No changes to wording
<b>9.4 Only one substantive motion at a time</b>	Only one motion to be accepted or considered at a time	10.4 Only one substantive motion at a time	Wording has changed slightly - 'Council or committee' is now just 'Council'

2012	Previous detail	2018 draft	Changes
<b>9.5 Complex motions</b>	Presiding member may require a complex motion to be broken down.		
<b>9.6 Order of call in debate</b>	Presiding member to call speakers in order of mover and seconder, for and against alternating.	10.5 Order of call in debate	No changes to wording
<b>9.7 Limit of debate</b>	Right of reply and substantive motion.	10.6 Limit of debate	No changes to wording
<b>9.8 Member may require motion to be read.</b>	Member may require motion under discussion to be read.	10.7 Member may require question to be read. 10.8 Consent of seconder required for alteration	Wording same except that 'motion' is now 'question' Mover of a substantive motion cannot alter wording of motion without consent of seconder
<b>9.9 Order of amendments</b>	How order is to be determined for amendments to a substantive motion	10.9 Order of amendments 10.10 Form of amendment	No changes to wording Amendment must not add, delete or substitute words to the substantive motion
<b>9.10 Amendments must not negate original motion</b>	Amendment cannot negate the original motion or intent of the original motion	10.11 Amendment must not negate original motion	No changes to wording. Heading 'Amendments' becomes 'Amendment'
<b>9.11 Relevance of amendments</b>	Amendment must be relevant to the motion	10.12 Relevance of amendments	Same wording except that 'an amendment' becomes 'each amendment'
<b>9.12 Mover of motion may speak on an amendment</b>	Any member may speak during debate on an amendment	10.13 Mover of motion may speak on amendment	No changes to wording except 'an' deleted from heading.
<b>9.13 Effect of an amendment</b>	Where amendment to substantive motion is carried	10.14 Effect of an amendment	No changes to wording
<b>9.14 Withdrawal of motion and amendments</b>	Granting of leave to withdraw a substantive motion and amendment	10.15 Withdrawal of motion and amendments	Same wording, slightly condensed but now just refers to Council - previously 'Council or committee'.

2012	Previous detail	2018 draft	Changes
<b>9.15 Right of reply</b>	Mover of substantive motion has right of reply, substantive motion to be put to vote	10.16 Right of reply	Same wording but very slight change for right of reply for amendments moved to the substantive motion.
<b>PART 10 - PROCEDURAL MOTIONS</b>			<b>PART 11 - PROCEDURAL MOTIONS</b>
<b>10.1 Permissible procedural motions</b>	Lists the motions which may be moved by a member, including amendment to a substantive motion	11.1 Permissible procedural motions	Same wording except for removal of the word 'any'
<b>10.2 No debate</b>	Mover limited to 5 minutes to speak, seconder not to speak	11.2 No debate	No changes to wording
<b>10.3 Who may move</b>	Member speaking on substantive motion cannot move to close debate	11.3 Who may move	Same wording apart for minor changes
<b>10.4 Right of reply on substantive motion</b>	Procedural motion does not deny right of reply of the mover of the substantive motion	11.4 Procedural motions - right of reply on substantive motion	Same wording apart from minor change to heading
<b>10.5 Meeting to proceed to the next business</b>	Motion to proceed to next item ceases debate on the substantive motion	11.5 Meeting to proceed to the next business	Same wording apart from change of 'the meeting' to 'the Council'
<b>10.6 Item to be referred or adjourned</b>	Motion to defer item is to include when or to who it is to be referred	11.6 Item to be referred or adjourned	The requirement for the date /time for matter to be adjourned has been deleted.
<b>10.7 Meeting now adjourn</b>	Motion to adjourn is to include time and date	11.7 Meeting now adjourn	Motion to adjourn is to include time and date
<b>10.8 Motion to be put</b>	If motion is carried, presiding member to offer right of reply	11.8 Question to be put	If motion is carried, Presiding Member to offer right of reply
<b>10.9 Member to be no longer heard</b>	If motion is carried, speaker against cannot speak further	11.9 Member to be no longer heard	If motion is carried, speaker against cannot speak further
<b>10.10 Ruling of the presiding member be disagreed with</b>	If motion to disagree with ruling of presiding member is carried, ruling to have no effect	11.10 Ruling of the Presiding Member be disagreed with	If motion to disagree with ruling of Presiding Member is carried, ruling to have no effect

2012 Previous detail	2018 draft	Changes
<b>PART 11 - DISCLOSURE OF INTERESTS</b>		<b>PART 12 - DISCLOSURE OF INTERESTS</b>
<b>11.1 Disclosure of interests</b>	Requirements are dealt with in the Act	12.1 Disclosure of interests
<b>11.2 Separation of committee recommendations</b>	Recommendation including a financial interest to be separated from other recommendations of the committee	
<b>PART 12 - VOTING</b>		<b>PART 13 - VOTING</b>
<b>12.1 Motion - when put</b>	Motion to be put immediately after debate	13.1 Question - when put
<b>12.2 Voting</b>	Voting is dealt with in the Act and Regulations	13.2 Voting
<b>12.3 Majorities required for decisions</b>	Dealt with in the Act	13.3 Majorities required for decisions
<b>12.4 Questions - method of taking vote</b>	Presiding member to count votes for and against	13.4 Method of taking vote
<b>12.5 Recording of votes</b>	Votes to be recorded in minutes	
<b>PART 13 - KEEPING OF MINUTES</b>		<b>PART 14 - KEEPING OF MINUTES</b>
<b>13.1 Keeping of minutes</b>	Deal with in the Act	14.1 Keeping of minutes
<b>13.2 Content of minutes</b>	As dealt with in the Regulations, with addition that reasons for refusal of a licence, permit or certificate to be included	14.2 Content of minutes
<b>13.3 Public inspection of unconfirmed minutes</b>	As dealt with in the Regulations	14.3 Public inspection of unconfirmed minutes

2012	Previous detail	2018 draft	Changes
<b>13.4 Confirmation of minutes</b>	CEO to give members unconfirmed minutes within 10 days of Council meeting and within 5 days of committee meeting, member may propose motion to amend	14.4 Confirmation of minutes	Time limits for distribution (10 days for unconfirmed minutes of Council and 5 days for unconfirmed minutes of Committee) have been deleted but new time limit has been added of 7 working days for members to provide alternative wording before the next meeting.
<b>PART 14 - IMPLEMENTING DECISIONS</b>			<b>PART 16 - REVOKING, CHANGING OR IMPLEMENTING DECISIONS</b>
<b>14.1 Requirements to revoke or change decisions</b>	Dealt with in regulation 10	16.1 Requirements to revoke or change decisions	
<b>14.2 Meaning of terms</b>	Definitions of "authorisation", "implement" and "valid notice of revocation notice"		
<b>14.3 Limitations on powers to revoke or change decisions</b>	Council or committee cannot consider motion to change decisions actioned or concerning authorisation or procedural in form or effect, except in writing with CEO advice of consequences	16.2 Limitations on powers to revoke or change decisions	Same wording except reference to decisions relating to granting of an authorisation has been deleted, and requirement for CEO to be involved in advising legal and financial consequences has also been deleted.
<b>14.4 Implementing a decision</b>	Circumstances for when a decision can take effect - immediate or next business day, public attending meeting to be informed	16.3 Implementing a decision	Definitions have been removed. All else the same except that 'after 12 noon of the first business day after' has been changed to 'afternoon of the first business day after'
<b>PART 15 - SUSPENSION AND NON-APPLICATION OF STANDING ORDERS</b>			<b>PART 17 - SUSPENSION AND NON-APPLICATION OF STANDING ORDERS</b>

2012	Previous detail	2018 draft	Changes
<b>15.1 Suspension of standing orders</b>	Member may move that one or more clauses of Standing Orders be suspended	17.1 Suspension of standing orders	Wording condensed slightly and 'clauses' changed to 'provisions' and 'Standing Orders' changed to 'Local laws'
<b>15.2 Where standing orders do not apply</b>	Where Standing Orders are suspended, presiding member to decide questions relating to conduct of the meeting	17.2 Where standing orders do not apply	Same wording except 'Standing Orders' changed to 'Local laws'
		17.3 Case not provided for in Local laws	Presiding Member to decide questions of order, procedure, debate or other where local law, Act or Regs are silent
<b>PART 16 - COMMITTEES</b>		<b>PART 2 - ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES</b>	
<b>16.1 Establishment and appointment of Committees</b>	Deal with in the Act. Resolution to establish committee to include terms of reference and member details	2.1 Establishment and membership of Committees	Same wording except that 'employees' changed to 'officers' and insertion of 'These Local laws are to apply to the conduct of Committee meetings'
<b>16.2 Types of committees</b>	Dealt with in the Act	2.2 Types of committees	No changes to wording
<b>16.3 Delegation of some powers and duties to certain committees</b>	Dealt with in the Act	2.3 Delegation of some powers and duties to certain committees	No changes to wording
<b>16.4 Limits on delegation of powers and duties to certain committees</b>	Dealt with in the Act	2.4 Limits on delegation of powers and duties to certain committees	No changes to wording
<b>16.5 Appointment of committee members</b>	Dealt with in the Act	2.5 Appointment of committee members	No changes to wording
<b>16.6 Tenure of committee membership</b>	Dealt within the Act	2.6 Tenure of committee membership	No changes to wording
<b>16.7 Appointment of deputies</b>	Dealt with in the Act		

2012	Previous detail	2018 draft	Changes
<b>16.8 Resignation of committee members</b>	Dealt with in the Regulations	2.7 Resignation of committee members	No changes to wording
		2.8 Register of delegations to Committee	No changes to wording
		2.9 Committees to report	Committee is answerable to Council and is to report as required by Council
<b>16.9 Register of delegations to committees</b>	Dealt with in the Act		
<b>16.10 Standing Orders to apply</b>	Requirement to stand when speaking - clause 7.4 doesn't apply to committees	Refer to 2.1 (3) - applies to Committees	Note: Requirement to stand when speaking in Council meetings appears to have been deleted?
<b>16.11 Committee to report</b>	Committee answerable to Council, reports to contain recommendations		
<b>16.12 Reports of committees - questions</b>	Where recommendation of committee is put to Council, member of Council may direct questions to any member of the committee		
<b>16.13 Permissible motions on committee recommendations</b>	Recommendation of committee to Council may be adopted, rejected or referred back for further consideration		
<b>PART 17 - MEETING OF ELECTORS</b>		<b>PART 18 - MEETING OF ELECTORS</b>	
<b>17.1 Elector's general meetings</b>	Dealt with in the Act	18.1 Elector's general meetings	No changes to wording
<b>17.2 Matters for discussion at general elector's meeting</b>	Dealt with in the regulations	18.2 Matters for discussion at general elector's meeting	No changes to wording

2012	Previous detail	2018 draft	Changes
<b>17.3 Elector's special meetings</b>	Dealt with in the Act	18.3 Elector's special meetings	No changes to wording
<b>17.4 Requests for elector's special meetings</b>	Dealt with in the Regulations	18.4 Requests for elector's special meetings	No changes to wording
<b>17.5 Convening elector's meetings</b>	Dealt with in the Act	18.5 Convening elector's meetings	No changes to wording
<b>17.6 Who presides at elector's meetings</b>	Dealt with in the Act	18.6 Who presides at elector's meetings	No changes to wording
<b>17.7 Procedure for elector's meetings</b>	Dealt with in the Act and Regulations. Presiding member to have regard for Standing Orders when determining meeting procedure	18.7 Procedure for elector's meetings	No changes to wording
<b>17.8 Participation of non-electors</b>	Non electors not to participate in discussion at elector's meeting unless permitted by resolution of the meeting	18.8 Participation of non-electors	No changes to wording
<b>17.9 Voting at elector's meeting</b>	Dealt with in the regulations	18.9 Voting at elector's meeting	No changes to wording
<b>17.10 Minutes of elector's meeting</b>	Dealt with in the Act	18.10 Minutes of elector's meeting	No changes to wording
<b>17.11 Decisions made at elector's meetings</b>	Dealt with in the Act	18.11 Decisions made at elector's meetings	No changes to wording
<b>PART 18 - ENFORCEMENT</b>			
<b>18.1 Penalty for breach</b>	Penalty \$5,000 for breach of standing orders, daily penalty \$500	19.1 Penalty for breach	No changes to wording
<b>18.2 Who can prosecute</b>	Dealt with in the Act	19.2 Who can prosecute	No changes to wording
<b>PART 19 - COMMON SEAL</b>			

2012	Previous detail	2018 draft	Changes
<b>19.1 Custody of the Common Seal</b>	CEO to have charge of the common seal of the City, safe custody and proper use of it		
<b>19.2 Use of the Common Seal</b>	Dealt with in the Act		

**Attachment 2**

From: Michelle Wong [mailto:michelle.wong@dlgsc.wa.gov.au]

Sent: Wednesday, 8 August 2018 9:21 AM

To: Bayswater Mail

Subject: City of Bayswater Standing Local Law 2018 - Department Comments

Dear Mr Brien

This email is in response to your letter dated 5 July 2018 addressed to the Minister for Local Government regarding the City's proposed local law.

The Department's comments are noted below. Please contact me if you have any queries regarding the comments.

**City of Bayswater Standing Local Law 2018**

**1. Page Numbers**

It is suggested that the page numbers be removed from the contents page and the corners of the local law, as these page numbers may not be accurate once the local law is published in the Government Gazette.

Since the contents page lists the clause numbers, this should be sufficient to help people to navigate the local law. If the City intends to keep a version of the local law on its website, the page numbers can be retained in that version without issue.

**2. Clause 1.2 – commencement**

The City should amend clause 1.2 in accordance with best practices as follows:

---

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

---

**3. Clause 1.5 – repeal**

It is suggested that clause 1.5 be reworded as follows:

---

This local law repeals the City of Bayswater Standing Orders Local Law 2013 as published in the Government Gazette on 13 June 2013.

---

**4. Clause formatting**

Where the City only intends to only include one subclause, the City need not insert a subclause. For example clause 1.1 can be amended as follows

---

### 1.1 Citation

This local law may be cited...

---

The City should also amend clause 8.8.

### 5. Clause 6.16 – recordings of proceedings

In clause 6.16, it is suggested that the word “vocal” should be replaced with “audio”.

It is also noted that the clause does not expressly state that the Council should be notified when a recording is to occur.

For this reason, the City may also find it useful to add a new subclause stating:

---

(2) If the Presiding Member grants permission under subclause (1), the presiding member is to advise the meeting, before the recording is commenced, that the recording is permitted and the extent of that permission.

---

### 6. Clause 8.7 – relevance

It is suggested that the term “decorum” be deleted from clause 8.7(2)(ii). This term is vague and can be subject to a variety of interpretations.

The City should consider whether this clause should be deleted entirely, since clause 8.7(2)(a)(i) already seems to provide enough coverage to deal with this matter.

### 7. Clause 19.1 – penalty for breach

It is suggested that the penalty for a breach of the local law is reduced to \$1,000 with a daily penalty of \$100 for continuing offences.

Offences under standing orders are relatively minor when compared to local laws that involve matters of public safety or local government property. The Delegated Legislation Committee has previously requested undertakings when local governments

try to impose the maximum penalty permitted under the Local Government Act 1995.

### 8. Clause formatting

It is suggested that clause 8.15(1) be amended by deleting the designation (c) so that it appears as follows::

---

(b) is offensive or insulting,

must, when directed by the Presiding Member...

---

It is also suggested that clause 9.6 be reformatted in a similar manner.

## 9. Minor Comments

- \* The City need only include either "Table or Contents" or "Arrangement" and format it as mentioned.
- \* Replace all instances of "these Local Laws" with "this local law".
- \* Where a clause branches out into paragraphs, the point of branching should be signified with a dash rather than a colon.
- \* Clause 2.1(3): change "These Local Laws are" to "this local law is".
- \* Local law heading: amend local law heading as follows

---

## LOCAL GOVERNMENT ACT 1995

## CITY OF BAYSWATER

## STANDING ORDERS LOCAL LAW 2018

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\*

- \* Contents: move "Part 6 – Public participation" to the next page.
- \* Clause 1.4: in "simple majority", remove the comma after "and".
- \* Spacing:
  - o Remove the additional space between clause 3.5 and Part 4.
  - o Remove the additional space in between 5.2 and 5.3.
  - o Remove the additional space in between 11.6 and 11.7.
- \* Presiding Member: ensure that capitals are used consistently for "Presiding Member" throughout the local law for example:
  - o In clause 5.3(7), 5.4(3), 6.9(8), 6.17(6) and 6.17(7), replace "presiding member" and "presiding Member" with "Presiding Member".
  - \* Clause 3.3(2): After "5.5" insert "of the Act".
  - \* Clause 4.13: remove the dash before "the names".
  - \* Clause 5.1(4): remove the space between "that" and the colon.
  - \* Clause 5.3(1): in the order of business, the sub items (e.g. 4.1, 4.2, 4.3) should be indented to the right to distinguish them from their parent items.
  - \* Clause 6.7: Remove the capital letter from all instances of "Member of the public".
  - \* Clause 6.10: insert a space between "subclause" and "(3)".
  - \* Clause 6.12(8): remove "sub-clause" and replace with "subclause".

- \* Clause 6.17(1):
  - o Replace "member" with "Member".
  - o Replace "officer" with "Officer".
- \* Clause 8.11(d): Remove the brackets and replace "see" with "under".
- \* Clause 8.14:
  - o Insert a comma at the end of paragraph (b); and
  - o remove the dash before "unless".
- \* Part 7: insert new clause title in part 7 as follows:

"7.1 Questions by Members"
- \* Clause 8.9: renumber subclauses "(2)" and "(3)" to "(1)" and "(2)" respectively.
- \* Clause 9.5(2): It is suggested that paragraph (a) be deleted. It is potentially inconsistent with paragraph (b), since any motion under that paragraph will involve some level of debate or comment.
- \* Clause 11.1: insert a "and" after the semicolon in subclause (g).
- \* Clause 11.6: change subclause "(a)" and "(b)" to "(1)" and "(2)" and align them to the left so they match other subclauses.
- \* Clause 14.2(2): After "regulation 11" insert "of the Regulations".
- \* Clause 15.2(c): delete "[speaking twice]".
- \* Clause 17.1(3): delete the dash before "is to suspend".
- \* Clause 17.2(1)
  - o Paragraph (a): remove the extra space between the semicolon and "or".
  - o Paragraph (b): Remove the dash before "the Presiding Member is".
- \* Clause 17.3:
  - o Split the clause into two subclauses, one for each sentence.
  - o In the second sentence, replace "in these cases" with "under subclause (1)".

Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the City has published a local law in the Government Gazette, the City must comply with the requirements of the Minister's Local Laws Explanatory Memoranda Directions 2010. The City must, within 10 working days of the Gazette publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk

Joint Standing Committee on Delegated Legislation

Legislative Council Committee Office

GPO Box A11

PERTH WA 6837

Email: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)

Tel: 9222 7404

Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au). Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- \* have been provided to assist the City with drafting matters in relation to the local law;
- \* do not constitute legal advice;
- \* have been provided in good faith for the City's consideration; and
- \* should not be taken as an approval of content.

The City should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the City's policies and objectives.

Kind regards,

Michelle Wong

Legislation Officer

Department of Local Government, Sport and Cultural Industries

140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone

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Email

[michelle.wong@dlgsc.wa.gov.au](mailto:michelle.wong@dlgsc.wa.gov.au)

**Attachment 3**

WESTERN AUSTRALIA

**Local Government Act 1995**

City of Bayswater

**Standing Orders Local Law 2018****Table of Contents****Part 1 - Preliminary**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application and intent
- 1.4 Interpretation
- 1.5 Repeal

**Part 2 - Establishment and Membership of Committees**

- 2.1 Establishment of Committees
- 2.2 Types of Committees
- 2.3 Delegation of some powers and duties to certain Committees
- 2.4 Limits on delegation of powers and duties to certain Committees
- 2.5 Appointment of Committee Members
- 2.6 Tenure of Committee Membership
- 2.7 Resignation of Committee Members
- 2.8 Register of delegations to Committees
- 2.9 Committees to report

**Part 3 - Calling and convening meetings**

- 3.1 Ordinary and special Council meetings
- 3.2 Calling Council meetings
- 3.3 Convening Council meetings
- 3.4 Calling Committee meetings
- 3.5 Public notice of meetings

**Part 4 – Presiding Member and quorum***Division 1: Who presides*

- 4.1 Who presides
- 4.2 When the Deputy Mayor can act
- 4.3 Who acts if no Mayor
- 4.4 Election of Presiding Members of Committees
- 4.5 Election of Deputy Presiding Members of Committees
- 4.6 Functions of Deputy Presiding Members
- 4.7 Who acts if no Presiding Member

*Division 2 – Quorum*

- 4.8 Quorum for meetings
- 4.9 Reduction of quorum for Council meetings
- 4.10 Reduction of quorum for Committee meetings
- 4.11 Procedure where no quorum to begin a meeting
- 4.12 Procedure where quorum not present during a meeting
- 4.13 Names to be recorded

**Part 5 - Business of a meeting**

- 5.1 Business to be specified
- 5.2 Order of business
- 5.3 Motions of which previous notice has been given
- 5.4 New business of an urgent nature
- 5.5 Adoption by exception resolution

**Part 6 - Public participation**

- 6.1 Meetings generally open to the public

- 6.2 Meetings not open to the public
- 6.3 Question time for the public
- 6.4 Question time for the public at certain meetings
- 6.5 Minimum question time for the public
- 6.6 Procedures for question time for the public
- 6.7 Other procedures for question time for the public
- 6.8 Distinguished visitors
- 6.9 Deputations
- 6.10 Petitions
- 6.11 Presentations
- 6.12 Participation at Committee meetings
- 6.13 Council or Committee may meet to hear public submissions
- 6.14 Public Inspection of agenda materials
- 6.15 Confidentiality of information withheld
- 6.16 Recording of proceedings
- 6.17 Prevention of disturbance

**Part 7 - Questions by Members****Part 8 – Conduct of Members**

- 8.1 Members to be in their proper places
- 8.2 Titles to be used
- 8.3 Advice of entry or departure
- 8.4 Members to indicate their intention to speak
- 8.5 Priority of speaking
- 8.6 Presiding Member may take part in debates
- 8.7 Relevance
- 8.8 Speaking twice
- 8.9 Duration of speeches
- 8.10 No speaking after conclusion of debate
- 8.11 No interruption
- 8.12 Personal explanations
- 8.13 No reopening of discussion
- 8.14 Adverse reflection
- 8.15 Withdrawal of offensive language

**Part 9 - Preserving order**

- 9.1 Presiding Member to preserve order
- 9.2 Point of order
- 9.3 Procedures on a point of order
- 9.4 Calling attention to breach
- 9.5 Ruling by the Presiding Member
- 9.6 Continued breach of order
- 9.7 Right of Presiding Member to adjourn

**Part 10 - Debate of substantive motions**

- 10.1 Motions to be stated and in writing
- 10.2 Motions to be supported
- 10.3 Unopposed business
- 10.4 Only one substantive motion at a time
- 10.5 Order of call in debate
- 10.6 Limit of debate
- 10.7 Member may require question to be read
- 10.8 Consent of seconder required for alteration
- 10.9 Order of amendments
- 10.10 Form of an amendment
- 10.11 Amendment must not negate original motion
- 10.12 Relevance of amendments
- 10.13 Mover of motion may speak on amendment
- 10.14 Effect of an amendment

- 10.15 Withdrawal of motion or amendment
- 10.16 Right of reply

**Part 11 - Procedural motions**

- 11.1 Permissible procedural motions
- 11.2 No debate
- 11.3 Who may move
- 11.4 Procedural motions - right of reply on substantive motion
- 11.5 Meeting to proceed to the next business
- 11.6 Item to be referred or adjourned
- 11.7 Meeting now adjourn
- 11.8 Question to be put
- 11.9 Member to be no longer heard
- 11.10 Ruling of the Presiding Member to be disagreed with

**Part 12 - Disclosure of interests**

- 12.1 Disclosure of interests

**Part 13 - Voting**

- 13.1 Question - when put
- 13.2 Voting
- 13.3 Majorities required for decisions
- 13.4 Method of taking vote

**Part 14 - Minutes of meetings**

- 14.1 Keeping of minutes
- 14.2 Content of minutes
- 14.3 Public inspection of unconfirmed minutes
- 14.4 Confirmation of minutes

**Part 15 - Adjournment of meeting**

- 15.1 Meeting may be adjourned
- 15.2 Effect of adjournment

**Part 16 - Revoking, changing or implementing decisions**

- 16.1 Requirements to revoke or change decisions
- 16.2 Limitations on powers to revoke or change decisions
- 16.3 Implementing a decision

**Part 17 - Suspension of Local Laws**

- 17.1 Suspension of Local Laws
- 17.2 Where Local Laws do not apply
- 17.3 Cases not provided for in Local Laws

**Part 18 - Meetings of electors**

- 18.1 Electors' general meetings
- 18.2 Matters for discussion at electors' general meetings
- 18.3 Electors' special meetings
- 18.4 Requests for electors' special meetings
- 18.5 Convening electors' meetings
- 18.6 Who presides at electors' meetings
- 18.7 Procedure for electors' meetings
- 18.8 Participation of non-electors
- 18.9 Voting at electors' meetings
- 18.10 Minutes of electors' meetings
- 18.11 Decisions made at electors' meetings

**Part 19 - Enforcement**

- 19.1 Penalty for breach
- 19.2 Who can prosecute

**CITY OF BAYSWATER**  
**STANDING ORDERS LOCAL LAW 2018**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the City of Bayswater resolved on [INSERT DATE] to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *City of Bayswater Standing Orders Local Law 2018*.

**1.2 Commencement**

This Local Law comes into operation this local law 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application and intent**

- (1) This local law provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law are intended to result in-
  - (a) better decision-making by the Council and Committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) the more efficient and effective use of time at meetings.

**1.4 Interpretation**

- (1) In this local law-

***absolute majority*** has the meaning given to it in the Act;

***75% majority*** has the meaning given to it in the Act;

***Act*** means the *Local Government Act 1995*;

***CEO*** means the Chief Executive Officer of the Local Government;

***Committee*** means a Committee of the Council established under section 5.8 of the Act;

***Committee meeting*** means a meeting of a Committee;

***Committee meeting open to the public*** means a meeting of a Committee to which section 5.23 of the Act applies.

***Council*** means the Council of the City of Bayswater;

***Local Government*** means the City of Bayswater;

***Mayor*** means the Mayor of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

***meeting*** means a meeting of the Council or a Committee, as the context requires;

***Member*** has the meaning given to it in the Act;

**Officer** means a person employed by the Local Government under section 5.36 of the Act;

**Presiding Member** means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a Committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

**Regulations** means the *Local Government (Administration) Regulations 1996*;

**simple majority** means more than 50% of the Members present and voting; and

**substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

#### 1.5 **Repeal**

This local law repeals the *City of Bayswater Standing Orders Local Law 2013* as published in the *Government Gazette* on 13 June 2013.

## **Part 2 – Establishment and Membership of Committees**

#### 2.1 **Establishment of Committees**

(1) The establishment of Committees is dealt with in the Act.

- (2) A Council resolution to establish a Committee under section 5.8 of the Act is to include-
  - (a) the terms of reference of the Committee;
  - (b) the number of council Members, Officers and other persons to be appointed to the Committee;
  - (c) the names or titles of the council Members and Officers to be appointed to the Committee;
  - (d) the names of other persons to be appointed to the Committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the Committee under section 5.16 of the Act.

- (3) This local law is to apply to the conduct of Committee meetings.

#### 2.2 **Types of Committees**

The types of Committees are dealt with in the Act.

#### 2.3 **Delegation of some powers and duties to certain Committees**

The delegation of some powers and duties to certain Committees is dealt with in the Act.

#### 2.4 **Limits on delegation of powers and duties to certain Committees**

The limits on the delegation of powers and duties to certain Committees are dealt with in the Act.

#### 2.5 **Appointment of Committee Members**

The appointment of Committee Members is dealt with in the Act.

#### 2.6 **Tenure of Committee Membership**

Tenure of Committee Membership is dealt with in the Act.

#### 2.7 **Resignation of Committee Members**

The resignation of Committee Members is dealt with in the Regulations.

#### 2.8 **Register of delegations to Committees**

The register of delegations to Committees is dealt with in the Act.

**2.9 Committees to report**

A Committee-

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

**Part 3 - Calling and convening meetings****3.1 Ordinary and special Council meetings**

(1) Ordinary and special Council meetings are dealt with in the Act.

(2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

**3.2 Calling Council meetings**

The calling of Council meetings is dealt with in the Act.

**3.3 Convening Council meetings**

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.

(3) Where, in the opinion of the Mayor, the CEO or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

**3.4 Calling Committee meetings**

The CEO is to call a meeting of any Committee when requested by the Mayor, the Presiding Member of a Committee or any two Members of that Committee.

**3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

**Part 4 – Presiding Member and quorum***Division 1: Who presides***4.1 Who presides**

Who presides at a Council meeting is dealt with in the Act.

**4.2 When the Deputy Mayor can act**

When the Deputy Mayor can act is dealt with in the Act.

**4.3 Who acts if no Mayor**

Who acts if there is no Mayor is dealt with in the Act.

**4.4 Election of Presiding Members of Committees**

The election of Presiding Members of Committees and their deputies is dealt with in the Act.

**4.5 Election of Deputy Presiding Members of Committees**

The election of Deputy Presiding Members of Committees is dealt with in the Act.

**4.6 Functions of Deputy Presiding Members**

The functions of Deputy Presiding Members are dealt with in the Act.

**4.7 Who acts if no Presiding Member**

Who acts if no Presiding Member is dealt with in the Act.

***Division 2 – Quorum*****4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

**4.9 Reduction of quorum for Council meetings**

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

**4.10 Reduction of quorum for Committee meetings**

The reduction of a quorum for Committee meetings is dealt with in the Act.

**4.11 Procedure where no quorum to begin a meeting**

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

**4.12 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present, the Presiding Member is-

- (a) immediately to suspend the proceedings of the meeting for a period of up to 30 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

**4.13 Names to be recorded**

At any meeting-

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

the names of the Members then present are to be recorded in the minutes.

**Part 5 - Business of a meeting****5.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Council.
- (2) No business is to be transacted at a Committee meeting open to the public other than that specified in the agenda of the Committee.
- (3) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (4) Subject to subclause (5), no business is to be transacted at an adjourned meeting of the Council or a Committee meeting open to the public other than that-
  - (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved.
- (5) Where a meeting is adjourned to the next ordinary meeting of the Council, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

**5.2 Order of business**

- (1) Unless otherwise decided by the Council then the order of business at any ordinary meeting of the Council is to be as follows-
  1. Official Opening
  2. Acknowledgment of Country
  3. Announcements from the Presiding Member

4. Attendance
  - 4.1 Apologies
  - 4.2 Approved leave of absence
  - 4.3 Applications for leave of absence
5. Declaration of interest
6. Public Question Time
  - 6.1 Response to previous public questions taken on notice
  - 6.2 Public question time
7. Confirmation of minutes
8. Presentations
  - 8.1 Petitions
  - 8.2 Presentations
  - 8.3 Deputations
  - 8.4 Delegates' reports
9. Method of dealing with agenda business
10. Reports
11. Motions of which previous notice has been given
12. Questions from Members without notice
13. New business of an urgent nature introduced by decision of the meeting
14. Meeting closed to public
  - 14.1 Matters for which the meeting may be closed
  - 14.2 Public reading of resolutions that may be made public
15. Closure

- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

### 5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.
- (3) The CEO -
  - (a) may, with the concurrence of the Mayor, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
  - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (4) A motion of which notice has been given is to lapse unless-
  - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (5) If a notice of motion is given and lapses under subclause (4), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

- (6) An amendment, other than a minor amendment, to a motion of which notice has been given is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00pm on the last working day proceeding the day of the meeting.
- (7) For the purpose of subclause (6) the Presiding Member—
  - (a) is to determine whether an amendment is a minor amendment; and
  - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

#### **5.4 New business of an urgent nature**

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is raised by a Member and carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member or the CEO, or Member moving a motion referred to in clause 5.4(1) to be of such importance and urgency that such matters are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.
- (3) Before debate begins on a matter under this clause the Presiding Member may ask the CEO or the CEO's nominee to give a verbal report to the meeting.
- (4) The minutes of the meeting are to include—
  - (a) a summary of any verbal report and any recommendations of the CEO or the CEO's nominee; and
  - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

#### **5.5 Adoption by exception resolution**

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council or a Committee that has the effect of adopting, for a number of specifically identified reports, the Officer's recommendation as the Council or Committee resolution.
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution 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 recommendation.

## **Part 6 - Public participation**

#### **6.1 Meetings generally open to the public**

Meetings being generally open to the public is dealt with in the Act.

#### **6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to Members of the public.
- (2) The Council or a Committee meeting that is open to the public, may in one or more of the circumstances dealt with in the Act, at any time, by resolution, decide to close the meeting or part of the meeting.

- (3) If a resolution under subclause (2) is carried-
  - (a) the Presiding Member is to direct everyone to leave the meeting except:
    - (i) the Members;
    - (ii) the CEO; and
    - (iii) any Officer specified by the Presiding Member;
    - (iv) any other person specified in a resolution; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the Committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice.
- (6) Unless the Council or the Committee resolves otherwise, once the meeting is reopened to Members of the public, the Presiding Member is to ensure that any resolution of the Council or the Committee made while the meeting was closed is to be read out, including a vote of a Member, to be included in the minutes.

**6.3 Question time for the public**

Question time for the public is dealt with in the Act.

**6.4 Question time for the public at certain meetings**

Question time for the public at certain meetings is dealt with in the Regulations.

**6.5 Minimum question time for the public**

Minimum question time for the public is dealt with in the Regulations.

**6.6 Procedures for question time for the public**

Procedures for question time for the public are dealt with in the Regulations.

**6.7 Other procedures for question time for the public**

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A member of the public who raises a question is to ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.
- (3) A question may be taken on notice for later response.
- (4) When a question is taken on notice the CEO is to ensure that-
  - (a) a response is given to the Member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting.
- (5) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to-
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (6) Each member of the public with a question is entitled to ask up to 3 questions before other Members of the public will be invited to ask their questions.
- (7) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (8) The Presiding Member may decide that a public question shall not be responded to where-

- (a) the same or similar question was asked at a previous meeting, a response was provided and the Member of the public is directed to the minutes of the meeting at which the response was provided;
- (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
- (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(9) The Council or a Committee meeting open to the public, by resolution, may agree to extend public question time.

(10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

#### **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council or a Committee open to the public, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

#### **6.9 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council or a Committee open to the public is to either-
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant decision making forum, either Council or a Committee, to decide by simple majority whether or not to receive the deputation.
- (3) Deputations in relation to a decision which requires absolute or special majority should be made to Council, in all other circumstances Deputations should be referred to the forum making the final decision on the matter.
- (4) Unless Council or the Committee meeting resolves otherwise, a deputation invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (5) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (6) For the purposes of this clause, unless Council or the Committee resolves otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) Unless Council or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council or a Committee open to the public is not to be decided by Council or the Committee until the deputation has completed its presentation.
- (8) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.

#### **6.10 Petitions**

- (1) A petition is to -
  - (a) be addressed to the Mayor or to Council or the Local Government;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;

- (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request; and
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant Officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any Council meeting or a Committee meeting open to the public, the meeting is not to vote on any matter that is the subject of a petition presented to that meeting, unless-
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council or Committee has considered the issues raised in the petition.

**6.11 Presentations**

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the both the CEO and the Presiding Member.

**6.12 Participation at Committee meetings**

- (1) In this clause a reference to a person is to a person who-
  - (a) is entitled to attend a Committee meeting;
  - (b) attends a Committee meeting; and
  - (c) is not a Member of that Committee.
- (2) Without the consent of the Presiding Member, no person is to address a Committee meeting.
- (3) A Member may attend, as an observer, any meeting of a Committee of which he or she is not a Member or the deputy of a Member.
- (4) The Presiding Member of a Committee may allow a person to make an oral submission to the Committee for up to 5 minutes.
- (5) A person addressing the Committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (6) A person who fails to comply with a direction of the Presiding Member under subclause (5) may, by order of the Presiding Member, be removed from the Committee room.
- (7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a Committee meeting.
- (8) Subclause (2) does not apply in the case of a deputation to a Committee meeting open to the public received under clause 6.9.

**6.13 Council or Committee may meet to hear public submissions**

- (1) Where an item on the agenda at a Council meeting or a Committee meeting open to the public, is contentious the Council or Committee may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council or Committee resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall-

- (a) instruct the CEO to provide local public notice of the time and date when the Council or Committee will meet to provide an opportunity to be heard;
- (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all Members of the public who have applied under clause 6.9 to make a deputation on the issue; and
- (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

(4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council or Committee shall not make resolutions at a meeting to provide the opportunity to be heard.

(5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.

(6) A Member of the public shall be limited to 5 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member or by resolution or Council or the committee.

(7) Once every Member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting or Committee meeting open to the public (whichever is relevant) summarising each submission made at the meeting.

(9) The Council or a Committee meeting open to the public must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

#### **6.14 Public Inspection of agenda materials**

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at 61 Broun Avenue, Morley, WA 6062 and on the Local Government's website.

#### **6.15 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be-
  - (a) identified in the agenda of a meeting under the item "Matters for which meeting may be closed";
  - (b) marked "Confidential" in the agenda; and
  - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A Member or an Officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another Member or an Officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a Member or Officer discloses the information to his or her lawyer or government Officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

#### **6.16 Recording of proceedings**

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
- (2) If the Presiding Member grants permission under subclause (1), the Presiding Member is to advise the meeting, before the recording is commenced, that the recording is permitted and the extent of that permission.

**6.17 Prevention of disturbance**

- (1) A reference in this clause to a person is to a person other than a Member or an Officer.
- (2) A person addressing the Council or a Committee meeting shall extend due courtesy and respect to Members and Officers and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone is not switched on or used during any meeting of the Council or a Committee.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.
- (6) If after being warned, the person again acts contrary to this clause, or to this local law; or a person refuses or fails to comply with a direction by the Presiding Member the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member be removed from the meeting room and, if the Presiding Member orders, from the premises.

**Part 7 - Questions by Members****7.1 Questions by Members**

- (1) Members may ask questions relating to an item on the agenda or on matters related to the good government of persons in the district.
- (2) Member requesting general information from an Officer at a Council meeting or a Committee meeting, may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
- (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
  - (a) the question be placed on notice for the next meeting; and
  - (b) the answer to the question be given to the Member who asked it within 14 days.
- (4) Every question and answer -
  - (a) is to be brief and concise; and
  - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

**Part 8 – Conduct of Members****8.1 Members to be in their proper places**

- (1) At the first meeting held after each Election Day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.

(2) Each Member is to occupy his or her allotted position at each Council meeting and at each Committee meeting open to the public.

**8.2 Titles to be used**  
A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or Officer, is to use the title of that person's office.

**8.3 Advice of entry or departure**  
During the course of a meeting of the Council or a Committee meeting, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

**8.4 Members to indicate their intention to speak**  
A Member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

**8.5 Priority of speaking**  
(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.  
(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.  
(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

**8.6 Presiding Member may take part in debates**  
The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

**8.7 Relevance**  
(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.  
(2) The Presiding Member, at any time, may-  
    (a) call the attention of the meeting to:  
        (i) any irrelevant, repetitious, offensive or insulting language by a Member; and  
    (b) direct that Member, if speaking, to discontinue his or her speech.  
(3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

**8.8 Speaking twice**  
A Member is not to address the Council or a Committee meeting open to the public, more than once on any motion or amendment except-  
    (a) as the mover of a substantive motion, to exercise a right of reply;  
    (b) to raise a point of order; or  
    (c) to make a personal explanation.

**8.9 Duration of speeches**  
(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council or a Committee meeting open to the public, which, if given, is to be given without debate.  
(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

**8.10 No speaking after conclusion of debate**  
A Member is not to speak on any motion or amendment-  
    (a) after the mover has replied; or

(b) after the question has been put.

#### **8.11 No interruption**

A Member is not to interrupt another Member who is speaking unless-

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.12; or
- (d) to move a procedural motion that the Member be no longer heard under clause 11.1

#### **8.12 Personal explanations**

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

#### **8.13 No reopening of discussion**

A Member is not to reopen discussion on any Council decision except to move that the decision be revoked or changed (see Part 16).

#### **8.14 Adverse reflection**

- (1) A Member is not to reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed (see Part 16).
- (2) A Member is not
  - (a) to reflect adversely on the character or actions of another Member or Officer; or
  - (b) to impute any motive to a Member or Officer,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.

#### **8.15 Withdrawal of offensive language**

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which
  - (a) in the absence of a resolution under clause 8.14-
    - (i) reflects adversely on the character or actions of another Member or Officer; or
    - (ii) imputes any motive to a Member or Officer; or
  - (b) is offensive or insulting,must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

### **Part 9 - Preserving order**

#### **9.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.

- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.6, but to preserve order.

**9.2 Point of order**

- (1) A Member may object, by way of a point of order, only to a breach of-
  - (a) any of this local law; or
  - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order-
  - (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.

**9.3 Procedures on a point of order**

- (1) A Member who is addressing the Presiding Member is to stop speaking on the applicable item until-
- (2) A Member interrupted on a point of order is to resume his or her seat until-
  - (a) the Member raising the point of order has been heard; and
  - (b) the Presiding Member has ruled on the point of order, and,
  - (c) if permitted, the Member who has been interrupted may then proceed.

**9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

**9.5 Ruling by the Presiding Member**

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that-
  - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

**9.6 Continued breach of order**

If a Member-

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

**9.7 Right of Presiding Member to adjourn**

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

## Part 10 - Debate of substantive motions

### 10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion-

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

### 10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

### 10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

### 10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

### 10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order-

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

### 10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

### 10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

**10.8 Consent of seconder required for alteration**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**10.9 Order of amendments**

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

**10.10 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

**10.11 Amendment must not negate original motion**

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

**10.12 Relevance of amendments**

Each amendment is to be relevant to the motion in respect of which it is moved.

**10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.14 Effect of an amendment**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

**10.15 Withdrawal of motion or amendment**

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

**10.16 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised-
  - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply-
  - (a) no other Member is to speak on the question;
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

**Part 11 - Procedural motions**

**11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions-

- (a) that the meeting proceed to the next item of business;
- (b) that the item be referred or adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the item be referred to a Council or a Committee meeting; and
- (h) that the meeting be closed to the public (see clause 6.2).

**11.2 No debate**

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) (g) or (h) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

**11.3 Who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**11.4 Procedural motions - right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

**11.5 Meeting to proceed to the next business**

The motion "that the meeting proceed to the next business", if carried, has the effect that-

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

**11.6 Item to be referred or adjourned**

- (1) A motion "that the item be referred or adjourned" is to state the person or body to which the item is to be referred; and
- (2) A motion "that the item be adjourned" if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

**11.7 Meeting now adjourn**

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion "that the meeting now adjourn"-
  - (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

**11.8 Question to be put**

- (1) If the motion "that the question be now put", is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

**11.9 Member to be no longer heard**

If the motion "that the Member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

**11.10 Ruling of the Presiding Member to be disagreed with**

If the motion "that the ruling of the Presiding Member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

## **Part 12 - Disclosure of interests**

**12.1 Disclosure of interests**

Disclosure of interests is dealt with in the Act.

## **Part 13 - Voting**

**13.1 Question - when put**

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -
  - (a) is to put the question to the Council or Committee; and
  - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

**13.2 Voting**

Voting is dealt with in the Act and the Regulations.

**13.3 Majorities required for decisions**

The majorities required for decisions of the Council and Committees are dealt with in the Act.

**13.4 Method of taking vote**

- (1) In taking the vote on any motion or amendment the Presiding Member-
  - (a) is to put the question, first in the affirmative, and then in the negative;
  - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on a show of hands or any other way agreed by the Council; and,
  - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) For every vote on a substantive motion, the CEO is to cause to be recorded in the minutes-
  - (a) the name of each Member who voted; and
  - (b) whether he or she voted in the affirmative or negative.

(4) Subclause (3) does not apply in the event that the vote is unanimous and the CEO causes this to be recorded in the minutes.

## Part 14 – Minutes of meetings

### 14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

### 14.2 Content of minutes

(1) The content of minutes is dealt with in the Regulations.

(2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council or Committee meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

### 14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

### 14.4 Confirmation of minutes

(1) When minutes of an ordinary meeting of the Council or a Committee are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council or the Committee.

(2) At the next ordinary meeting of the Council or the Committee, the Member who provided the alternative wording shall, at the time for confirmation of minutes -

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

## Part 15 - Adjournment of meeting

### 15.1 Meeting may be adjourned

The Council may adjourn any meeting-

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

### 15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law-

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.8 apply when the debate is resumed.

## Part 16 – Revoking, changing or implementing decisions

### 16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

**16.2 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (2), the Council or a Committee is not to consider a motion to revoke or change a decision-
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The Council or a Committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

**16.3 Implementing a decision**

- (1) In this clause-
  - (a) "**authorisation**" means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) "**implement**", in relation to a decision, includes-
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) "**valid notice of revocation motion**" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a Committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a Committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person-
  - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the Committee as the case may be.
- (5) The CEO is to ensure that Members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation-
  - (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

**Part 17 - Suspension of Local Laws****17.1 Suspension of Local Laws**

- (1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is-
  - (a) seconded; and
  - (b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

**17.2 Where Local Laws do not apply**

- (1) In situations where-
  - (a) one or more provisions of this local law have been suspended; or
  - (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

**17.3 Cases not provided for in Local Laws**

- (1) The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

## **Part 18 - Meetings of electors**

**18.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

**18.2 Matters for discussion at electors' general meetings**

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

**18.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

**18.4 Requests for electors' special meetings**

Requests for electors' special meetings are dealt with in the Regulations.

**18.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

**18.6 Who presides at electors' meetings**

Who presides at electors' meetings is dealt with in the Act.

**18.7 Procedure for electors' meetings**

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this local law.

**18.8 Participation of non-electors**

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person to do so.

**18.9 Voting at electors' meetings**

Voting at electors' meetings is dealt with in the Regulations.

**18.10 Minutes of electors' meetings**

Minutes of electors' meetings are dealt with in the Act.

**18.11 Decisions made at electors' meetings**

Decisions made at electors' meetings are dealt with in the Act.

## Part 19 - Enforcement

### 19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

**Penalty: \$1,000.00 and a daily penalty of \$100.00.**

### 19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: [INSERT DATE]

The Common Seal of the City of Bayswater  
was affixed by the authority of  
a resolution of Council in the presence of:

---

Dan Bull  
Mayor

---

Andrew Brien  
Chief Executive Officer

**12. REPORTS FOR NOTING/INFORMATION**

Nil.

**13. MANAGEMENT/ADVISORY COMMITTEES****13.1 Deputations Policy****Responsible Directorate: Office of the Chief Executive Officer****EXECUTIVE SUMMARY****Application:**

For Council to consider amending the Deputations Policy.

**Key Issues:**

- At the Ordinary Council Meeting of 26 June 2018, Council resolved to repeal the *Standing Orders Local Law 2013*, with the intent of making a new local law, the *Standing Orders Local Law 2018*.
- Under *Standing Orders Local Law 2013*, deputations were not permitted at Ordinary Council Meetings.
- As *Standing Orders Local Law 2018* has a provision for deputations to be made at Ordinary Council Meetings, it is recommended that the Deputations Policy be amended to reflect this change.

**BACKGROUND**

At the Ordinary Council Meeting of 26 June 2018, the following resolution was passed:

1. ***That, having considered the above report, Council resolves to repeal the Standing Orders Local Law 2013, with the intent of making a new local law, the Standing Orders Local Law 2018, for substantially the same purpose but reflecting contemporary practices and drafting standards;***
2. ***Following the passing of the above resolution the Mayor is to give notice to the meeting of the purpose and effect of the proposed new Standing Orders Local Law 2018.***

<b>Purpose:</b>	<b><i>The purpose of these standing orders is to provide for the orderly conduct of the proceedings and business of the Council</i></b>
<b>Effect:</b>	<b><i>The effect of these standing orders is that all Council meetings, committee meetings, and other meetings as described in the Act, shall be governed by these standing orders unless otherwise provided in the Act, regulations or other written law; and</i></b>

3. ***That Council, following the passing of the above resolution:***
  - (a) Approves the preliminary draft Standing Orders Local Law 2018 at Attachment 1.***
  - (b) Gives approval for the local government to give state wide public notice and local public notice of the proposed draft in line with section 3.12 of the LG Act and as soon as the notice is given, provide a copy of the proposed new local law and a copy of the notice to the Minister.***

(c) **Notes that after the last day of the section 3.12 public consultation period Council is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed (an absolute majority will be required).**

Clause 6.9(1) of the *Standing Orders Local Law 2018* provides as follows:

(1) **Any person or group wishing to be received as a deputation by the Council or a Committee open to the public is to either:**

- (a) **apply, before the meeting, to the CEO for approval; or**
- (b) **with the approval of the Presiding Member, at the meeting.**

## CONSULTATION

*Standing Orders Local Law 2018* is open for consultation until 16 August 2018. Whilst the consultation is not directly in relation to the Deputations Policy, Council should be cognisant that any feedback in relation to *Standing Orders Local Law 2018*, and specifically the deputations procedure, may affect the Deputations Policy.

## ANALYSIS

Under clause 5.8 of the City's current *Standing Orders Local Law 2013* a deputation may be made to a committee in accordance with that clause. The clause sets out the rules for making a deputation to a committee. At the Ordinary Council Meeting of 26 June 2018 Council resolved to replace the current Standing Orders with the *Standing Orders Local Law 2018* and endorsed the preliminary draft of the new local law. The current estimate for gazettal is September 2018. The new local laws will come into operation 14 days after the date of their publication in the *Government Gazette*.

Under the new standing orders the rules around deputations have changed. The most significant change is that deputations can be made to both Council and Committee meetings. The rules around the length of deputations and extension of time are set out in the standing orders.

The City currently has a Deputations Policy (Attachment 1) which sets out the procedures for deputations at committee meetings. This policy is administrative in nature and includes things such as the time before the meeting that the deputation must be received and the format that it must be submitted in. The current policy also requires that deputies will be required to leave the meeting while other deputations on the respective item are being heard. Under the new local law the presiding member may require deputations to leave the meeting while other deputations are being heard in relation to that matter. As such this specific inclusion does not need to be dealt with in a policy.

It is therefore recommended that the Deputations Policy be amended as in Attachment 2 to reflect the changes in the *Standing Orders Local Law 2018*.

## OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Council amend the Deputations Policy as in Attachment A.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• The City's Deputation Policy will accurately reflect the provisions in the <i>Standing Orders Local Law 2018</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>
2.	Council endorse the current	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• The City's Deputation</li> </ul>

	Deputations Policy and make no changes.  <b><i>Estimated Cost: Nil.</i></b>	Policy will not accurately reflect the provisions in the Standing Orders Local Law 2018.
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## CONCLUSION

Option 1 is recommended to ensure that changes in relation to deputations as provided for in Standing Orders Local Law 2018 are accurately reflected in the City's policy.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Deputations Policy

*Standing Orders Local Law 2013*

*Standing Orders Local Law 2018*

## VOTING REQUIREMENTS

Simply Majority Required.

## ATTACHMENTS

1. Current Deputations Policy
2. Amended Deputations Policy

## COUNCIL RESOLUTION (COMMITTEE/OFFICER'S RECOMMENDATION)

That the Committee recommend that Council amend the Deputations Policy as outlined in Attachment 2.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**Attachment 1****DEPUTATIONS POLICY**

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

**PURPOSE:**

Procedures for deputations at Committee Meetings.

**POLICY STATEMENT:****Seeking approval:**

1. A person wishing to present a deputation must apply, in writing, to the Chief Executive Officer.
2. The application must be received at least 5 hours prior to the advertised date of the relevant Committee Meeting and include the following information:
  - a) A brief description of the item to which the deputation applies;
  - b) The number (maximum of 5) of intended deputies;
  - c) The names of those forming the deputation; and
  - d) The name of the spokesperson for the deputation.
3. The time allowed for deputations is 10 minutes in total, (comprising 5 minutes for the presentation and 5 minutes for the deputies to respond to questions raised by the Committee), unless the Committee approve otherwise.
4. Deputations will be held at the beginning of the Committee Meeting.

**Presenting a deputation:**

1. The format of the deputation will be:
  - a) Deputies will be requested to arrive 10 minutes before the Committee Meeting begins in order to establish presentation order and procedure.
  - b) A main spokesperson will present the views of the deputation.
  - c) The Committee may then present questions to the deputation for their response.



- d) The Deputies will be required to leave the Committee Meeting while other Deputations on the respective item are being heard.
2. Members of the deputation may request a copy of this policy prior to the deputation.

**DEFINITIONS:**

*Nil.*

**RELATED LEGISLATION:**

*Local Government Act 1995*  
*City of Bayswater Standing Orders Local Law 2013*

**RELATED DOCUMENTATION:**

*Nil.*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	26 February 2002
Reviewed / Modified	Date	10 March 2009
Reviewed / Modified	Date	06 December 2016



**Attachment 2****DEPUTATIONS POLICY**

Responsible Division	Corporate and Strategy
Responsible Business Unit/s	Governance
Responsible Officer	Governance
Affected Business Unit/s	All Business Units

**PURPOSE:**

Procedures for deputations.

**POLICY STATEMENT:****Seeking approval:**

1. A person wishing to present a deputation must apply, in writing, to the Chief Executive Officer.
2. The application must be received at least 5 hours prior to the advertised date of the relevant meeting and include the following information:
  - a) A brief description of the item to which the deputation applies;
  - b) The number (maximum of 2) of intended deputies;
  - c) The names of those forming the deputation; and
  - d) The name of the spokesperson for the deputation.
3. The time allowed for deputations is 5 minutes, (5 minutes for the presentation and a further 5 minutes for the deputies to respond to questions raised by the meeting if applicable), unless the meeting approves otherwise.
4. Deputations will be held at the beginning of the meeting.

**Presenting a deputation:**

1. The format of the deputation will be:
  - a) Deputies will be requested to arrive 10 minutes before the meeting begins in order to establish presentation order and procedure.
  - b) A main spokesperson will present the views of the deputation.
  - c) The meeting may then present questions to the deputation for their response.



- d) The Deputies may be required to leave the Meeting while other Deputations on the respective item are being heard.
2. Members of the deputation may request a copy of this policy prior to the deputation.

**DEFINITIONS:**

*Nil.*

**RELATED LEGISLATION:**

*Local Government Act 1995*  
*City of Bayswater Standing Orders Local Law*

**RELATED DOCUMENTATION:**

*Nil.*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	26 February 2002
Reviewed / Modified	Date	10 March 2009
Reviewed / Modified	Date	06 December 2016
Reviewed / Modified	Date	



**13.2 Elected Members Issue of Stationery, Publications and Equipment Policy**  
**Responsible Directorate: Office of the Chief Executive Officer****EXECUTIVE SUMMARY****Application:**

For Council to consider amending the Elected Members Issue of Stationery, Publications and Equipment Policy.

**Key Issues:**

- Following a Local Government Election, newly appointed Elected Members are provided with various items to assist them to undertake the role.
- This policy outlines what items elected members are issued with.
- It has become necessary to update the Policy to reflect current practices and ensure a cost saving approach whilst providing Elected Members the necessary equipment to fulfil their role.

**BACKGROUND**

The Elected Members Issue of Stationery, Publications and Equipment Policy was first adopted 23 April 1996. Since then has had various amendments to the Policy and it was last reviewed 22 March 2016.

Following the recent election on 21 October 2017, it has become relevant to update this policy to ensure a cost saving approach, however still provided Elected Members with necessary equipment. It is further noted that current practices have changed and Elected Members are increasingly using technology in their day-to-day practices as an Elected Member.

**CONSULTATION**

Nil

**ANALYSIS**

Under the current policy Elected Members are entitled to receive the following items when elected:

- Name badge, personal briefcase and satchel at the commencement of his/her term of office as requested; and
- A tablet device and multifunction unit (printer/fax/copier).

Following the last election in 2017 and reviewing the cost of the IT requirements, it became evident that the policy is outdated. The briefcase option was very difficult to source as suppliers advised that briefcases are no longer readily available.

Elected Members were offered two types of badges being the gold badged and white badges (same as City staff) with the preference of the Elected Member to have either one or both.

Since the Election, all Elected Members have been provided with iPads. A multifunction printer is available for use in the Councillor Workroom.

Over the past year some Elected Members have been using the full amount of letterhead (4,000), and opting to pay for more quantities.

It is recommended that the following amendments be made to the policy:

- The provision of a personal briefcase/satchel be removed and that an iPad cover with inbuilt keyboard and iPad pen (stylus), be provided in its place.
- That Elected Members be provided with a suitable device as approved by the Manager Information Services (currently an iPad Pro 13inch 256GB, Wi-Fi/cellular). If Elected Members chose to use a different device to the approved device, this is to be purchased from their ICT allowance or they can use something they already own.
- That a multifunction unit (printer/scanner/copier) be provided in the Councillors workroom, for their use, instead of being provided to each elected member. Elected Members will be able to print wirelessly from their iPads.

The current approved device by the Manager Information Services is an iPad Pro. The policy has used the wording 'appropriate device approved by the Manager Information Services to allow for future technological advances. It is envisaged that any future device should have similar functionality and ease of use as an iPad Pro.

The recommended actions will provide considerable cost savings to the City. Providing iPads (the current approved device) to Elected Members at approximately \$1750 each will save the City approximately \$11,000 (compared to the tablet devices provided in 2015).

This will also provide cost savings in City officer's time for set up of the devices and ongoing support. Historically officer's time has been approximately 20hours per device over its length of time, whereas the set up for an iPad is little to no time.

Previously \$500-\$600 has been budgeted to provide Elected Members with a multifunction unit each. In providing a better bigger multifunction unit that can be accessed by all Councillors in the workroom (approximately \$1000) will be a cost saving for the City.

## OPTIONS

OPTION	BENEFIT	RISK
1. Council endorse the changes to the Elected Members Issue of Stationery, Publications and Equipment Policy.  <b><i>Estimated Cost: Approximately \$19,250 plus Officer's time.</i></b>	<ul style="list-style-type: none"> <li>• Elected Members will continue to have the necessary equipment to fulfil their role</li> <li>• Elected Members will be able to utilise the latest technological advances to assist in fulfilling their role</li> <li>• The City will be able to save costs by removing some of the unnecessary provisions in the policy</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>
2. Council endorse the continuation of the current Elected Members Issue of Stationery, Publications and Equipment Policy.	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• Elected Members may not be able to utilise the latest technological advances to assist in fulfilling their role</li> <li>• The City will not be able to save costs by removing some of the unnecessary provisions in the policy</li> </ul>

	<i>Estimated Cost: Approximately \$33,000 plus Officer's time.</i>		
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## CONCLUSION

Option 1 is recommended as it will ensure that whilst the City can save costs, Elected Members can continue to fulfil their responsibilities with the required equipment and utilising the latest technological advances.

## FINANCIAL IMPLICATIONS

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$19,250	Nil.	Staff time	\$0	2 years	Nil	\$22,000 is budgeted every two years

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service  
 Outcome L1: Accountable and good governance  
 Outcome L3: Strong stewardship and leadership

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Elected Members Issue of Stationery, Publications and Equipment Policy works alongside the Elected Members Allowances Policy and the determination of the Salaries and Allowances Tribunal.

## VOTING REQUIREMENTS

Simple Majority

## ATTACHMENTS

1. Current Elected Members Issue of Stationery, Publications and Equipment Policy.
2. Amended Elected Members Issue of Stationery, Publications and Equipment Policy.

**COUNCIL RESOLUTION**  
**(COMMITTEE/OFFICER'S RECOMMENDATION)**

That the Committee recommend that Council amend the Elected Members Issue of Stationery, Publications and Equipment Policy as outlined in Attachment 2.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**  
**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**Attachment 1****ELECTED MEMBERS ISSUE OF STATIONERY,  
PUBLICATIONS AND EQUIPMENT POLICY**

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

**PURPOSE:**

To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.

**POLICY STATEMENT:**

1. An Elected Member shall be eligible to an issue of the following stationery:
  - Up to 4,000 (in lots of 500) letterheads, envelopes (postage costs shall be at the Elected Members' expense); and business cards as required during his/her term of office. The stationery may include a photograph of the Elected Member
  - 50 City of Bayswater Christmas cards, envelopes and postage.
2. An Elected Member shall be supplied with a name badge and personal briefcase and satchel at the commencement of his/her term of office as requested. Replacement briefcases and name badges shall be supplied if the equipment is lost, stolen or damaged. Elected Members will be offered new equipment at the commencement of each four (4) year term.
3. An ICT Allowance will be provided in accordance with the Elected Member Allowances Policy and the annual determination of the Salaries and Allowances Tribunal.
4. A tablet device and multifunction unit (printer/fax/copier) will be provided to each Elected Member and shall be replaced every four (4) years commencing January 2014.
  - The tablet device and multifunction unit (printer/fax/copier) shall be returned to the City at each replacement cycle and licensed software will be removed.
  - The old equipment will be returned to the City for office use, or disposed of in accordance with provisions of the Council Policy 'Disposal of Surplus Goods and Equipment' and will be available for purchase by Elected Members at market value determined by the City.
  - IT support and maintenance shall be provided by the City for the equipment and software provided, as appropriate.
  - The specifications of the tablet device shall be in accordance with the requirements to operate and access programs relevant to the City of Bayswater.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

Elected Member Allowances Policy

Annual Determination by the Salaries and Allowances Tribunal

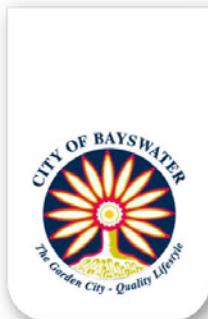
Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	06 February 2006
Reviewed / Modified	Date	10 March 2009
Reviewed / Modified	Date	10 December 2013
Reviewed / Modified	Date	22 March 2016



## Attachment 2

**ELECTED MEMBERS ISSUE OF STATIONERY,  
PUBLICATIONS AND EQUIPMENT POLICY**

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services



**PURPOSE:**

To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.

**POLICY STATEMENT:**

1. An Elected Member shall be eligible to an issue of the following stationery:
  - Up to 4,000 (in lots of 500) letterheads, envelopes (postage costs shall be at the Elected Members' expense); and business cards as required during his/her term of office. The stationery may include a photograph of the Elected Member
  - 50 City of Bayswater Christmas cards, envelopes and postage.
  - Name Badge. Replacement name badges shall be supplied if the equipment is lost, stolen or damaged.
2. An ICT Allowance will be provided in accordance with the Elected Member Allowances Policy and the annual determination of the Salaries and Allowances Tribunal.
3. An appropriate device approved by the Manager Information Services will be provided to each Elected Member to ensure compliance with the City's operating systems and shall be replaced every election (every two years).
  - The device shall be:
    - returned to the City for office use at each replacement cycle; or
    - disposed of in accordance with provisions of the Council Policy 'Disposal of Surplus Goods and Equipment'; or
    - will be available for purchase by Elected Members at market value determined by the City.
  - IT support and maintenance shall be provided by the City for the equipment and software provided, as appropriate.
  - Care of the device is the responsibility of the Elected Member.
  - An Elected Member can choose not to use the approved device provided and any other device shall be provided at their cost or from their ICT allowance.
    - The specifications of the tablet device shall be in accordance with the requirements to operate and access programs relevant to the City of Bayswater.
4. A multifunction unit (printer/fax/copier) will be provided for Elected Members use in the Councillor Workroom.



**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

Elected Member Allowances Policy

Annual Determination by the Salaries and Allowances Tribunal

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	06 February 2006
Reviewed / Modified	Date	10 March 2009
Reviewed / Modified	Date	10 December 2013
Reviewed / Modified	Date	22 March 2016
Reviewed / Modified	Date	8 November 2017



**13.3 Community Facility Lease and Licence/User Agreement Policy**  
**Responsible Directorate: Office of the Chief Executive Officer**

***CR DAN BULL, MAYOR DECLARED AN IMPARTIAL INTEREST***

***Following the debate and voting on this item, Cr Dan Bull, Mayor, notified Councillors that he had failed to disclose an interest in the item. In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Dan Bull, Mayor declared an impartial interest in this item as he is a social member of Bedford Bowling Club. Cr Dan Bull, Mayor remained in the room during voting on this item.***

***CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST***

***Following the debate and voting on this item, Cr Lorna Clarke, notified Councillors that she had failed to disclose an interest in the item. In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as she is a social member of Bedford Bowling Club. Cr Lorna Clarke remained in the room during voting on this item.***

**EXECUTIVE SUMMARY**

**Application:**

For Council to consider amending the Community Facility Lease and Licence/User Agreement Policy to ensure consistency in community leases.

**Key Issues:**

- Council adopted the Community Facility Lease and Licence/User Agreement Policy and associated framework on 19 April 2011.
- The policy was amended 1 March 2016 and no longer refers to the agreed framework.
- As a result, there are many inconsistencies amongst the City's leases.
- Amendments are proposed to the policy to ensure a structured and consistent approach to the management of the City's leases.

**BACKGROUND**

The City of Bayswater owns and leases a number of properties in the City to a variety of community groups including sporting clubs, volunteer groups, commercial tenants and child health clinics.

On 19 April 2011, Council adopted the Community Facility Lease and Licence/User Agreement Policy and associated framework. The framework identified four different categories of leases and what commitments/requirements are attributable to each category. The resolution is attached at Attachment 1.

The policy was updated on 1 March 2016 and there is currently no reference to the framework adopted on 19 April 2011. The policy states, *inter alia*:

5. ***To accommodate the wide variety of community organisations and their needs for community facilities, the following agreement options have been developed:***
  - a. ***Category 1: Formal Lease Agreement: 5 year plus 5 years, to be approved by Council.***
  - b. ***Category 2: Formal User/Licence Agreement: 2-5 years, to be approved by Council.***

- c. **Category 3: Informal User Agreement: Up to two years, to be approved by Council.**
- d. **Category 4: Casual Usage/Seasonal Hire Agreement – less than 12 months, to be approved by Chief Executive Officer or nominee.**

The policy does not provide any direction as to the obligations of the parties such as payment of rates, waste charges and the maintenance of the buildings.

## CONSULTATION

A number of clubs have made approaches to individual Councillors and officers in relation to the current lease arrangements and whilst no formal discussions have occurred, all clubs have been advised of the current review.

The City established a working group comprising of relevant officers to ensure consultation amongst all affected branches.

## ANALYSIS

As the current policy does not reference any framework or guidelines for officers to follow when entering into lease negotiations, inconsistencies have arisen. There are instances where clubs of similar capacities have varying lease obligations, for example in relation to the payment of rates and ESL.

The proposed amendments provide clarity and consistency, identifying:

- Method of lease fee calculation;
- Tenant obligations;
- City obligations; and
- Tenure of lease.

It is noted that an article in the West Australian on 7 August 2018 identified that volunteer run community groups and clubs in the Town of Mosman Park are being asked to pay up to \$60,000 as a result of the Town failing to charge them for utilities or insurance. It is intended that the amended policy ensures that the City of Bayswater does not face a similar scenario.

## OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	<p>Council adopts the amendments to the Community Facility Lease and Licence/User Agreement Policy.</p> <p><b>Estimated Cost: To be determined based on Council fees structure for community leases.</b></p>	<ul style="list-style-type: none"> <li>• There will be improved consistency across all leases entered into with the City</li> <li>• Greater transparency in relation to the issue of community leases</li> </ul>	<ul style="list-style-type: none"> <li>• Some clubs may perceive that there are inequities in the new arrangements.</li> </ul>
2.	<p>Council endorses the continuation of the Community Facility Lease and Licence/User Agreement Policy in its current form.</p> <p><b>Estimated Cost: To be determined based on Council fees structure for community leases.</b></p>	<ul style="list-style-type: none"> <li>• Individual clubs and groups will continue to have the ability to lobby elected members to have their leases renegotiated to a lower rate.</li> </ul>	<ul style="list-style-type: none"> <li>• There will continue to be confusion and inconsistencies across all the City's leases.</li> </ul>

	leases.		
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## CONCLUSION

Option 1 is recommended to ensure that there is clarity for both prospective tenants and City officers when entering into lease arrangements with the City.

## FINANCIAL IMPLICATIONS

To be determined based on Council fees structure for community leases. The only costs of the implementation of the Policy are administrative which are currently covered in existing budgets. Any changes to the lease payments and revenue from rates and charges will need to be determined based on final policy arrangements.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Community Facility Lease and Licence/User Agreement Policy

## VOTING REQUIREMENTS

Simple Majority Required.

## ATTACHMENTS

1. Excerpt of Minutes from Ordinary Council Meeting dated 19 April 2011
2. Current Community Facility Lease and Licence/User Agreement Policy
3. Amended Community Facility Lease and Licence/User Agreement Policy

## OFFICER'S RECOMMENDATION

That Council adopt the amended Community Facility Lease and Licence/User Agreement Policy as outlined in Attachment 3.

### COMMITTEE PROCEDURAL MOTION

That this item be deferred to a Councillor Workshop.

CR FIOMENA PIFFARETTI MOVED, CR LORNA CLARKE SECONDED

CARRIED: 4/1

For: *Cr Filomena Piffaretti, Cr Lorna Clarke, Cr Elli Petersen-Pik and Cr Catherine*

*Ehrhardt*

Against: *Cr Dan Bull, Mayor*

**COUNCIL RESOLUTION**

**(COMMITTEE PROCEDURAL MOTION)**

**That this item be deferred to a Councillor Workshop.**

**CR LORNA CLARKE MOVED, CR ELLI PETERSEN-PIK SECONDED**

**CARRIED: 8/1**

**For:** *Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Sally Palmer,  
Cr Lorna Clarke, Cr Barry McKenna, Cr Giorgia Johnson, Cr Elli Petersen-Pik and  
Cr Catherine Ehrhardt.*

**Against:** *Cr Dan Bull, Mayor.*

*Cr Dan Bull, Mayor, and Cr Lorna Clarke advised the meeting that they had forgotten to make a disclosure of impartial interest prior to discussion and voting on this item.*

**Attachment 1****ORDINARY COUNCIL MEETING MINUTES** **19 APRIL 2011**

**11.2.7 Lease and User/Licence Agreements - Community Groups and Sporting Clubs**

**Attachments:** No. 1 - Category Agreement Matrix

No. 2 - Draft Policy

**Officer:** Director of Administration and Community Services

**Refer:** Item 13.3 : OCM 14/04/2009

**Application**

To consider adoptions of a framework and subsequent policy on Lease and User/Licence agreements to community groups and sporting clubs.

**Background**

The standard lease agreement has been the subject of several reports to council meetings and discussions by councillors since early 2005.

Council at its meeting on 27 May 2008 approved a standard lease agreement. The standard lease was prepared by officers in conjunction with the City's Solicitors to reflect the current needs of both the City and its Community, and developed to accommodate a wide variety of leasing situations.

Council at its meeting on 14 April 2009 approved specific clauses to be contained within the standard lease and endorsed the standard lease to be used for all future sporting groups and clubs leases.

The standard lease agreement incorporates the expectations of the Council to have a consistent approach to the management of community leases in terms of clearly defining the obligations and responsibility of the user and the City; and provide a document that is easy to understand and interpret.

In negotiating the specific terms and content to be included within individual leases to community groups and clubs a number of clubs raised concerns over specific details and obligations. In some instances the community are expressing concern about the appropriateness of either the facility accommodating a club or the activity being conducted by the club being conducive to the neighbouring environment.

At its meeting of 28 September 2010, Council passed a motion that no further leases for City of Bayswater facilities be finalised or entered into, with the exception of commercial leases. Council requested that the matter of leases be discussed further at a Council Workshop.

Council subsequently discussed the range of leases and agreements currently available to community groups and sporting clubs at the workshop held on 12 October 2010 and considered Lease and User/License Agreement options at subsequent workshops held on 13 December 2010 and 5 April 2011.

The City administers a number of commercial lease agreements with a range of organisations and service providers. Commercial leases are administered as a separate process to community group agreements and are not included within this reports or proposed framework.

**ORDINARY COUNCIL MEETING MINUTES****19 APRIL 2011**Comment

The City currently administers approximately 75 non commercial buildings and sites available for Community or Sporting Group use. A formal agreement is required between the City and community users where exclusive use of a building or facility is required. The type of usage varies between community groups, and the type of usage may govern which method of tenure or access arrangement is required.

Currently the City uses a combination of the following:

- Lease Agreements;
- Licence Agreements;
- Management Agreements;
- User Agreements;
- Verbal Agreements; and
- No Formal Agreement.

These arrangements present the City with a number of challenges in that they are not consistent and do not reflect the workshop discussion outcomes from March 2009.

Some of the current challenges are that a number of lease and user/license agreements are currently in force for a period of up to twenty one years. Long tenure agreements can be a disadvantage to the City and the tenant due to the following reasons:

- Inconsistent content and language used in the differing agreements;
- The agreements are not specific in terms of management and maintenance responsibility; and
- The terms of the agreement may not be in keeping with current technologies, practices or the workshop outcomes from March 2009.

In most cases the current lease and user agreements in force are not specific in defining areas of responsibility. In some cases groups currently have a long tenure to a facility which may now not be fit for the intended use of the group or facility due to the following:

- Club growth;
- Residential developments around facilities affecting community impact and interface;
- Changes in legislation; and
- Shifts in social trends.

Four categories of Lease and User/License Agreements are proposed to accommodate both the needs of the City and provide different levels of commitments and requirements for both the user and the City for administering all Lease and User/License Agreements to sporting and community groups:

**Category 1 – Formal Lease Agreement:** Long term duration of up to ten years based on five years with an option for a further five years. (could be longer based on Council approval). Formal lease will usually be prepared by solicitors on behalf of the City.

**Category 2 - Formal User / License Agreements:** Mid term duration of two to five years using an effective less comprehensive document prepared by the City.

**ORDINARY COUNCIL MEETING MINUTES****19 APRIL 2011**

**Category 3 – Informal User Agreement:** Short term duration of up to two years by letter exchange including certain provisions of accountability and responsibility. These arrangements would usually be prepared by the City.

**Category 4 – Informal Agreement:** Seasonal hire up to twelve months by letter exchange.

The attached matrix is proposed to guide the City in determining which agreement best suits the needs of both parties based on the following draft assessment criteria and commitments/requirements. (**Refer to Attachment No. 1.**) The City will also ensure that up to date insurances including Public Liability are in place as part of its annual inspection process.

In all cases applicants would be assessed against prescribed criteria for each category. Applicants would be required to reach (in most cases) a percentage of the assessment criteria. This will enable applicants to be operating under an agreement that is fit for purpose and specific for their use.

A number of sporting clubs occupy buildings where their members have exclusive use of accompanying grounds such as tennis courts, bowling greens, petanque or croquet courts. It is anticipated that all these clubs will require either lease or user agreements within category 1 or category 2. The maintenance responsibility of the grounds and associated cost would be determined on a case by case basis, included in all documentation and agreed by Council.

The Department of Sport and Recreation advise that 'period of tenure' is not considered as essential criteria when assessing grant applications received from community organisations. A maximum ten year lease duration comprising of five years plus an additional five year option should therefore be acceptable to community organisations.

The proposed attached Draft Policy could be considered by Council as a guide to govern the administration of lease and user/license agreements for community groups across the City. (**Refer To Attachment No. 2.**)

**Summary**

The proposed lease and user/licence agreement framework and subsequent draft policy provides a consistent approach to how Council can consider the approval of such arrangements with Community Groups and Sporting Club.

**Policy Implications**

Draft Policy attached.

**Financial Implications**

Nil.

**Voting Requirements**

Simple Majority Required.

## ORDINARY COUNCIL MEETING MINUTES

19 APRIL 2011

Officer's Recommendation

1. Council approves the category framework for administering Lease and User / License Agreements to sporting and community groups.
2. Council adopt the community facility lease and license / user agreement policy to provide a structured and consistent approach to the management of Councils lease and license / user agreements with local sporting and community groups for the use of community facilities and spaces.

*At the Planning and Development Services & Administration and Community Services Committee Meeting:*

Committee Discussion

*The Committee discussed the officers recommendation and added a third point, to clarify the details of the Category 3 Informal User Agreement and the Category 4 Casual Usage/Seasonal Hire Agreement as follows:*

3. *Categories 3 and 4 Informal User Agreement (as detailed in Attachment No. 1) be amended from 'Not Essential" to "Preferred".*

**COUNCIL RESOLUTION**  
**(COMMITTEE RECOMMENDATION)**

CR MARLENE ROBINSON MOVED, CR SALLY PALMER SECONDED the Committee recommendation that:

1. Council approves the category framework for administering Lease and User / License Agreements to sporting and community groups.
2. Council adopt the community facility lease and license / user agreement policy to provide a structured and consistent approach to the management of Councils lease and license / user agreements with local sporting and community groups for the use of community facilities and spaces.
3. The Category 3 Informal User Agreement and the Category 4 Casual Usage/Seasonal Hire Agreement (as detailed in Attachment No. 1) be amended from 'Not Essential" to "Preferred".

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION**

Administration and Community Services Attachment 1 – Category Agreement Matrix	Lease / User Agreements - Community Groups and Sporting Clubs	April 2011 Page 1 of 4
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Category 1 - Formal Lease Agreement	
Assessment Criteria	Commitments / Requirements
Long term usage.	Five to ten years.
Sporting Club or Community Organisation	Not for profit incorporated association with executive management and committee
Agreed lease fee applicable.	Past history or determined by Council.
Exclusive Facility Use Required.	Within lease area – Requested by Club or City / Determined by Size of Organisation / Frequency of Use.
Large Organisation.	Over 100 members.
Ability to sublet by Council agreement.	Income generation stream required / Community access required / Similar organisation requiring similar facilities.
Financial obligations of tenant.	Utilities, refuse, content and liability insurance, legal preparation met by tenant, other agreed outgoings.
Maintenance, Repair and Cleaning.	Responsibility of tenant (including fixtures and fittings) with the exception of structural maintenance, replacement and repair. Ground maintenance responsibilities may apply.
Significant Capital Interest: Building Construction, Modification and or Extension.	Modification has taken place or requested to take place at the cost of the tenant / Building was constructed by the tenant / Specialist storage or wracking required.
Major Income Generation required by tenant.	Annual turnover in excess of \$25,000, Liquor Licence required, Social hire of premises required.
Site fit for purpose for intended use.	Consideration of building size, Club membership in relation to Maximum Accommodation Certificate, Facility location, Car park provision, Proximity to residential areas, Hours of use.
City of Bayswater organisation	Preferred
Council approves Lease	Council approval required
Acceptance Period	Agreement to be accepted within 90 Days of offer.
Ability to understand and commit to the terms and conditions of the lease.	Seek independent advice and awareness of their responsibilities
Officers recommend 85% of Criteria should be met to satisfy category requirement.	

Category 1 agreements would be similar to the City's adopted standard lease agreement and require formal preparation by solicitors on behalf of the City. Category 1 could cater for large sporting clubs and community groups requiring long tenure where income generation is critical or buildings are modified to suit a particular need.

Relevant examples could be:

- Morley Noranda Recreation Club (Current lease expiry 30/12/2019).
- Bayswater Morley Youth Club (Current lease expiry 21/06/2019).
- Maylands Yacht Club (Current lease expiry 31/12/2021)
- Bayswater State Emergency Service (Inc) (Current lease expiry 30/06/2018).

Administration and Community Services Attachment 1 – Category Agreement Matrix	Lease / User Agreements - Community Groups and Sporting Clubs	April 2011 Page 2 of 4
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Category 2 – Formal User / License Agreement	
Assessment Criteria	Commitments / Requirements
Mid to long term usage.	Two to five years
Sporting Club or Community Organisation	Affiliated club or organisation with management committee
Agreed usage fee applicable	Past history or determined by Council
Exclusive facility use	Within lease area – Requested by Club or City / Size of Organisation / Frequency of Use
Large to mid size organisation	Less than 100 members
Ability to sublet by Council agreement	Income generation stream required / Community access required / Similar organisation requiring similar facilities.
Financial obligations of tenant.	Utilities, refuse, content and liability insurance, other agreed outgoings.
Maintenance, Repair and Cleaning	Responsibility of tenant (including fixtures and fittings) with the exception of structural maintenance, replacement and repair.
Building construction, modification and extension	Not required by tenant, not permitted by City
Income generation required by tenant	Annual turnover in excess of \$15,000, Liquor Licence required, Social hire of premises required.
Site fit for purpose for intended use	Consideration of building size, Club membership in relation to Maximum Accommodation Certificate, Facility location, Car park provision, Proximity to residential areas, Hours of use.
City of Bayswater Organisation	Preferred
Council approves User / License Agreement	Council approval required
Acceptance Period	Agreement to be accepted within 90 Days of offer.
Officers recommend 75% of Criteria should be met to satisfy category requirement.	

Category 2 agreements would be a professionally prepared template document with specific agreed criteria inserted. These agreements would be administered by the City. License agreements are the preference of Government Departments such as Education or Health to cover facility use agreements with local government. In most cases the license is prepared by an external agency or government department and agreed by all parties.

Category 2 could cater for medium sized organisations where long tenure is less important however there may still be significant financial turnover and defined agreement terms. Relevant examples could be:

- Bayswater Historical Society (Halliday House) (Current lease expiry 28/02/2014)
- Hampton Park Scouts (Current lease expired 21/11/2002)
- MG Car Club of WA (Whatley Hall) (Current lease expired 31/03/2009)

Administration and Community Services Attachment 1 – Category Agreement Matrix	Lease / User Agreements - Community Groups and Sporting Clubs	April 2011 Page 3 of 4
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Category 3 – Informal User Agreement	
Assessment Criteria	Commitments / Requirements
Short to mid term usage	Up to two years.
Sporting Club or Community Organisation	Affiliated club or organisation with management committee
Agreed usage fee applicable	Past history or determined by Council
Exclusive facility use	Not essential – could operate as shared facility
Small organisation	Less than 50 members
Financial obligations of tenant	Utilities, refuse, content and liability insurance, other agreed outgoings.
Maintenance, Repair, Cleaning	Responsibility of tenant (including fixtures and fittings) with the exception of structural maintenance, replacement and repair.
Building construction, modification and extension	Not required by tenant, not permitted by City
Income generation required by tenant	Not income dependant, No liquor license or bar, No requirement to let or sublet.
Site fit for purpose for intended use	Consideration of building size, Club membership in relation to Maximum Accommodation Certificate, Facility location, Car park provision, Proximity to residential areas, Hours of use.
City of Bayswater Organisation	Preferred
Council approves User Agreement	Council
Acceptance Period	Agreement to be accepted with 30 days of offer.
Officers recommend 75% of Criteria should be met to satisfy category requirement.	

Category 3 agreements would be an informal exchange of letters prepared by the City. Category 3 could cater for smaller organisations occupying smaller and potentially shared facilities or groups utilising vacant land for community garden projects. Organisations requiring community office space within Maylands Multi Purpose Centre may best suit a category three informal user agreement.

Administration and Community Services Attachment 1 – Category Agreement Matrix	Lease / User Agreements - Community Groups and Sporting Clubs	April 2011 Page 4 of 4
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Category 4 - Casual Usage / Seasonal Hire Agreement	
Assessment Criteria	Commitments / Requirements
Short term usage	Less than twelve months
Sporting Club or Community Organisation	Affiliated club / organisation or approved individual for casual hire
Agreed usage fee	Adopted fees and charges or determined by Council
Shared use	Identified time within allocated facility
Organisation Size	Not size dependant, as per requirement
Financial obligations	Hire fee, additional refuse, liability insurance where appropriate
Repair and Cleaning	Responsibility of hirer
Income generation required by tenant	Not income dependant, No liquor license or bar, No requirement to let or sublet.
Site fit for purpose for intended use	Consideration of building size, location, car park provision, proximity to residential areas, hours of use.
City of Bayswater organisation	Preferred
Council approves Hire Agreement	Officer approval required
Officers recommend 100% of Criteria should be met to satisfy category requirement	

Category 4 agreements are principally casual hire or regular use of the City's community halls and community centre's such as the Drill Hall and Les Hansman Community Centre.

Administration and Community Services Attachment 2 – Draft Policy Community Facility Lease and License / User Agreement Policy	Lease / User Agreements - Community Groups and Sporting Clubs	April 2011 Page 1 of 2
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EXISTING POLICY	NEW POLICY
<b>ADMINISTRATION AND COMMUNITY SERVICES</b>	<b>ADMINISTRATION &amp; COMMUNITY SERVICES</b>
<b>EXISTING POLICY</b>	<b>COMMUNITY FACILITY LEASE AND LICENSE / USER AGREEMENT POLICY</b>
<b>NIL</b>	<b>POLICY NO.##</b>
<b>PURPOSE/OBJECTIVE</b>	<b>PURPOSE/OBJECTIVE</b>
	To provide a structured and consistent approach to the management of Council's Lease and License / User Agreements with local not for profit organisations for the use of community facilities.
<b>POLICY</b>	<b>POLICY</b>
<i>Delegation</i> Date Adopted Date Amended	<ol style="list-style-type: none"> <li>1. Council will provide a range of well maintained and well managed community facilities and enter into agreement with locally based not for profit organisations for their use in order to ensure City owned buildings and infrastructure are of a high quality appropriate to community needs.</li> <li>2. Council will ensure fair and equitable access for locally based organisations to its community facilities.</li> <li>3. Council will ensure that its community facilities are managed to an appropriate and sustainable standard.</li> <li>4. Council will aim to increase community access to activities and services by optimum use of Council facilities achieved by encouraging integration and co-location.</li> <li>5. To accommodate the wide variety of community organisations and their needs for community facilities the following agreement options have been developed:           <ol style="list-style-type: none"> <li>a) Category 1 Formal Lease Agreement: 5 plus 5 years, to be approved by Council</li> <li>b) Category 2 Formal User / License Agreement: 2 – 5 years, to be approved by Council</li> </ol> </li> </ol>

Administration and Community Services Attachment 2 – Draft Policy Community Facility Lease and License / User Agreement Policy	Lease / User Agreements - Community Groups and Sporting Clubs	April 2011 Page 2 of 2
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c) Category 3 – Informal User Agreement: Up to two years, to be approved by Council

d) Category 4 – Casual Usage / Seasonal Hire Agreement – less than 12 months, to be approved by Chief Executive Officer or nominee.

6. Council reserves the right in all cases to inspect premises and ensure conditions are being met.

*Delegation*  
[Redacted]  
Date Adopted [Redacted]  
Date Amended [Redacted]

## Attachment 2



## COMMUNITY FACILITY LEASE AND LICENSE / USER AGREEMENT POLICY

Responsible Division	Community Services
Responsible Business Unit/s	Recreation Services
Responsible Officer	Manager Recreation Services
Affected Business Unit/s	Recreation Services

### PURPOSE:

To provide a structured and consistent approach to the management of Council's Lease and License/User Agreements with local not-for-profit organisations for the use of community facilities.

### POLICY STATEMENT:

1. Council will provide a range of well-maintained and well managed community facilities and enter into agreement with locally based not-for-profit organisations for their use in order to ensure city owned buildings and infrastructure are of a high quality appropriate to community needs.
2. Council will ensure fair and equitable access for locally based organisations to its community facilities.
3. Council will ensure that its community facilities are managed to an appropriate and sustainable standard.
4. Council will aim to increase community access to activities and services by optimum use of Council facilities achieved by encouraging integration and co-location.
5. To accommodate the wide variety of community organisations and their needs for community facilities, the following agreement options have been developed:
  - a. Category 1: Formal Lease Agreement: 5 plus 5 years, to be approved by Council.
  - b. Category 2: Formal User/License Agreement: 2 - 5 years, to be approved by Council.
  - c. Category 3: Informal User Agreement: Up to two years, to be approved by Council.
  - d. Category 4: Casual Usage/Seasonal Hire Agreement - less than 12 months, to be approved by Chief Executive Officer or nominee.
6. Council reserves the right in all cases to inspect premises and ensure conditions are being met.

### DEFINITIONS:

*Nil*

### RELATED LEGISLATION:

*Nil*

### RELATED DOCUMENTATION:

*Nil*

Relevant Delegations	
Risk Evaluation	



Council Adoption	Date	19 April 2011
Policy Reformatted	Date	1 March 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	



**Attachment 3****COUNCIL POLICY: COMMUNITY FACILITY LEASE AND LICENCE/USER AGREEMENT POLICY**

**POLICY OWNER:** Manager Strategic Planning and Place

**POLICY STATEMENT:** To provide a structured and consistent approach to the management of Council's lease and licence/user agreements with local not-for-profit organisations for the use of community facilities.

**POLICY DETAILS**

1. Council will provide a range of well-maintained and well managed community facilities and enter into agreement with locally based not-for-profit organisations for their use in order to ensure the city owned buildings and infrastructure are of a high quality appropriate to community needs.
2. Council will ensure consistent, fair, equitable access for locally based organisations to its community facilities.
3. Council will ensure that its community facilities are managed to an appropriate and sustainable standard. The City will undertake periodical inspections as required with appropriate feedback given to the Tenant.
4. Council will aim to increase community access to activities and services by optimum use of Council facilities achieved by encouraging integration and co-location.
5. For the purposes of tenancy negotiation, all leases shall be classified into one of the categories as outlined in Annexure 1.
6. Lease tenure shall be as outlined in Annexure 1.
7. All amounts due under the lease including rent, outgoings, rates and taxes will be incorporated into one annual lease payment. Where practicable outgoings will be individually metered for each site otherwise a percentage of the outgoings amount will be applied.
8. Tenants that receive an exemption from payment of rates will not be eligible to apply for any of the City's community grants.
9. The tenant shall have responsibility for all obligations as outlined in Annexure 1.
10. Council reserves the right in all cases to inspect premises and ensure conditions are being met.

**RELATED LEGISLATION AND OTHER REFERENCES**

*Local Government Act 1995 (WA).*

*Residential Tenancies Act 1987 (WA)*

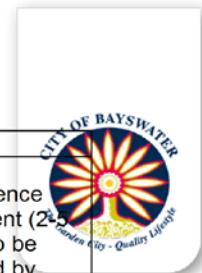
*Residential Park (Long-Stay Tenants) Act 2006 (WA) & Regulations*

<b>Adopted by Council:</b>	19 April 2011
<b>Reviewed</b>	1 March 2016 30 July 2018
<b>Strategic Link</b>	C1.1 - A strong sense of community through the provision of quality services and facilities

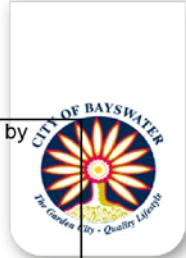


## Annexure 1 - Categories of Tenants

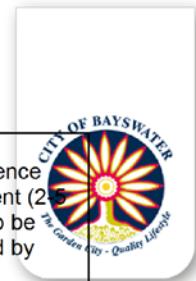
Category No.	Building Description	Reference	Calculation of Lease Fees	Tenant Obligations	Lease Tenure
1	Government	A group or organisation that is either a Statutory body being a Commonwealth, State or Local Government Authority or Agency, or any other body that is grant funded for the purpose of carrying on the activity in question and that body derives a level of income from such activity.	Full market valuation. Rental figures will increase annually by CPI with a market review prior to the commencement of each option.	Cleaning, consumables, repairs, full rates and taxes, waste charges, maintenance, insurances and all outgoings associated with the facility.	Formal Lease Agreement (5 years plus 5 years), to be approved by Council.
2	Charitable/religious/not for profit	A group or organisation that is predominantly grant funded for the purpose of carrying on the activity in question and that body derives a level of income from such activity.	Market valuation (discounted by 50%) or by negotiation. Rental figures will increase annually by CPI with a market review prior to the commencement of each option.	Cleaning, consumables, repairs, minimum rates and taxes, waste charges, maintenance, insurances and all outgoings associated with the facility.	Formal User/Licence Agreement (2-5 years), to be approved by Council.
3	Commercial	Being non-exempt dispositions under the <i>Local Government Act 1995</i> (WA). Where that activity being undertaken is essentially a profit making venture as distinct from fundraising, regardless of whether the body is incorporated or not.	Full market valuation. Rental figures will increase annually by CPI with a market review prior to the commencement of each option.	Cleaning, consumables, repairs, full rates and taxes, waste charges, maintenance, insurances and all outgoings associated with the facility.	Formal Lease Agreement (5 years plus 5 years), to be approved by Council.
4	Retail	Being non-exempt dispositions under the <i>Local Government Act 1995</i> (WA). Where that activity being undertaken is essentially a profit making venture as distinct from fundraising, regardless of whether the body is incorporated or not.	Full market valuation or by negotiation and in consideration of the <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	Cleaning, consumables, repairs, full rates and taxes, waste charges, maintenance, insurances and all outgoings associated	Formal Lease Agreement (5 years plus 5 years), to be approved by Council.



					with the facility.	
5	Residential	Those tenancy arrangements governed by the <i>Residential Tenancies Act 1987 (WA)</i> and/or <i>Residential Park (Long-Stay Tenants) Act 2006 (WA)</i> & Regulations	Full market valuation or by negotiation subject to the <i>Residential Tenancies Act 1987</i> and the <i>Residential Park (Long-Stay Tenants) Act 2006</i> and Regulations.		Cleaning, consumables, repairs, minimum rates and taxes, waste charges, maintenance, insurances and all outgoings associated with the facility.	Formal User/Licence Agreement (2-5 years), to be approved by Council.
6	Sporting/recreational/volunteers	Being sporting and recreational groups (whether incorporated or not) that would be deemed exempt dispositions under the <i>Local Government Act 1995 (WA)</i> .	<p><b>TIER 1 - Groups with a liquor licence</b></p> <p>Full maintenance fees payable applicable to that Facility.</p>	<p><b>TIER 1 - Groups with a liquor licence</b></p> <p>Cleaning, consumables, repairs, full rates and taxes, maintenance, insurances and all outgoings associated with the facility. <b>All structural maintenance and repairs will be undertaken by the City excluding damage attributable to Tenant use/activity.</b></p> <p><b>Waste charges are payable by the City.</b></p>	<p><b>TIER 1 - Groups with a liquor licence</b></p> <p>Cleaning, consumables, repairs, full rates and taxes, maintenance, insurances and all outgoings associated with the facility. <b>All structural maintenance and repairs will be undertaken by the City excluding damage attributable to Tenant use/activity.</b></p> <p><b>Waste charges are payable by the City.</b></p>	<p><b>TIER 1 - Groups with a liquor licence</b></p> <p>Formal User/Licence Agreement (2-5 years), to be approved by Council.</p>
			<p><b>TIER 2 - Groups without a liquor licence</b></p> <p>50% of maintenance fees payable applicable to that Facility.</p>	<p><b>TIER 2 - Groups without a liquor licence</b></p> <p>Cleaning, consumables, repairs, minimum rates and taxes, maintenance,</p>	<p><b>TIER 2 - Groups without a liquor licence</b></p> <p>Formal User/Licence Agreement (2-5 years), to be</p>	

			<p>insurances and all outgoings associated with the facility. <b>All structural maintenance and repairs will be undertaken by the City excluding damage attributable to Tenant use/activity.</b></p> <p><b>Waste charges are payable by the City.</b></p>	approved by Council.	 The logo of the City of Bayswater, featuring a stylized sunburst design with red and yellow rays, surrounded by the text "CITY OF BAYSWATER" and "The Garden City - Quality Lifestyle".
			<p><b>TIER 3 - Junior clubs (members under 16 years old)</b></p> <p>50% of maintenance fees payable applicable to that Facility.</p>	<p><b>TIER 3 - Junior clubs (members under 16 years old)</b></p> <p>Cleaning, consumables, repairs, minimum rates and taxes, maintenance, insurances and all outgoings associated with the facility. <b>All structural maintenance and repairs will be undertaken by the City excluding damage attributable to Tenant use/activity.</b></p> <p><b>Waste charges are payable by the City.</b></p>	<p><b>TIER 3 – Junior clubs (members under 16 years old)</b></p> <p>Formal User/Licence Agreement (2-5 years), to be approved by Council.</p>

7	Volunteers	Member based not for profit group made up of mostly community representatives and volunteers, (whether incorporated or not) set up to help provide help and raise money for those in need and deemed exempt dispositions under the <i>Local Government Act 1995</i> (WA).	50% of maintenance fees payable applicable to that Facility.	Cleaning, consumables, repairs, minimum rates and taxes, wastes charges, maintenance, insurances and all outgoings associated with the facility. <b>All structural maintenance and repairs will be undertaken by the City excluding damage attributable to Tenant use/activity.</b>	Formal User/Licence Agreement (25 years), to be approved by Council.
8	Child Health Clinics	Services provided by community child health nurses, employed by WA Health, deemed exempt dispositions under the <i>Local Government Act 1995</i> (WA).	Peppercorn (\$1)	Consumables, minimum rates and taxes, insurances and all outgoings associated with the facility. <b>All cleaning and structural maintenance and repairs will be undertaken by the City excluding damage attributable to Tenant use/activity.</b>	Informal User Agreement (up to two years), to be approved by Council.
9	Other	To be determined on an individual basis.	Full market valuation. Rental figures will increase annually by CPI with a market review prior to the commencement of each option.	Cleaning, consumables, repairs, minimum rates and taxes, waste charges, maintenance, insurances and all outgoings associated with the facility	Casual Usage/Seasonal Hire Agreement (less than 12 months) to be approved by the Chief Executive Officer or



				including those of a structural nature.	nominee.
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### 13.4 Social Media and Communications Policy

**Responsible Directorate: Office of the Chief Executive Officer**

#### EXECUTIVE SUMMARY

##### Application:

For Council to consider the adoption of the Social and Media Communications Policy.

##### Key Issues:

- At the Policy Review and Development Committee Meeting of 16 May 2018, the Committee resolved to adopt a Social Media and Communications Policy based on the WALGA Social and Communication Policy template.

#### BACKGROUND

At the Policy Review and Development Committee Meeting of 16 May 2018, the following resolution was passed:

**'1. That a draft policy based on the WALGA Social and Communication Media Policy Template be presented at the next Committee meeting'.**

#### CONSULTATION

Nil.

#### ANALYSIS

The Social and Communication Policy has been drafted largely based off the WALGA Social and Communication Media Policy Template in accordance with the Committee's resolution.

As discussed at the Policy Review and Development Committee Meeting of 16 May 2018, the definition of 'social media' has been removed given the constantly developing nature of social media and technology.

The City currently has a Public Relations Policy. This Policy does not provide any guidance to staff or elected members regarding appropriate use of social and communication media. It is intended that the Social and Communication Media Policy will replace the current Public Relations Policy.

#### OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Adopt the Social Media and Communications Policy.  <b>Estimated Cost: Nil</b>	<ul style="list-style-type: none"> <li>The City will have a clear Social Media and Communication Policy outlining expectations and requirements of both staff and Elected Members.</li> <li>There will be consistent and appropriate use of Social Media and Communication avenues by staff and Elected Members.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
2. Resolve not to adopt the new	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>There may be confusion</li> </ul>

	Social Media and Communications Policy.  <b>Estimated Cost: Nil</b>	and inconsistency in use of Social Media and Communication avenues by staff and Elected Members.
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## CONCLUSION

Option 1 is recommended to ensure there is consistent and appropriate use of Social Media and Communication by both staff and Elected Members.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Nil.

## VOTING REQUIREMENTS

Simple Majority Required.

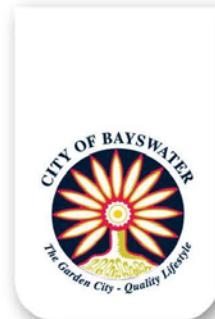
## ATTACHMENTS

1. Social Media and Communication Policy

## COUNCIL RESOLUTION (COMMITTEE/OFFICER'S RECOMMENDATION)

That the Committee recommend that Council adopt the Social and Communication Media Policy.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**Attachment 1****COMMUNICATIONS AND SOCIAL MEDIA POLICY****POLICY OWNER:** Director Corporate and Strategy**POLICY STATEMENT:**

This policy establishes protocols for the City of Bayswater's (the City) official communications with our community to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.

**POLICY DETAILS:**

The purposes of the City's official communications include:

- Sharing information required by law to be publicly available;
- Sharing information that is of interest and benefit to the community;
- Promoting events and services;
- Promoting Public Notices and community consultation and engagement opportunities;
- Answering questions and responding to requests for information relevant to the role of the City; and
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The City's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The City may use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience.

**SPEAKING ON BEHALF OF THE CITY**

The Mayor is the official spokesperson for the City and may represent the City in official communications. Where the Mayor is unavailable, the Deputy Mayor may act as the spokesperson. The CEO may speak on behalf of the City where authorised to do so by the Mayor or Deputy Mayor.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- Bring the City into disrepute;
- Compromise the person's effectiveness in their role with the City;
- Imply the City's endorsement of personal views; or
- Disclose, without authorisation, confidential information.

All enquiries from the media for an official City comment, whether made to an individual Elected Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Mayor or CEO (where authorised) to make an official response on behalf of the City.

Any public statement made by an Elected Member, whether made in a personal capacity or in their local government representative capacity, must:

- Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of City;
- Be made with reasonable care and diligence;
- Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
- Be factually correct;
- Avoid damage to the reputation of the local government;
- Not reflect adversely on a decision of the Council;
- Not reflect adversely on the character or actions of another elected member or employee;
- Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any elected member, employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.

#### **DEFINITIONS**

This policy applies to:

- Communications initiated or responded to by the City with our community; and
- Elected members when making comment in either their role or in a personal capacity

#### **RELATED LEGISLATION AND OTHER REFERENCES:**

*State Records Act 2000*

*Freedom of Information Act 1992*

*Elected Members and Committee Members Code of Conduct*

*Local Government (Rules of Conduct) Regulations 2007*

### 13.5 Elected Member Requests for Information Policy

Responsible Directorate: Office of the Chief Executive Officer

#### EXECUTIVE SUMMARY

##### Application:

For Council to consider the adoption of the Elected Member Request for Information Policy.

##### Key Issues:

- Council has identified increased communication and responsiveness to Councillor enquiries from staff as a priority for the 2018/2019 year.
- This was highlighted through the CEO Performance Review as an area requiring increased structure and reporting
- Following discussions with the Mayor, the Elected Member Request for Information Policy has been developed to improve responsiveness and consistency of information.

#### BACKGROUND

Throughout the 2017/18, Councillors requested increased communication and responsiveness to enquiries sent through to staff. As a result, the following KPI has been proposed for the 2018/19:

##### ***'Improve responsiveness to issues raised through Councillors'***

#### CONSULTATION

The Chief Executive Officer has discussed methods to measure the above KPI with the Mayor, resulting in the proposed Elected Member Request for Information Policy.

#### ANALYSIS

The proposed policy requires that all Councillor enquiries are to be sent to the Mayor and Council Support Officer in the first instance for registration. The enquiry will then be forwarded to the relevant Director or Chief Executive Officer.

A response will be provided, cc'd to all Elected Members (save where the matter is deemed confidential as per the policy), within five (5) working days. Where the matter has not been resolved in five (5) working days, an update will be provided every ten (10) days until the matter is resolved.

By adopting a clear process for enquiries by Elected Members, staff will be able to monitor and ensure timely responses to Councillor enquiries, as well providing regular updates to Councillors where the matter may be in-depth.

The process will also help to ensure that appropriate records of all correspondence is captured in accordance with the State Records Act.

#### OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Adopt the Elected Member Request for Information Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• There will be a procedure in place to ensure timely responses to Elected Members enquiries</li> </ul>	<ul style="list-style-type: none"> <li>• Councillors will not be able to contact staff directly if they want to have the information recorded in the</li> </ul>

	<ul style="list-style-type: none"> <li>Where a matter cannot be resolved quickly, Councillors will be kept updated on its progress until its resolution.</li> <li>All Councillors will be provided with copies of responses to requests which will assist in reducing duplication of requests for information.</li> <li>Will simplify the reporting of performance in relation to responding to Councillor requests.</li> <li>Help to ensure legislative compliance.</li> </ul>	<ul style="list-style-type: none"> <li>system and assessed as part of the performance indicator for responsiveness to Councillor requests.</li> <li>The more structured process may be perceived as slowing down the passage of information between the Executive and Councillors.</li> <li></li> </ul>
2.	<p>Council does not adopt the Elected Member Request for Information Policy.</p> <p><b><i>Estimated Cost: Nil.</i></b></p>	<ul style="list-style-type: none"> <li>Nil.</li> </ul> <ul style="list-style-type: none"> <li>Councillor enquiries may be inadvertently missed as they will not be registered through the Mayor and Council Support Officer.</li> <li>There may be difficulties in updating Councillors on matters that have not been registered by the Mayor and Council Support Officer.</li> </ul>

## CONCLUSION

Option 1 is recommended to ensure that responsiveness to issues raised through Councillors is improved by registration by the Mayor and Council Support Officer. The central registration process will ensure that enquiries do not get missed and regular updates are provided on in-depth matters with all elected members being made aware of the issues and information.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service.  
 Outcome L1: Accountable and good governance,  
 Outcome L3: Strong stewardship and leadership.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Nil.

## VOTING REQUIREMENTS

Simple Majority Required.

## ATTACHMENTS

- Elected Member Request for Information Policy.

2. Amended Elected Member Request for Information Policy.

**COUNCIL RESOLUTION**  
**(COMMITTEE RECOMMENDATION TO COUNCIL)**

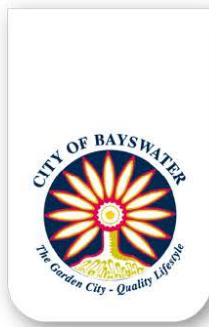
That the Committee recommend that Council adopt the Elected Member Request for Information Policy as amended by the Committee in Attachment 2.

CR GIORGIA JOHNSON MOVED, CR CATHERINE EHRHARDT SECONDED

CARRIED: 5/4

*For: Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Lorna Clarke, Cr Giorgia Johnson, and Cr Catherine Ehrhardt.*

*Against: Cr Sally Palmer, Cr Chris Cornish, Deputy Mayor, Cr Barry McKenna, and Cr Elli Petersen-Pik*

**Attachment 1****COUNCIL POLICY: ELECTED MEMBER REQUEST FOR INFORMATION****POLICY OWNER:** Chief Executive Officer**POLICY STATEMENT:** The City will respond to requests made by the Elected Members in a timely and professional manner in accordance with the details stipulated in this Policy.**POLICY DETAILS**

1. Any Elected Member wishing to make enquiry or obtain any information regarding an operational/strategic issue shall contact the City through the established Elected Member enquiries process, being that all matters are referred to the Mayor and Council Support Officer in the first instance, with email being the preferred method of contact.
2. The Mayor and Council Support Officer will register all enquiries received from Elected Members.
3. Upon registration of the enquiry, a response shall be coordinated by the relevant Director or Chief Executive Officer as appropriate.
4. A response will be provided directly to the Elected Member with a cc to all Elected Members, within five (5) working days, and a record of the response saved. If the matter is deemed confidential in accordance with clause 6, only the referring Elected Member shall receive the response.
5. Should the matter not be resolved within the nominated timeframe of five (5) working days, the Manager, Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
6. In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Mayor to ascertain whether the request be dealt with as being confidential. The Chief Executive Officer will prepare a response and provide this back to the individual Elected Member in line with the parameters stipulated in clauses 4 and 5.

**RELATED LEGISLATION AND OTHER REFERENCES**

Nil.

<b>Adopted by Council:</b>	
<b>Reviewed</b>	15 August 2018
<b>Strategic Link</b>	L3 Strong Stewardship and Leadership

## Attachment 2

**COUNCIL POLICY: ELECTED MEMBER REQUEST FOR INFORMATION****POLICY OWNER:** Chief Executive Officer**POLICY STATEMENT:** The City will respond to requests made by the Elected Members in a timely and professional manner in accordance with the details stipulated in this Policy.**POLICY DETAILS**

1. Any Elected Member wishing to make enquiry or obtain any information regarding an operational/strategic issue shall contact the City through the established Elected Member enquiries process, being that all matters are referred to the Mayor and Council Support Officer in the first instance, with email being the preferred method of contact.
2. The Mayor and Council Support Officer will register all enquiries received from Elected Members.
3. Upon registration of the enquiry, a response shall be coordinated by the relevant Director or Chief Executive Officer as appropriate or as requested by the Elected Member.
4. A response will be provided directly to the Elected within five (5) working days, and a record of the response saved.
5. Should the matter not be resolved within the nominated timeframe of five (5) working days, the Manager, Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
6. In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Mayor to ascertain whether the request be dealt with as being confidential.
7. Matters relating to Council meetings, agendas or are time critical may be forwarded directly to the relevant Director or the Chief Executive Officer appropriate.

**RELATED LEGISLATION AND OTHER REFERENCES**

Nil.

<b>Adopted by Council:</b>	
<b>Reviewed</b>	15 August 2018
<b>Strategic Link</b>	L3 Strong Stewardship and Leadership
<b>Document Ref</b>	3228076

**13.6 Code of Conduct - Council Members and Committee Members 2018**  
**Responsible Directorate: Office of the Chief Executive Officer****EXECUTIVE SUMMARY****Application:**

For Council to consider the adoption of the *Code of Conduct - Council Members and Committee Members 2018*.

**Key Issues:**

- The City currently has two separate Codes of Conduct, one for employees and the *Code of Conduct 2015 for Elected Members and Committee Members*.
- The *Code of Conduct 2015 for Elected Members and Committee Members* does not align with current legislation and in a number of instances does not make sense or is misleading.
- It is therefore recommended that the *Code of Conduct - Council Members and Committee Members 2018* be adopted by Council, based on the WALGA Model Code.

**BACKGROUND**

Under section 5.103 of the *Local Government Act 1995* (WA), every local government is to prepare or adopt a code of conduct to be observed by Elected Members, Committee Members and employees.

The City currently has two codes, one of which deals with the conduct of employees and the other, the *Code of Conduct 2015 for Elected Members and Committee Members* ('Code of Conduct 2015'), relates to the conduct of councillors and committee members.

**CONSULTATION**

Nil.

**ANALYSIS**

The current system of having two separate codes of conduct for Elected Members and staff is considered preferable as the roles and responsibilities of staff are very different from those of councillors.

The Code of Conduct 2015 is not a local law or other form of subsidiary legislation. Under the Policy Framework previously endorsed by the Committee a policy is defined as "*A purposive course of action followed by an actor or set of actors in the course of dealing with a problem or matter of concern...and... a statement of principle that articulates and aligns with legislative, regulatory or organisation requirements.*" On the basis of these, and other agreed definitions contained in the Policy Framework, the Code of Conduct 2015 comes within the scope of the Committees terms of reference.

The Code of Conduct 2015 does not align with current legislation and in a number of instances does not make sense or is misleading. For example rule 3.3 of the Code of Conduct 2015 states "*Elected and Committee Members are bound by the Local Government (Rules of Conduct) Regulations 2007 regulation 7 which requires that Elected and Committee Members must not make improper use of their office as an Elected Member to gain directly or indirectly an advantage for themselves or any other person or to cause detriment to the City of Bayswater or any other person.*" External committee members do not have the same obligations as elected

members and the wording of the current Code of Conduct 2015 incorrectly implies that external committee members are bound by these regulations.

It is noted as well that the current Code of Conduct 2015 refers to the *Local Government (Administration) Regulations 1996* (which regulates the conduct of staff) rather than the *Local Government (Rules of Conduct) Regulations 2007* (which regulates the conduct of elected members). There are very limited legislative obligations placed on external committee members by the *Local Government Act 1995* (WA), mostly to do with the improper use of information.

The *Code of Conduct - Council Members and Committee Members 2018* is based on the WALGA model code. The WALGA model code applies to council members, committee members and employees. As the intention is for the City to continue to have two separate codes, all employee related rules have been removed from this draft.

The Committee must consider whether they wish to include the provisions in the WALGA Model Code in relation to a Caretaker Election Period, which are found in Rule 1.4.

Rule 1.4 provides as follows:

*"In the lead up to an election, during the caretaker period, Council must-*

- *avoid making major decisions that would bind an incoming Council; and*
- *prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election.*

*Where extraordinary circumstances prevail a major policy decision may be submitted to Council.*

*During the caretaker period in the lead up to an election Council Members shall ensure that their title of "Councillor" "Mayor" or "Deputy Mayor" are used only for purposes associated with the normal role of a Council Member in servicing their electorate. Elected member titles shall not be used in a manner that could be perceived as for an electoral purpose.*

*The caretaker period will commence from the close of nominations, 37 days prior to Election Day".*

A question for the Committee to consider is whether the Code should include rule 1.4. If the Code of Conduct deals with the key requirements of election caretaker conventions, officers are of the view that it will not be necessary for the City to have a separate Caretaker Election Period Policy, as the Policy is administrative in nature.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Council adopt the Code of Conduct - Council Members and Committee Members 2018 including the provisions relating to the Caretaker Election Period.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• The City will have a clear Code of Conduct for Elected Members and Committee Members which is not misleading.</li> <li>• The City's code will not inaccurately represent Elected Members and Committee Members responsibilities under the <i>Local Government Act 1995</i> (WA).</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>

		<ul style="list-style-type: none"> <li>The City will have all responsibilities of Elected Members, including in a Caretaker Period, in one central location.</li> </ul>	
2.	Council adopt the Code of Conduct - Council Members and Committee Members 2018 without the provisions relating to the Caretaker Election Period.	<ul style="list-style-type: none"> <li>The City will have a clear Code of Conduct for Elected Members and Committee Members which is not misleading.</li> <li>The City's code will not inaccurately represent Elected Members and Committee Members responsibilities under the <i>Local Government Act 1995 (WA)</i>.</li> </ul>	<ul style="list-style-type: none"> <li>The City will not have all responsibilities of Elected Members, including in a Caretaker Period, in one central location which could lead to confusion among Elected Members.</li> </ul>
3.	Council does not adopt the Code of Conduct - Council Members and Committee Members 2018 and endorses the continuation of the Code of Conduct 2015 for Elected Members and Committee Members  <b><i>Estimated Cost: Nil.</i></b>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>The City will not have a clear Code of Conduct for Elected Members and Committee Members as the current Code of Conduct is misleading.</li> <li>The City's code will continue to inaccurately represent Elected Members and Committee Members responsibilities under the <i>Local Government Act 1995 (WA)</i>.</li> <li>The City will not have all responsibilities of Elected Members, including in a Caretaker Period, in one central location which could lead to confusion among Elected Members.</li> </ul>

## CONCLUSION

Option 1 is recommended at the new *Code of Conduct - Council Members and Committee Members 2018* will ensure that Elected Members and Committee Members have an accurate Code of Conduct to assist in fulfilling their responsibilities.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service  
 Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

*Local Government Act 1995 (WA)*

*Local Government (Administration) Regulations 1996*

*Local Government (Rules of Conduct) Regulations 2007*

*Code of Conduct - Council Members and Committee Members 2018*

*Code of Conduct 2015 for Elected Members and Committee Members*

### **VOTING REQUIREMENTS**

Simply Majority Required.

### **ATTACHMENTS**

1. *Code of Conduct - Council Members and Committee Members 2018*
2. *Amended Code of Conduct 2015 for Elected Members and Committee Members*

### **COUNCIL RESOLUTION**

#### **(COMMITTEE RECOMMENDATION)**

**That the Committee recommend Council adopts the draft 'Code of Conduct- Council Members and Committee Members 2018 as amended by the Committee in Attachment 2.**

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**Attachment 1**

**Code of Conduct  
2018  
Council Members and  
Committee Members**

## PREAMBLE

The Code of Conduct provides Council Members and Committee Members in the City of Bayswater with consistent guidelines for an acceptable standard of professional conduct.

The Code of Conduct addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code of Conduct is complementary to the principles adopted in the *Local Government Act 1995* and Regulations which incorporates four fundamental aims to result in :

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

The Code provides a guide and a basis of expectations for Council Members and Committee Members. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

## STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of the *Local Government Act 1995* (section 5.103 – Codes of Conduct).

## RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007*.

## 1. ROLES

### 1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the City of Bayswater, this will be the focus of the Council Member's public life.

The role of Council Members as set out in section 2.10 of the *Local Government Act 1995* is as follows:

*"A Councillor:*

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law."

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the City of Bayswater's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on local governments.

In carrying out its functions the City of Bayswater is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

### 1.2 Role of Council

The role of the Council is in accordance with section 2.7 of the *Local Government Act 1995*:

*"(1) The council —*  
*(a) governs the local government's affairs; and*

*(b) is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies."*

### 1.3 Relationships between Council Members and Employees

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following –

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

### 1.4 Caretaker period

In the lead up to an election, during the caretaker period, Council must-

- avoid making major decisions that would bind an incoming Council; and
- prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election.

Where extraordinary circumstances prevail a major policy decision may be submitted to Council.

During the caretaker period in the lead up to an election Council Members shall ensure that their title of "Councillor" "Mayor" or Deputy Mayor are used only for purposes associated with the normal role of a Council Member in servicing their electorate. Elected member titles shall not be used in a manner that could be perceived as an electoral purpose.

The caretaker period will commence from the close of nominations, 37 days prior to election day.

## 2. CONFLICT AND DISCLOSURE OF INTEREST

CITY OF BAYSWATER CODE OF CONDUCT  
COUNCIL MEMBERS AND COMMITTEE MEMBERS

## 2.1 Conflict of Interest

- (a) Council Members and Committee Members will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Council Members and Committee Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (c) Council Members and Committee Members who exercise a discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

## 2.2 Financial Interest

Council Members will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

## 2.3 Impartiality Interest

Council Members will adopt the principles of disclosure of an Impartiality interest as contained within the *Local Government (Rules of Conduct) Regulations 2007*.

## 3. PERSONAL BENEFIT

### 3.1 Use of Confidential Information

Council Members or Committee Members shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the City (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council member or officer from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

### 3.2 Improper or Undue Influence

Council Members will not take advantage of their position to improperly influence other Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Council Members and Committee Members shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council Members and Committee Members shall not take advantage of their positions to improperly disadvantage or cause detriment to the City of Bayswater or any other person.

#### 4. CONDUCT OF COUNCIL MEMBERS AND COMMITTEE MEMBERS

##### 4.1 Personal Behaviour

(a) Council Members and Committee Members will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code of Conduct;
- (ii) perform their duties impartially and in the best interests of the City of Bayswater uninfluenced by fear or favour;
- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the City of Bayswater and the community;
- (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the City of Bayswater

(b) Council Members will represent and promote the interests of the City of Bayswater, while recognising their special duty to their own constituents.

#### 4.2 Honesty and Integrity

Council Members will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer; and
- (c) be frank and honest in their official dealings with each other.

#### 4.3 Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Council Member comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a breach of the *Local Government Act 1995* and may be referred for investigation.

#### 4.4 Performance of Duties

- (a) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

#### 4.5 Compliance with Lawful Orders

- (a) Council Members and Committee Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order to be taken up with the Chief Executive Officer.
- (b) Council Members and Committee Members will give effect to the lawful decisions and policies of the City of Bayswater, whether or not they agree with or approve of them.

#### 4.6 Administrative and Management Practices

Council Members and Committee Members will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

#### 4.7 Corporate Obligations

##### (a) Standard of Dress

Council Members and Committee Members are expected to comply with neat and responsible dress standards at all times. Accordingly Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the City of Bayswater in an official capacity.

##### (b) Communication and Public Relations

- (i) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
  - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
  - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
  - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
  - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (ii) Committee Members accept and acknowledge it is their responsibility to observe any direction the City of Bayswater may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

#### 4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

### 5. DEALING WITH COUNCIL PROPERTY

#### 5.1 Use of Local Government Resources

Council Members will:

- (a) be scrupulously honest in their use of the City of Bayswater's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the City of Bayswater resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the City of Bayswater's resources (including the services of Council employees) for private purposes, unless properly authorised to do so.

#### 5.2 Travelling and Sustenance Expenses

Council Members and Committee Members will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with City of Bayswater policy and the provisions of the *Local Government Act 1995*.

#### 5.3 Access to Information

- (a) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

Attachment 2

# **Code of Conduct**

## **2018**

### **Council Members and**

### **Committee Members**

## PREAMBLE

The Code of Conduct provides Council Members and Committee Members in the City of Bayswater with consistent guidelines for an acceptable standard of professional conduct.

The Code of Conduct addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code of Conduct is complementary to the principles adopted in the *Local Government Act 1995* and Regulations which incorporates four fundamental aims to result in :

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

The Code provides a guide and a basis of expectations for Council Members and Committee Members. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

## STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of *the Local Government Act 1995* (section 5.103 – Codes of Conduct).

## RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007*.

## 1. ROLES

### 1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the City of Bayswater, this will be the focus of the Council Member's public life.

The role of Council Members as set out in section 2.10 of the *Local Government Act 1995* is as follows:

*"A Councillor:*

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law."

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the City of Bayswater's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on local governments.

In carrying out its functions the City of Bayswater is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

### 1.2 Role of Council

The role of the Council is in accordance with section 2.7 of the *Local Government Act 1995*:

*"(1) The council—*

- (a) governs the local government's affairs; and

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#### CITY OF BAYSWATER CODE OF CONDUCT COUNCIL MEMBERS AND COMMITTEE MEMBERS

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*(b) is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to —*  
*(a) oversee the allocation of the local government's finances and resources; and*  
*(b) determine the local government's policies."*

### 1.3 Relationships between Council Members and Employees

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following—

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

### 1.4 Caretaker period

The caretaker period will commence from the close of nominations, 37 days prior to election day.

In the lead up to an election, during the caretaker period, Council must—

- avoid making major decisions that would bind an incoming Council; and
- prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election.

Where extraordinary circumstances prevail a major policy decision may be submitted to Council.

## 2. CONFLICT AND DISCLOSURE OF INTEREST

### 2.1 Conflict of Interest

- Council Members and Committee Members will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- Council Members and Committee Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

### CITY OF BAYSWATER CODE OF CONDUCT COUNCIL MEMBERS AND COMMITTEE MEMBERS

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(c) Council Members and Committee Members who exercise a discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

## 2.2 Financial Interest

Council Members will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

## 2.3 Impartiality Interest

Council Members will adopt the principles of disclosure of an Impartiality interest as contained within the *Local Government (Rules of Conduct) Regulations 2007*.

# 3. PERSONAL BENEFIT

## 3.1 Use of Confidential Information

Council Members or Committee Members shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the City (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council member or officer from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

## 3.2 Improper or Undue Influence

Council Members will not take advantage of their position to improperly influence other Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Council Members and Committee Members shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council Members and Committee Members shall not take advantage of their positions to improperly disadvantage or cause detriment to the City of Bayswater or any other person.

# 4. CONDUCT OF COUNCIL MEMBERS AND COMMITTEE MEMBERS

## CITY OF BAYSWATER CODE OF CONDUCT COUNCIL MEMBERS AND COMMITTEE MEMBERS

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#### **4.1 Personal Behaviour**

- (a) Council Members and Committee Members will:
  - (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code of Conduct;
  - (ii) perform their duties impartially and in the best interests of the City of Bayswater uninfluenced by fear or favour;
  - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the City of Bayswater and the community;
  - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - (v) always act in accordance with their obligation of fidelity to the City of Bayswater
- (b) Council Members will represent and promote the interests of the City of Bayswater, while recognising their special duty to their own constituents.

#### **4.2 Honesty and Integrity**

Council Members will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer; and
- (c) be frank and honest in their official dealings with each other.

#### **4.3 Personal Communications and Social Media**

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Council Member comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a breach of the *Local Government Act 1995* and may be referred for investigation.

#### **4.4 Performance of Duties**

- (a) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

#### 4.5 Compliance with Lawful Orders

- (a) Council Members and Committee Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order to be taken up with the Chief Executive Officer.
- (b) Council Members and Committee Members will give effect to the lawful decisions and policies of the City of Bayswater, whether or not they agree with or approve of them.

#### 4.6 Administrative and Management Practices

Council Members and Committee Members will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

#### 4.7 Corporate Obligations

##### (a) Standard of Dress

Council Members and Committee Members are expected to comply with neat and responsible dress standards at all times. Accordingly Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the City of Bayswater in an official capacity.

##### (b) Communication and Public Relations

- (i) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
  - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
  - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
  - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
  - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (ii) Committee Members accept and acknowledge it is their responsibility to observe any direction the City of Bayswater may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

#### 4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

### 5. DEALING WITH COUNCIL PROPERTY

#### 5.1 Use of Local Government Resources

Council Members will:

- (a) be scrupulously honest in their use of the City of Bayswater's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the City of Bayswater resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the City of Bayswater's resources (including the services of Council employees) for private purposes, unless properly authorised to do so.

#### 5.2 Travelling and Sustenance Expenses

Council Members and Committee Members will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with City of Bayswater policy and the provisions of the *Local Government Act 1995*.

#### 5.3 Access to Information

- (a) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

### 13.7 Public Relations Policy

**Responsible Directorate:** Office of the Chief Executive Officer

#### EXECUTIVE SUMMARY

##### Application:

For Council to consider the revocation of the Public Relations Policy.

##### Key Issues:

- At the Policy Review and Development Committee Meeting of 16 May 2018, the Committee resolved to adopted a Social Media and Communications Policy based on the WALGA Social and Communication Policy template.
- It is intended that the new Social and Media Communication Policy will replace the current Public Relations Policy.

#### BACKGROUND

At the Policy Review and Development Committee Meeting of 16 May 2018, the following resolution was passed:

**'1. That a draft policy based on the WALGA Social and Communication Media Policy Template be presented at the next Committee meeting'.**

#### CONSULTATION

Nil.

#### ANALYSIS

The City currently has a Public Relations Policy. This Policy does not provide any guidance to staff or Elected Members regarding appropriate use of social and communication media.

It is noted that the City's current Public Relations Policy simply states that public relations shall be the responsibility of the Mayor and Chief Executive Officer. The current policy does not provide any guidance for staff or Elected Members.

As the Committee has requested the administration to draft a new Social Media and Communication Policy, it is considered appropriate that the current Public Relations Policy be revoked.

#### OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Revoke the Public Relations Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• The City will have one consistent approach towards Social Media and Communication.</li> <li>• Both staff and Elected Members will have guidance as to appropriate use of Social Media and Communication avenues by way of the new Social Media and Communication Policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>

2.	<p>Endorse the continuation of the Public Relations Policy.</p> <p><b>Estimated Cost: Nil.</b></p>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>The City will have an inconsistent approach towards Social Media and Communication by both staff and Elected Members.</li> </ul>
----	--	--	---

## CONCLUSION

Option 1 is recommended as the City will have both guidance and a consistent approach towards Social Media and Communication avenues through the revocation of the Public Relations Policy and the adoption of the new Social Media and Communication Policy.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and good governance  
 Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Nil.

## VOTING REQUIREMENTS

Simply Majority Required.

## ATTACHMENTS

1. Public Relations Policy

## COUNCIL RESOLUTION (COMMITTEE/OFFICER'S RECOMMENDATION)

That the Committee recommends that Council revokes the current Public Relations Policy

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED  
 CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**Attachment 1****PUBLIC RELATIONS POLICY**

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

**PURPOSE:**

To ensure the elected membership has input into Public Relations.

**POLICY STATEMENT:**

Public Relations shall be the responsibility of the Mayor and Chief Executive Officer.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	23 July 2003
Reviewed / Modified	Date	
Reviewed / Modified	Date	



### 13.8 Anniversary Recognition Policy

Responsible Directorate: Office of the Chief Executive Officer

#### EXECUTIVE SUMMARY

##### Application:

For Council to consider the revocation of the Anniversary Recognitions Policy.

##### Key Issues:

- Under the current policy, the City of Bayswater provides a card and flowers to the value of \$100 to residents in recognition of certain birthdays and wedding anniversaries.
- The Anniversary Recognitions Policy is considered outdated and underutilised and should therefore be revoked.

#### BACKGROUND

The Anniversary Recognition Policy was adopted by Council on 14 February 2006.

The Policy currently provides that on specified wedding anniversaries (50<sup>th</sup> wedding anniversary and every ten year anniversary thereafter) and specified birthdays (90<sup>th</sup> birthday, 100<sup>th</sup> birthday and every birthday after 100 years), the City shall provide a card and flowers to the value of \$100 to residents of the community.

#### CONSULTATION

Nil.

#### ANALYSIS

Staff have advised that in the last 8 months, two arrangements of flowers and cards have been organised under the Anniversary Recognitions Policy. As such, the policy is underutilised and the funds allocated for the policy could be redirected to another program.

Therefore it is no longer considered appropriate as part of a modern local government to continue to have an Anniversary Recognitions Policy.

#### OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Revoke the Anniversary Recognitions Policy  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>The City will retain the resources and funding previously allocated to arranging and purchasing the gifts.</li> </ul>	<ul style="list-style-type: none"> <li>There may be a negative perception from the community that the City will no longer be recognising significant milestones of residents within the City.</li> </ul>
2.	Endorse the continuation of the Anniversary Recognition Policy  <b>Estimated Cost: TBA.</b>	<ul style="list-style-type: none"> <li>The City will continue to recognise significant milestones of residents within the City.</li> </ul>	<ul style="list-style-type: none"> <li>The City will continue to allocate funding and resources to arranging and purchasing the gift that could be redirected elsewhere.</li> </ul>

**CONCLUSION**

Option 1 is recommended as the City will be able to ensure that resources and funds are being appropriately managed and are not directed to outdated and underutilised policies.

**FINANCIAL IMPLICATIONS**

Under the current Anniversary Recognitions Policy, the City currently allocates \$100 to each Recognition.

**STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

Anniversary Recognitions Policy

**VOTING REQUIREMENTS**

Simple Majority Required.

**ATTACHMENTS**

1. Anniversary Recognitions Policy

**COMMITTEE RECOMMENDATION TO COUNCIL**

That the Committee recommend that Council endorse the Continuation of the Anniversary Recognition Policy.

**MOTION**

**That Council Revoke the Anniversary Recognitions Policy.**

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR CATHERINE EHRHARDT SECONDED**  
**LOST: 4/5**

**For:** *Cr Chris Cornish, Deputy Mayor, Cr Sally Palmer, Cr Elli Petersen-Pik, and Cr Catherine Ehrhardt.*

**Against:** *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Barry McKenna, Cr Lorna Clarke and Cr Giorgia Johnson.*

**COUNCIL RESOLUTION**  
**(COMMITTEE RECOMMENDATION)**

That the Committee recommend that Council endorse the Continuation of the Anniversary Recognition Policy.

CR DAN BULL, MAYOR MOVED, CR BARRY MCKENNA SECONDED

**CARRIED: 5/4**

**For:** *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Lorna Clarke, Cr Barry McKenna, and Cr Giorgia Johnson.*

**Against:** *Cr Chris Cornish, Deputy Mayor, Cr Sally Palmer, Cr Catherine Ehrhardt, and Cr Elli Petersen-Pik.*

## Attachment 1

## ANNIVERSARY RECOGNITIONS POLICY

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

**PURPOSE:**

To provide a guideline for when anniversary and birthdays of residents of the City of Bayswater are recognised.

**POLICY STATEMENT:**

1. The City of Bayswater shall provide a card and flowers to the value of \$100 to residents of the community in recognition of birthdays and anniversaries as follows:
  - Resident or family member shall make formal contact by phone or in writing to the City;
  - Wedding anniversaries will be recognised as follows – 50th wedding anniversary and every ten year anniversary thereafter; and
  - Birthdays will be recognised as follows – 90th birthday, 100th birthday and every birthday after 100 years.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	14 February 2006
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	



**13.9 Awarding of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy****Responsible Directorate: Office of the Chief Executive Officer****EXECUTIVE SUMMARY****Application:**

For Council to consider the revocation of the Awards of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy.

**Key Issues:**

- The current Awards of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy provides for an open, transparent and accountable procedure for entering into any contracts with business entities that have a relationship with any City of Bayswater Elected Member or Officer.
- In addition to current legislative requirements of Elected Members and Officers with Delegated Authority to disclose financial and impartially interested, it is considered that the policy should be revoked as the legislative requirements and the Related Party Disclosures provide for transparency and accountability in line with best practice principles of transparency and accountability.

**BACKGROUND**

Under the *Local Government Act 1995* (WA), Elected Members and Officers with Delegated Authority are required to disclose any financial or impartiality interests. In addition there are requirements for completion of annual returns for Related Party Disclosures under the Australian Accounting Standard AASB 124 which were not in force when the original policy was adopted.

As required under Australian Accounting Standard AASB 124, Elected Members and Officers must disclose certain related party relationships and related party transactions together with information associated with those transactions. This is to ensure that local government financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

The new reporting requirements are considered to provide appropriate checks and balances in the reporting process.

**CONSULTATION**

Nil.

**ANALYSIS**

The intent of the current policy is to provide an open, transparent and accountable procedure for entering into any contracts with business entities that have a relationship with any City of Bayswater Elected Member or Officer.

Given the current legislative requirements of Elected Members and Officers to disclose any financial or impartiality interest and the Related Party Disclosures, it is considered that the City has an appropriately open, transparent and accountable procedure.

The current policy is therefore a duplication of processes currently undertaken and should therefore be revoked.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Revoke the Awarding of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy  <b><i>Estimated Cost: Nil.</i></b>	<ul style="list-style-type: none"> <li>The City will continue to provide open, accountable and transparent procedures without duplication.</li> <li>There will be no confusion as to the different procedures currently being undertaken.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
2. Endorse the continuation of the Awarding of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy.  <b><i>Estimated Cost: Nil.</i></b>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>There will continue to be a duplication of the current processes being undertaken which may lead to confusion with Elected Members and within the community.</li> </ul>

## CONCLUSION

Option 1 is recommended as it will ensure that the City continues to provide open, accountable and transparent procedures without duplication in policy and the risk of confusion.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service  
 Outcome L1: Accountable and good governance.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Awarding of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy

*Local Government Act 1995 (WA)*

Australian Accounting Standard AASB 124

## VOTING REQUIREMENTS

Simply Majority Required.

## ATTACHMENTS

1. Awarding of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy.

**COUNCIL RESOLUTION**  
**(COMMITTEE/OFFICER'S RECOMMENDATION)**

That the Committee recommend that Council revoke the Awarding of Contracts to Business Entities Closely Associated with Elected Members and Officers Policy.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**  
**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

## Attachment 1



**AWARDING OF CONTRACTS TO BUSINESS ENTITIES CLOSELY ASSOCIATED WITH ELECTED MEMBERS AND OFFICERS – (TENDERS, EXPRESSIONS OF INTEREST OR QUOTATION GUIDELINES AND PROCEDURES) POLICY**

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

**PURPOSE:**

To provide an open, transparent and accountable procedure for entering into any contracts with business entities that have a relationship with any City of Bayswater Elected Member or Officer.

**POLICY STATEMENT:**

1. Where an Elected Member or Officer owns or is closely associated to a business from which the City purchases, or intends to purchase, goods and services, the Council will use this policy as a guideline.
2. Any Elected Member or Officer who wishes to do business with the City of Bayswater must register their interest by the 1<sup>st</sup> July each year, or in the case of a newly Elected Member, or one who decides to do business with the City because of the purchase of a new business entity, register as that matter arises. This register will be maintained by the Chief Executive Officer.
3. Closely associated person means:
  - a. The person is in business partnership or body corporate with the relevant person;
  - b. The person is the spouse or child of the relevant person and is living with the relevant person.
4. Where the City decides to conduct business with such an entity, it will disclose the extent of the funds paid to it by way of a separate note to the accounts of the annual financial report.
5. Where tenders, expressions of interest or quotations are publicly advertised, any business entities that have a closely associated person with any Elected Member or Officer are to state the nature of the association and to advise the Chief Executive Officer that they wish to perform business with the Council.
6. Quotations, and/or expressions of interest that are not publicly advertised, shall also include the declaration requirement in the same manner as tenders and expression of interest.
7. The all tenders/quotations under this policy that have a preferred suppliers list with an evaluation report by the Purchasing Manager and be subject to the approval of the Chief Executive Officer or referred to Council. The Chief Executive Officer shall maintain a register of the submission details of tenders/quotations under this policy.
8. When reporting to Council on a tender, expression of interest or quotation in which there is an Elected Member interest, this should be done under separate/confidential cover with the item not distributed to the Elected Member who has the interest. This



information should not be made available to the Elected Member tendering, lodging an expression of interest or quoting.

9. All enquiries and any complaints pertaining to the tender, expression of interest or quotation must be in writing and addressed to the Chief Executive Officer and he has discretion in resolving the issue or having the matter referred to Council.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	01 March 2005
Reviewed / Modified	Date	14 February 2006
Reviewed / Modified	Date	
Reviewed / Modified	Date	



**13.10 Minimising Confidential Information Policy****Responsible Directorate: Office of the Chief Executive Officer****EXECUTIVE SUMMARY****Application:**

For Council to consider the revocation of the Minimising Confidential Information Policy.

**Key Issues:**

- The Minimising Confidential Information Policy currently identifies exemptions for items that are required to be confidential, therefore requiring Council to close part or all of the meeting.
- As this policy duplicates the provisions of the *Local Government Act 1995* (WA), it is considered appropriate that it be revoked.
- The Council has the final decision in relation to any items that are to be considered confidential in accordance with the provisions of the Local Government Act 1995.

**BACKGROUND**

At the Policy Review and Development Committee Meeting on 21 March 2018, the Committee endorsed the Policy Framework.

A key principle of the Policy Framework is that policies should not duplicate legislation.

**CONSULTATION**

Nil.

**ANALYSIS**

As articulated by Freeman (2013), '*... a policy is a statement of principle that articulates and aligns with legislative, regulatory or organisation requirements*'. Policies should not duplicate legislation as it is not the role of policy and there is a risk that legislative requirements could be misrepresented or misinterpreted.

The *Local Government Act 1995* (WA) currently identifies items that are required to be confidential, therefore requiring Council to close part or all of a meeting. It is therefore considered appropriate that, in accordance with the principles outlined in the Policy Framework, this policy be revoked. Section 5.23 of the *Local Government Act 1995* (WA) requires that meetings of Council and Committees that have delegated authority are to be open to members of the public. Section 5.23(2) provides that a part of a meeting may be closed to members of the public if that part of the meeting deals with any of the following:

- a) *a matter affecting an employee or employees; and*
- b) *the personal affairs of any person; and*
- c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- e) *a matter that if disclosed, would reveal —*
  - (i). *a trade secret; or*
  - (ii). *information that has a commercial value to a person; or*

(iii). *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

f) *a matter that if disclosed, could be reasonably expected to —*

- (i). *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
- (ii). *endanger the security of the local government's property; or*
- (iii). *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*

g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*

h) *such other matters as may be prescribed.*

In order to ensure that Council complies with the relevant provisions of the Act it is proposed to make some additional changes to the wording with the Council or Committee reports clearly outlining under what relevant section of the Act that the meeting will be closed. This is a simple administrative change and Council will need to make a decision to close the meeting to the public in the event that the Council considers the matter meets the threshold for the relevant section.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Revoke the Minimising Confidential Items Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• City policies will not duplicate legislation as outlined in the Policy Framework.</li> <li>• The City will not be at risk of misrepresenting or misinterpreting the provisions of the <i>Local Government Act 1995 (WA)</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>
2. Endorse the continuation of the Minimising Confidential Items Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• Contrary to the Policy Framework, the City will continue to duplicate legislation in policies.</li> <li>• There is a risk that the City may misrepresent or misinterpret the provisions of the <i>Local Government Act 1995 (WA)</i>.</li> </ul>

## CONCLUSION

Option 1 is recommended as it will ensure that City policy does not duplicate legislative requirements and there is no risk that the City misrepresents or misinterprets provisions of the *Local Government Act 1995 (WA)*.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Minimising Confidential Items Policy

*Local Government Act 1995 (WA) s 5.23*

## VOTING REQUIREMENTS

Simply Majority Required.

## ATTACHMENTS

1. Minimising Confidential Items Policy
2. Policy Framework

## COMMITTEE/OFFICER'S RECOMMENDATION

That the Committee recommend that Council endorse the continuation of the Minimising Confidential Items Policy.

## COUNCIL RESOLUTION

That Council

1. Revokes the Minimising Confidential Information Policy as the current policy duplicates the requirements of the *Local Government Act 1995*.
2. Notes that consistent with the legislative requirements, Council will continue to ensure a non-confidential position wherever possible.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR SALLY PALMER SECONDED**

**CARRIED: 5/4**

**For:** *Cr Chris Cornish, Deputy Mayor, Cr Sally Palmer, Cr Giorgia Johnson, Cr Elli Petersen-Pik, and Cr Catherine Ehrhardt.*

**Against:** *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Barry McKenna, and Cr Lorna Clarke.*

## REASON FOR CHANGE

*Council was of the view that it was unnecessary for the current policy to duplicate legislation; and that it should make a statement of intent to minimise non-confidential information wherever possible.*

## Attachment 1

**MINIMISING CONFIDENTIAL ITEMS**

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

**PURPOSE:**

The purpose of this policy is to convey the City's intent, that items being considered by Council are transparent, open and participatory.

Transparency promotes accountability and provides information for community members about what their Local Government is doing. The City of Bayswater will take appropriate action, consistent with law and policy, to disclose information in forms that community members can readily find and use.

In doing this, the City of Bayswater will endeavour, wherever possible, to reduce the number of confidential items being presented at Council Meetings and will use their discretion to determine confidentiality, as provided by the *Local Government Act 1995*, with all due diligence.

**POLICY STATEMENT:**

The Chief Executive Officer can determine what information will not be made available in relation to notice papers, agendas and minutes of meetings if the meeting to which the information relates was closed to the public or in the Chief Executive Officer's opinion, could have been closed to the public.

Section 5.23 of the Local Government Act 1995 outlines that a meeting should generally be open to members of the public but prescribes those instances when the meeting, or part of the meeting, may be closed to the public. The reason for the meeting closure must be recorded in the minutes of that meeting.

Prescribed exemptions that allow the closure or part closure of a meeting are prescribed for when a meeting is dealing with any of the following;

- A matter affecting an employee or employees; or the personal affairs of any person;
- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- Legal advice obtained, or which may be obtained, by the Local government and which relates to a matter to be discussed at the meeting
- A matter that if disclosed, would reveal a trade secret; or information that has a commercial value to a person; or information about the business, professional, commercial or financial affairs of a person, other than a local government.
- A matter that if disclosed, could be reasonably expected



- to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention of the law; or endanger the security of the local government's property; or prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- Information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- Such other matters as may be prescribed.

When dealing with the above, local governments have discretion to consider items at an open meeting that may technically be exempt if they are of the view that no harm is likely to follow from disclosure of the information.

Section 5.95 of the *Local Government Act 1995* further, allows for information determined as confidential to be made available to the public if Council so resolves.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Local Government Act 1995*

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	02/08/2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	



Attachment 2



# **City of Bayswater**

# **Policy Framework**

## DOCUMENT CONTROL

### Document history

Version	Issue Date	Author	Notes / Changes
1.1	21/04/2015	Stacey Hutt	Creation with amendments from internal
1.2	06/06/2015	Stacey Hutt	Amendments from Director Technical Services
1.3	28/07/2015	Stacey Hutt	Amendments from SMG
1.4	14/12/2017	Julia McCullagh	Removal of outdated internal process map and included references to the role of the Policy Review and Development Committee.
1.5	12/1/2018	Julia McCullagh	Additional amendments following consultation with CEO
1.6	2/3/2018	Cassandra Flanigan	Changes following Committee meeting
1.7	6/1/2018	Julia McCullagh	Changes following Committee meeting

### Approvers list

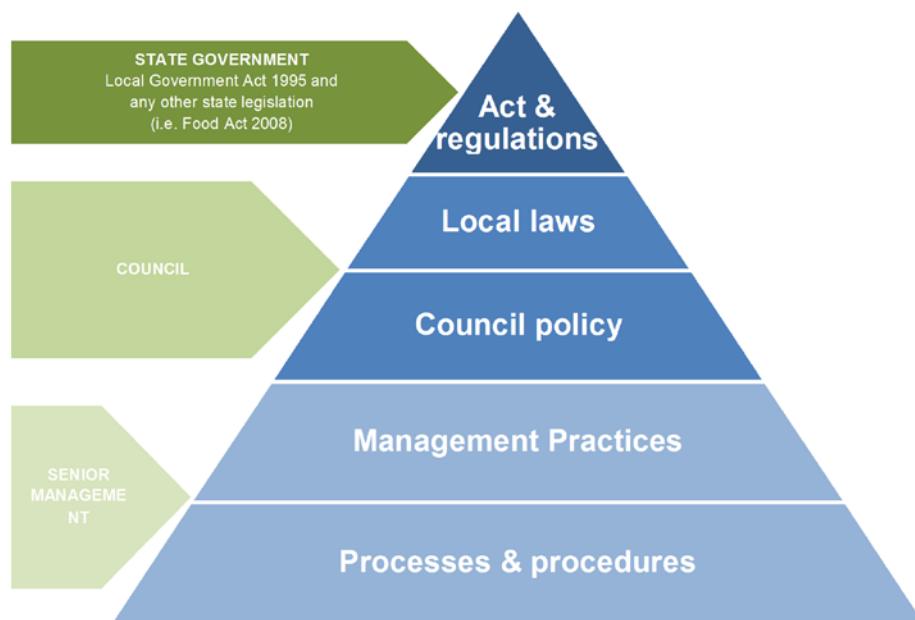
Name	Date
Policy Review and Development Committee	21 March 2018

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## INTRODUCTION

The purpose of this framework is to provide a clear structure for the creation, development and management of Council policy. This framework formalises the process and business rules surrounding the development of policy instruments at the City of Bayswater. The framework also attempts to define what policy is in a local government context and should be used to guide policy development. The City of Bayswater governs through the following hierarchy of instruments and decision makers:



### What is a policy?

- *"A set of interrelated decisions taken by a political actor...concerning the selection of goals and the means of achieving them, within a specific situation, where those decisions should, in principle, be within the power of those actors to achieve."* Jenkins 1978
- *"A purposive course of action followed by an actor or set of actors in the course of dealing with a problem or matter of concern."* Anderson 1984
- *"Public policy is goal oriented; it defines a goal and sets out a means of achieving it."* Howlett and Ramesh 2003
- *'A detailed plan of how something will be done.'* Collin 2004
- *'A policy is a statement of principle that articulates and aligns with legislative, regulatory or organisation requirements.'* Freeman 2013

In a local government, context WALGA defines policy as a "concise statement of strategic objectives or principles that give effect to the Local Government's obligations or objectives, minimise risk, guide subsequent decisions and actions and ensure that the Local Government's community is served in an open, accountable, consistent and sustainable manner."

Policy is both an outcome of a decision making process and also a governance tool that guides decision makers in the exercise of discretion in future decisions.

Looking at it from a broad perspective any resolution of Council could potentially be regarded as a "policy decision," however, for the purposes of this framework and the City's policy development processes, policies are formal policy statements endorsed by Council.

These formal policy instruments should be clear, simple statements of how the City of Bayswater plans to conduct its services, actions or business at a strategic level and what it aims to achieve. These formally endorsed policies should provide a set of guiding principles to help with decision making for both elected members and staff.

These formal Council policies are implemented by way of associated, management practices, procedure and processes.

### **Why does our organisation write policies?**

- To provide sound support for Council decisions.
- To inform future decisions and promote consistency.
- To improve efficiency.
- To set strategic goals and priorities.
- To direct officers and elected members.
- To ensure transparent decision making.

### **What is a Management Practice?**

A Management Practice is a more detailed document which outlines an organisation's course of action in relation to specific legislation or policy. Management Practices outline the processes through which the City of Bayswater will implement a policy goal or comply with a legislative requirement. Management Practices are a function of management and are subject to review at any time according to circumstances, to ensure that policies are being implemented in an efficient and effective manner. These documents are administrative in nature and are "owned" by executive staff.

When a management practice relates or is likely to relate to a policy which will affect the wider community it should be published on the City's website.

### **What is a Procedure?**

Procedures generally exist for operational roles within the organisation. They provide a step by step guide of how policy and Management Practices will be put into action in the front line. A procedure should outline who will do what, what steps they need to take and which forms or documents to use. Procedures are sometimes supported by checklists or instructions.

# POLICY FRAMEWORK

## Business Rules

The City's policies are categorised into the Community Strategic Plan's five areas:



Council policies must:

- Support and represent the City of Bayswater's values and strategic objectives.
- Apply across the organisation.
- Be relevant and transparent in their intention and meaning.
- Be developed in consultation with relevant stakeholders.
- Comply with legislation and regulatory requirements (while avoiding summarising these requirements).
- Assign a responsible officer to administer the policy.
- Be set out in the appropriate policy templates.
- Be adopted in line with this framework.
- Be developed and reviewed in line with the terms of reference of the Policy Review and Development Committee (with the exception of Planning Policies).
- Be posted on the City's website once endorsed by Council.

## **Roles and responsibilities**

The following roles are active within the Policy Framework.

### **Council**

Council is the approval authority for City of Bayswater policies. Policies are implemented via a Council resolution. While support may be provided by advisory Committees and executive staff it is ultimately for Council to determine a local government's policies.

### **Policy Review and Development Committee**

The Policy Review and Development Committee is an advisory committee which consists of six elected members and two senior executive staff members. The Policy Review and Development Committee is responsible for reviewing and coordinating policy development and providing recommendations to Council. Issues for policy development (other than planning issues) should be raised on the Committee agenda prior to being sent to Council.

The Committee's terms of reference are:

- To review all existing City of Bayswater policies (excluding Planning Policies) within a two year period, in line with the Local Government Election Cycle, and facilitate the development of new policies for the consideration by Council as required.
- To make recommendations to Council on matters related to policy, policy review and policy development.
- To explore opportunities that promote policy development in all areas that are within the Council's jurisdiction.
- To allow any draft policy developed and fully considered by another Committee of Council to be referred directly to Council for consideration.
- To provide City of Bayswater Councillor's with assistance and support to develop new policies.

### **Chief Executive Officer**

The Chief Executive Officer (CEO) is responsible for ensuring that advice and information are available to Council so that informed policy decisions can be made. The CEO is also responsible for ensuring that Council policy decisions are implemented

### **Responsible Officers**

A Responsible Officer is to be appointed for each policy. They have the following responsibilities:

- The management, development and implementation of the policy and associated Management Practices.
- Organising a review of the policy should the need arise.
- Ensuring, if necessary, that guidelines or processes are developed in support of the policy.
- Communicating policies to stakeholders.
- Responding to enquiries about the policy.
- Monitoring the operation of the policy and its continuing relevance and impact on Council operations.
- Ensuring that the City's website is updated to reflect any amendments to the policy.

### **Governance Unit**

Policy management within the organisation will be led by the Governance Unit. The Governance Unit has the following responsibilities:

- Provide support and advice to Responsible Officers in relation to policy development and this Policy Framework.
- Ensure that policies are consistent with this Policy Framework.
- Maintain policy support documentation.
- Evaluate implementation of policies and Management Practices.
- Provide executive support for the Policy Review and Development Committee.
- Identify policy gaps or discrepancies.
- Monitor feedback on policies.

### **Policy Review Process**

The Policy Review and Development Committee is responsible for coordinating new policy development, with the exception of planning policies. Planning policies should either be referred directly to Council or to Council by way of the Planning Development and Services Committee.

Issues Identified for possible policy development are to be raised as agenda items with the Policy Review and Development Committee. Staff and elected members can request that areas of concern be considered by the Committee.

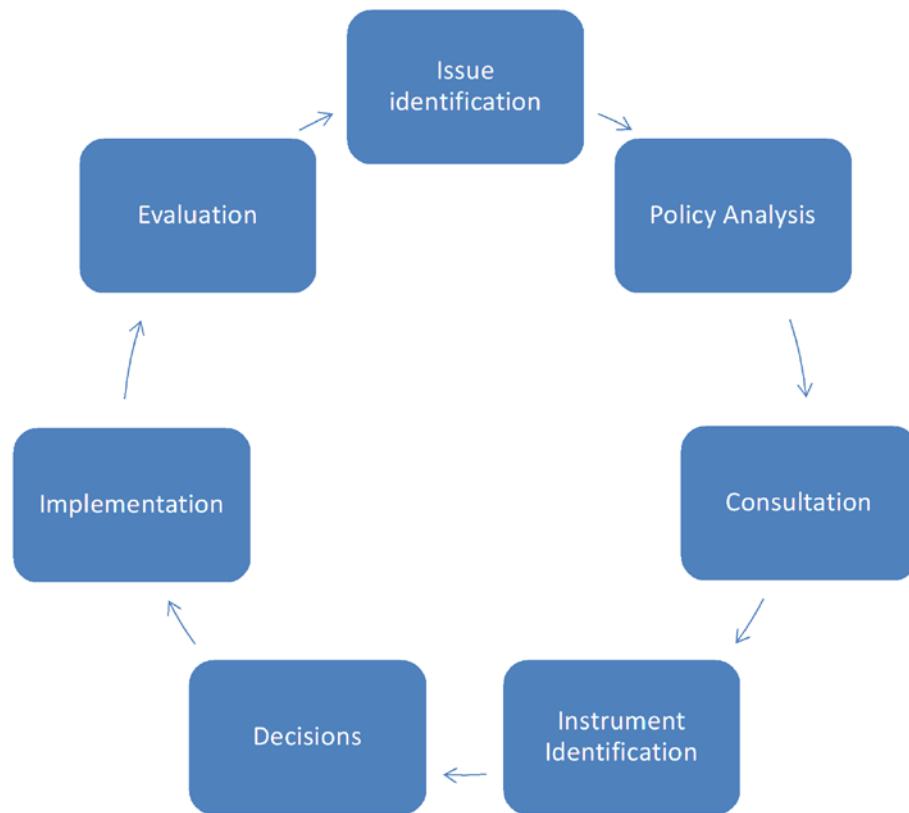
If the Policy Review and Development Committee make a decision to implement a policy solution the City's executive staff will analyse feasibility and policy options and create a draft policy. The draft policy will be reviewed by the Policy Review and Development Committee prior to being submitted to Council for ultimate consideration and endorsement.

External drivers for policy change include:

- Economic forces (market fluctuations, interest rate adjustments, employment rates)
- Media attention
- Legal shifts (court decisions and changes to legislation)
- Technological development (drones, Airbnb)
- Demographic shifts (e.g. population growth will change patterns of demand for local government services)
- Internal drivers for policy change include:
  - Changes in Council strategic direction
  - Identification of emerging issues by City staff
  - A regular program of policy review
  - Problems arising in the implementation or interpretation of policies

## Policy Cycle

The policy cycle is one popular model used to represent how policy is developed. It serves as a useful explanatory tool to represent how policies are developed and to assist in making sense of policy review (Bridgman and Davis 2004).



## Policy Cycle Terminology

<b>Issue Identification</b>	A problem will generally be identified for policy development when present circumstances are considered unacceptable. However, not all problems will lead to policy development. Internal and external drivers, such as media attention, community concern and Council priorities will drive issue identification.
<b>Policy Analysis</b>	Good decision making and advice requires analysis and research of the different options and possible solutions. Where it is possible options should be tested for costs and benefits.
<b>Consultation</b>	Internal consultation should take place with officers who will be affected by the policy change. In some circumstances external consultation should also take place with community members who will be affected.
<b>Instrument Identification</b>	Generally the appropriate instrument for implementing a policy position should be a formal policy statement endorsed by Council, using the appropriate template. However, this will not always be the case, for example the appropriate instrument to achieve a solution might be a new local law. If the appropriate instrument is a change to state or federal legislation Council may need to develop a lobbying position.
<b>Decision</b>	Council makes a decision based on the advice it receives from sub-committees and from officers.
<b>Implementation</b>	Policy decisions made by Council are implemented by the City's officers.
<b>Evaluation</b>	Evaluation is the point in the cycle when the utility of the policy must be reviewed. For example does the problem that led to the creation of the policy still exist? Is the current policy the best way to deal with it? Evaluation generates information for improved policy analysis and suggestions for making the policy more effective.

## FURTHER INFORMATION

### Policy Toolbox

The following Policy Framework templates and forms are available on Baynet:

- **Policy template:** This is the organisational template for all City of Bayswater Policies.
- **Policy review checklist:** The policy review checklist should be considered by staff before every policy review.
- **New policy checklist:** The new policy checklist includes checks for internal consultation, initial research and a draft plan for policy development
- **Policy review and writing guideline:** This guide is based on notes from the WALGA Policy Development training course.
- **Supporting documents guideline:** This guide is based on notes from the WALGA Policy Development training course.

### Policy Contact

For general enquiries about Council policies or this Policy Framework, please contact:

**Senior Governance Officer**  
*E:governance@bayswater.wa.gov.au*  
*T: (08) 9272 0614*

## GLOSSARY

<b>City of Bayswater</b>	The body corporate established as a local government under the <i>Local Government Act 1995</i> in the district of Bayswater.
<b>Council</b>	The elected body which governs the City of Bayswater.
<b>Executive Staff</b>	A person employed by the City of Bayswater to enable the functions of the local government and the functions of the Council to be performed.
<b>Local Laws</b>	Subsidiary legislation made under the <i>Local Government Act 1995</i> or another act with an appropriate head of power. This type of subsidiary legislation generally only applies to the district of Bayswater.
<b>Planning and Development Services Committee</b>	A subcommittee established on 31 October 2017, composed of all elected members. This Committee receives reports, makes decisions in accordance with its delegated authority and makes recommendations to Council in respect to issues relating to all aspects of planning, building and development services.
<b>Stakeholder</b>	Anyone who will be affected or is affected by the actions of the City of Bayswater. Stakeholders are generally divided into two groups; internal and external. As the terms suggest, internal stakeholders come from within an organisation and external stakeholders are those outside the organisation but with a vested interest in it.
<b>Strategic Community Plan</b>	The Strategic Community Plan 2017-2027, adopted by Council in line with the requirements of section 5.56 of the <i>Local Government Act 1995</i> and the <i>Local Government (Administration) Regulations 1996</i> . The purpose of the Strategic Community Plan is to link the community's aspirations with the Council's vision and long term strategy
<b>WALGA</b>	The Western Australian Local Government Authority is a non-government industry body and advocacy group which acts on behalf of local government authorities.

## REFERENCES

Anderson, James, *Public Policy-Making: An Introduction* (Houghton Mifflin 1984 3rd ed. 1984)

Bridgeman, Peter and Davis, Glyn, *The Australian Policy Handbook* (Allen and Unwin 3rd ed. 2004)

Collin, P.H., *Dictionary of Politics and Government* (Bloomsbury 3rd ed. 2004)

Freeman, B, *Revisiting the Policy Cycle* (Melbourne University Press 1st ed. 2013)

Howlett, Michael and Ramesh, M, *Studying Public Policy, Policy Cycles and Policy Subsystems* (Oxford University Press 1st ed. 2003)

Jenkins, William, *Policy Analysis: A Political and Organisational Perspective* (Martin Robertson 1st ed. 1978)

WALGA, *Decision Making In Practice Part 1 Introduction to Local Government Decision Making* (Published Guidelines July 2017)

### 13.11 Nuclear Free Zone Policy

Responsible Directorate: Office of the Chief Executive Officer

#### EXECUTIVE SUMMARY

##### Application:

For Council to consider the revocation of the Nuclear Free Zone Policy.

##### Key Issues:

- The City's Nuclear Free Zone Policy was adopted in 1996.
- As the policy is not relevant to the City, duplicated Commonwealth legislation and is arguably unenforceable, it is recommended that the Nuclear Free Zone Policy be revoked.

#### BACKGROUND

The City's Nuclear Free Zone Policy was originally adopted in 1996. The policy states that with the exception of low level radiation diagnostic and treatment equipment, the City shall remain a nuclear free zone. This policy does not provide any indication as to how it would be interpreted or enforced.

#### CONSULTATION

Nil.

#### ANALYSIS

Australia's radioactive waste is produced by the use of radioactive materials in scientific research and industrial, agricultural and medical applications. Australia produces mostly low-level waste (laboratory items such as paper, plastic, gloves and filters) and some intermediate radioactive waste (for example, from the production of nuclear medicines). Australia does not produce any radioactive waste classified as high-level.

The Nuclear Free Zone Policy predates the *Radiation Protection and Nuclear Safety Act 1998* (Cth). This Act deals with safety and security issues related to radiation produced in medical and industrial areas. The Commonwealth Australian Radiation Protection and Nuclear Safety Agency is the nuclear safety regulatory body established under this legislation.

As a result, it is recommended that the current policy should be revoked on the basis that this area is regulated by the Commonwealth, that the policy is arguably unenforceable and that Australia does not produce any radioactive waste classified as high-level.

#### OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Revoke the Nuclear Free Zone Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>• The City will not operate under a policy which is not relevant to the City of Bayswater and extremely unlikely to become relevant in the future.</li> <li>• The City will not operate under a policy which duplicates legislation.</li> <li>• The City will revoke a</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>

		policy that is arguably unenforceable.	
2.	Endorse the continuation of the Nuclear Free Zone Policy.  <b>Estimated Cost:</b>	• Nil.	<ul style="list-style-type: none"> <li>• The City will be responsible for upholding a policy which is not relevant to the City of Bayswater and extremely unlikely to become relevant in the future.</li> <li>• The City will operate under a policy which duplicates legislation.</li> <li>• The City will operate under a policy that is arguably unenforceable.</li> </ul>

## CONCLUSION

Option 1 is recommended as the current policy relates to an area regulated by Commonwealth legislation, the current policy is arguably unenforceable and it is not relevant to the City of Bayswater.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and good governance  
 Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

*Radiation Protection and Nuclear Safety Act 1998 (Cth)*  
 Nuclear Free Zone Policy

## VOTING REQUIREMENTS

Simple Majority Required.

## ATTACHMENTS

1. Nuclear Free Zone Policy

**COUNCIL RESOLUTION**  
**(COMMITTEE RECOMMENDATION TO COUNCIL)**

That the Committee recommend that Council revoke the Nuclear Free Zone Policy

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR CATHERINE EHRHARDT SECONDED**  
**CARRIED: 5/4**

**For:** *Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Barry McKenna,  
Cr Elli Petersen-Pik and Cr Catherine Ehrhardt.*

**Against:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Lorna Clarke, and Cr Giorgia Johnson.*

## Attachment 1

## NUCLEAR FREE ZONE POLICY

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

**PURPOSE:**

To ensure the health and safety of the residents in the City of Bayswater.

**POLICY STATEMENT:**

With the exception of a very low radiation diagnostic / treatment equipment, the City shall remain a nuclear free zone.

**DEFINITIONS:**

*Nil*

**RELATED LEGISLATION:**

*Nil*

**RELATED DOCUMENTATION:**

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	06 February 2006
Reviewed / Modified	Date	
Reviewed / Modified	Date	



**13.12 Caretaker Election Period Policy**

**Responsible Directorate:** Office of the Chief Executive Officer

**EXECUTIVE SUMMARY****Application:**

For Council to consider the revocation of the Caretaker Election Period Policy.

**Key Issues:**

- The administration has drafted the *Code of Conduct - Council Members and Committee Members 2018* to accurately reflect the legislative responsibilities of Elected Members and Committee Members.
- The *Code of Conduct - Council Members and Committee Members 2018* has been drafted based on the WALGA Model Code.
- Officers have not included the WALGA Model Code's provisions in relation to a Caretaker Election Period and recommend amending the Caretaker Election Period Policy to reflect the intent of the Policy.

**BACKGROUND**

Under section 5.103 of the *Local Government Act 1995* (WA), every local government is to prepare or adopt a code of conduct to be observed by Elected Members, Committee Members and employees.

The administration has drafted the *Code of Conduct - Council Members and Committee Members 2018* based upon the WALGA Model Code of Conduct, save for the provisions in relation to the Caretaker Election Period.

Rule 1.4 of the WALGA Model Code provides as follows:

***"In the lead up to an election, during the caretaker period, Council must-***

- ***avoid making major decisions that would bind an incoming Council; and***
- ***prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election.***

***Where extraordinary circumstances prevail a major policy decision may be submitted to Council.***

***During the caretaker period in the lead up to an election Council Members shall ensure that their title of "Councillor" "Mayor" or "Deputy Mayor" are used only for purposes associated with the normal role of a Council Member in servicing their electorate. Elected member titles shall not be used in a manner that could be perceived as for an electoral purpose.***

***The caretaker period will commence from the close of nominations, 37 days prior to Election Day".***

**CONSULTATION**

Nil.

**ANALYSIS**

It is the view of the City's officers that there is no reason that an Ordinary Council Meeting cannot be scheduled in the lead up to an election, provided that Council does not make any major decisions that would bind the incoming Council.

Should the Committee endorse the *Code of Conduct - Council Members and Committee Members 2018* with the provisions relating to the Caretaker Election Period, officers are of the view that the Caretaker Election Period Policy should be revoked. The current Policy is administrative in nature as it sets out the process to ensure that caretaker conventions are observed.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Council revoke the Caretaker Election Period Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>The City will have all responsibilities of Elected Members, including in a Caretaker Period, in one central location.</li> <li>The City will not operate under a policy which duplicates provisions in the <i>Code of Conduct - Council Members and Committee Members 2018</i>.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
2. Council endorse the continuation of the Caretaker Election Period Policy.  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>The City will not have all responsibilities of Elected Members, including in a Caretaker Period, in one central location which could lead to confusion among Elected Members.</li> <li>The City's policy will duplicates provision in the <i>Code of Conduct - Council Members and Committee Members 2018</i>.</li> </ul>

## CONCLUSION

Option 1 is recommended as it will ensure that all responsibilities of Elected Members, including in a Caretaker Period, are located in one central location and will not result in a duplication of sources.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service  
 Outcome L1: Accountable and good governance

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

*Local Government Act 1995 (WA)*

*Code of Conduct - Council Members and Committee Members 2018*

## **VOTING REQUIREMENTS**

Simply Majority Required

## **ATTACHMENTS**

1. Caretaker Election Period Policy
2. Amended Caretaker Election Period Policy

## **COMMITTEE RECOMMENDATION**

That Council endorses the continuation of the Caretaker Election Period Policy as amended by the Committee as amended in Attachment 2.

## **MOTION**

That Council revoke the Caretaker Election Period Policy.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR STEPHANIE GRAY SECONDED**  
**LOST: 3/6**

**For:** *Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, and Cr Sally Palmer.*  
**Against:** *Cr Dan Bull, Mayor, Cr Barry McKenna, Cr Lorna Clarke, Cr Catherine Ehrhardt, Cr Giorgia Johnson, and Cr Elli Petersen-Pik.*

## **COUNCIL RESOLUTION**

**(COMMITTEE RECOMMENDATION)**

That Council endorses the continuation of the Caretaker Election Period Policy as amended by the Committee as amended in Attachment 2.

**CR DAN BULL, MAYOR MOVED, CR BARRY MCKENNA SECONDED**

**CARRIED: 6/3**

**For:** *Cr Dan Bull, Mayor, Cr Lorna Clarke, Cr Barry McKenna, Cr Giorgia Johnson, Cr Elli Petersen-Pik, and Cr Catherine Ehrhardt.*  
**Against:** *Cr Chris Cornish, Deputy Mayor, Cr Sally Palmer, and Cr Stephanie Gray.*

## Attachment 1



## CARETAKER ELECTION PERIOD POLICY

Responsible Division	Executive Services
Responsible Business Unit/s	Governance
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All

**PURPOSE:**

To ensure that the functions and responsibilities of the City and of the Councillors who are candidates in local government elections, are undertaken in a manner that supports a high standard of integrity during local government election periods.

**POLICY STATEMENT:**

The primary purpose of the Policy is to avoid the Council making major decisions prior to the election that would bind an incoming Council, prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election and ensures that local government officers act impartially in relation to all candidates. Implementation of a Caretaker Election Period Policy would provide for better decision-making and greater transparency and accountability in Council as prescribed by section 1.3 of the *Local Government Act 1995*.

The policy applies to the Caretaker Period to cover:

- decisions made by the Council;
- materials published by the local government
- attendance and participation in functions and events;
- use of the local government's resources; and
- access to local government information.

This Policy applies to Councillors, electoral candidates and employees of the City of Bayswater.

**Scheduling Consideration of Major Policy Decisions**

No Ordinary Council Meeting shall occur during a caretaker period. Instead the Chief Executive Officer is to ensure that such decisions are either:

- a) Considered by the Council prior to the Caretaker Period; or
- b) Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the Chief Executive Officer may submit a major policy decision to the Council in accordance with the provisions of this policy.

**Decisions Made Prior to a Caretaker Period**

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

**Role of the Chief Executive Officer in Implementing Caretaker Practices**

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this policy is as follows:



- a) The Chief Executive Officer will ensure as far as possible, that all Councillors and staff are aware of the Caretaker Policy and practices 30 days prior to the start of the Caretaker Period.
- b) The Chief Executive Officer will ensure, as far as possible, that any major policy or significant decisions required by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where appropriate for determination by the incoming Council.
- c) The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

**Extraordinary Circumstances**

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The Chief Executive Officer is to have regard to a number of circumstances, including but not limited to:

- a) Whether the decision is 'significant';
- b) The urgency of the issue (that is - can it wait until after the election);
- c) The possibility of legal and/or financial repercussions if it is deferred;
- d) Whether the decision is likely to be controversial; and
- e) The best interests of the City of Bayswater.

**Appointment or Removal of the Chief Executive Officer**

Whilst this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election, after which date a permanent decision can be made.

**Prohibition on Publishing Electoral Material**

The City shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the City any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- a) The election; or
- b) A candidate in the election; or
- c) An issue submitted to, or otherwise before, the voters in connection with the election.

**Candidate and/or Councillor Publications**

Candidates and/or Councillors are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City.

**Election Announcements**

This policy does not prevent publications by the City that merely announce the holding of the election or relate only to the election process itself.

**City of Bayswater Publications**

Any reference to Councillors in the City's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the City's publication's that



are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

#### **City of Bayswater Website**

During the Caretaker Period the City's website will not contain any material which is precluded by this policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

#### **City of Bayswater Councillor Business Cards**

During the Caretaker Period, Councillors shall ensure that their allocated business cards are used only for purposes associated with the normal role of a Councillor in servicing their electorate. Councillor Business Cards shall not be used in a manner that could be perceived as an electoral purpose. It should be noted that this prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.

#### **Public Consultation During the Caretaker Period**

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing), unless the consultation is a mandatory statutory process or prior approval is given by the Chief Executive Officer.

#### **Attendance Public Events Hosted by External Bodies**

Councillors may continue to attend events and functions hosted by external bodies during the Caretaker Period.

#### **Attendance at City of Bayswater Organised Civic Events/Functions**

Civic events/functions organised by the City and held during the Caretaker Period will be reduced to only those essential to the operation of the City, and should not in any way be associated with any issues considered topical and relevant to the election.

All known candidates are to be invited to civic events/functions organised by the City during the Caretaker Period, however, only sitting Councillors will be formally acknowledged at such events/functions.

#### **Addresses by Councillors**

Councillors who are also candidates should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the City during the Caretaker Period. Councillors may make short welcome speeches at events and functions organised or sponsored by the City during the Caretaker Period subject to prior approval of the Chief Executive Officer.

#### **Community and Advisory Groups**

Councillors appointed to community groups, advisory groups and other external organisations as representatives of the City shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

#### **Use of City of Bayswater Resources**

The City's Code of Conduct 2015 for Elected and Committee Members and the Code of Ethics for Employees' and the *Local Government (Rules of Conduct) Regulations 2007* provide that the City's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.



The City's staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of City resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

#### **Councillor Access to Information**

During a Caretaker Period, Councillors are able to access Council information relevant to the performance of their functions as a Councillor.

However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this policy. Any Council information so accessed must not be used for election purposes.

#### **Councillor Access to Electoral Information and Assistance**

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the City administration. Information, briefing material and advice prepared or secured by staff for a Councillor must be necessary to the carrying out of the Councillor's role and must not be related to election issues that might be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements, amongst other matters.

#### **Councillor Request for Media Advice**

Any requests for media advice or assistance from Councillors during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Councillors. If satisfied that advice sought by a Councillor during the Caretaker Period does not relate to the election or publicity involving any specific Councillor(s), the Chief Executive Officer may authorise the provision of a response to such a request.

#### **Publicity Campaigns**

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a City activity it must be approved by the Chief Executive Officer. In any event, the City's publicity during the Caretaker Period will be restricted to communicating normal City activities and initiatives.

#### **Media Attention**

Councillors will not use their position to access City staff or resources to gain media attention in support of their or any other candidate's election campaign.

#### **City of Bayswater Employees**

During the Caretaker Period no City employee may make any public statement that relates to an election issue unless, the statements have been approved by the Chief Executive Officer.

#### **Election Process Enquiries**



All election process enquiries from candidates, whether current Councillors or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

#### Relevant Delegations

The Chief Executive Officer has the delegated authority to determine those matters that may be considered by the Council during the designated Caretaker Period in accordance with the provisions of this Policy.

#### DEFINITIONS:

**'Caretaker Period'** means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations being 37 days prior to the Election Day in accordance with section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day.

**'Election Day'** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election.

**'Electoral Material'** means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- a) An advertisement in a newspaper announcing the holding of a meeting in accordance with section 4.87(3) of the *Local Government Act 1995*.
- b) Any materials exempted under Regulation 78 of the Local Government (Elections) Regulations 1997.
- c) Any materials produced by the City relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

**'Events and Functions'** means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

**'Major Policy Decision'** means any:

- a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election.
- b) Decisions relating to the City entering into a sponsorship arrangement with a total City contribution value exceeding \$10,000 (excluding GST).
- c) Irrevocable decisions that commit the City to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by a Councillor.
- d) Irrevocable decisions that will have a significant impact on the City of Bayswater or the community.
- e) Reports requested or initiated by a Councillor, candidate or member of the public that, in the Chief Executive Officer's opinion, may be perceived within the general community as an electoral issue that reflects upon the Council's decision-making process, and has the potential to call into question whether decisions are soundly based and in the best interests of the community.



**'Public Consultation'** means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

**RELATED LEGISLATION:**

*Local Government Act 1995 Part 4*

*Local Government (Elections) Regulations 1996*

**RELATED DOCUMENTATION:**

Department of Premier and Cabinet – Caretaker Conventions (2008)

Relevant Delegations	(insert number from Delegated Authority Register)	
Risk Evaluation	New policy to guide on effective probity during local government electoral periods.	
Council Adoption	Date	31 May 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	



## Attachment 2



## CARETAKER ELECTION PERIOD POLICY

Responsible Division	Corporate and Strategy
Responsible Business Unit/s	Governance
Responsible Officer	Manager Governance
Affected Business Unit/s	All
Document Ref	3228088

### PURPOSE:

To ensure compliance with the caretaker election period provisions in the Code of Conduct – Council Members and Committee Members 2018.

### POLICY STATEMENT:

The primary purpose of the Policy is to avoid the Council making major decisions prior to the election that would bind an incoming Council, prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election and ensures that local government officers act impartially in relation to all candidates. Implementation of a Caretaker Election Period Policy would provide for better decision-making and greater transparency and accountability in Council as prescribed by section 1.3 of the *Local Government Act 1995*.

The policy applies to the Caretaker Period to cover:

- decisions made by the Council;
- materials published by the local government
- attendance and participation in functions and events;
- use of the local government's resources; and
- access to local government information.

This Policy applies to Councillors, electoral candidates and employees of the City of Bayswater.

### Scheduling Consideration of Major Policy Decisions

No Ordinary Council Meeting shall occur during a caretaker period. Instead the Chief Executive Officer is to ensure that such decisions are either:

- a) Considered by the Council prior to the Caretaker Period; or
- b) Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the Chief Executive Officer may submit a major policy decision to the Council in accordance with the provisions of this policy.

### Decisions Made Prior to a Caretaker Period

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

### Role of the Chief Executive Officer in Implementing Caretaker Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this policy is as follows:

- a) The Chief Executive Officer will ensure as far as possible, that all Councillors and staff are aware of the Caretaker Policy and practices 30 days prior to the start of the Caretaker Period.
- b) The Chief Executive Officer will ensure, as far as possible, that any major policy or significant decisions required by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where appropriate for determination by the incoming Council.
- c) The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

#### **Extraordinary Circumstances**

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The Chief Executive Officer is to have regard to a number of circumstances, including but not limited to:

- a) Whether the decision is 'significant';
- b) The urgency of the issue (that is - can it wait until after the election);
- c) The possibility of legal and/or financial repercussions if it is deferred;
- d) Whether the decision is likely to be controversial; and
- e) The best interests of the City of Bayswater.

#### **Appointment or Removal of the Chief Executive Officer**

Whilst this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election, after which date a permanent decision can be made.

#### **Prohibition on Publishing Electoral Material**

The City shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the City any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- a) The election; or
- b) A candidate in the election; or
- c) An issue submitted to, or otherwise before, the voters in connection with the election.

#### **Candidate and/or Councillor Publications**

Candidates and/or Councillors are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City.

#### **Councillor Titles during Election Period**

Councillors shall not use their roles or titles to endorse other candidates.

#### **Election Announcements**

This policy does not prevent publications by the City that merely announce the holding of the election or relate only to the election process itself.

**City of Bayswater Publications**

Any reference to Councillors in the City's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the City's publication's that are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

**City of Bayswater Website**

During the Caretaker Period the City's website will not contain any material which is precluded by this policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

**City of Bayswater Councillor Business Cards**

During the Caretaker Period, Councillors shall ensure that their allocated business cards are used only for purposes associated with the normal role of a Councillor in servicing their electorate. Councillor Business Cards shall not be used in a manner that could be perceived as an electoral purpose. It should be noted that this prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.

**Public Consultation During the Caretaker Period**

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing), unless the consultation is a mandatory statutory process or prior approval is given by the Chief Executive Officer.

**Attendance Public Events Hosted by External Bodies**

Councillors may continue to attend events and functions hosted by external bodies during the Caretaker Period.

**Attendance at City of Bayswater Organised Civic Events/Functions**

Civic events/functions organised by the City and held during the Caretaker Period will be reduced to only those essential to the operation of the City, and should not in any way be associated with any issues considered topical and relevant to the election.

All known candidates are to be invited to civic events/functions organised by the City during the Caretaker Period, however, only sitting Councillors will be formally acknowledged at such events/functions.

**Addresses by Councillors**

Councillors who are also candidates should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the City during the Caretaker Period. Councillors may make short welcome speeches at events and functions organised or sponsored by the City during the Caretaker Period subject to prior approval of the Chief Executive Officer.

**Community and Advisory Groups**

Councillors appointed to community groups, advisory groups and other external organisations as representatives of the City shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

**Use of City of Bayswater Resources**

The City's Code of Conduct for Elected and Committee Members 2018 and the Code of Ethics for Employees' and the *Local Government (Rules of Conduct) Regulations 2007*

provide that the City's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.

The City's staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Councillors and/or candidates in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of City resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

#### **Councillor Access to Information**

During a Caretaker Period, Councillors are able to access Council information relevant to the performance of their functions as a Councillor.

However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this policy. Any Council information so accessed must not be used for election purposes.

#### **Councillor Access to Electoral Information and Assistance**

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the City administration. Information, briefing material and advice prepared or secured by staff for a Councillor must be necessary to the carrying out of the Councillor's role and must not be related to election issues that might be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements, amongst other matters.

#### **Councillor Request for Media Advice**

Any requests for media advice or assistance from Councillors during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Councillors. If satisfied that advice sought by a Councillor during the Caretaker Period does not relate to the election or publicity involving any specific Councillor(s), the Chief Executive Officer may authorise the provision of a response to such a request.

#### **Publicity Campaigns**

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a City activity it must be approved by the Chief Executive Officer. In any event, the City's publicity during the Caretaker Period will be restricted to communicating normal City activities and initiatives.

#### **Media Attention**

Councillors will not use their position to access City staff or resources to gain media attention in support of their or any other candidate's election campaign.

#### **City of Bayswater Employees**

During the Caretaker Period no City employee may make any public statement that relates to an election issue unless, the statements have been approved by the Chief Executive Officer.

**Election Process Enquiries**

All election process enquiries from candidates, whether current Councillors or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

**Relevant Delegations**

The Chief Executive Officer has the delegated authority to determine those matters that may be considered by the Council during the designated Caretaker Period in accordance with the provisions of this Policy.

**DEFINITIONS:**

**'Caretaker Period'** means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations being 37 days prior to the Election Day in accordance with section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day.

**'Election Day'** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election.

**'Electoral Material'** means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- a) An advertisement in a newspaper announcing the holding of a meeting in accordance with section 4.87(3) of the *Local Government Act 1995*.
- b) Any materials exempted under Regulation 78 of the Local Government (Elections) Regulations 1997.
- c) Any materials produced by the City relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

**'Events and Functions'** means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

**'Major Policy Decision'** means any:

- a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election.
- b) Decisions relating to the City entering into a sponsorship arrangement with a total City contribution value exceeding \$10,000 (excluding GST).
- c) Irrevocable decisions that commit the City to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by a Councillor.
- d) Irrevocable decisions that will have a significant impact on the City of Bayswater or the community.
- e) Reports requested or initiated by a Councillor, candidate or member of the public that, in the Chief Executive Officer's opinion, may be perceived within the general community as an electoral issue that reflects upon the Council's

decision-making process, and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

**'Public Consultation'** means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

**RELATED LEGISLATION:**

*Local Government Act 1995 Part 4*

*Local Government (Elections) Regulations 1996*

**RELATED DOCUMENTATION:**

Department of Premier and Cabinet – Caretaker Conventions (2008)

Relevant Delegations	(insert number from Delegated Authority Register)	
Risk Evaluation	New policy to guide on effective probity during local government electoral periods.	
Council Adoption	Date	31 May 2016
Reviewed / Modified	Date	15 August 2018
Reviewed / Modified	Date	
Reviewed / Modified	Date	

**13.13 Change to Terms of Reference - Aboriginal Advisory Committee**

**Reporting Branch:** Community Development  
**Responsible Directorate:** Community and Development  
**Refer:** Item 13.1.1: OCM 24.04.2018  
Item 13.4: OCM 22.05.2018  
Item 13.2: OCM 26.06.2018

**EXECUTIVE SUMMARY****Application:**

For Council to approve an amendment to the Terms of Reference document for the City of Bayswater's Aboriginal Advisory Committee (AAC).

**Key Issues:**

- The purpose of the Aboriginal Advisory Committee is to advise and assist in the development and implementation of a Reconciliation Action Plan (RAP) for the City of Bayswater.
- The City does not currently consult with the Aboriginal Advisory Committee or local Aboriginal people on matters outside of the development of the City's Reflect RAP. It is therefore recommended that Council consider changes to the AAC Terms of Reference document to expand the purpose of the Committee.

**BACKGROUND**

The Aboriginal Advisory Committee was formed by Council in 2017 and the first meeting conducted on 28 February 2018. The Terms of Reference were reviewed by the Committee at its second meeting on 4 April 2018 and confirmed as satisfactory.

The third AAC meeting was held on 6 June 2018 and during informal discussions at the meeting, the question was raised by one of the community committee members as to whom the City of Bayswater consults on matters relating to the local Aboriginal community outside of the scope of the RAP development. In response, it was acknowledged by staff that currently the City of Bayswater does not formally consult with the local Aboriginal community on matters that do not pertain to the development of the RAP.

It was agreed that the AAC Terms of Reference would be placed on the agenda for the following meeting for discussion and revision.

**CONSULTATION**

It is considered that community consultation is not required in relation to amending the AAC Terms of Reference.

**ANALYSIS**

The current Terms of Reference for the City's AAC does not allow for the AAC to provide advice on matters other than the development and implementation of a RAP for the City of Bayswater, with the aim to help the workplace to facilitate understanding, promote meaningful engagement, increase equality and develop sustainable employment and business opportunities.

The City has confirmed that there is not currently a formal method of consulting with the local Aboriginal community on matters that affect Aboriginal and Torres Strait Islander people outside the City's AAC, who solely focus on matters relating to the development of the City's first Reflect RAP. Consulting and involving Aboriginal and Torres Strait Islander peoples in discussions that impact their communities is considered essential to the process of building respectful relationships and linking to local knowledge and cultural expertise. It will also encourage input

into opportunities and issues within the City of Bayswater that appropriately reflects the needs and priorities of the local Aboriginal community. Therefore, there is an opportunity for the City to change the existing AAC Terms of Reference to expand the purpose of the AAC to provide advice to the City on any strategic matters that affect Aboriginal and Torres Strait Islander people.

Officers recommend that an amendment be made to the current AAC Terms of Reference under the *Purpose of the Committee* section, as follows:

- The AAC may also provide advice to the City of Bayswater, on matters other than the RAP, that affect Aboriginal people within the City of Bayswater, and where the City can have a direct influence.

Terms of Reference for advisory committees such as the AAC can be modified at any time, subject to Council approval.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Change the Terms of Reference to allow for the AAC to provide advice on other strategic matters that are beyond the parameters of the RAP.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• A relevant committee is already established.</li> <li>• Expertise and local knowledge already exist in the AAC.</li> <li>• No perceived additional cost to the City of Bayswater.</li> <li>• Relationships with local Aboriginal community members are likely to improve as a result, and barriers for Aboriginal people in the community in terms of their interactions with the City of Bayswater may reduce.</li> </ul>	<ul style="list-style-type: none"> <li>• The City may have little influence on the advice provided by the AAC.</li> </ul>
2. Make other change(s) to the Terms of Reference of the AAC.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Dependent on other change(s) made.</li> </ul>	<ul style="list-style-type: none"> <li>• Dependent on the other changes made to the Terms of Reference.</li> </ul>	<ul style="list-style-type: none"> <li>• Dependent on the other change(s) made to the Terms of Reference.</li> </ul>
3. Do not change the Terms of Reference of the AAC.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• Policies, programs and initiatives developed by the City may continue to be implemented with no input from all the people that they affect such as the Aboriginal and Torres Strait Islander local community.</li> </ul>

## CONCLUSION

Option 1 is recommended as the AAC is already established and is a best fit to act as a reference group in this area. It is considered that the existing committee members have the

relevant expertise and local knowledge to contribute to discussions on strategic matters that pertain to the local Aboriginal and Torres Strait Islander community.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community

Aspiration: An active and engagement community.

Outcome C2.1: Ensure the City's services are acceptable and inclusive

Outcome C2:1.1 Develop and implement a Reconciliation Action Plan with support from an Aboriginal Advisory Committee.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Standing Orders Local Law 2013: 16.1 section (2) (a); and
- *Local Government Act 1995*

## **VOTING REQUIREMENTS**

Simple Majority Required

## **ATTACHMENTS**

1. Current Terms of Reference for the Aboriginal Advisory Committee
2. Revised Terms of Reference for the Aboriginal Advisory Committee

## **OFFICER'S RECOMMENDATION**

That Council approves the revised Terms of Reference for the Aboriginal Advisory Committee as contained in Attachment 2 to this report.

## **REASON FOR CHANGE**

*The Committee changed the Officer's Recommendation as it was of the belief that the further changes to the Terms of Reference would better enable the Committee to provide advice to the City on matters considered important to the Aboriginal Community within the City of Bayswater, and reflect the current Officers' titles.*

**COUNCIL RESOLUTION**  
**(ADVISORY COMMITTEE RECOMMENDATION)**

That Council approves the revised Terms of Reference for the Aboriginal Advisory Committee as contained in Attachment 2 to this report, subject to the following further changes made to the Terms of Reference:

1. The title of the Terms of Reference being changed to "Aboriginal Advisory Committee".
2. The Purpose of the Committee being changed to:
  - "The Aboriginal Advisory Committee advises and assists in the development, implementation and monitoring of a Reconciliation Plan (RAP) for the City of Bayswater, with the aim to help the workplace to facilitate understanding, promote meaningful engagement, increase equality and develop sustainable employment and business opportunities.
  - The Aboriginal Advisory Committee may also provide advice and make recommendations to the City of Bayswater on matters other than the RAP that affect Aboriginal people within the City of Bayswater, where the City can have a direct influence."
3. The Officer titles listed under Non-Voting Members being changed such that "Director Community Services" becomes "Director Community and Development", "Manager Community Services" becomes "Manager Community Development" and "Manager Human Resources" becomes "Manager People, Culture and Safety".

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**  
**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**Attachment 1****Current Terms of Reference for the Aboriginal Advisory Committee**

TERMS OF REFERENCE Reconciliation Action Plan - Aboriginal Advisory Committee	
Meeting occurrence :	As required
Day of Meeting:	When suitable
Time of Meeting:	When suitable
Location of Meeting:	City of Bayswater, Civic Centre, 61 Broun Avenue, Morley WA 6062
Liaison Officer:	Director Community Services or nominated officer
Purpose of Committee:	The Aboriginal Advisory Committee advises and assists in the development and implementation of a Reconciliation Action Plan (RAP) for the City of Bayswater, with the aim to help the workplace to facilitate understanding, promote meaningful engagement, increase equality and develop sustainable employment and business opportunities.
Elected Members:	<ul style="list-style-type: none"> <li>Three Elected Council Members</li> </ul>
Non-Council Members:	<p>Up to five community members who fit one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>Aboriginal and Torres Strait Islander community members.</li> <li>Individuals who work with or for the Aboriginal and Torres Strait Islander community on a professional level.</li> <li>Any community member who lives or works within the City of Bayswater or is regularly engaged with the Bayswater community, who is interested in reconciliation and its potential to influence the culture of the organisation.</li> </ul>
Non-Voting Members:	<ul style="list-style-type: none"> <li>Director Community Services</li> <li>Manager Community Services</li> <li>Manager Human Resources</li> <li>Community Development Officer (Administration)</li> <li>An additional officer representative from each of the Directorates to be invited to and on a rotating basis to attend the meetings.</li> </ul>
Terms of Membership	<ul style="list-style-type: none"> <li>Elected members - Two years commencing after each Ordinary Council election</li> <li>Non-Council members - from the date of appointment by Council until October 2019.</li> </ul>
Delegated Authority	Nil
Sitting Fees	Nil (included as part of the annual Sitting Fees paid to Councillors)

**Attachment 2****Revised Terms of Reference for the Aboriginal Advisory Committee**

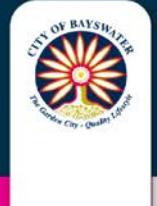
<b>TERMS OF REFERENCE</b> <b>Reconciliation Action Plan - Aboriginal Advisory Committee</b>	
Meeting occurrence :	As required
Day of Meeting:	When suitable
Time of Meeting:	When suitable
Location of Meeting:	City of Bayswater, Civic Centre, 61 Broun Avenue, Morley WA 6062
Liaison Officer:	Director Community Services or nominated officer
Purpose of Committee:	<ul style="list-style-type: none"> <li>• The Aboriginal Advisory Committee advises and assists in the development and implementation of a Reconciliation Action Plan (RAP) for the City of Bayswater, with the aim to help the workplace to facilitate understanding, promote meaningful engagement, increase equality and develop sustainable employment and business opportunities.</li> <li>• The Aboriginal Advisory Committee may also provide advice to the City of Bayswater on matters other than the RAP that affect Aboriginal people within the City of Bayswater, where the City can have a direct influence.</li> </ul>
Elected Members:	<ul style="list-style-type: none"> <li>• Three Elected Council Members</li> </ul>
Non-Council Members:	<p>Up to five community members who fit one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander community members.</li> <li>• Individuals who work with or for the Aboriginal and Torres Strait Islander community on a professional level.</li> <li>• Any community member who lives or works within the City of Bayswater or is regularly engaged with the Bayswater community, who is interested in reconciliation and its potential to influence the culture of the organisation.</li> </ul>
Non-Voting Members:	<ul style="list-style-type: none"> <li>• Director Community Services</li> <li>• Manager Community Services</li> <li>• Manager Human Resources</li> <li>• Community Development Officer (Administration)</li> <li>• An additional officer representative from each of the Directorates to be invited to and on a rotating basis to attend the meetings.</li> </ul>
Terms of Membership	<ul style="list-style-type: none"> <li>• Elected members - Two years commencing after each Ordinary Council election</li> <li>• Non-Council members - from the date of appointment by Council until October 2019.</li> </ul>
Delegated Authority	Nil
Sitting Fees	Nil (included as part of the annual Sitting Fees paid to Councillors)

13.14 CAIAC - Parking on Footpaths - Issues and Reporting



The image features a dark blue background. In the top left corner is a logo consisting of six stylized, overlapping petals in shades of purple, pink, yellow, and blue. To the right of the logo, the text "Rangers and Security Services" is written in a large, white, sans-serif font. Below this text is a photograph of a man in a dark uniform and cap, crouching on a grassy lawn next to a white security vehicle. The vehicle has "RANGER SECURITY" and the phone number "1300 360 333" printed on its side, along with a yellow circular emblem. At the bottom of the slide is a horizontal bar composed of various colored squares (blue, green, yellow, red, purple) and a small white rectangular box containing the City of Bayswater logo.

*Community Access and inclusion Advisory Committee  
Presentation - July 2018*



The City of Bayswater logo is located in the bottom right corner of the slide. It features a circular emblem with a sunburst design in yellow and red, surrounded by the text "CITY OF BAYSWATER" and "The Green City - Quality Lifestyle".



# Rangers And Security Services Parking

*To provide a safe parking environment the Rangers and Security Service actively patrol the City and respond to complaints from the community to ensure all residents and visitors comply with the City's Parking Local Laws.*





## Parking

The Rangers and Security Service monitor footpaths, verges, ACROD bays, schools and timed parking.



Effectively educate, promote and administer compliance relating to the enforcement of the parking local laws.

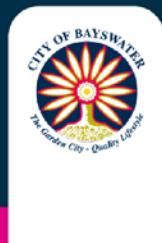




## Rangers And Security Services

- Rangers and Security Service consists of:
  - Rangers
  - Security Officers
  - Parking Officers

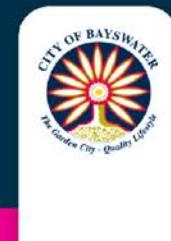
All staff within the Rangers and Security Service are Authorised Officers.





# Why is monitoring of parking important?

- SAFETY....SAFETY....SAFETY
- The City of Bayswater monitors and administers parking restrictions for the safety of all road users.
- Footpaths provide pedestrians with a safe alternative to walking on roads.





# Specific Offences

City of Bayswater Parking and Parking Facilities Local Law  
2016

- 4.5 (3)(f) Parking on footpath/pedestrian crossing





# Specific Offences

Local Government (Parking for People with Disabilities) Regulations 2014

- r7 Standing or parking a vehicle in permit parking area



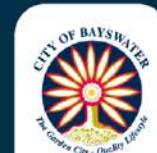


# Consequences

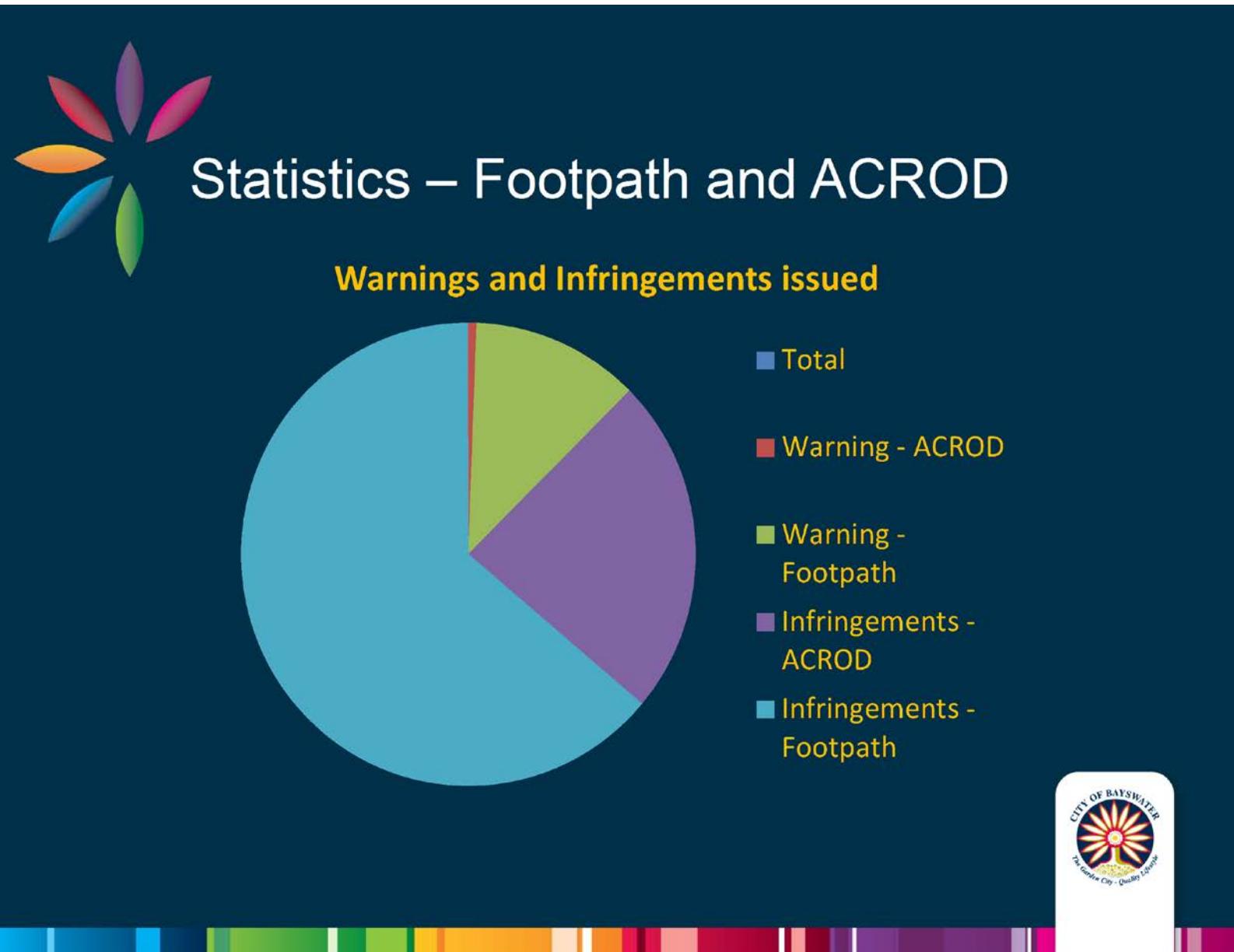
- Education
- Warnings
- Infringements
- Prosecution



Effectively educate, promote and administer compliance relating to the enforcement of the parking local laws.









## Future strategies

### Continued education

- social media
- face to face
- events



- Target campaigns

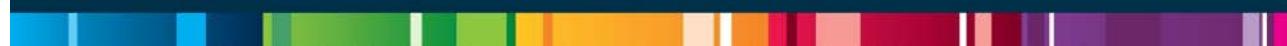
- Community Newspaper

- COB website update

- On-going patrols

- Increased Parking Officers

- Continued infringements

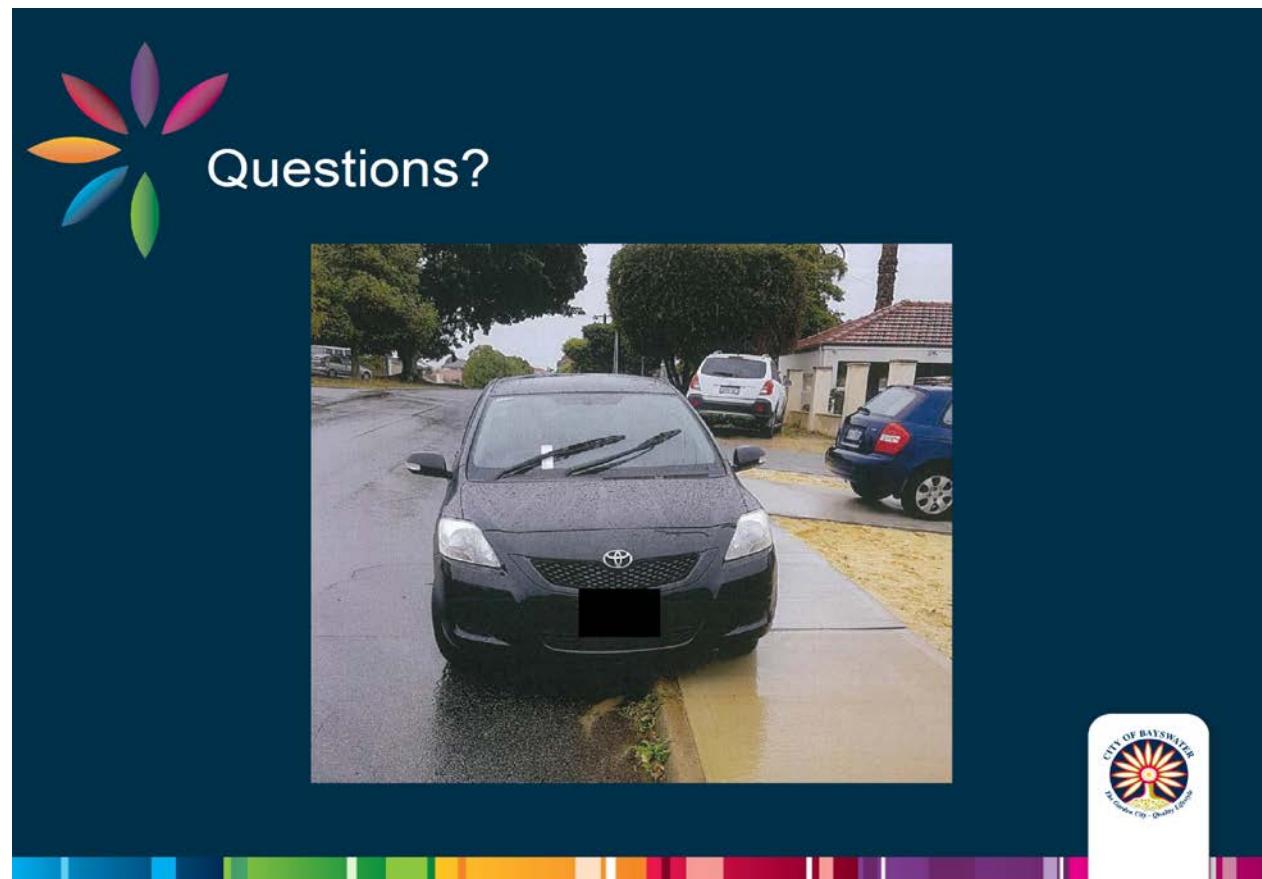




## What can you do?

- Rangers and Security Services respond to complaints
- Contact Rangers and Security on  
**9272 0972 or 1300 360 333**
- Provide information
  - -location (house number, street, park/reserve name, suburb)
  - - what is the problem (e.g. car parked over footpath)
  - - description of vehicle (colour, make, model)





**ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1. Requests that the City look into improving the effectiveness of its enforcement of the by-law forbidding parked cars from obstructing footpaths; and
2. Authorises the City to take actions to increase community awareness of the above by-law rule through various measures, including notices in the Eastern Reporter ("News in Brief"), the "City News" online newsletter, and on the City's Facebook Page.

**CR ELLI PETERSEN-PIK MOVED, MR TONY SANTORO SECONDED**

**CARRIED**

**UNANIMOUSLY:**

**8/0**

**COUNCIL RESOLUTION**

That Council:

1. Requests that the City look into improving the effectiveness of its enforcement of the local law forbidding parked cars and other mobile obstacles from obstructing footpaths; and
2. Authorises the City to take actions to increase community awareness of the above local law through various measures, including notices in the Eastern Reporter ("News in Brief"), the "City News" online newsletter, and on the City's Facebook Page.

**CR ELLI PETERSEN-PIK MOVED, CR CATHERINE EHRHARDT SECONDED**

**CARRIED UNANIMOUSLY: 9/0**

**REASON FOR CHANGE**

*Council changed the Advisory Committee recommendation as it was of the view that the enforcement should also be undertaken on mobile obstacles, such as building material on footpaths as these obstacles also adversely affect the safety and accessibility of footpaths; and to make correct reference to local laws.*

**13.15 CAIAC Member Retirement Request - Kevin Howard**

**Reporting Branch:** Community Services  
**Responsible Directorate:** Community Services  
**Refer:** Item 10.6: SCM 30.10.2017  
Item 11.2: OCM 30.01.2018

**EXECUTIVE SUMMARY****Application:**

Mr Kevin Howard, who is a community representative on the City's Community Access and Inclusion Advisory Committee (CAIAC), has requested to relinquish his Committee membership. Council has several options on how to move forward with this vacant position.

**Key Issues:**

- Mr Howard has relinquished his CAIAC Committee membership;
- Council may choose to fill the Committee position or leave it vacant; and
- A new Committee member can be sought from the previous pool of applicants who expressed interest in membership when the Committee was originally formed in January 2018. Alternatively, expressions of interest can be sought from the wider community.

**BACKGROUND**

The CAIAC Committee was formed by Council at the Special Council Meeting held 30 October 2017.

The Terms of Reference for the CAIAC specify a membership consisting of four Elected Members and a maximum of six community members. At the Ordinary Council Meeting held 30 January 2018, six community members, including Mr Howard, were selected by Council resolution. The term of this position was specified to be until October 2019.

On 28 May 2018, the City's Officers received a call from Mr Kevin Howard who advised that he would like to cease volunteering for the City, including retiring as a member of the CAIAC. This request was formalised in a letter emailed to the City, addressed to the CEO, requesting resignation from the CAIAC.

Under section 4 of *Local Government (Administration) Regulations 1996*:

*"A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation."*

**CONSULTATION**

No consultation has been undertaken on this matter.

**ANALYSIS**

Council may now determine whether to fill the position or leave the position vacant. The terms of reference for the Committee state that there can be a maximum of 6 Committee members from the community, however the committee is still able to achieve a quorum of votes with only 5 Committee members so it is not mandatory to fill this position. However, given that the CAIAC Community covers Accessibility and Inclusion for all members of Community, the community may expect that the position is filled, in turn providing a further opportunity for community participation.

Given that the Committee was recently formed and there was a sizable pool of applicants, it may be prudent to seek a replacement Committee member from one of the unsuccessful candidates.

This would require officers to seek confirmation from previous nominees confirming their current interest in the vacant position and drafting a report to Council, recommending a suitable replacement for the position. This option is low cost, not requiring any public advertising.

The Committee also has the option to publish an Expression of Interest (EOI) so the wider community has the option to apply for the position. This would require the EOI to be published on the City's website, through social media and in local newspapers. The newspaper advertising from the initial campaign cost \$1246.08. Following this a report would be presented at a Council meeting recommending a suitable replacement for the position. This option would take longer, with the position being advertised for one month in total and will cost more, given the newspaper advertising.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. <b>Officers to provide a further report to Council with options to fill the position from the previous pool of applicants.</b>  <b>Estimated Cost: Nil.</b>	<ul style="list-style-type: none"> <li>Applicants who missed out on membership of the Committee at its inception would have an opportunity to take part;</li> <li>This option would allow the empty Committee position to be filled expediently; and</li> <li>No cost to the City.</li> </ul>	<ul style="list-style-type: none"> <li>Newer members of the community may be disappointed in not having the opportunity to apply.</li> </ul>
2. <b>Officers to advertise for expressions of interest from the community for the position of CAIAC Committee Member</b>  <b>Estimated Cost: Advertising expected to be approx. \$1246.00 (within budget).</b>	<ul style="list-style-type: none"> <li>Newer members of the community have an equal opportunity to apply; and</li> <li>Applicants who missed out on membership of the Committee at its inception would have an opportunity to take part.</li> </ul>	<ul style="list-style-type: none"> <li>Cost to the City in advertising;</li> <li>Advertising the expression of interest for the position may take up to a month, delaying the process of filling the position in a timely manner.</li> </ul>
3. <b>Do not fill the vacant CAIAC Community Member Position.</b>  <b>Estimated Cost: Nil</b>	<ul style="list-style-type: none"> <li>No cost to the City; and</li> <li>There are still enough Committee members to make up a Quorum.</li> </ul>	<ul style="list-style-type: none"> <li>Less diversity of membership for the Committee could dilute its value; and</li> <li>Community dissatisfaction in not filling a vacant position on a committee focused on access and inclusion.</li> </ul>

## CONCLUSION

Option 1 is recommended as drawing on the pool of previous applicants would allow a timely and cost effective replacement of Mr Howard's position in the Committee.

There were a number of applicants who were not successful in their application for CAIAC Committee membership in January 2018. These previous applicants are suitable to appoint to the CAIAC. In addition, as the initial appointment of the CAIAC was only six months ago, there is a high likelihood that previous applicants would still be interested in joining the Committee. The timing also means it is less likely there will be new people in the community that weren't here when the previous advertising took place.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

*Local Government Act (1995)*

*Local Government (Administration) Regulations (1996)*

**VOTING REQUIREMENTS**

Simple Majority Required.

**ATTACHMENTS**

Nil.

**OFFICER'S RECOMMENDATION**

That Council:

1. Authorises the Chief Executive Officer to contact previous applicants for the Community Access and Inclusion Advisory Committee to confirm their interest in filling the vacant community member position; and
2. Requests a report to be provided at a future Ordinary Council Meeting, confirming interested community members from the previous pool of applicants and presenting a recommendation to fill the vacant position.

**REASON FOR CHANGE**

*The Committee changed the Officer's Recommendation as it wished to thank Mr Howard for his contributions volunteering for the City.*

**COUNCIL RESOLUTION****(ADVISORY COMMITTEE'S RECOMMENDATION)**

That Council:

1. Authorises the Chief Executive Officer to contact previous applicants for the Community Access and Inclusion Advisory Committee to confirm their interest in filling the vacant community member position;
2. Requests a report to be provided at a future Ordinary Council Meeting, confirming interested community members from the previous pool of applicants and presenting a recommendation to fill the vacant position; and
3. Requests that a certificate of appreciation be sent to Mr Howard to thank him for his long service to the DAIP, CAIAC and volunteering for the City.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

**13.16 Chief Executive Officer - Annual Review**

**Responsible Directorate:** Office of the Chief Executive Officer

**THE CHIEF EXECUTIVE OFFICER, MR ANDREW BRIEN DECLARED A FINANCIAL INTEREST**

***In accordance with section 5.60A of the Local Government Act 1995, Mr Andrew Brien declared a financial interest in this item as the item deals with CEO remuneration. At 8:08pm, Mr Andrew Brien withdrew from the meeting.***

**EXECUTIVE SUMMARY****Application:**

For Council to consider the outcomes and recommendations of the Chief Executive Officer Review Committee Annual Review and the subsequent key performance indicators developed by the Chief Executive Officer and the Mayor.

**Key Issues:**

- The Chief Executive Officer Review Committee met on 24 July 2018 to undertake the annual review of the Chief Executive Officer.
- The Committee made a number of resolutions that related to the Chief Executive Officer's key performance indicators for 2018/2019, the overall remuneration package and frequency of meetings.
- Following the Chief Executive Officer Committee Annual Review, the Chief Executive Officer and Mayor further developed the key performance indicators for 2018/2019.
- Council is required to either endorse the Committee's resolutions or resolve an alternative.

**BACKGROUND**

At the Chief Executive Officer Review Committee Meeting of 24 July 2018, the Committee resolved the following recommendations:

**Item 8.1 – Chief Executive Officer Annual Review**

- (a) That Council receive and note the Chief Executive Officer Annual Review Self-Assessment Report.
- (b) That Council provide the following draft KPIs for 2018/2019, to be further developed between the Mayor and the Chief Executive Officer:

***Financial***

- Continue to deliver efficiency dividends of 1% from SEED Project
- Improve financial quoting/implications in reports to Ordinary Council
- Reduce the amount of money spent on legal advice
- Develop a reserves sustainability plan
- Monitoring performance against adopted budget

***Relationships***

- Increase focus on customer service
- Improve responsiveness to issues raised to Councillors
- Improving provision of information and reporting to Councillors and the public
- Development of Assessment Criteria to determine effectiveness of community and stakeholder engagement

**Strategic**

- Driving innovation
- Red tape reduction
- Improved reporting on progress of projects

**Legislative**

- Continue to meet all legislative obligations
- Reduce leave liability

**Projects**

- Effective implementation of SEED recommendations
- Waste Strategy
- Advocacy Programme

**Item 8.2 – Chief Executive Officer Overall Remuneration Package**

That Council makes no change in relation to the Chief Executive Officer's remuneration package. In making their recommendation, the Committee considered the following:

- The Chief Executive Officer's performance;
- The current economic climate;
- The current public servant pay freeze; and
- *The Salaries and Allowances Act 1975 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members Pursuant to Section 7A and 7B dated 10 April 2018.*

**Item 8.3 – Frequency of Meetings**

That Council change the frequency of formal meetings of the Chief Executive Officer Review Committee from monthly to quarterly meetings, and more frequently if required.

**CONSULTATION**

Nil.

**ANALYSIS**

As the resolutions were passed by the Chief Executive Officer Review Committee, Council is required to formally endorse the recommendations.

Following the Chief Executive Officer Annual Review, the Mayor and Chief Executive Officer are continuing to further developed the key performance indicators for 2018/2019.

**OPTIONS**

The following options are available to Council:

OPTION	BENEFIT	RISK
1. <b><i>Endorse the recommendations of the Chief Executive Officer Review Committee.</i></b>  <b><i>Estimated Cost: Nil</i></b>	<ul style="list-style-type: none"> <li>• Refer to the benefits and risks outlined in the Chief Executive Officer Review Committee Minutes of 24 July 2018.</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to the benefits and risks outlined in the Chief Executive Officer Review Committee Minutes of 24 July 2018.</li> </ul>
2. <b><i>Adopt alternate resolution(s) to the recommendations of the</i></b>	<ul style="list-style-type: none"> <li>• Refer to the benefits and risks outlined in the Chief</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to the benefits and risks outlined in the Chief</li> </ul>

	<b>Chief Executive Officer Review Committee</b>  <i>Estimated Cost: TBA.</i>	Executive Officer Review Committee Minutes of 24 July 2018.	Executive Officer Review Committee Minutes of 24 July 2018.
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## CONCLUSION

To be provided by the Chief Executive Officer Review Committee Chair.

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsiveness  
 Outcome L1: Strong stewardship and leadership

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Nil.

## VOTING REQUIREMENTS

Simply Majority Required.

## ATTACHMENTS

Nil.

## COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)

That Council acknowledges the fine work that the CEO has performed over the last 12 months and endorses the recommendations of reports 8.1, 8.2 and 8.3 in relation to the resolutions of the Chief Executive Officer Review Committee dated 24 July 2018.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR DAN BULL, MAYOR SECONDED  
CARRIED UNANIMOUSLY: 9/0**

## REASON FOR CHANGE

*Council changed the Committee recommendation as it was of the view that it should acknowledge the fine performance of the Chief Executive Officer over the past 12 months.*

*At 8:10pm, Mr Andrew Brien returned to the meeting.*

**13.17 Outcomes of Community Engagement Sessions**

**Reporting Branch:** Community Development  
**Responsible Directorate:** Community & Development  
**Refer:** Item 13.1.1: OCM 24.04.2018  
Item 13.4: OCM 22.05.2018  
Item 13.2: OCM 26.06.2018

**EXECUTIVE SUMMARY****Application:**

For Council to note the key themes that have emerged from the recent community engagement activities and revised project timeline for the development of the City's Reconciliation Action Plan (RAP).

**Key Issues:**

- The City of Bayswater delivered six community engagement activities over six weeks during June and July 2018, as part of the development of its first RAP;
- Key themes have started to emerge from interactions with members of the community across the six activities; and
- The RAP project timeline has been reviewed in light of incorporating two additional community engagement activities into the process.

**BACKGROUND**

The third City of Bayswater Aboriginal Advisory Committee (AAC) meeting was held on 6 June 2018, where the Committee provided input into the RAP Engagement Plan, particularly with reference to the six community engagement activities planned for June and July 2018.

**Revised RAP Project Timeline**

At the June AAC meeting, during discussions on community engagement activities to be delivered by City staff, AAC members suggested that a further engagement activity be arranged to include local Aboriginal families. This activity has been scheduled to take place September 2018.

**Key Themes from Community Engagement Activities**

The six community engagement activities that took place in June and July 2018 have resulted in four key common themes emerging from interactions with community members. These key themes may form the basis of areas to direct actions in the draft Reflect RAP.

**CONSULTATION**

City staff and Councillors engaged with members of the City of Bayswater community over six community engagement activities in June and July 2018.

**ANALYSIS****Revised Project Timeline**

The Reflect RAP has a 12 month duration, which commences when the document is formally endorsed by Reconciliation Australia.

The Reflect RAP project timeline (**Attachment 1**) enables the City to complete milestone tasks from the Reflect RAP template in a timely manner.

At the June AAC meeting, during discussions on community engagement activities to be delivered by City staff, AAC members suggested that a further engagement activity in the form of a 'Yarning Session' with local Aboriginal families and their extended community be arranged. The purpose of which is for the City to effectively hear from the local Aboriginal community to better inform the Reflect RAP.

In addition, the City recognised the importance of also providing its staff an opportunity to contribute to the development of the RAP and facilitated a staff 'Yarning Session' on 26 July 2018.

The RAP project timeline has therefore been amended to include the above activities (**Attachment 1**) as it has extended the timeframe for finalising the first draft of the RAP. The inclusion of two additional engagement activities in July and September 2018 are considered important, as the purpose of the engagement is to hear from the local Aboriginal community and also to include staff in the process.

With the revised project timeline, it is intended that the City develops its draft Reflect RAP by November 2018, at which time it will be presented to Council for endorsement and later reviewed by Reconciliation Australia (February 2019). The feedback received from Reconciliation Australia will be brought back to the AAC and Council with a view of having Council approve the final draft between March and April 2019.

### Key Themes from Community Engagement Activities

Four key themes have already emerged from engagement with members of the Bayswater community who attended the six RAP engagement activities. The identified themes will assist in drafting actions within the RAP and are presented below for noting by Council:

1. Ceremonial - for example: the displaying of Aboriginal and Torres Strait Islander flags by the City of Bayswater; Welcome to Country Ceremonies performed at key City of Bayswater events and occasions; an Acknowledgement of Country made at significant City meetings and forums; demonstration of appropriate Aboriginal and Torres Strait Islander protocols.
2. Cultural - for example: inclusion of Aboriginal stories and activities as part of City events and programs; co-naming of facilities and spaces with Noongar language names.
3. Sharing and Learning - for example: increasing Noongar resources at the City libraries; use and awareness of Aboriginal languages; breaking down barriers in the community; and participating in joint projects.
4. Employment and Training - for example: creating opportunities to employ more Aboriginal people at the City of Bayswater, and provide appropriate training; increased representation of Aboriginal people on Council committees; and City staff working with other organisations to promote greater Aboriginal employment and training opportunities.

## **OPTIONS**

The following options are available to Council:

### Revised Project Timeline

OPTION	BENEFIT	RISK
<p>1. Note the revised project timeline for development of the Reflect RAP.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• Allows sufficient time for meaningful information to be gathered to inform the Reflect RAP.</li> <li>• Allows for successful</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>

		completion of the RAP within a 12 month period.	
2.	<p>Make other change(s) to the project timeline for the development of the Reflect RAP.</p> <p><b>Estimated Cost:</b> Dependent on other change(s) made.</p>	<ul style="list-style-type: none"> <li>Dependent on the other change(s) made to the project timeline for the development of the Reflect RAP.</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the other change(s) made to the project timeline for the development of the Reflect RAP.</li> </ul>

### Key Themes from Community Engagement Activities

OPTION	BENEFIT	RISK
1. Note the four key themes that have emerged from the six community engagement activities delivered by the City of Bayswater in June and July 2018.  <b>Estimated Cost:</b> <ul style="list-style-type: none"><li>Nil.</li></ul>	<ul style="list-style-type: none"> <li>This information will be used to inform the first draft of the RAP.</li> <li>Allows for successful completion of the RAP within a 12 month period.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
2. Make other change(s) to the key themes that have emerged from the six community engagement activities delivered by the City of Bayswater in June and July 2018.  <b>Estimated Cost:</b> Dependent on other change(s) made.	<ul style="list-style-type: none"> <li>Dependent on the other change(s) made to the key themes that have emerged from the six community engagement activities delivered by the City of Bayswater in June and July 2018.</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the other change(s) made to the key themes that have emerged from the six community engagement activities delivered by the City of Bayswater in June and July 2018.</li> </ul>

### **CONCLUSION**

#### Revised Project Timeline

Option 1 is recommended to allow for the successful completion of the City of Bayswater's inaugural Reflect RAP within the assigned 12 month period.

### Key Themes from Community Engagement Activities

Option 1 is recommended to allow for City of Bayswater staff and the City's AAC to begin to identify emerging themes for the first draft of the City of Bayswater's inaugural Reflect RAP.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community

Aspiration: An active and engagement community.

Outcome C2.1: Ensure the City's services are acceptable and inclusive

Outcome C2.1.1 Develop and implement a Reconciliation Action Plan with support from an Aboriginal Advisory Committee.

### **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

*Local Government Act 1995*

**VOTING REQUIREMENTS**

Simple Majority Required.

**ATTACHMENTS**

1. Reflect RAP Project Timeline amended as at 02.08.2018

**OFFICER'S RECOMMENDATION**

That Council:

1. Notes the Reflect Reconciliation Action Plan revised project timeline as continued in Attachment 1; and
2. Notes the four key themes that have emerged from the six community engagement activities delivered by the City of Bayswater in June and July 2018 as detailed in this report.

**REASON FOR CHANGE**

*The Committee changed the Officer's Recommendation as it was of the opinion that the theme entitled "Sharing and Learning" could be renamed with collaboration between Committee members and Officers.*

**COUNCIL RESOLUTION**

(ADVISORY COMMITTEE RECOMMENDATION)

That Council:

1. Notes the Reflect Reconciliation Action Plan revised project timeline as continued in Attachment 1; and
2. Notes the four key themes, with the names to be determined, that have emerged from the six community engagement activities delivered by the City of Bayswater in June and July 2018 as detailed in this report.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

Attachment 1**REFLECT RECONCILIATION ACTION PLAN****PROPOSED PROJECT TIME ALLOCATIONS**

Date	Key Activities
30 January 2018	Council endorsement of Aboriginal Advisory Committee membership
28 February 2018	First meeting of Aboriginal Advisory Committee (AAC) <ul style="list-style-type: none"> <li>• Smoking ceremony</li> <li>• Code of Conduct</li> <li>• Confirm terms of reference</li> <li>• Dates provided for future meetings</li> </ul>
4 April 2018	<b>Aboriginal Advisory Committee Meeting #2</b> <ul style="list-style-type: none"> <li>• Elect a chairperson</li> <li>• Discuss experience of RAP development <ul style="list-style-type: none"> <li>◦ Reflect RAP outline</li> </ul> </li> <li>• Discuss expectations of engagement <ul style="list-style-type: none"> <li>◦ Engagement plan template provided</li> <li>◦ Who are the key stakeholders?</li> <li>◦ Where is best to hold engagement sessions?</li> <li>◦ When is best to hold these?</li> <li>◦ Any particular style of event/activity preferred?</li> </ul> </li> </ul>
5-20 April 2018	Prepare an Engagement Plan based on expectations from meeting
May 2018	<ul style="list-style-type: none"> <li>• Communications Plan developed</li> <li>• Liaison with other departments about engagement opportunities</li> <li>• Engagement plan approved</li> <li>• Undertake planning and preparation for engagement</li> <li>• Cultural Awareness Training for engagement staff</li> </ul>
4 June 2018	<i>WA Day public holiday</i>
6 June 2018	<b>Aboriginal Advisory Committee meeting #3</b> <ul style="list-style-type: none"> <li>• Share engagement plan</li> <li>• Discuss key engagement activities planned - add value</li> <li>• What is the role of the AAC in inside engagement and outside engagement</li> <li>• How the AAC can assist in promoting engagement</li> </ul>



Date	Key Activities
By 11 June 2018	<p>Implement engagement - 6 week program</p> <ul style="list-style-type: none"> <li>• Internally- all relevant departments (i.e. Libraries, Human Resources, Community Development)</li> <li>• NAIDOC Week 2018 (in partnership with Town of Bassendean)</li> <li>• Football and other sporting clubs</li> <li>• Local schools</li> <li>• Seniors Centres</li> </ul>
2 July 2018 - 13 July 2018	<p><b><i>School holidays</i></b></p> <ul style="list-style-type: none"> <li>• Implement engagement</li> <li>• School holiday activities <ul style="list-style-type: none"> <li>◦ Libraries</li> <li>◦ Bayswater Waves/The Rise</li> <li>◦ Youth Advisory Committee</li> </ul> </li> </ul>
26 July 2018	City of Bayswater staff engagement activity
26 July 2018	Initial engagement period ends. Identify opportunities and emerging themes.
8 August 2018	<p><b><u>Aboriginal Advisory Committee meeting #4</u></b></p> <ul style="list-style-type: none"> <li>• Summary of engagement outcomes</li> <li>• Revision of AAC Terms of Reference to expand its purpose.</li> <li>• Discussion on what the AAC led 'Yarning Event' might look like.</li> </ul>
September 2018	Engagement activity ("Yarning Event") with local Aboriginal families and extended community takes place.
10 October 2018	<p><b><u>Aboriginal Advisory Committee meeting #5</u></b></p> <ul style="list-style-type: none"> <li>• Opportunity for Council and AAC to meet with Reconciliation WA (RWA) Board</li> <li>• Provide framework of RAP</li> <li>• Workshop actions for draft RAP based on engagement outcomes</li> </ul>
November 2018	Draft RAP is developed based on outcomes from AAC meetings held on 8 August and 10 October and additional engagement activities.
12 December 2018	<p><b><u>Aboriginal Advisory Committee meeting #6</u></b></p> <p>Draft RAP circulated to Aboriginal Advisory Committee members for final feedback</p>
February 2019	Draft RAP sent to Council for endorsement and referral to Reconciliation Australia (RA) RAP sent to RA for endorsement

Date	Key Activities
March - April 2019	<ul style="list-style-type: none"><li>• RA provides feedback and endorses draft RAP</li><li>• Aboriginal Advisory Committee meeting #6 date to be advised to go through feedback received from RA</li><li>• Council endorses final draft Reflect RAP</li></ul>
May 2019	<ul style="list-style-type: none"><li>• Preparations for celebration and launch</li><li>• Community celebration and launch of RAP</li><li>• Develop budget submissions for implementing RAP</li></ul>



**13.18 Disability Access & Inclusion Plan (DAIP) Annual Report for 2017-2018 and Recommended DAIP Topics of Discussion at Future Meetings**

**Reporting Branch:** Community Services  
**Responsible Directorate:** Community Services  
**Refer:** Item 13.2.1: OCM 27.6.17

**EXECUTIVE SUMMARY****Application:**

For the Community Access and Inclusion Advisory Committee (CAIAC) to receive the Disability Access and inclusion Plan (DAIP) progress report summary for the period July 2017 to June 2018, and to consider a recommendation from Officers regarding topics of discussion at future meetings.

**Key Issues:**

- Disability Access and Inclusion Plan Progress Report to note; and
- Recommendation to offer two DAIP Outcomes at each CAIAC meeting for committee input.

**BACKGROUND***Disability Access and Inclusion Plan Progress Report Summary*

The Disability Services Act 1993 requires State Government authorities and local governments to develop and implement a DAIP.

The City has an active DAIP (2016-2020), which was endorsed by the previous DAIP Advisory Committee in 2016. The overarching goal of the DAIP is to provide equity of access and inclusion to all services, facilities, functions and information provided by the City of Bayswater by identifying and addressing barriers that either restrict or prevent the full participation of people with disability in the community. There are eight Outcomes within the City's DAIP with specific strategies to be delivered under each Outcome.

Each year in July, the City reports to the Department of Communities on its progress against tabled DAIP strategies. City Officers also provide DAIP progress reports to the CAIAC twice per year.

*CAIAC Purpose in Relation to DAIP Reporting*

As per the CAIAC Terms of Reference, the Committee considers and makes recommendations on the implementation of the City's DAIP.

The City's DAIP 2016-2020 outlines eight desired Outcomes, which the City works toward achieving during the five year period of the Plan.

**CONSULTATION**

As part of the responsibilities of implementing the City's DAIP strategies, the City also has an internal Community Access and Inclusion Working Group (CAIWG). This group meets twice per year to discuss access and inclusion initiatives across the City. All City departments are responsible for implementing the DAIP, and representatives from several business units are represented on the CAIWG. The CAIWG was consulted in May and June 2018 to determine the City's progress against its DAIP strategies.

**ANALYSIS***Disability Access and Inclusion Plan Progress Report Summary*

The City has recently completed its internal annual DAIP progress status report with the assistance of the City's internal CAIWG. The 2017-2018 annual report was submitted to the Department of Communities in early July.

The annual report reflects on how the City has progressed with the actions listed in its DAIP Implementation Plan, which has allocated timeframes and responsibilities associated with relevant departments across the City. The Implementation Plan outlines operational strategies and is for internal use by City of Bayswater staff.

Approximately 50 percent of the DAIP's Implementation Plan is complete. Below is a summary of the most recent achievements against strategies within the DAIP Implementation Plan:

*DAIP Strategy: The City continues to develop its use of social media as a source providing information and receiving feedback.*

- Community Services engaged a professional videographer to produce a video showcasing the City's annual award winning inclusive event, Have a Go Day, with a view to it being used for event promotion through social media.

*DAIP Strategy: All staff to have a high level of awareness and DAIP competency in their interactions with people with disability.*

- New employees attended Disability Access and Inclusion Awareness training workshops in June 2018.

*DAIP Strategy: Ensure that all City facilities and infrastructure comply with minimum access standards as required by Australian Standards on Access and Mobility and are physically accessible and safe: particularly pedestrian facilities such as footpaths, bus stops, parks, reserves, and gardens.*

- The City's Seniors Citizen Centres now have automated entry doors for increased accessibility; and
- The City's has installed concrete pathways around several picnic tables located in or around parks, so as to improve access to the facilities.



*An example of a concrete pathway improving access to picnic tables at the City's parks.  
Key DAIP actions for the 2018/2019 financial year*

Over and above the strategies listed in the DAIP to be implemented by the year 2020, the City will also focus on addressing the actions listed below over next 12 months:

- To work towards the City's new website complying with W3C Web Accessibility Guidelines and being able to provide downloadable information in a range of file formats;
- Increase awareness in the community regarding the availability of the City's Access & Inclusion Feedback Cards as a mechanism for increasing feedback related to access and inclusion issues; and
- Discuss two DAIP Outcomes as a point of focus at each CAIAC meeting within a period of twelve months, to ensure that all outcomes are reviewed within the time period of 2016-2020.

#### Review of Two DAIP Outcomes at each CAIAC Meeting

The City's DAIP 2016-2020 outlines eight desired Outcomes, which the City is expected to work towards achieving during the five year period of the Plan.

The CAIAC terms of reference describe one of the responsibilities of the CAIAC as being to consider and make recommendations on the City's DAIP. In order to ensure this consideration and any recommendations are timely and effective, officer will be raising two outcomes for discussion at each meeting.

Raising two outcomes at each meeting, provides an appropriate workload for officers and provides a focus point for committee members to consider a reasonable amount of information and make recommendations on implementation. This approach will also ensure that all eight Outcomes are formally discussed by CAIAC prior to submission of the annual progress report to the Department of Communities.

This in turn will provide a more measured and organised process of addressing the eight Outcomes and ensure that the City has a better chance of completing the actions under each of the Outcome areas by the end of the five year plan period (2020).

#### **OPTIONS**

Nil.

#### **CONCLUSION**

This report provides Council and CAIAC with the final City of Bayswater DAIP (2016-2020) Annual Progress Report Summary for 2017-18, as presented to the Department of Communities on 3 July 2018; therefore it is recommended that the information provided in **attachment 1** is noted by Council.

In addition, the proposed approach to present two (2) DAIP outcomes each CAIAC meeting will provide an appropriately balanced focus point for staff to prepare the agenda and for committee members to effectively consider information and make recommendations on implementation.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications applicable to this report.

#### **STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community  
Aspiration: An active and engaged community.

Outcome C2: Accessible services that recognise diversity.

Strategy C2.1: Ensure the City's services and facilities are accessible and inclusive.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

Disability Access and Inclusion Plan (DAIP) 2016-2020

### **FEEDBACK FROM ADVISORY COMMITTEE**

- Cr Catherine Ehrhardt enquired about the strategy for concrete paths around picnic tables. It was noted that a report on this subject would be presented at the CAIAC meeting on 7 September 2018; and
- Mr Don Francis mentioned a service available on the Access WA website, whereby users can search for disability accessible services by location. The Committee suggested the City look into providing a similar service on its website, to show where there are disability accessible services available in the City of Bayswater. The City's Officer's will look into implementing this over the next twelve months, with the development of the City's new website.

### **VOTING REQUIREMENTS**

Simple Majority Required.

### **ATTACHMENTS**

1. City of Bayswater DAIP (2016-2020) Annual Progress Report for 2017-18.

### **COUNCIL RESOLUTION**

#### **(ADVISORY COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council:

1. Notes the DAIP (2016-2020) Annual Progress Report Summary for 2017-18, as presented to the Department of Communities on 3 July 2018.
2. Notes that two Disability Access and Inclusion Plan (2016-2020) Outcomes will be tabled at each CAIAC quarterly meeting for consideration.

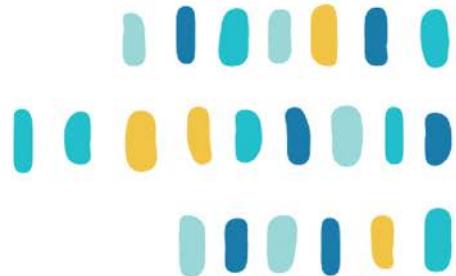
**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

Attachment 1



Government of **Western Australia**  
Department of **Communities**



# **Disability Access and Inclusion Plan (DAIP) Progress Report 2017–2018**

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DAIP Progress Report template 2017-2018

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Public authorities are required to report each year on their progress in implementing their Disability Access and Inclusion Plans (DAIPs).

The Minister for Disability Services uses the information provided to develop a report that showcases the work being done by public authorities across Western Australia, highlighting examples of best practice and demonstrating the value of DAIPs. This report is tabled in Parliament and made available by the Department of Communities.

The DAIP officer for each public authority will be invited by email to use the online reporting system. If you require an invitation with a link to the online survey please contact [access@dsc.wa.gov.au](mailto:access@dsc.wa.gov.au).

Alternatively, please complete this form and return it and the report by email or mail to:

Mail: Access and Inclusion Team  
Department of Communities  
PO Box 441  
West Perth WA 6872

Email: [access@dsc.wa.gov.au](mailto:access@dsc.wa.gov.au)

DAIP Progress Report template 2017-2018

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## **Disability Access and Inclusion Plan (DAIP) Progress Report 2017–2018**

**Name of public authority:** City of Bayswater  
**Name of contact person:** Sherilee Macready  
**Phone number:** (08) 9272 0658  
**Email:** inclusion@bayswater.wa.gov.au

**Please forward to the Department of Communities by Monday 2 July 2018.**

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## Reporting progress for each outcome area

The following pages ask about the strategies your organisation planned and implemented for each DAIP outcome area.

The strategies your organisation planned are the ones it intended to implement at any stage during the year, even if they were not part of a formal plan at the beginning of the year. The strategies your organisation implemented are the ones that were then carried out, even if they do not have a fixed end date or proved ineffective. These rules allow us to calculate how many strategies were implemented out of the total number planned and compare it to previous years.

People with disability continue to experience challenges and barriers to economic participation. To contribute to the knowledge of how to address the challenges faced by people with disability, we would ask you to complete the employment section under Outcome 7 of SurveyMonkey or in the hard copy of the progress reporting template.

We hope to highlight the initiatives and innovation that have been undertaken to achieve employment opportunities for people with disability, and gain a better understanding of the barriers faced by organisations in employing people with disability.

You will be asked to evaluate your strategies as either:

- Implemented and highly effective
- Implemented and somewhat effective
- Implemented but ineffective
- Implemented but not yet evaluated
- Not implemented.
- A strategy was effective if it supported access and inclusion for people with disability.

DAIP Progress Report template 2017-2018

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**Example:**

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 1: 'People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.'

Total number of strategies planned (whether implemented or not):	10
<b>Out of those strategies, how many were:</b>	
Implemented and highly effective?	8
Implemented and somewhat effective?	1
Implemented but ineffective?	0
Implemented but not yet evaluated?	0
Not implemented?	1

**Photographs:**

If you have photographs, the Department of Communities (Communities) may be able to use them in the Minister for Disability Services' yearly report on DAIPs. You are welcome to attach them to this document or forward them as separate files. Please note that photos of people cannot be featured in the Minister's report without written permission from the person or their guardian. A permission form is available on the Communities [DAIP reporting web page](#).

DAIP Progress Report template 2017-2018

## Outcome 1: Services and events

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 1: 'People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority'.

Total number of strategies planned (whether implemented or not):	3
--	---

Out of those strategies, how many were:

Implemented and highly effective?	
Implemented and somewhat effective?	3
Implemented but ineffective?	
Implemented but not yet evaluated?	
Not implemented?	

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

### What did your organisation achieve this year in support of Outcome 1?

- Social Inclusion training was delivered in November 2017 for staff members who regularly engage in events.
- Accessible parking is provided at City events and patrons have the ability to book accessible park space prior to main events (ongoing).
- A range of accessible events delivered with a focus on Disability Access and Inclusion (e.g.: the annual "Have a Go Day" event attracts over 1,000 people and promotes accessible and inclusive mainstream clubs and sporting groups).
- Access is reviewed at all event site briefings (ongoing).
- A range of activities and hired accessible amusements are provided where possible at events (ongoing). One example from the Have a Go Day event is included in the attached photographs.
- City staff who arrange Home and Community Care outings for seniors and people with a disability in the community complete a specific *Accessible Events Checklist* when considering and booking venues and activities.
- Local Senior Centre buildings have had recent minor upgrades which have improved access and inclusion for the events and services scheduled at the venues i.e. automated doors have recently been added to entry ways.
- The DAIP is considered part of the City's integrated planning framework and evaluated as part of the City's quarterly corporate reporting.

DAIP Progress Report template 2017-2018

## Outcome 2: Buildings and facilities

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 2: 'People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority'.

Total number of strategies planned (whether implemented or not):	3
--	---

Out of those strategies, how many were:

Implemented and highly effective?	2
Implemented and somewhat effective?	1
Implemented but ineffective?	
Implemented but not yet evaluated?	
Not implemented?	

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

What did your organisation achieve this year in support of Outcome 2?

- New replacement playgrounds with access and inclusion in mind are being developed for De Lacy Reserve, Halliday Park and Upper Hillcrest Reserve. At least one piece of equipment will be included that is accessible and inclusive.
- The Maylands Waterland redevelopment has accessibility included in the scope of works.
- New Grandstand at Bayswater Waves is compliant to standards including sensory tactiles and accessible bays.
- Two touch button height adjustable, access compliant customer service pods were installed at the Bayswater Public Library as part of its recent extensive upgrade works.
- Pedestrian ramps and access for wheelchairs have been taken into account in all the new footpaths that have been installed this financial year. Additional pedestrian ramps have been designed to be implemented on Progress Street within the Morley Townsite area.
- Ongoing capital improvements to the City's buildings are budgeted for annually in order to improve and upgrade access to premises in line with statutory requirements.
- All new buildings and facilities provided by the City are constructed and installed so as to comply with minimum access and mobility standards.
- Two of the City's senior citizens' centres have had a recent building upgrade which has increased its accessibility and inclusion for members of the community attending the centres i.e. automated doors to entry ways and improved accessible

DAIP Progress Report template 2017-2018

toilet facilities

- In early 2018, Council agreed to expand the *Recharge Point* program to other businesses, for example Noranda Shopping Centre, who had requested to be a part of the program. The recharge point is for users of gophers and electronic mobility devices. The city now has three active recharge points at its venues and has also worked closely with the Galleria shopping centre to establish a recharge point at the shopping centre.

## Outcome 3: Information

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 3: 'People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it'.

Total number of strategies planned (whether implemented or not):	5
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Out of those strategies, how many were:

Implemented and highly effective?	1
Implemented and somewhat effective?	4
Implemented but ineffective?	
Implemented but not yet evaluated?	
Not implemented?	

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

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<b>What did your organisation achieve this year in support of Outcome 3?</b>
<ul style="list-style-type: none"><li>• DAIP presentations continue to be held at the City's Induction sessions for new staff (ongoing, as needed).</li><li>• Staff employed by the City over the past 12 months (new to the organisation) attended Staff Disability Awareness training in June 2018, which included the use of appropriate communication methods when providing information to people with disability.</li><li>• Staff are reminded on the importance of advising contractors of their responsibilities in accessible communications. These reminders are generally made during internal DAIP meetings held with relevant City Officers.</li><li>• New City website is currently being developed with accessibility included in the scope.</li><li>• Use of social media is increasing at the City as a source of providing information and receiving feedbackIn March 2018, a videographer was engaged by the City to develop a 3 minute video for use in promotions and social media, focussing on the City's award winning and inclusive annual event, 'Have a Go Day'. This event has a focus on accessibility and inclusion for people with a disability.</li><li>• Use of plain English across City publications (ongoing).</li><li>• Large font is being increasingly used for publications (ongoing).</li><li>• Promotional material i.e. event promotion and program brochures have 'Information can be accessed in alternate formats upon request' included in them.</li><li>• The City's Customer Service Charter lists details of National Relay Service; Alternative Formats; AUSLAN Interpreter; Translation Services for provision of information. This is referred to by staff in service delivery (ongoing).</li><li>• The City's current website has Browse Aloud programmed into it, allowing for greater accessibility.</li></ul>

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## Outcome 4: Level and quality of service

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 4: 'People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority'.

Total number of strategies planned (whether implemented or not):	3
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Out of those strategies, how many were:

Implemented and highly effective?	2
Implemented and somewhat effective?	1
Implemented but ineffective?	
Implemented but not yet evaluated?	
Not implemented?	

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

### What did your organisation achieve this year in support of Outcome 4?

- The City's Customer Service Charter is consistent with DAIP and lists details of National Relay Service; Alternative Formats; AUSLAN Interpreter and Translation Services. Staff refer to the charter in delivery of services(ongoing)
- New staff to the organisation attended Staff Disability Awareness training in June 2018, including those in front line customer services roles. Organisational inductions are regularly carried out to educate employees on interactions with people with disabilities (ongoing).

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## Outcome 5: Complaints

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 5: 'People with disability have the same opportunities as other people to make complaints to a public authority'.

Total number of strategies planned (whether implemented or not):	3
--	---

Out of those strategies, how many were:

Implemented and highly effective?	Click or tap here to enter text.
Implemented and somewhat effective?	3
Implemented but ineffective?	Click or tap here to enter text.
Implemented but not yet evaluated?	Click or tap here to enter text.
Not implemented?	Click or tap here to enter text.

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

What did your organisation achieve this year in support of Outcome 5?

- Complaints and feedback from members of the public can be lodged by range of methods/formats, as outlined in City of Bayswater Customer Service Charter (ongoing).
- The City continued to promote community reporting of access issues through the new postage paid "Creating Accessible and Inclusive Communities" postcard at City venues, which highlights the different methods of access reporting (email, website, Localey App, Phone, in person), and can be supplied in alternative formats on request.
- Upgrading of the City's customer service facilities is ongoing and forms part of each year's annual budget proposal, with a view that premises offered for the lodgement of complaints can be physically accessible.

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## Outcome 6: Consultation

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 6: 'People with disability have the same opportunities as other people to participate in any public consultation by a public authority'.

Total number of strategies planned (whether implemented or not):	2
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Out of those strategies, how many were:

Implemented and highly effective?	
Implemented and somewhat effective?	2
Implemented but ineffective?	
Implemented but not yet evaluated?	
Not implemented?	

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

What did your organisation achieve this year in support of Outcome 6?

- Consultation opportunities are promoted via relevant networks and media and are available in a range of formats including a new online avenue; separate to the City's website, called *Engage Bayswater*.
- The City's Community Engagement Department is continuing to improve how they communicate opportunities to all relevant stakeholders and ensure they are using appropriate mechanisms in a range of formats. They have also established communication channels with key service providers to assist with this.
- Community engagement practices are increasingly aligned with the DAIP. The city's Community Engagement team are educated and encouraged to incorporate inclusive strategies when planning and implementing engagement activities (ongoing).
- Inclusive community engagement practices are discussed at six monthly Community Access and Inclusion Working Group (CAIWG) meetings. These meetings are internal and focus on operational matters and reporting on matters relating to access and inclusion.
- The City has a Community Access and Inclusion Advisory Committee with representatives from the local community and Council elected members. The committee meet on a quarterly basis to consider and make recommendations on the implementation of the DAIP (ongoing). City Officers also attend these quarterly meetings.

DAIP Progress Report template 2017-2018

## Outcome 7: Employment

Please describe the strategies your organisation planned and implemented in 2017–2018 for DAIP Outcome 7: 'People with disability have the same opportunities as other people to obtain and maintain employment with a public authority'.

Total number of strategies planned (whether implemented or not):	11
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Out of those strategies, how many were:

Implemented and highly effective?	1
Implemented and somewhat effective?	7
Implemented but ineffective?	2
Implemented but not yet evaluated?	
Not implemented?	1

(These five boxes should add up to the number in the top box on this page, as per the counting rules mentioned earlier.)

What did your organisation achieve this year in support of Outcome 7?

- DAIP presentations continue to be held at the City's Induction sessions for new staff (ongoing, as needed).
- Disability access and inclusion training provided to employees in 2017/18.
- Mental health awareness training provided to employees in 2017/18.
- Significant flexibility continues to be offered to employees with a disability, in that the City is open to making any adjustments/modifications required to support employment of people with disabilities (ongoing).
- As Management practices and procedures are updated they are being reviewed in the context of them being inclusive for all employees.
- Recruitment processes are regularly reviewed and system barriers, such as unnecessary Position Description requirements, such as having a driver's license (if it is not crucial to the position) are being progressively removed where feasible.
- The City selects on merit for open employment opportunities and give fair and due consideration to all candidates, including people with disability.
- The City continues to offer employment opportunities directly to people with disability via Disability Employment Agencies.
- Employment opportunities are widely promoted through a variety of avenues and formats.
- Workplace modifications and adaptive technologies are offered (when appropriate) to recruit and retain people with disability.
- Staff members are encouraged to consider accessibility when choosing venues for

DAIP Progress Report template 2017-2018

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recruitment and/or employment, whether for recruiting staff or volunteers.

- Local businesses access awareness continues to increase through their involvement in the City's "place activation" initiatives. It is hoped that this will flow on to areas such as improving accessibility of people with disability in their workforces.

DAIP Progress Report template 2017-2018

## Agents and contractors

Agents and contractors must comply with your organisation's DAIP when undertaking work involving interaction with the community. Please tell us how you have supported agents and contractors in 2017-2018. (Contract employees should not be considered as contractors for this report.)

For 2017–2018, how have you informed agents and contractors about your DAIP? (Please tick)

Provided a copy of your agency DAIP	<input type="checkbox"/>
Provided a link to the DAIP on your website	<input type="checkbox"/>
Sent a letter	<input type="checkbox"/>
Referenced in a contract(s)	<input checked="" type="checkbox"/>
Referenced in a contract variation(s)	<input type="checkbox"/>
Included requirement in funding/sponsorship agreements	<input type="checkbox"/>
Other (please describe)	<ul style="list-style-type: none"> <li>• Addressed by Project Manager/s in contractors induction.</li> </ul>

How do agents and contractors report progress of outcomes to you? (Please tick)

Through internal annual progress reporting systems (email, meetings etc.)	<input checked="" type="checkbox"/>
Completing a contractor progress reporting template	<input type="checkbox"/>
Did not report (please explain)	<ul style="list-style-type: none"> <li>• Addressed through contract reporting process.</li> </ul>

Please provide a description of any significant DAIP strategies undertaken by your organisation's agents and contractors in 2017–2018.

- The City of Bayswater has an eighth Outcome listed in its DAIP 2016-2020, which is over and above the 7 required Outcomes. The eighth Outcome states: '*people with disability have the same opportunities as others to have their needs and entitlements considered in all City of Bayswater processes*'. The City has detailed five core strategies against this additional Outcome and has successfully met 70% of the strategies to date.
- Over the course of the past 12 months, a range of activities and hired accessible amusements have been supplied by contractors where possible at events (ongoing).
- New replacement playgrounds with access and inclusion in mind are being developed for De Lacy Reserve, Halliday Park and Upper Hillcrest Reserve. At least one piece of equipment will be included that is accessible and inclusive and this has been confirmed with contractors/suppliers.
- The Maylands Waterland redevelopment has accessibility included in the scope of works for contractors to comply with when works commence.

DAIP Progress Report template 2017-2018

- New Grandstand at Bayswater Waves is compliant to standards including sensory tactile and accessible bays - this work was undertaken by contractors.

## Challenges

**What challenges did you experience with strategies that were planned but not implemented? (Please tick)**

Budgetary constraints (please explain)	<input checked="" type="checkbox"/>
• Budget constraints can at times reduce the number of strategies implemented.	
Lack of support / input and feedback from the community (please explain)	<input type="checkbox"/>
Difficulties with contractor or agent input (please explain)	<input type="checkbox"/>
Difficulties coordinating strategies/initiatives (please explain)	<input checked="" type="checkbox"/>
• Lack of general knowledge of what products and resources are available to continuously improve accessibility of communication materials and information.	
• Difficulties scheduling a time for relevant (and targeted) City staff to attend Disability Awareness training due to the requirement for staff cover/scheduling.	
• As the City of Bayswater develops a large amount of promotional material including brochures; flyers; and other informative documents throughout the year, with staff turnover, it is difficult to ensure that the City is being consistent with ensuring that all customer service related documents produced are made available in alternative formats and that the community is made aware that they can access information upon request in alternate formats. This is something the City will continue to improve on.	
Other (please explain):	<input checked="" type="checkbox"/>
• Disability awareness is often more achievable for staff/contractors rather than a working knowledge. As an organisation, the City will strive to work on this and eventually make it 'second nature' in the workplace.	

DAIP Progress Report template 2017-2018

If you would like to provide more information about the challenges your organisation faced, please do so below.

## Feedback

How would you rate your overall satisfaction with the quality of service provided by the Communities Access and Inclusion team? (Please tick)

	Very satisfied	Satisfied	Unsatisfied	Very unsatisfied	Not sure
Satisfaction with quality of service provided	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or feedback about the Access and Inclusion team?

- It would be useful to meet twice yearly as a network group (with other local governments) and receive updates on access and inclusion matters from the Department's Access and Inclusion team.

What factors influenced your decision to report via this document instead of the online reporting system? (Please tick)

Not sure how to use the online reporting system	<input type="checkbox"/>
Did not have access to a reliable computer or internet connection	<input type="checkbox"/>
Not sure how to share an online report with colleagues	<input checked="" type="checkbox"/>
Wanted to adjust the format of the report	<input checked="" type="checkbox"/>
Prefer to use pen and paper	<input type="checkbox"/>

Other (please describe)

This report will be sent to the City's Community Access & Inclusion Advisory Committee and to Council before the Survey Monkey online reporting is completed by the City's Community Development Officer.

This template format is helpful so that City officers can provide the report as an attachment to committee and Council members.

DAIP Progress Report template 2017-2018

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**Photographs:**

The photographs below reflect inclusive and accessible community events such as Have a Go Day 2018.



DAIP Progress Report template 2017-2018

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**The making of a Have a Go Day promotional video- 2018.**



**Accessible amusements at Have a Go Day event- 2018**



DAIP Progress Report template 2017-2018

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**Community event- accessible and inclusive activities**



DAIP Progress Report template 2017-2018

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The picture below shows a newly installed accessible pathway to a picnic table at one of the City's parks. The City is working towards adding footpaths to picnic tables and play equipment in parks, where it is feasible to do so.



**13.19 Bayswater Youth Advisory Council Initiatives and Activities**

**Reporting Branch:** Community Services  
**Responsible Directorate:** Community Services  
**Refer:**  
Item 11.3: OCM 23.08.2016  
Item 9.1.2: CTFCSC 19.04.2017  
Item 10.1: SCM 31.10.2017  
Item 11.1: OCM 30.01.2018

**EXECUTIVE SUMMARY****Application:**

For Council to note the City's Youth Advisory Council (YAC) objectives and progress report on the initiatives, events and activities facilitated by the City over the past 12 months.

**Key Issues:**

- The City's YAC provides the framework for the ongoing planning, implementation and evaluation of the City's youth program and other youth related projects, initiatives and events being delivered by the City; and
- The YAC have actively contributed to youth related initiatives, events and activities facilitated by the City over the past 12 months.

**BACKGROUND**

The City of Bayswater YAC consists of youth representatives aged between 12-25 years who live, work, study or recreate in the City of Bayswater. YAC members formally meet at least six times per year to assist with the planning, implementation and delivery of the City's youth development initiatives.

More specifically, the role of the YAC is to:

- Assist with planning of youth programs, events, activities and initiatives;
- Advise on youth engagement across the organisation;
- Participate in various youth program activities set by the City;
- Promote the youth program within networks and target group;
- Consistently evaluate and review events, programs and initiatives undertaken;

The YAC is currently made up of up to 10 young people and a City of Bayswater staff facilitator, who is generally the City's Community Development Officer.

Although YAC meetings are exclusive for YAC members and the City's facilitator (so as to create a space for young people to voice their opinions and ideas freely), additional guests, (non-voting participants) including staff; consultants; community members; youth stakeholders or; City of Bayswater Councillors may be invited from time to time, as guest speakers or observers.

**CONSULTATION**

Nil consultation required.

**ANALYSIS**Youth development and workshops

The City's YAC provides the framework for the ongoing planning, implementation and evaluation of the City's youth program and other youth related projects, initiatives and events being

delivered by the City. In addition, the YAC focusses on connecting and offering development opportunities for young people within the City. To this end, youth workshops are planned for by YAC and are undertaken each school holidays to upskill and/or empower young people in some aspect of their life. The most recent youth workshop advertising posters over the past 12 months are shown as **Attachment 1**.



**Image 1: Barista Workshop - 18-25 years.**

#### YAC's participation in event planning

The Bayswater YAC partner with the Recreation team at Bayswater Waves to plan and deliver *Baysie Waves Fest*, a youth friendly event that is generally held twice per year in October and January. Due to the works being undertaken on-site in 2017/2018, the October event did not go ahead however a larger event was held in February 2018 when the pool re-opened. The YAC involvement is specifically to assist with planning the entertainment, rides, food, music, stallholders, advertising and promotion for the event.

#### Assistance with new initiatives affecting youth

The Bayswater YAC collaborates with internal stakeholders to provide assistance on youth related initiatives; recently the Bayswater YAC has developed the 3v3 Basketball Competition to consult young people on the City's Reconciliation Action Plan. This initiative has been included in the July School Holiday advertising (**Attachment 1**).

The Bayswater YAC has also been heavily involved as youth stakeholders in the Russell Street Ninja Park. Their involvement has spanned from providing feedback on signage design to developing the Youth Art Mural project design and implementation; including volunteering a Bayswater YAC member to be a youth representative in the stakeholder project meetings.

Summary of 2017/18 youth initiatives facilitated by the City

Please find below a summary of the 2017/2018 youth workshops, initiatives and events that were facilitated by the City:

#	Activity	Target Group	School Holidays
1.	YAC Meeting	YAC	July 2017
2.	Barista Workshop (Hands on)	18-25 years	July 2017
3.	Barista Basics Online	14-17 years	July 2017
4.	Photography 101 Workshop	14-17 years	July 2017
5.	Photography 101 Workshop	18-25 years	July 2017
6.	Customer Service Workshop	14-17 years	July 2017
7.	Customer Service Workshop	18-25 years	July 2017
8.	RSA (Responsible Service of Alcohol) Workshop	18-25 years	July 2017
9.	YAC Meeting	YAC	August 2017
10.	Smartphone-ography	12-17 years	October 2017
11.	Selling Online	18-25 years	October 2017
12.	Interview Improv Workshop	14-25 years	October 2017
13.	Resume Writing and Cover Letters Workshop	14-17 years	October 2017
14.	Resume Writing and Cover Letters Workshop	18-25 years	October 2017
15.	Branding Photography Workshop	18-25 years	October 2017
16.	Selling yourself, pitching and personal branding	18-25 years	October 2017
17.	Special YAC Meeting - Baysie Waves Fest Planning	YAC	October 2017
18.	January YAC Meeting	YAC	January 2018
19.	Russell Street Ninja Park Mural - Project Design	All young people	January 2018
20.	Baysie Waves Fest 2018 - event	12-25 years	February 2018
21.	YAC Meeting	YAC	March 2018
22.	Improv Interviews	14-25 years	April 2018
23.	Comedy Crashcourse	12-17 years	April 2018

#	Activity	Target Group	School Holidays
24.	Selling Online	18-25 years	April 2018
25.	Simple Online Portfolios and Blogging	12-17 years	April 2018
26.	Russell Street Ninja Park - Signage	All young people	April 2018
27.	YAC Meeting	YAC	May 2018
28.	YAC Meeting	YAC	June 2018
29.	Self Defence 101 - Training	12-17 years	July 2018
30.	Provide CPR - Training	18-25 years	July 2018
31.	Beatball - 3 on 3 Basketball - RAP Consultation Activity	10-18 years	July 2018

#### The next YAC project for 2018/19

Council at a recent workshop, expressed the desire for City staff to undertake future planning for youth initiatives in an efficient manner within existing resources and expressed an interested in either receiving more information regarding YAC activities or being more involved with the YAC.

In response to the above, the YAC with support from City Officers, will work on developing an internal Youth Action Plan, as their next key project. This will see new initiatives and pop-up activities for youth across the City without the constraints of having to implement a formal strategy. This YAC project will be called the *YOLO Project* (Youth Opportunities Lived Out) and will be further scoped by the YAC at their next meeting in August 2018.

#### Frequency of YAC meetings and communication with Council

The Bayswater Youth Advisory Council formally meet at least six (6) times per financial year, ensuring adequate meetings to plan youth initiatives and regularly comment on youth matters. In between meetings the Bayswater YAC keeps in contact through social media where they can offer advice and comment on documents and upcoming events.

Currently, communication between Council and the YAC is limited to memorandums, being invited as guests to YAC events or face to face communication at planned activities. In order to increase and enhance communication between the Bayswater YAC and Council going forward, options have been discussed with the YAC and are listed under the Options section of the report, below for Council to consider.

We need to outline the options here in a little more detail.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. <b>The Bayswater YAC provides a 6 monthly progress report to the Community Access and Inclusion Advisory Committee (CAIAC), specifically on the progress of the upcoming YAC's <i>YOLO Project</i> and general youth initiatives within the City, as planned by YAC.</b>	<ul style="list-style-type: none"> <li>Youth initiatives will be clearly communicated through a report on a regular basis.</li> </ul> <p>The current CAIAC youth representative is a YAC member and can comment on the initiatives outlined in the report, as can the City's Community Development Officer who also attends CAIAC meetings.</p>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
2. <b>The Bayswater YAC has a 6 monthly informal catch up with Councillors at a casual establishment nominated by CAIAC to discuss recent youth initiatives.</b>	<ul style="list-style-type: none"> <li>YAC Members and Councillors can meet and discuss current youth initiatives face to face in a relaxed and neutral environment.</li> </ul>	<ul style="list-style-type: none"> <li>YAC Members or Councillors may not all be available to attend, making the gatherings quite small from time to time.</li> </ul>
3. <b>Combination of options 1 and 2: The Bayswater YAC provides a 6 monthly progress report to the CAIAC on the progress of the <i>YOLO Project</i> and general youth initiatives within the City, as planned by YAC;</b>  <b>and</b>  <b>The Bayswater YAC has a 6 monthly informal dinner catch up with Councillors at a casual dining establishment to discuss recent youth initiatives.</b>	<ul style="list-style-type: none"> <li>Youth initiatives will be clearly communicated through a progress report on a regular basis.</li> <li>The current CAIAC youth representative is a YAC member and can comment in the initiatives outlined in the report, as can the City's Community Development Officer who also attends CAIAC meetings.</li> <li>YAC Members and Councillors can meet and discuss current youth initiatives face to face in a relaxed and neutral environment.</li> </ul>	<ul style="list-style-type: none"> <li>YAC Members or Councillors may not all be available to attend the informal dinners, making the gatherings quite small from time to time.</li> </ul>

OPTION		BENEFIT	RISK
4. <b>The Bayswater YAC invites a Councillor to attend meetings, as an observer, on a 6 monthly basis. Additionally a memo is sent on a 6 monthly basis updating Council on YAC projects and initiatives.</b>		<ul style="list-style-type: none"> <li>• A Councillor from the CAIAC committee can be invited to sit in on YAC meetings and share this information with the other Councillors.</li> <li>• </li> </ul>	<ul style="list-style-type: none"> <li>• A Councillor may not always be available to attend meetings.</li> <li>• On previous occasions, feedback from YAC members has been that presence from a Councillor has made them feel nervous, in turn leading to less participation.</li> </ul>

## CONCLUSION

Option 1 is recommended to allow for City Officers and the Bayswater YAC to appropriately plan for and deliver youth initiatives, as well as update the CAIAC and Councillors on projects and initiatives the YAC are working on or toward.

This will not prevent councillors and YAC members from meeting at events and functions, with opportunities possibly becoming more frequent following more formal reporting.

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

2017-18 BUDGET ALLOCATION	2017-18 BUDGET RECONSIDERATION	PROPOSED 2018-19 BUDGET ALLOCATION	ONGOING COSTS (e.g. MAINTENANCE)	LIFE OF PROJECT/LIFE EXPECTANCY OF ASSET
12,000	N/A	12,000	N/A	Ongoing

The \$12,000 mentioned above reflects the annual funding provided for youth advocacy, which includes YAC participation and engagement.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community

Aspiration: An active and engaged community.

Outcome C1.2: Deliver community programs that encourage community interaction and participation

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Nil.

## FEEDBACK FROM ADVISORY COMMITTEE

- The Committee was supportive of the activities of the YAC.

## VOTING REQUIREMENTS

Simple Majority.

**COUNCIL RESOLUTION**  
**(ADVISORY COMMITTEE/OFFICER'S RECOMMENDATION)**

That Council:

1. Notes the Bayswater YAC activities as outlined in this report.
2. Requests a six monthly progress report be presented to the Community Access and Inclusion Advisory Committee (CAIAC) on YAC projects and initiatives.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**  
**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 8/0**

*At 8:11pm, Cr Catherine Ehrhardt left the meeting.*

**COUNCIL RESOLUTION - EN BLOC RESOLUTION**

Council endorse all committee recommendations for items 13.1 to 13.12 with the exception of 13.3, 13.5, 13.8, 13.10, 13.11, and 13.12.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**

**CARRIED UNANIMOUSLY: 8/0**

**COUNCIL RESOLUTION - EN BLOC RESOLUTION**

To approve (en bloc) the Committee/Officer's Recommendations to Council Items 13.13, 13.15, 13.17, 13.18 and 13.19.

**CR SALLY PALMER MOVED, CR ELLI PETERSEN-PIK SECONDED**

**CARRIED UNANIMOUSLY: 8/0**

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14.1 Cr Sally Palmer - Support for the Uluru Statement from the Heart**

In accordance with clause 4.5(1) of the City of Bayswater's *Standing Orders Local Law 2013*, Cr Sally Palmer raised the following motion:

***"That Council:***

- 1. Supports the Uluru Statement from the Heart with the following actions:**
  - (a) To be a signatory to the ACOSS statement of support for the Uluru Statement of the Heart.**
  - (b) Acknowledges Aboriginal and Torres Strait Island People as the Traditional Owners of this country and pay respect to their ongoing spiritual and cultural connections with it.**
  - (c) Recognises the need for constitutional change that goes beyond the symbolic, and gives breath to the benefits that a treaty offers all Australians.**
  - (d) Thanks those who gathered at the 2017 National Constitutional Convention in Uluru for their persistence and patience, under the guidance of the co-chairs of the Referendum Counsel, Ms Pat Anderson AO and Mr Mark Leibler AC.**
  - (e) Lodge a submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.**
  - (f) Shows its outward support by placing a framed copy of the Uluru Statement from the Heart within their public honorary cabinets at the entrance of the Council Chambers.**
  - (g) A letter of support from Council to request WALGA to embrace the Uluru Statement from the Heart.**
  - (h) A letter of support from Council to the Prime Minister and Federal Leader of the Opposition showing our support for the Uluru Statement from the Heart."**

**At 8:17pm, Cr Catherine Ehrhardt returned to the meeting.**

**At 8:17pm, Cr Chris Cornish, Deputy Mayor, left the meeting and returned at 8:18pm.**

**At 8:18pm, Cr Catherine Ehrhardt left the meeting and returned at 8:23pm.**

**At 8:19pm, Cr Elli Petersen-Pik left the meeting and returned at 8:21pm.**

**MATERIAL FACTS**

In accordance with clause 4.5(7) of the City of Bayswater *Standing Orders Local Law 2013*, the Chief Executive Officer may provide relevant and material facts and circumstances relating to the notice of motion on such matters, as policy, budget and law relevant to the notice of motion.

The City's Aboriginal Advisory Committee were consulted about this notice of motion and were supportive of the actions proposed at its 2 August 2018 Committee meeting.

- (a) To be a signatory to the ACOSS statement of support for the Uluru Statement of the Heart.**

The ACOSS statement of support is a joint statement of the people of Australia to support the First Nations peoples to have a voice and call on the Prime Minister and Australian Parliament to make the Uluru Statement of the Heart a national priority. The Signatory page <https://www.acoss.org.au/supportfirstnations/> expresses concerns about the negative response

from the Australian Government to the Uluru Statement from the Heart. It urges the Australian Parliament to listen to First Nations peoples' recommendations in the Uluru Statement of the Heart. As at 6 August 2018, there were 9,062 signatories, including 956 names withheld.

**(b) Acknowledges Aboriginal and Torres Strait Island People as the Traditional Owners of this country and pay respect to their ongoing spiritual and cultural connections with it.**

The City of Bayswater currently acknowledges the Whadjuk people of the Noongar nation as traditional custodians of the City of Bayswater land at civic and community events and Council and Committee meetings. The City is currently developing its first Reflect Reconciliation Action Plan (RAP). The RAP will detail several actions for the organisation to complete within a 12 month timeframe. Acknowledgement of Aboriginal and Torres Strait Islander People as Traditional Owners of this country will be reflected in actions that come from the RAP.

**(c) Recognises the need for constitutional change that goes beyond the symbolic, and gives breath to the benefits that a treaty offers all Australians.**

By completing the actions within this Notice of Motion, the City would be recognising the need for constitutional change.

**(d) Thanks those who gathered at the 2017 National Constitutional Convention in Uluru for their persistence and patience, under the guidance of the co-chairs of the Referendum Council, Ms Pat Anderson AO and Mr Mark Leibler AC.**

There were 17 members on the Referendum Council who gathered at the 2017 National Constitutional Convention.

The Referendum Council's role was to advise the Prime Minister and the Leader of the Opposition on progress and next steps towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

Over 250 delegates gathered at the 2017 First Nations National Constitutional Convention, where the Uluru Statement from the Heart was made.

**(e) Lodge a submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.**

Submissions to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples can be made up until 17 September 2018. The Committee is due to produce a final report by 29 November 2018.

Once a submission is received by a parliamentary committee, the organisation that submitted it cannot publish or disclose it to any other person unless or until the committee has authorised its publication; nor can it be withdrawn or altered without the committee's permission.

**(f) Shows its outward support by placing a framed copy of the Uluru Statement from the Heart within their public honorary cabinets at the entrance of the Council Chambers.**

The Uluru Statement from the Heart wording can be referred to in Attachment 1. Council could resolve to display the statement in the City's public honorary cabinets at the entrance of the Council Chambers.

**(g) A letter of support from Council to request WALGA to embrace the Uluru Statement from the Heart.**

City officers contacted WALGA on 6 August 2018 and they have confirmed that at present, WALGA has not formed a view on the Uluru Statement from the Heart and discussion on the matter should come through their Zone meeting process.

**(h) A letter of support from Council to the Prime Minister and Federal Leader of the Opposition showing our support for the Uluru Statement from the Heart.**

The City can write a letter of support to the Prime Minister and Federal Leader of the Opposition at any given time.

**OFFICER COMMENT**

**(a) To be a signatory to the ACOSS statement of support for the Uluru Statement of the Heart.**

The Chief Executive Officer (CEO) may be designated as the signatory and also include the City of Bayswater as a signatory. The majority of organisations list the CEO as the signatory for the organisation that is being represented.

**(b) Acknowledges Aboriginal and Torres Strait Island People as the Traditional Owners of this country and pay respect to their ongoing spiritual and cultural connections with it.**

The City can do this in various ways through its first Reflect RAP. It is suggested that the City's Aboriginal Advisory Committee have input into how this action can be embedded into the Reflect RAP to ensure that it is consistently and appropriately implemented by the City.

**(c) Recognises the need for constitutional change that goes beyond the symbolic, and gives breath to the benefits that a treaty offers all Australians.**

By completing the actions within this Notice of Motion, the City would be recognising the need for constitutional change. Officers are unable to determine whether this is a statement made, or an action.

**(d) Thanks those who gathered at the 2017 National Constitutional Convention in Uluru for their persistence and patience, under the guidance of the co-chairs of the Referendum Counsel, Ms Pat Anderson AO and Mr Mark Leibler AC.**

There were 17 members on the Referendum Council who gathered at the 2017 National Constitutional Convention. The City may thank all members of the Referendum Council through a letter, which can be addressed to the co-chairs of the Referendum Counsel, Ms Pat Anderson AO and Mr Mark Leibler AC, by the end of October 2018. This will enable the City to inform the City's Aboriginal Advisory Committee of this action at its next Committee meeting on 10 October 2018.

**(e) Lodge a submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.**

Submissions to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples can be made up until 17 September 2018.

There is no set format for a submission to be made to a parliamentary committee. The City may complete a written submission in the context of supporting the Uluru Statement from the Heart, which is tabled in the Committee's Resolution of Appointment (section 1a).

Due to the tight timeframes, the City can complete a submission in the form of a letter to the Committee by the due date and inform the City's Aboriginal Advisory Committee of the action at its next meeting.

**(f) Shows its outward support by placing a framed copy of the Uluru Statement from the Heart within their public honorary cabinets at the entrance of the Council Chambers.**

Displaying the Uluru Statement from the Heart at the entrance of the Council Chambers would send a strong message to the community that the City is supportive of urging the Australian government to "support institutional reform to hear to the multiplicity of First Nations voices". This

is in line with the journey of Reconciliation the City has embarked on. The Aboriginal Advisory Committee and City Officers are supportive of this action.

**(g) A letter of support from Council to request WALGA to embrace the Uluru Statement from the Heart.**

A letter of support may be sent by the City by end of October 2018. The City's Aboriginal Advisory Committee would be informed of this action at its next Committee meeting.

**(h) A letter of support from Council to the Prime Minister and Federal Leader of the Opposition showing our support for the Uluru Statement from the Heart.**

A letter of support may be sent by the City by end of October 2018. This will enable the City to inform the Aboriginal Advisory Committee of this action at its next Committee meeting.

## LEGAL IMPLICATIONS

Nil.

## POLICY IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:	Leadership and Governance
Aspiration:	Open, accountable and responsive service
Outcome C2:	Advocate and lobby effectively on behalf of the community
Theme:	Our Community
Aspiration:	An active and engaged community
Outcome C2:	Ensure the City's services are accessible and inclusive

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Actions associated with Uluru Statement from the Heart

<b>Asset Category:</b>	N/A	<b>Source of Funds:</b>	Municipal
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**LTFP Impacts:** Not itemised in LTFP

**Notes:** These expenses could be accommodated within existing operational budgeted set aside for the development of the City's Reconciliation Action Plan.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	Printing and framing of Uluru Statement from the Heart (approximately \$500)	Officer time and wages (approximately \$1,000)	-	-	-	\$15,000

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

1. ULURU Statement from the Heart

**COUNCIL RESOLUTION**

That Council:

1. Supports the Uluru Statement from the Heart with the following actions:
  - (a) To be a signatory to the ACOSS statement of support for the Uluru Statement of the Heart.
  - (b) Acknowledges Aboriginal and Torres Strait Island People as the Traditional Owners of this country and pay respect to their ongoing spiritual and cultural connections with it.
  - (c) Recognises the need for constitutional change that goes beyond the symbolic, and gives breath to the benefits that a treaty offers all Australians.
  - (d) Thanks those who gathered at the 2017 National Constitutional Convention in Uluru for their persistence and patience, under the guidance of the co-chairs of the Referendum Counsel, Ms Pat Anderson AO and Mr Mark Leibler AC.
  - (e) Lodge a submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.
  - (f) Shows its outward support by placing a framed copy of the Uluru Statement from the Heart within their public honorary cabinets at the entrance of the Council Chambers.
  - (g) A letter of support from Council to request WALGA to embrace the Uluru Statement from the Heart.
  - (h) A letter of support from Council to the Prime Minister and Federal Leader of the Opposition showing our support for the Uluru Statement from the Heart.

CR SALLY PALMER MOVED, CR LORNA CLARKE SECONDED

CARRIED: 7/2

**For:** *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Lorna Clarke, Cr Barry McKenna, Cr Giorgia Johnson, and Cr Catherine Ehrhardt.*

**Against:** *Cr Chris Cornish, Deputy Mayor, and Cr Elli Petersen-Pik.*

**Attachment 1****ULURU STATEMENT FROM THE HEART**

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is *a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness.*

We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

**14.2 Mayor Cr Dan Bull - Industrial Estate**

In accordance with clause 4.5(1) of the City of Bayswater's *Standing Orders Local Law 2013*, Mayor Cr Dan Bull raised the following motion:

***"That Council:***

- 1. Authorises the Mayor to write to all property owners within the Bayswater Industrial Estate requesting that they note and inform the tenants/occupiers of their property of the following:**
  - (a) The City will be commencing an increased enforcement regime to target illegally parked vehicles on verges;**
  - (b) The City will be commencing a process to look at enforcement options to address the accumulation of goods on verges across the estate; and**
  - (c) The City seeks their support for a process to improve the aesthetics of the estate through the planting trees and improved maintenance of verges**
- 2. Authorises the CEO to develop an improvement program and enforcement program for the estate with a report to come back to Council by December 2018 along with appropriate costings for either implementation in the 2018/19 year or for inclusion in the 2019/20 budget (based on overall costs)."**

**At 8:35pm, Cr Lorna Clarke left the meeting and returned at 8:36pm.**

**MATERIAL FACTS**

In accordance with clause 4.5(7) of the City of Bayswater *Standing Orders Local Law 2013*, the Chief Executive Officer may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law relevant to the notice of motion.

Complaints are regularly received from business proprietors within the Bayswater Industrial area, which resulted in 267 attendances by Rangers and Security between 1 January 2018 and 2 August 2018. The requests for attendance relate primarily to community concerns regarding breaches of the:

- City Of Bayswater Parking And Parking Facilities Local Law - Unlawfully parked vehicles (133 attendances);
- *Litter Act 1979* - Dumping of rubbish on verges (30 attendances);
- *Dog Act 1976 and Cat Act 2011* - Roaming and unregistered animals (27 attendances);
- *Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law* - Abandoned vehicles; and
- Other issues relating to trees, damage, graffiti etc. (50 attendances).

There are approximately 820 land owners within the Bayswater Industrial Estate who would be contacted as a part of the mail out.

**OFFICER COMMENT**

Enforcement of unregistered vehicles and vehicles on verges with no registration plates affixed has been provided utilising provisions of subdivision 4 of the *Local Government Act 1995* however this has largely been unsuccessful in the industrial area. This is because automotive related businesses are aware that they must remove the vehicle within 24 hours, which they do to avoid being infringed, regularly replacing vehicles.

This process has been reviewed with Rangers and Security now utilising the City of Bayswater Parking And Parking Facilities Local Law, Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and *Litter Act* to take earlier enforcement action.

Essentially strategies have been developed and implemented to improve compliance and are ongoing which include taking a more enforcement focused approach to breaches and issuing infringements, rather than warnings.

Additionally, the City can instigate prosecutions against any person or body for the storage of vehicles or for using land in the City without relevant development approval under Part 8 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, thereby contravening the scheme, contrary to section 218(a) of the *Planning and Development Act 2005* (PD Act). In addition non-compliance with any development approval may be pursued under the provisions of the PD Act.

It is considered that the practice of dumping goods and (unregistered) vehicles on verges is not widespread and is restricted to a limited number of businesses, who have been warned and are now being infringed for transgressions.

In terms of the City's Economic/Business Framework (May 2017) adopted by Council at the Planning and Development Services Committee meeting on 16 May 2017, the following three actions relate to the Bayswater industrial area:

Actions	Delivery Method	Estimated Resourcing and Timing
<b>Improve cleanliness</b> 7.2.1 Undertake ongoing compliance that delivers immediate and ongoing improvement to the cleanliness of the area focussing on verges, verge improvement and the removal of junk on public and private property.	Direct City delivery	<b>Years 2-5</b> <ul style="list-style-type: none"> <li>Proactive activity of City's compliance officer (current resourcing is reactive only).</li> <li>1 FTE ongoing (currently proposed in draft Work Force plan for 2018-2019).</li> </ul>
7.2.2 Communicate the benefits the existing verge policy and its benefit to the overall precinct.	Co-delivery by the City and business or other groups	<b>Years 2-5</b> <ul style="list-style-type: none"> <li>Prepare communication and publicity strategy and implement.</li> <li>0.1 FTE for three-months.</li> <li>Include CEBA in the communication channels.</li> </ul>
7.2.3 Improve verges and open space to provide more visual amenity shade, and footpaths.	Direct City delivery	<b>Year 5+</b> <ul style="list-style-type: none"> <li>\$30,000 for a walkability and landscaping plan.</li> <li>0.2 FTE for six-months to manage preparation of the plan.</li> <li>Future capital costs and resourcing required for implementation (to be determined in landscaping plan).</li> </ul>

No funding exists in the current 2018/19 Budget or the Long Term Financial Plan (LTFP) to develop an improvement program or enforcement program for the Bayswater Industrial Estate. Further there is currently no capacity to develop these programs or allow for additional targeted enforcement activities within the area. The development of these program and targeted enforcement will necessitate reprioritisation of tasks and may delay projects such as Bayswater Town Centre Design Guidelines and Streetscape Improvement Plan and the Meltham Station Wider Station Precinct Structure Plan.

## LEGAL IMPLICATIONS

Nil.

## POLICY IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment.

Outcome B2: Develop and maintain streetscapes.

Theme: Our Community

Aspiration: A strong sense of community through the provision of quality services and facilities.

Outcome C1.3 Deliver a safety service which builds a strong sense of community safety.

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Development of an improvement program for the Bayswater Industrial Area

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP

**Notes:** This action was identified to occur after 2022 in the Economic/Business Framework.

**Item 2:** Development of an enforcement program for the Bayswater Industrial Area

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP.

**Notes:** It is intended for a business case (as detailed above) for consideration as part of the 2019/20 budget process.

**Item 2:** Correspondence with all land owners in the Bayswater Industrial Estate

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP.

**Notes:** It is intended for a business case (as detailed above) for consideration as part of the 2019/20 budget process

ITEM NO.	CAPITAL UPFRONT COSTS (\$)	ONGOING ANNUAL COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	30,000	To be determined	-	-	-	Nil.
2	-	To be determined	To be determined	-	-	-	Nil.
3	-	1,250	To be determined	-	-	-	Nil.

**VOTING REQUIREMENTS**

Simple Majority required.

**COUNCIL RESOLUTION**

That Council:

1. Authorises the Mayor to write to all property owners within the Bayswater Industrial Estate requesting that they note and inform the tenants/occupiers of their property of the following:
  - (a) The City will be commencing an increased enforcement regime to target illegally parked vehicles on verges;
  - (b) The City will be commencing a process to look at enforcement options to address the accumulation of goods on verges across the estate; and
  - (c) The City seeks their support for a process to improve the aesthetics of the estate through the planting trees and improved maintenance of verges

**CR DAN BULL, MAYOR MOVED, CR CATHERINE EHRHARDT SECONDED**

**CARRIED UNANIMOUSLY: 9/0**

**COUNCIL RESOLUTION**

That Council:

2. Authorises the CEO to develop an improvement program and enforcement program for the estate with a report to come back to Council by December 2018 along with appropriate costings for either implementation in the 2018/19 year or for inclusion in the 2019/20 budget (based on overall costs).

**CR DAN BULL, MAYOR MOVED, CR CATHERINE EHRHARDT SECONDED**

**CARRIED: 8/1**

**For:** *Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Lorna Clarke, Cr Barry McKenna, Cr Giorgia Johnson, and Cr Catherine Ehrhardt.*

**Against:** *Cr Elli Petersen-Pik.*

### 14.3 Cr Chris Cornish - Voting Representation at WALGA

#### **CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST**

*In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Giorgia Johnson declared an impartial interest in this item as she is a WALGA East Zone representative for Bayswater. Cr Giorgia Johnson remained in the room during voting on this item.*

In accordance with clause 4.5(1) of the City of Bayswater's Standing Orders Local Law 2013, Cr Chris Cornish, Deputy Mayor raised the following motion:

#### ***That the City of Bayswater:***

1. *Acknowledges the inequity of voting representation at WALGA Annual General Meetings and writes to the WALGA President and Chief Executive Officer stating our disappointment that this is occurring; and*
2. *Emails a letter to all metropolitan Councillors highlighting our concerns with the lack of fair representation at WALGA's Annual General Meetings and inviting them to a meeting, hosted by the City of Bayswater, to discuss options to rectify the imbalance of power between country and metropolitan local governments.*

#### **MATERIAL FACTS**

In accordance with clause 4.5(7) of the City of Bayswater Standing Orders Local Law 2013, the Chief Executive Officer may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law relevant to the notice of motion.

WALGA is the peak industry working body for local government in Western Australia. WALGA represents 138 local governments in Western Australia with the City of Nedlands being the only local government who are not a member.

The WALGA State Council is the key decision body on behalf of all member Councils and is responsible for sector-wide policy making and strategic planning on behalf of local government in Western Australia. Under Clause 9(1) of the WALGA Constitution, the State Council is made up of 24 members, being 12 from country constituencies and 12 from metropolitan constituencies. The current membership of the State Council is:

<b>Chair</b>	
WALGA President	President Cr Lynne Craigie
<b>Members</b>	
Avon-Midland Country Zone	Cr Jan Court
Central Country Zone	President Cr Phil Blight
Central Metropolitan Zone	Cr Paul Kelly Cr Jenna Ledgerwood
East Metropolitan Zone	Cr Brooke O'Donnell Cr Kate Driver
Goldfields Esperance Country Zone	President Cr Malcolm Cullen
Gascoyne Country Zone	President Cr Cheryl Cowell
Great Eastern Country Zone	President Cr Stephen Strange
Great Southern Country Zone	President Cr Keith House
Kimberley Country Zone	Cr Chris Mitchell
Murchison Country Zone	Cr Les Price
North Metropolitan Zone	Cr Russ Fishwick JP Cr Giovanni Italiano JP Mayor Tracey Roberts JP (Deputy President)
Northern Country Zone	President Cr Karen Chappel

Peel Country Zone	President Cr Michelle Rich
Pilbara Country Zone	President Cr Kerry White
South East Metropolitan Zone	Cr Julie Brown Cr Brian Oliver
South Metropolitan Zone	Mayor Logan Howlett JP Cr Doug Thompson Mayor Carol Adams
South West Country Zone	President Cr Tony Dean
<b>Ex Officio</b>	
Local Government Professionals State President	Mr Ian Cowie PSM

The WALGA AGM is held once a year. The primary purpose of the WALGA AGM is to discuss and make if necessary any changes to the WALGA Constitution. Any motions tabled at the AGM, other than those relating to the Constitution, are not binding. Clause 22(8) of the WALGA Constitution provides, '*...the State Council is required to give consideration to any directions or decision at made at an Annual General Meeting in its discharge of responsibilities and functions*'.

Given that these decisions are not binding, WALGA have advised that preferred process for progressing a motion is through the relevant Zone rather than directly to the AGM. The process is as follows:

1. Motion is raised through Ordinary Council Meeting.
2. Council's Zone Delegate then raises the motion in general business at relevant zone meeting.
3. Composite minutes of all zone meetings are prepared and identify motions that were passed but not on the agenda.
4. Motions passed not on the agenda are referred to the State Council who will refer it to the appropriate policy team in the Secretariat (WALGA).
5. The Secretariat (WALGA) will report back to the State Council and advise as appropriate.
6. The State Council will then consider consultation required throughout the zones prior to making their decision.

#### OFFICER COMMENT

WALGA have advised that whilst there may be a perceived imbalance as a result of attendance at the WALGA AGM, the State Council membership is designed to ensure equal representation of country and metropolitan local government authorities. It is noted that notwithstanding that there are 12 country zones and 5 metropolitan zones WALGA has endeavoured to ensure equal representation on the State Council by providing for 12 metropolitan representatives and 12 country representatives. This means that some zones have more than one representative on the State Council.

It is further noted that motions tabled at the AGM, other than those relating to changes to the Constitution, are not binding. This is reflective of the State Council being the primary decision making body and as such ensures equal consideration is given to the motion.

#### LEGAL IMPLICATIONS

Nil.

#### POLICY IMPLICATIONS

Nil.

**STRATEGIC IMPLICATIONS**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L3: Strong stewardship and leadership

**FINANCIAL IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority Required.

**COUNCIL RESOLUTION**

That the City of Bayswater:

1. Acknowledges the inequity of voting representation at WALGA Annual General Meetings and writes to the WALGA President and Chief Executive Officer stating our disappointment that this is occurring; and

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR ELLI PETERSEN-PIK SECONDED**  
**CARRIED UNANIMOUSLY: 9/0**

**COUNCIL RESOLUTION**

That the City of Bayswater:

2. Emails a letter to all metropolitan Councillors highlighting our concerns with the lack of fair representation at WALGA's Annual General Meetings and inviting them to a meeting, hosted by the City of Bayswater, to discuss options to rectify the imbalance of power between country and metropolitan local governments.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR ELLI PETERSEN-PIK SECONDED**  
**CARRIED: 7/2**

**For:** *Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Lorna Clarke, Cr Barry McKenna, and Cr Elli Petersen-Pik.*  
**Against:** *Cr Giorgia Johnson, and Cr Catherine Ehrhardt.*

**14.4 Cr Lorna Clarke - Bayswater Parking Strategy*****CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST***

*In accordance with section 5.60A of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as he is Chairman of Bayswater Community Financial Services, who are about to take possession of a significant building at 83 Whatley Crescent, Bayswater, and the parking around that will be critical. At 8:44pm, Cr Barry McKenna withdrew from the meeting.*

In accordance with clause 4.5(1) of the City of Bayswater's *Standing Orders Local Law 2013*, Cr Lorna Clarke raised the following motion:

**"That Council requests the Chief Executive Officer to:**

1. Develop a car parking management regime for the Bayswater Town Centre to ensure that there is sufficient provision of car parking in and around the Bayswater town centre shops and Bayswater Train Station, particularly during and after major construction and changes to the Train Station;
2. In developing the car parking management regime, consult with businesses, landowners and residents and cooperate with the State Government and Metronet team, noting and respecting the construction timeframes and budget constraints relating to Metronet; and
3. Report back to Council by April 2019 at the latest on the consultation outcomes and recommended implementation plan, noting that timelines may change or be determined by State Government processes in relation to the Bayswater Train Station."

*At 8:44pm, Cr Stephanie Gray left the meeting and returned at 8:47pm.*

**MATERIAL FACTS**

In accordance with clause 4.5(7) of the City of Bayswater *Standing Orders Local Law 2013*, the Chief Executive Officer may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law relevant to the notice of motion.

A car parking management regime would provide actions and strategies on how to better manage car parking in the Bayswater Town Centre.

The Council adopted Bayswater Town Centre Structure Plan (BTCSP) recommended a series of further studies to be undertaken to support the implementation of the structure plan. One of the recommendations was:

*"Develop car parking management regimes to address on-street commuter parking on Railway Parade and other surrounding streets."*

This was identified as a short-term action to occur within five years of the BTCSP's approval.

The City's 2018/19 budget does not include an allocation to develop a car parking regime for the Bayswater Town Centre.

As a part of the State Government's METRONET project the Bayswater Train Station has been identified for a major upgrade. The final layout and design of the upgraded train station has not yet been finalised, so it is unknown what, if any, impact the upgrade will have on the total number of commuter car parking bays available once the upgrade has been completed.

The METRONET team has advised that during the construction phase of the upgrade significant number of commuter bays will no longer be available to the public.

The METRONET team anticipate commencing construction on the station upgrade in 2019.

### OFFICER COMMENT

The loss of commuter parking during the construction phase of the upgrade of Bayswater Train station will have a significant impact on the number of car parking bays available in the Bayswater Town Centre and who/how the remaining car parking bays will be used, it is noted that this issue is not uncommon at other train stations of a similar nature which are being redeveloped. To ensure that appropriate parking in the town centre remains available for visitors to the town centre not just commuters it is considered a parking management regime should be adopted prior to the commencement of construction on the upgrade of the train station.

Given that this project is not contained within the 2018/19 budget, a budget adjustment will be required. The City recently developed the Maylands Town Centre Car Parking Management Plan in house, this project was allocated \$37,000 to engage consultants to undertake car parking surveys and develop recommended actions and for the City to undertake community consultation. It is considered a similar amount would be required to undertake a similar process for the Bayswater Town Centre.

Additionally, as this project was not included on the 2018/19 budget it has not been included on the program of works for 2018/19. There is some capacity to undertake it in house, however it is likely this will result in a reprioritisation of projects and the delay of other projects which were scheduled to be undertaken in 2018/19 such as the Bayswater Town Centre Design Guidelines and Streetscape Improvement Plan and the Meltham Station Wider Station Precinct Structure Plan.

### LEGAL IMPLICATIONS

Nil.

### POLICY IMPLICATIONS

Nil.

### STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment.

Outcome B2: A connected community with sustainable and well maintained transport.

### FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Development of a Car Parking Management Regime for the Bayswater Town Centre

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP.

**Notes:** This project has not been budgeted for in the 2018/19 budget process. The below costs are estimated on the cost of the Maylands Town Centre Car Parking Strategy.

ITEM NO.	CAPITAL UPFRONT COSTS (\$)	ONGOING ANNUAL COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS	STAFFING				

		CONTRACT					
1	-	37,000	To be determined	-	-	-	Nil.

**VOTING REQUIREMENTS**

Simple Majority required.

**COUNCIL RESOLUTION**

That Council requests the Chief Executive Officer to:

1. Develop a car parking management regime for the Bayswater Town Centre to ensure that there is sufficient provision of car parking in and around the Bayswater town centre shops and Bayswater Train Station, particularly during and after major construction and changes to the Train Station;
2. In developing the car parking management regime, consult with businesses, landowners and residents and cooperate with the State Government and Metronet team, noting and respecting the construction timeframes and budget constraints relating to Metronet; and
3. Report back to Council by April 2019 at the latest on the consultation outcomes and recommended implementation plan, noting that timelines may change or be determined by State Government processes in relation to the Bayswater Train Station."

**CR LORNA CLARKE MOVED, CR GIORGIA JOHNSON SECONDED**

**CARRIED: 6/2**

**For:** *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Lorna Clarke, Cr Giorgia Johnson, and Cr Elli Petersen-Pik.*

**Against:** *Cr Chris Cornish, Deputy Mayor, and Cr Catherine Ehrhardt.*

*Cr Barry McKenna returned to the meeting at 8:56pm.*

**14.5 Cr Lorna Clarke - Bedford Rejuvenation*****CR CHRIS CORNISH, DEPUTY MAYOR DECLARED A PROXIMITY INTEREST***

***In accordance with section 5.60b of the Local Government Act 1995, Cr Chris Cornish, Deputy Mayor declared a proximity interest in this item as he resides in Bedford and his wife owns a house in Bedford. At 8:56pm, Cr Chris Cornish, Deputy Mayor withdrew from the meeting.***

In accordance with clause 4.5(1) of the City of Bayswater's *Standing Orders Local Law 2013*, Cr Lorna Clarke raised the following motion:

**"That Council requests the Chief Executive Officer to develop a proposal by March 2019 to survey Bedford residents and ratepayers and determine whether the local community of Bedford wants additional place-making initiatives and/or rejuvenation of their local shopping precincts."**

**MATERIAL FACTS**

In accordance with clause 4.5(7) of the City of Bayswater *Standing Orders Local Law 2013*, the Chief Executive Officer may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law relevant to the notice of motion.

There are three key precincts in Bedford which can be considered shopping precincts. They are:

- Corner of Grand Promenade and Craven Street;
- Corner of Walter Road West and Grand Promenade; and
- Along Beaufort Street near the boundary of the Cities of Bayswater and Stirling.

The City's 2012 Local Housing Strategy (LHS) identified the Beaufort Street corridor and Walter Road West corridor as focus areas for change. Focus areas for change are considered to be areas appropriate for additional residential development, greater housing choice and mixed use development. The LPS recommended that detailed area plans for these precincts be developed as a long term action (to occur five years and beyond).

At the Ordinary Council Meeting held 31 May 2016 Council endorsed the creation of two Place Manager positions to replace the previous Economic Development Officer position. The Place Managers work within the City's four town centres to activate the town centres and support the businesses in those town centres. As noted in the report to Council of 31 May 2016 on the introduction of a place management approach, "...the Place Manager's focus is solely on the town centres and other industrial and employment centres such as the Bayswater/Ashfield Industrial Area are not included".

The City records indicate that there are currently approximately 2,235 rate payers within the suburb of Bedford, and an additional 970 residents.

**OFFICER COMMENT**

A report to Council on the proposed survey to residents and ratepayers in Bedford would need to consider matters such as:

- The type of survey (online, hard copy etc.);
- The purpose of the survey (are we asking if they support place making initiatives or are we asking them to provide some ideas as well);
- Who to include in the survey (all Bedford residents and ratepayers, or those most likely to be directly impacted by any initiatives); and

- The indicative questions to be asked.

It is considered highly likely that residents and rate payers in the area will be supportive of place activation initiatives in the area. It is noted that, given the above approach to place management within the City, the City's two Place Managers do not currently have the capacity to work with another town centre / shopping precinct and still continue to provide the expected level of service in the existing town centres. Further there is currently no budget allocation to undertake the survey nor implement any of the actions which may be identified.

### LEGAL IMPLICATIONS

Nil.

### POLICY IMPLICATIONS

Nil.

### STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment.

Outcome B2: A connected community with sustainable and well maintained transport.

### FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Survey of Bedford Residents and Ratepayers

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP.

**Notes:** This project has not been budgeted for in the 2018/19 budget.

The below costs are estimated based on a letter being sent to all residents and rate payers and 40 hours of officer time developing the survey, and reporting on the outcomes.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$ANNUAL)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1		4,810	2,860	-	-	-	Nil

### VOTING REQUIREMENTS

Simple Majority required.

**COUNCIL RESOLUTION**

That Council requests the Chief Executive Officer to develop a proposal by March 2019 to survey Bedford residents and ratepayers and determine whether the local community of Bedford wants additional place-making initiatives and/or rejuvenation of their local shopping precincts.

**CR LORNA CLARKE MOVED, CR SALLY PALMER SECONDED**

**CARRIED: 6/2**

**For:** *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Lorna Clarke, Cr Barry McKenna, and Cr Giorgia Johnson.*

**Against:** *Cr Catherine Ehrhardt, and Cr Elli Petersen-Pik.*

*Cr Chris Cornish, Deputy Mayor, returned to the meeting at 9:05pm.*

**15. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING****15.1 Cr Catherine Ehrhardt - Delegated Authority to CEO to Encourage Activation and Placemaking Initiatives to Reduce Red-Tape**

In accordance with clause 4.5(1) of the *City of Bayswater Standing Orders Local Law 2013*, Cr Catherine Ehrhardt, raised the following motion:

"That Council delegates authority to the Chief Executive Officer to approve the design, colour, theme and location of any further street furniture and similar infrastructure throughout the City to encourage activation and placemaking initiatives and reduce red-tape. In approving infrastructure, consideration is to be given to the safety, maintenance and operational implications. Authorised infrastructure includes, but is not limited to:

- Bins and bin surrounds;
- Seating;
- Bicycle racks;
- Planters;
- Parklets;
- Bus shelters;
- Public art; and
- Utility cabinets and other third party infrastructure (with the approval of the relevant service agency or third party)."

**15.2 Cr Stephanie Gray - City of Bayswater Skate Park Advisory Committee**

In accordance with clause 4.5(1) of the *City of Bayswater Standing Orders Local Law 2013*, Cr Stephanie Gray, raised the following motion:

*"In recognition of the 10 year anniversary of the Crimea Skate Plaza, that Council requests the Chief Executive Officer to reinstate the City of Bayswater Skate Park Advisory Committee, comprising Councillors, officers, and youth community members, to continue the committee's work with a view to providing guidance and advice in establishing, designing and maintaining existing and future skate parks within the District."*

**16. MAYOR'S REPORT**

**At 9:12pm, Cr Elli Petersen-Pik left the meeting and did not return.**

**MAYLANDS WATERLAND**

- The City has been progressing its efforts to seek sufficient external funding towards the capital costs of refurbishment of Maylands Waterland, in accordance with the Council Resolution of the Special Council Meeting on 3 July 2018.
- The City has met with a State Member of Parliament and the relevant Ministerial Officers.
- Over the coming weeks, the City will be meeting with other Members of Parliament.
- Correspondence to corporate sponsorship stakeholders and private water park operators will be issued imminently.
- My fellow Councillors and I inspected the site as part of an asset tour earlier this month.
- Lastly, item 11.3 on tonight's meeting Agenda has taken into consideration the option of a grant application to the Department of Local Government Sport and Cultural Industries Community Sport and Recreation Facility Fund.

**NATIONAL SCHOOLS TREE DAY AT BAYSWATER PRIMARY SCHOOL & RUSSELL STREET PLANTING AFTERNOON - FRIDAY, 27 JULY 2018**

- It was so great to roll up my sleeves last month on National Schools Tree Day and join Bayswater Primary School Students in planting seedlings at Eric Singleton Bird Sanctuary.
- This was followed by an afternoon of joining Councillor Sally Palmer, representatives from the City, the Water Corporation and the Department of Biodiversity, Conservation and Attractions, to plant thousands of seedlings along the drain behind the Russell Street Park, in an effort to help improve the quality of the water that will eventually flow into the Swan River.

**STATE & LOCAL GOVERNMENT FORUM DEPARTMENTAL DIALOGUES - WEDNESDAY, 1 AUGUST 2018**

- As part of the 2018 WA Local Government Convention, the City's CEO Andrew Brien and I attended the State and Local Government Forum Departmental Dialogues.

**MAYLANDS NEIGHBOURHOOD SOUP - WEDNESDAY, 1 AUGUST 2018**

- I was thrilled to be given the opportunity to MC the first ever Maylands Neighbourhood Soup earlier this month, which was also attended by Councillors Elli Petersen-Pik, Catherine Ehrhardt and Filomena Piffaretti.
- The event was modelled on Detroit SOUP in the USA, and gave participants the chance to pitch creative project ideas to benefit the local community, with the audience voting for its favourite project, and the winner going home with all the cash raised at the door.
- Congratulations to Ben Yaxley, who presented the winning pitch for the Flopfest Film Festival.
- I would also like to take this opportunity to thank the event organisers, Creative Maylands, Ross Conradie, otherwise known as Sandpiper Music, for providing live music on the night, as well as the event sponsors - local businesses The Little Shop of Plenty, Steam Haus, Smoult's Larder, Henry on Eighth and the Woodfired Baker.

**MORLEY SENIOR HIGH SCHOOL WELCOME CEREMONY FOR JAPANESE SISTER SCHOOL, AKASHI HIGH SCHOOL - WEDNESDAY, 1 AUGUST 2018**

- I would like to thank Councillor Sally Palmer for attending Morley Senior High School's Welcome Ceremony for the staff and students of their Japanese Sister School, Akashi High School, who were visiting for their cultural exchange trip.

- I am advised that this year marks the 25<sup>th</sup> anniversary of Morley Senior High School's sister relationship with Akashi, and they are very proud of the special connection which they have developed over the years.

### **CHILDREN'S ENVIRONMENT & HEALTH LOCAL GOVERNMENT POLICY AWARDS BREAKFAST - THURSDAY, 2 AUGUST 2018**

- I was really proud to attend this awards breakfast along with the City's Manager Sustainability and Environment, Jeremy Maher, in order to accept the top award in the category of "Environments Promoting Physical Activity" for the transformation of the Russell Street Park in Morley into a 10 station ninja-warrior style obstacle course.
- The awards were presented by the Hon. David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts, and were attended by over 140 Mayors, Elected Members, Local Government Representatives and supporters.
- I would like to acknowledge the City's partners in this project: the Water Corporation, Lotterywest, the Department of Biodiversity and Attractions, the Department of Water and Environment Regulation, and the State Government.

### **ELLIS HOUSE CUPCAKE FUNDRAISER - FRIDAY, 3 AUGUST 2018**

- It was fantastic to be able to visit Ellis House earlier this month in order to support an RSPCA cupcake fundraiser.
- It was also great to be able to share some of the cupcakes with the City's staff, and the feedback I received was that they were absolutely delicious!

### **AVON DESCENT FINISH LINE FAMILY FUN DAY - SUNDAY, 5 AUGUST 2018**

- There was an amazing atmosphere at Riverside Gardens for this year's Avon Descent Finish Line Family Fun Day, which was hosted by the City.
- It was fantastic to be given the opportunity, along with all fellow Councillors, to present medals to the competitors as they crossed the finish line, and it was really impressive to see so many spectators cheering them on.

### **OPENING OF ELLIS HOUSE COMMUNITY ARTS CENTRE MEMBERS' EXHIBITION - SUNDAY, 5 AUGUST 2018**

- I would like to thank Councillor Lorna Clarke for opening the Ellis House Community Arts Centre Members' exhibition on my behalf.
- I had the opportunity to visit the exhibition a few days after the opening, which showcased the amazing talents of the members of the Ellis House Community Arts Centre, who meet at Ellis House each Tuesday to paint, draw and catch up with friends.

### **VISIT TO MAYLANDS PENINSULA PRIMARY SCHOOL - WEDNESDAY, 8 AUGUST 2018**

- It was an absolute pleasure to be invited to visit Maylands Peninsula Primary School earlier this month in order to speak with the students about the three tiers of government, and how music has played an important role in my life.
- The school very kindly gave me the opportunity to play their keyboards and lead the students in a sing along to the Beatles classic "Hey Jude" as well as the students' personal favourite, "Lanterns" by local band Birds of Tokyo.

### **CITIZENSHIP CEREMONY - FRIDAY, 10 AUGUST 2018**

- I had the honour of presiding over my fifth Citizenship Ceremony earlier this month, with the City welcoming 60 new members of the Australian community on this occasion.

### **OFFICIAL OPENING OF THE INDIGENOUS ART MURAL - FRIDAY, 17 AUGUST 2018**

- I would like to thank Deputy Mayor Councillor Chris Cornish for attending the opening of the indigenous art mural at John Forrest Secondary College and for giving a speech on my behalf.

- I am advised that the school coordinated the mural as part of NAIDOC celebrations last year, the theme of which was "Our Languages Matter".

**RIVER CLEAN UP DAY - SUNDAY, 26 AUGUST 2018**

- It was really impressive to see all the volunteers last Sunday on their paddle boards and kayaks working together to clear rubbish from the Swan River.
- Thank you to SUP Tonic Australia for organising the event, and to Nauti Picnics Perth, who were the support crew for the paddlers, for very kindly letting me hitch a ride in their boat.

**OFFICIAL VISIT TO BAYSWATER PETANQUE CLUB BY THE HON. MR IVAN COLLENDAVELLO, DEPUTY PRIME MINISTER OF MAURITIUS - SUNDAY, 26 AUGUST 2018**

- It was an honour to attend the Bayswater Petanque Club last Sunday with Deputy Mayor Councillor Chris Cornish, as it hosted the Deputy Prime Minister of Mauritius, the Honourable Mr Ivan Collendavello, and his delegation.

**17. COUNCIL DELEGATES REPORTS**

Nil.

**18. AFFIXING OF COMMON SEAL****18.1 Ratification for Affixing of the Common Seal**

Ratification is sought for affixing of the common seal to the following documents:

Document Details	No. of Documents	Council Resolution
Notification under Section 70A - Addressing Development Approval Condition - DA17-0375, DA17-0376, DA17-0518	1	N/A
Bayswater Mazda premises - Replacement Deed, Withdrawal of Caveat (Lot 201), Withdrawal of Caveat (Lot 4 and 7), Withdrawal of Caveat (Lot 5)	4	N/A

**CR SALLY PALMER MOVED, CR STEPHANIE GRAY SECONDED****CARRIED UNANIMOUSLY: 8/0****18.2 Approval for Affixing of the Common Seal**

Approval is sought for affixing of the common seal to the following documents:

Nil.

**COUNCIL RESOLUTION**

**That the meeting be closed to the public and the doors closed.**

**CR SALLY PALMER MOVED, CR CHRIS CORNISH, DEPUTY MAYOR SECONDED****CARRIED UNANIMOUSLY: 8/0**

*At 9:16pm, the doors were closed to the public and those present in the public gallery left the meeting. Item 11.5 was discussed behind closed doors.*

**19. DISCUSSION OF MATTERS BEHIND CLOSED DOORS****19.1 Planning and Development Services Committee**

Nil.

**19.2 Community, Technical, Finance & Corporate Services Committee**

Nil.

**19.3 Reports of Management/Advisory Committees**

Nil.

**COUNCIL RESOLUTION**

**That the meeting be re-opened to the public and the doors re-opened.**

**CR CATHERINE EHRHARDT MOVED, CR STEPHANIE GRAY SECONDED**

**CARRIED UNANIMOUSLY: 8/0**

*At 9:41pm, the doors were re-opened to the public and any members of the public gallery were invited to return to the meeting, however no members of the public returned.*

**20. CLOSURE**

There being no further business to discuss, the Chairperson, Cr Dan Bull, Mayor, declared the meeting closed at 9:41pm.