

Minutes

Ordinary Council Meeting

7 December 2021

By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Tuesday, Tuesday, 25 January 2022 by resolution of Council

CR FILOMENA PIFFARETTI, MAYOR
CHAIRPERSON

Meeting Procedures

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public may ask a question during 'Public Question Time'.
4. Meeting procedures are in accordance with the City's *Standing Orders Local Law 2021*.
5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.
6. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.
7. Council meetings will be livestreamed in accordance with the resolution of 24 August 2021. Images and voices may be captured and streamed. If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance team.
8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

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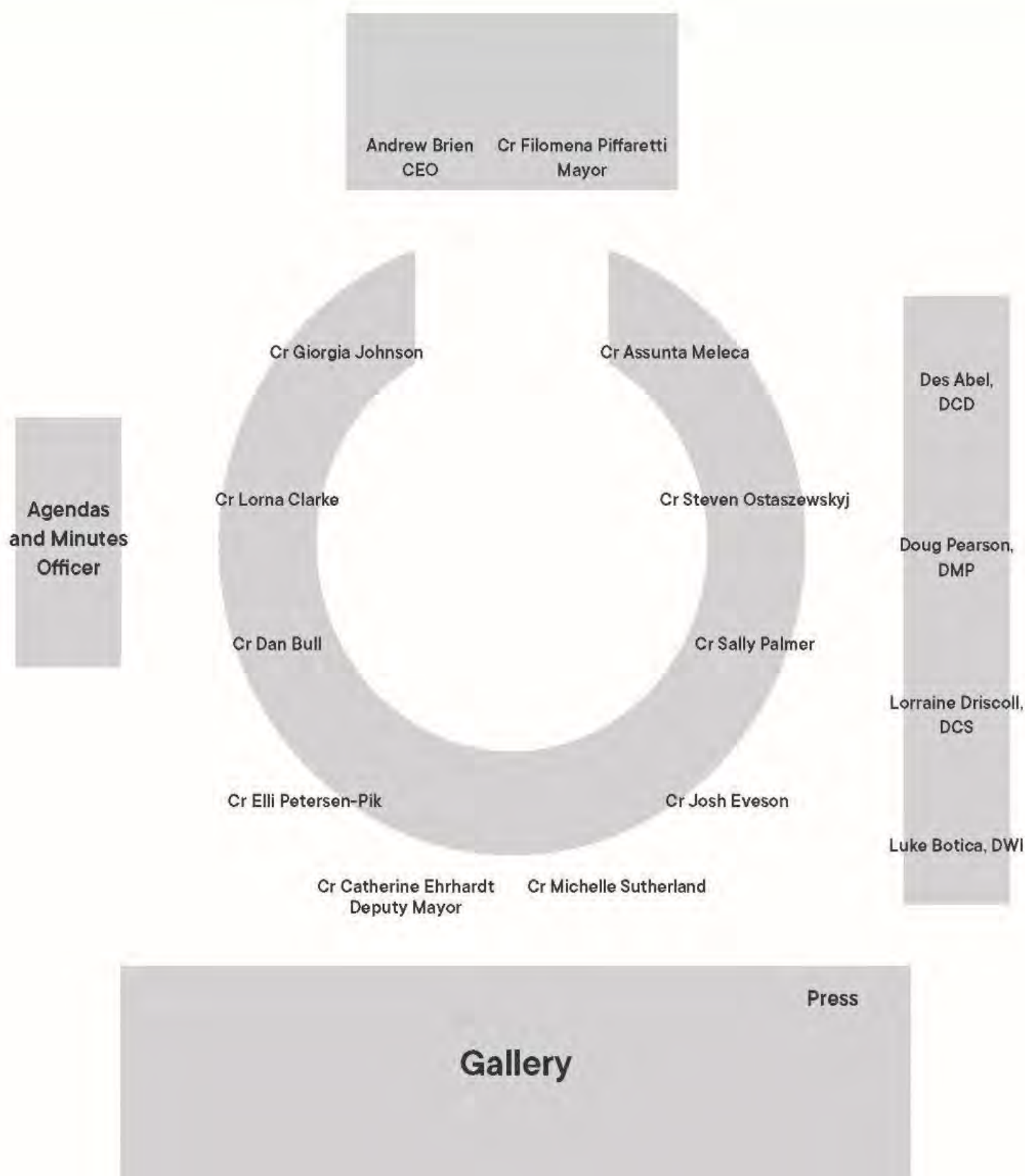
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Council Chambers

Seating Plan



Nature of Council's Role in Decision Making

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local law, town planning schemes and policies.
Review:	When Council reviews decisions made by officers
Quasi-Judicial:	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

City of Bayswater Standing Orders Local Law 2021

6.9 DEPUTATIONS

- (1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the depute is to either-
 - (a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;
 - (b) with the approval of the Presiding Member, at the meeting; and-
 - (c) are to be received by 1.30pm on the day of the forum receiving the deputation.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.
- (3) Unless the Presiding Member allows, a depute invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (4) 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.
- (5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines 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.
- (6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.
- (7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.
- (8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

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Minutes of the Ordinary Council Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday 7 December 2021.

1 OFFICIAL OPENING

The Chairperson, Cr Filomena Piffaretti, Mayor, declared the meeting open at 6:30 pm.

2 ACKNOWLEDGEMENT OF COUNTRY

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019-November 2020, the Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

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

3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Filomena Piffaretti, Mayor announced the resignation of Mr Andrew Brien as the City's Chief Executive Officer.

The City of Bayswater won a number of awards, including:

- The LG Honour Award for its Organics Matter School Composting Program in partnership with Environment House and Waste is my Resource.
- Co-winner of the Institute of Public Administration Australia WA Achievement Awards in category for Best Practice in Health and Wellbeing for the City's COVID-19 Response.
- Finalist for LG Policy Awards for Community Development and Environmental Health Projects.

In addition, Mr Andrew Brien, CEO has been recognised as a Fellow of the Institute of Public Administration.

4 ATTENDANCE

Members

West Ward

Cr Dan Bull

Cr Giorgia Johnson

Central Ward

Cr Assunta Meleca

Cr Sally Palmer

Cr Steven Ostaszewskyj

North Ward

Cr Josh Eveson

Cr Filomena Piffaretti, Mayor (Chairperson)

Cr Michelle Sutherland

South Ward

Cr Catherine Ehrhardt, Deputy Mayor

Cr Elli Petersen-Pik

Officers

Mr Andrew Brien	Chief Executive Officer
Mr Des Abel	Director Community and Development
Mr Doug Pearson	Director Major Projects and Commercial Activities
Ms Lorraine Driscoll	Director Corporate and Strategy
Mr Luke Botica	Director Works and Infrastructure
Mr Mitchell Halls	Agenda and Minutes Officer
Ms Chelsea Beavington	Executive Assistant to the CEO
Ms Linnet Solomons	Manager Financial Services (<i>from 7:28pm</i>)
Mr Kelley Ambrose	Manager Governance and Strategy
Mr Brett Wright	Manager Parks and Gardens
Mr Gwyn Hitchin	Coordinator Tree Services
Mr Alex Barker	Technical Officer- Tree Services
Ms Cassandra Flanigan	Coordinator Governance and Risk

Observers

Press - Nil.

Public - 17

4.1 Apologies

Nil.

4.2 Approved Leave Of Absence

Councillor	Date of Leave	Approved by Council
Cr Lorna Clarke	5 December 2021 to 9 December 2021	Ordinary Council Meeting: 23.11.2021
Cr Steven Ostaszewskyj	8 December 2021 to 10 December 2021	Ordinary Council Meeting: 23.11.2021

4.3 Applications For Leave Of Absence

COUNCIL RESOLUTION

That Leave of Absence be granted as follows:

Cr Dan Bull from 13 December 2021 to 15 December 2021,

20 December 2021 to 22 December 2021 and

12 January 2022 to 22 January 2022 inclusive;

Cr Elli Petersen-Pik from 31 December 2021 to 5 January 2022 and

22 January 2022 to 29 January 2022 inclusive; and

Cr Filomena Piffaretti, Mayor from 10 January to 14 January 2022.

Cr Michelle Sutherland Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson*

Against: *Nil.*

5 DISCLOSURE OF INTEREST SUMMARY

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

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.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Dan Bull	10.1.2	Impartial	I am the chair of the Local Government Advisory Board which will potentially have a role to play once reforms are implemented.
Cr Dan Bull	10.1.3	Impartial	I am a committee member of the Bayswater Childcare Association.
Cr Catherine Ehrhardt	10.1.2	Impartial	I'm a sitting member on the WALGA State Council and there's mention in there, one of the items to remove WALGA's position in the Act.
Cr Catherine Ehrhardt	10.4.2	Indirect Financial	My husband has just signed a work contract with Vicinity who own the Galleria.
Cr Josh Eveson	10.4.3	Impartial	The company director Julien Barriere contacted me via email outlining the nature of their business and the focus on circular economies as part of the City's binding and ambitious recycling targets.
Cr Elli Petersen-Pik	10.1.3	Impartial	I am a board member of the school and my kids attend the school as well.
Cr Michelle Sutherland	10.1.3	Impartial	I am a member of Bayswater Childcare.
Cr Michelle Sutherland	10.4.3	Impartial	I know one of the applicants.
Cr Sally Palmer	6.2	Impartial	As chairperson of the Bayswater Childcare Centre, the Roberts Street Centre was mentioned during Mr Sobejko's questions.
Cr Sally Palmer	6.2	Impartial	I have known Mr and Mrs Sobejko over many years as they worked as real estate sales representatives for my real estate company in the past, at least 10 years ago. Mrs Sobejko asked about Bayswater Bowling Club affiliations of which I was a social member 3-4 years ago but now not.
Cr Sally Palmer	10.1.3	Impartial	Future discussions were given (2024) with regard to OMSC. As chairperson of BCCA, an impartiality in case any future input comes from this item.
Mr Andrew Brien	14.1.2.1	Financial	Mr Brien declared a financial interest in this item as his son in law works for one of the tenderers.

Mr Andrew Brien	13.1.1 13.1.2 13.1.3	Impartial	Mr Brien declared an interest in these items as they relate to his employment at the City.
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6 PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2021* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the agenda will be considered in the first instance, followed by questions relating to Council business not listed on the agenda.
5. 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.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

6.1 Responses To Public Questions Taken On Notice

Public Question Time - Questions taken on Notice at the Ordinary Council Meeting on 23 November 2021

Items Not on the Agenda

Mr Ian Walters- 124 Lawrence Street Bedford

Preamble

My question relates to parking problem on the corner of Lawrence St Bedford and Beaufort Street. Thank you for your response to my earlier question, and advise at the last ordinary council meeting. It was disappointing that the figures from the traffic figures supplied, related to the year 2014, no relevance to 2021. Hence, one has come to the decision, that information supplied is absolutely useless. It was also remarkable no date of the report was supplied.

Question 1

In order that no further time is wasted, would you please advise how and when you intend to follow up on infringement in a timely manner? The offences include, this is only a few of them, double parking, parking over foot paths, parking in no stopping, or no parking areas, parking facing the wrong way. Indeed, you can refer to your school parking pamphlet, because that details more infringements. These are the main ones. The majority of vehicles using the area, are well and truly above the speed limits. No mention has come back from the Council, so should I contact the WA police?

Answer 1

In regards to parking offences, City officers have continued to undertake parking patrols in the vicinity of Lawrence Street, Bedford and the general vicinity of all schools within the district, including Chisholm Catholic College. Since late August 2021, one parking complaint has been received and one parking infringement notice has been issued. Residents are encouraged to

contact the City's Rangers and Security team at any time of the day or night on 9272 0972 or 1300 360 333 at the time of observing a parking offence to enable officers to provide a timely response.

In regards to speeding vehicles, the City's letter dated 10 November 2021 referred to the City's traffic count data from 2014 which indicated the speed on Lawrence Street was within acceptable parameters. The City is aware that this data is not representative of the current situation and will arrange to undertake new counts in early 2022. The results of the new traffic count will provide guidance on the further action to be considered by the Council. In the meantime, observations of excessive speeds along the street can be reported to the police for possible action.

Mr Harry Bouzidis - 21 Parkinson Street, Noranda

Question 1

Madam Mayor, I understand that COVID restrictions within the public gallery have now been lifted. This being the case, will Councillors resume the goodwill gesture of inviting ratepayers into the Councillor's lounge, after each ordinary council meeting, as has been a longstanding practice pre-COVID?

Answer 1

Cr Filomena Piffaretti, Mayor, advised the question would be taken on notice.

Question 2

I was led to believe during COVID that the public was no longer invited into the Councillors' lounge, because of COVID restrictions. Now that COVID restrictions are over, and we don't have restricted seating here as we used to have. And all the freedoms in our State, will we now revert back to the way that it was?

Answer 2

Mr Andrew Brien, Chief Executive Officer advised the question would be taken on notice.

Question 3

Can I also ask, with that response if the answer is in the negative, could you please explain what you're actually hanging that on, in that response?

Answers 1,2 and 3

Although there has been an easing of COVID-19 restrictions within the State, each workplace is still responsible for managing the risks associated with COVID-19 and having measures in place to help prevent the spread of this infectious disease, should a further outbreak occur. As the Councillors' lounge is a part of the workplace which is utilised by Councillors and City staff, it is not considered appropriate for this area to be opened to the public after Ordinary Council Meetings for a non-workplace related purpose.

There are also a number of risks to the City related to responsible service of alcohol in the lounge, which are mitigated by ensuring that only Councillors and staff have access to the lounge following Council meetings.

Ultimately, this decision is one for the Council, however my recommendation at this point in time based on the above and accordingly, unless advised otherwise there is no change proposed at this point in time.

As you would be aware the issues associated with the reopening of State borders may see an increased risk in terms of potential spread of the virus. As a result of this, the City is yet to develop further COVID response plans for public access to facilities.

Ms Tania Wood- wood.tania@live.com.au

Preamble

Further to the question Cr Steven Ostaszewskyj asked regarding the Cities tree canopy percentage; the response to this question included that above 3m it was a percentage of 14.5% and they would investigate the ability to break this data down further into percentage of canopy by height.

Question 2

What actions or advocacy have been made by the City to prevent the removal of trees and therefore native wildlife, by the State Government and Metronet, so as to construct the Morley Ellenbrook and Morley Train line, and the Tonkin Gap project?

Answer 2

The City has limited power in relation to tree removal on land that is under the control of the State Government. With respect to trees that are removed from land under the control of the City, the City has successfully negotiated for their replacement at a 5:1 ratio.

Question 3

What management practice does the City have in place to ensure displaced fauna are protected?

Answer 3:

The City does not have a management practice in relation to protection of displaced fauna as this protection is provided by relevant provisions of the following legislation, where applicable:

- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Environmental Protection Act 1986*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulations 2018*
- *Swan and Canning Rivers Management Act 2006*
- *Swan and Canning Rivers Management Regulations 2007.*

The City ensures compliance with relevant provisions for activity undertaken on land under its control. Compliance on major state governments is the responsibility for the relevant state government agency.

Question Submitted in Writing

Mr Barry Kramer - 22 Hackbridge Way

Preamble

As an experienced local government Councillor, I believe that Council profoundly betrayed the trust of the people of the COB, when setting the budgets resident rate, and rate in the dollar, at the special meeting 30 June 2020. Without ministerial approval, Council increased the 2020/2021 rate in the dollar, by an unprecedented 30%. In doing so, Council failed to comply with the State Premiers COVID 19 government directive to not increase the rate in the dollar.

Council continued to deceive rate payers, by publishing in a COB pamphlet, on no less than three occasions, that Council responded to the Premier's request to freeze rates. And again wrote, honour our commitment to not increase rates. Those comments are untrue and complete fabrication. Also, the local government COVID 19 Ministerial Order 2020 gazetted on 8th May 2020, did not impose a uniform rate of 8.311 cents in the dollar, nor did the order

impose a minimum rate being \$1,105. Just another Council fabrication printed uncontended in the June 2020 Council Budget Agenda.

These public statements made by Council over a two year period are a fabrication and untrue, are false and misleading, are a profound breach of a Ministerial directive, and exposes our Council to derision and the loss of community trust and respect.

Question 1

What is this newly elected 2021 Council going to do to rectify this deceptive conduct and betrayal of public trust?

Question 2

Why was it left to me to bring these lies and deceptions to the attention of this Council?

Answers 1 and 2

In the 2020/21 rates brochure, the Mayor stated "We have responded to the Premier's request to freeze rates and invest in projects that stimulate the local economy. We have made a commitment to our community back in March to a zero percent rate increase. We will now deliver on this promise. Your rates bill will not increase (unless of course you have made a significant change to your property)."

This commitment was honoured by applying a COVID-19 concession to all properties to ensure their rates due for 2020/21 were no higher than those due in 2019/20. Under the Local Government Act 1995, the rate in the dollar is set exclusive of concessions, therefore the rate in the dollar of 8.311 cents does not include the COVID-19 concession. The 2020/21 minimum rate, after the application of the COVID-19 concession was \$906. The details of the COVID-19 concession are outlined on page 11 of the City's Annual Budget.

As a result of the State Government proceeding with the Gross Rental Valuation (GRV) revaluation, and with the majority of property GRV's reducing the rate in the dollar was increased. This resulted in the City's rate revenue being similar to the prior year after the COVID-19 concession was applied.

Overall, the rate in the dollar and minimum rate for 2019/20 and 2020/21 cannot be compared as the 2020/21 rate in the dollar doesn't include the COVID-19 concession.

6.2 Public Question Time

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest during Mr Sobejko's questions as she is the chairperson of the Bayswater Childcare Association and she knew Mr and Mrs Sobejko through her real estate company and previously had been a member of the Bayswater Bowling Club. Cr Sally Palmer remained in the room during voting on this item.

Public Question Time commenced at 06:37 pm.

The following questions were submitted both in writing/verbally:

Items on the agenda

Greg Smith - 16 Rose Avenue Bayswater

10.6.2.9- Urban Tree Policy

Preamble:

I've read the proposed changes, and I've seen they are less nuanced than the current policy. However, that in some ways doesn't matter if we're worried about increasing the canopy within the town within the city.

Question 1

I want to know - has the analysis been done regarding the change to this policy and whether it will increase tree canopy or decrease tree canopy and how that fits in with the signage I can see behind the mayor which talks about the Garden City and quality lifestyle?

Answer 1

Mr Luke Botica, Director Works and Infrastructure, advised the City hasn't conducted any analysis to determine what that is at this point in time.

Does the Council have a policy to increase tree canopy in the city?

Cr Filomena Piffaretti, Mayor, advised that it does.

How can you be making a policy decision when you don't know what the impact will be on a particular policy which is to increase the canopy?

Mr Andrew Brien, Chief Executive Officer advised that the issue in relation to the policy is we are not sure what level of impact it will have at this point in time - it will be monitored to determine whether or not it will have a detrimental effect or a positive effect based on the way the tree is maintained and a further report will come back to council when the policy is next reviewed.

10.4.5 - Redevelopment WA Committee

Preamble

I've got another question to do with another topic.

This is 10.4.5 - nominations to the development WA Bayswater land redevelopment committee.

Question 2

I think being on the Committee is a poisoned chalice and I hope no west ward Councillor is on the committee- but I think why on earth would you have a CEO as a member of the committee?

And given the current CEO won't be with us I understand the position is with the CEO not Mr Brien. But how is a CEO supposed to represent the citizens of Bayswater on such a committee. I find it incredible.

I want to know the justification for it, not one of the elected members noting I think it's a poisoned chalice.

Answer 2

Mr Andrew Brien, Chief Executive Officer advised that the justification for the decision was based on the Mayor, Deputy Mayor and CEO were the logical people to advocate on behalf of the City, which was based on the individual person rather than the position. However, as he is resigning, the Council will be putting a third person into that position.

Items not on the agenda:

Harry Bouzidis - 21 Parkinson Street Noranda

Preamble

Thank you for the response I received today for my questions from the Ordinary Council Meeting regarding the invitation of ratepayers to the Councillor's lounge after Ordinary Council Meetings. I am puzzled by some of the comments within the response and I ask for clarification before I ask my questions. And I quote:

"As the Councillors' lounge is a part of the workplace which is utilised by Councillors and City staff, it is not considered appropriate for this area to be opened to the public after Ordinary Council Meetings for a non-workplace related purpose."

Can I ask the clarification I am seeking on that. By this - can I take it that Councillors associating with ratepayers is not regarded as a work place related purpose.

Answer 1

Mr Andrew Brien, Chief Executive Officer replied that the Councillor's lounge is still a work place and it would be inappropriate to allow members of the public into that work space under the current circumstances. Mr Brien advised that the policy will be reviewed once the implications are considered next year.

Question 1

My first question- is there a policy or accepted guidelines determining the use of the Councillors' lounge?

Answer 1

Mr Andrew Brien, Chief Executive Officer advised that there is a policy in relation to the Councillors' access to the lounge area in the civic areas within the Civic Centre and that the policy 10.6.1

Would I be able to get a copy of that policy?

Mr Andrew Brien, Chief Executive Officer stated that the policy is available through the City's website and a copy will be sent to Mr Bouzidis.

Question 2

Are Councillors permitted to invite guests into the Councillors' lounge?

Answer 2

Mr Andrew Brien, Chief Executive Officer replied that there is nothing specifically stated in the policy regarding the invitations of Councillor's to the Public, and that he would review the policy.

Okay, to simplify that - If a Councillor invites people from the public gallery into the Councillors' lounge - that is permitted?

Mr Andrew Brien, Chief Executive Officer advised that there's nothing written in relation to it and that the issue would have to be looked into going forward.

Question 3

There was more comment in the response that I received. And I quote:

The question refers to the response for the responsible serving of alcohol risk in the lounge as outlined by the CEO.

Seeing that in the past ratepayers were individually offered refreshments rather than helping themselves, how does the CEO validate his statement?

Answer 3

Mr Andrew Brien, Chief Executive Officer replied that it is an issue he has been raising for a number of years since he arrived in the City. It's not a common practice for members of the public to be invited in to the Councillor's lounge area in every other local government. Some Councils do it, some Councils don't. He advised he saw it as a potential risk for the City and outlined his concerns in relation to that.

I'm not sure whether you've answered my question Mr CEO. Regarding the responsible serving of alcohol when it's not a self-serve venue and when Councillors in the past have offered refreshments to ratepayers. I'll just qualify that - over the past 35 years I've never witnessed a single ratepayer or staff member leave the Councillors lounge intoxicated. Ironically, present company excluded, I have witnessed a number of Councillors regularly leave in poor condition.

I'm not being facetious or anything like that. We're talking about self-serve versus being served and the implication is that the responsible serving of alcohol is an issue with the ratepayers and my experiences over a long period of time is that that really isn't where the issue lies and that's why I'm asking you this question.

Mr Andrew Brien, Chief Executive Officer stated that he had heard the questions and will need to give the matter further thought before writing a response.

David Dyke - 1/8 View Street Maylands

Question 1

One refers to the Cat Act Review-

Has an implementation Plan been drawn up from the Motion I put forward at the City of Bayswater AGM in March 2021 and then again at the following Ordinary Council Meeting. An Amendment to my Motion included regular updating of Cat & Fox trapping. Where do I find the updated data?

Answer 1

Ms Lorraine Driscoll, Director Corporate and Strategy advised that the City is currently working on the local Cat Law Review which is scheduled to come to the February 2021 Ordinary Council Meeting.

Madam Mayor- It's been how many months? And there's no update- they were going to be regular. I carry on. At what stage is the Cat Act Review at, and the Implementation Plan referred to Council? There are many other LGA's in Western Australia and other States that have implemented excellent Cat containment policies with mostly community acceptance- what is holding up our review?

Ms Lorraine Driscoll, Director Corporate and Strategy advised that the team are currently working on it, as there is a considerable amount of work and research that needs to be done, and it is scheduled to come to the February OCM.

Through Madam Mayor this is unacceptable - this was passed in March this year- why are we still carrying on with the review? I don't understand. I'll carry on that question. A recent CSIRO Report done for the ACT has now been approved, and legislative changes are being progressed to introduce cat containment for new cats in all CT suburbs from 1 July 2022. Owned cats will need to be contained within their owner's property or on a leash, similar to dogs.

This research shows that cats have already contributed to the extinction of more than 20 Australian mammals. In Canberra alone, each year roaming cats are estimated to predate on 61,000 native birds, 2,000 native animals, 30,000 native reptiles and 6,000 native frogs.

The Question is, what is happening with this review? Where is it?

Cr Filomena Piffaretti, Mayor advised that it will be considered by Council at the February meeting.

What's taken this so long? I'll finish this one because I think it's important.

My vision is all cats will be owned, wanted and cared for by responsible owners. This vision recognises the important role of cats as pets and that people have responsibilities for animal welfare and protecting native wildlife including all fauna.

Question 2:

My second question refers to Malgamongup- or you know it as Bardon Park.

Would the City of Bayswater investigate at a deeper level what was the purpose and why the iconic stump was cut down from original re-veg site at Malgamongup (Bardon Park), I discovered it had been cut down on the 19th of November and obviously done by some sort of mechanical aid. Some re-veg plants have been damaged.

When clearing out huge amounts of Lantana, Pepper trees and woody weeds the 5m tall stump emerged from our early friends group activities. I was exploring with the Aboriginal Arts Council if it was suitable for a sculpture or painted. I have enquired through environment section, with parks and gardens section being consulted with no acceptable reply and reason unknown?

The top section approximately 1 meter has been taken away. I have some photos if anyone wants them Photos are available. Someone must know something. Can the City of Bayswater at a higher level what's been investigated- investigate it and come up with the reason because it was a very iconic stump. I don't know how I'm going to go to the Aboriginal Arts Council and says it's no longer there.

Answer 2

Mr Luke Botica, Director Works and Infrastructure advised that the question will be taken on notice.

Jon Sobejko - 9 Roberts Street, Bayswater

Question 1

This is in regards to the trial of the Leake Street closure my first question is:

Are we a resident community that share the burden of day-to-day traffic, or is the Bayswater City Council willing to commence breaking us down in to selective groups where some will benefit at the expense of others?

Answer 1

Mr Doug Pearson, Director Major Projects and Commercial Activities advised that the resolution that passed through the previous Council meeting was a trial and in the current stage required reports to explore and discuss the feasibility of the trial and its potential impacts.

Question 2

My next questions are each of the Councillors who voted for the trial to close off Leake Street at Whatley Crescent. How will this closure benefit the residents in Roberts Street and Veitch Street which run parallel on either side of Leake Street?

We had seven Councillors vote for the trial. How can it be beneficial to others when it is only benefitting a small minority? It's black and white I mean.

Cr Filomena Piffaretti, Mayor suggested that Councillors correspond over email.

Question 3

With the closure of the Leake Street trial, this will cause an impact with additional traffic being redirected into Roberts Street. We have extensive opening times at Bayswater Day-care Centre in Roberts Street, where parents drop off and collect their children from 7:30am through to 6pm during school holidays and pupil free days and 7:30am to 9am and 2:30pm to 6pm other days.

Have the Councillors considered that this closure will increase the risk of accidents in this area?

Answer 3

Cr Dan Bull stated that the investigation of the feasibility of a trial and report would help measure the impacts of the closure and that no decision to close Leake Street has yet happened.

Stephane Buller - 56 Roberts Street, Bayswater.
Stephane.Bullier@outlook.com

Preamble

I have two questions regarding the Leake Street cul-de-sac.

The City of Bayswater prepared a very comprehensive report for Council that stated a cul-de-sac in Leake Street will divert traffic to parallel roads where residents are already concerned about traffic where it has the potential to cause community division.

It is hard to understand why Councillors chose to ignore the multiple risks identified in the report and overlook the coordinated approach recommended by the City but instead voted to go ahead with looking at options for a trial cul-de-sac for one street. So here are my questions.

Question 1

Is it fair and equitable to put any resources into investigating options for even more traffic calming treatment in Leake Street when it already has a bike boulevard, a 30km speed limit, street tree planting and an existing cul-de-sac just 200 meters up the road from this proposed new one?

Answer 1

Cr Filomena Piffaretti, Mayor advised Councillors have heard the question and they will consider that as part of the debate when the item comes back to Council.

Question 2

Back in the 2014 Precinct 2 report, Roberts Street residents suggested a cul-de-sac solution to deal with growing traffic issues in their street. As of June 2021, prior to the current road works, Roberts Street was carrying an average of eight thousand vehicles per week including two and a half thousand that were speeding- some recording at up to 90 to 100km. So, would Council be willing to vote to support a cul-de-sac in this street too, even if the City presents sound arguments against it- as they did for Leake Street?

Answer 2

Cr Filomena Piffaretti, Mayor advised the question had been heard and would be considered by Councillors.

Anna Huska - 56 Roberts Street, Bayswater

Preamble

To the chair:

In June 2021 (prior to current road works) Roberts Street (which is classified as a Local Access Road) was carrying 8,000 vehicles per week, including 400 trucks and 2,500 speeding vehicles- some recorded 90-100km/hr. A significant part of the problem is that satellite navigation is directing vehicles to use Roberts Street, rather than major roads like King William Street as the preferred route between Guildford Road and Whatley Crescent. This occurs because Roberts Street is the fastest route for this traffic.

Question 1

The City of Bayswater is currently consulting with residents about the Low Cost Urban Road Safety Program funding. Would any of the treatments available under this funding be effective at reducing traffic volumes and/or addressing the issue of satellite navigation selecting Roberts Street as a preferred route for traffic?

Answer 1

Mr Doug Pearson, Director Major Projects and Commercial Activities, advised he cannot categorically say whether it will or it won't. The intention with the treatments is to discourage those routes being used and to reduce speeds on them. If speeds are reduced, you could logically argue it may not be the quickest route after that. It really depends on what treatments are put in.

Question 2

Can Council suggest any course of action that would address the problems of high traffic volumes and heavy truck usage in Roberts Street?

Answer 2

Mr Doug Pearson Director Major Projects and Commercial Activities, advised that has been mentioned in the report. There is the program, The low-cost urban road safety program, there are also development application conditions on the developers of the Bayswater train station. They have to contribute to finding solutions to roads that are impacted by their works and changes in the road networks. We'll be pursuing additional treatments or getting them to come to the party with a comprehensive suite of treatments to try and improve the situation as much as possible.

Dianne Sobejko - 9 Roberts Street Bayswater

Question 1

Within the vicinity of the trial, Leake Street Closure, upon leaving and returning to their residence will the garaged cars in the Whatley Crescent laneways (R.O.W) as well as Leake Street residence further increase the impact of traffic through Roberts, Murray and Veitch Streets? And who benefits?

By leaving Leake Street open Whatley Crescent end, this will alleviate the impact of traffic jams during school hours by flow through traffic heading to drop off and collect children and staff attending the Bayswater School. Direct access. If Leake Street closed off the impact will be more intense on Veitch and Roberts and Murray once again.

Answer 1

Mr Doug Pearson Director Major Projects and Commercial Activities, advised it is difficult to categorically say what impacts there will be because there is a whole suite of treatments that can change traffic movements in that whole area. But if you look at the bottom line of those residents you've talked about, in terms of accessing the laneway and that section of Leake Street, they'll have to get out some way and they will use other streets.

It's going to make even the laneways more cars coming out of the laneways it's going to make it even busier with all the traffic that's flying up at the moment.

Question 2

My last and second question is:

Why after the Council said no to the petition did seven Councillors vote for a trial. It was discussed it was obvious it was going to impact why would Councillors then vote for a trial and do they have disclosures- are they affiliated with anyone in Leake Street? And I'm asking because I don't know.

Answer 2

Cr Filomena Piffaretti, Mayor advised that all Councillors are required under the act to disclose any interests at the beginning of a meeting so they would have done so. In terms of the second part of the questions she is unable to answer why they voted a particular way.

Being a resident for quite a long time the person who is driving the closure is the president of the bowling club- would any of the Councillors be affiliated with that?

Cr Filomena Piffaretti, Mayor advised she could not answer that question but is not affiliated with that organisation.

And the ones who voted yes- anyone here? Can they honestly say....

Cr Dan Bull advised that he is a member of the Bayswater Bowling Club but does not understand why residents on that street would mean an impartiality interest would arise.

Question 3

I'm just going to the people who did actually vote yes- and why did it actually go to a vote if Council voted no? If Council said no that it wasn't a good idea to close it off- why did Councillors vote and say let's have a trial anyway?

Answer 3

Cr Filomena Piffaretti, Mayor advised that officers put a report to Council with a recommendation and it is up to Council to make a decision

And then the Councillors voted to say let's do the trial?

Cr Filomena Piffaretti, Mayor explained that Council can consider the information they have and consider how they wish to vote.

Question 4

The trial costs money obviously?

Answer 4

Cr Filomena Piffaretti, Mayor advised that the information is contained in the report.

Ian Walters – 124 Lawrence St Bedford

Question 1

My questions relate to public question time.

I'm utterly confused You've got three items in the agenda one you're going to follow it up, two you're going to do that. Tonight, it says you haven't had time to answer the questions and they will be put on the City's website. Is there any way you can tell me when you do my questions and I might add you're leaving out some of my questions and I would like to know why?

To my understanding it is a statutory requirement that people ask questions at public time and it gets recorded.

Answer 1

Mr Andrew Brien, Chief Executive Officer advised that: what's recorded in the minutes is a summary of the questions and the response provided, if it's taken on notice it is indicated that it is taken on notice and then there is written response provided back to the questioner and included in the subsequent minutes. The other part was in relation to the time frames.

On the website how do I know if it's on the website- every day do I go on the website to learn if a question has been answered? No way. You're leaving questions out that were asked 3 months ago and not including them in the minutes. I know another member of the public and I rung and asked him he and hasn't had a response to his question which preceded my question. There's something wrong with the system.

Mr Andrew Brien, Chief Executive Officer advised that he would review the minutes and stated that to his understanding all questions were recorded and responded to.

Harvey Tonkin -HarveyT@iinet.com.au

Question 1

Firstly, about the last financial year I asked about the repair of the footpaths in the North Ward- they'd all been marked and the indication was the marking has just about disappeared. I was given a response that something was going to happen and I just wondered- when?

Answer 1

Mr Luke Botica:

Mr Luke Botica, Director Works and Infrastructure stated that the works for the footpath markings have been scheduled, however he would have to get back to Mr Tonkin in regards to their timing.

Question 2

My second question is to do with the Les Hanson Centre. It looks like a rubbish dump. I went through there today- does anyone care? Does the staff and the library care? I know there is a plan coming out where they are looking at reviewing the garden. But there was rubbish everywhere and it looks terrible. So does the Council have any pride?

That's a rhetorical question. Okay I know what the response is going to be.

Question 3

My third question- there's a new word that came out that's called hydro-zoning. People within the Council were referring that that involved killing off grassed areas and placing woodchips there because it reduced watering, cut down maintenance.

I am just wondering if anyone's looked up the definition of hydro-zoning and my understanding is hydro-zoning is when you have a group of plants together that require a set amount of water to run them. It's nothing to do with woodchips. So, I just wondered if anyone here knows a different definition or whether I've been conned.

Answer 3

Mr Luke Botica, Director Works and Infrastructure, affirmed that the Council understands what hydro-zoning is and that it can take place in a range of forms.

So, it has nothing to do with grouping plants together that require x amount of water to survive?

Mr Luke Botica, Director Works and Infrastructure stated that the grouping of plants with certain watering requirements can also be a form of hydrozoning as well.

Well that's the only definition I can find - has it been spread out or something? I'm just asking- I could not find another definition that referred to what you've mentioned.

I just want to... the second part of the question is to do with that on hydro-zoning- is the Council hydro-zoning the isle and down Morley Drive from Wellington road through to the Tonkin Highway? Because I've noticed that great sections are dead.

Mr Luke Botica, Director Works and Infrastructure advised that the response would be taken on notice.

Mike Browning – 11/3 Heritage Cove Maylands

Question 1

I have a question about the National Trust and the development of Tranby House. I was wondering what the latest is on that. The initial thing they did was try and put an entertainment facility that was for 300 odd people and for alcohol to be served from 8am to 10pm. This peninsula farm is about three meters from housing. Now I believe that was knocked back and the National Trust is now considering an alternative. I was wondering what the Council's view is on that or if they had any news with what's happening with that.

Answer 1

Mr Des Abel, Director Community and Development stated that to his understanding, there is an application that is to be determined by the State Government – Department of Biodiversity, Conservation and Attractions. The proposal has been advertised, and the City officers will be submitting a report to the January Council Meeting for Council to consider the City's comments and recommendations to the Department in relation to this application.

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting

The Minutes of the Ordinary Council Meeting held on Tuesday, 23 November 2021, have not been circulated with enough time to review and will come to the 25 January 2022 Ordinary Council Meeting for adoption.

8 PRESENTATIONS

8.1 Petitions

Council noted and received a petition with 151 signatures from Anna Huska, asking the City of Bayswater to consider the equitable distribution of benefits to the community in the investigation of cul-de-sac trial options.

The petition will be forwarded to City Officers to be included in their deliberations and report on the matter that is the subject of the petition.

First page of petition – attach additional pages as required.

We the undersigned, being the electors of the district, formally petition the City of Bayswater to address the following:

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As the initiator of this petition, my name is Anna Huska

and I can be contacted at Redacted
(Address)

for further information in relation to this matter.

(As per the City of Bayswater Standing Orders 2018, each additional page must contain the terms of the petition)

[illegible]

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and I can be contacted at _____ Redacted _____
(Address)

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Full name	Address	Signature	Date
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Redacted

PETITION

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PO Box 467
Morley WA 6943

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(Address)

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[illegible]

First page of petition – attach additional pages as required.

[illegible]

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[illegible]

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[illegible]

Attachment 1

Information presented to a meeting of residents for the Petition signing at the Bayswater Primary School oval at 5-6.30pm 3 December 2021

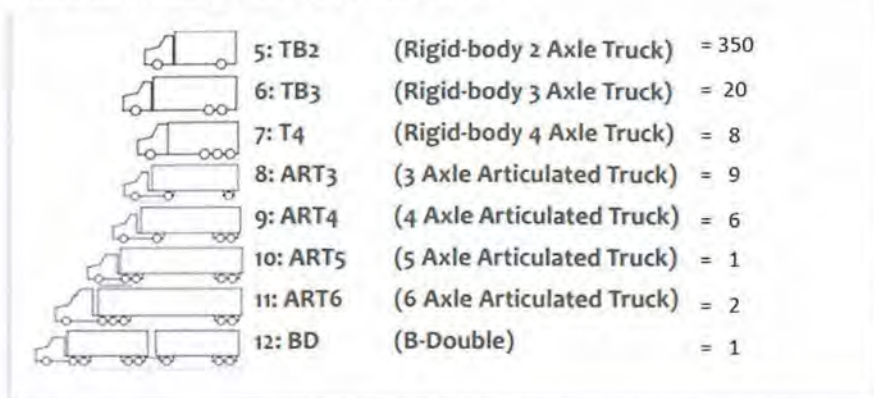
Residents of 1-77 Roberts St have waited nine years for the City of Bayswater to action traffic calming recommendations made in the 2012 Local Traffic Management Study (Precinct 2), commissioned by the City of Bayswater. The issues are summarised below and residents hope you may have these in mind at the 23 November Council meeting.

1. High traffic volume

Traffic monitoring from 14-28 June 2021 measured the following weekly vehicle movements in Roberts St:

- **8000** vehicles per week
- **400 trucks** each week, including the truck types shown below (Figure 1):

Figure 1. Weekly truck use of Roberts St



This volume of traffic is very heavy relatively to adjacent streets. For example between 7.30-9am Roberts St carries almost four times more traffic, nine times more commercial vehicles and four times more pedestrians than the adjacent Leake St.

2. High traffic speed

Traffic monitoring in Roberts Street measured that:

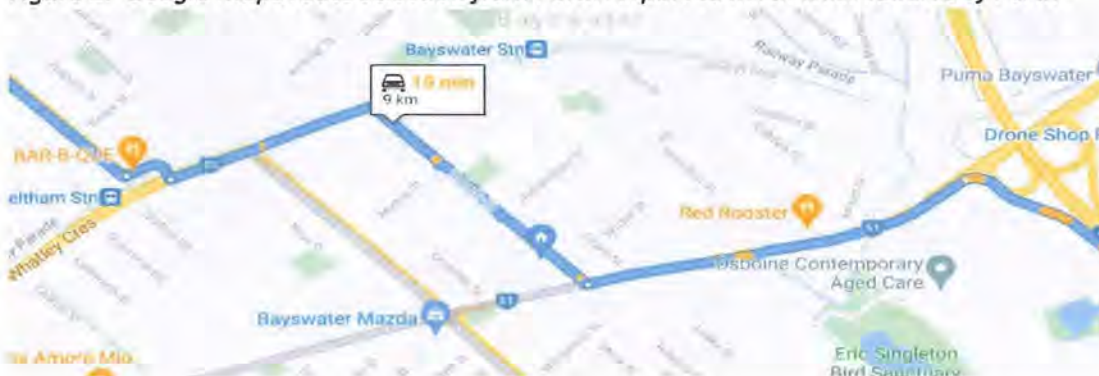
- **One third** of vehicles are speeding,
- Approximately **2,600 vehicles** are speeding each week
- Vehicles have been recorded **exceeding 90km/hr**.

3. Technology directing traffic into Roberts Street

In-vehicle GPS route selection defaults to Roberts St (as shown in Figure 2) because:

- it is the only through road (Whatley Cres to Guildford Rd) between King William St and Garratt Rd.
- For city bound traffic, there is no right hand turn at the Guildford Rd/Garratt Rd intersection.

Figure 2. Google Maps route selection from Perth Airport to north west suburbs of Perth



4. Vehicle types

Roberts Street carries a large volume of heavy trucks and trade and service vehicles. A sample of the more than 400 trucks 'rat running' Roberts St (that is NOT SERVICING Roberts St properties) each week is shown in Figure 3.

Figure 2: Heavy Vehicle Traffic along Roberts Street



5. Future Scan

A number of recent State Government funded programs/proposals are likely to compound existing traffic issues in Roberts St including:

- Northlink/Tonkin Gap will likely increase the volume north and south bound vehicles exiting at Guildford Rd and then using Roberts Street to Rat run Roberts St (as shown in Figure 2).
- Caledonian level crossing closure /Hotham St bridge upgrade: Caledonian crossing users currently have 7 options to rat-run Whatley Cres to Guildford Rd (Caledonian Ave, Ferguson St, Charles St, Belgrave St, Kenilworth St, Grosvenor St, Grafton Rd). Vehicles redirected to the upgraded Hotham Street Bridge (the 'redistribute(d) traffic in the area') have only one rat-run option: Roberts St.
- The Metropolitan Region Scheme Amendment 1310/41 proposed the reduction of entry to adjacent streets and upgrading access to Roberts St to carry significantly more traffic. Whilst this did not progress, it highlights the need to **mitigate risks associated with future state government planning**.

6. Evidence base

Published reports support the observations and concerns including:

- The Final Report: Local Traffic Management Study (Precinct 2) using 2011 data states that:
 - Roberts St traffic was 8 km/h above the speed limit (at the 85th percentile)
 - the Roberts St/Whatley Cres intersection meets the National and State black spot criteria
 - traffic calming treatments at three sections along Roberts St were recommended (but not actioned).
- The Bayswater Station Redevelopment Report (October 2020) documents that:
 - there is a current 'rat running' problem in both AM and PM peak periods in Roberts St
 - modelling predicts a significant increase in the occurrence of rat-running in Roberts St and that traffic issues will significantly worsen through to 2026.
- MetroCount monitoring undertaken by the City at 56 Roberts Street in June 2021 (that Council has not released to residents despite multiple requests) will confirm resident traffic pattern observations.

7. Conclusion

Nine years on from recommended traffic calming, Roberts St is experiencing new and intensified traffic management issues that require calming treatments commensurate with contemporary traffic patterns and future risks. Consistent with the City of Bayswater's stated commitment to involving the community in decision making, residents want to be involved in identifying solutions for this problem.

Please do what you can to help the City understand that Roberts Street requires detailed consideration and urgent action to address traffic management issues and that residents want to part of the process to **identify** appropriate traffic calming options.

8.2 Presentations

Nil.

8.3 Deputations

The following deputations were heard at the Agenda Briefing Forum held on 30 November 2021:

1. Proposed Eight Factory Units and Two Showroom/Warehouses

Location: Lot 5, 100-102 Beechboro Road South, Bayswater

In relation to Item 10.4.1, Ms Jane Chitty (Resident of Sanderson Street, Embleton) was in attendance, speaking against the officer's recommendation.

2. Proposed Hoarding Sign (Digital) to Galleria Shopping Centre – Amendment to Planning Approval

Location: Lot 50, 266-282 Walter Road West, Morley

In relation to Item 10.4.2, Mr Sean Fairfoul - Director Stewart Urban Planning (Applicant) and Mr Jamie Nancarrow - Development Manager, Vicinity Centres, were in attendance, speaking generally in support of the officer's recommendation.

3. Proposed Noxious Industry (Scrap Metal Collection, Sorting, Processing and Storage) and Ancillary Offices

Location: Lot 502, 159 Beechboro Road South, Embleton

In relation to Item 10.4.3, Mr Noel Davies (Aurora Environmental) and Mr Julien Barriere (Director, King Scrap Metals) were in attendance, speaking in support of the officer's recommendation.

4. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Monica Main (Resident of Bayswater) was in attendance speaking on the item.

5. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Georgina Ker (Resident of Lawrence Street, Bedford) submitted a written deputation (**attachment 1**), speaking against the officer's recommendation.

6. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Dianne Selliani (Resident of Olfe Street, Bayswater) submitted a written deputation (**attachment 2**), speaking against the officer's recommendation.

7. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Angie Maher (Resident of Bayswater) submitted a written deputation (**attachment 3**), speaking against the officer's recommendation.

8. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Kate Suess (Resident of Burnside Street, Bayswater) submitted a written deputation (**attachment 4**), speaking against the officer's recommendation.

9. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Georgia Kennedy (Resident of Wisbech Street, Bayswater) submitted a written deputation (**attachment 5**), speaking against the officer's recommendation.

10. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Mr Mark Doyle (Resident of Murray Street, Bayswater) submitted a written deputation (**attachment 6**), speaking against the officer's recommendation.

11. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Mr David Amos and Ms Michelle Amos (Resident of Bayswater) submitted a written deputation (**attachment 7**), speaking against the officer's recommendation.

12. Nominations to DevelopmentWA Midland Land Redevelopment Committee

In relation to Item 10.4.5, Ms Geraldine Pillinger (Resident of Veitch Street, Bayswater) submitted a written deputation (**attachment 8**), speaking against the officer's recommendation.

8.4 Delegates Reports

Nil.

9 METHOD OF DEALING WITH AGENDA BUSINESS

With the exception of items identified to be withdrawn for discussion, the remaining reports will be adopted by exception (enbloc).

An adoption by exception resolution may not be used for a matter:

- (a) in which an interest has been disclosed;
- (b) that has been the subject of a petition or deputation;
- (c) that is a matter on which a Member wishes to make a statement; or
- (d) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Withdrawn items:

- 10.1.2 A member wished to pull the item for discussion and was subject to a disclosure of interest.
- 10.1.3 A member wished to pull the item for discussion and was subject to a disclosure of interest.
- 10.2.3 A member wished to pull the item for discussion and required an absolute majority.
- 10.3.1 A member wished to pull the item for discussion.
- 10.3.2 A member wished to pull the item for discussion.
- 10.3.3 An item which required an absolute majority.
- 10.3.4 A member wished to pull the item for discussion.
- 10.4.1 An item that was subjected to deputation.
- 10.4.2 An item in which a financial interest was disclosed and was subject to deputation.
- 10.4.3 A member wished to pull the item for discussion and was subject to a disclosure of interest and a deputation.
- 10.4.5 A member wished to pull the item for discussion and was subject to a deputation.
- 10.6.1 A member wished to pull the item for discussion.
- 10.6.1.2 An item which required an absolute majority.
- 10.6.2.9 A member wished to pull the item for discussion.
- 13.1.2 An item which required an absolute majority.
- 13.2.1 An item which required an absolute majority.

10 REPORTS**10.1 Chief Executive Officer Reports****10.1.1 Participatory Budgeting Project Deferral**

Responsible Branch:	Community Engagement
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Item 10.5.2.1 OCM 28.01.2020

SUMMARY

Council had committed to undertaking a Participatory Budgeting project every two years, to inform the City's budget planning. The project was scheduled to occur this year, however due to a misalignment with the timing of the current review of the City's Long Term Financial Plan, it is recommended that the initiative be deferred and a further report be presented to Council at a later date with an updated approach.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

- 1. Supports deferral of the Participatory Budgeting project to a later date, following the current review of the Long Term Financial Plan.**
- 2. Considers reallocation of budget item 10105 Participatory Budgeting, of \$66,207, during the upcoming mid-year budget review.**
- 3. Requests the Chief Executive Officer prepare a report for a future Council meeting, proposing options for future inclusion of Participatory Budgeting, in line with the review of key Integrated Planning and Reporting documents.**

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

Participatory Budgeting (PB) is a process in which the community can contribute to decision-making over part, or all, of a government budget.

Council initiated Participatory Budgeting for the first time in 2018-19, to inform the annual operating budget in 2019-20. The project commenced in November 2018 and directly involved the community through a process of broad community engagement, followed by the facilitation of a deliberative community panel. The panel's recommendations report was provided to Council, to inform deliberations when setting the operating budget.

In January 2020, Council adopted the Strategic Budget Policy, to be used by staff in the development of the City's budget and to assist Council in adopting the budget. Included in this Policy is a commitment to undertake Participatory Budgeting every two years.

As such, Participatory Budgeting was initially intended to be delivered again in 2020-21, however due to the impact of the COVID-19 pandemic, the project was deferred and subsequently included in the operating budget for 2021-22.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

City staff have investigated possibilities for delivering a Participatory Budgeting initiative this year. Options considered include:

1. Repeat the methodology from the first participatory budgeting project, focusing on the annual operating budget.
2. Deliver similar methodology, with a greater focus on the Long Term Financial Plan.

Both options pose benefits and limitations, which are summarised below.

	Benefits	Limitations
Option 1 – Focus on the annual operating budget.	<p>Tried and tested methodology that could be easily re-applied.</p> <p>Community education on the City's budget is a positive outcome.</p>	<p>The level of influence on the annual operating budget is limited due to the many factors that inform an annual budget (eg. legislation).</p>
Option 2 – Focus on the Long Term Financial Plan.	<p>There is greater ability for the process to influence a longer term plan.</p> <p>Even greater ability to educate the community on the services the City delivers, how much these cost to deliver, and where the money comes from.</p>	<p>The Long Term Financial Plan is currently being reviewed and the timing of PB is therefore misaligned.</p>

Option 2 above is recommended, as it would provide greater value to the City's budgeting process and create meaningful and genuine opportunities for the community to influence budget outcomes. It is noted however, that the impact of the pandemic last year and deferral of the project to this year, has resulted in a misalignment with the current review of the Long Term Financial Plan. Greater value would be provided in implementing a participatory budgeting initiative in line with a future review of the Long Term Financial Plan and other key Integrated Planning and Reporting documents.

LEGISLATIVE COMPLIANCE

Delivery of a Participatory Budgeting initiative is in line with the City's Strategic Budget Policy, however the Council is able to vary this requirement.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1 - Officer's Recommendation	That Council:	
	1. Supports deferral of the Participatory Budgeting project to a later date, following the current review of the Long Term Financial Plan.	
	2. Considers the reallocation of budget item 10105 Participatory Budgeting, of \$66,207, during the upcoming mid-year budget review.	
	3. Requests the Chief Executive Officer prepare a report for a future Council meeting, proposing options for future inclusion of Participatory Budgeting, in line with the review of key Integrated Planning and Reporting documents.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Deferring the Participatory Budgeting project to a future year is considered low risk, as this will provide a better alignment with the review of the Long Term Financial Plan and other Integrated Planning and Reporting Framework documents. The reputation risk may be elevated as there may be expectations that the City will be delivering this initiative this year, however it is considered acceptable, as the recommendation provides for better outcomes.	

Option 2	That Council: 1. Requests the Chief Executive Officer to deliver the Participatory Budgeting project in 2021/22 as per the endorsed budget.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Delivering the project during the current financial year is considered to result in a greater level of risk, as the project will not align with the current review of the Long Term Financial Plan and deliver less effective outcomes. The Reputation risk and Community and Stakeholder risk may be elevated as the project is unlikely to deliver the expected outcomes.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Delivery of Participatory Budgeting initiative

Asset Category: N/A

Source of Funds: Municipal

LTFP Impacts: Not itemised 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	66,326						66,326

It is proposed to reallocate the project funds in the upcoming mid-year budget review, minus funds already spent.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

- Theme: Leadership and Governance
- Goal L1: Engage the community in a meaningful way.
Provide opportunities for the community to have their say and consider their views when making decisions.
- Goal L2: Plan and deliver projects and services in a sustainable way.
Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

Having considered implementation of a Participatory Budgeting initiative this year, limitations have been identified with the timing of the project being misaligned with the current review of the Long Term Financial Plan. In order to deliver an efficient, cost effective and integrated project, it is recommended that Participatory Budgeting be considered in a future year, in line with the review of key Integrated Planning and Reporting documents.

10.1.2 Proposed Reforms to the Western Australian Local Government Sector

Responsible Branch:	{department}
Responsible Directorate:	{directorate}
Authority/Discretion:	Advocacy
Voting Requirement:	Simple Majority Required
Attachments:	<ol style="list-style-type: none"> 1. Local Government Reform Summary of Proposed Reforms - Draft Response [10.1.2.1 - 39 pages] 2. Earlier intervention effective regulation and stronger penalties [10.1.2.2 - 1 page] 3. Reducing red tape increasing consistency and simplicity [10.1.2.3 - 1 page] 4. Greater transparency and accountability [10.1.2.4 - 1 page] 5. Stronger local democracy and community engagement [10.1.2.5 - 1 page] 6. Clearer Roles and Responsibilities [10.1.2.6 - 1 page] 7. Improved financial management and reporting [10.1.2.7 - 1 page]

CR CATHERINE EHRHARDT DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Catherine Ehrhardt declared an impartial interest in this item as she is a member of the WALGA State Council which is mentioned in the Act. Cr Ehrhardt remained in the room during voting on this item.

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Dan Bull declared an impartial interest in this item as he is the chair of the Local Government Advisory Board which will potentially have a role to play once reforms are implemented. Cr Bull remained in the room during voting on this item.

SUMMARY

The Minister for Local Government, the Hon. John Carey MLA. has recently announced a suite of reforms for the Western Australian local government sector which are targeted around six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

To assist Council in preparing a submission on the reforms, Council officers have reviewed the summary of proposed reforms paper distributed by the Department of Local Government, Sport and Cultural Industries and prepared responses to each of the proposed reforms for consideration. In addition, a copy of the WALGA Position Paper has been distributed to elected members separately.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the officers' comments in relation to each of the proposed reforms;

2. Request that the Chief Executive Officer prepare a draft submission based on the comments contained in Attachment 1; and
3. A copy of the submission be presented to the January 2022 Council Meeting for Council endorsement prior to submitting to the State Government.

COUNCIL RESOLUTION

That Council:

1. **Notes the officers' comments in relation to each of the proposed reforms;**
2. **Request that the Chief Executive Officer prepare a draft submission based on the comments contained in Attachment 1 and as further amended in relation to 4.3, 4.4, 4.5, and 6.8; and**
3. **A copy of the submission be presented to the January 2022 Council Meeting for Council endorsement prior to submitting to the State Government.**

Cr Giorgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 8/2

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Cr Steven Ostaszewskyj and Cr Michelle Sutherland.*

REASON FOR CHANGE

Council amended the officer's recommendation to request the Chief Executive Officer to prepare a draft submission based on the comments in attachment 1 and in relation to further amendments to points 4.3, 4.4, 4.5 and 6.8 in response to the proposed reforms for the Local Government Act.

BACKGROUND

The latest suite of proposed reforms to the *Local Government Act 1995* (WA) ('the Act') have been developed based on the findings of the *Local Government Act Review* undertaken in the previous term of Government and the recommendations of various reports, including the *Local Government Review Panel Final Report*.

The changes proposed to the Act and subsequent regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

As the proposed reforms will have a direct impact on the operations and administration of the City, it is recommended that Council provide a submission to help shape the legislation going forward.

The State Government is seeking submissions in relation to the proposed changes to the Act, with comments due by 4 February 2022.

Officers have reviewed the proposed changes and provided commentary to each of the proposed reforms. **Attachment 1** outlines the officers' comments which are proposed to form the basis of a final submission and **Attachments 2-6** provide an overview of the proposed changes.

LEGISLATIVE COMPLIANCE

Not applicable.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: <ol style="list-style-type: none"> Notes the officers' comments in relation to each of the proposed reforms; Request that the Chief Executive Officer prepare a draft submission based on the comments contained in Attachment 1; and A copy of the submission be presented to the January 2022 Council Meeting for Council endorsement prior to submitting to the State Government. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	As the City is simply providing a submission and comments on proposed reforms it is considered that the risks associated are all low.	

Option 2	That Council: <ol style="list-style-type: none"> Notes the officers' comments in relation to each of the proposed reforms; Request that the Chief Executive Officer prepare a draft submission based on the comments contained in Attachment 1 and as further amended by Council; and A copy of the submission be presented to the January 2022 Council Meeting for Council endorsement prior to submitting to the State Government. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low

Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	As the City is simply providing a submission and comments on proposed reforms it is considered that the risks associated are all low.	

Option	That Council: 1) Notes the officers' comments in relation to each of the proposed reforms as contained in Attachment 1; 2) Notes that a formal submission will not be submitted by the City; and 3) Notes that individual Councillors and Officers are able to provide comments or a submission in their own right but not as a representative of the City.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	As Councillors and Officers would be able to provide their own submissions, there is potential that this could be seen by the community as reflecting a Council position and as such may be open to public scrutiny where there are contrary views.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

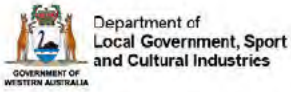
Theme: Leadership and Governance

Goal L1: Engage the community in a meaningful way.

Provide opportunities for the community to have their say and consider their views when making decisions.

CONCLUSION

As the proposed reforms have a direct impact on the operations and administration of local governments, it is considered appropriate to provide a submission to help shape the legislation going forward. The Officers Recommendation enables a submission to be drafted which will include commentary on each of the proposed reforms and for Council to review the final submission for endorsement prior to it being submitted to the State Government.



Local Government Reform – Summary of Proposed Reforms



Local Government Reform – Consultation on Proposed Reforms

Local government benefits all Western Australians. It is critical that local government works with:

- a culture of openness to innovation and change
- continuous focus on the effective delivery of services
- respectful and constructive policy debate and democratic decision-making
- an environment of transparency and accountability to ensure effective public engagement on important community decisions.

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector.

Local Government Reforms

These reforms are based on extensive consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

Consultation

Comments on these proposed reforms are invited. Comments can be made against each proposed reform in this document. For details on how to make a submission, please visit www.dlgsc.wa.gov.au/lgactreform.

Local Government Reform – Consultation on Proposed Reforms

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> Suspend or dismiss councils Appoint Commissioners Suspend or, order remedial action (such as training) for individual councillors. The Act also provides the Director General with the power to: <ul style="list-style-type: none"> Conduct Authorised Inquiries Refer allegations of serious or recurrent breaches to the State Administrative Tribunal Commence prosecution for an offence under the Act. Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). The Inspector would receive minor and serious complaints about elected members. The Inspector would oversee complaints relating to local government CEOs. Local Governments would still be responsible for dealing with minor behavioural complaints. The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). 	<p>The general principles of the Local Government Inspector are supported subject to the comments in relation to the other comments in relation to Theme 1 outlined further in this section.</p> <p>The issue of local governments still having to deal with minor behavioural issues still needs some further clarification and reinforcement if it is to be effective.</p> <p>There are some concerns in relation to the referral arrangements that would trigger the Inspector coming into a local government. As has been demonstrated previously, a small number of residents can create a high level of dysfunction within a local government due to repeated vexatious complaints. This would need to be clearly defined to ensure that the office of the Inspector was not used to achieve specific or targeted outcomes to the detriment of the rest of the Council/community.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>The issue of the Inspector dealing with complaints against the CEO does not appear to have any other provisions in the proposed reforms. Given that CEOs are employed under a contract arrangement, it is assumed that this will be the basis for any action taken as a result of a review. This point needs to be clarified.</p> <p>The support arrangements through the establishment of the Local Government Monitors is also supported and should build upon, not replace or replicate the work that has already been undertaken in relation to the CEO Mentoring Program.</p>
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships 	<p>The establishment of the Local Government Monitors is seen as a positive and proactive measure to assist both local governments and the Inspector. Whilst it is recognised that the Local Government Monitor could include experienced and respected former Mayors, Presidents and CEOs, it should be noted that many of those that have left the sector some time ago would not be</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> o Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues o Governance specialists and lawyers - to assist councils resolve legal issues o HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. • Only the Inspector would have the power to appoint Monitors. • Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors</p>	<p>sufficiently experienced or qualified to deal with current and emerging issues.</p> <p>Whilst it is noted that the Inspector has the power to appoint, and local governments have the ability to request the assistance of Local Government Monitors, the issue of funding is silent. This should be clarified through the drafting of any relevant legislation.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.	
1.3 Conduct Panel		
<ul style="list-style-type: none"> The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. Currently, the Panel makes findings about alleged breaches based on written submissions. The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. The Inspector would provide evidence to the Conduct Panel for adjudication. The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	<p>This is seen as a natural evolution of the Standards Panel and if structured and appropriately resourced will be a positive step forward. The two biggest criticisms of the Standards Panel have been in relation to the level of resourcing resulting in extended time delays for dealing with complaints and the lack of power of the Panel to impose penalties. It would appear that both of these issues will be addressed with the proposed amendments.</p> <p>The area that is not explained in the consultation paper is in relation to the evidence gathering process. It simply states that the Inspector would provide evidence to the Conduct Panel. It is not clear what powers the Inspector would have in relation to evidence gathering. It also appears that the ability of a person who is subject of a complaint to the Conduct Panel has a right to address the Panel prior to them making a decision.</p>

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CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		Given that there is already an independent person (the Inspector) it may be more appropriate to clearly outline that evidence should be provided by the person the subject of the complaint before it is referred to the Conduct Panel.
1.4 Review of Penalties		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p>The development and implementation of graduated penalty arrangement is supported. The only concern in relation to this is that in the event that there were single member wards and a member was suspended for a period of three months, then that area of the municipality would not be represented – this is seen as detrimental to the community and would need to be managed.</p> <p>In the event that an elected member was suspended, there would still need to be provisions in place to deal with issues such as the payment of superannuation or to deal with other equipment that is provided to elected members. Computers, phones etc. The final issue is in relation the provision of information, especially in relation to confidential information</p>

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CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>provided as part of agendas and Council Meetings.</p> <p>Whilst an elected member may be suspended they should still have access to information to enable them to do their role upon their return. Restricting access to information would create an additional administrative burden for some local governments having to change system access etc.</p>
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. Any Presiding Member who uses the "red card" or ejection power will be required to notify the Inspector. 	<p>Whilst some degree of consistency is considered appropriate there is still going to be a need for variation. As an example, local governments that have agenda briefings and deal with deputations at the agenda briefing would need to have a different provision to those that simply hear deputations on the night of the Ordinary Council Meeting.</p> <p>An alternative option would be to have minimum standards for Standing Orders and then identify any other provisions to assist in the conduct of meeting which</p>

Commented [A1]: used as a tactic for not voting on a contentious issue?

Commented [A2R2]: What about adding that instructed to leave twice would trigger a breach, or trigger an investigation into conduct?

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CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<p>could be developed and adopted as policies by the Council.</p> <p>The remaining proposals in this section appear appropriate on face value but would need to be underpinned by guidance notes to ensure equitable application across all local governments.</p>
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p>It is noted that the provisions that are proposed to deal with vexatious complaints takes the onus away from local governments and places this with the Inspectorate, on face value this simply creates another level of red-tape. Other States have implemented vexatious complaints process with the State Ombudsman providing guidance on the development of vexatious complaints policies and procedures and it is considered that this may be a better approach. Placing these sorts of matters with the Inspectorate will simply create additional work for an area that would then need to be appropriately resourced. It is felt that the Inspectorate should focus on more important issues related</p>

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CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		to governance and financial performance.
1.7 Minor Other Reforms		
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<p>This proposed arrangement would be of benefit to some of the smaller, less resourced local governments, however development of guidance notes would still need to take into account the size and complexity of the relevant local government.</p> <p>Any changes that are proposed in this area should be linked back to areas which have been identified in the Annual Compliance Returns and build upon increasing the overall level of competence across the sector.</p>

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Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<p>The concept of shared services should go well beyond the senior roles within local government, it needs to remove any potential barriers to sharing resources. The ability of a local government to pay for some services is often limited and a simple shared services arrangement without external red-tape is what is required.</p>
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads. A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. The DLGSC will work with the sector to develop standardised design and construction standards. 	
2.3 Introduce Innovation Provisions		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<p>There should also be further exemptions provided for some commercial developments which local government area involved. This is particularly relevant where a local government wishes to negotiate for provision of a</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>commercial service without having to go to public tender.</p> <p>The current Act requires local governments to publicly advertise disposal of land etc and this reduces the commercial viability for the private sector.</p> <p>Wherever a local government decides to dispose of land for commercial purposes they are required to go through a public process which, whilst transparent, restricts the ability of the private sector to invest up front because they are not assured of being awarded a contract and therefore their IP and concept becomes public reducing the commercial viability of projects. This reduces the ability of the private sector to deal in a confidential manner.</p> <p>Other jurisdictions have a provision which exempts the public process (subject to appropriate checks and balances). As an example the Local Government legislation in Queensland has very similar provisions to the West Australia Local Government regime with an additional provision that provides</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		an exemption which is approved by the Minister, either with or without additional conditions. This means that Council can enter into commercial negotiations with a developer or purchaser without having to go to public tender or auction.
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is frustrating for residents and business stakeholders. 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. Local governments adopting Model Local Laws will have reduced advertising requirements. 	<p>This provision is supported and needs to be further expanded to ensure that the State develops a suite of Model Local Laws which can be adopted by simple resolution and advertising. This would help to ensure consistency across the State and simplify development and implementation of consistent local laws.</p> <p>Other jurisdictions have developed more streamlined approaches to review and adoption of local laws and these should be investigated fully before re-inventing new processes.</p>
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local 	<ul style="list-style-type: none"> Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> alfresco and outdoor dining 	No particular position on this matter.

Commented [A3]: Consider expanding this to trading in thoroughfares, particularly outside existing businesses. Thinking of the situation where a business wants to display products outside instead of having outdoor dining.

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
businesses is frustrating for business and local communities.	<ul style="list-style-type: none"> minor small business signage rules running community events. 	
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> Local governments currently prepare individual standing order local laws. The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public. Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. Members of the public across all local governments would have the same opportunities to address council and ask questions. 	<p>Whilst this has not been identified as a local issue, the existing provision in relation to public question time are already covered in the legislation and regulations. The application of these provisions through the standing orders is potentially where there may be issues. Standardisation is supported as long as some degree of flexibility is maintained to meet individual needs of local governments. Experience has shown that the majority of the questions posed at Council meetings could be dealt with outside of the formal decision making process of Council.</p>
2.7 Regional Subsidiaries		

Commented [A4]: I wonder if it is relevant for a Council to answer questions not relating to the agenda of the meeting, considering all the ways the community can reach a LG these days.

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal "organisations of councils", such as NEWROC and WESROC. These initiatives typically have to be managed by a lead local government. In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p>Any proposal to expand the opportunities for regional subsidiaries is supported. The current model of regional local governments, which useful in some circumstances, is still somewhat confusing and causes conflict for elected members attempting to represent two different entities.</p> <p>It is noted that the employment conditions should be the same as those of the member local governments, however where there is disparity between member councils there would need to be a provision to deal with this. Example may be where there is a band 1 and a band 4 local government establish a regional subsidiary the band 1 local government may have substantially better employment conditions than the smaller local government. By paying the regional subsidiary staff at the higher rate then members of the band 4 local government would be disadvantaged. There would need to be legislation to ensure no disadvantage or no reduction for staff moving into a regional subsidiary.</p>

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Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> Currently, local governments are only required to make written minutes of meetings. While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as: <ul style="list-style-type: none"> Growth and development Strategic planning issues Demands and diversity of services provided to the community Total expenditure Population Staffing levels. 	<ul style="list-style-type: none"> It is proposed that all local governments will be required to record meetings. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all 	<p>All of these provisions appear reasonable and should be supported. In relation to the last point around recordings of confidential items needing to be provided to DLGSC this would need to be managed in accordance with the state records requirements for the retention of electronic records.</p>

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	confidential items would also need to be submitted to the DLGSC for archiving.	
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	Given that there is a proposal to implement a standardised local law for council meetings it would be more appropriate to incorporate the way in which votes are recorded in the council minutes into the new standing orders local law.
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<p>It is recognised that the current provisions for closing a meeting to members of the public often are misused. The proposed recommendation to make the act more specific in this regard is welcomed.</p> <p>Whilst it is acknowledged that the proposed amendments will allow for confidential items which are not prescribed being considered behind closed doors with the approval or consent of the inspector this would need to be clearly prescribed to ensure that the local government was a way of the rationale and implications of them releasing information publicly. Under the current</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>provisions of the local government act the council has the ability to resolve that the matter be considered an open session despite the recommendation of the chief executive officer to deal with the matter as a confidential item.</p> <p>The requirement to provide the audio recordings for confidential items to the DLGSC may create an additional burden for some local governments. This requirement would need to be underpinned by additional legislation to effectively manage the issue of confidentiality. As an example when the elected council is dealing with the performance review of the chief executive officer, the chief executive officer may be required to leave the meeting whilst council discussed particular issues relating to the performance of the CEO. the CEO is then responsible for providing the audio of the confidential meeting to the DLGSC and in doing so would have access to the recording of the meeting. This may in fact result in some elected members not expressing their views during the meeting as the information may be accessible to staff members.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		This could be an issue that could be addressed through regulations or by prescribing additional security measures within the Standing Orders Local Law.
3.4 Additional Online Registers		
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. The following new registers, each updated quarterly, are proposed: <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking 	<p>Whilst there is no objection to the provisions of additional registers, there would need to be provisions for exempting commercially sensitive provisions from any register. The requirement to update a lease register on a quarterly basis appears to be overkill as many leases run for periods in excess of 10 years. An update to these on a quarterly basis does not appear to provide any benefit. A better approach may be the legislature that updates must be made within 3 months of any change to a lease or when entering into a new lease.</p>

Commented [A5]: If some items need to be referred to the inspectorate to be listed as confidential, this could be problematic with items of urgent business.

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Contracts Register that discloses all contracts above \$100,000. 	The remaining proposed registers are supported and are already captured by many organisations.
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
<ul style="list-style-type: none"> • It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. • The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria. • Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> • To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> ○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) ○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) ○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<p>These proposals are supported and are already in place as part of best practice reporting.</p> <p>The only issue is in relation to changes made to key performance indicators made during the year. This is where new projects or activities come on line during the year and are deemed important enough to replace existing focus areas. This could be dealt with through appropriate wording in the legislation.</p>

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Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> There is currently no requirement for local governments to have a specific engagement charter or policy. Many local governments have introduced charters or policies for how they will engage with their community. Other States have introduced a specific requirement for engagement charters. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. A model Charter would be published to assist local governments who wish to adopt a standard form. 	This is supported subject to appropriate wording and reflects current practice albeit using different terminology.
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. Results would be required to be reported publicly at a council meeting and published on the local government's website. All local governments would be required to publish a response to the results. 	This is supported subject to appropriate wording and reflects current practice
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> The current voting method for local government elections is first past the post. The existing first-past-the-post does not allow for electors to express more than one preference. The candidate with the most votes wins, even if that candidate does not have a majority. Preferential voting better captures the precise intentions of voters and as a result 	<ul style="list-style-type: none"> Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. In preferential voting, voters number candidates in order of their preferences. Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. All other states use a form of preferential voting for local government. 	This change is supported and simply reflects the process at other levels of government.

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
may be regarded as a fairer and more representative system. Voters have more specific choice.		
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> by the electors of the district through a public vote; or by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> Mayors and Presidents of all local governments perform an important public leadership role within their local communities. Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	This change is supported. Council has previously considered the issue and whilst not supported this has been based on the approach to change the election of mayor method. If the matter was legislated it should be supported.
4.5 Tiered Limits on the Number of Councillors		
<ul style="list-style-type: none"> The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> It is proposed to limit the number of councillors based on the population of the entire local government. Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. The Local Government Panel Report proposed: <ul style="list-style-type: none"> For a population of up to 5,000 – five councillors (including the President) population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) population of above 75,000 – nine to fifteen councillors (including Mayor). 	This proposed amendment is supported in line with the recommendations of the Local Government Panel.

Commented [A6]: Staged reduction in Council positions over 2 election cycles, rather than the first cycle of implementation bearing the full brunt of the position cuts?

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> A local government can make an application to be divided into wards, with councillors elected to those wards. Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> It is proposed that the use of wards for councils in bands 3 and 4 is abolished. Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. In smaller local governments, the population of wards can be very small. These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<p>Proposal not relevant to Council, however the principle of ward removal should remain a decision of the relevant local government.</p>
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> A person with a lease in a local government district is eligible to nominate as a candidate in that district. A person with a lease in a local government district is eligible to apply to vote in that district. The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. The City of Perth Inquiry Report identified sham leases as an issue. Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. 	<p>The proposed amendments are supported.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	Any proposed changes which will make the process more efficient are supported.
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> The introduction of standard processes for vote recounts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	Any proposed changes which will make the process more efficient are supported.

Local Government Reform – Consultation on Proposed Reforms

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> The Act does not currently outline specific principles. The Act contains a short “Content and Intent” section only. The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> The recognition of Aboriginal Western Australians Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) Community Engagement Financial Management. 	Any proposed changes which will make the process more efficient are supported.
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government’s affairs be responsible for the performance of the local government’s functions. 	<ul style="list-style-type: none"> The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. It is proposed that these roles and responsibilities are further defined in the legislation. These proposed roles will be open to further consultation and input. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act 	Further clarification of the role of Mayor is required and should be supported. One of the issues in the current legislation relates to the ambiguity of the roles, resulting in conflicts between staff and elected members and between the mayor and councillors.

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Developing and maintaining professional working relationships between councillors and the CEO Performing civic and ceremonial duties on behalf of the local government Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	
	5.2.2 - Council Role <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> Making significant decisions and determining policies through democratic deliberation at council meetings Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council Providing a safe working environment for the CEO; Providing strategic direction to the CEO; Monitoring and reviewing the performance of the local government. 	<p>This is seen as a positive step forward but would need to see draft wording to fully understand the intent.</p> <p><u>As an outcome of recent inquiries and reports the issue of creation of a safe work environment for the Chief Executive Officer in isolation appears a little out of step with other recommendations. The ability of the Councillors to provide a safe work environment for the Chief Executive should be further underpinned with a requirement to provide a safe work environment for all staff</u></p>
	5.2.3 - Elected Member (Councillor) Role <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: 	<p>This is seen as a positive step forward but would need to see draft wording to fully understand the intent.</p> <p><u>The point around "communicating the decisions and resolutions...." seems contrary to the Mayor being</u></p>

Commented [A7]: I assumed from their wording that they were going to clamp down on elected members communicating with staff. If this is the case then safety of staff should be OK for the CEO?

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council Applying relevant law and policy in contributing to the decision-making of the council Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions Communicating the decisions and resolutions of council to stakeholders and the public Developing and maintaining professional working relationships with all other councillors and the CEO Maintaining and developing their knowledge and skills relevant to local government Facilitating public engagement with local government. It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity 	<p><u>the spokesperson for the City.</u> <u>There would need to be wording to ensure that this overlapped can be effectively managed.</u></p> <p><u>As the Council will be required to develop an engagement process the point about facilitating public engagement with the local government will need to be clarified to remove any duplication of competing priorities.</u></p>
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. 	<p>In clarifying the role of the Chief Executive Officer, it is unclear from the current proposal if the existing provisions would still be included, in particular the issue of employing of other staff. At present in the wording this existing provision is missing.</p> <p><u>Whilst this point was clarified to some extent during the WALGA</u></p>

Commented [A8]: This provision reminds me of the confusion Councillors currently have regarding gifts and attendance at events. When are they going as a Councillor, when as a resident? What if they attend as a resident then the host of an event asks them to cut a ribbon, give a speech, or be in a photo for media?

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions Facilitating the implementation of council decisions Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	<p><u>webinar on 15/11 by the Minister, this will need to be further enshrined in the legislation.</u></p>
5.3 Council Communication Agreements		
<ul style="list-style-type: none"> The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. 	<p><u>This is seen as a positive step forward and aligned to the roles and responsibilities of the elected members. The proposed process would ensure that the incoming Council would be responsible for the development and adoption of the Communications Agreement, and this would assist in setting the operating framework expectations.</u></p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<u>Guidance from the Department through the development of a standardised template will assist in the clarification of roles.</u>
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
<ul style="list-style-type: none"> Elected members are eligible to receive sitting fees or an annual allowance. Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. Superannuation is widely recognised as an important entitlement to provide long term financial security. Other states have already moved to allow councils to make superannuation contributions for councillors. Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions. 	<u>This position is consistent with the recent matter considered by Council and is supported along those lines.</u>
5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. 	<u>The City already has a policy in relation to Councillor training and development and this would further underpin the existing principles and as such is supported.</u>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	
5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. This is commonly a point of public confusion. 	<ul style="list-style-type: none"> A statewide caretaker period for local governments is proposed. All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. There are consistent election conduct rules for all candidates. 	<p><u>This is consistent with the current Council policy and is supported to ensure a standardised approach across the sector.</u></p>
5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<p><u>The Council has not previously considered this matter, however removal of WALGA from the Act should be supported subject to their being no detriment to local governments using systems such as preferred supplier arrangements. This program alone provides substantial benefits to</u></p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<u>local government and ensures value for money for smaller local governments in particular.</u>
5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<u>It is considered that this proposal is consistent with the direction that has already been undertaken in relation to changes to the CEO Recruitment process and as such should be supported. As currently outlined the Council can move outside of the list of approved panel members with prior approval this still leaves the Council with the ultimate decision on appointment of external member.</u>

Local Government Reform – Consultation on Proposed Reforms

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. 	

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process. 	
6.2 Simplify Strategic and Financial Planning		
<ul style="list-style-type: none"> Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. There is also the Integrated Planning and Reporting (IPR) framework. While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. It is proposed that the plans that are required are: <ul style="list-style-type: none"> Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape Simplified Long Term Financial Plans will outline any long term financial management and sustainability 	

Commented [A9]: I agree with reviewing the SCP less regularly. I m concerned that omitting a medium length plan such as the current 4 year CBP, may make the longer plans too intangible and inflexible for Councils. Will there be ramifications if a Council continually doesn t follow their plans each year, requiring plans to be modified annually. I wonder if the State is considering fixed rates setting to prevent LG s from modifying their income streams too much?

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years</p> <ul style="list-style-type: none"> ○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) ○ The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 	
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> • Local governments are not required to have a rates and revenue policy. • Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> • The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. • A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. • The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. • A template would be published for use or adaption by all local governments. 	<p><u>Whilst the principles of a rates and revenue policy are supported, it would need to be appropriately robust to ensure ongoing compliance. At present the Long Term Finance Plan is underpinned by assumptions relating to rate increases which change every year resulting in a plan which cannot be funded or provides for shortfall in revenue as proposed increases do not occur. Appropriate linking of a rates and revenue policy with a requirement to publicly advertise long term rating</u></p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> The Local Government Panel Report included this recommendation. 	<u>increases provides for some assurance and certainty for ratepayers and makes the organisation more accountable by having to advertise changes that it wishes to make to the longer term forecasts.</u>
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. This provides oversight of incidental local government spending. 	<u>The Council already undertakes this process and it is considered an appropriate transparency measure.</u>
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<u>Whilst the process of simplifying ratios is supported, the use of ratios to compare local governments in isolation is not supported. Every local government operates in a different environment and growth cycle and as such are likely to be performing at different levels. The use of ratios to identify early issues in relation to financial performance is appropriate and some form of standardisation is required.</u>
6.6 Audit Committees		

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<p><u>One of the key issues in relation to this reform will be the ability of local governments to pay external members of the Audit Committee. It is considered an appropriate change to help ensure transparency in the assessment and review process, however without the ability to pay professionals for their involvement it is unlikely that it will deliver positive change. The role of Mayor and Councillors would need to be amended in relation to organisational oversight to ensure compliance with these provisions given that the Audit Committee would not comprise a majority of elected members.</u></p>
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. This is not currently provided for under the Act. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. This would allow local governments to lend funds to improve buildings within their district. Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<p><u>An amendment to the Local Government Act describing minimum Local Government involvement, existing mortgagee considerations and tenant pass-through criteria is the first step to creating and enabling an environment for BUF in WA. Lessons from other states show that keeping the wording of the legislation simple and encouraging standardisation of the program is most effective. This is considered to be an appropriate mechanism to allow local governments to facilitate redevelopment of buildings within the municipality. A copy of the</u></p>

Commented [A10]: Really complex with significant risk. Needs more information and expertise to manage. Assistance from State?

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<u>fact sheet has been provided previously.</u>
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> No requirement for separation of waste changes on rates notice. Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers. 	<u>Whilst this change is not opposed, it only targets one specific service area of Council. Whilst it could be considered to be a transparency measure, it does not appear to add much value to the overall rating process and provides limited information to residents.</u>



Local Government Reform

Earlier intervention, effective regulation and stronger penalties

Problems, disputes and dysfunction within local government impacts upon ratepayers, local businesses, and local government services.

Complaints relating to local governments should be resolved quickly to reduce the risk of damage that may be done when there are serious problems in how a local government is functioning.

Local government oversight needs to be focused on targeting and fixing significant problems and stopping misconduct.



The Local Government Inspector

A new oversight Inspector for local government will be appointed to handle complaints, manage investigations, and coordinate the proactive resolution of significant problems identified within local governments. The Inspector will have the authority to receive complaints about local government CEOs.



Local Government Monitors

Specialist independent Monitors appointed by the Inspector will visit and work with local governments to fix problems, to provide for faster resolution where problems are identified.



Stronger Penalties

Stronger penalties will be imposed by a new Conduct Panel. This will include short-term disqualification or withholding of allowances for elected members who have been found to be in breach of the Local Government Act or Regulations.



Mandatory Training

Elected members who do not complete mandatory training within a certain time will not be eligible for any allowances or sitting fees. They will also be liable for other penalties.



Rapid Red Card Resolutions

Mayors and Presidents will have consistent powers to eject anyone who disrupts a council meeting, with appropriate checks and balances by the Local Government Inspector, to prevent the misuse of these powers. This reform will also be supported by mandatory audio or video recording of council meetings.



Other Amendments

Other amendments may further strengthen oversight of local government. Early intervention and oversight reforms will also be supported by the other reforms, especially new transparency and democratic decision-making reforms.





Local Government Reform

Reducing red tape, increasing consistency and simplicity

The State Government is reducing unnecessary red tape to help facilitate delivery of small projects and support small business. Changes to the *Local Government Act 1995* and associated legislation will include a streamlined approach to facilitating alfresco dining, minor signage, and driveway approvals.

Improving the efficiency and consistency of local government will deliver significant benefits for small businesses, community organisations, and residents and ratepayers.



Standardised Meeting Procedures across all Local Governments

The procedures for all council meetings, including for public question time, will be standardised across the State. This will improve consistency, and make engaging with council decisions simpler and easier.



Greater Consistency for Small Business

Reforms will introduce standard approvals for key local government regulations and approvals, including:

- alfresco and outdoor dining
- minor small business signage rules
- community events

Many of these reforms build on the planning reforms already implemented by the State Government. They also complement the ongoing innovations by local governments, and initiatives by the Small Business Development Corporation and StreamlineWA.



Streamlining Local Laws

Local laws will be streamlined to create greater consistency and reduce the complexity of regulation, particularly for rules about installing minor signage for small business, and the planning of community events. There will be new, simple model local laws that local governments can easily adopt.



Creating Flexibility to Enable Resource-Sharing

Legislation will specifically enable and encourage local governments to share resources, including CEOs and senior employees. For instance, it will be easier for two or three local governments to hire one shared CEO.



Standardising Residential Crossovers/Driveways on Local Roads

Reforms to standardise and simplify the approval of crossovers (the part of driveways connecting to the road) for residential developments on local roads as part of the Phase 2 Planning and Local Government Reforms, announced jointly by the Minister for Planning and the Minister for Local Government, will be implemented.

To provide your feedback on these reforms, please email your comments to actreview@dlgsc.wa.gov.au by 4 February 2022.





Local Government Reform

Greater transparency and accountability

Ratepayers and the public expect local government decision making to be clear and transparent. During the COVID-19 pandemic, councils across the State demonstrated how online engagement can bolster public participation in local government decision-making.



Mandatory Recording of Council Meetings

Large local governments will be required to livestream meetings, and post recordings online. Smaller local governments will be required to record and publish audio recordings.



Guidance for Confidential Meeting Items

Clear rules will define the types of decisions that can be made by councils in confidential meetings, and recordings of those decisions will be required to be stored as permanent records.



Transparency and Accountability through Online Registers

There will be new state-wide standards for reporting of important local government transactions online, including:

- a Lease Register about the leases the local government is party to (either as lessor or lessee)
- a Community Grants Register to outline all grants and funding provided by the local government
- a Contracts Register that discloses all contracts or procurement with a value of \$100,000 or more
- an Interest Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council
- an Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space or car parking



Transparency of CEO Key Performance Indicators

The Key Performance Indicators (KPI) used to measure the performance of the CEO will be made publicly available, and the results will also be reported. The CEO will also have the right to publish comments to provide context to the results.



Consistent Recording of all Votes

To provide consistent transparency of decision-making across all local governments, all votes cast by all councillors for all decisions on council will be required to be reported in council minutes.





Department of
**Local Government, Sport
and Cultural Industries**

Local Government Reform

Stronger local democracy and community engagement

Election and community engagement reforms are proposed to empower ratepayers to participate in local democracy and decision-making.



Direct Election of the Mayor or President

All electors in large local governments will be able to vote directly for the Mayor or President, giving ratepayers more power to choose the leadership of their council. This reflects a broader trend, with councils such as Stirling and Rockingham already having moved to a public vote for the election of their Mayors.



No Wards for Small Local Governments

Wards in small local governments can cover very limited areas, with small populations. This means that councillors are more likely to be elected unopposed, or with a very small number of votes. In line with a broader trend, it is proposed that wards for all small local governments be abolished.



Preferential Voting

Local government elected members will be elected by preferential voting, which is the same as State and Federal elections. Preferential voting ensures the elected council best reflects community views.



Reforms to Ensure Valid Candidate and Voter Eligibility

Rules for who is eligible to vote or run for council will be tightened, ensuring that only legitimate residents or businesses will be eligible. New laws will prevent candidates from using sham leases in council elections. The basis for why a candidate is eligible to run will also be required to be publicly disclosed.



Consistent Number of Elected Members

To increase consistency, the number of elected members on any council will be set based upon the population within that local government. The Local Government Panel Report recommended a number of elected members as follows:

- population of up to 5,000 – 5 councillors (including the President)
- population of between 5,000 and 75,000 – 5 to 9 councillors (including the Mayor/President)
- population of above 75,000 – 9 to 15 councillors (including the Mayor)



Community Engagement Charter

Local governments will be required to establish a Charter which sets out how it will engage with ratepayers and the community about the local government's proposed policies, initiatives, and projects. A model Charter will be published to assist local governments who wish to adopt a standard Charter.



Other Amendments

There are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting.

To provide your feedback on these reforms, please email your comments to actreview@dlgsc.wa.gov.au by 4 February 2022.





Local Government Reform

Clearer Roles and Responsibilities

The *Local Government Act 1995* (the Act) outlines the role of council, elected members and the Chief Executive Officer (CEO). Ambiguity in these roles can be a source of dispute within local governments. Amendments to further define these roles and responsibilities in the Act will help to address this.

Principles

New principles will be included in the Act to foster a culture of better practice, based on the recommendations of the Local Government Review Panel Report. New principles will include:



recognition of the unique status of Aboriginal Western Australians



recognition of tiers (based on SAT bands)



guidance for community engagement



guidance for financial management



Communication agreements

Local governments will be required to introduce a communications agreement outlining communications process between councillors and the CEO.



Elected members

Elected members will only be able to use the title of their local government position while performing their role in an official capacity.



Statewide Caretaker Period

A statewide caretaker period for local governments is proposed. This means that all local governments across the State will have the same clearly defined election period, during which all councils operate on a caretaker basis.



Superannuation allowances

Local governments will be able to decide to make superannuation contributions for elected members. Councils will also be able to decide to cover tuition fees for elected members who undertake further study related to local government.



CEO recruitment

DLGSC will establish an approved panel of CEO recruitment panel members for the role of independent person on a recruitment and selection panel. Local governments will be able to appoint people outside of the designated panel with approval from the Local Government Inspector.



The role of CEOs

Roles will be further defined, providing a greater understanding of the CEO's responsibilities and clear delineation between the functions of council and the CEO, as leader of the administration.



In accordance with the Local Government Review Panel Report's recommendation, WALGA will no longer be constituted under the *Local Government Act 1995*. This will provide clarity that WALGA is not a State Government entity.

To provide your feedback on these reforms, please email your comments to actreview@dlgsc.wa.gov.au by 4 February 2022.





Department of
**Local Government, Sport
and Cultural Industries**

Local Government Reform

Improved financial management and reporting

Clear and accurate financial management and reporting is critical for public confidence in local government. Currently, local governments across Western Australia have to comply with the same financial reporting requirements, even though local governments range from less than 200 residents to a population of more than 200,000 people.



Model Financial Statements

New standardised templates will be established for local government financial statements:

- Large (band 1 and 2) local governments will have financial statements similar to those already used, with minor amendments and streamlining where possible
- Smaller (band 3 and 4) local governments will have more streamlined standard financial statements, reflecting the generally less complex operations of smaller local governments



Rates and Revenue Policy

All local governments will adopt a short Rates and Revenue Policy. The Policy will provide greater clarity for ratepayers by linking the cost of services and the maintenance of assets (such as roads and recreation facilities) to the setting of rates.



Reforms for Financial Ratios

The financial metrics reported on the MyCouncil website will be reviewed and adjusted to ensure they best reflect the underlying financial position of the local government.



Credit Card Statements Publicly Reported to Council

New reforms will introduce a requirement that employee credit card statements are to be provided to council at meetings on a monthly basis.



Other Minor Reforms

Other changes to the legislation will provide for general improvements for financial management:

- Changes to require Audit and Risk Committees to bolster local government oversight, and allowing regional local governments to share Audit and Risk Committees to reduce costs
- Reforms will allow local governments to provide fixed-interest loans to building owners to fund specific building upgrade finance, such as for green energy investments, and for heritage preservation works
- The cost of waste collection services provided to a property will be required to be separately stated on any rates notice for that property. This provides ratepayers with clear transparency for what waste collection services cost

The State Government is also considering potential further reform for regional subsidiaries, and other financial and risk management initiatives.

To provide your feedback on these reforms, please email your comments to actreview@dlgsc.wa.gov.au by 4 February 2022.



10.1.3 Out Of Hours School Care For Maylands Peninsula Primary School

Responsible Branch:	Building Works
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Item 11.1 OCM 27.07.21

CR DAN BULL DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Dan Bull declared an impartial interest in this item as he is a member of the Bayswater Childcare Association. Cr Bull remained in the room during voting on this item.

CR ELLI PETERSEN-PIK DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Elli Petersen-Pik declared an impartial interest in this item as he is a member of the school board and has children attending the school. Cr Petersen-Pik remained in the room during voting on this item.

CR MICHELLE SUTHERLAND DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Michelle Sutherland declared an impartial interest in this item as she is a member of Bayswater Childcare. Cr Sutherland remained in the room during voting on this item.

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest in this item as she is the chairperson of the BCCA in case this item was on the agenda in the future. Cr Palmer remained in the room during voting on this item.

SUMMARY

To provide Council additional information regarding the requested provision of a location for out of hours school care from Maylands Peninsula Primary School.

MOTION

That Council:

1. Approves, in principle, that the current pavilion in Gibbney Reserve be used for an out of school hours care service (OSHC) from 6 January 2024, subject to all relevant approvals being obtained and the building being renovated in order to comply with the relevant requirements of the approvals.
2. Requests the City to prepare a report about the process and timeframes for initiating an Expression of Interest/tender process to lease the pavilion to an OSHC, including investigating whether the building can be used by a commercial operator or not, and present it to an Ordinary Council Meeting by June 2022.
3. Requests the City, in consultation with the Maylands Peninsula Primary School, to allocate (subject to all relevant approvals being obtained) an area of land (which could also fit a playground), adjacent to the pavilion to potentially be used as a fenced

outdoor space by a future OSHC, and ensure that any Gibbney Reserve redevelopment plans take this into account.

Cr Elli Petersen-Pik Moved, Cr Dan Bull Seconded

LOST: 5/5

For: Cr Assunta Meleca, Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Cr Filomena Piffaretti, Mayor, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Cr Filomena Piffaretti, Mayor, cast a second vote

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

That Council:

1. Notes the Out of Hours School Care for Maylands Peninsula Primary School update report.
2. Requests the Chief Executive Officer to advise Maylands Peninsula Primary School that the City will continue to explore options with Football West regarding their tenure and usage of the clubroom building at Gibbney Reserve, Maylands.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Elli Petersen-Pik Seconded

CARRIED: 9/1

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Giorgia Johnson.

Against: Cr Dan Bull.

BACKGROUND

The Maylands Peninsula Primary School contacted the City requesting the City's support in providing an Out of School Hours Care facility in close proximity to the school's location. The school identified Gibbney Reserve Pavilion as being in an ideal location for this and have suggested that the City revisit the current lease agreement with Football West, with a view to providing alternative arrangements for Football West and re-leasing the property to an Out of School Hours Care provider to re-develop the building.

At the Ordinary Council Meeting of 27 July 2021, Council considered a Motion from Cr Petersen-Pik and resolved as follows:

"That Council requests the Chief Executive Officer to assist the Maylands Peninsula Primary School in finding a suitable location for a potential new Out of School Hours Care (OSHC) facility to operate adjacent to the school on Gibbney Reserve, and to provide at the August Ordinary Council Meeting a report with options including the possibility of finding an alternative storage facility for Football West so that the existing Pavilion might be able to be used by an OSHC service."

EXTERNAL CONSULTATION

Officers have spoken to the Maylands Peninsula Primary School Principal and Football West.

OFFICER'S COMMENTSLease of Gibbney Reserve Pavilion

The Gibbney Reserve Pavilion is currently leased to Football West Limited, with a lease term of 21 years. The lease expires on 5 January 2024, with no option to extend. The current rental is \$5,888 per year. The building has previously been used as the Football West Administrative Centre and more recently as a training and education centre.

Football West relocated their administrative centre to West Perth in 2018 and intend to relocate all operations to the future State Football Centre which is currently under construction in Queens Park, Canning. The new State facility is scheduled for completion mid-2023.

Football West confirm that the Gibbney Reserve Clubroom building is currently used as a training and education centre and is utilised primarily during weekday evenings and at weekends. The property is a valued resource for Football West who intend to honour their lease arrangement until such time that the new State centre is completed (mid-2023). They have indicated that an interim shared use arrangement could be considered if acceptable to all parties.

The current lease between the City of Bayswater and Football West Limited does allow for the lease to be terminated by the Lessor at any time under clause 15, Redevelopment, which states:

"15.1 Lessor's Right to Terminate

"If the Lessor at any time wishes to terminate this lease:

- (a) Because the Lessor has entered or wishes to enter into any arrangements which result in the extension, renovation, demolition or rebuilding of whole or any part of the Leased Premises or the part of the Building in which the Leased Premises are located or works which will prevent access or safe access to the Leased Premises; or*
- (b) So that the Lessor can extend, renovate, demolish or rebuild the whole or any part of the Leased Premises or, while not involving the Leased Premises, that part of the Building in which the Leased Premises are located, or to undertake works which will prevent access or safe access to the Leased Premises,*

The Lessor may give the Lessee not less than six (6) months' written notice ("Termination Notice") terminating the Lease. The date of termination ("Termination Date") need not coincide with the end of a rent period."

It could, however, be considered as 'unethical' to terminate the lease under this clause with the intent to modify the building and directly appoint an Out of School Hours Care provider as the new lease holder, without first undertaking a tender or expression of interest process and assessing the submissions against the Community and Commercial Lease KPI's and Assessment Criteria.

At the expiry of a lease or if a property becomes vacant, the City invites expressions of interest from relevant organisations to determine what kind of interest exists within the community for the future use of a vacant facility. Any new lease is determined by Council.

Any use of a building on Gibbney Reserve should be consistent with the permitted purpose of the reserve. Gibbney Reserve is zoned Local Public Open Space. A community not-for-profit provider may fulfil the above purpose; however, a commercial operator may not satisfy the requirement.

Whether an operator is a not-for-profit or commercial provider is important to determine as after school care could fall into one of the following land use classifications:

- Child Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the *Community Services (Child Care) Regulations 1988*.
- Community Purpose: means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities or services by organisations involved in activities for community benefit.
- Educational Establishment: means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre, but does not include a reformatory institution or institutional home.

Alternative Location for Football West

Given Football West's current use of the Gibbney Reserve Clubroom as a training and education centre requiring both the use of the building and grounds, there are currently no suitable locations within the City of Bayswater for relocation that could be considered as a suitable alternative location for Football West's operations.

Land Availability Within Gibbney Reserve

Should the Football West building not be available into the future, the primary school has requested Council consideration to provide land on Gibbney Reserve. The majority of Gibbney Reserve is Crown land owned by the State and vested to the City. State approvals would be required to further develop this land. The City owns a number of freehold lots on the reserve along the Mephan Street boundary.

Should an additional building be required, it could be located (subject to approvals and funding) on any location within the reserve. However, the following locations are less likely to disrupt current sporting use. Location 'A' shown below between the current pavilion and ball courts.



Location 'B' shown below at the entrance of the school and reserve carpark.



Maylands Peninsula Primary School may also have suitable land available within the school grounds to accommodate an additional building.

The City has also recently developed a concept plan to redevelop the community amenity within Gibbney Reserve including, but not limited to, the replacement of play equipment, provision of pathways, inclusion of gardens beds, seating, drinks fountains and BBQs. Community engagement is currently open and the draft concept is enclosed at **Attachment 1**.

Additional Building to Accommodate Out of Hours School Care

It is understood from Maylands Peninsula Primary School, that if a new building is to be provided, neither the school or the Department of Education are likely to be in a position to fund the hire of a transportable or construction of a new facility. Any additional building would be funded by either an out of school hours provider or an alternative funding source to be identified.

LEGISLATIVE COMPLIANCE

- Community Facility Lease and License/User Agreement Policy.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the Officer's Recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: 1. Notes the Out of Hours School Care for Maylands Peninsula Primary School update report. 2. Requests the Chief Executive Officer to advise Maylands Peninsula Primary School that the City will continue to explore options with Football West regarding their tenure and usage of the clubroom building at Gibbney Reserve, Maylands.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option facilitates ongoing discussion with Football West and Maylands Peninsula Primary School.	

Option 2	That Council: 1. Notes the Out of Hours School Care for Maylands Peninsula Primary School update report. 2. Requests the Chief Executive Officer to review options regarding Out of Hours School Care for Maylands Peninsula Primary School once the current lease held by Football West expires or is surrendered prior to lease expiry due January 2024.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option provides for the current lease to expire and further options to be explored once the clubroom building on the reserve becomes vacant in 2024.	

Option 3	That Council: 1. Notes the Out of Hours School Care for Maylands Peninsula Primary School update report. 2. Requests the Chief Executive Officer to commence discussions with all relevant stakeholders to progress the provision of land within Gibbney Reserve, Maylands for the purpose of providing for an out of hours school care facility to be located within close proximity of Maylands Peninsula Primary School.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low

Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option facilitates further discussion regarding the availability and required approvals regarding future land availability but presents a financial risk regarding the provision of funding for any required future building development.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community

Goal C1: Create safe and inviting places for people to come together

Goal C3: Maximise the use of the City's facilities and parks by all sections of the community

CONCLUSION

Maylands Peninsula Primary School are seeking assistance in the provision of out of hours school care on Gibbney Reserve, Maylands.

The school is proposing either the use of the current clubroom currently leased to Football West to January 2024, or consideration of available land within Gibbney Reserve to provide an additional building for out of hours school care.

Football West currently uses the building and are not in a position to surrender the lease early. They are however, prepared to consider shared use, if appropriate.

Gibbney Reserve is Crown land, and State approval would be required to develop the land for out of hours school care.

Gibbney Reserve is currently proposed for community infrastructure redevelopment and a concept plan is currently out for community comment.

There may be opportunity subject to approvals to provide land at a number of suitable locations within the reserve. Any redevelopment requires funding and is unlikely to be funded by either Maylands Peninsula Primary School or the Department of Education.

10.2 Corporate And Strategy Directorate Reports**10.2.1 Review of Delegated Authority for Committees**

Responsible Branch:	Governance and Organisational Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	<ol style="list-style-type: none"> 1. Register of Delegations to Committees [10.2.1.1 - 1 page] 2. Terms of Reference - Reconciliation Advisory Committee [10.2.1.2 - 1 page] 3. Terms of Reference - COVID -19 Advisory Committee [10.2.1.3 - 1 page]
Refer:	Item 10.2.6: OCM 08.12.2020

SUMMARY

For Council to receive the review of Delegations to Committees in accordance with section 5.18 of the *Local Government Act 1995* (the Act).

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

That Council receives the review of Delegations to Committees as contained in this report.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

In accordance with section 5.16 of the Act, a local government can delegate certain functions of Council to a Committee.

Section 5.18 of the Act requires that a local government keep a register of the delegations made to the Committee and review the delegations at least once every financial year.

The City first undertook a review of delegations to Committees in December 2020.

A copy of the Register of Delegations to Committees is located on the City's website and included at **Attachment 1**.

Committees with Delegation

Both these two Committees were granted delegated authority when they were established by Council at the Ordinary Council Meeting on 26 October 2021:

- Reconciliation Advisory Committee
- COVID-19 Advisory Committee.

The following committees do not have any delegated authority:

- Aged Care Asset Divestment Committee
- Aged Care Governance Committee
- Audit and Risk Management Committee
- Chief Executive Officer Review Committee
- Community Access and Inclusion Advisory Committee
- Planning and Heritage Policy Review and Development Committee
- Policy Review and Development Committee
- Skate and Bike Development Advisory Committee.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

Reconciliation Advisory Committee (RAC)

Council established the RAC at its Ordinary Council Meeting of 29 October 2019, and resolved to re-establish the RAC for the term of 26 October 2021 to 20 October 2023 at its Ordinary Council Meeting of 26 October 2021.

The purpose of the Committee is to develop and monitor implementation of the Reconciliation Action Plan (RAP) for the City of Bayswater, with the aim of helping the workplace to facilitate understanding, strengthen relationships and trust with Aboriginal and Torres Strait Islander People, promote meaningful engagement, increase equality and develop sustainable employment and business opportunities.

In order to provide delegation to the Reconciliation Advisory Committee, Council also resolved at its Ordinary Meeting of 26 October 2021 (in part) as follows:

"6. In relation to the Reconciliation Advisory Committee:

- ... (b) In accordance with the terms of reference, grants delegated authority to the Reconciliation Advisory Committee to make decisions relating to the implementation of the actions contained in the City's Reconciliation Action Plan documentation and as included in the approved City annual budget."*

A copy of the terms of reference for the RAC is included as **Attachment 2** to this report.

Council may wish to note that the delegation to the Committee was not changed when a review of all committee terms of reference was undertaken in October 2021. There were some minor changes in formatting and to the number of Elected Members and External Members on the Committee.

Since the Committee is conducting the same functions as was originally intended, it is suggested that the delegation is still relevant and appropriate.

The RAC met three times during 2021 in March, June and September.

COVID-19 Advisory Committee

At the Special Council Meeting of 18 March 2020, Council established the COVID-19 Advisory Committee. That committee was re-established for the term 26 October 2021 to 20 October 2023 at Council's Ordinary Meeting of 26 October 2021.

The purpose of the Committee is to consider urgent matters that require direction under COVID-19 Coronavirus pandemic conditions.

In order to provide delegation to the COVID-19 Advisory Committee, Council resolved at its Ordinary Meeting of 26 October 2021 (in part) as follows:

'8. *In relation to the COVID-19 Advisory Committee:*

(a) *Adopts the terms of reference for the COVID-19 Advisory Committee for the term 26 October 2021 to 20 October 2023 as outlined in Attachment 8.'*

A copy of the terms of reference for the COVID-19 Advisory Committee is included at **Attachment 3** to this report. The delegated authority provided in the terms of reference is:

"In accordance with section 5.23(1)(b) of the Local Government Act 1995 the COVID-19 Advisory Committee has delegated authority, as approved by Council, to make decisions regarding urgent measures that would usually require Council direction in relation to the COVID-19 Coronavirus pandemic."

It is noted that the delegation to the Committee was not changed when a review of all committee terms of reference was undertaken in October 2021, other than for minor formatting and updating of staff position titles.

The COVID-19 Advisory Committee met regularly between March 2020 and June 2020, but has not met since June 2020 as the COVID-19 pandemic has since stabilised in WA. Although no future dates are currently set for the committee, the committee is still established and may have reason to meet again in the future. As the committee is still intended to provide its original function the delegation is still considered appropriate.

LEGISLATIVE COMPLIANCE

Sections 5.16 and 5.18 of the *Local Government Act 1995*.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council receives the review of Delegations to Committees as contained in this report.		
Risk Category		Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction		Moderate	Low
Reputation		Low	Low
Governance		Low	Low
Community and Stakeholder		Moderate	Low
Financial Management		Low	Low
Environmental Responsibility		Low	Low
Service Delivery		Low	Low
Organisational Health and Safety		Low	Low
Conclusion	This option meets the legislative requirements to review the delegated authority for committees in accordance with the <i>Local Government Act 1995</i> .		

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended that Council receives the review of Delegations to Committees as outlined in this report. The current delegations are still considered relevant to the respective committee and no change is therefore proposed.

City of Bayswater – Register of Delegations to Committees

This register is maintained in accordance with section 5.18 of the *Local Government Act 1995*.
December 2021

Committee Name	Delegation	Date Delegation Created	Last Date Reviewed
COVID-19 Advisory Committee	<i>Delegates authority to the COVID-19 Advisory Committee to make decisions regarding urgent measures that would usually require Council direction in relation to the COVID-19 Coronavirus pandemic.</i>	24 March 2020	8 December 2020
Reconciliation Advisory Committee	<i>Delegates authority to the Reconciliation Advisory Committee to make decisions regarding the implementation of the actions contained within the City's Reconciliation Action Plan documentation and as included in the approved City's annual budget.</i>	29 October 2019	8 December 2020

TERMS OF REFERENCE	
Reconciliation Advisory Committee	
Purpose:	The purpose of the committee is to develop and monitor implementation of the Reconciliation Action Plan (RAP) for the City of Bayswater, with the aim to help the workplace to facilitate understanding, strengthen relationships and trust with Aboriginal and Torres Strait Islander People; promote meaningful engagement, increase equality and develop sustainable employment and business opportunities.
Elected membership:	Members Four Elected Members (one representative per ward) * <i>*minimum three required under legislation</i>
External membership:	Member Up to five community members who satisfy one or more of the following criteria: <ul style="list-style-type: none"> • Identify as a person of Aboriginal and Torres Strait Islander descent • Is a Whadjuk Noongar Elder • Is an Aboriginal and Torres Strait Islander business partner representative • Is an Aboriginal and Torres Strait Islander representative living in the City of Bayswater community.
Role of Representatives:	The roles and responsibilities of the City of Bayswater representatives on this Committee are: <ul style="list-style-type: none"> • Member in own right; and • Spokesperson for City of Bayswater.
Non-Voting Members:	<ul style="list-style-type: none"> • Director Community and Development; • Manager Community Development; and • Community Development Officer – Reconciliation
Delegated Authority:	The Reconciliation Advisory Committee has delegated authority, as approved by Council, to make decisions relating to the implementation of the actions contained within the City's RAP documentation and as included in the approved City annual budget.
Meetings:	Committee meetings are to be in accordance with the <i>City of Bayswater Standing Orders Local Law 2021</i> .
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 and Development or nominated officer

Terms of Reference COVID-19 Advisory Committee	
Meeting occurrence:	As required
Day of Meeting:	As required
Time of Meeting:	As required
Location of Meeting:	City of Bayswater, Civic Centre, 61 Broun Avenue Morley WA 6062
Liaison Officer:	Chief Executive Officer
Purpose of Committee	To consider urgent measures that require Council direction in relation to the COVID-19 Coronavirus pandemic.
Role of Representatives	<p>The roles and responsibilities of the City of Bayswater representatives on this Committee are:</p> <ul style="list-style-type: none"> • Member in own right; and • Spokesperson for City of Bayswater.
Voting Members:	<ul style="list-style-type: none"> • Cr Filomena Piffaretti, Mayor; • Cr Catherine Ehrhardt, Deputy Mayor; • Cr Dan Bull • Cr Sally Palmer; • Cr Steven Ostaszewskyj; and • Chief Executive Officer <p>The appointment of all Councillors who are not Member of this Committee as Deputy Members to the Committee. If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <p>(i) Councillor of the same Ward as the Member of the Committee; and</p> <p>(ii) Length of service.</p>
Non-Voting Members:	<ul style="list-style-type: none"> • Director Community and Development • Director Major Projects and Commercial Activities • Director Works and Infrastructure • Director Corporate and Strategy
Terms of Membership:	The term of the Committee is from the date the Committee was established until COVID-19 Coronavirus is not a direct threat to the City of Bayswater community.
Delegated Authority:	In accordance with section 5.23(1)(b) of the <i>Local Government Act 1995</i> the COVID-19 Advisory Committee has delegated authority, as approved by Council, to make decisions regarding urgent measures that would usually require Council direction in relation to the COVID-19 Coronavirus pandemic.
Sitting Fees:	Nil (included as part of the annual Sitting Fees paid to Councillors).

10.2.2 2022 Schedule of Committee Meetings Open to the Public

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	Nil
Refer:	Item 10.2.7: OCM 8.12.2020

SUMMARY

Local governments are required to include the dates, times and place of their Council meetings, as well as the details of their committee meetings that are open to the public, on their websites for the forthcoming calendar year. The proposed Council meeting schedule for 2022 is the subject of a separate report, this report deals only with the committee meeting schedule for 2022. Officers have prepared meeting dates for the remaining minor committees (those without delegated authority) for Council to note.

The Council meeting schedule for 2022 is the separate of a separate report.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

- 1. Adopts the 2022 Schedule for Committee Meetings Open to the Public, as contained in this report.**
- 2. Notes that the 2022 Schedule for Committee Meetings Open to the Public will be placed on the City's website in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.**
- 3. Notes the 2022 Minor Committee Meeting Schedule, which combines meetings open to the public and closed to the public, as contained in this report.**

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.*

Against: *Nil.*

BACKGROUND

In accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*, the City is required to publish meeting dates on the City's website for Ordinary Council Meetings and Committee meetings that are open to the public.

A Committee meeting must be open to the public if Council has provided a delegation to the committee. A committee that does not have delegated authority can also be open to the public at Council's discretion. The City currently has two committees that are open to the public, due to having delegated authority. They are the COVID-19 Advisory Committee and Reconciliation Advisory Committee.

The Audit and Risk Management Committee meetings are open to the public as a result of a Council decision. At the 28 January 2020 Ordinary Council Meeting, Council resolved the following (in part):

“That Council resolves to make the Audit and Risk Management Committee open to the public, subject to section 5.23(2)(a) – (h) of the Local Government Act 1995.”

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

Schedule – Meetings open to Public

The table below schedules dates for each of the committee meetings that are open to the public.

Date	Time	Committee
Tuesday 29 March 2022	5:00pm-6:00pm	Audit and Risk Management Committee
Tuesday 28 June 2022	5:00pm-6:00pm	Audit and Risk Management Committee
Tuesday 27 September 2022	5:00pm-6:00pm	Audit and Risk Management Committee
Tuesday 6 December 2022	5:00pm-6:00pm	Audit and Risk Management Committee
Reconciliation Advisory Committee	The dates of this committee will be finalised once the expression of interest process for community members has been completed.	
COVID-19 Committee	It is not currently anticipated that a further meeting of the COVID-19 Committee will need to be scheduled. If a future meeting is scheduled, this will be advertised on the City's website.	
Place of Committee Meetings	All committee meetings will be held at the following place unless specified otherwise: City of Bayswater Civic Centre 61 Broun Avenue Morley WA	

Reconciliation Advisory Committee meetings

Meetings for the Reconciliation Advisory Committee during 2021 were typically held quarterly on a Wednesday. The adopted terms of reference for this Committee states that the meeting is to occur as required.

The meeting cycle for 2022 is yet to be determined, as officers will be undertaking an Expression of Interest process for the Committee community members. Dates will be presented to Council for consideration in the New Year.

COVID-19 Advisory Committee

When the COVID-19 Committee was first formed in 2020, meetings were held regularly as required. As the pandemic gradually stabilised in Western Australia, the Committee did not hold any meetings in 2021. Accordingly, it is proposed that no COVID-19 Committee Meeting be scheduled for 2022 at this point in time. A meeting may be called at any time that the situation changes.

Audit and Risk Management Committee

The Audit and Risk Management Committee meets quarterly, generally at the end of each quarter so as to receive reports on the previous quarter. This report recommends that the Committee remains scheduled quarterly on the Tuesday of the Ordinary Council Meeting.

Advertising Requirements

Advertising of the above committee meeting dates on the City's website does not prevent Council or the committee from making a decision to change the date, time or place. If it is determined in the future that a change is required, this information needs to be advertised on the City's website.

Schedule – Meetings not open to Public

As part of the meeting schedule build process, City Officers have also considered meeting dates for the remaining minor committees, being those without delegated authority. The schedule is below for Council to note:

Date	Time	Committee
Tuesday, 18 January 2022	5:00pm-6:00pm	Chief Executive Officer Review Committee
Tuesday, 1 February 2022	4:00pm-5:00pm 5:00pm-6:00pm	Aged Care Governance Committee and Aged Care Asset Divestment Committee
Tuesday, 15 February 2022	5:00pm-6:00pm	Planning and Heritage Policy Review and Development Committee
Tuesday, 22 February 2022	5:00pm-6:00pm	Policy Review and Development Committee
Tuesday, 19 April 2022	5:00pm-6:00pm	Chief Executive Officer Review Committee
Tuesday, 26 April 2022	4:00pm-5:00pm 5:00pm-6:00pm	Aged Care Governance Committee and Aged Care Asset Divestment Committee
Tuesday, 17 May 2022	5:00pm-6:00pm	Planning and Heritage Policy Review and Development Committee
Tuesday, 24 May 2022	5:00pm-6:00pm	Policy Review and Development Committee
Tuesday, 19 July 2022	5:00pm-6:00pm	Chief Executive Officer Review Committee
Tuesday, 26 July 2022	4:00pm-5:00pm 5:00pm-6:00pm	Aged Care Governance Committee and Aged Care Asset Divestment Committee
Tuesday, 16 August 2022	5:00pm-6:00pm	Planning and Heritage Policy Review and Development Committee
Tuesday, 23 August 2022	5:00pm-6:00pm	Policy Review and Development Committee
Tuesday, 18 October 2022	5:00pm-6:00pm	Chief Executive Officer Review Committee
Tuesday, 25 October 2022	4:00pm-5:00pm 5:00pm-6:00pm	Aged Care Governance Committee and Aged Care Asset Divestment Committee
Tuesday, 15 November 2022	5:00pm-6:00pm	Planning and Heritage Policy Review and Development Committee
Tuesday, 22 November 2022	5:00pm-6:00pm	Policy Review and Development Committee
Skate and Bike Development Advisory Committee	The dates of this committee will be finalised once the expression of interest process has been completed.	

LEGISLATIVE COMPLIANCE

Local Government (Administration) Regulations 1996 (Regulation 12).

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: <ol style="list-style-type: none"> Adopts the 2022 Schedule for Committee Meetings Open to the Public, as contained in this report. Notes that the 2022 Schedule for Committee Meetings Open to the Public will be placed on the City's website in accordance with Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i>. Notes the 2022 Minor Committee Meeting Schedule, which combines meetings open to the public and closed to the public, as contained in this report. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Approving the 2022 Schedule for Committee Meetings Open to the Public presents a low risk to the City as it will enable the City to meet legislative requirements by advertising the dates on the City's website prior to 31 December 2021. Approving the dates now does not prevent Council from changing a date in the future by advertising the new date on the City's website.	

Option 2	That Council: 1. Adopts the 2022 Schedule for Committee Meetings Open to the Public, as contained in this report and as further amended by Council. 2. Notes that the 2022 Schedule for Committee Meetings Open to the Public (amended) will be placed on the City’s website in accordance with Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i> . 3. Notes the 2022 Minor Committee Meeting Schedule, which combines meetings open to the public and closed to the public, as contained in this report and as further amended by Council.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependent on the modifications determined by Council.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	This option meets the legislative requirements to set details for relevant committee meetings and advertise them on the City’s website. Risks to service delivery and other factors are dependent on the modifications determined by Council.	

Option 3	That Council:		
	1. Does not adopt the 2022 Schedule for Committee Meetings Open to the Public, as contained in this report.		
	2. Notes that meeting details for each committee open to the public for 2022 will be determined by the Committee Presiding Member.		
	3. Notes that the 2022 Schedule for Committee Meetings Open to the Public (once determined) will be placed on the City’s website in accordance with Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i> .		
	4. Notes that meeting details for each committee not open to the public for 2022 will be determined by the Committee Presiding Member.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Low	
Reputation	Low	Low	
Governance	Low	Low	
Community and Stakeholder	Moderate	Low	
Financial Management	Low	Low	
Environmental Responsibility	Low	Low	
Service Delivery	Low	Low	
Organisational Health and Safety	Low	Low	
Conclusion	Dates for committee meetings are not required to be set by a motion of Council. Should Council prefer, the Chief Executive Officer can liaise with the presiding member for each committee to determine meeting dates for 2022.		

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance.
 Goal L4: Communicate in a clear and transparent way.
 Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The 2022 Schedule for Committee Meetings Open to the Public has been developed based on the schedule for 2021 meetings, with consideration given to the school holiday period. As part that process, officers have also prepared dates for the remaining Committee meetings that are not open to the public.

10.2.3 Approval for Borrowings

Responsible Branch:	{department}
Responsible Directorate:	{directorate}
Authority/Discretion:	Legislative
Voting Requirement:	<i>ABSOLUTE MAJORITY REQUIRED</i>
Attachments:	1. CONFIDENTIAL REDACTED - Borrowings Business Case [10.2.3.1 - 10 pages]
Refer:	Item 8.1 SCM 30.06.21 Item 12.2.8 OCM 25.02.14 Morley Sport and Recreation Centre: Item 10.3.2 OCM 29.06.21 Item 10.3.4 OCM 23.02.21 Item 10.3.4 OCM 24.11.20 Bayswater Waves Refurbishment: Item 10.4.6 OCM 29.06.21 Item 10.4.4: OCM 25.05.21 Item 10.4.4: OCM 27.01.21 Item 10.4.6: OCM 25.02.20 Item 11.2.5: OCM 17.11.15 Maylands Waterland Item 10.3.7 25.05.21 Item 10.4.1 23.2.21 Item 10.3.2 10.03.20 Item 10.3.4 27.10.20

At 8:31pm, Mr Gwyn Hitchin, Coordinator Tree Services, withdrew from the meeting and returned at 8:34pm.

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

- (e) *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*

SUMMARY

To provide Council with the detail of borrowings required for the refurbishment of Bayswater Waves and Morley Sport and Recreation Centre and the redevelopment of Maylands Waterland as outlined and approved in the City's 2021/22 Budget.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council authorises the Chief Executive Officer to secure borrowings as detailed in the approved 2021/22 Budget for:

- 1. Bayswater Waves Refurbishment Stage 1 and minor renewal works: \$1,696,802,**
- 2. Morley Sport and Recreation Centre Refurbishment Stage 1 and 2: \$775,000,**
- 3. Maylands Waterland Redevelopment Stage 1: \$1,500,000.**

Cr Michelle Sutherland Moved, Cr Sally Palmer Seconded

CARRIED: 9/1

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.*

Against: *Cr Catherine Ehrhardt, Deputy Mayor.*

BACKGROUND

In 2014 the Western Australian Treasury Corporation (WATC) implemented a Local Government Master Lending Agreement (LGMLA). The agreement was developed to incorporate the Commonwealth Government's Personal Property Security Act 2009 (PPSA) and to improve the efficiency of the lending processes to local government. At the time, the Master Lending Agreement was reviewed by the State Solicitors Office and the then Department for Local Government and Communities.

This City signed a Master Lending Agreement with WATC in February 2014.

At the Special Council Meeting on 30 June 2021, Council resolved to approve:

"...in accordance with section 6.20 of the Local Government Act 1995, a loan facility of \$3,971,802, noting that any recommendation to borrow will be brought back to Council with a supporting business case which will include evaluations of all alternative options available to fund the project(s) in question."

The projects subject to borrowing are:

- Bayswater Waves Refurbishment Stage 1 and minor renewal works
- Morley Sport and Recreation Centre Refurbishment Stage 1 and 2
- Maylands Waterland Redevelopment Stage 1

The above three projects have been the subject of numerous reports to Council.

EXTERNAL CONSULTATION

No consultation has occurred with the public, however the approved but is available on the City's website.

Councillor workshops were held to discuss matters relating to the 2021/22 budget development. At the workshop held on 15 June 2021, borrowing for the 3 projects were discussed. In addition, Councillors were provided with a detailed business case outlining the background to the projects and the funding options.

At the time the 2021/22 budget was developed, WATC provided interest rates. These rates were used to prepare the business case and interest expense budgets so that budgeted expenditure could be incorporated into the 2021/22 Budget.

OFFICER'S COMMENTS

The three projects subject to this report contribute to the City's strategic direction by renewing the City's aging infrastructure and also contributing towards maximising the City's recreation facilities for the community.

As outlined in the business case (**Attachment 1**), alternative options have been considered and since the budget adoption, no new additional sources of revenue for the projects have been identified. Hence borrowing funds for the projects is the only viable funding source.

The construction contracts for the three projects were awarded in November 2020 (Morley Sport and Recreation Centre), May 2021 (Maylands Waterland) and July 2021 (Bayswater Waves). At the time of writing this report, the City had sufficient funds to cash manage the creditor invoices. However, as the City's capital works budget continues to ramp up, cash managing the creditor payment could become more difficult without the borrowings. If Council chooses not to proceed with the borrowings in accordance with the budget, a significant funding gap would be created and other projects would need to be deferred.

It is recommended the approval is sought for the borrowings to enable the City to draw the funds when required.

LEGISLATIVE COMPLIANCE

The *Local Government Act 1995* sections 6.20 provides the ability for local government to borrow and section 6.21 outlines the restriction on borrowings.

The City's Loan Borrowing Policy outlines the principles to be followed when considering borrowing. These include:

- *"New borrowing for capital works purposes should only occur when Council deems the annual debt service expense to be affordable in the context of the annual budget process and Council's long-term financial capacity."*
- *Borrowings will only be considered:*
 - *to fund new or major upgrades to City assets or strategic land acquisitions; and*
 - *if the debt is self-supporting including interest and principal, or the City has the capacity to repay the interest on the debt and accumulate cash reserves that will ensure full principal repayment upon loan maturity.*
- *Council to maintain a debt service cover ratio in alignment with the benchmark of the Department of Local Government, Sport and Cultural Industries.*
- *New borrowings will only be considered where a comprehensive business case has been approved by Council."*

The borrowings were considered in the development of the 2021/22 budget and the funding sources were considered prior to Council approving the projects. The fourth item above is the subject of this report.

The Strategic Budget Policy outlines 7 principles which should be considered when developing the budget. Principle 6 is *"the uses of debt, internal borrowing and private financing are to be considered where appropriate"*. Part 8 (a) of the policy notes borrowing is considered a *"valid funding source for project which contribute or achieve strategic goals identified"* in the City's strategic documents.

These strategic goals and success measures include:

- Strategic Community Plan Strategy S4 – Create safe and inviting places for people to come together, Maximise the use of existing facilities and provide multi-age and multicultural recreational opportunities for our diverse population.
- Strategic Community Plan success measure - The number of visits to City-run recreation centres and libraries

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council authorises the Chief Executive Officer to secure borrowings as detailed in the approved 2021/22 Budget for: <ol style="list-style-type: none"> Bayswater Waves Refurbishment Stage 1 and minor renewal works: \$1,696,802, Morley Sport and Recreation Centre Refurbishment Stage 1 and 2: \$775,000, Maylands Waterland Redevelopment Stage 1: \$1,500,000. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Approving the establishment of the borrowing facilities is in line with the City's 2021/22 Annual Budget as presented to the Special Council Meeting on 30 June 2021.	

Option 2	That Council removes projects totalling \$3,971,802 from the capital works budget as part of the mid-year budget review.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Risk assessment dependent of the project selected to be cut.	
Reputation	Low		
Governance	Low		
Community and Stakeholder	Moderate		
Financial Management	Low		
Environmental Responsibility	Low		
Service Delivery	Low		
Organisational Health and Safety	Low		
Conclusion	Not approving the borrowing facilities, would result in existing projects being cut from the 2021/22 Budget. Depending on the projects selected, it could impact the City's service delivery, reputation and the community by not delivering project approved in the 2021/22 Budget.		

FINANCIAL IMPLICATIONS

As outlined in **Attachment 1**, borrowings would result in interest expense variable dependant on when the funds are drawn and the interest rate at the time. The 2021/22 budget includes \$82,923 to fund the expected cost.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended the establishment of the borrowing facilities be approved. As a result, funds can be drawn when required. The established of the facility is in line with the 2021/22 Annual Budget approved by Council at the Special Council Meeting on 30 June 2021.

10.3 Works And Infrastructure Directorate Reports**10.3.1 Traffic Speed Environment in Bath Road, Morley**

Responsible Branch:	{department}
Responsible Directorate:	{directorate}
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Traffic Speed Environment Locations - Bath Road, Morley [10.3.1.1 - 3 pages]
Refer:	Item 10.2.5: OCM 27.04.2021

SUMMARY

To provide Council with an update on having the posted speed limit along Bath Road between Morley Drive and Walter Road West, Morley reduced from 60 km/h to 50 km/h, and measures for possible traffic calming.

OFFICER'S RECOMMENDATION

That Council:

1. Acknowledges the traffic data presented in this report, indicating there is not an excessive speed issue on Bath Road.
2. Defers the consideration of traffic calming measures for the full length of Bath Road until the following occurs:
 - (a) The upgrade to the intersection of Bath Road and Morley Drive is completed and a further assessment is undertaken to determine the effects of the changes.
 - (b) The Public Transport Authority has completed its assessment of bus routes and can advise on the future role of Bath Road in the public transport network.
3. Authorises the Chief Executive Officer to prepare designs in consultation with affected property owners and residents for the installation of speed cushions towards the Walter Road end of Bath Road, and the installation is allocated from account no 80291 'City-Wide Traffic Implementation'.

COUNCIL RESOLUTION**OFFICER'S RECOMMENDATION**

That Council:

1. **Acknowledges the traffic data presented in this report, indicating there is not an excessive speed issue on Bath Road.**
2. **Defers the consideration of traffic calming measures for the full length of Bath Road until the following occurs:**
 - a) **The upgrade to the intersection of Bath Road and Morley Drive is completed and a further assessment is undertaken to determine the effects of the changes.**
 - b) **The Public Transport Authority has completed its assessment of bus routes and can advise on the future role of Bath Road in the public transport network.**
3. **Acknowledges Main Roads WA for supporting the request to reduce the speed limit to 50km/hr and requests the Chief Executive Officer to arrange the permanent installation of "Remember 50km/hr in Built Up Areas" advisory signs at both ends of Bath Road.**

Cr Sally Palmer Moved, Cr Steven Ostaszewskyj Seconded**CARRIED UNANIMOUSLY: 10/0**

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

REASON FOR CHANGE

Council amended the officer's recommendation to acknowledge Main Roads support of a proposal to reduce the speed on Bath Road to 50km/hr and requested the Chief Executive Officer to install signage to remind drivers of the reduced speed on each end of Bath Road.

BACKGROUND

At its Ordinary Meeting on 27 April 2021, Council resolved the following:+

"That Council:

- 1. Requests the Chief Executive Officer to undertake a traffic count for Bath Road, between Walter Road and Morley Drive, and prepare a report based on findings;*
- 2. Using the outcomes of the traffic count, request the Chief Executive Officer to write to Main Roads and request an appropriate reduction to the speed limit.*
- 3. Request the Chief Executive Officer to arrange for the design of traffic calming measures and undertake consultation with Bath Road residents, and those adjacent to Bath Road, on proposed options; and*
- 4. Provide a report to Council on preferred option and financial implications for consideration by November 2021."*

EXTERNAL CONSULTATION

Consultation with the public has not been yet undertaken.

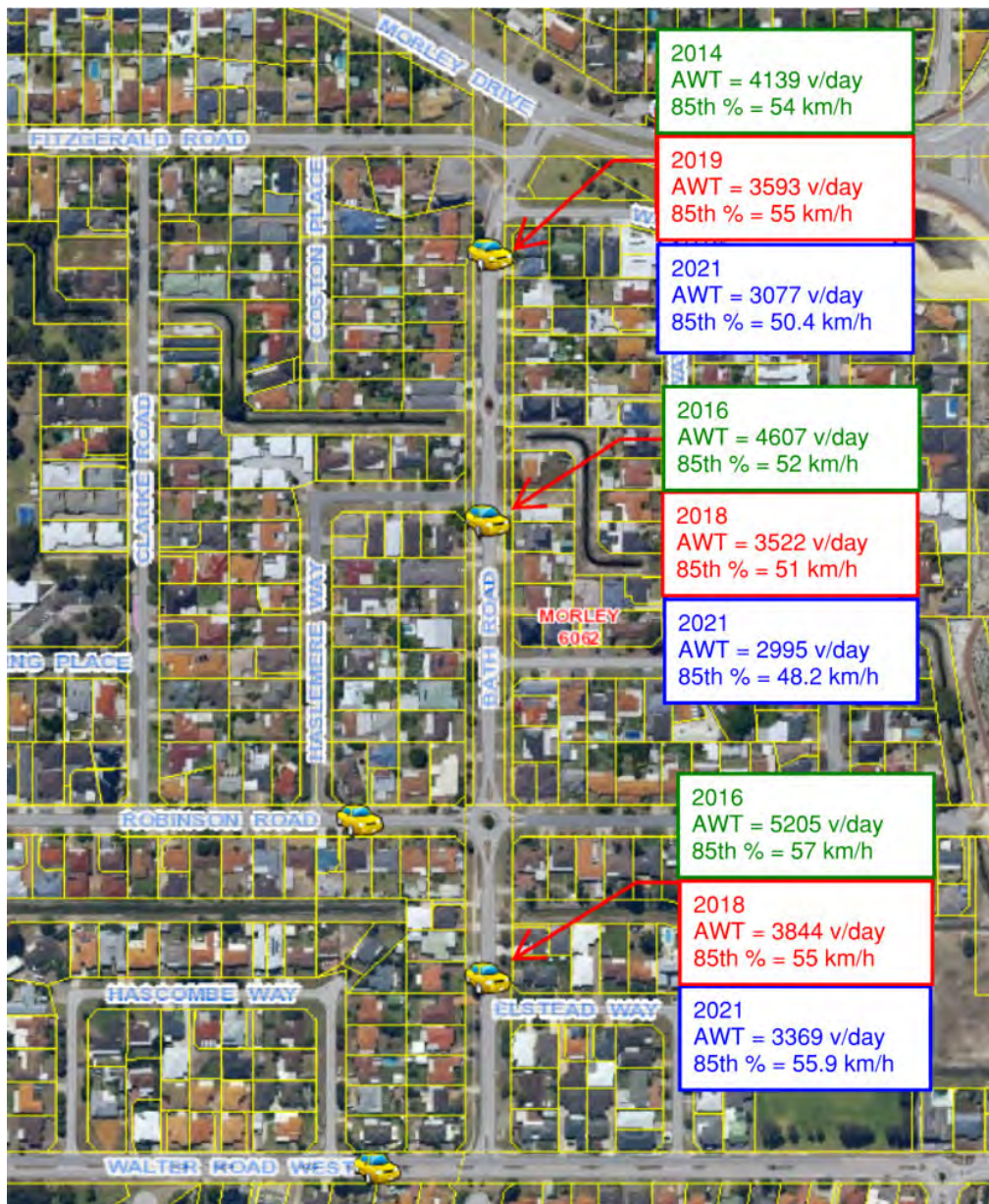
OFFICER'S COMMENTS

Bath Road between Morley Drive and Walter Road West is classified as a District Distributor B under the Main Roads WA road hierarchy classification, and the current regulatory speed limit (posted speed limit) is 60km/h. Its primary function under this road classification is to provide a high level of connectivity to primary distributor and other district distributor roads.

The City undertook traffic speed and volume measurements along Bath Road in May 2021. Three locations were selected to obtain a fair understanding of the speed and volumes at each end of Bath Road and midblock. The traffic data will enable the City to understand some of the residents' concerns raised at the AGM of Electors held on 24 March 2021. It also provided a traffic data sample for Main Roads to have the posted speed reviewed in accordance with Main Roads' general practice. The speeds were measured in terms of the 85th percentile speed, which is generally utilised by Main Roads as part of any assessment in allocating appropriate posted speed limits.

It is accepted practice for road design practitioners to use the 85th percentile speed when analysing and designing road treatments. The 85th percentile speed is the speed at which 85% of the traffic travels at or below. This statistical measure is considered as being representative of the majority of traffic.

In summary, the collected traffic data is shown below, showing the May 2021 data as well as previous historical data for each of the three positions on Bath Road:



The current posted speed limit along this section of Bath Road is 60km/h. Under a District Distributor B-road hierarchy classification, Bath Road can accommodate a traffic volume of up to 8,000 vehicles per day. The diagram above indicates the measured traffic volumes and speeds are within the acceptable range for its road hierarchy classification, and also indicates there has been a general decrease in volume and speed over time. It is also noted that the latest 85th percentile speeds are within what is considered a reasonable range for a 50 km/h operating speed environment.

Given the favourable results, the City in October 2021 submitted a Speed Zone Change Application together with the traffic data results to Main Roads WA requesting their consideration for a reduction of the posted speed limit from 60km/h to 50km/h without the need to undertake any further traffic treatments.

Main Roads WA has advised receipt of this submission and the City is yet to receive a final response from Main Roads WA. Assessments of such applications generally takes three to six months to process.

In June 2021, the State Government advised the City that it will undertake improvements to the intersection of Bath Road and Morley Drive as part of a commitment made by the State Government during the 2021 State Election. Main Roads has therefore advised they will develop a five percent design and cost estimate for a dual lane roundabout at the intersection (which is under the care and control of Main Roads), with a view that Main Roads will fund and construct the roundabout in consultation with the City.

It is likely that a roundabout at the intersection may attract more vehicles to utilise Bath Road to gain access to the Tonkin Highway/Morley Drive interchange. This is based on the fact that a roundabout at the intersection will make the right turn out of Bath Road into Morley Drive easier than the current two-stage T-intersection. Complaints of queueing of right turners since the upgrading of the Tonkin Highway/Morley Drive interchange may have resulted in the right turners finding an alternative route via Crimea Street to gain access to Morley Drive via the signalised intersection. Also, the upgrading of the Collier Road/Tonkin Highway interchange may have attracted motorists directly to Tonkin Highway via Embleton Avenue.

The City believes the final design may have an impact on the traffic environment within Bath Road in terms of volumes and effectiveness of any treatments both current and future. It is also believed that the current upgrading of Tonkin Highway (The GAP Project) between Collier Road and Great Eastern Highway may also have an effect on driver behaviour in attracting motorists away from the general area and remaining on Tonkin Highway.

Bath Road is currently a PTA bus route, which is why the traffic treatments installed in 1998 are of a football-type shape, which are designed to accommodate buses. The City has also been advised that PTA is reviewing the entire bus route and bus stop locations within the City, in line with new Metronet Station locations. The final bus routes may also have an effect on the type of treatments that can be implemented along Bath Road.

Due to the uncertainties associated with the above, and the fact that the traffic data suggests that there are no urgent issues with traffic speed and safety, officers believe it to be prudent that development of further traffic treatments is delayed until:

- The implications of the changes to the Bath Road and Morley Drive intersection, once implemented, are given time to be analysed and understood for the immediate area, including the direct impacts on Bath Road; and
- The PTA has completed their assessment of the bus routes and can advise on the future role of Bath Road in the public transport network.

Based on the above recommendations, officers are of the opinion that there are a number of alternatives the City can progress in regards to Bath Road as interim measures. These include:

Reduce the posted speed limit – Main Roads have already been requested to consider a posted speed reduction from the current 60km/h to 50km/h. Only Main Roads has the authority to amend speed zones. City officers believe the traffic data provides a strong case to support the reduction.

Temporary Speed Cushions - The City could, as a short-term measure, address the section of Bath Road near Walter Road that has a current speed reading of 55.98 km/h with temporary speed cushions. This is a very low-cost option (\$5,000) and is an acceptable treatment for bus routes. This type of treatment can be easily removed in the future if a more substantial or alternative treatment is determined following the intersection design, completion of all the Metronet projects and the GAP project, and the PTA has completed its review. This temporary option would still

require consultation with the immediately affected residents. The City currently has an unallocated amount of \$76,048 in Account no 80291- 'City Wide Traffic Implementation' account which can be utilised to fund the provision of the speed cushions.

It should be noted that the City could undertake recommendations 3 and 4 of Council's resolution from the Ordinary Council Meeting on 27 April 2021, with detailed options to canvass the residents in the area; however, given Bath Road is currently a bus route and with all the future Metronet and Main Roads works changes, this may result in expenses that may not effectively address future changes to the behaviour of motorists.

LEGISLATIVE COMPLIANCE

Main Roads WA has the care, control and management of regulatory signs and line-marking on all roads in the State, along with the designation of posted speed limits.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: <ol style="list-style-type: none"> Acknowledges the traffic data presented in this report, indicating there is not an excessive speed issue on Bath Road. Defers the consideration of traffic calming measures for the full length of Bath Road until the following occurs: <ol style="list-style-type: none"> The upgrade to the intersection of Bath Rd and Morley Dr is completed and a further assessment is undertaken to determine the effects of the changes. The Public Transport Authority has completed their assessment of bus routes and can advise on the future role of Bath Road in the public transport network. Authorises the Chief Executive Officer to prepare designs in consultation with affected property owners and residents for the installation of speed cushions towards the Walter Road end of Bath Road, and the installation is allocated from account no 80291 City-Wide Traffic Implementation. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The reduced posted speed limit may be enough to reinforce a low speed environment without the need to undertake traffic treatments that may need to be reassessed in the future once all Metronet works have been completed.	
Option 2	That Council authorises the Chief Executive Officer to prepare designs in consultation with affected property owners and residents for the installation of traffic calming measures along the full length of Bath Road, and the installation is allocated in the 2022/2023 Budget.	

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	The roundabout design may influence the anticipated attractiveness of Bath Road being utilised for the right turn movements from Bath Road to Morley Drive. Any additional treatments along Bath Road could be formulated as part of the process and consultation and the reinforcing of the requirement for a 50km/h posted speed limit. However, there is risk that any treatments adopted in the near future may be superseded or unsuitable for the future traffic patterns following the modifications undertaken by the State.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1:

Asset Category: New

Source of Funds: Municipal

LTFP Impacts: None

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$5,000	Nil	Nil	N/A	10	\$500	\$76,048
2	Dependent on design options	N/A	Unknown	Unknown	Unknown	Dependent on 2022/23 budget considerations	

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability

Goal E3: Improve the City's walking and cycling network and create safer streets.

CONCLUSION

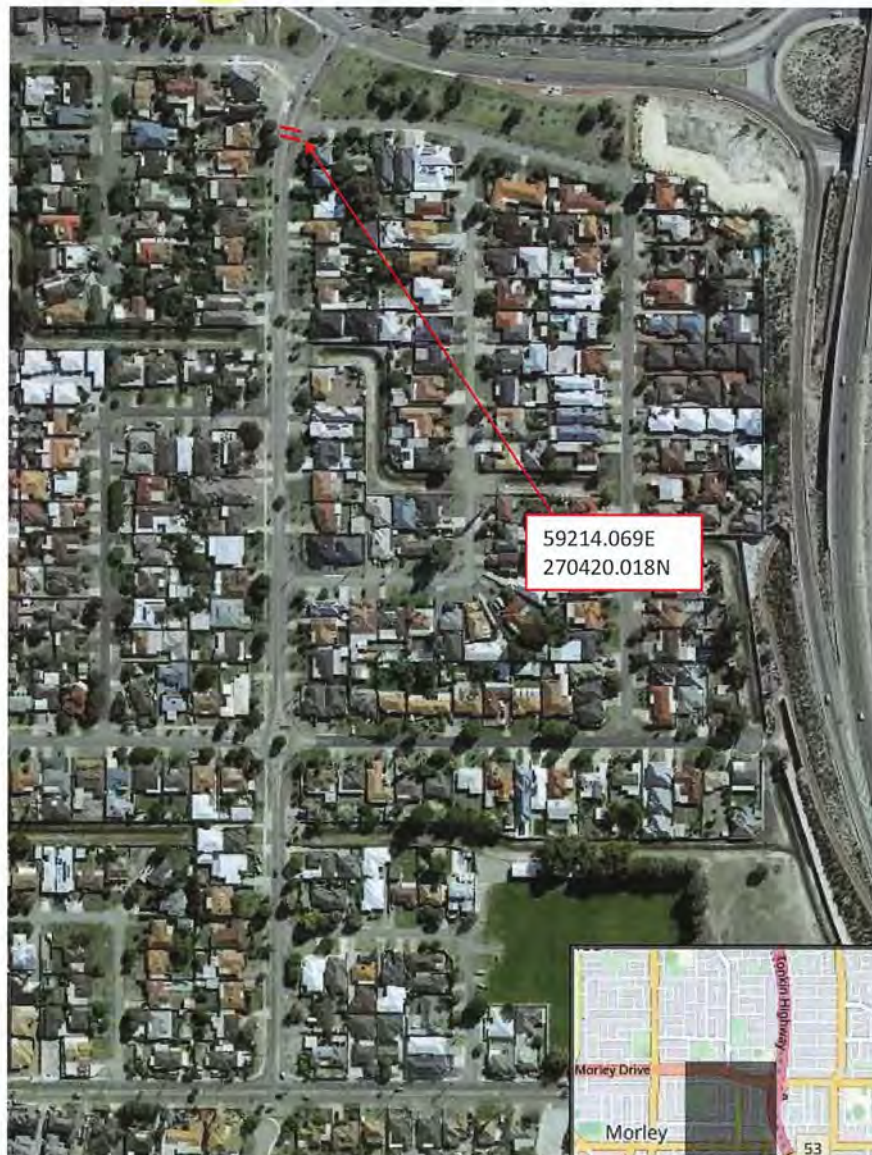
Recorded traffic volumes and speeds along Bath Road indicate a reduction along all sections. Consideration by Main Roads WA to reduce the speed limit from 60 km/h to 50 km/h may alone be sufficient to reinforce low speeds and allow the future upgrade to the intersection of Bath Road and Morley Drive and assessments to bus routes along with the upgrade to Tonkin Highway to assess traffic behaviour along Bath Road once the works are complete and traffic has established a long-term pattern. However, there is the opportunity to address as a short-term low-cost measure the installation of speed cushions at the Walter Road end of Bath Road. The installation of speed cushions will require consultation with residents.

63A (closer to 61) Bath Road, Morley

Site: [Bath Rd] 63A Bath RD Morley
Attribute: 63A Morley
Direction: 5 - South bound A>B, North bound B>A. Lane: 0
Survey Duration: 8:29 Tuesday, 27 April 2021 => 10:11 Monday, 17 May 2021,
File: Bath Rd 0 2021-05-17 1011.EC0 (Plus)

Profile:
Filter time: 8:30 Tuesday, 27 April 2021 => 10:11 Monday, 17 May 2021 (20.0702)
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound), P = North, Lane = 0-16
In profile: Vehicles = 54713 / 54743 (99.95%)

AWT/VD: 3077
85th %: 50.40km/h

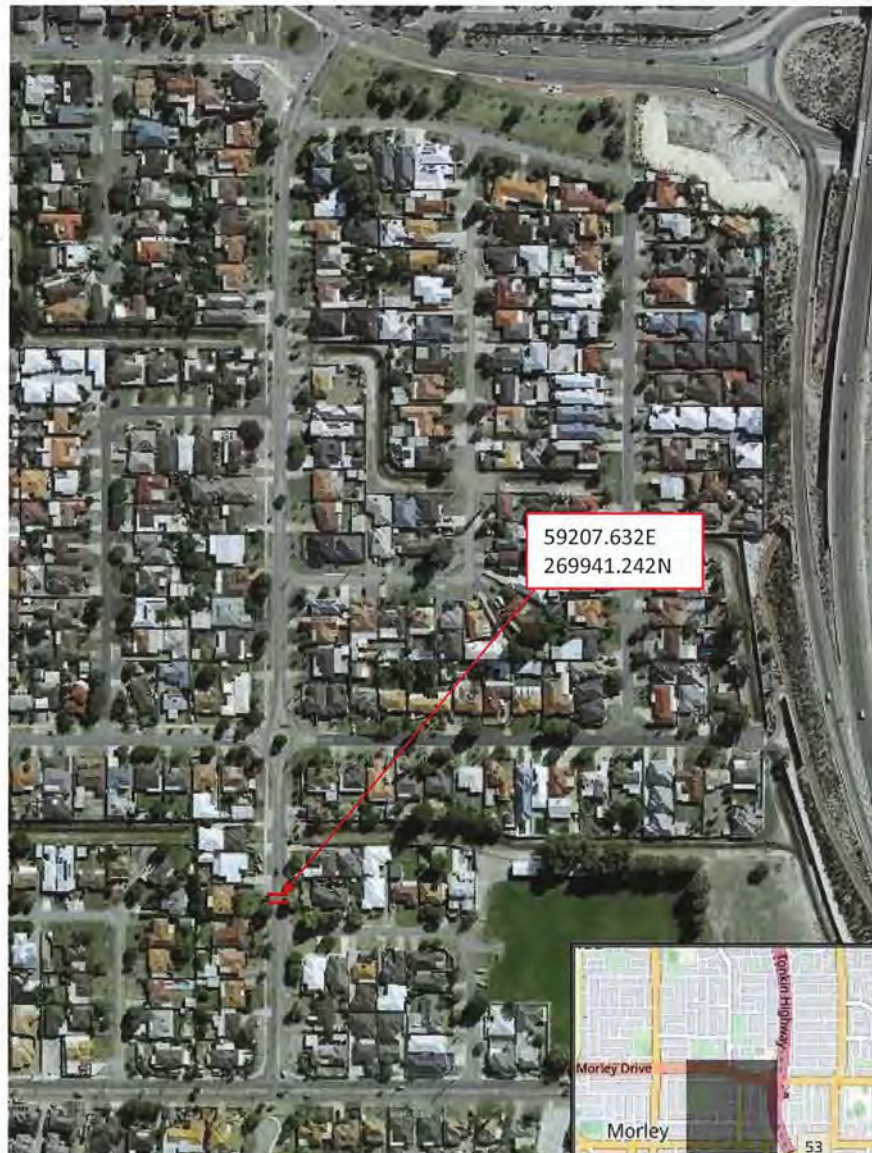


25 Bath Road, Morley

Site: [Morley] 25 Bath Road, Morley
Attribute: 25 Bath Road
Direction: 5 - South bound A>B, North bound B>A. Lane: 0
Survey Duration: 7:26 Tuesday, 27 April 2021 => 9:56 Monday, 17 May 2021,
File: Morley 0 2021-05-17 0956.EC0 (Plus)

Profile:
Filter time: 7:27 Tuesday, 27 April 2021 => 9:56 Monday, 17 May 2021 (20.1035)
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound), P = North, Lane = 0-16
In profile: Vehicles = 59281 / 59298 (99.97%)

AWT/VD: 3369
85th %: 55.98km/h



42 Bath Road, Morley

Site: [Morley] 42 Bath Rd Morley
Attribute: 42 Bath RD
Direction: 5 - South bound A>B, North bound B>A. Lane: 0
Survey Duration: 7:52 Tuesday, 27 April 2021 => 10:20 Monday, 17 May 2021,
File: Morley 0 2021-05-17 1020.EC0 (Plus)

Profile:
Filter time: 7:53 Tuesday, 27 April 2021 => 10:20 Monday, 17 May 2021 (20.1025)
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound), P = North, Lane = 0-16
In profile: Vehicles = 53386 / 53409 (99.96%)

AWT/VD: 2995
85th %: 48.24km/h



10.3.2 Inclusion and Accessibility at Bardon Park

Owner:	City of Bayswater
Responsible Branch:	Engineering and Spatial Services
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Possible boardwalk alignments [10.3.2.1 - 3 pages]
Refer:	Item 14.1: OCM 18.06.2018

SUMMARY

This report is provided for Council to consider the inclusion of an allocation in the 2022-23 budget for the design and approvals required for a design concept that will include an assessment of improvements to the whole of Bardon Park that would also look at improving accessibility from the upper to the lower level of Bardon Park.

OFFICER'S RECOMMENDATION

That Council considers an allocation of \$200,000 in the 2022/23 budget for the development of concept designs, consultation, necessary approvals and an estimate of probable costs for the development of the whole of Bardon Park, including the provision of universal access from the upper level to the lower level of Bardon Park.

COUNCIL RESOLUTION

That Council in regards to development of concept designs, consultation with the Friends of Bardon Park and other key stakeholder groups, necessary approvals and an estimate of probable costs for the development of the whole of Bardon Park, including the provision of universal access from the upper level to the lower level of Bardon Park, requests the Chief Executive Officer to:

1. Seek Expressions of Interest from the local universities for a possible partnership with the City on the project; and
2. Bring a report to Council by March 2022 with the outcome of the Expression of Interest process and cost implications for consideration for an allocation in the 2022/23 budget.

Cr Josh Eveson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 7/3

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor and Cr Dan Bull.

Against: Cr Sally Palmer, Cr Elli Petersen-Pik and Cr Giorgia Johnson.

REASON FOR CHANGE

Council amended the Officer's recommendation to consult with key stakeholders and explore partnerships with local Universities to develop Bardon Park. Council moved that a report on this will be submitted for the March Ordinary Council Meeting.

BACKGROUND

At the Ordinary Council Meeting held on 24 August 2021, Cr Catherine Ehrhardt raised the following motion:

“That Council requests the CEO investigate options to improve accessibility at Bardon Park (between upper and lower park) with these works to be funded from the Cash-In-Lieu for Public Open Space Trust Fund, and provides a report to the December Council Meeting on the outcome.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

The provision of a walkway that would comply with relevant access and inclusion standards from the upper playground level of Bardon Park to the lower playground level could be provided with either:

- a boardwalk type structure;
- limestone retaining walls and concrete path type design; or
- a combination of the above.

The walkway would be required to be approximately 140m to 160m long, 3.5m wide and of a maximum 1:20 grade, with level landings spaced every 15m and balustrade. There is a significant level difference between the two end points of the path and it is therefore necessary to develop the path over a substantial distance in order to achieve the required accessibility standards. It is expected that the boardwalk/path would need to zig-zag from the upper level down to the lower PSP level and further on to the lower playground.

Possible concepts are shown in **Attachment 1**.

The structure would be large in reference to the embankment and could possibly extend over the level pond area which is expected to be modified in future due to its out-dated form. It is possible that several juvenile trees would also be affected and may need to be removed, however this would be dependent on the final design. Whichever type of structure is investigated, given the significance of the location, its prominence and the impact it could have on the park, it is suggested that the structure be architecturally designed. It is expected that the structure would dominate the outlook of the park and an architectural design could take advantage of the structure, not only for its practical purposes, but also for its possibility of further enhancing the appearance of the park.

Bardon Park is listed as a Sacred Site and is on the City's contaminated sites register. As such the City would require the necessary Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Planning, Lands and Heritage (DPLH) approvals, along with relevant geotechnical studies in order to determine any contamination, and design parameters for the respective structural design of the boardwalk columns or limestone walkway.

It is anticipated that the City would need to engage a consultant to undertake the necessary geotechnical assessments, concept designs, DBCA and DPLH approvals, public consultation, and detailed design by engaging the respective contractors.

Preliminary investigations suggest the cost for engaging a consultant to undertake preliminary designs and approvals along with project management and construction of the boardwalk or limestone walkway, would be in the order of \$1M. This indicative price is based on prices recently obtained by the City for the installation of a simple 800mm high boardwalk in Baigup of 60m in length, with supply and installation costs in the order of \$250,000. The unit price established from this recent project has been inflated further with a contingency factor to account for possible complications associated with the location, further landscaping requirements and escalating construction prices. Although concrete pathways are significantly cheaper than boardwalk structures, any savings are expected to be offset by retaining wall costs and require extensive

earthworks and ground excavation. Therefore, it is expected that there would be little difference between the two structure types.

The City's Cash-in-lieu of Public Open Space funding available for this area of Bardon Park is approximately \$650,000.

It is anticipated that Council would, as a preliminary, require a consultant to undertake the necessary investigations, designs, obtain the necessary statutory approvals, relevant public consultation and firm cost estimates in order to be in a position to allocate appropriate funding. The estimate to engage suitable consultants would be in the order of 15% of the overall project cost, in this case being \$150,000.

Cash in lieu funds cannot be utilised for the appointment of consultants and can only be utilised for actual works, which will still be subject to the approval of the Minister for Transport; Planning; Ports.

Given the prominence of the location, it may be beneficial that a whole of site concept plan be developed for Bardon Park, taking into consideration the artificial ponds, toilet block and general ambience and prominence of the location. The concept could include living streams, upgrade to facilities and review of the upper carpark dominance of the whole landscape. This approach will ensure that any structure is developed in context of the overall park, does not impact on the future uses and enhancement potential of the park, and has the potential to create an attractor on a regional level. This would require engaging consultants to undertake concept plans for the entire park with relevant consultation and preliminary approvals and estimate of probable costs. Previous discussions with relevant consultants have indicated the cost to be in the order of \$200,000.

Due to the complexities associated with the development of an appropriate concept design for the whole of park concept, the consultation required and the approvals processes required, it is expected that the probable costs will require a planned funding approach which could include possible grant funding along with cash in lieu and Council funding. The probable costs could be listed on the Long-Term Financial Plan for future consideration.

LEGISLATIVE COMPLIANCE

Bardon Park is on the City's Contaminated Sites register. It is also listed as a Sacred Site which would require the approvals of the DPLH, and the DBCA.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council considers an allocation of \$200,000 in the 2022/23 Budget for the development of concept designs, consultation, necessary approvals and an estimate of probable costs for the development of the whole of Bardon Park, including the provision of universal access from the upper level to the lower level of Bardon Park.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low

Organisational Health and Safety	Low	Low
Conclusion	The consideration of funding \$200,000 in the 2022/23 would allow the development of firm estimates and approved designs for substantial future funding that will require budgetary consideration.	

Option 2	<p>That Council:</p> <ol style="list-style-type: none"> 1. Considers an allocation of \$150,000 in the 2022/23 budget for the development of designs, consultation, necessary approvals and an opinion of probable costs for the provision of universal access from the upper level to the lower level of Bardon Park. 2. Considers a provision of \$850,000 in the Long-Term Financial Plan for the construction of universal access from the upper level to the lower level of Bardon Park in 2024/5.
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Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low

Conclusion	The consideration of funding \$150,000 in the 2022/23 would allow the development of firm estimates and approved designs for substantial future funding that will require budgetary consideration. An indicative provision of \$850,000 could be added to the LTFP for the project. This option only deals with the design and construction of the universal access and there is risk that its consideration in isolation could prejudice further future development of the whole park.
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Option 3	The Council utilises the available cash in lieu funds for the provision of other facilities in Bardon Park.
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Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low

Conclusion	The cash in lieu funds could be considered for a wide range of alternative facilities at the park. However, this approach may not develop the park holistically and is at risk of piecemeal improvements that may not necessarily achieve the best outcome for the park.
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FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1:

Asset Category: New

Source of Funds: Municipal

LTFP Impacts:

Notes:

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$150,000	N/A		N/A	N/A	N/A	Nil
2	\$1M	\$1000		\$650,000	35		Nil
3	\$650,000	\$1000		\$650,000	35		Nil

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community
 Goal C3: Maximise the use of the City's facilities and parks by all sections of the community.

Theme: Environment and Liveability
 Goal E3: Improve the City's walking and cycling network and create safer streets.

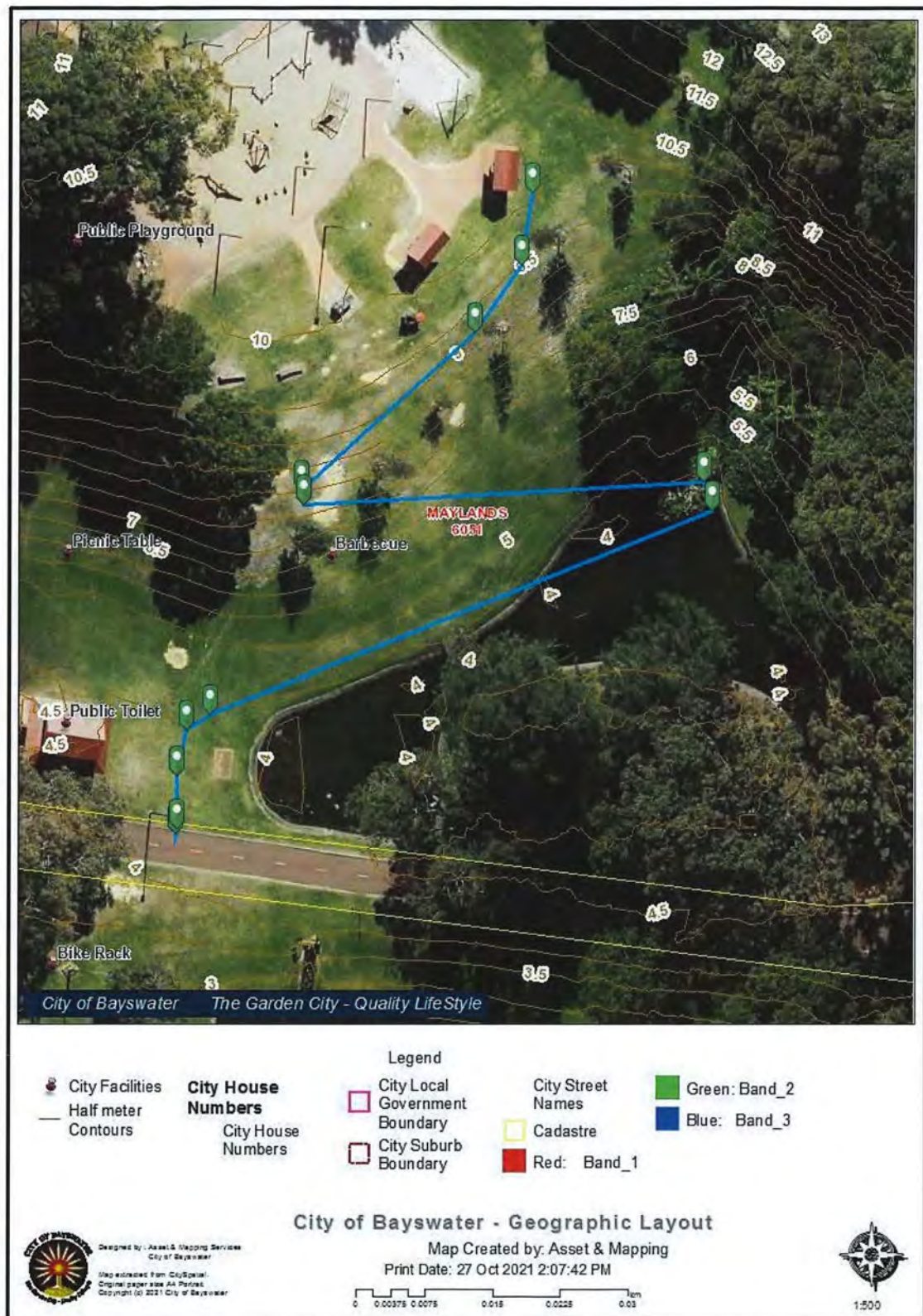
CONCLUSION

The provision of access facilities between the upper level of Bardon Park and the lower playground requires the engagement of a consultant to undertake designs; necessary approvals; and public consultation at a cost in the order of \$150,000. This will inform an estimate of probable costs and a plan of funding requirements for future consideration.

However, given the prominence of the park, it would be beneficial for a 'whole of site' concept plan to be developed that takes into consideration living streams, and the dominance of the upper level car park and embankments. It is suggested that a budget of \$200,000 be considered as part of the 2022/23 budget for the provision of concept designs, consultation and relevant approvals.







10.3.3 Black Spot Program

Responsible Branch:	Works & Infrastructure
Responsible Directorate:	Works & Infrastructure
Authority/Discretion:	Executive/Strategic
Voting Requirement:	<i>ABSOLUTE MAJORITY REQUIRED</i>

SUMMARY

An assessment of the Raymond Avenue / King Street Black Spot Project has identified that it is highly unlikely that the project will be completed in the current financial year. Officers are seeking Council approval to not proceed with the construction of the project and return funding to the Black Spot Program funding pool for redistribution to other projects. It is further recommended that the project design and preparations continue in order to have the project shovel-ready for possible funding and construction in future.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

1. Resolves to not proceed with the construction of the Raymond Avenue / King Street Black Spot Project in the 2021/2022 financial year.
2. Approves the amendment of the 2021/2022 Budget to reflect the following changes:

PROJECT	TYPE	DESCRIPTION	CURRENT BUDGET \$	AMENDED BUDGET \$
80751	Reduction Expenditure	King Street / Raymond Avenue	209,500	85,600
80751	Reduction Revenue	King Street / Raymond Avenue	209,500	0

3. Requests the Chief Executive Officer to write to the Metropolitan Regional Road Group advising Council's resolution, the reasons for the decision and that the grant funds received to date for the project will be returned to the Black Spot Program funding pool for redistribution to other projects.
4. Requests the Chief Executive Officer to continue with the design and development of the project with the intention of preparing a shovel-ready project for possible funding under a future round of the Black Spot Program.

Cr Michelle Sutherland Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

The Black Spot Program provides grant funding for eligible road safety improvements that can demonstrate a positive net financial benefit whilst saving lives and injury. Funding is made available via two separate programs with the same intention:

- Australian Government Black Spot Program (AGBS) – this program provides funding of up to 100% of the value of eligible projects.

- State Black Spot Program (SBS) – this program provides funding of up to two-thirds of the value of eligible projects.

The AGBS and SBS Programs are both administered by Main Roads WA through the various Regional Road Groups (RRGs) across Western Australia. The City of Bayswater is a member of the Metropolitan Regional Road Group (MRRG).

The City is delivering the following Black Spot Program funded road projects as part of its 2021/2022 Budget:

Project No.	Project	Program	Program Year	Grant Funding \$	City \$	Total Project \$
80883	Crimea St / Westlake Rd Splitter Isles and lighting	AGBS	21/22	55,000	0	55,000
80882	Walter Rd West / Coode St - Design – Forward Works	SBS	21/22	86,467	43,233	129,700
80881	Camboon Rd / Wolseley Rd - deflection and lighting	SBS	21/22	80,000	40,000	120,000
80748	Benara Rd / Camboon Rd - Predeflection Isles	SBS	Carry-forward from 20/21	21,000	10,500	31,500
80749	Coode St / Catherine St - Right Turn Pockets	SBS	Carry-forward from 20/21	14,667	7,333	22,000
80750	Coode St / Sixth Av - Splitter Isles, Signs & Humps	SBS	Carry-forward from 20/21	35,333	17,667	53,000
80751	Raymond Av / King St - Roundabout	AGBS	Carry-forward from 20/21	214,000	0	214,000
Totals				506,467	118,733	625,200

City officers monitor the progress of capital projects and it has become evident that Project No. 80751 Raymond Av / King St Roundabout (Project) will not be completed and acquitted by the end of the current financial year. This project is funded through the AGBS Program and has been carried forward once already from its original funding year of 2020/2021.

Under the guidelines of the Program, carried forward projects are generally afforded an additional six months as an extension of time to complete and acquit the project, in this case being the 31 December 2021. This requirement is often relaxed to the end of the financial year by the program administrators.

Although further extensions have been granted to other Black Spot Projects, any extensions, whether for one year or two years, will impact the Key Performance Indicators (KPIs) of each RRG. Failure to meet KPIs will ultimately lead to penalties being applied to offending Councils. In the MRRG, penalties include the reduction of grant funding to projects.

In an attempt to address the issue of carry forwards and the impact on KPIs, RRGs encourage Councils to notify their respective RRG as soon as possible they become aware that a project cannot be completed in time. Early notification enables arrangements to be made to reallocate the funds to other projects that can be completed, whether by returning the funds directly or bringing forward projects that would have otherwise been funded in the following financial year. The earlier the notification, the more time is available to deliver the alternative project.

The City's Project is assessed as being unable to be completed and acquitted by the end of the current financial year. Officers are therefore seeking Council approval to return grant funding to the AGBS Program funding pool for possible redistribution to other projects within the MRRG and to amend the City's 2021/2022 Budget to reflect this change.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

Nearby property owners and business operators will be notified of the project suspension.

OFFICER'S COMMENTS

The Project was originally initiated by the City following a review of the crash statistics for the intersection and determination that the recommended treatment meets the criteria for funding under the AGBS Program. The project scored a Benefit Cost Ratio (BCR) of 2.29 which is greater than the program minimum of 2.00.

The BCR is a measure of the effectiveness of the proposed treatment in reducing the cost of crashes at the location. It is calculated as the ratio of the cost savings gained as a result of the reduced number and severity of crashes and the cost of the treatment including maintenance over its life.

The Program has determined that the installation of a roundabout is the best treatment to address the type of crashes experienced at the location and meets the minimum BCR requirement.

Due to the intersection being situated within an industrial area and the immediate road network forming part of the Main Roads permitted RAV4 truck network, it will be necessary to design the roundabout treatment to accommodate road trains of up to 27.5 metres in length. This requirement results in a significant central island radius and circulation area for the roundabout to enable effective truck turning movements.

Officers have prepared initial designs for the roundabout and the following activities are still required in order to complete the project:

- Approval of the design by Main Roads WA - the roundabout uses regulatory linemarking and signage which only Main Roads WA can approve.
- Land acquisition - the road reserve is insufficient to contain the roundabout and land acquisition of portions of the adjoining properties is required for road widening purposes. Land requirements are to be negotiated with the affected land owners, including compensation for land takings, subdivision of affected properties to excise the land, and finally, dedication of the land as road under the provisions of the Land Administration Act 1997.
- Service relocations – due to increased and wider pavement areas resulting from the roundabout, it will be necessary to relocate Western Power assets (power poles). Western Power will need to be engaged to undertake the changes required.
- Service protection – there is a gas main in the vicinity of the project. The gas provider will need to be engaged to discuss their requirements to protect their assets. Depending on the design and the subsequent impact on the asset, the gas provider may possibly require the main to be relocated.
- Consultation with affected land owners and businesses. The design may need to be adjusted to address any valid concerns that may arise.
- A bill of quantities and estimate of probable costs is to be obtained to confirm that the BCR is within the Program guidelines to ensure that the project is still eligible for funding.
- Request for Tenders (RFT) documentation is to be prepared and RFTs need to be called, assessed and awarded.

- Once a contract is awarded, the project will need to be constructed by April 2022 – this timing will allow project acquittal before 30 June 2022.

The risk of the project not meeting the 30 June 2022 acquittal is High for the following reasons:

- The design needs to be approved by Main Roads WA – this process could take approximately two months and needs to be achieved before further activities are taken on the project.
- Land acquisition is currently not commenced. It can be based on a draft design, but the ultimate agreement with land owners will need the land requirements firmed up. This process is also dependent on the cooperation of land owners. This can have a significant impact on the project delivery timeframe if there are issues that require the design to be revisited and further negotiations undertaken.
- The engagement of Western Power for the relocation of their assets is dependent on the design and land availability. From experience, Western Power typically take at least 16 weeks to deliver on such projects.
- The need to address the gas main in the vicinity of the project, whether it be by protection of the asset or its relocation, it is an unknown at this stage and adds to the complexity and timeframe of the project.
- Consultation with affected land owners and businesses on the modified intersection may reveal possible issues with impact on access to nearby properties – possible further changes and delays may be required.
- Availability of contractors and suppliers on a short timeframe is a concern for the project –current circumstances being experienced with other projects suggests that contractors will either not be available or if they are, will require a significant lead time, due to commitments to other projects and supply shortages.

Due to the High risk of not meeting the project completion deadline, Officers suggest that the project construction not proceed this current financial year. It is recommended that the AGBS funding be returned to the Black Spot funding pool for redistribution to other projects that can be delivered by 30 June 2022.

It is further recommended that the project development be continued during the current financial year by City officers, including:

- Confirmation that the roundabout is still the best treatment for the intersection or whether there is a better option.
- Further development of the design.
- Finalising the design and obtaining any Main Roads WA approvals required.
- Finalising service relocation designs (not actual relocation at this stage – should be done in lead up to construction).
- Establishing land acquisition agreements (do not take land at this stage but agree to take just prior to project construction delivery).
- Undertake consultation with affected land owners and general community.

- Obtaining an estimate of probable costs and reviewing the project budget estimations and allocations.
- Re-apply for Black Spot funding in 2022 if the BCR is above 2.00, with construction to occur in 2023/2024.

To accommodate the above recommended changes, it will be necessary to amend the City's 2021/2022 Budget to return Black Spot funding and reflect the reduced income and expenditure figures. It should be noted that 40% of the original \$214,000 AGBS Grant has been claimed by the City and will need to be returned.

Further to this, it is expected that the above activities will be undertaken in-house through the City's design team.

As an interim measure, Officers will formally request Main Roads WA to undertake a review of the intersection to determine whether a low-cost measure, such as changing the intersection controls from a give-way to a stop, could be implemented to improve intersection safety in the meantime.

LEGISLATIVE COMPLIANCE

Local Government Act 1995 – the 2021/2022 Budget will need to be amended in accordance with the Act including a resolution of Council by Absolute Majority.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation and following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council:															
	1. Resolves to not proceed with the construction of the Raymond Avenue / King Street Black Spot Project in the 2021/2022 financial year.															
	2. Approves the amendment of the 2021/2022 Budget to reflect the following changes:															
	<table><tr><th>PROJECT</th><th>TYPE</th><th>DESCRIPTION</th><th>CURRENT BUDGET \$</th><th>AMENDED BUDGET \$</th></tr><tr><td>80751</td><td>Reduction Expenditure</td><td>King Street / Raymond Avenue</td><td>209,500</td><td>85,600</td></tr><tr><td>80751</td><td>Reduction Revenue</td><td>King Street / Raymond Avenue</td><td>209,500</td><td>0</td></tr></table>	PROJECT	TYPE	DESCRIPTION	CURRENT BUDGET \$	AMENDED BUDGET \$	80751	Reduction Expenditure	King Street / Raymond Avenue	209,500	85,600	80751	Reduction Revenue	King Street / Raymond Avenue	209,500	0
	PROJECT	TYPE	DESCRIPTION	CURRENT BUDGET \$	AMENDED BUDGET \$											
80751	Reduction Expenditure	King Street / Raymond Avenue	209,500	85,600												
80751	Reduction Revenue	King Street / Raymond Avenue	209,500	0												
3. Requests the Chief Executive Officer to write to the Metropolitan Regional Road Group advising Council's resolution, the reasons for the decision and that the grant funds received to date for the project will be returned to the Black Spot Program funding pool for redistribution to other projects.																
4. Requests the Chief Executive Officer to continue with the design and development of the project with the intention of preparing a shovel-ready project for possible funding under a future round of the Black Spot Program.																

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	<p>The need to return funding that was already received in 2020-2021 will impact on the 2021/2022 and will appear as expenditure against the project.</p> <p>The non-delivery of the project will result in a known safety issue not being addressed. However, it should be noted that this was already a real risk as a result of the project not being able to be completed anyway.</p>	

Option 2	That Council resolves to continue with the design and construction of the Raymond Avenue / King Street Black Spot Project in the 2021/2022 financial year.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	High
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	High
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	<p>Under this option, the project would be rushed and at risk of problems. It is highly unlikely to be completed and acquitted by the 30 June 2022 deadline. It is expected that the project would need to be carried forward again jeopardising the City's reputation in regards to delivering projects under the Black Spot Program, the MRRG and in general. The City may be penalised financially for the carry-forward through the MRRG and may impact future funding opportunities.</p>	

FINANCIAL IMPLICATIONS

It is recommended that the budget be amended to reflect the deferral of the project and the return of funds as per the following table:

PROJECT	TYPE	DESCRIPTION	CURRENT BUDGET \$	AMENDED BUDGET \$
80751	Reduction Expenditure	King Street / Raymond Avenue	209,500	85,600
80751	Reduction Revenue	King Street / Raymond Avenue	209,500	0

Item 1: Deferral of project and return of funds

Asset Category: Roads

Source of Funds: AGBS Program

LTFP Impacts: Project to reprogrammed for a future year – amount unknown at this stage.

Notes: Funding received in 2020/2021 will need to be returned in 2021/2022 to the Black Spot Program funding pool.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	85,600 (return of funding)	-	-	-	-	-	0 (Net)
2							
3							

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability

Goal E3: Improve the City's walking and cycling network and create safer streets.

CONCLUSION

The construction and acquittal by 30 June 2022 of the Raymond Avenue / King Street Black Spot Project is highly unlikely. This project has already been carried forward once before from the 2020/2021 financial year. It is therefore recommended that the grant be returned to the Black Spot Program funding pool for redistribution to other projects that can be delivered and acquitted by 30 June 2022. This will ensure that the City's future funding opportunities are not placed at risk and through this action, the City assists the Metropolitan Regional Road Group, which the City is a part of, to achieve its expenditure KPIs.

10.3.4 EMRC Special Council Meeting Minutes - 4 November 2021

Responsible Branch:	Works and Infrastructure
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required

SUMMARY

To allow Council consideration of the Special Council Meeting Minutes from the Eastern Metropolitan Regional Council (EMRC).

At 08:57 pm, Cr Catherine Ehrhardt, Deputy Mayor, withdrew from the meeting.

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

That Council receives the Eastern Metropolitan Regional Councils (EMRC) Minutes of the Special Meeting held on 4 November 2021.

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 9/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

BACKGROUND

The EMRC held a Special Council meeting on 4 November 2021, with the following City of Bayswater Councillors in attendance:

- Cr Giorgia Johnson
- Cr Michelle Sutherland
- Cr Steven Ostaszewskyj

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

The purpose of this report is to provide the Council with information detailing the items with implications for the City of Bayswater from the EMRC Special Council Meeting on 4 November 2021.

Nominations to EMRC Committees

At the Special Council Meeting, Councillors were nominated to EMRC committees for a period of two years (2021-2023), as follows:

- Chief Executive Officer Performance Committee: Cr Steven Ostaszewskyj
- Audit Committee: Cr Michelle Sutherland
 - Cr Steven Ostaszewskyj as Deputy Member and Cr Giorgia Johnson as Second Deputy Member

- Legal Committee: Cr Michelle Sutherland
 - Cr Steven Ostaszewskyj as Deputy Member and Cr Giorgia Johnson as Second Deputy Member
- Member Delegate to Municipal Waste Advisory Council (MWAC): Cr Giorgia Johnson.

The Chairman and Deputy Chairman of the EMRC for the period 2021 to 2023 are as follows:

- EMRC Chairman: Cr Mel Congerton, City of Swan
- EMRC Deputy Chairman: Cr Dylan O'Connor, City of Kalamunda

EMRC Meetings 2022

The last EMRC Ordinary Meeting of Council for 2021 will be held on Thursday 25 November 2021. The following Council meeting dates have been confirmed for 2022:

Thursday	24	February		at	EMRC Administration Office
Thursday	24	March		at	EMRC Administration Office
Thursday	28	April	(If Required)	at	EMRC Administration Office
Thursday	26	May	(If Required)	at	EMRC Administration Office
Thursday	23	June		at	EMRC Administration Office
Thursday	28	July	(If Required)	at	EMRC Administration Office
Thursday	25	August	(If Required)	at	EMRC Administration Office
Thursday	22	September	(If Required)	at	EMRC Administration Office
Thursday	27	October	(If Required)	at	EMRC Administration Office
Thursday	24	November	(If Required)	at	EMRC Administration Office

A full copy of the EMRC unconfirmed Special Council Meeting Minutes of 4 November 2021 can be obtained from the [EMRC website](#).

LEGISLATIVE COMPLIANCE

Not applicable.

RISK ASSESSMENT

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability
 Goal E4: Lessen the City's Impact on the environment through its buildings, infrastructure, services and targets, such as zero emissions by 2040, and empower the community to live sustainably.

Theme: Vibrancy

Goal V2: Encourage economic development across the City, and provide increased opportunities for people to live and work locally by facilitating new investment in the City.

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.

Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

For Council to receive the Eastern Metropolitan Regional Councils (EMRC) Minutes of the Special Meeting held on 4 November 2021.

10.3.5 Tender No. 12-2021 Street Tree Pruning Under Low Voltage Power Lines

Responsible Branch:	Parks and Gardens
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. CONFIDENTIAL REDACTED - Tender 12 2021 Pricing Schedule [10.3.5.1 - 1 page]

SUMMARY

For Council to assess and award Tender No. 12-2021 Street Tree Pruning Under Low Voltage Power Lines in accordance with the tender specification.

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

That Council awards Tender No 12-2021 Street Tree Pruning Under Low Voltage Power Lines in accordance with the specifications to Classic Tree Services, for an 18-month period from January 2022 to 30 June 2023 with an option to extend for a further 12 months until 30 June 2024, with annual (March quarter) Perth based CPI increases.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.*

Against: *Nil.*

BACKGROUND

The City provides regular maintenance to trees located under low voltage power lines in order to meet regulatory requirements. This service is provided by contractors annually during the months of January to May.

The City's previous service provider withdrew from completing their contract obligations in July 2021, resulting in the affected zones affiliated with the contract (2-2019) going out to tender.

On 22 October 2021, the City advertised Tender 12-2021 Street Tree Pruning Under Low Voltage Power Lines on Tenderlink and the West Australian newspaper.

Two submissions were received.

EXTERNAL CONSULTATION

Reference checks were undertaken with other agencies at the discretion of the panel, and as provided by the successful tenderer.

OFFICER'S COMMENTS

The Tender Evaluation Committee consisted of the Coordinator Tree Services, Technical Officer Tree Services and Supervisor Streetscape Services.

The tenders were evaluated in accordance with the following criteria:

ITEM	DESCRIPTION	WEIGHTING %
------	-------------	-------------

1	Experience, Position in the Tree Industry	25
2	Resources and Occupational Health & Safety	15
3	Benefit to the local economy	5
4	Price	55

One of the submissions received did not meet the conditions of tendering as performance issues were identified as part of the discretionary reference checking process. The City relies on the performance of contractors to deliver quality services to its community, and as a result, this company was found to be a potential risk to the City and consequently excluded from further assessment as per the conditions of the tender, and not considered for the contract.

QUALITATIVE CRITERIA EVALUATION TABLE				
TENDERER	Experience, Position in the Industry and Ability to Undertake Works (25)	RESOURCES AND OCCUPATIONAL HEALTH AND SAFETY (15)	BENEFIT TO THE LOCAL ECONOMY (5)	TOTAL SCORE (45)
Classic Tree Services	20	12	3	35

The remaining submission received from Classic Tree Services was considered conforming, providing sufficient information to satisfy the City's Occupational Health and Safety requirements, addressing the City's qualitative criteria and demonstrating their ability for the provision of services requested by the City.

As such, the conforming submission progressed through to the price evaluation stage, and then subsequent due diligence reference checks.

The City's intent is to award this contract to a service provider that offers overall value for specified services according to the qualitative criteria (45%) and price (55%) as demonstrated in the below aggregated evaluation table.

AGGREGATED EVALUATION TABLE			
TENDERER	Qualitative (45)	Price (55)	TOTAL SCORE (100)
Classic Tree Services	35	55	90

LEGISLATIVE COMPLIANCE

The tender process has met the requirements of s3.57 the *Local Government Act 1995* and r.14 – 16 of the *Local Government (Functions and General) Regulations 1996*.

All tenderers have indicated that they do not have any conflicts of interest in the performance of their obligations under the contract.

City officers involved in the assessment of the tender submissions and preparation of the associated report have indicated that they do not have any significant conflicts of interests with any of the tenderers.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council awards Tender No 12-2021 Street Tree Pruning Under Low Voltage Power Lines in accordance with the specifications to Classic Tree Services, for an 18-month period from January 2022 to 30 June 2023 with an option to extend for a further 12 months until 30 June 2024, with annual (March quarter) Perth based CPI increases.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents the lowest risk to Council.	

Option 2	That Council does not accept any of the tender submissions for Tender No 12-2021 Street Tree Pruning Under Low Voltage Power Lines.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	The City would need to recall a tender or default to quotations which have the potential to impact operational activities and/or result in governance breaches in terms of tender limit requirements.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Street Tree Pruning Under Low Voltage Power Lines

Asset Category: Other

Source of Funds: Municipal

LTFP Impacts:

Notes:

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$)		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	~ \$300,000					\$450,000

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

- Theme: Environment and Liveability
- Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.
- Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.
- Theme: Leadership and Governance
- Goal L2: Plan and deliver projects and services in a sustainable way.
Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

The submission by Classic Tree Services demonstrated the best overall value for delivering on the City's requirements under contract. Therefore, it is recommended that Tender No 12-2021 Street Tree Pruning Under Low Voltage Power Lines in accordance with the specifications, be awarded to Classic Tree Services, for an 18-month period from January 2022 to 30 June 2023 with an option to extend for a further 12 months until 30 June 2024, with annual (March quarter) Perth based CPI increases.

10.4 Community And Development Directorate Reports**10.4.1 Proposed Eight Factory Units and Two Showroom/Warehouses - Lot 5, 100-102 Beechboro Road South, Bayswater**

410Applicant/Proponent:	Gioacchino Lombardi
Owner:	Gioacchino Lombardi
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Quasi-Judicial
Voting Requirement:	Simple Majority Required
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 - Development Plans - 100-102 Beechboro Road South, Bayswater [10.4.1.1 - 5 pages] 2. Attachment 2 - Previous Landscaping Plan - 100-102 Beechboro Road South, Bayswater [10.4.1.2 - 1 page] 3. Attachment 3 - Revised Landscaping Plan - 100-103 Beechboro Road South, Bayswater [10.4.1.3 - 1 page] 4. Attachment 4 - Submission Location Map (Confidential) - 100-102 Beechboro Road South, Bayswater [10.4.1.4 - 1 page]
Refer:	Item 11.1.3: OCM 27.1.15 Item 10.4.2: OCM 26.10.21

Confidential Attachment(s) - in accordance with Section 5.23(2) (b) of the Local Government Act 1995 - personal affairs of any person.

SUMMARY

A planning application has been submitted for the construction of a new building containing eight factory units and two showroom/warehouse units and associated car parking and landscaping at Lot 5, 100-102 Beechboro Road South, Bayswater. Council at its Ordinary Meeting held 27 January 2015 approved an application for a similar development on the subject site along with full demolition of the heritage listed building and redevelopment of the adjoining Lot 99, 104-106 Beechboro Road South, Bayswater; this approval has since expired.

Three submissions objecting to the previous proposal were received during community consultation however amended plans were received which addressed the primary area of concern being a variation to the car parking requirements. The application is being referred to Council for determination as the cost of the proposed development is \$3 million which is beyond the City's officer delegation.

Council considered the application at its Ordinary Meeting held 26 October 2021 where it was resolved to defer the application until its Ordinary Meeting scheduled for 7 December 2021 to allow the applicant to submit revised plans showing provision of one tree per four car parking bays. Amended plans addressing this tree requirement has been submitted.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council grants planning approval for the proposed eight factory units and two showroom/warehouses at Lot 5, 100-102 Beechboro Road South, Bayswater in accordance with the planning application dated 24 June 2021 and amended plans dated 22 September 2021 subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. A detailed health and environmental impact assessment report to assess potential public health risks which business operations (e.g. spray painting) may have on nearby residential and commercial/ industrial properties (including but not limited to noise, chemicals, odour, fumes, traffic within the complex, storage of industrial equipment on site) shall be submitted to, and to the satisfaction of the City of Bayswater prior to the submission of a building permit application.

The Health and Environmental Impact Assessment is to include recommendations on how compliance with the Air Toxic National Environment Protection Measure at the lot boundary of nearest sensitive premises will be achieved and how odour emissions will be controlled. The applicant is to implement the recommendations contained within the Health and Environmental Impact Assessment and ensure ongoing compliance to the satisfaction of the City of Bayswater.

3. Prior to the submission of a building permit application, detailed plans of any proposed spray booths and vehicle / trailer storage areas demonstrating compliance (including all filtering systems, spraying, curing and drying procedures) shall be submitted to, and to the satisfaction of the City of Bayswater.
4. Measures are to be implemented to ensure there are no unauthorised discharges or foul odour emissions from the premises. A quarterly air monitoring report is to be provided to the City of Bayswater (on an ongoing basis), which identifies all emissions from the property over a four-week period and whether they are within acceptable parameters. Additional monitoring may be required to be undertaken to the satisfaction of the City of Bayswater.
5. Prior to the submission of a building permit, a Traffic Impact Statement (TIS) prepared by a suitably qualified consultant that demonstrates the development will not result in an adverse impact to traffic along Beechboro Road South is to be submitted to the satisfaction of the City of Bayswater. An amended development application may be required to be submitted to the City of Bayswater should the TIS recommend any modifications to the development.
6. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Upon connecting to reticulated sewerage, the existing on-site effluent disposal system (septic tanks and leach drains/ soakwells) is to be decommissioned and removed.
7. An acoustic report (including a noise prediction model) is to be prepared by a suitably qualified acoustic engineer to ascertain the impact of the development on the surrounding premises and this shall be submitted to, and to the satisfaction of the City of Bayswater prior to the submission of a building permit application.

The recommendations of the report are to be implemented thereafter to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times, to the satisfaction of the City of Bayswater.

8. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$30,000) of the estimated total construction cost of the development (\$3,000,000). Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to, and to the satisfaction of the City prior to the lodgment of a building permit application.

Alternatively, the owner, or the applicant on behalf of the landowner, may opt to pay a cash-in-lieu contribution for the public art to the City of Bayswater in accordance with the provisions of the City's Percent for Public Art Policy, prior to the submission of a building permit application.

9. The front façade of the showroom/warehouse is to be articulated using architectural features such as varying materials, colours and textures. A detailed 'Schedule of Colours and Materials' shall be submitted to, and to the satisfaction of the City of Bayswater prior to the submission of a building permit application.
10. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to, and to the satisfaction of the City of Bayswater prior to the erection of any signage.
11. A revised landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application to show the following:
 - (a) All trees located within the car parking area(s) as denoted on the approved plans shall be provided with structural soil systems in accordance with the 'Indicative Tree Planting in Paved Area' detail to the satisfaction of the City of Bayswater.
 - (b) The trees located adjacent to the front car parking bays within the street setback area are to be relocated to be setback no more than 1.5m from the car parking bays to provide adequate shade along with soil systems in accordance with the 'Indicative Tree Planting in Paved Area' detail for at least 1m under and along the car park edge.

Landscaping, reticulation and the trees to be planted on the property, shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.
12. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to, and to the satisfaction of the City of Bayswater prior to the submission of a building permit application.
13. The approved amended waste management plan prepared by Gary Brown dated 21 September 2021 shall be implemented in its entirety to the satisfaction of the City of Bayswater.
14. A suitably screened refuse bulk bin area with a minimum area of 10m² shall be provided within the building to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and the bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.
15. The vehicle parking area shall be constructed in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with wheel stops and suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.
16. No storage or display of goods is to occur outside the building, to the satisfaction of the City of Bayswater.
17. The use of reflective or obscure glazing is not permitted on ground floor windows and/or openings facing Beechboro Road South.
18. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, or designed integrally with the building and be located so as not to be visually obtrusive from the street.

19. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
20. All street tree(s) within the verge adjacent to the subject property are to be retained and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:
 - (a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - (c) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is obtained from the City.
 - (d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
 - (e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
 - (f) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).
21. In the event a street verge tree(s) required to be retained adjacent to the subject site is damaged, removed or suffers irreversible effects to its health during development and in the first two years after completion of the development, the landowner will be liable for the tree(s) and will be required to pay for the amenity (Helliwell) valuation, plus the cost of a City provided replacement tree(s) and two years maintenance of the replacement tree(s).
22. The owners of Lot 5, 100-102 and Lot 99, 104-106 Beechboro Road South, Bayswater shall enter into a legal agreement or register an easement on the subject site to provide for reciprocal right-of access on Lot 99 for pedestrian and vehicular movement vehicles including for waste trucks together with drainage where applicable, between the lots to the satisfaction of the City of Bayswater. The agreement or easement must be executed and registered by the owner prior to the submission of a building permit application.

All reasonable City's solicitor costs and disbursements associated with the preparation and registration of the documentation, shall be met by the applicant/owner of the land.
23. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes:

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval

notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.

2. This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any verge trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
6. All storm water systems are to be maintained within the property. Any storm water connection discharging into the Water Corporation open drain are to be disconnected.
7. Any food premise fit-outs are to comply with the *Food Act 2008* and are to be approved by the City of Bayswater prior to commencing operations.
8. The Department of Water and Environment Regulation advises that the development must comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* irrespective of whether the premises is prescribed or not.

Cr Michelle Sutherland Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, and Cr Giorgia Johnson.

Against: Nil.

BACKGROUND

Application Number:	DA21-0382
Address:	Lot 5, 100-102 Beechboro Road South, Bayswater
Town Planning Scheme Zoning:	General Industry
Use Class:	Factory – 'P' (Permitted) Use, Showroom / Warehouse - 'D' (Discretionary) Use
Lot Area:	6,820m ²
Existing Land Use:	Vacant
Surrounding Land Use:	General Industry, Heritage Listed Building and Residential
Proposed Development:	Proposed Eight Factory Units and Two Showroom/Warehouses

A development application dated 24 June 2021 and plans dated 22 September 2021 has been received proposing to construct eight new factory units and two showroom/warehouses at the vacant lot adjoining the Roadwest Transport Factory (known as the former Lombardi Engineering Works) located at Lot 5, 100-102 Beechboro Road South, Bayswater. The application was deferred by Council at its Ordinary Meeting held 26 October 2021 as follows:

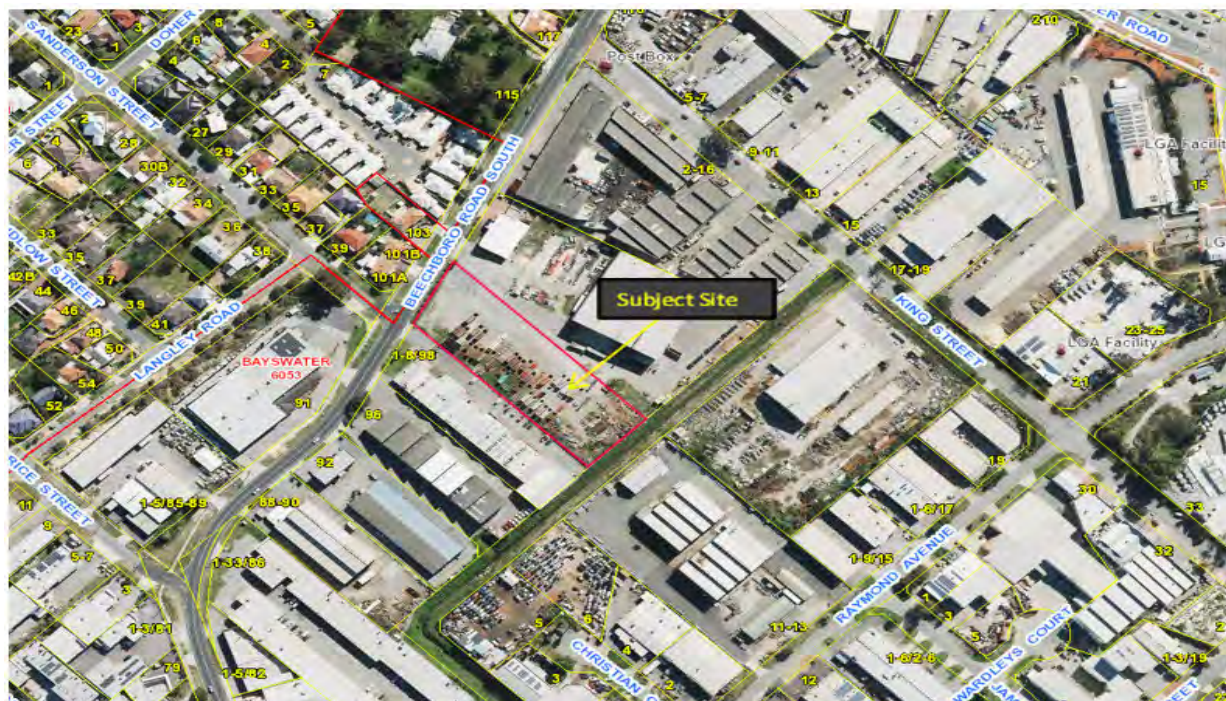
“Council deferred this item to the December Ordinary Council Meeting to allow the applicant the opportunity to submit amended plans demonstrating compliance with the requirement for 1 tree per 4 car parking bays to be provided on site.”

The applicant has now submitted a revised landscaping plan which shows that 1 tree per 4 car parking bays will be provided.

The applicant has also submitted two other development applications to the City, which relate to this site and the adjoining lot. One application is to extend the existing main factory building and office and the other application proposes to demolish an existing heritage building and construct four additional factory units, both on the adjoining lot. Both applications are to be determined separately to this application, which relates to the proposed eight factory units and two showroom/warehouses only. The application is also proposing reciprocal vehicle access via the adjoining lot, which is under the same ownership.

Council at its Ordinary Meeting held 27 January 2015 approved a similar development at the subject site and Lot 99, 104-106 Beechboro Road South, Bayswater involving full demolition of the heritage listed building and proposed eight factory units and a showroom/lunch bar however, this approval expired in 2017. The current development proposal has been modified in comparison to the previously approved plans in order to address the City's current Town Planning Scheme 24, *Landscaping Policy* and *Trees on Private Land and Street Verges Policy* requirements.

The application is being referred to Council for determination as the cost of the proposed development is \$3 million, which is beyond the delegated authority limit of less than \$2 million (where the proposal is not a Development Assessment Panel [DAP] application) or a property within the Tonkin Highway Industrial Estate.





EXTERNAL CONSULTATION

The City sought comment for the proposal from the owners and occupants of nearby affected properties for a period of 14 days. At the completion of the advertising period, three submissions were received. A summary of the submissions received is provided in the table below.

ISSUE	NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
Building Height	<i>"The proposed units are too high to be this close to the road".</i>	No comment.	The proposed buildings are of compliant height and street setbacks.
Noise	<i>"The building height of the new units will create a tunnel for traffic noise to be accentuated to the detriment of nearby neighbours. Why is it stated that workers work 8hr shifts over a 24 hour period on the plans? Does this mean neighbours and residents have to endure continuous noise 24 hours a day associated with this development?"</i>	<i>"Although the factory can be operated in 3 x 8 hour shifts it would initially operate at its current 7.00am to 7.00pm Monday to Friday hours with some Saturday morning work".</i>	The building height is compliant. An acoustic report is recommended as a condition should an approval be granted. The report will need to demonstrate that the hours of operation are compliant with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Car Parking	<i>"There are already problems with not enough parking in this area for Industrial Units creating traffic hazards for locals and others using Beechboro Road South. We also have concerns that this factory unit development will compound traffic and parking issues that is already experienced in</i>	<i>"Interestingly this project when complete would fund the redevelopment of the property next door at 108 eliminating the current disaster parking issues".</i>	The applicant has submitted revised plans and the development has compliant car parking in site.

	<i>the commercial units situated next door at 108 Beechboro Rd Bayswater”.</i>		
Traffic	<i>“Adding additional businesses to this extent is only going to cause more congestion to a single lane street”.</i>	<i>“Please refer to the above as the support for the current application would probably have positive impacts in the future in regard to development of 108 Beechboro Road South”.</i>	A Traffic Impact Statement is recommended as a condition of approval.
Odour	<p><i>“The strong easterly winds blow the emissions from this factory unit straight into the yards of the residential area.</i></p> <p><i>The zoning of the industrial land permits this with no additional approvals required from the City of Bayswater.</i></p> <p><i>How are the City of Bayswater planning on managing and monitoring their emissions?</i></p> <p><i>The ‘features’ of these units being of a ‘natural ventilation’ nature. The fumes being emitted through the curing process of these semi-trucks trailers take days, with natural ventilation, we are subjected to the potent odour being emitted from the drying process.</i></p> <p><i>A provision I would like to see put in place is year round air monitoring, for the industrial area. To ensure residents are safe to breathe the air that is tainted with a paint odour”.</i></p>	<p><i>“Interestingly approval of the development would then allow for the owners to invest in state-of-the-art spray booths that would eliminate the current state of affairs in regards to the paint fumes.</i></p> <p><i>The “natural” ventilation to the roof is a BCA requirement for a building off this type and cannot be changed and is indeed required.</i></p> <p><i>Also at this stage it is only the main factory that will be involved with truck building.</i></p> <p><i>Part off the grand scheme is to get ‘quality tenants” that do not make a mess that results in a situation similar to what 108 is currently experiencing. It would actually be in the best interests of this objector to support the development as its intent is to eliminate the objectors’ issues in the future that are reasonable given the current conditions”.</i></p>	<p>The City and Department of Water and Environment Regulation previously investigated emissions from the property on several occasions; however, there was no evidence to indicate that the odours from Roadwest Transport were creating a public health concern.</p> <p>A detailed health and environmental impact assessment be undertaken by the applicant to assess potential health risk as well as ongoing monitoring will be recommended condition of any approval.</p>

The application was also referred to the Department of Water and Environment Regulation (DWER) for comment. DWER raised no objection to the proposal subject to compliance with the

Environmental Protection (Noise) Regulations 1997 and the Environmental Protection (Unauthorised Discharges) Regulations 2004.

OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front	20m	23.5m	Compliant
Side (north-east)	6m	13.6m	Compliant
Side (south-west)	6m	2.6m	Variation
Rear	3m	3m	Compliant
Maximum Building Height:			
Wall Height	9m	8m	Compliant
Roof Pitch Height	12m	9m (top of parapet)	Compliant
Maximum Plot Ratio	0.5	0.5	Compliant
Minimum Site Coverage	50%	50%	Compliant
Minimum Floor Area per factory	100m ²	300m ²	Compliant
Minimum Landscaping	10% of site area + 2m wide landscaping strip to street frontage	12.3% of site area + 4.7m wide landscaping strip to street frontage	Compliant
Additional landscaping for off street parking	104.9m ² additional landscaping	156m ² of additional landscaping proposed.	Compliant
Minimum Trees	19 standard trees including 1 tree per 4 car parking bays	26 standard trees. 1 tree per 4 car bays provided.	Compliant
Minimum Parking:	70 car bays	70 car bays	Compliant

Appropriateness of Use

The proposal is considered to activate the currently vacant land and contribute to the improvement of the Bayswater Industrial Area and the visual amenity of Beechboro Road South. The proposed showroom/warehouse use is a 'D' (Discretionary) use within the General Industry zone under the provisions of the City's Town Planning Scheme No.24 (TPS 24). The showroom/warehouses comprise the front portion of the building fronting Beechboro Road South and will provide an appropriate transition between the residential area opposite and the rear factory units. The location of the showroom/warehouses will also activate the front of the building where sufficient car parking has been provided for customers. It is therefore considered the proposed showroom/warehouse use is appropriate for the area.

Given the prominence of the proposed building along Beechboro Road South, a condition requiring the front façade be articulated through the use of architectural features is also recommended as a condition of approval to improve the interface of the development with the residential area located opposite.

Lot Boundary Setback

The application is proposing a setback variation to the south-western lot boundary of 2.6m in lieu of minimum 6m. It is noted that in some instances, side setback areas for industrial buildings are unusable space for the business functions and can become unsightly external storage areas. It is noted that the City's TPS 24 allows for nil setbacks to the side boundaries in the general industry zone. The applicant has advised that they cannot provide a nil setback due to the need to provide fire exits for the building along the side wall as required by the *National Construction Code*. It is considered the reduced setback of 2.6m will allow additional space for landscaping along the boundary and is of insufficient width to store goods externally. In addition, a condition is recommended to ensure that any external storage areas are screened.

Tree Requirements

Clause 8.3.9.2 of the City's TPS 24 requires that standard trees be provided at the rate of one tree per four bays to provide shade cover for the adjacent car parking bays. The car parking bays along the north-eastern lot boundary had not been provided with one shade tree per four bays on the previous development plans considered at the 26 October Ordinary Council Meeting. The applicant has now submitted a revised landscaping plan which shows that 1 tree per 4 car parking bays has been provided in accordance with the City's Trees on Private Land and Street Verges Policy. However, in order to facilitate viable tree growth it is recommended that additional tree 'diamond' garden beds be added to ensure that the trees can be provided with structure soil systems to ensure the trees have sufficient room to grow and provide shade. In addition the trees provided to the car parking bays adjacent to the front boundary have been located too far away from the bays to provide shade. Therefore it is recommended that a condition be imposed requiring a revised landscaping plan is submitted to address this prior to a building permit. The applicant is aware of the amendments required but was unable to make further amendments to the plan prior to the December Ordinary Council Meeting and requested that a condition be imposed to address the outstanding requirements.

Traffic

Concerns were raised in the submissions in relation to an increase in traffic along Beechboro Road South. Under the Road Hierarchy for WA, Beechboro Road South has been classified as a District Distributor A designed to carry traffic volumes above 8,000 vehicles per day. The most recent traffic data collected (2021) indicates a total of 5,094 southbound and 3,965 northbound vehicles per day.

The Department of Planning, Lands and Heritage Traffic Impact Assessment Guidelines Volume 4 specifies that industrial/warehouse developments with 1000-10,000m² gross floor area should provide a Traffic Impact Statement (TIS) as part of the development application process. As this application proposes a gross leasable area of approximately 3,315m², it is recommended that a TIS be imposed as a condition of approval.

Car Parking

The application was originally proposed with eight factories and two showrooms which required a minimum of 76 car parking bays and resulting in a car parking shortfall of 6 car parking bays. This variation was advertised to surrounding residents and businesses with three objections received. Following the advertising period, the applicant amended their plans to reduce the floor area of the showrooms and added the warehouse element to the showrooms, which has a lesser car parking

requirement under the City's TPS 24. Therefore, the proposed development is now compliant in terms of car parking.

LEGISLATIVE COMPLIANCE

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Bayswater Town Planning Scheme No. 24;
- City of Bayswater Percent for Public Art Policy;
- City of Bayswater Landscaping Policy; and
- City of Bayswater Trees on Private Land and Street Verges Policy.

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be low due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Vibrancy
Goal V2:	Encourage economic development across the City, and provide increased opportunities for people to live and work locally by facilitating new investment in the City.
Goal V3:	Activate the City's town and neighbourhood centres.
Goal V4:	Support businesses across the City to grow and thrive.

The proposal will improve visual amenity and streetscape of the Bayswater industrial area along Beechboro Road South and will provide opportunities for new business and increase opportunities for people to work in the City.

CONCLUSION

In light of the above assessment, it is recommended that the proposal be approved subject to the proposed conditions.





DA + CONSULTANTS ISSUE		
REV	DESCRIPTION	DATE
01	ISSUE 1	02.06.2021
02	ISSUE 2	23.07.2021
03	ISSUE 3 DA AMENDMENTS	23.08.2021
04	ISSUE 4 DA FACTORY ONLY	06.09.2021
05	DA AMENDMENTS	20.09.2021

PROJECT STAGE

DEVELOPMENT APPROVAL

PROJECT DETAILS

FACTORY EXTENSION
LOT 5 BEECHBORO ROAD SOUTH
BAYSWATER

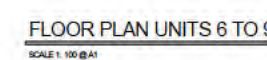
CLIENT DETAILS

G + A LOMBARDI

DRAWING TITLE


SHOWROOM

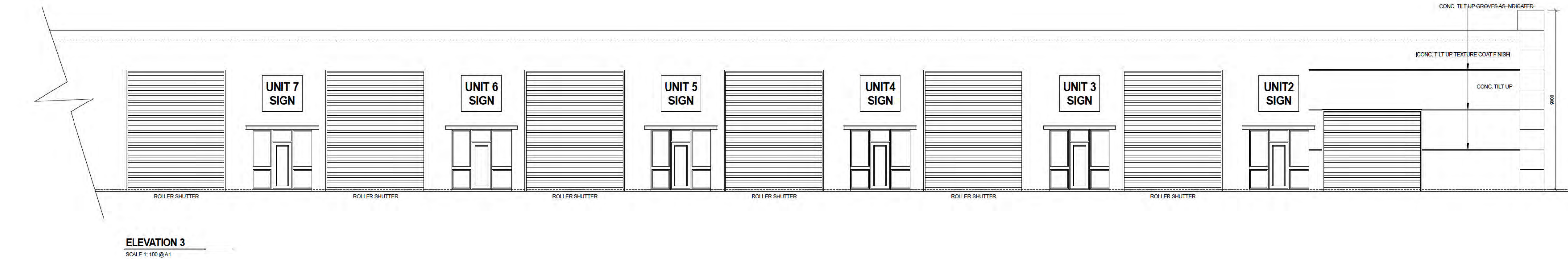
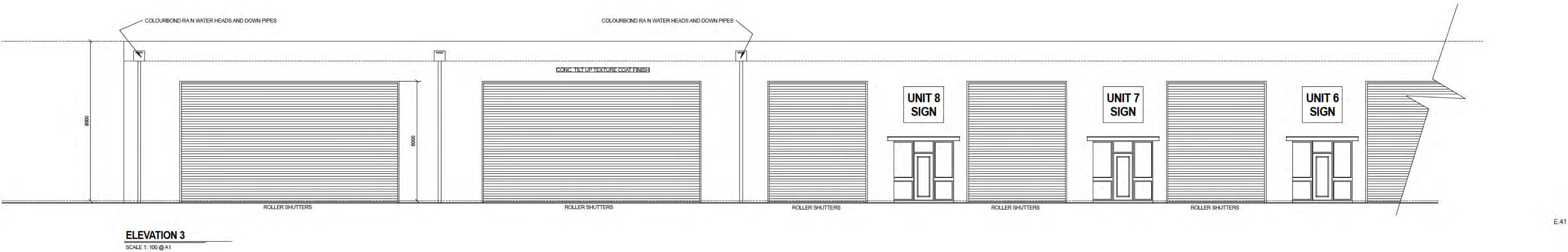
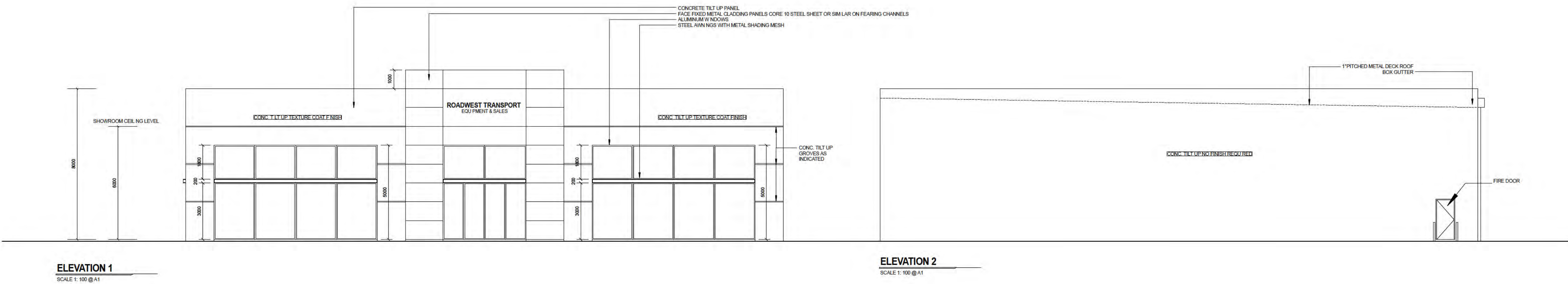
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DRAWING SCHEDULE

A.004
A.101
A.102
A.103
A.201
A.202
A.203
A.301
A.302 9 NEW FACTORY UNITS FRONT
A.303 9 NEW FACTORY UNITS REAR
A.304 9 NEW ELEVATIONS

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DATE DRAWN	DRAWING SCALE	SHEET SIZE
20th SEP 2021	1:100 @ A1	A1
		
PROJECT NUMBER		REVISION
DA21-0383		A.303
		05





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REV	DESCRIPTION	DATE
01	ISSUE 1	02.06.2021
02	ISSUE 2	23.07.2021
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04	ISSUE 4 DA FACTORY ONLY	06.09.2021
05	DA AMENDMENTS	20.09.2021

DRAWING SCHEDULE	
A.001	SITE PLAN EXISTING CONDITIONS
A.002	PROPOSED SITE PLAN
A.003	PROPOSED LANDSCAPE PLAN
A.004	
A.101	
A.102	
A.103	
A.201	
A.202	
A.203	
A.301	9 NEW FACTORY UNITS FRONT
A.302	9 NEW FACTORY UNITS REAR
A.303	
A.304	9 NEW ELEVATIONS

PROJECT STAGE
DEVELOPMENT APPROVAL

PROJECT DETAILS
FACTORY EXTENSION
LOT 5 BEECHBORO ROAD SOUTH
BAYSWATER

CLIENT DETAILS
G + A LOMBARDI

DRAWING TITLE
ELEVATIONS

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GARY BROWN

CHECK
VIC SANTELLA

DATE DRAWN
20th SEP. 2021

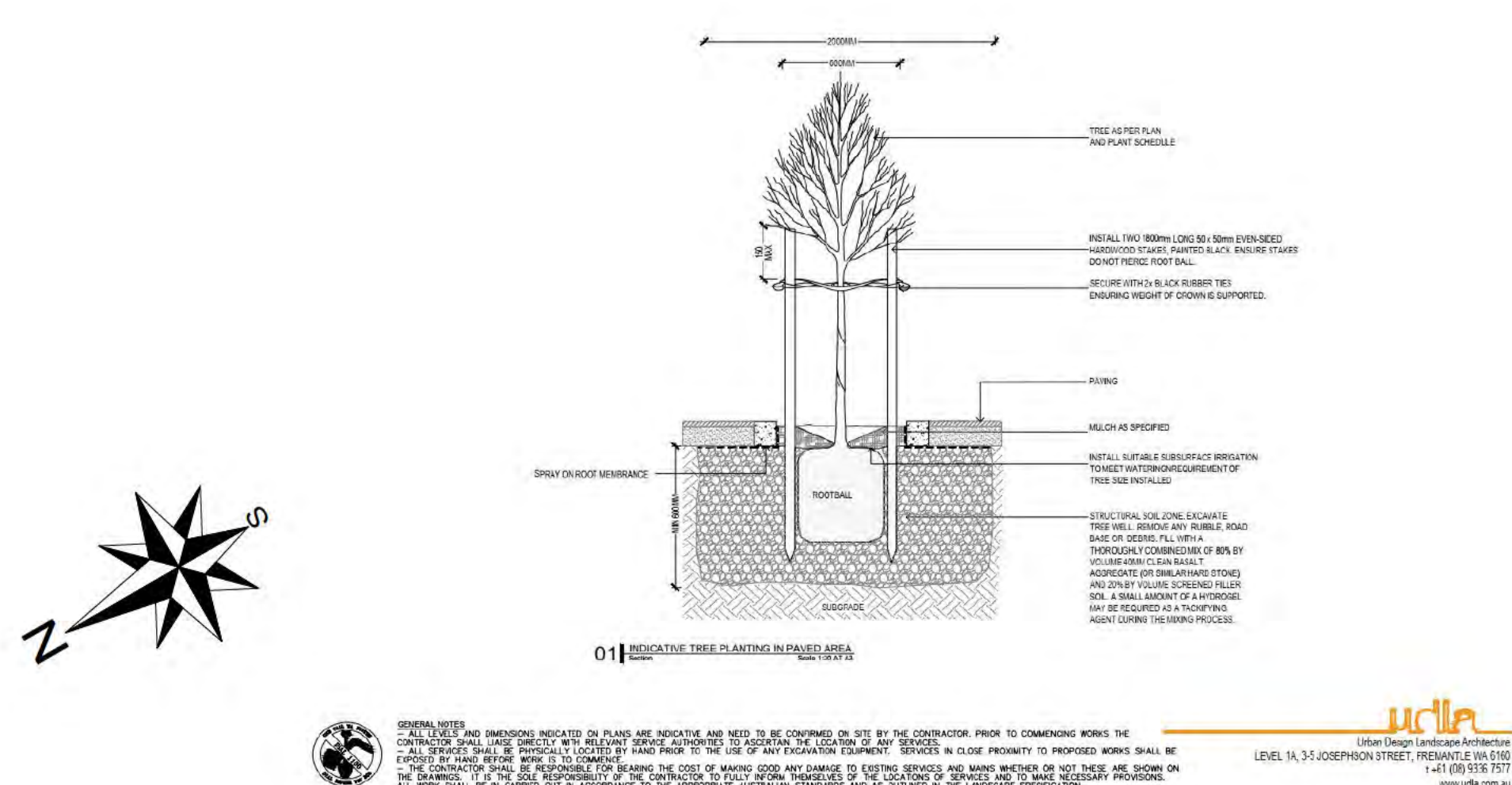
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SHEET SIZE
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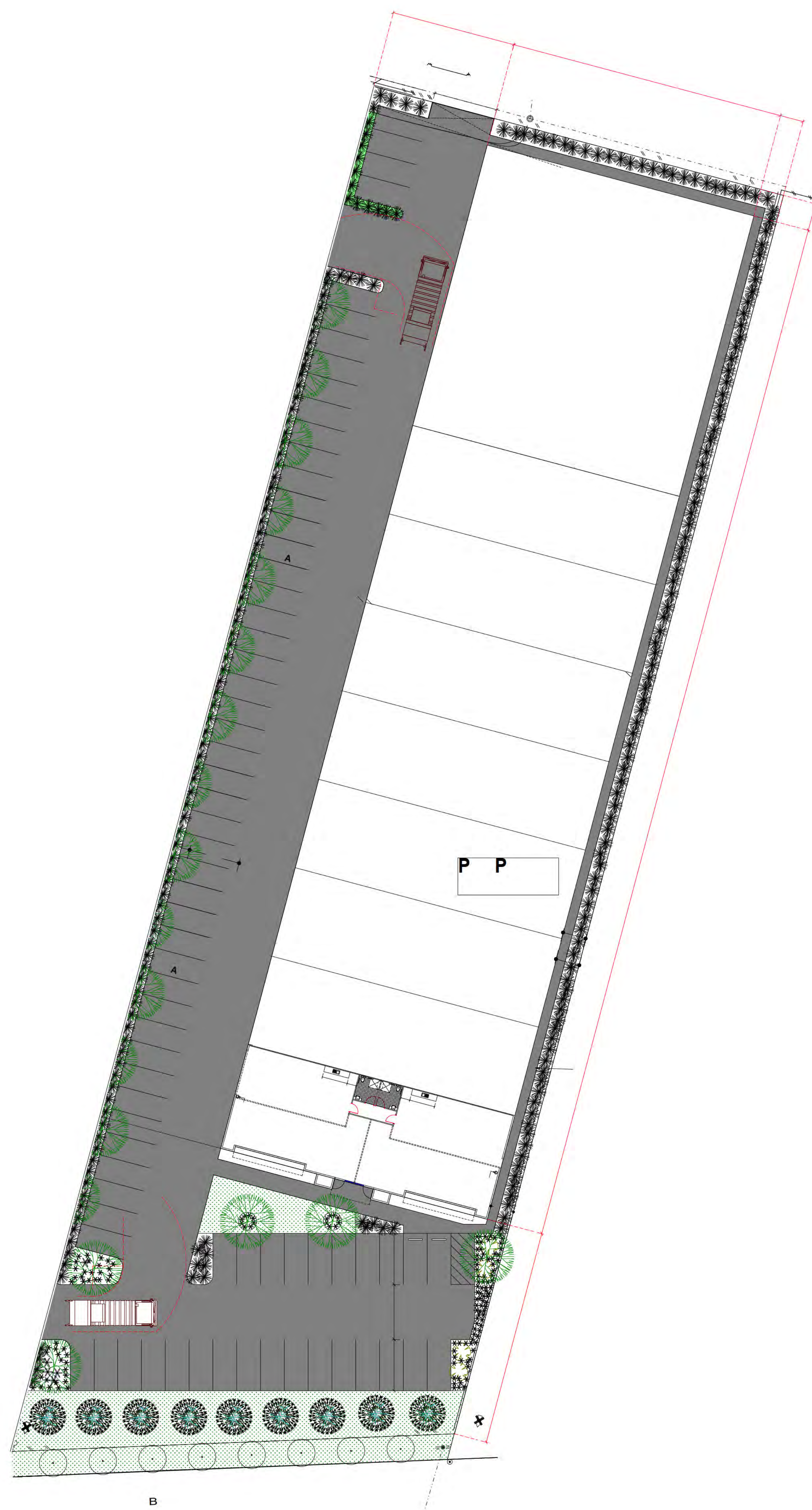
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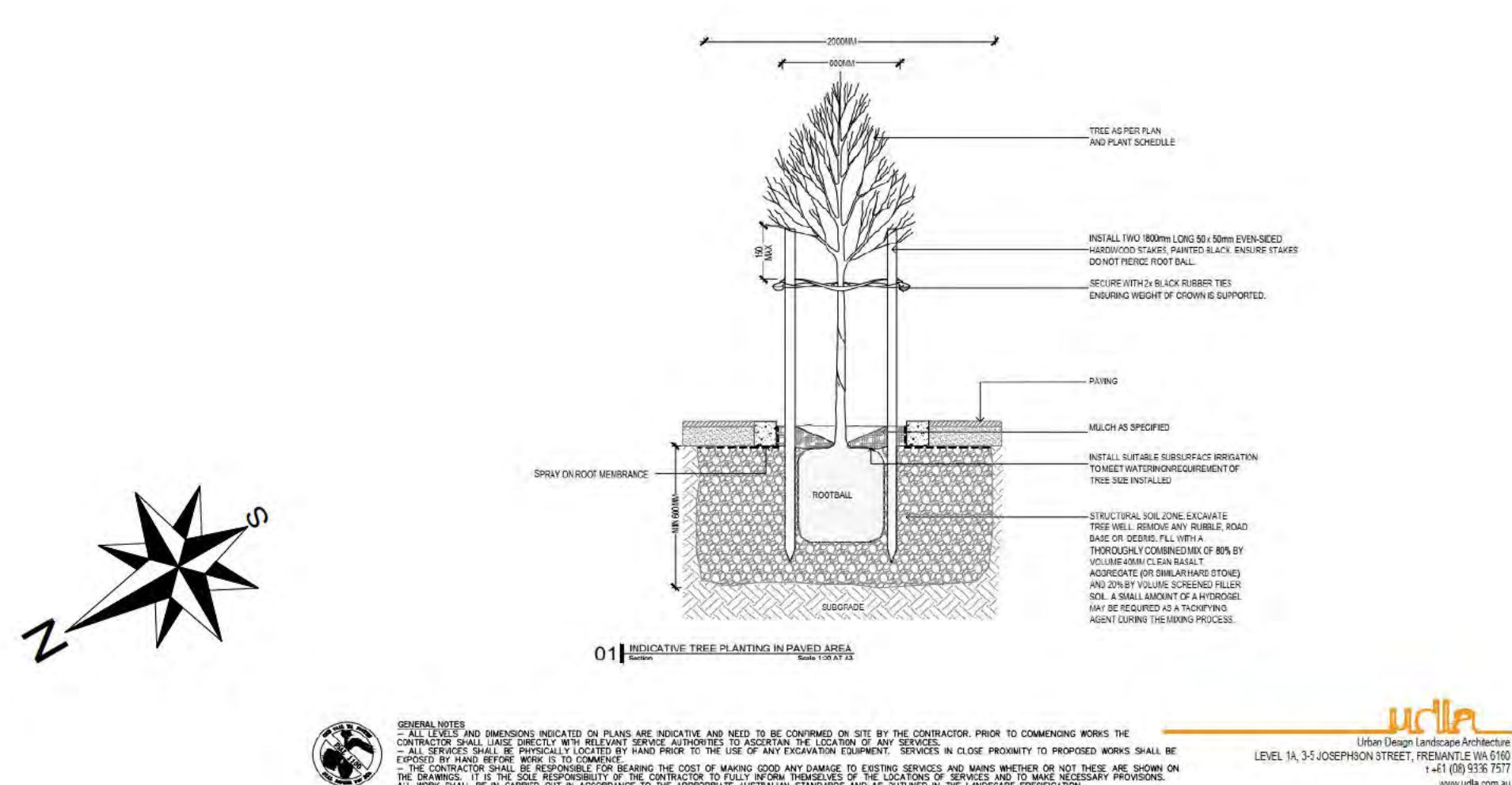
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




































REVISION
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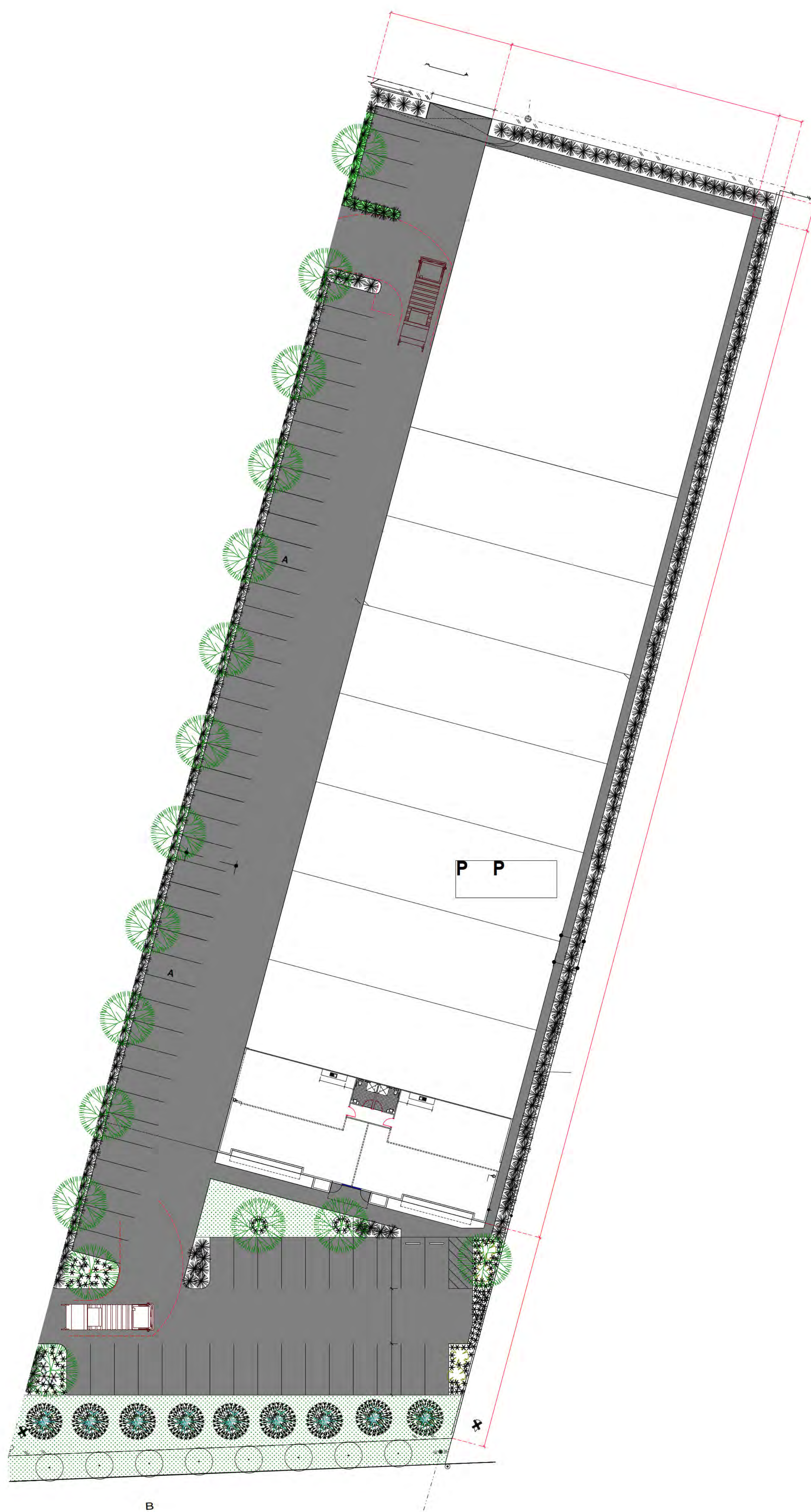




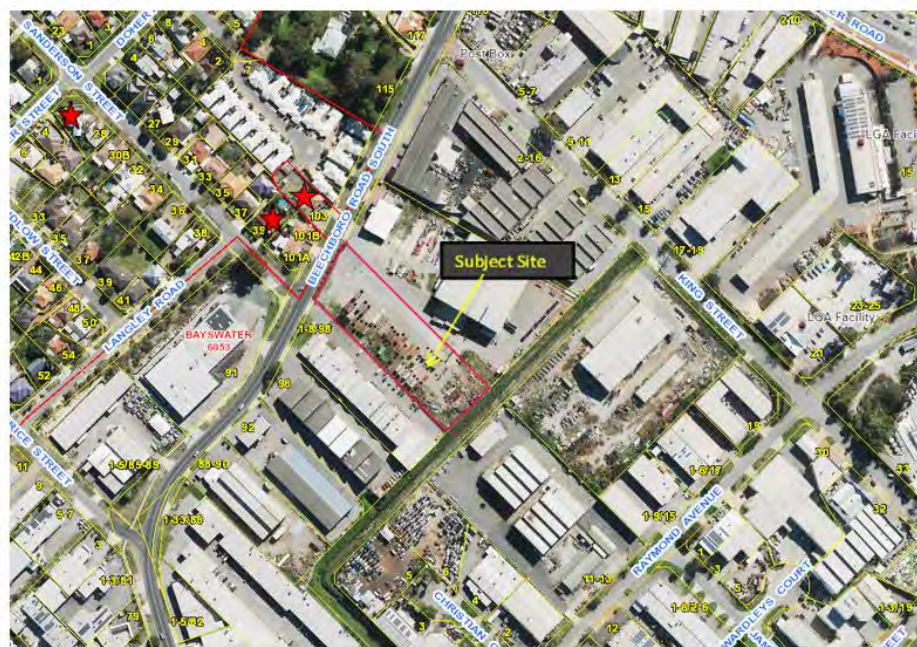




The image displays a variety of logos and symbols. On the left is the 'MitSan CONSTRUCTION' logo, featuring a blue triangle and the text 'MitSan CONSTRUCTION'. Below it is a logo with the letters 'S', 'S', 'S', 'S', 'B', and '9 9' arranged around an '@' symbol. To the right is a large grid of letters, including 'S', 'B', 'Y', '9', and '0'. Further right are several abstract geometric designs, including a logo with the letters 'B', 'Y', 'S', 'B', 'B', 'S', 'S' and another with 'B', 'Y', 'S', 'B', 'B', 'S', 'S'. On the far right is a logo with the letters 'B', 'V', 'S', 'V', '0' and another with 'B', 'Y', 'S', 'B', 'B', 'S', 'S'.

Attachment 2 – Submission Location Map (Confidential)



★ Objection received

10.4.2 Proposed Hoarding Sign (Digital) to Galleria Shopping Centre - Amendment to Planning Approval - Lot 50, 266-282 Walter Road West, Morley

Applicant/Proponent:	Stewart Urban Planning (Directors: Alan Stewart, Sean Fairfoul and Daniel Hollingworth)
Owner:	Vicinity Manager Ltd (Directors: Carolyn Grace Reynolds and Grant Lewis Kelley) and Perron Investments Pty Ltd (Ross William Robertson, Elizabeth Ann Perron and Adam John Irving)
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Quasi-Judicial
Voting Requirement:	Simple Majority Required
Attachments:	1. Development Plans [10.4.2.1 - 2 pages]
Refer:	N/A

CR CATHERINE EHRHARDT, DEPUTY MAYOR, DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Catherine Ehrhardt, Deputy Mayor declared a financial interest in this item as her husband has signed an employment contract with Vicinity who own the Galleria. At 7:24pm, Cr Ehrhardt withdrew from the meeting.

SUMMARY

A planning application has been submitted for an amendment to planning approval for the hoarding sign (digital) at Galleria shopping centre. The site is located within the Morley Activity Centre, Central Core Precinct and is zoned Centre. The primary consideration in relation to this application is the impact of third-party advertising on the amenity of the area. The sign is considered to be appropriate for the location as it is not considered to unduly impact on the amenity of the locality, it is consistent with the Signage Policy for a hoarding sign and it is in keeping with the objectives of the Morley Activity Centre Plan. Therefore, the application is recommended for approval subject to landscaping being provided in front of the sign.

At 7:24 pm, Cr Catherine Ehrhardt, Deputy Mayor withdrew from the meeting.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

That Council grants approval for proposed hoarding sign (digital) to Galleria shopping centre - amendment to planning approval at Lot 50, 266-282 Walter Road West, Morley in accordance with the planning application and plans dated 5 October 2021 subject to:

1. Condition 3 contained in the previous approval DA19-0407 dated 12 October 2020 is deleted, and replaced as follows:

Within 60 days of the issue date of this approval to commence development a landscaping plan, depicting the area in front of the hoarding sign (digital), shall be submitted to, and to the satisfaction of the City of Bayswater. For the purpose of this condition, the plan shall be drawn with a view to show the following:

- (a) The location and species of all trees and shrubs to be retained or removed.*
- (b) The size and number of new plants to be planted.*
- (c) Those areas to be reticulated or irrigated.*
- (d) The landscaping to be consistent with the overall landscaping proposed for the site.*

Landscaping, reticulation and any tree(s) to be planted on the property, shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

2. All other conditions and requirements detailed in the previous approval DA19-0407 dated 12 October 2020 shall remain unless altered by this approval.

Cr Michelle Sutherland Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY: 9/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

At 7:27pm, Cr Catherine Ehrhardt, Deputy Mayor returned to the meeting.

BACKGROUND

Application Number:	DA19-0407.01
Address:	Lot 50, 266-282 Walter Road West, Morley
Town Planning Scheme Zoning:	Centre
Use Class:	Advertising - Unlisted
Lot Area:	11,353 m ²
Existing Land Use:	Commercial, Shopping Centre
Surrounding Land Use:	Commercial
Proposed Development:	Hoarding Sign (Digital) to Galleria Shopping Centre – Amendment to Planning Approval

The Metro Central Joint Development Assessment Panel at its meeting held 11 February 2019 conditionally approved a digital hoarding sign at the subject site as part of the overall redevelopment of the Galleria shopping centre. No details were provided for the digital signage.

The City on 12 September 2019 received an application for a digital hoarding sign with more specific details about the dimensions, materials and contents.

On 12 October 2020 the City under delegated authority conditionally approved the application for a digital hoarding sign to Galleria shopping centre. Condition 3 of the planning approval stated the following:

“The content on the digital advertising signage element being limited to:

- (a) Business identification/logos/corporate branding of the Galleria Shopping Centre and the landowners/management of the Centre;*
- (b) Business identification/logos/corporate branding of tenants operating within the Galleria Shopping Centre;*
- (c) Promotion of goods and services available within the Galleria Shopping Centre; and/or*
- (d) Promotion of events and activities occurring within the Galleria Shopping Centre.”*

On 12 November 2021 the City under delegated authority conditionally approved an amended application - Morley Galleria shopping centre redevelopment. The development application included the following:

- Business identification/logos/corporate branding of the Galleria Shopping Centre and the landowners/management of the Centre;

- To offset the loss of parking bays on the first level an additional partial level for car parking has been included on the second mezzanine level.
- A drone pad is proposed on the rooftop of the fourth level.



EXTERNAL CONSULTATION

No consultation was undertaken given the application is for a review of a condition of approval.

OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Signage Policy - Siting Requirements	Unless expressly permitted within this policy, signs shall not be supported on private land that is not associated with the goods and services advertised on the sign	Third party advertising.	Refer to comments below.
Signage Policy – Hoarding Sign	A hoarding sign shall be permitted to display information that may not	Third party advertising.	Refer to comments below.

necessarily relate to the land on which it is located.

Site Context

The development site is located at the intersection of Walter Road West and Old Collier Road, Morley, and is currently occupied by Dan Murphy's, Flying Monkeys, Zambrero and car parking for the Galleria shopping centre. The subject site is within the Morley Activity Centre - Core precinct and is zoned Centre. The site is surrounded on all sides by commercial development.

Applicant's Justification

The applicant has provided the following comments in support of the proposal:

- It is agreeable that the form, size, location and quantity are important factors when considering a signage, however, the actual content of specific signage is not pertinent from a planning perspective.
- Given the limited amount of advertising/signage displayed as part of the centre it is considered the inclusion of third-party advertising will not create a precedent for other sites to follow.
- Third-party advertising will benefit the centre as the additional income generated is critical in ensuring future works is more viable.
- The proposed signage was included in the overall development of the centre approved by the development assessment panel with no restriction to third party advertising.

Hoarding Sign

As per the City's Signage Policy, a hoarding sign may be permitted to display information that may not necessarily relate to the land on which it is located (third party advertisement). At the time of approval of the hoarding sign by the City under delegated authority the applicant confirmed that there would be no third-party advertising. Therefore, as part of the planning approval a condition was imposed for no third-party advertising. The hoarding digital sign has the dimensions of 12.05m (width) and 8.15m (height). It consists of two portions; the lower portion is a fixed wall panel displaying advertising content for Galleria shopping centre only, and the upper portion is a digital screen which the subject amended application proposes to advertise third party advertising.

Under clause 67(2)(n) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in considering an application for development approval, the City is to have due regard to the existing and future amenity of the locality including, relevantly, the character of the locality. The term 'amenity' is defined in clause 1 of the Deemed Provisions to mean *all those factors which combine to form the character of an area and include the present and likely future amenity*. The amenity of the locality consists of three parts: the existing amenity, the manner in which the proposed use will affect the existing amenity and the degree of impact on the locality. In this instance the locality is the Morley Activity Centre which is undergoing a transition in terms of the built form and the quality of development which is facilitated by the Morley Activity Centre Plan (MACP). The subject site is earmarked as a landmark site under the MACP given its prominent location. The locality includes many types of signs and corporate branding. As the area is undergoing a transition, the amenity of the locality is likely to improve in the future as envisioned by the MACP and the future redevelopment of Galleria.

The proposed sign is consistent with the objective of the Central Core Precinct of the MACP as it will contribute to the vibrancy of the place. As the structure which the proposed signage is to be displayed on has already been approved by the JDAP, the amendment to include third party advertising in this instance will not result in any additional visual clutter and remain in line with the objectives of the MACP. Additionally, the signs will not interfere with the continued use of the subject site for commercial purposes or interfere with the activities of the MACP.

The sign is considered to be appropriate for the location as it is not considered to unduly impact on the amenity of the locality, it is consistent with the Signage Policy for a hoarding sign and it is in keeping with the objectives of the MACP. With respect to the policy statement of the Signage Policy there is no perceivable amenity impact of displaying a third-party advertising sign or an on-premises advertising sign at the subject site. Nevertheless, the circumstances in this instance are unusual because the signs are located at the Galleria shopping centre which comprises a very large building across numerous lots with frontage to multiple streets.

The subject site is zoned Centre and located within the MACP whereby advertising signs, including third party advertising, are able to be considered by the City. There is an existing sign on the opposite side of the subject site at 263-265 Walter Road which displays third party advertising which was approved by Council on 22 October 1973. The proposed signage, along with the location, size and land use on the site are unique and cannot be replicated in the locality, therefore the approval of the sign would not give rise to an undesirable precedent. Additionally, as the sign is to be located on an approved structure the sign will not present any additional visual clutter.

Two trees in front and one tree adjacent of the digital signage, which are on the property, are proposed to be removed. To compensate for the loss of these trees it is recommended that a landscaping area be provided in front of the digital signage on the property, with the landscaping being consistent with the overall landscaping proposed for the site.

LEGISLATIVE COMPLIANCE

- City of Bayswater Town Planning Scheme No.24 and local planning policies, including Signage Policy; and
- *Planning and Development (Local Planning Schemes) Regulations 2015.*

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

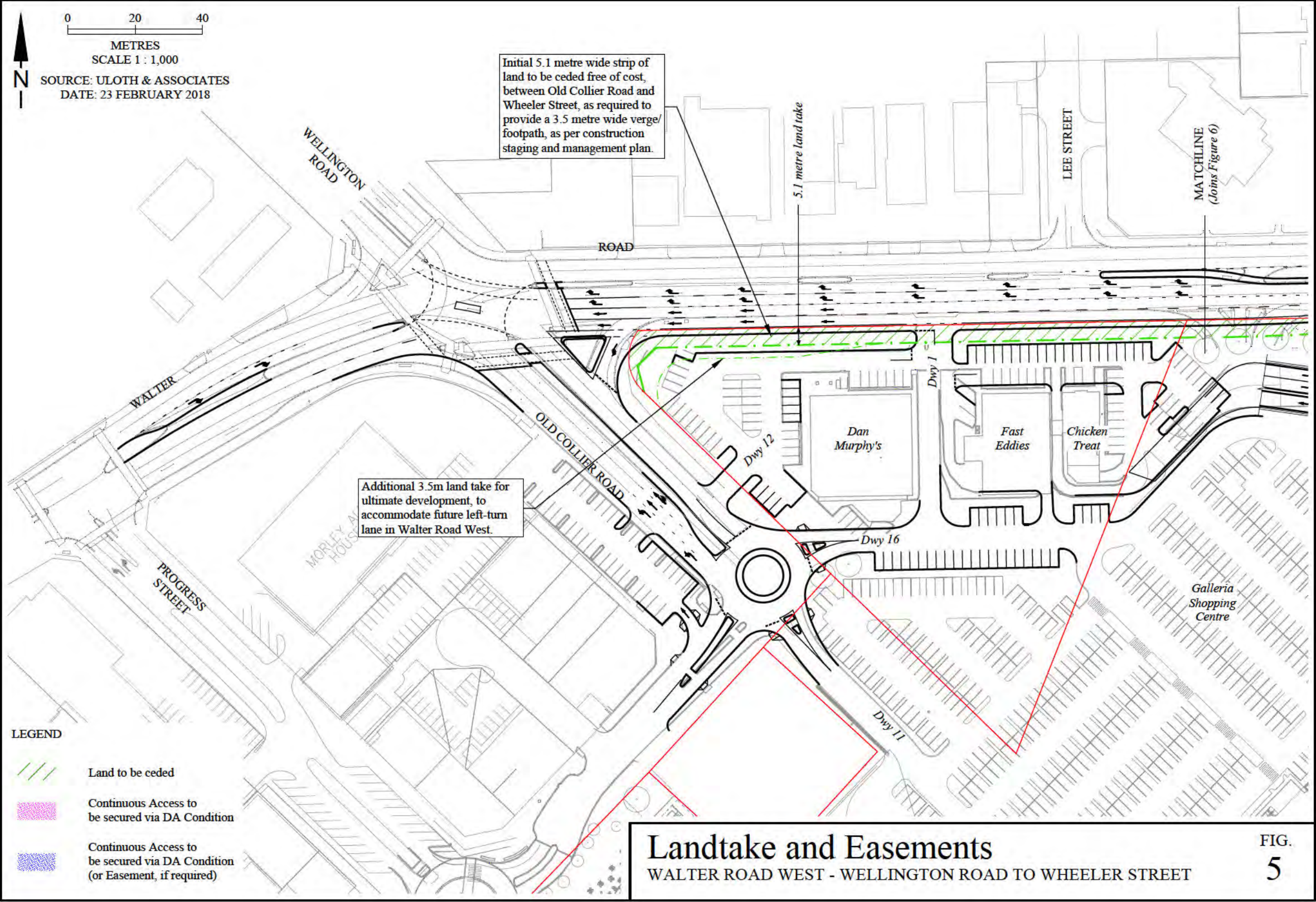
In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

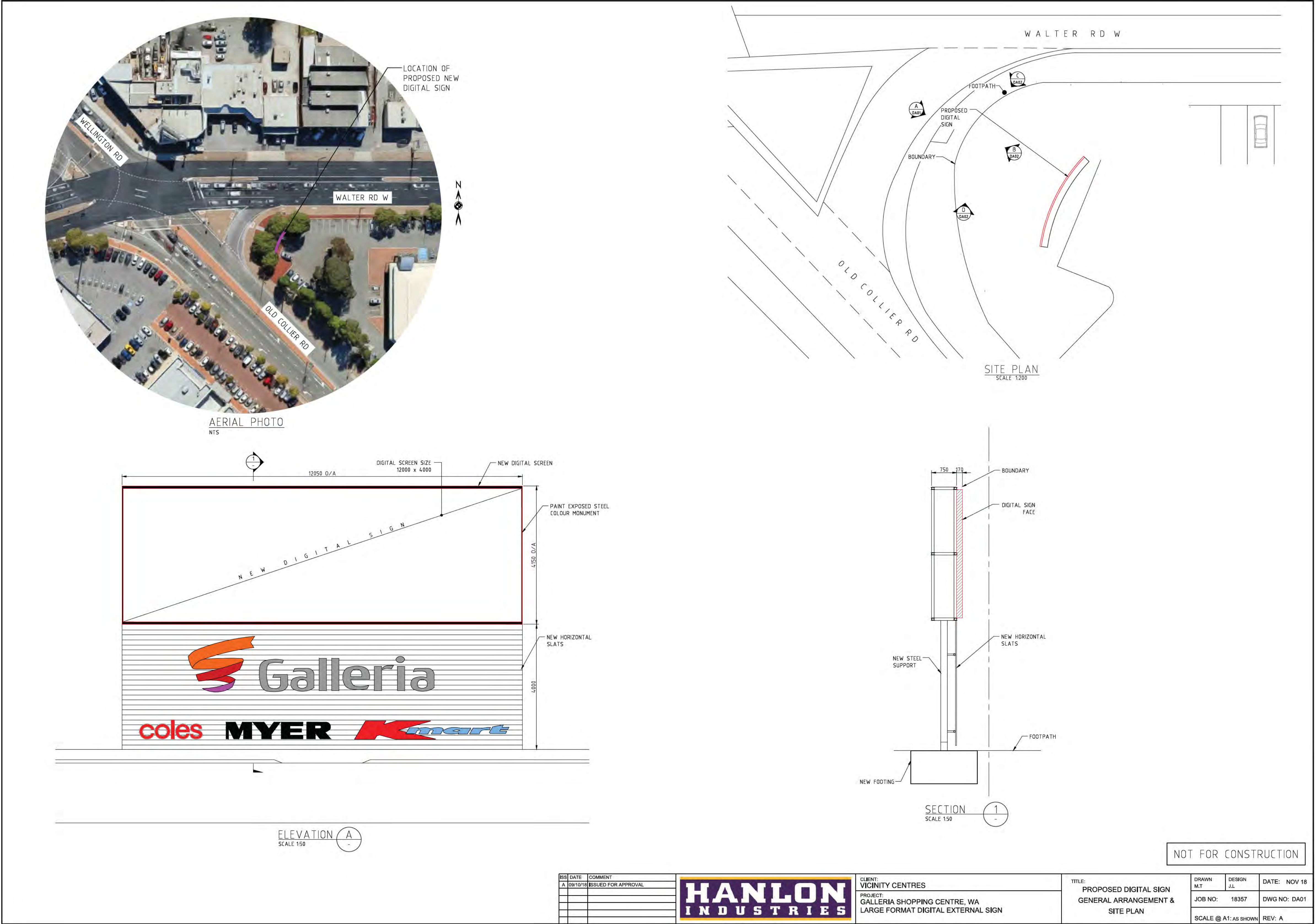
Theme: Vibrancy
Goal V1: Plan for increased business opportunities around transport nodes.
Goal V3: Activate the City's town and neighbourhood centres.

The hoarding sign contributes to promote the diversity of services and activation of the Morley Activity Centre.

CONCLUSION

In light of the above, the application is recommended for approval subject to deletion of condition 3 of the previous planning approval and a new condition relating to the provision of landscaping to compensate for the loss of the trees proposed to be removed.





10.4.3 Proposed Noxious Industry (Scrap Metal Collection, Sorting, Processing and Storage) and Ancillary Offices- Lot 502, 159 Beechboro Road South, Embleton

Applicant/Proponent:	King Scrap Metals Pty Ltd (Managing Director: Julien Marc Barriere)
Owner:	Keppel Holdings Pty Ltd (Directors: Tomo Francesco Mangione and Salvatore Tom Mangione)
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Quasi-Judicial
Voting Requirement:	Simple Majority Required
Attachments:	1. Development Plans [10.4.3.1 - 7 pages] 2. Acoustic Report [10.4.3.2 - 35 pages] 3. CONFIDENTIAL REDACTED - Submission Location Plan [10.4.3.3 - 1 page]
Refer:	Item 10.4.5: OCM 27.4.2021 Item 12.3.10: OCM 27.5.2008

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA): Personal affairs of any person.

CR JOSH EVESON DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Josh Eveson declared an impartial interest in this item as the Director from Scrap Kings had contacted him via email. Cr Eveson remained in the room during voting on this item.

CR MICHELLE SUTHERLAND DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Michelle Sutherland declared an impartial interest in this item as she knows one of the applicants. Cr Sutherland remained in the room during voting on this item.

At 7:28pm, Linnet Solomons, Manager Financial Services joined the meeting.

SUMMARY

A planning application dated 28 June 2021 and amended plans submitted 26 October 2021 have been received for a noxious industry use (scrap metal collection, sorting, processing and storage) and ancillary offices at Lot 502, 159 Beechboro Road South, Embleton. The proposed noxious industry is a discretionary ('D') use within a General Industry zone. The proposal has received 18 submissions during the advertising period, including 16 objections and two concerns.

The matter is being referred to Council given the number of objections received during the advertising period which is outside the delegation of the City's officers.

The proposed use is considered to be acceptable given it is consistent with the previously approved factory and builders yard use for the property and it is also appropriate for the zoning and location of the property, subject to the environmental health matters being addressed to the City's satisfaction prior to the commencement of the use.

OFFICER'S RECOMMENDATION

That Council grants planning approval for the proposed noxious industry (scrap metal collection, sorting, processing and storage) and ancillary offices at Lot 502, 159 Beechboro Road South,

Embleton, in accordance with the planning application dated 28 June 2021 and plans received 26 October 2021, subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. The noxious industry is limited to scrap metal collection, sorting, processing and storage only, to the satisfaction of the City of Bayswater. The processing of metal permitted as part of this approval is limited to fragmentation only. No melting of the metal, processing of lead batteries or other noxious processing is to occur on the site.
3. Within 28 days of the issue date of this 'approval to commence development', the owner(s) or the applicant on behalf of the owner(s) shall submit an application to the *Department of Water and Environmental Regulation* (DWER) for the relevant required licence for the operation of a scrap metal recovery premises, and other relevant permits. A copy of the application receipt by the DWER shall be provided to the City. No operations related to the herein approved development shall commence prior to receiving the permits from the DWER.
4. A copy of an approval issued by the *Department of Water and Environmental Regulation* for the operation of the facility (including any associated conditions) shall be submitted to the City of Bayswater prior to the commencement of the use.
5. No storage or stockpiling of goods shall occur outside the building with the exception of the storage areas depicted on the approved site plan. The storage of recycled/scrap metal shall be contained within the storage areas denoted on the plans and any such material storage shall not exceed a height of 1.8m at any location on site with screening being provided to a minimum height of 1.8m, to the satisfaction of the City of Bayswater. Details of the required screenings shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
6. All operational activities including loading, unloading and storage of materials shall occur within the boundaries of the subject site.
7. Measures shall be undertaken to ensure that the sea containers are located on site in accordance with the following, to the satisfaction of the City of Bayswater:
 - (a) Maximum of 14 sea containers are allowed on the site.
 - (b) No stacking of the sea containers shall occur on the site.
 - (c) The sea containers shall only be located as per the locations indicated on the approved site plan.
 - (d) Should the sea containers be considered as a noise barrier in the amended acoustic report required as part of Condition 20, they should be placed in the approved locations as part of points (a), (b) and (c) of this condition, prior to the commencement of the use, to the satisfaction of the City of Bayswater.

8. A detailed landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to operations commencing. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
- (a) One tree, and an associated 2m radius tree growth zone, shall be provided per four car bays in the car parking areas. Alternatively, the landscaping plan shall indicate adequate structural soil system for the trees, to the satisfaction of the City of Bayswater.
 - (b) The location and species of all trees and shrubs to be planted.
 - (c) The size and number of new plants to be planted.
 - (d) The location of any lawn areas to be established.
 - (e) Those areas to be reticulated or irrigated.
 - (f) Adequate kerbing along the landscaping areas to stop the stormwater run-off from entering into the landscaping areas.

Landscaping, reticulation and the trees to be planted on the property, shall be completed in accordance with the approved detailed landscape plan prior to operations commencing and thereafter maintained to the satisfaction of the City of Bayswater.

9. All street trees within the verge adjacent the subject property are to be retained and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:
- (a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - (c) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is obtained from the City of Bayswater.
 - (d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

- (e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
10. In the event a street verge tree(s) required to be retained adjacent to the subject site is damaged, removed or suffers irreversible effects to its health during development and in the first two years after completion of the development, the landowner will be liable for the tree(s) and will be required to pay for the amenity (Helliwell) valuation, plus the cost of a City provided replacement tree(s) and two years maintenance of the replacement tree(s).
11. The vehicle parking and maneuvering areas shall be constructed/upgraded in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, in accordance with the following and thereafter maintained to the satisfaction of the City of Bayswater:
 - (a) Adequate signage shall be installed on site for the 'Reverse In' car parking area.
 - (b) Loading, unloading and access areas shall be marked on site in accordance with the approved site plan.
12. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
13. The existing gravel verge directly adjacent to the property on Beechboro Road South road reserve shall be reinstated with permitted verge treatments, to the satisfaction of the City of Bayswater.
14. The existing bollards on the Beechboro Road South verge shall be removed prior to the commencement of the use, to the satisfaction of the City of Bayswater.
15. Any vehicular entry gates shall be a minimum 50% visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the commencement of the use.
16. All entry gates shall open inwards to the site, to the satisfaction of the City of Bayswater.
17. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the access leg/driveway meets the road reserve.
18. All vehicles shall exit the property in a forward gear onto Beechboro Road South.
19. The access to/from the property shall only be provided via Beechboro Road South. No vehicles associated with the noxious industry development shall use the crossover at 38-40 Embleton Avenue, Embleton, to access to/from the site.
20. An amended acoustic report shall be submitted to the City of Bayswater, prior to the commencement of the proposed use. The acoustic report is to address all potential noise emissions from the property and demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City of Bayswater.

21. An Environmental and Health Impact Assessment is to be undertaken by a suitably qualified consultant and a report is to be submitted to the City of Bayswater prior to the commencement of the proposed use. The report must demonstrate that the operations on the property will have no adverse environmental or health impacts, to the satisfaction of the City of Bayswater.
22. Air monitoring is to be undertaken on a quarterly basis, with each monitoring period being over a four week period. A report is to be provided to the City of Bayswater within 30 days of the conclusion of each monitoring period. The report is to identify all potential emissions from the operations on the property, their levels and compliance against relevant standards, to the satisfaction of the City of Bayswater. The monitoring frequency may be increased or reduced by the City of Bayswater depending on compliance.
23. Where emissions from operations at the premises are found to be outside of permitted levels, the relevant operation is to cease, until such time as measures have been put in place to demonstrate compliance, to the satisfaction of the City of Bayswater.
24. The fragmenting of metal is to only occur within the covered processing area designated within the approved plan.
25. The refuse and recycling collection shall be undertaken in accordance with the approved Waste Management Plan prepared by Product Recovery Industries Pty Ltd dated June 2021.
26. A suitably screened refuse bulk bin area with a minimum area of 10m² shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.
27. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to the development lot, prior to the commencement of the use. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and the *Government Sewerage Policy Perth Metropolitan Region*.
28. No bunting is to be erected on the site (bunting includes streamers, strips, banner strips, decorations of a similar kind).
29. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
30. Any new fencing shall comply with the City's Fencing and Floodlighting Local Law 2016, to the satisfaction of the City of Bayswater.

31. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
32. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes:

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

The applicant shall contact a building certifier regarding the existing Notification K698036 on the certificate of title of the development property and ensure that the development does not undermine any requirements associated with the subject notification.

5. The noise generated from operational activities is not to exceed the levels prescribed under the *Environmental Protection (Noise) Regulations 1997*. The business activities must comply with the noise legislation at all times.
6. The use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Environmental Protection (Unauthorised Discharges) Regulations 2004*, the *Health Act 1911* and any relevant environmental protection or health regulations.
7. The applicant shall submit a copy of the Water Corporation Trade waste permit to the City of Bayswater.
8. In relation to Condition 6, the applicant shall undertake measures to avoid trucks and vehicles from blocking Beechboro Road South or queuing on the road for accessing the lot.
9. In relation to Condition 8, the applicant can seek a copy of the 'Indicative Tree Planting in Paved Area' from the City, in relation to the alternative structural soil solution for the tree growth zones.

10. In relation to Condition 13, a list of permissible verge treatments can be found on the City's Street Verges Policy.
11. In relation to Condition 27, any existing redundant septic system is to be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations) 1974* (as amended) to the satisfaction of the City of Bayswater.

MOTION

That Council refuses the development application dated 28 June 2021 and plans received 26 October 2021, for the proposed noxious industry (scrap metal collection, sorting, processing and storage) and ancillary offices at Lot 502, 159 Beechboro Road South, Embleton, for the following reasons:

1. The proposal is considered to be not consistent with the following matters the City is required to have due regard to under Clause 67 of the Deemed Provisions in Schedule 2 of the *Planning and Development Regulations 2015*:
 - (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
 - (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
2. The proposed noxious industry, a discretionary use, is not considered to be an appropriate use on the subject site, particularly given its proximity to an established residential area and the Morley Station Precinct Concept Plan area and the plan's envisioned development for that area.
3. The separation distance between the proposed development and residential dwellings is considered insufficient and will result in a significant reduction in amenity due to undue noise impacts.
4. The proposal is considered to be not consistent with the orderly and proper planning of the locality.

Cr Sally Palmer Moved, Cr Steven Ostaszewskyj Seconded

LOST: 4/6

For: Cr Filomena Piffaretti, Mayor, Cr Steven Ostaszewskyj, Cr Sally Palmer and Cr Dan Bull.

Against: Cr Assunta Meleca, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Georgia Johnson.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

That Council grants planning approval for the proposed noxious industry (scrap metal collection, sorting, processing and storage) and ancillary offices at Lot 502, 159 Beechboro Road South, Embleton, in accordance with the planning application dated 28 June 2021 and plans received 26 October 2021, subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.

2. The noxious industry is limited to scrap metal collection, sorting, processing and storage only, to the satisfaction of the City of Bayswater. The processing of metal permitted as part of this approval is limited to fragmentation only. No melting of the metal, processing of lead batteries or other noxious processing is to occur on the site.
3. Within 28 days of the issue date of this 'approval to commence development', the owner(s) or the applicant on behalf of the owner(s) shall submit an application to the *Department of Water and Environmental Regulation* (DWER) for the relevant required licence for the operation of a scrap metal recovery premises, and other relevant permits. A copy of the application receipt by the DWER shall be provided to the City. No operations related to the herein approved development shall commence prior to receiving the permits from the DWER.
4. A copy of an approval issued by the *Department of Water and Environmental Regulation* for the operation of the facility (including any associated conditions) shall be submitted to the City of Bayswater prior to the commencement of the use.
5. No storage or stockpiling of goods shall occur outside the building with the exception of the storage areas depicted on the approved site plan. The storage of recycled/scrap metal shall be contained within the storage areas denoted on the plans and any such material storage shall not exceed a height of 1.8m at any location on site with screening being provided to a minimum height of 1.8m, to the satisfaction of the City of Bayswater. Details of the required screenings shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
6. All operational activities including loading, unloading and storage of materials shall occur within the boundaries of the subject site.
7. Measures shall be undertaken to ensure that the sea containers are located on site in accordance with the following, to the satisfaction of the City of Bayswater:
 - (a) Maximum of 14 sea containers are allowed on the site.
 - (b) No stacking of the sea containers shall occur on the site.
 - (c) The sea containers shall only be located as per the locations indicated on the approved site plan.
 - (d) Should the sea containers be considered as a noise barrier in the amended acoustic report required as part of Condition 20, they should be placed in the approved locations as part of points (a), (b) and (c) of this condition, prior to the commencement of the use, to the satisfaction of the City of Bayswater.
8. A detailed landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to operations commencing. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
 - (a) One tree, and an associated 2m radius tree growth zone, shall be provided per four car bays in the car parking areas. Alternatively, the landscaping plan shall indicate adequate structural soil system for the trees, to the satisfaction of the City of Bayswater.
 - (b) The location and species of all trees and shrubs to be planted.
 - (c) The size and number of new plants to be planted.
 - (d) The location of any lawn areas to be established.
 - (e) Those areas to be reticulated or irrigated.

- (f) Adequate kerbing along the landscaping areas to stop the stormwater run-off from entering into the landscaping areas.

Landscaping, reticulation and the trees to be planted on the property, shall be completed in accordance with the approved detailed landscape plan prior to operations commencing and thereafter maintained to the satisfaction of the City of Bayswater.

9. All street trees within the verge adjacent the subject property are to be retained and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:
 - (a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - (c) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is obtained from the City of Bayswater.
 - (d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
 - (e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
10. In the event a street verge tree(s) required to be retained adjacent to the subject site is damaged, removed or suffers irreversible effects to its health during development and in the first two years after completion of the development, the landowner will be liable for the tree(s) and will be required to pay for the amenity (Helliwell) valuation, plus the cost of a City provided replacement tree(s) and two years maintenance of the replacement tree(s).
11. The vehicle parking and manoeuvring areas shall be constructed/upgraded in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, in accordance with the following and thereafter maintained to the satisfaction of the City of Bayswater:
 - (a) Adequate signage shall be installed on site for the 'Reverse In' car parking area.
 - (b) Loading, unloading and access areas shall be marked on site in accordance with the approved site plan.
12. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
13. The existing gravel verge directly adjacent to the property on Beechboro Road South road reserve shall be reinstated with permitted verge treatments, to the satisfaction of the City of Bayswater.

14. The existing bollards on the Beechboro Road South verge shall be removed prior to the commencement of the use, to the satisfaction of the City of Bayswater.
15. Any vehicular entry gates shall be a minimum 50% visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the commencement of the use.
16. All entry gates shall open inwards to the site, to the satisfaction of the City of Bayswater.
17. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the access leg/driveway meets the road reserve.
18. All vehicles shall exit the property in a forward gear onto Beechboro Road South.
19. The access to/from the property shall only be provided via Beechboro Road South. No vehicles associated with the noxious industry development shall use the crossover at 38-40 Embleton Avenue, Embleton, to access to/from the site.
20. An amended acoustic report shall be submitted to the City of Bayswater, prior to the commencement of the proposed use. The acoustic report is to address all potential noise emissions from the property and demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City of Bayswater.
21. An Environmental and Health Impact Assessment is to be undertaken by a suitably qualified consultant and a report is to be submitted to the City of Bayswater prior to the commencement of the proposed use. The report must demonstrate that the operations on the property will have no adverse environmental or health impacts, to the satisfaction of the City of Bayswater.
22. Air monitoring is to be undertaken on a quarterly basis, with each monitoring period being over a four week period. A report is to be provided to the City of Bayswater within 30 days of the conclusion of each monitoring period. The report is to identify all potential emissions from the operations on the property, their levels and compliance against relevant standards, to the satisfaction of the City of Bayswater. The monitoring frequency may be increased or reduced by the City of Bayswater depending on compliance.
23. Where emissions from operations at the premises are found to be outside of permitted levels, the relevant operation is to cease, until such time as measures have been put in place to demonstrate compliance, to the satisfaction of the City of Bayswater.
24. The fragmenting of metal is to only occur within the covered processing area designated within the approved plan.
25. The refuse and recycling collection shall be undertaken in accordance with the approved Waste Management Plan prepared by Product Recovery Industries Pty Ltd dated June 2021.
26. A suitably screened refuse bulk bin area with a minimum area of 10m² shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.
27. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to the development lot, prior to the commencement of the use. Where the Water Corporation reticulated sewer is not

available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and the *Government Sewerage Policy Perth Metropolitan Region*.

28. No bunting is to be erected on the site (bunting includes streamers, strips, banner strips, decorations of a similar kind).
29. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
30. Any new fencing shall comply with the City's Fencing and Floodlighting Local Law 2016, to the satisfaction of the City of Bayswater.
31. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
32. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes:

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

The applicant shall contact a building certifier regarding the existing Notification K698036 on the certificate of title of the development property and ensure that the development does not undermine any requirements associated with the subject notification.

5. The noise generated from operational activities is not to exceed the levels prescribed under the *Environmental Protection (Noise) Regulations 1997*. The business activities must comply with the noise legislation at all times.
6. The use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Environmental Protection (Unauthorised Discharges) Regulations 2004*, the *Health Act 1911* and any relevant environmental protection or health regulations.
7. The applicant shall submit a copy of the Water Corporation Trade waste permit to the City of Bayswater.

8. In relation to Condition 6, the applicant shall undertake measures to avoid trucks and vehicles from blocking Beechboro Road South or queuing on the road for accessing the lot.
9. In relation to Condition 8, the applicant can seek a copy of the 'Indicative Tree Planting in Paved Area' from the City, in relation to the alternative structural soil solution for the tree growth zones.
10. In relation to Condition 13, a list of permissible verge treatments can be found on the City's Street Verges Policy.
11. In relation to Condition 27, any existing redundant septic system is to be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations) 1974* (as amended) to the satisfaction of the City of Bayswater.

Cr Elli Petersen-Pik Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 6/4

For: Cr Assunta Meleca, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Giorgia Johnson.

Against: Cr Filomena Piffaretti, Mayor, Cr Steven Ostaszewskyj, Cr Sally Palmer and Cr Dan Bull.

BACKGROUND

Application Number:	DA21-0377
Address:	Lot 502, 159 Beechboro Road South, Embleton
Town Planning Scheme Zoning:	General Industry
Use Class:	Noxious Industry 'D', Office 'D'
Lot Area:	14,294m ²
Existing Land Use:	Factory and Builders Yard
Surrounding Land Use:	General Industry uses, residential dwellings on the western side of Embleton Avenue and east of Tonkin Highway, Local Public Open Space
Proposed Development:	Noxious Industry (scrap metal collection, sorting, processing and storage) and ancillary offices



In July 2021, the City received complaints in relation to the operations from a neighbouring property at Lot 501, 38-40 Embleton Avenue, Embleton. The City's investigations at the time revealed that the neighbouring property was being used by King Scrap Metals for noxious industry operations without appropriate planning approval. Subsequently, the City received an application retrospective approval for the subject unauthorised use from the property at Lot 501, 38-40 Embleton Avenue, Embleton.

The officer's assessments of the subject application identified that the applicant's acoustic report for the noxious industry at Lot 501, 38-40 Embleton Avenue, Embleton, did not address all potential noise emissions from the property and therefore could not demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.

In light of the above, the applicant requested to amend the subject application from noxious industry (retrospective) to showroom/warehouse and office (proposed). The amended application for showroom/warehouse and office was conditionally approved by Council at the Ordinary Council Meeting held 27 April 2021.

The applicant has subsequently submitted the current application for the property at Lot 502, 159 Beechboro Road South, Embleton, on 28 June 2021, to obtain the required planning approval for operating as a noxious industry.

EXTERNAL CONSULTATION

The City's Town Planning Scheme No. 24 (TPS24) defines an 'Industry-Noxious' as follows:

"means an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Act 1986 (as amended)."

The application was referred to the *Department of Water and Environmental Regulation (DWER)* for their review and comments whereby the DWER confirmed that *"based on the information provided, the proposed operations will cause the premises to be considered a prescribed premises as per Schedule 1 of the Environmental Protection Regulations 1987" (Category 47- Scrap Metal Recovery with the capacity of 100 tonnes or more per year).*

The DWER has further advised that *"where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals. In the event that the applicant determines that a works approval or licence application is required under Part V of the EP Act, the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process."*

In view of the DWER's comments, the City's officers have reviewed the use and the outcome of this review is provided in the Environmental Health Impact section below.

In the event the Council resolve to approve the proposed development, the applicant will be required to obtain the relevant permits from the DWER prior to the commencement of the use.

In addition to the DWER referral, the proposed development was advertised to 220 properties within 300m of the subject property for 14 days. The extent of the advertising area is discussed in the Environmental Health Impact section below.

Following the completion of the advertising period, 18 submissions consisting of 16 objections and two concerns were received to the proposal.

A summary of the concerns raised in the submissions is provided in the following table.

Category	Concerns/Objections	Applicant's Responses	Officer's Comments
Possible emissions and Environmental Health Impacts	<i>"Negative health impacts, including long-term impacts and possibility of noxious, foul smell, leakage (discharge) and dust emission affecting the surrounding properties and residents."</i>	<i>"These risks have been assessed as a part of the DWER Works Approval application with the assistance of an Environmental Consultant and have been ranked as a low risk due to the likelihood of these risks occurring. The proposed development will accept non-ferrous scrap metal for processing and on selling to local, national and international markets. Kings will not be accepting organic, toxic,</i>	Refer to Environmental Health Impact section.

		<p><i>chemical or other wastes that have the potential to cause odour emissions. Small volumes of inert waste (timber, plastics, and ferrous metals) generated onsite from scrap metal processing will be stored within dedicated bins and collected by a Waste Contractor for disposal to an appropriate licensed offsite facility.</i></p> <p><i>It is unlikely that contamination of the general environment will occur.</i></p> <p><i>Dust generation onsite presents a low risk as the entire site is covered in concrete hardstand, bitumen or compacted gravel areas. Water will be applied to bitumen, gravel areas in dry, dusty conditions to mitigate the risk of dust lift off.</i></p> <p><i>Consequently, there is a low likelihood that residential premises will be impacted by the Kings operation.</i></p> <p><i>In addition, Waste management procedures are well understood by employees who receive training in the implementation of the Waste Management Plan.”</i></p>	
	<p><i>“The run-off water from the site runs through the side boundaries shared with the neighbouring properties and into the neighbour’s drains.</i></p> <p><i>Once the metal processing begins and the run-off water will have a much higher chance of containing toxic and damaging material which will pour into the neighbour’s drain.”</i></p>	<p>Further to above,</p> <p><i>“no other hazardous materials or chemicals are stored or used onsite.</i></p> <p><i>All metallic processing is undertaken in a dedicated building with small quantities of inert waste (timber, plastic and ferrous metals) generated from processing regularly cleaned up and stored in covered, watertight bins and disposed offsite by a waste contractor.</i></p> <p><i>The general industry development within which 159 Beechboro Road South</i></p>	<p>Refer to Environmental Health Impact section.</p> <p>The development is required to dispose of all stormwater and drainage runoff produced onsite, within the site.</p>

		<p>is located, has been designed with common drains between buildings due to the fall of the constructed site.</p> <p>Based on the activities that occur onsite and once management procedures are implemented there is a low likelihood of run off or storm water becoming contaminated by the proposed Kings operation."</p>	
	<p>"There are too many unknowns as to what impact the proposed operations will have on the environment now and into the future, plus the impact they will have on residential properties and existing residents that reside within close proximity to the proposed development."</p>	<p>Further to above, "Kings is located within a General Industry zoned area within the City of Bayswater. Kings operates its current activities in accordance with the requirements of this zoning. The proposed site has the advantage of being located in an area that will not impact the visual amenity of residential areas located on Embleton Avenue. The goal of the company is to promote high quality responsible recycling, setting higher standards for the industry and other scrap metal yards in the City of Bayswater.</p> <p>The company has demonstrated its commitment to higher standards through achieving certification under ISO9001 for Quality Management Systems."</p>	<p>Refer to Environmental Health Impact section.</p>
	<p>"The property is closer than the recommended 300m-500m distance to sensitive land uses as recommended by the EPA Guide and yet there are limited information about the submitted acoustic report.</p> <p>A Noxious Industry is required to be up to 500 metres from sensitive land, such as residential premises etc. for a very good reason – to protect those not involved and who simply want to enjoy their lives."</p>	<p>"Whilst the generic recommended buffer distance between a scrap metal recycling works and sensitive land uses is between 300-500 metres (EPA, 2005), the description of these works do not fit the description of the works proposed by Kings. The description in the EPA Guidance assumes that activities including fragmenting and melting are occurring on the premises. These activities generate emissions and pose additional environmental</p>	<p>Refer to Environmental Health Impact section.</p>

		<p>risks. As previously outlined the activities proposed by Kings do not include fragmenting and melting.</p> <p>Further, as recommended in the EPA Guidance technical studies have been undertaken, that include a site-based risk assessment and an acoustic modelling study. These assessments indicate that all risks can be readily managed to an acceptable level that is unlikely to impact on nearby sensitive land uses and that all relevant limits contained within EPA regulations will be achieved."</p>	
	<p>"The property is surrounded by sports club, a gym, a church, a playground, a martial arts academy, star mites gymnastics, the skate park and clubs and businesses related to health and recreation, businesses working with children with disabilities and Council's recreational centre (Bayswater Waves) These healthy pursuits should definitely not be impacted by a noxious industry so close by. The noise (from operations and trucks) and air quality impacts are concerning. "</p>	<p>Further to above, "Noise management measures implemented onsite include:</p> <ul style="list-style-type: none"> • locating the highest noise generating activities at the farthest point from residential areas; • installing noise barriers in between residential areas and site activities; and • conducting the noisiest activities to the middle part of the day. <p>In addition to the noise assessment, the City of Bayswater Environmental Services has attended the Kings site and conducted acoustic monitoring on a number of occasions with monitoring results demonstrating compliance with noise regulation limits."</p>	<p>Refer to Appropriateness of Use and Environmental Health Impact sections.</p>
	<p>"The winds are often Easterly and will be an impact on existing and future residential areas."</p>	<p>Refer to first response above.</p>	<p>Refer to Appropriateness of Use and Environmental Health Impact sections.</p>
	<p>"More trucks within the area means more air and noise pollution."</p>	<p>A Transport Impact and parking assessment has been completed by a specialist consultant. The study concluded, that the traffic analysis indicates that the expected net increase in site-generated traffic can be</p>	<p>Air pollution resulting from vehicular movement is not part of the considerations of the Environmental Protection Act.</p>

		<p><i>comfortably accommodated within the practical capacity of the boundary road network with no safety or operational issues expected....</i></p> <p><i>The Kings operation would generate less than 0.27% of the vehicle traffic count within these four main roads combined.</i></p> <p><i>The traffic management plan for the proposed development will divert traffic from Embleton Avenue to Beechboro Road as traffic will no longer enter the site from 40 Embleton Avenue”.</i></p>	Refer to Environmental Health Impact section.
	<p><i>“There is no information about the pollution that would happen during the recycling/processing process and how to control it (if any).”</i></p>	Refer to first response above.	Refer to Environmental Health Impact section.
	<p><i>“Although the application states there is no intent, at this time, to engage in the melting of metals, if the application is approved, what is the guarantee and safeguard for residents that, as the company continues to expand, this will not happen in the future and who will protect the residents if this occurs?”</i></p>	<p><i>“Kings would be required to seek additional Development and Environmental Approvals to undertake melting of metals, which is unlikely to be approved at the current premises without significant modifications.</i></p> <p><i>Melting of metal is not part of the King’s business model as it is not economically viable due to the energy demand required to undertake this activity.”</i></p>	Appropriate conditions are recommended in relation to this matter to restrict the operations to fragmentation only.
	<p><i>“General industry area located just off Embleton Avenue does not always conform and there is often noise in excess of allowed hours before 6AM and after 9PM weekdays.”</i></p>		<p>Refer to Environmental Health Impact section.</p> <p>In addition, an appropriate condition is recommended for an amended acoustic report to be provided prior to the commencement of the proposed use to address all potential noise emissions from the property and demonstrate compliance with the <i>Environmental</i></p>

			Protection (Noise) Regulations 1997.
Land Use	<p><i>"The property (or area) is not for this works (operations). Such a business should be located in a designated area, specific for such an industry and not be approved on a Council's "discretion"."</i></p>	<p><i>"The proposed Kings site is located within a General Industry zoned area within the City of Bayswater. Kings operates its current business in accordance with the requirements of this zoning.</i></p> <p><i>The Kings site is located on Beechboro Road, not adjacent to residential areas and is bounded by concrete walls to the north of the site. The property is currently used by a construction company that dismantles/assembles equipment for high rise buildings, not dissimilar to the proposed operation of dismantling and sorting non-ferrous metal.</i></p> <p><i>Regular audits are conducted and demonstrate that: "King Scrap Metals has achieved operational excellence and has proved its commitment to receiving non-hazardous materials."</i></p>	Refer to Appropriateness of Use section.
	<p><i>"The property is near the soon to be built, Morley Train Station. The area around this property is transitioning to high density residential and an improved living hub."</i></p>	<p><i>"The industrial part of Embleton serves its purpose of buffer to Tonkin highway and the residents. Keeping an industry part is beneficial to the shire in terms of diversity of activities, revenue and jobs.</i></p> <p><i>The proposed site at 159 Beechboro Road South is located outside of the Morley Station Precinct Concept Master Plan."</i></p>	<p>It is considered that the development does not conflict with the future Morley Train Station plans.</p> <p>Refer to Appropriateness of Use section.</p>
	<p><i>"The amount of industrial activity in this area is enough."</i></p>	<p><i>"The proposed Kings site is located within a General Industry zoned area within the City of Bayswater.</i></p> <p><i>The City of Bayswater Town Planning Scheme has a range of areas zoned for different purposes to ensure that business, industry and residential areas can co-exist, ensuring a thriving community offering a range</i></p>	<p>The site is currently zoned 'General Industry'.</p> <p>Refer to Appropriateness of Use section.</p>

		<p>of employment opportunities.</p> <p><i>Kings brings to the City of Bayswater a low impact industry that offers a range of employment opportunities for residents of the City of Bayswater."</i></p>	
	<p><i>"Embleton Avenue is earmarked for medium density and (the proposal) will likely cause complaints in the future."</i></p>	<p>Referring to their responses relating to Possible emissions and Environmental Health Impacts, the applicant states that:</p> <p><i>"The proposed Kings operation is located on 159 Beechboro Road South. The site faces away from Embleton Ave and is buffered by thick concrete walls on the northern boundary. In addition, the buildings facing Embleton Avenue (including the RAC Mechanical Warehouse) create a buffer between the proposed site and residential areas on Embleton Avenue."</i></p>	<p>The site is currently zoned 'General Industry'.</p> <p>Refer to Appropriateness of Use section.</p>
	<p><i>"The proposed development deters future residents looking to move closer to the train station and there could be issues leading to reduced amenity for nearby residents."</i></p>	<p>Referring to their responses relating to Possible emissions and Environmental Health Impacts, the applicant states that:</p> <p><i>"The proposed Kings site is located within a General Industry zoned area within the City of Bayswater.</i></p> <p><i>The proposed site is located on Beechboro Road and will not impact the visual amenity of the residential areas on Embleton Avenue.</i></p> <p><i>In conclusion Kings does not believe that the proposed operation will deter residential development in the area."</i></p>	<p>Refer to Appropriateness of Use section.</p>
	<p><i>"The area is to transit from industrial to commercial in the Morley Station Precinct Concept Master Plan. "</i></p>	<p><i>"The proposed Kings site is located within a General Industry zoned area within the City of Bayswater, according to the existing Town Planning Scheme.</i></p>	<p>The development property is outside of the area identified within endorsed Morley Station Precinct Concept Plan.</p>

		<p><i>It is noted that 159 Beechboro Road South is located outside the Morley Station Precinct Concept Master Plan.</i></p> <p><i>The Bayswater general industry areas serve as a buffer between Tonkin highway and residential areas.</i></p> <p><i>Small businesses are the largest employer in Australia and the General Industry zoned area contributes to providing employment for residents of the City of Bayswater."</i></p>	Refer to Appropriateness of Use section.
	<p><i>"Allowing this application to go ahead by changing the zoning on this property from 'General Industry' to a use for 'Noxious Industry' is irresponsible and untimely."</i></p>	<p>Refer to applicant's responses relating to Possible emissions and Environmental Health Impacts.</p> <p><i>"The proposed Kings Scrap Metal recycling does not fit within the definition of "noxious" as it does not pose a risk of pollution, environmental harm or harm to human health."</i></p>	<p>The 'General Industry' zoning of the lot is not planned to be changed.</p> <p>The purpose of this application is to change the 'use' of the subject property.</p> <p>Refer to Appropriateness of Use section.</p>
	<p><i>"In the last decade or so, the surrounding area has been changing to recreation and healthy pursuits for youth. There is also a change to high density residential and infill. This is not an area that should be considering 'Noxious Industry'."</i></p>	<p>Referring to their responses relating to Possible emissions and Environmental Health Impacts, the applicant states that:</p> <p><i>"The proposed Kings Scrap Metal recycling does not fit within the definition of "noxious" as it does not pose a risk of pollution, environmental harm or harm to human health.</i></p> <p>...</p> <p><i>Different land uses are part of any Town Planning Scheme and facilitate development of residential, commercial and general industry areas."</i></p>	Refer to Appropriateness of Use section.
	<p><i>"Considering the projected plans for the general area around the Morley Train Station, which includes the area in question, can the City approve a Noxious Industry in such close proximity to</i></p>	<p>As above.</p>	

	<i>residential areas, sporting fields and a major public transport system?"</i>		
	<i>"We should be aiming to transition this area to a light industrial zone if anything as there are new industrial parks being implemented with better access for trucks and machinery for example the new Tonkin Highway Industrial."</i>		The site is currently zoned 'General Industry' and the City does not have any current plans to rezone the property.
Traffic	<i>"The development is located close to residential area and the movement of trucks will create local traffic problem."</i>	<i>"The proposed development is located on 159 Beechboro Road South and consequently vehicle access through 40 Embleton Avenue will be diverted and reduced as all vehicles would access from Beechboro Road. A Transport Impact and parking assessment has been completed by specialist consultants. ... In conclusion, the proposed development would generate less than 0.27% of the vehicle traffic count within the four roads combined."</i>	<p>The access to the property is provided from Beechboro Road South and is not via Embleton Avenue which is within the residential area.</p> <p>Notwithstanding, the applicant has provided a traffic impact Assessment which concludes that "the anticipated site-generated traffic associated with the proposed development can be accommodated within the existing practical capacity and functional road classification of the local road system."</p>
	<i>"As a result of the company's proposed expansion, we envisage there will be increased volume of traffic in the area in general. There will also be a large increase in the traffic movement – both vehicular and pedestrian, with the construction and completion of the Morley Train Station, to allow this industry to continue to expand will neither enhance the area nor benefit the local residents or community in any way."</i>	<i>"Please refer to the details of the Traffic Impact Study outlined above and below."</i>	<p>The increased traffic resulted by future Morley Train Station cannot be estimated and factored in this assessment, given it requires a complex traffic modelling.</p> <p>The traffic impact assessment has been considered to be satisfactory by the City's officers.</p>
	<i>"Has it been assessed if large trucks can enter/exit without crossing to the other side of the road? The entry and exit to and from the site needs to be safe for other road users."</i>	<i>"The endorsed Morley Train Station Precinct Concept Master Plan was released in early November 2021.... There is no proposal to provide a road connection at the existing north-east terminus of Beechboro Road South into either</i>	The provided traffic impact assessment states that "This indicates that there would be minimal risk associated with entering and exiting out of the proposed crossovers to and from the boundary

		<p>Broun Avenue or the railway station parking area. Access into the redevelopment area south of the railway station will occur primarily via Wotton Street and Embleton Road. The development proposal is not located within the Master Plan area.</p> <p>The area south of Wotton Street is proposed to remain as General Industry.</p> <p>The anticipated traffic expected to be generated by the proposal is in the order of 171 vehicles per day and even with the commissioning of the Morley Station in 2024/25 and the resultant traffic associated with the car park, Kiss n Ride and bus stations, the proposed upgrade to the road network north-east and north of the site will comfortably accommodate the site-generated traffic as well as future ultimate traffic associated with the build-out of the Morley Station Precinct Master Plan in the context of the road network's practical capacity and will not impact on the existing residential communities to the north and north-west of the site.</p> <p>The consolidation of access to the Beechboro Road South frontage for the overall master site inclusive of operations at 40 Embleton Road will also result in improved operations along Embleton Road and improve the risk profile along this road during peak demand periods."</p>	<p>road network due to the relatively low speed environment and low volumes on the lower order roads with good sightlines in place at all crossovers. The additional traffic associated with the proposal, where a typical maximum demand period would be experienced during weekend days when the ambient traffic on the higher order road network is reduced, would not have an impact on the risk profile at this location."</p> <p>Accordingly, the vehicular movements in and out of the site are not concerning.</p>
	<p>"There will be trucks waiting for weighbridge use, lining up potentially on the street causing serious safety concerns."</p>		<p>As above.</p> <p>Further, all operational activities are required to occur within the boundaries of the subject site. An appropriate condition and advice note have</p>

			been recommended to address this concern.
Other Concerns	<i>"Would the power draw from the proposed operations affect the existing power draw at the surrounding properties?"</i>	<i>"The current power usage on site would be unchanged. It does not require more power than what is available on site, the electrical consumption would be similar than of the current tenant. The site has plenty of power and the proposed operation would not affect surrounding properties."</i>	Power draw is not a planning related consideration. Refer to Applicant's responses.
	<i>"Would the vibrations from the proposed development have an effect on the surrounding buildings structures in any ways."</i>	<i>"It is unlikely any vibrations would be generated from the proposed operation. The machines used on site are too small in size and power to be able to create vibrations."</i>	The vibrations resulting by the operations are not a direct planning consideration. Refer to Applicant's comments.
	<i>"Kings Scrap Metal had a development application approved by Council on 27 April regarding their premises at 40 Embleton Ave. This approval contained 17 conditions. 6 months later, the question must be asked if these conditions have been met within the required time frames..."</i> <i>The company's willingness to become compliant and we question the company's intention – if they have not adhered to these conditions in a timely manner, why should we have any confidence they will adhere to any conditions placed on the current application should it be approved. Are City officers able to confirm the current status of the conditions laid out by Council on 27 April 2021?"</i>	<i>"Kings is working with the City of Bayswater to ensure compliance with all conditions of the Development Approval for 40 Embleton Avenue, Embleton."</i> <i>The application approved by the council earlier this year for another site was followed by the company and the city, we have no doubt that the city is doing what is best for Bayswater. And we have no doubt that if there were breaches the city would notify the company.</i> <i>The very essence of this application is to comply with all regulations and ensuring that all operations conducted by King Scrap Metals are within the boundaries set by the relevant regulations and all conditions are met.</i> <i>King Scrap Metals kept demonstrating to officials since starting its applications that everything in their power is done as part of a constant effort to comply with all regulations and conditions at the expense of time and efforts</i>	Each application is assessed on its own merits. The subject application is considered to be a separate matter and concerns relating to compliance with conditions of the subject approval can be followed up with the City's development compliance.

		<p>spending relentless working hours on the application.</p> <p>It is by the same work ethic that the company has been certified ISO9001 for quality management and is being certified this November 2021 ISO14001 for environmental management.”</p>	
	<p>“The history of non-compliance with City regulations for both properties should be viewed together as it is one company utilizing two adjoined properties – you cannot successfully separate one operation from the other.”</p>	<p>“Kings Scrap metal is compliant with all conditions of previous development approvals.</p> <p>On this subject, only the city and authorised officials can assess what is compliant or not and act upon it.</p> <p>Unproven allegations about “history of non-compliance” are a serious matter and we are concerned by such statements.</p> <p>To reiterate, the proposed application is for 159 Beechboro Road as it can be demonstrated in the plans and reports.</p> <p>...</p> <p>It is clear that many company/corporations run different type of businesses operations indeed successfully”</p>	As above.
	<p>“Property values in the immediate vicinity will, without any doubt whatsoever be affected, thereby reducing values, prospective buyers will be deterred by the fact there is a noxious industry, in our case, less than 200m from the front door.”</p>	<p>Refer to applicant's responses to Land Use concerns.</p> <p>“Kings is located within a General Industry zoned area within the City of Bayswater. Kings operates its current operations in accordance with the requirements of this zoning... given that the site is within an existing General Industry zoned area and based on the information outlined above it is unlikely that the proposed development would reduce property prices in the general area.”</p>	<p>Property value is not a relevant planning consideration.</p> <p>The proposed development is assessed based on its merits, including planning and environmental health considerations.</p>
	<p>“This application is quite possibly retrospective, as</p>	<p>“This application is not retrospective because the</p>	<p>The submitter's reference to ‘one</p>

	<i>was the one approved earlier this year."</i>	<i>site in (159 Beechboro Road) is currently occupied by SRG Global. The development application approved earlier this year is for 40 Embleton Avenue, Embleton."</i>	<i>approved earlier this year' relates to the property at 38-40 Embleton Avenue which the Council has conditionally approved.</i> <i>The applicant has advised the City that they are not currently operating as noxious industry at the subject site.</i>
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OFFICER COMMENTS

TPS24 does not provide any specific development standards for a noxious industry development. However, the use is considered to be compatible with factory and warehouse uses and the relevant development standards have been applied in the assessment.

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front	13.5m	Min. 31.3m	Compliant
Side (north-east)	0	Min. 1m	Compliant
Side (south)	0	0.7m	Compliant
Rear	0	0	Compliant
Maximum Plot Ratio	0.5 (7,147m ²)	0.182 (2,597.3m ²)	Compliant
Maximum Coverage	50%	18.2%	Compliant
Minimum Landscaping	10% plus a 2m wide landscaping strip at the frontage	3.61% plus an average 3.6m wide landscaping strip at the frontage	Variation
Minimum Parking	52.78 car bays	53 car bays	Compliant

Appropriateness of Use

The subject property is zoned 'general industry'. The property was previously approved as factory and builders yard by Council at its Ordinary Meeting held 27 May 2008. The proposed uses of 'noxious industry' and ancillary 'office' are discretionary uses for this zone.

The applicant has advised that the operations of the proposed use include receiving various loads of metals, sorting, storing, processing and exporting for sale. The proposed processing includes separating the materials by their type and via grinding, shearing and plasma cutting (fragmentation).

The proposed site plan indicates processing areas of light processing, compactors and plasma cutting within the undercover area of the concrete tilt panel and iron structure. The external storage will occur within the proposed sea containers, under the central cladding structure and in different designated uncovered areas depending on the type of materials.

The use will involve purchasing scrap metals from the public (individuals, tradies, and businesses) inside the designated safe area. The transaction will take place in the new portable office next to the proposed weighbridge. No sale of goods to the public will occur at the premises. However, sale

of material to the business will occur either by delivery trucks or sea container by the business operators of the proposed development.

In view of the above, it is considered that the proposed noxious industry operations (involving fragmentation of the metal) are consistent with the previously approved factory use for the site and the storage of the material on site is also considered to be compatible with the approved builders yard use for the site.

In response to the submitter's concerns in relation to the appropriateness of the proposed use in view of the Morley Station Precinct Concept Plan, it is noted that the subject property at 159 Beechboro Road South, Embleton, is outside of the area identified within the endorsed Morley Station Precinct Concept Plan. It is noted that the subject lot was included in the draft Concept Plan area, however during the refinement of the document after consultation, the subject site was removed.

The Concept Plan identifies the northern adjoining lots for broader employment uses. The purpose of the broader employment use area is intended to be a buffer between the retained general industrial area (which includes the subject property) and the proposed residential areas. It is envisaged that the broader employment uses could include the creative and cultural industries, education, hospitality, or food and beverage providers that require more space and provide an opportunity to celebrate the existing character and integrity of the area. While the broader range of land uses are envisioned the final land uses and their potential impact are not yet known. Further there are a number of general industry land uses in the area adjoining the broader employment use area, including a scrap metal yard, car repairs and maintenance, which can continue to operate.

Accordingly, the proposed use is not considered to conflict with the provisions of the endorsed Morley Station Precinct Concept Plan and is consistent with other land uses in the area surrounding the Concept Plan.

It is further noted that the office areas are relatively small in area and are provided ancillary to the primary use. Accordingly, the proposed offices are not considered to deter from the general industry zoning of the land.

Environmental Health Impact

An application for a noxious industry is subject to assessment against the '*Guidance for the Assessment of Environmental Factors*' (the Guide) by the Environmental Protection Authority (EPA). The Guide recommends generic separation distances between industry and sensitive land uses (including residential developments) where the proposed industry may have a potential impact upon a sensitive land use.

A noxious industry use (consisting of scrap metal recycling works and where melting and fragmenting occurs) is recommended to have a 300m-500m buffer distance to sensitive land uses in the Guide. In view of the above, the extent of the advertising area was established based on the recommended buffer distance of a noxious industry use to the existing residential developments.

It is however noted that the above recommended buffer distance in the Guide relates to scrap metal recycling works where both fragmenting and melting of the metal occurs on site. The proposed use however relates to the fragmentation of scrap metal within a covered processing area and it does not include any melting of the metals on site. The applicant has further advised that the business will not accept or store materials including gas bottles/pressure vessels, flammable liquids, unclean drums/tanks, corrosive material, explosive/ammunition, poisons, radioactive material, asbestos and Chlorofluoro Carbons (CFC's). Although the only potential impact to sensitive land uses is expected to be noise impacts, an environmental and health impact assessment, acoustic report and air monitoring will all be necessary to demonstrate compliance.

The applicant has provided an acoustic report for the proposed use which reviews the noise generated by the proposed operations on site. The provided acoustic report has been reviewed by the City's officers and was referred to the DWER for their initial comments. The outcome of these reviews indicates that amendments to the acoustic report are required to include additional information regarding all potential noise emissions from the operations on site. The amendments include, but are not limited to, the following:

- The applicant/consultant to compare the results to the night time assigned levels (and confirm that the metal recyclers will not start operating prior to 7am);
- The applicant to pursue use of broadband reverse beepers;
- The applicant/consultant to confirm the truck traffic volume;
- The applicant to ensure that the sea containers have been put in place prior to the scrap metal yard operating from this site; and
- The applicant/consultant to include the noises generated by a circular saw and a compressor (should these type of equipment be used at the scrap metal yard) and provide noise mitigation recommendations.

Accordingly, an amended acoustic report is required to be provided to the City, prior to the commencement of the use. A relevant condition has been recommended in this regard.

Further to above, in the event the application is granted planning approval, the application will still require licencing by the DWER and will need to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004*.

In view of the above, the use is considered to be appropriate for its zoning and the location of the site, subject to the above-mentioned requirements being provided to the City's satisfaction. Relevant conditions to address these matters have been recommended accordingly.

Landscaping

In accordance with the requirements of TPS24, the proposed use is required to provide 1,429.4m² of landscaping areas, equating to 10% of the site area. Such landscaping shall include a 2m wide landscaping strip along the front boundary of the subject property and given the open parking area provides more than 21 parking spaces, a minimum of 1m² of permanent landscaping for every 10m² of parking bay area is required. Accordingly, a total of approximately 1,501m² landscaping is to be provided on site.

The proposed site plan indicates landscaping within an average 3.6m wide landscaping strip at the front boundary and two other landscaping strips along the car parking area and central to the site and a landscaping area adjacent to the north-eastern boundary. The total area of landscaping on site is therefore 516m². Accordingly, the provided on-site landscaping is equal to 3.61% of the site area and does not comply with the requirements of TPS24. It is however noted that the lot has already been developed and there is limited opportunity to provide landscaping or trees on the property, unless the existing hardstand on site is removed and reinstated by landscaping. Further, other areas which are not provided with landscaping, are considered to be necessary for the operations and vehicular manoeuvrings on site. In this view, it is considered that the proposed extent of landscaping within the site is sufficient in this instance.

Notwithstanding, the site plan does not provide shade trees within the car parking areas at the required rate of one tree per four car bays by TPS24. Accordingly, a detailed landscaping plan is required to be provided to the City to include shade trees within the car parking areas at a rate of one tree for every four bays. The landscaping plan is also required to ensure that adequate kerbing

is provided along the landscaping areas to avoid the stormwater runoff being directed into the landscaping areas. A relevant condition is recommended accordingly.

Signage

The proposed plans include three signs for the property, one of which is to be installed on the fascia of the existing covered area with an approximately 100m setback from the front boundary and the other two signs which will be installed on the fence at the street boundary.

The internal fence on the fascia of the existing covered area is made of two panels which are 2.44m high and have a total length of 22.88m. Given the significant setback of the subject sign from the street, the subject sign is not considered to have an undue impact on the streetscape and it is accordingly supported.

The other two signs are proposed to be affixed to the front fence at the street boundary. Given the City's Signage Policy does not include fence sign as a recognised type of signage, the City has applied the requirements of the horizontal signs (for the sign on the southern side of the entry gate) and the wall signs (on the northern side of the entry gate) within the subject policy for the assessment of the proposed fence signs.

In view of the above, the proposed fence sign on the southern side of the entry gate which is 1.5m high and has a thickness of 3mm, is considered to meet the requirements of horizontal signs in the subject policy.

The second sign on the northern side of the entry gate is a directional sign and is 1.5m high with a total area of 2.25m². The subject sign is also considered to meet the requirements of the subject policy for wall signs except for the headway clearance requirement which is not applicable to this sign.

The subject signs are not considered to have an undue impact on the streetscape of Beechboro Road South and are supported, accordingly.

LEGISLATIVE COMPLIANCE

- City of Bayswater Town Planning Scheme No. 24;
- *Planning and Development (Local Planning Schemes) Regulations 2015* and amendments;
- City of Bayswater Signage Policy;
- *Environmental Protection Act 1986* (and Guidance for the Assessment of Environmental Factors); and
- *Environmental Protection (Noise) Regulations (1997)*.

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Vibrancy

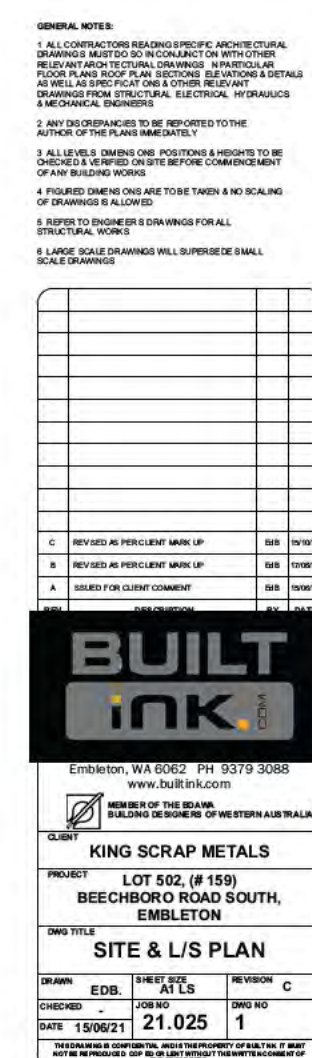
Goal V2: Encourage economic development across the City, and provide increased opportunities for people to live and work locally by facilitating new investment in the City.

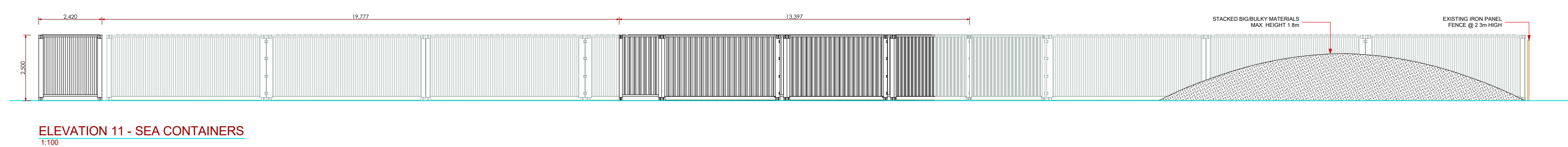
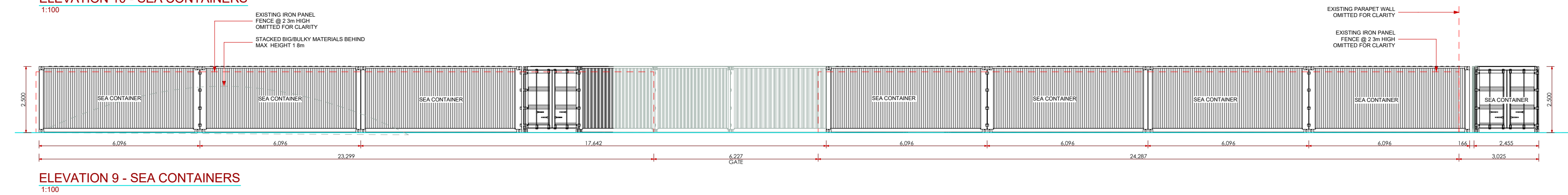
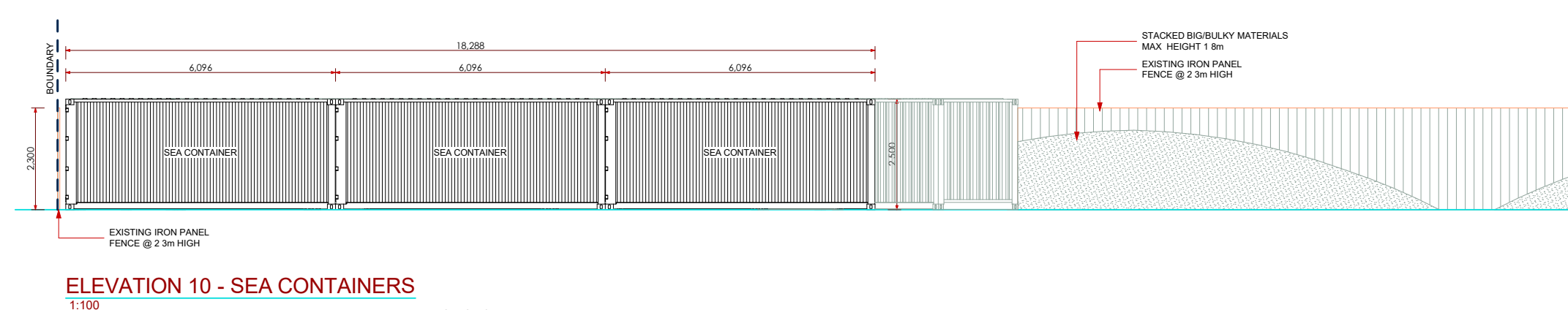
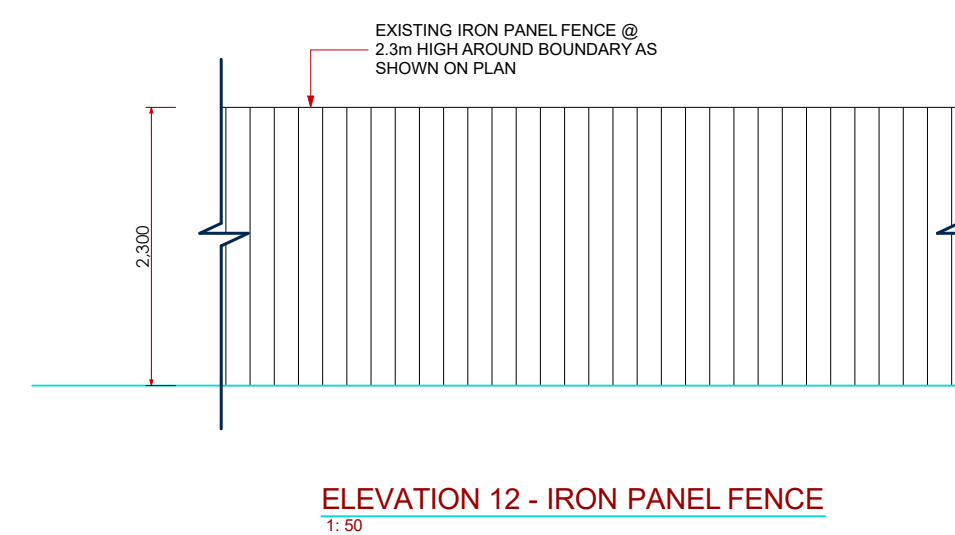
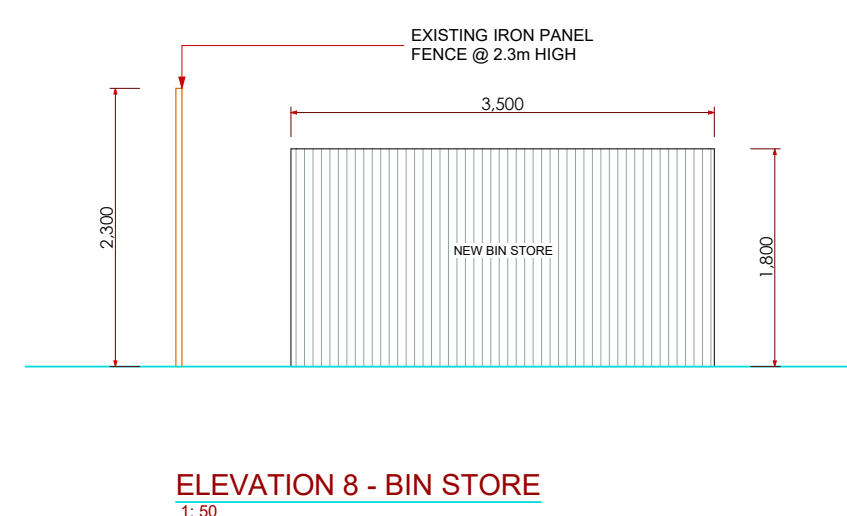
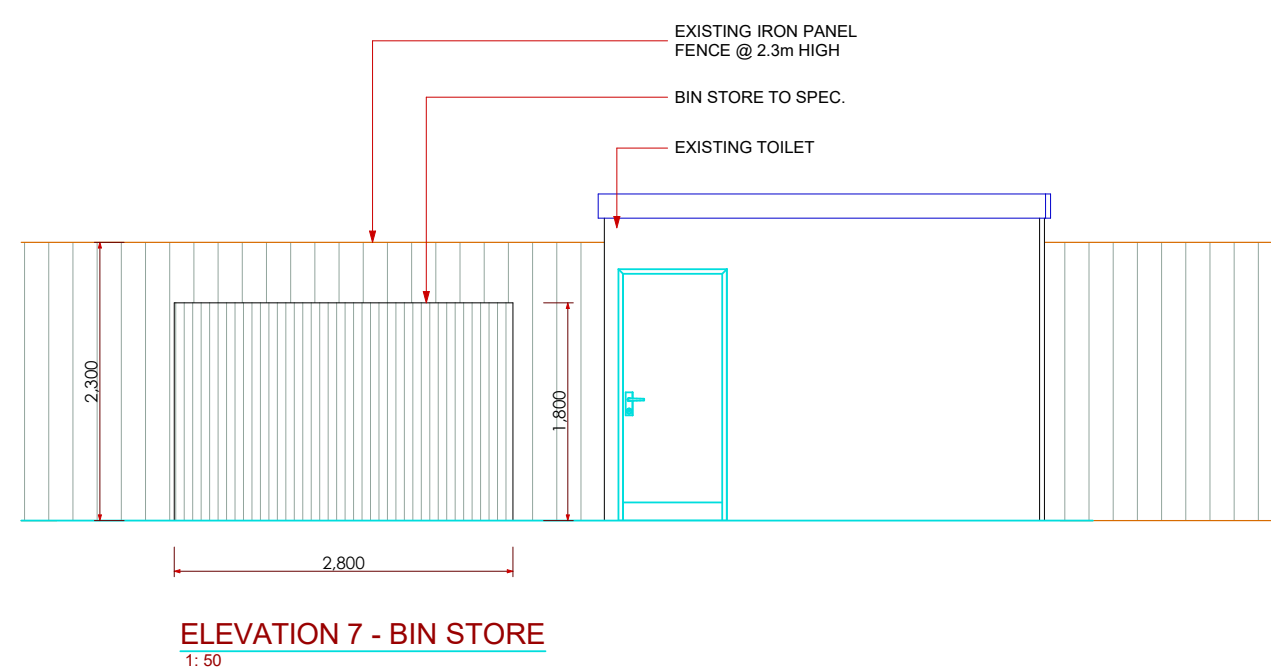
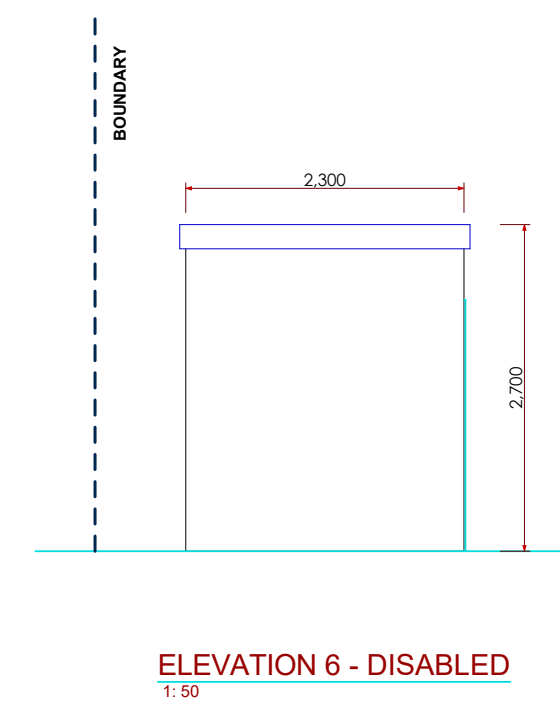
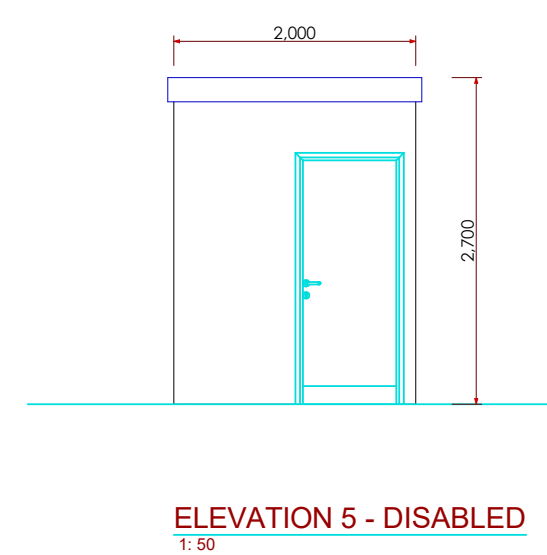
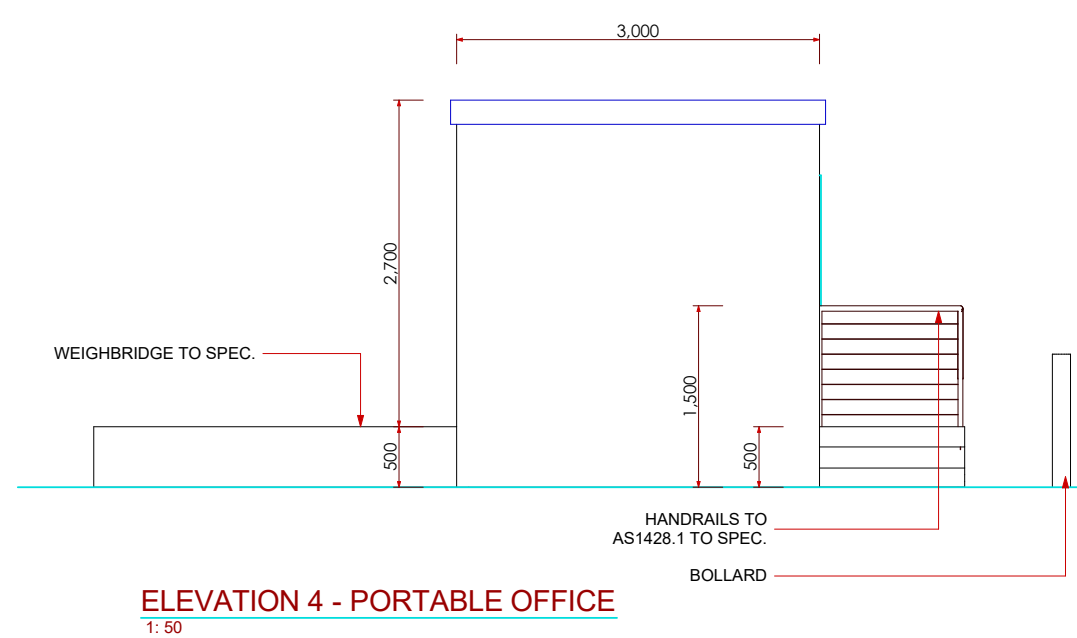
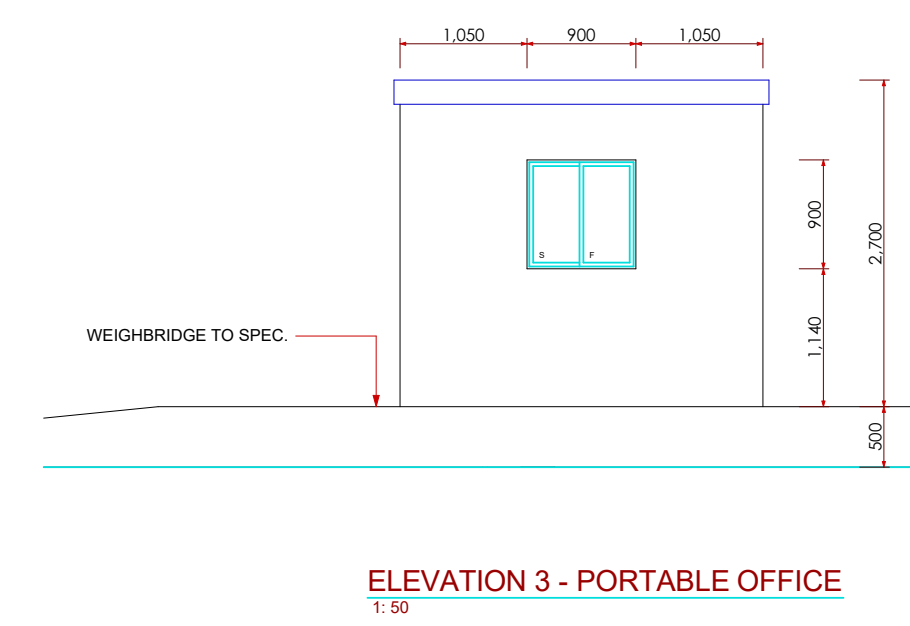
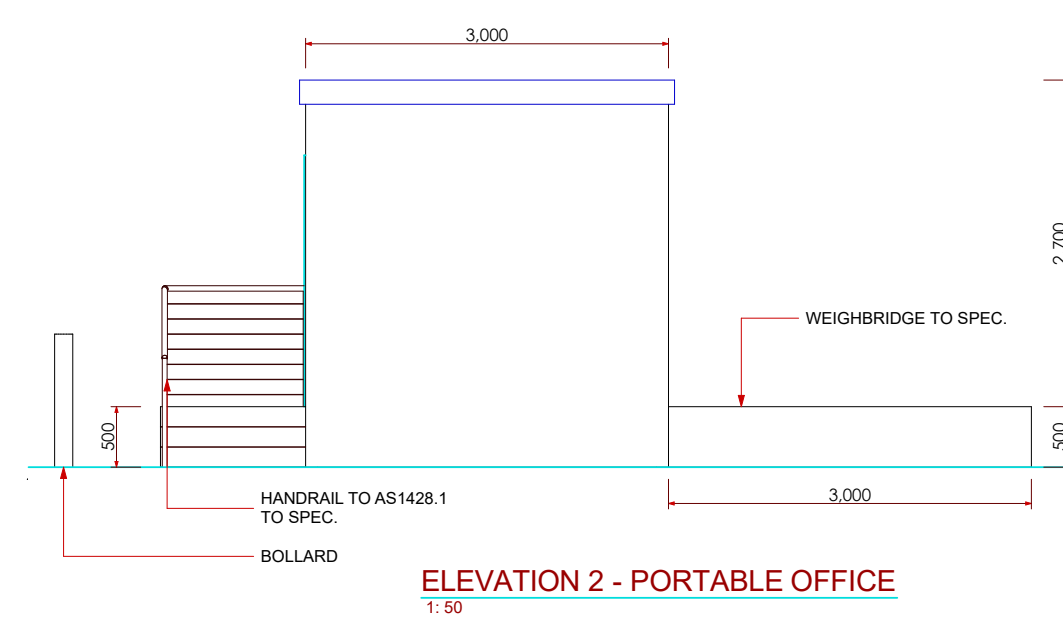
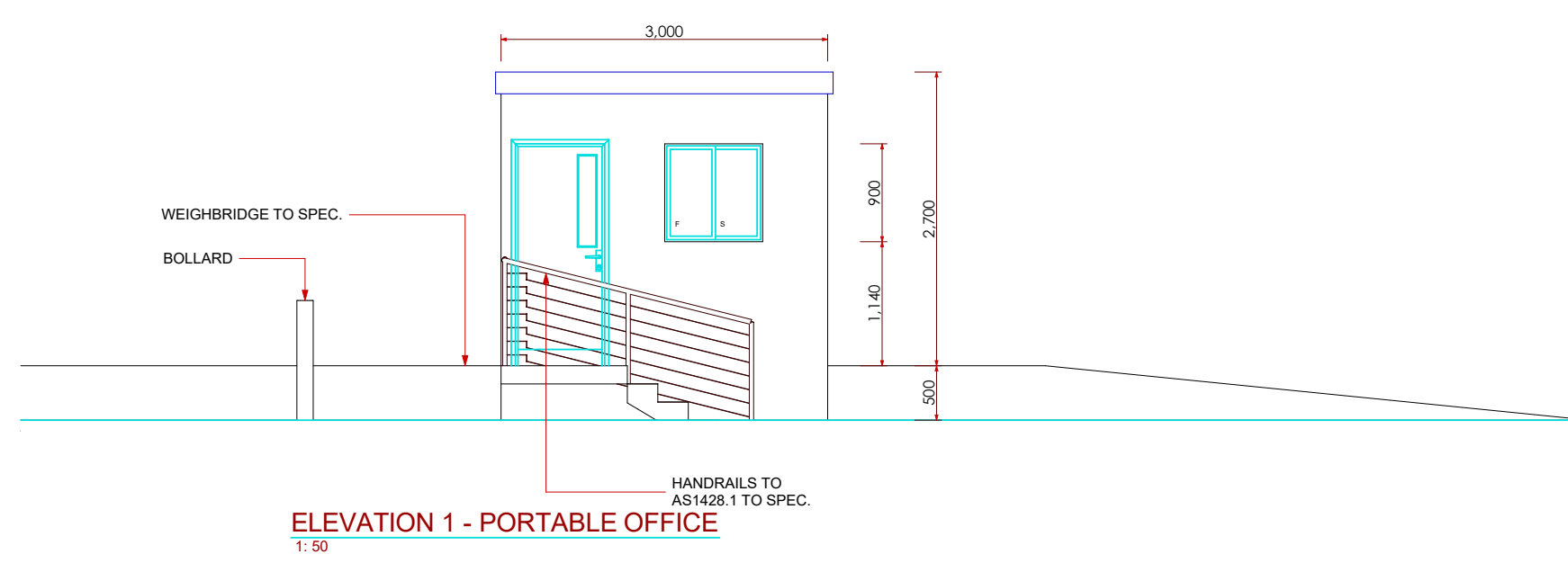
Goal V4: Support businesses across the City to grow and thrive.

In view of the above assessment, it is considered that the proposed use is relatively consistent with the previous approved use for the site and an approval of the proposed use will facilitate that the growth of the businesses is supported in the area that is zoned for industrial uses.

CONCLUSION

In view of the officer's assessment, the application is recommended for approval subject to the proposed conditions.





GENERAL NOTES:

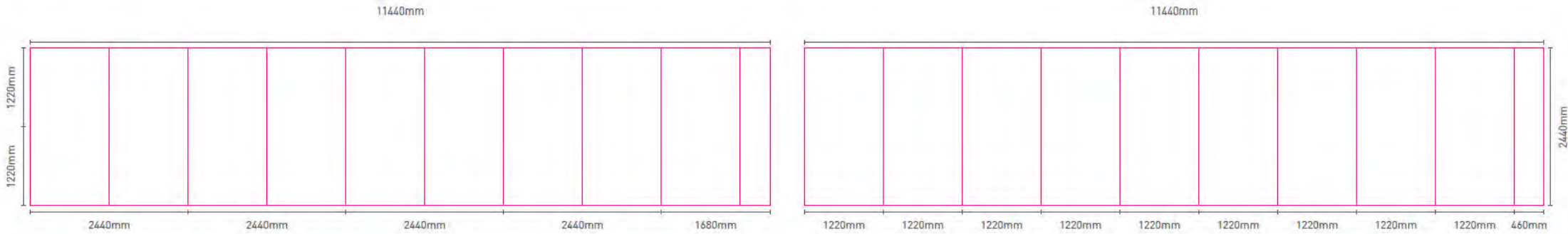
1. ALL CONTRACTORS READING SPECIFIC ARCHITECTURAL DRAWINGS MUST DO SO IN CONJUNCTION WITH OTHER RELEVANT ARCHITECTURAL DRAWINGS. IN PARTICULAR FLOOR PLANS, ROOF PLAN, SECTIONS, ELEVATIONS & DETAILS. ALL DRAWINGS MUST BE READ TOGETHER & COVER RELEVANT DRAWINGS FROM STRUCTURAL, ELECTRICAL, HYDRAULIC & MECHANICAL ENGINEERING.
2. ANY DISCREPANCIES TO BE REPORTED TO THE AUTHOR OF THE PLANS IMMEDIATELY.
3. ALL LEVELS, DIMENSIONS, POSITIONS & HEIGHTS TO BE CHECKED & VERIFIED ON SITE BEFORE COMMENCEMENT OF ANY BUILDING WORKS.
4. FIXED DIMENSIONS ARE TO BE TAKEN & NO SLOPING OF DRAININGS IS ALLOWED.
5. REFER TO ENGINEER'S DRAWINGS FOR ALL STRUCTURAL WORKS.
6. LARGE SCALE DRAWINGS WILL SUPERSEDE SMALL SCALE DRAWINGS.

C	REV RECD-AS PER CLIENT BANK UP	E48	9670	
B	REV RECD-AS PER CLIENT BANK UP	E49	2786	
A	TOTAL FOR CLIENT COMENT	E50	5055	
REV	RECEIVED FROM CLIENT			





Visual Layout



Sheeting Layout

- Yard Sign**
- Spec: Silver Metallic Vinyl Graphics to ACM Sheeting to Fit existing Shed Fascias in Yard
 - Size: 11440mm x 2440mm (x2)
 - Installation: Glue And Screw Fixed to Fascia



VISUAL

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NOTE: This Visual is not to scale and is for illustrative purposes only

ARTWORK APPROVAL



Fence Signage

- Spec : Signage fabricated as follows :
 - Signage : Digital Print and Chrome mirror vinyl on 3mm ACM
- Sizes 6100mm x 1500mm)
- Installation : Fixed directly to Fence
- Qty : 1

COLOURS / SPECS

Chrome

Black ACM



Fence Signage

- Spec : Signage fabricated as follows :
 - Signage : Vinyl Graphics on 3mm ACM
- Sizes 1500mm x 1500mm
- Installation : Fixed directly to Fence
- Qty : 1



ACOUSTIC REPORT

FOR

159 Beechboro Road South

28 October 2021

AES-890141-R02-2-28102021

Acoustic Engineering Solutions
www.acousticengsolutions.com.au

Client: King Scrap Metals Pty Ltd
Project: Acoustic Report



DOCUMENT CONTROL

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Revision: 2

Date: 28 October 2021

Doc NO: AES-890141-R02-2-28102021

Acoustic Engineering Solutions

ABN: 64 451 362 914

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AES-890141-R02-2-28102021

Page II

Client: King Scrap Metals Pty Ltd
Project: Acoustic Report



EXECUTIVE SUMMARY

Acoustic Engineering Solutions (AES) has been commissioned by King Scrap Metals Pty Ltd (King Scrap Metals) to undertake an environmental noise impact assessment of its operations at 159 Beechboro Road South Embleton. The aim of this assessment is to determine whether or not the operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is created and nine operational scenarios are modelled:

- Scenario 1: represents the worst-case operation of mechanical plant.
- Scenarios 2 & 3: represent the worst-case impulsive noise emissions.
- Scenario 4: represents short events for placing bins onsite.
- Scenario 5: represents short events for closing a vehicle door onsite.
- Scenario 6: represents the worst-case operation of shear machine.
- Scenario 7: represents short events for bin dumping onsite.
- Scenario 8: represents reversing beep noise only.
- Scenario 9: represents the worst-case operation at 159 Beechboro Road South Embleton. All of the machines/trucks/forklifts and hand tools operate simultaneously onsite (scenarios 1 plus 6).

Scenario 8 considers reversing beeps only and is not covered by the Regulations. It is modelled to assess the beep noise impact on the surrounding area.

Six closest residential and industrial receivers are selected for the detailed assessments of noise impact. Noise levels are predicted for the worst-case meteorological conditions. The predicted worst-case noise levels are adjusted to account for their dominant characteristics and then assessed against the criteria set by the Regulations. The compliance assessment concludes that full compliance is achieved for the operations of King Scrap Metals at 159 Beechboro Road South Embleton.

Client: King Scrap Metals Pty Ltd
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1.0 INTRODUCTION

King Scrap Metals Pty Ltd (King Scrap Metals) applies for the development approval of proposed operations at 159 Beechboro Road South Embleton. The City of Bayswater requires an acoustic report for undertaking an environmental noise impact assessment to determine whether or not the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

Acoustic Engineering Solutions (AES) has been commissioned by King Scrap Metals to prepare the acoustic report.

1.1 SUBJECT SITE

Figure 1 in APPENDIX A presents an aerial view of the subject site and surrounding area. The site is located within a "General Industry" zone.

Figure 2 and Figure 3 in APPENDIX A present the site layout and a 3D view of the subject site. A large shed stands along the north-western boundary to include:

- Light Processing Area;
- Compactor Area; and
- Plasma Cutting Area.

No internal partition walls are built to separate different areas. The shear machine, sledge hammer and grinder operate in the light processing area while the bailer operates in the compactor area. Plasma cutter operates in the plasma cutting area.

The shed has metal sheeting roof and parapet walls on its northwest and southwest sides but open in its northeast and southeast sides (no external walls). One layer of (2.5m) sea containers will be placed along the northeast side of the shed, as shown in Figure 4, eastern side of part of driveway and along the northwest site boundary except for the gate to 38-40 Embleton Ave.

Two un/loading areas are located in the front of the shed. The site is designed to have one-way traffic route. Trucks enter the site from Beechboro Road South, pass the new weighbridge and then head to the two un/loading areas. Staff and visitor car parks are located in the front of site and also along the south-western boundary.

King Scrap Metals opens 6 days a week excluding public holidays:

- 7am – 5pm on Monday to Friday; and
- 7am – 1pm on Saturday.

2.3m iron panel fences are built along the site boundaries except for the two gates. The entrance gate on the driveway (from Beechboro Road South) and the gate to 38-40 Embleton Ave are open during the operation hours.

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2.0 NOISE CRITERIA

Noise management in Western Australia is implemented through the Environmental Protection (Noise) Regulations 1997 (the Regulations). The Regulations set noise limits which are the highest noise levels that can be received at noise-sensitive (residential), commercial and industrial premises. These noise limits are defined as 'assigned noise levels' at receiver locations. Regulation 7 requires that "noise emitted from any premises or public place when received at other premises must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind".

Table 2-1 presents the assigned noise levels at various premises.

Table 2-1: Assigned noise levels in dB(A)

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A) ¹		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	65 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	55 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises other than those in the Kwinana Industrial Area	All hours	65	80	90

¹ Assigned level L_{A1} is the A-weighted noise level not to be exceeded for 1% of a delegated assessment period.
Assigned level L_{A10} is the A-weighted noise level not to be exceeded for 10% of a delegated assessment period.
Assigned level L_{Amax} is the A-weighted noise level not to be exceeded at any time.

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For highly noise sensitive premises, an "influencing factor" is incorporated into the assigned noise levels. The influencing factor depends on road classification and land use zonings within circles of 100 metres and 450 metres radius from the noise receiver locations.

2.1 CORRECTIONS FOR CHARACTERISTICS OF NOISE

Regulation 7 requires that that "noise emitted from any premises or public place when received at other premises must be free of:

- (i) tonality;
- (ii) impulsiveness; and
- (iii) modulation.

when assessed under Regulation 9".

If the noise exhibits intrusive or dominant characteristics, i.e. if the noise is impulsive, tonal, or modulating, noise levels at noise-sensitive premises must be adjusted. Table 2-2 presents the adjustments incurred for noise exhibiting dominant characteristics. That is, if the noise is assessed as having tonal, modulating or impulsive characteristics, the measured or predicted noise levels have to be adjusted by the amounts given in Table 2-2. Then the adjusted noise levels must comply with the assigned noise levels. Regulation 9 sets out objective tests to assess whether the noise is taken to be free of these characteristics.

Table 2-2: Adjustments for dominant noise characteristics

Adjustment where noise emission is not music. These adjustments are cumulative to a maximum of 15 dB.			Adjustment where noise emission is music	
Where tonality is present	Where Modulation is present	Where Impulsiveness is present	Where Impulsiveness is not present	Where Impulsiveness is present
+5 dB	+5 dB	+10 dB	+10 dB	+15 dB

2.2 VEHICLE NOISE

Regulation 3(g) states that *nothing in these regulations applies to the following noise emissions —*

(g) *Noise emissions from*

- (i) *a reversing alarm fitted to a motor vehicle, mobile plant, or mining or earthmoving equipment; or*
- (ii) *a startup or movement alarm fitted to plant,*

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If —

- (iii) it is a requirement under another written law that such an alarm be fitted; and
- (iv) it is not practicable to fit an alarm that complies with the written law under which it is required to be fitted and emits noise that complies with these regulations.

Worksafe WA requires a safe system of work and recommends that mobile plant that works near persons on the ground be equipped with a reversing alarm. Audible alarms are a practical safety device that manufacturers and suppliers fit to mobile plant to reduce the risk of contact with other vehicles and pedestrians when reversing. It is one component of a safe system of work.

2.3 INFLUENCING FACTOR

Six closest residential and industrial receivers are selected for the detailed assessments of noise impacts, as shown in Figure 1 in APPENDIX A. R1 is a residential receiver while the others are industrial receivers.

Influencing factor varies from residence to residence depending on the surrounding land use. According to the traffic flow data published in Main Roads traffic map, Tonkin Highway and Broun Avenue are classified as the major roads while Embleton Avenue is classified as the secondary road. R1 is off Embleton Avenue but more than 260m away from Broun Avenue and 400m away from Tonkin Highway. Therefore transport factor of 2 dB applies to R1.

Figure 5 in APPENDIX A presents the town planning scheme zone map 1 of the City of Bayswater. The subject site is located within a general industrial zone. No commercial area is present within 450m of R1. The City of Bayswater indicates² that the influencing factor of R1 is 8 dB.

Table 2-3 presents the day-time assigned noise levels for the selected receivers.

Table 2-3: Day-time assigned noise levels for Monday to Saturday.

Closest Residents	Day-time Assigned Noise Levels ³ in dB(A) for Monday to Saturday		
	L _{A10}	L _{A1}	L _{Amax}
R1	53	63	73
Others	65	80	90

² Comments of the City of Bayswater for the "Acoustic Report for King Scrap Metals" (Report NO: AES-890141-R01-B-19052021), 19 May 2021.

³ 0700 to 1900 hours for Monday to Saturday.

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3.0 NOISE MODELLING

3.1 METHODOLOGY

An acoustic model is developed using SoundPlan v8.0 program, and the CONCAWE^{4,5} prediction algorithms are selected for this study. The acoustic model is used to predict noise levels at the selected receiver locations and generate noise level contours for the area surrounding the subject site.

The acoustic model does not include noise emissions from any sources other than from the subject site. Therefore, noise emissions from road traffic, aircraft, neighbouring industrial premises, etc are excluded from the modelling.

3.2 INPUT DATA

3.2.1 Topography

King Scrap Metals advised that the site and surrounding area are reasonable flat. Therefore, a flat ground is assumed in the acoustic model with averaged ground absorption of 0.6.

The existing buildings both on site and in the surrounding area are digitised into the acoustic model together with the 1.8m boundary fences of some closest properties.

The site 2.3m boundary fences and 2.5m sea-containers, shown in Figure 4, are considered in the acoustic model.

3.2.2 Noise Sensitive Premises

Six closest residential and industrial receivers are selected for the detailed assessment of noise impacts, as shown in Figure 1 in APPENDIX A. R1 is a residential receiver while the others are industrial receivers.

3.2.3 Source Sound Power Levels

Table 3-1 presents the measured sound power levels during three separate site trips. The forklifts were measured under the high idling stationary conditions while the trucks were measured under the (low speed) driving conditions. The beep noise sound power level was measured when a forklift reversed slowly in the outdoor storage area of 38-40 Embleton Avenue. For the measurements of sound power levels L_{Amax} of un/loading bins to compact ground/trucks, a forklift was used to move and place bins in the outdoor storage area. For

⁴ CONCAWE (Conservation of Clean Air and Water in Europe) was established in 1963 by a group of oil companies to carry out research on environmental issues relevant to the oil industry.

⁵ The propagation of noise from petroleum and petrochemical complexes to neighbouring communities, CONCAWE Report 4/81, 1981.

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the measurements of sound power levels L_{Amax} of unloading a full bin into an empty bin on the ground, a forklift was used to rotate the full bin in the outdoor storage area. For the measurement of sound power level of a sledge hammer, the sledge hammer was continuously hammering on an aluminium waste block for one minute. The sound power level of bailer machine was averaged over three individual measurements (i.e., three operational cycles). Each measurement includes sorting metal pieces into the bailer bucket and then compressing them into a metal block. The L_{Amax} level of operating bailer was the measured maximum level over the three measurements. For the sorting of metals or aluminium bars into metal bins, measurement was taken for a 3-minute interval when they are thrown into a bin from a pile of metals or aluminium bars. The sound power level of Makita M14 grinder was measured when it cut metal blocks.

Table 3-1: Measured sound power levels in dB(A).

Equipment	Octave Frequency Band Sound Power Levels in dB(A)									Overall dB(A)
	31	63	125	250	500	1k	2k	4k	8k	
4T Yale Forklift	41.1	72.8	77.9	84.7	86.0	84.7	81.3	77.9	71.4	91.1
2T TCM Forklift	48.7	63.3	79.7	86.6	87.5	86.7	83.8	76.9	71.0	92.8
5T Hyster Forklift	48.5	64.1	75.7	84.0	84.5	86.0	82.0	79.2	74.6	90.9
5T Flatbed	53.2	69.8	76.7	80.9	83.9	83.9	84.3	80.3	72.0	90.3
Skip Truck	52.3	72.7	78.9	80.2	83.5	83.8	81.9	77.1	67.3	89.5
Load a Full Bin to a Truck L_{Amax}	57.9	79.6	85.0	85.8	90.3	89.5	89.2	82.1	72.9	95.8
Load an Empty Bin to a Truck L_{Amax}	64.3	81.6	88.7	90.3	92.6	92.4	95.1	99.4	92.2	102.8
Unload a Full Bin to Compact Ground L_{Amax}	64.3	82.1	89.4	97.8	96.6	102.1	101.6	101.5	92.8	107.6
Unload an Empty Bin to Compact Ground L_{Amax}	66.9	89.5	96.5	102.8	97.1	95.6	99.8	98.3	91.5	107.1
Vehicle Door Closing L_{Amax}	61.8	74.2	75.6	80.6	86.6	91.7	83.4	79.7	70.6	93.9
Bailer	40.0	54.3	65.6	76.3	84.7	90.9	96.5	94.8	86.4	99.8
Bailer L_{Amax}	53.2	64.4	78.4	86.5	95.8	109.1	117.1	114.6	107.5	119.8

Client: King Scrap Metals Pty Ltd
Project: Acoustic Report



Equipment	Octave Frequency Band Sound Power Levels in dB(A)									Overall
	31	63	125	250	500	1k	2k	4k	8k	dB(A)
Makita M14 Grinder on Metals	37.6	51.2	60.4	71.5	82.7	93.0	100.0	104.9	103.3	108.1
Sorting Metals into A Bin	39.2	54.1	64.2	72.0	81.4	91.1	97.5	96.0	90.3	100.8
Sorting Metals into A Bin L _{Amax}	50.3	69.5	76.7	83.2	92.0	102.4	108.8	106.5	101.8	111.9
Sorting Aluminium Bars into A Bin	32.1	58.7	71.5	77.6	84.5	91.8	96.3	95.1	87.8	100.0
Sorting Aluminium Bars into A Bin L _{Amax}	39.6	73.3	84.6	90.4	95.8	103.8	107.8	107.3	100.1	111.9
Sledge Hammer on Wastes	35.8	48.1	62.0	74.0	87.5	91.6	94.3	92.8	88.6	98.7
Dumping Metals from Bin to Bin L _{Amax}	70.7	88.8	98.5	106.4	112.3	115.1	115.5	113.8	107.2	120.8
Sledge Hammer on Wastes L _{Amax}	39.4	52.0	69.9	80.9	96.9	100.5	103.3	100.1	95.8	107.1
Shear Machine	37.6	52.6	74.0	80.9	92.4	99.6	105.1	104.7	99.0	109.1
Electric Drill	32.6	48.2	55.0	60.5	64.8	75.7	80.3	79.0	73.5	84.0
Reversing beeping of A Forklift	29.8	44.2	53.7	58.8	59.6	60.5	88.0	76.9	55.3	88.3
Standing Cooling fan	54.7	61.0	63.0	67.4	76.5	77.9	81.6	79.7	66.8	85.6
Air conditioner	38.5	43.4	52.0	54.6	56.9	57.2	55.6	51.4	41.8	63.0
Toilet Ventilation Fan	38.0	41.8	50.9	53.4	57.8	51.0	54.2	53.0	46.9	62.0

During the site visits, plasma cutter was not operated and its sound power level was not measured. The sound power level of plasma cutting is 102 dB(A), obtained from the AES database.

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3.3 METEOROLOGY

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the acoustic model. For this study the worst-case meteorological conditions⁶ are assumed, as shown in Table 3-2.

Table 3-2: Worst-case meteorological conditions.

Time of day	Temperature Celsius	Relative Humidity	Wind speed	Pasquill Stability Category
Day (0700 – 1900)	20° Celsius	50%	4 m/s	E

3.4 NOISE MODELLING SCENARIOS

King Scrap Metals advised:

- It opens daytime only for Monday to Saturday excluding public holidays.
- The shed is a semi-open shed with metal sheeting roof and parapet walls on its northwest and southwest sides.
- Single layer of (2.5m) sea containers will be placed along the northeast side of the shed, as shown in Figure 4, eastern side of part of driveway and also along the north-western site boundary except for the gate.
- The shed is divided into three open areas:
 - Light Processing Area;
 - Compactor Area; and
 - Plasma Cutting Area.
- The bailer operates in the compactor area for 3-5 hours daily.
- Cutting with grinder or plasma cutter to reduce the size to facilitate storage and transport. This process is done daily between 9am to 3pm.
- The shear machine and hand grinder/drill operate in the light processing area under the shed.
- Plasma cutter operates in the plasma cutting area under the shed.
- Drill to dismantle products that are attached with screws (for example: security door: aluminium & stainless - removing locks). This process is done daily between 9am to 3pm.
- The shear machine reduces the size to facilitate storage and transport of scrap. It operates infrequently in short periods (less than 5% of any 4-hour periods) between 9am and 3pm.

⁶ The worst case meteorological conditions were set by the EPA (Environmental Protection Act 1986) Guidance note No 8 for assessing noise impact from new developments as the upper limit of the meteorological conditions investigated.

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- Metal sorting activities occurs as required in the light processing area between 9am and 3pm.
- Forklifts are used to move bins between the storage areas or between the shed and storage areas, as required between 9am and 3pm.
- Two un/loading areas are located in the front of the shed.
- Public Customer comes to drop their scrap metals, for example: sliding doors (Material types are: Aluminium, Steel or Stainless Steel) and King Scrap Metals staff will then manually unload the material from the truck straight to a bin. For each day (maximum) 3 public customers come to site and for each public customer there would be 3 to 5 drops during the unloading.
- Tradies/Business may come with their bin full of aluminium or steel. A forklift is used to unload the bin from truck or trailer and then tip the material into a bin on the ground. For each day there are no more than 5 tradie trucks.
- Both public customers and tradies unloaded their products in the unloading area located in the front of light processing area.
- Generator will be relocated to the existing clad building and not in use anymore as there is enough power supply to accommodate all the equipment on the site.
- The small office under the shed (in the south corner) has a TECO split air-conditioner, of which the outdoor unit is wall-mounted under the shed.
- The two toilets have two wall-mounted ventilation fans. One toilet is located close to the small office and another is close to the eastern boundary.
- The site is designed to have one-way traffic route. Trucks enter the site from Beechboro Road South, pass the new weighbridge and then to the un/loading areas.
- The entrance gate from Beechboro Road South) and the gate to 38-40 Embleton Ave are open during the operation hours.

Based on the provided information, nine worst-case operational scenarios are modelled as followings:

Scenario 1: All items of mechanical plant (a standing cooling fan, a TECO split air-conditioner and two toilet ventilation fans) operate simultaneously with the following equipment and activities:

- A hand grinder cuts metals in the light processing area.
- An electric drill operates in the light processing area.
- Plasma cutter operates in the plasma cutting area.
- One forklift unloads products from a truck (truck engine is switched off) in a loading area (outdoors).
- One forklift moves bins in the storage areas (outdoors).
- One forklift reverses in the storage areas (outdoors).
- A vehicle drives onsite.
- A vehicle reverses onsite.

Scenario 2: The following equipment and activities operate simultaneously:

- The bailer machine operates in the compactor area.
- Metals are sorted into a bin in the light processing area.

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- A small sledge hammer dismantles wastes in the light processing area.
- Scenario 3: The highest noise $L_{A_{max}}$ (Bailer 119.8dB(A)) emission for activities in scenario 2.
- Scenario 4: A bin is placed to the ground by a forklift in a storage area.
- Scenario 5: A vehicle door is closed onsite.
- Scenario 6: Scenario 2 plus the operation of shear machine in the light processing area.
- Scenario 7: A forklift unloads metals from a tradie bin into an empty bin in the unloading area located in the front of light processing area.
- Scenario 8: Reversing beeps of a forklift or truck.
- Scenario 9: Scenarios 1 and 6 (All items of the onsite machines/trucks/forklifts and hand tools operate simultaneously).

Scenario 1 represents the worst-case operation of mechanical plant onsite. The assumed locations of outdoor sources (forklifts, driving and reversing trucks and toilet ventilation fans) are shown in Figure 6 in APPENDIX A. The driving truck is assumed to emit the highest noise (90.3 dB(A)). The two forklifts are assumed to have the highest sound power levels (92.8 dB(A) and 91.1 dB(A)), as shown in Table 3-1, in the acoustic model. The reversing beeps of a truck and a forklift are assumed to have the same sound power level. Two forklifts are assumed at the worst-case locations to R1 (operating in the storage bin area). A forklift radiates higher noise level when operating outdoors than indoors. Therefore, scenario 1 also covers the worst-case indoor forklift operations.

Scenarios 2 to 7 represent the worst-case impulsive noise emissions onsite. Scenario 6 represents short-period operations (total time is less than 10% of any 4-hour periods) of shear machine. Scenarios 3 to 5 & 7 represent short events and their noise emissions were measured in $L_{A_{max}}$.

For scenario 4 placing bins in the storage areas, the highest $L_{A_{max}}$ of 107.6 dB(A) is generated by unloading a full bin to the compact ground, as shown in Table 3-1, and used in scenario 4. The source is assumed at the worst-case location to R1.

For scenario 5, the vehicle-door closing is modelled as a point source. The barrier effect of vehicle body is not considered in the model and the predicted noise level will be higher than the actual level in the vehicle body shadow area.

Scenario 7 represents the activities to dump a full bin from tradie's trucks into an empty bin on the ground. The noise for scenario 7 is much higher than the drops of scrap metals into a bin for public customers. Therefore, scenario 7 covers the worst-case operations of metal drops into bins for both tradies and public customers in the unloading area located in the front of light processing area.

Scenario 8 considers reversing beep noise only. Similar to scenario 4, the reversing forklift is assumed to operate at the worst-case location to R1 (operating in the storage bin area). As indicated in section 2.2, reversing beep is not covered by the Regulations. It is required by the City of Bayswater and modelled to assess the noise impact of reversing beeps.

Scenario 9 considers that all items of the onsite machines/trucks/forklifts and hand tools operate simultaneously (scenario 1 plus scenario 6). This scenario represents the busiest operation and, if happens, should be much less than 10% of any 4-hour periods.

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4.0 MODELLING RESULTS

4.1 POINT MODELLING RESULTS

Table 4-1 presents the predicted worst-case day-time noise levels in dB(A). For scenarios 3 to 5 and 7, the predicted noise levels are $L_{A_{Max}}$. The highest noise level is predicted at R4 for scenarios 1 to 3, 6 and 8, at R6 for scenario 4 but at R5 for scenarios 5 and 7.

Table 4-1: Predicted worst-case day-time noise levels in dB(A).

Receivers	S1	S2	S3	S4	S5	S6	S7	S8	S9
R1	43.9	31.1	49.4	57.8	27.7	31.1	48.4	40.6	44.1
R2	45.5	44.3	62.7	48.9	36.6	47.2	53.2	37.7	49.5
R3	54.8	49.8	67.4	42.2	28.3	57.6	69.5	30.6	59.4
R4	60.0	54.2	72.1	40.0	44.4	61.8	73.0	41.3	64.0
R5	57.5	46.6	54.9	50.1	47.9	57.3	74.4	42.7	60.4
R6	51.8	44.6	62.4	60.0	40.6	51.8	59.9	44.7	54.8

4.2 NOISE CONTOURS

Figure 7 to Figure 15 in APPENDIX B present the worst-case day-time noise level contours at 1.5m above the ground. These noise contours represent the worst-case noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

Figure 9 to Figure 11 and Figure 13 present the worst-case noise level $L_{A_{Max}}$ contours.

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Project: Acoustic Report



5.0 COMPLIANCE ASSESSMENT

As indicated in section 2.2, reversing beep noise is not covered by the Regulations. Therefore, no compliance assessment will be undertaken for scenario 8.

5.1 TONALITY ADJUSTMENT

According to Table 2-2, the predicted noise levels shown in Table 4-1 should be adjusted by:

- 5 dB if the noise received exhibits tonality; or
- 10 dB if the noise received exhibits impulsiveness.

Embleton Ave is a busy road and the noise monitoring results⁷ indicate that the ambient noise $L_{Aeq,30seconds}$ is above 55 dB(A) at R1. Noises will be masked by ambient noise at R1 if they are below 50 dB(A).

Noise from grinder, air-conditioner, driving truck and forklifts may exhibit tonality. Therefore, a 5dB tonality adjustment applies to the predicted noise levels at R2 to R6 for scenario 1.

Noises for scenarios 2 and 6 may exhibit impulsiveness. Therefore, a 10dB impulsiveness adjustment applies to the predicted noise levels at R2 to R6 for scenarios 2 and 6.

Scenarios 3 to 5 and 7 consider impulsive noise only. Therefore, a 10dB impulsiveness adjustment applies to the predicted noise levels for scenarios 3 to 5 and 7. But for scenario 5 the predicted noise levels are below 40 dB(A) at R1 to R3 and their impulsiveness are expected to be masked by ambient noises. Therefore, a 10dB impulsiveness adjustment applies to the predicted noise levels at R4 to R6 for scenario 5.

Scenario 9 is the combination of scenarios 1 and 6. Table 4-1 shows that the impulsive noise (scenario 6) dominates at R2 to R6 while the mechanical noise (scenario 1) dominates at R1. The overall noise level at R1 is much below ambient noise. Therefore, a 10dB impulsiveness adjustment applies to the predicted noise levels at R2 to R6 for scenario 9.

Table 5-1 presents the adjusted worst-case A-weighted noise levels. The adjusted noise levels are expressed in ***bold italics***.

Table 5-1: Adjusted worst-case noise levels in dB(A).

Receivers	S1	S2	S3	S4	S5	S6	S7	S9
R1	43.9	31.1	<i>59.4</i>	<i>67.8</i>	27.7	41.1	<i>58.4</i>	44.1
R2	<i>50.5</i>	<i>54.3</i>	<i>72.7</i>	<i>58.9</i>	36.6	<i>57.2</i>	<i>63.2</i>	<i>59.5</i>
R3	<i>59.8</i>	<i>59.8</i>	<i>77.4</i>	<i>52.2</i>	28.3	<i>67.6</i>	<i>79.5</i>	<i>69.4</i>

⁷ Acoustic Report for King Scrap Metals, Report NO: AES-890141-R01-A-15122020, 15 December 2020.

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Project: Acoustic Report



Receivers	S1	S2	S3	S4	S5	S6	S7	S9
R4	65.0	64.2	82.1	50.0	54.4	71.8	83.0	74.0
R5	62.5	56.6	64.9	60.1	57.9	67.3	84.4	70.4
R6	56.8	54.6	72.4	70.0	50.6	61.8	69.9	64.8

5.2 COMPLIANCE ASSESSMENT

Scenarios 1 and 2 generate continuous noise emissions, and then their noise emissions should be assessed against the assigned noise levels L_{A10} . Scenarios 3 to 5 and 7 represent very short events and their noise emissions are predicted in L_{Amax} levels. Therefore, the assigned noise levels L_{Amax} apply to scenarios 3 to 5 and 7.

Scenarios 6 and 9 radiate continuous noises but occur in less than 10% within any 4 hour periods. Therefore, their noise emissions are assessed against the assigned noise levels L_{A1} .

King Scrap Metals operates only for the daytime on Monday to Saturday excluding public holidays. Therefore, compliance assessment is required only for daytime of Monday to Saturday.

Table 5-2 and Table 5-3 present the day-time compliance assessment on Monday to Saturday. It is shown that all of the adjusted noise levels do not exceed the assigned noise levels. This demonstrates that full compliance is achieved for the operations of King Scrap Metals at 159 Beechboro Road South Embleton.

Table 5-2: Compliance assessment of continuous noise emissions.

Receivers	Assigned Noise Levels L_{A10} in dB(A)	Adjusted Levels in dB(A)		Assigned Noise Levels L_{A1} in dB(A)	Adjusted Levels in dB(A)	
		Scenario 1	Scenario 2		Scenario 6	Scenario 9
R1	53	43.9	31.1	63	41.1	44.1
R2	65	50.5	54.3	80	57.2	59.5
R3	65	59.8	59.8	80	67.6	69.4
R4	65	65.0	64.2	80	71.8	74.0
R5	65	62.5	56.6	80	67.3	70.4

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Receivers	Assigned Noise Levels L_{A10} in dB(A)	Adjusted Levels in dB(A)		Assigned Noise Levels L_{A1} in dB(A)	Adjusted Levels in dB(A)	
		Scenario 1	Scenario 2		Scenario 6	Scenario 9
R6	65	56.8	54.6	80	61.8	64.8

Table 5-3: Compliance assessment of L_{Amax}

Receivers	Assigned Levels L_{Amax} in dB(A)	Adjusted Noise Levels L_{Amax} in dB(A)			
		Scenario 3	Scenario 4	Scenario 5	Scenario 7
R1	73	59.4	67.8	27.7	58.4
R2	90	72.7	58.9	36.6	63.2
R3	90	77.4	52.2	28.3	79.5
R4	90	82.1	50.0	54.4	83.0
R5	90	64.9	60.1	57.9	84.4
R6	90	72.4	70.0	50.6	69.9

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APPENDIX A AERIAL VIEW

Client: King Scrap Metals Pty Ltd
Project: Acoustic Report

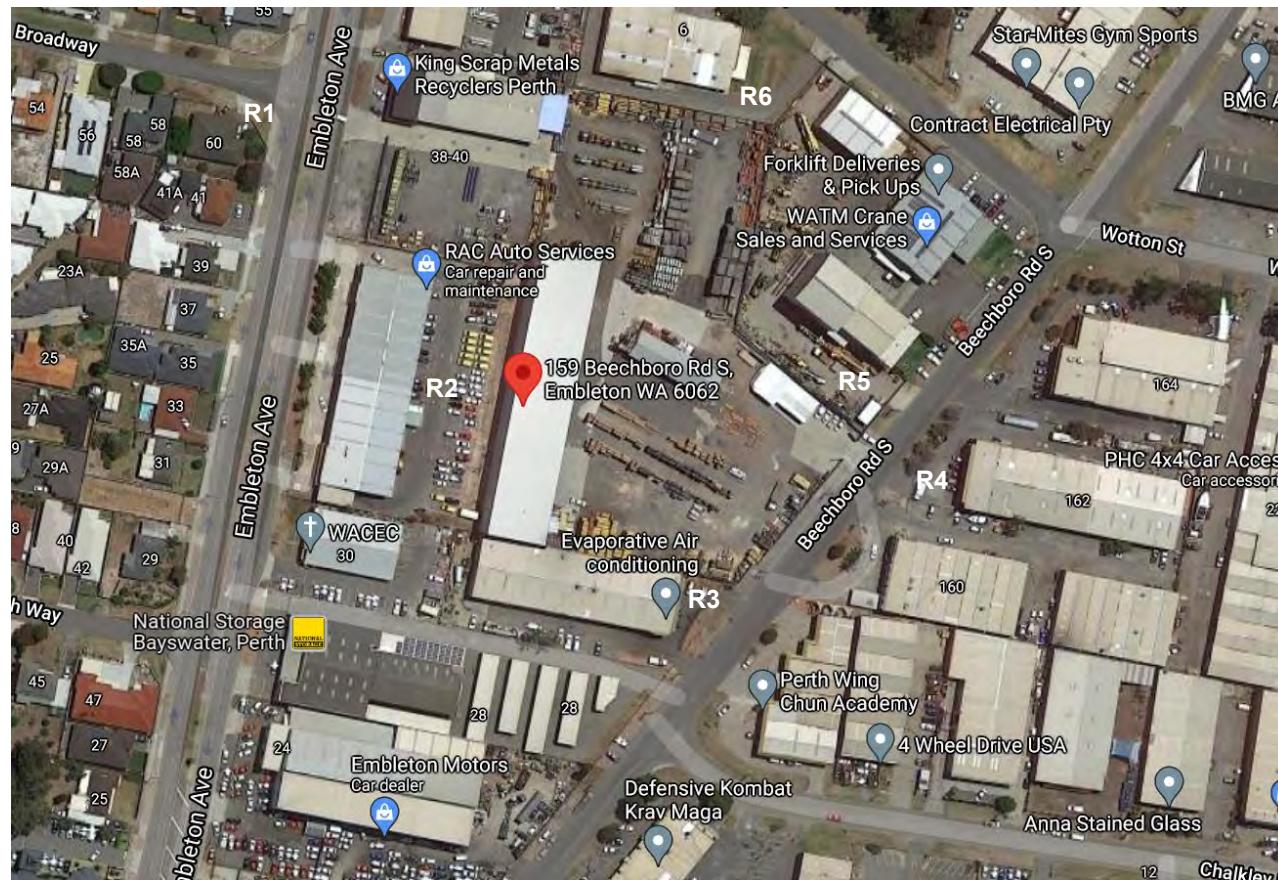


Figure 1: Aerial view of subject site and surrounding area.

AES



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Figure 3: 3D view.

AES

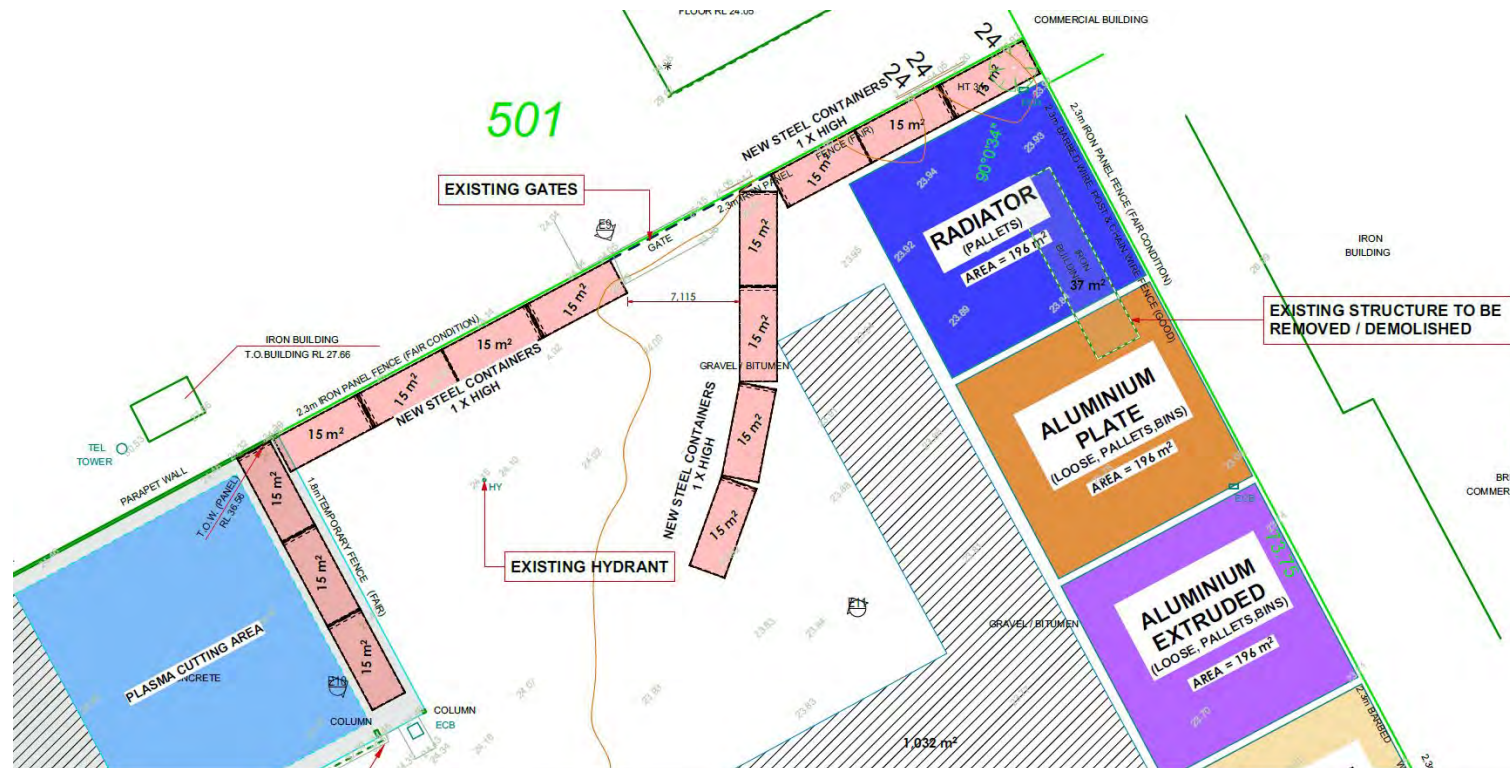


Figure 4: Location of sea containers.

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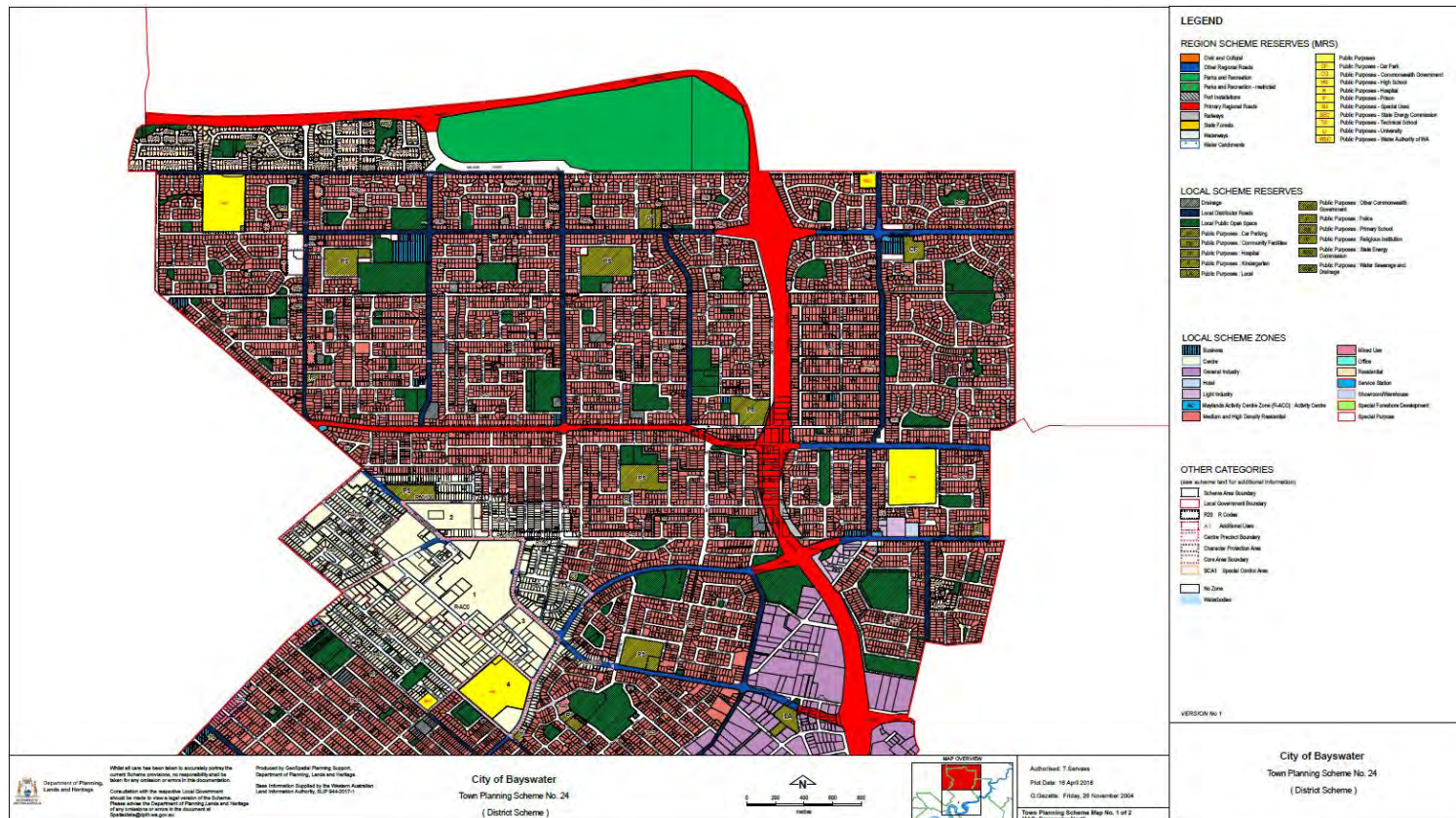


Figure 5: Zone map 1 of town planning scheme of the City of Bayswater.

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Figure 6: Assumed locations of outdoor sources for scenario 1.

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APPENDIX B NOISE CONTOURS

Client: King Scrap Metals Pty Ltd
Project: Acoustic Report



Figure 7: Worst-case noise level contours for scenario 1.

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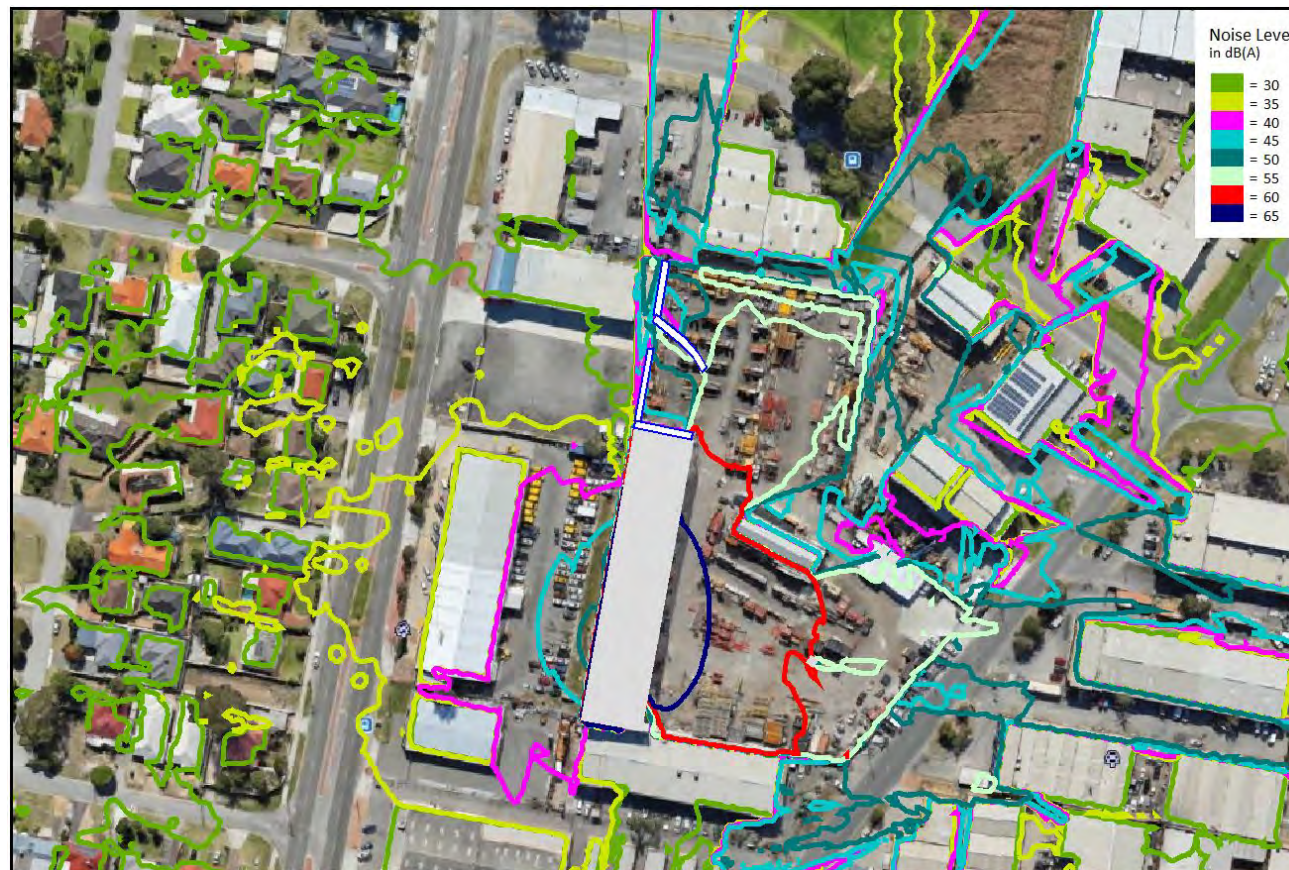


Figure 8: Worst-case noise level contours for scenario 2.

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Project: Acoustic Report



Figure 9: Worst-case noise level $L_{A\text{Max}}$ contours for scenario 3.

Client: King Scrap Metals Pty Ltd
Project: Acoustic Report



Figure 10: Worst-case noise level $L_{A\text{Max}}$ contours for scenario 4.

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Figure 11: Worst-case noise level $L_{A\text{Max}}$ contours for scenario 5.

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Figure 12: Worst-case noise level contours for scenario 6.

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Figure 13: Worst-case noise level $L_{A\text{Max}}$ contours for scenario 7.

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Project: Acoustic Report



Figure 14: Worst-case noise level contours for scenario 8.

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Figure 15: Worst-case noise level contours for scenario 9.

10.4.4 Proposed Land Dealings - Various Rights of Way in Bayswater and Noranda

Applicant/Proponent:	City of Bayswater
Owner:	George Albert Edward Baxter (Deceased Estate) John Thomas Hamilton (Deceased Estate)
Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Executive/Strategic Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Bayswater and Noranda Right of Ways [10.4.4.1 - 8 pages]
Refer:	N/A

SUMMARY

Council consideration is sought in relation to making a request to the Minister for Lands, subject to public advertising, to acquire various Rights of Way (ROWs) in Bayswater and Noranda, which are currently privately owned by deceased estates.

Acquisition of the ROWs by the Minister will allow all land owners and developers wanting to legally access their land via the privately owned ROWs to do so, formalise the City's responsibility for the ongoing management and maintenance of the ROWs and resolve outstanding land tenure anomalies.

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

That:

1. Council authorises, for the purposes of public advertising, a request being made to the Minister for Lands, pursuant to Section 52 of the *Land Administration Act 1997* to acquire the rights of way as contained in Attachment 1 to this report.
2. At the conclusion of the public advertising period, if no objections are received, Council supports the formal request being made to the Minister for Lands for the acquisition of the subject rights of way. In the event that an objection(s) is received, the City presents a report to Council to consider the objection(s).

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

The City currently has 58 privately owned ROWs within the City. ROWs generally end up in private ownership when developers do not transfer their ownership to the Crown as part of the subdivision process. The City intends to work to transfer all privately owned ROWs into the ownership of the Crown.

Bayswater ROWs

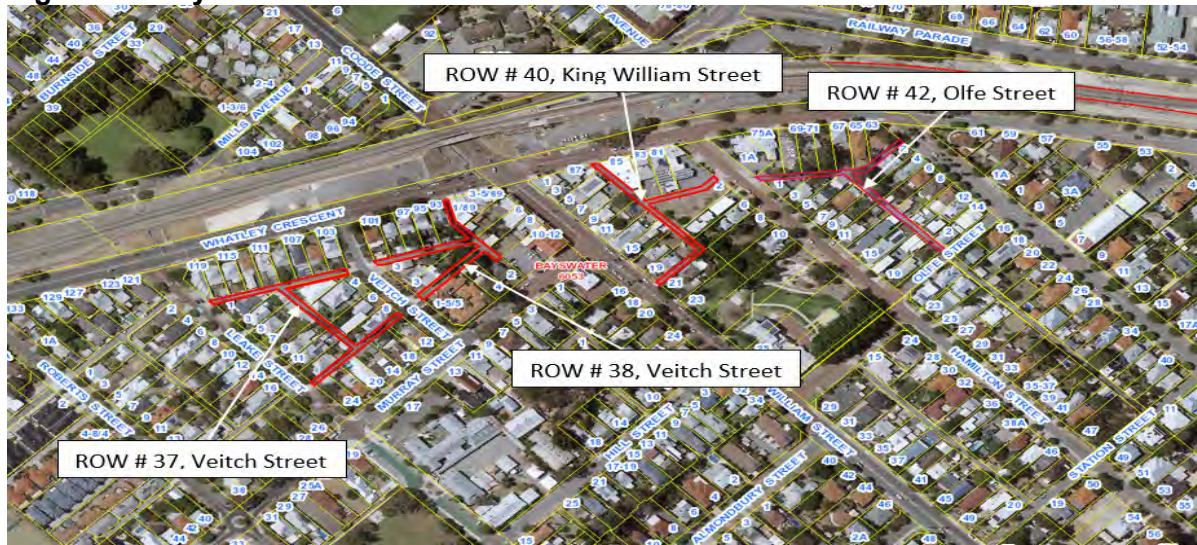
The ROWs as shown in Figure 1 were created through the original subdivision of land and have since remained in the ownership of the deceased subdivider (John Thomas Hamilton).

The ROWs are identified in the City's *Rights of Way Study 2007*, as:

- ROW 37 - Veitch Street;
- ROW 38 - Veitch Street;
- ROW 40 - King William Street; and
- ROW 42 - Olfe Street.

More information about the ROWs is included in [Attachment 1](#).

Figure 1 – Bayswater ROWs



Noranda ROWs

A northern portion of Noranda was situated in the City of Swan until September 2020. This portion contains four ROWs. The ROWs are not included in the City's *Rights of Way Study 2007*, as the Study predates the date when the portion of land was included in the City of Bayswater.

The ROWs as shown in Figure 2 were created through the original subdivision of land and have since remained in the ownership of the deceased subdivider (George Albert Edward Baxter).

The ROWs are identified as:

- Lot 68 Vernon Street;
- Lot 69 Vernon Street;
- Lot 70 Vernon Street; and
- Lot 67 Minerva Street.

More information about the ROWs is included in [Attachment 1](#).

Figure 2 – Noranda ROWs**Public Correspondence Received**

The City received the following correspondence from the community. Investigation into the matters, prompted the City to consider the ownership implications of the ROWs.

ROW 40 King William Street

In February 2021, the City received correspondence from a business owner on Whatley Crescent in relation to a landowner parking a vehicle within the ROW and effectively restricting access for other vehicles wanting to access the rear part of the businesses on Whatley Crescent.

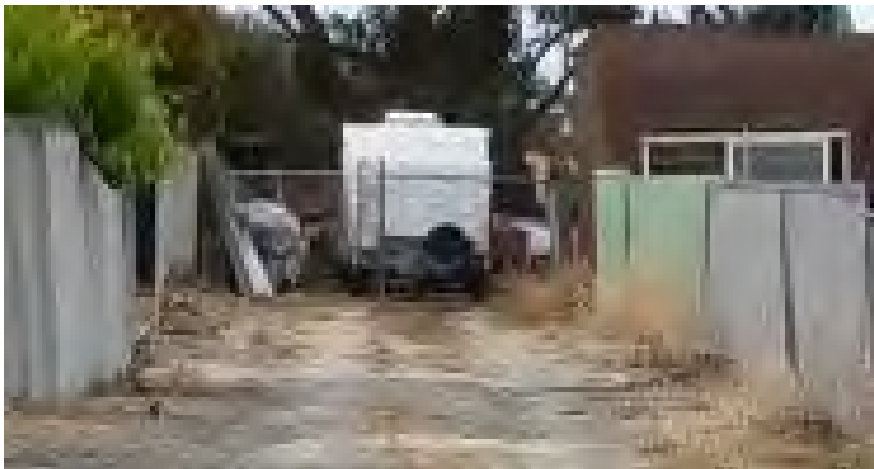
Lot 67 Minerva Street

In June 2020, the City was made aware of unauthorised development within the ROW from an adjoining land owner, including a lockable swing gate restricting public access to the ROW, a vegetable patch, and small trees (Figures 3 and 4).

Figure 3 – Lockable Swing Gate

Figure 4 – Small Trees and a Vegetable Patch in the BackgroundLot 69 Vernon Street

In March 2021, the City was made aware of unauthorised development within the ROW from an adjoining land owner, including a lockable mesh gate, and storage of a vehicle and other items.

Figure 5 - Lockable mesh gate, and storage of a vehicle and other itemsResolving Private Ownership Matters

Rights of Way, regardless of ownership are considered public places for general public use, and therefore action can be undertaken by the City to resolve issues in relation to their unauthorised development and/or use.

While it is noted that the City can undertake action on private ROWs, it is somewhat easier to do so if the ROWs are within public ownership.

EXTERNAL CONSULTATION

In the event Council support requesting the Minister to acquire the land, consultation will be undertaken in accordance with Section 52 of the *Land Administration Act 1997* (LAA). In accordance with the LAA any request to the Minister for Lands to acquire the subject ROWs must be advertised to the relevant adjoining landowners and public for comment for 30 days, by way of:

- Adjoining landowners being notified in writing;
- Notification being published in the local newspaper(s); and
- The relevant public authorities being notified in writing.

OFFICER'S COMMENTS

Ownership of the ROWs

In 2021 the City engaged Complex Land Solutions to undertake probate searches in relation to the owners of the Bayswater and Noranda ROWs. The searches confirmed that the ROWs are currently privately owned in freehold by John Thomas Hamilton (Bayswater ROWs) and George Albert Edward Baxter (Noranda ROWs). All of the ROWs are owned by deceased estates with no beneficiaries.

The Department of Planning, Lands and Heritage (DPLH) has confirmed that this information is sufficient to enable the acquisition of the ROWs to the Crown.

Proposal

It is proposed to request the Minister for Lands to acquire the subject ROWs as Crown land, to enable the City to manage and maintain the ROWs on the State Government's behalf. It is considered that the proposed acquisition will allow all land owners and developers wanting to legally access their land via the privately owned ROWs to do so.

Further, converting the ROWs into public ownership will formalise the City's ongoing management and maintenance responsibilities and resolve outstanding land tenure anomalies.

Maintenance and Construction Implications

The City currently only maintains ROWs when needed and/or requested and will generally maintain ROWs regardless of private or public ownership.

The City has an annual program for constructing (draining and paving) ROWs, which are currently unconstructed. The program includes ROWs in private ownership. Generally most ROWs within the City are constructed or partially constructed, the exception being the four subject ROWs in the portion of Noranda (previously within the City of Swan). The City's 2021/22 budget allocates \$30,000 for ROW construction, which will enable the construction of one ROW. The four subject Noranda ROWs are scheduled to be constructed over the next four financial years, with the first being in the 2021/22 financial year.

All of the subject ROWs in Bayswater have been constructed.

The City also has an annual budget for road maintenance, which includes ROW maintenance. The City's 2021/22 budget allocates \$185,000 for road maintenance.

Due to the above, the proposal to change the ownership of the subject ROWs to Crown land has no implications to the City in terms of maintenance and construction of ROWs.

Change of Ownership to Crown Land

To change the ownership of the ROWs into the Crown, the City will need to formally request that the Minister for Lands acquire the subject ROWs under Section 52 of the LAA and Regulation 6 of the *Land Administration Regulations 1998*. In accordance with the LAA only a local government may request the Minister to acquire land as Crown land.

The City is required to consult with neighbouring affected landowners prior to requesting that the Minister for Lands acquire the subject ROWs.

This will change the ownership of the subject land from private ownership (deceased estate) to Crown land.

Step	Detail	Responsibility
1.	Advertise request to Minister for Lands to acquire the subject ROWs as Crown land.	City
2.	Prepare a further report for Council to consider any comments received from advertising. It is noted that if no objections are received, a further Council report is not required. Forward Council resolution to Minister for Lands to consider.	City
3.	Minister for Lands to consider and determine request from the City.	Minister for Lands
4.	Minister for Lands (via DPLH) to implement acquisition of ROWs as Crown land.	Minister for Lands
5.	City to become responsible for the ongoing maintenance of the ROWs on behalf of the State Government.	City

It is considered that the above approach would enable the City to formally manage and maintain the ROWs, allow for ROW issues to be resolved easier, and provide greater certainty for landowners and developers wanting to access land via ROWs as part of new development.

LEGISLATIVE COMPLIANCE

Requesting the Minister for Lands to acquire land as Crown land is subject to Section 52 of the *Land Administration Act 1997* and Regulation 6 of the *Land Administration Regulations 1998*.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That: 1. Council authorises, for the purposes of public advertising, a request being made to the Minister for Lands, pursuant to Sections 52 of the <i>Land Administration Act 1997</i> to acquire the rights of way as contained in <u>Attachment 1</u> to this report. 2. At the conclusion of the public advertising period, if no objections are received, Council supports the formal request being made to the Minister for Lands for the acquisition of the subject rights of way. In the event that an objection(s) is received, the City presents a report to Council to consider the objection(s).	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered there is low risk to the City if Council decides to proceed with this option, as the City will be attempting to take formal responsibility for the ongoing management and maintenance of the subject ROWs, which will allow for ROW	

	matters to be resolved easier, and provide greater certainty for owners and developers wanting to access land via ROWs.		
Option 2	<p>That:</p> <ol style="list-style-type: none">Council authorises, for the purposes of public advertising, a request being made to the Minister for Lands, pursuant to Sections 52 of the <i>Land Administration Act 1997</i> to acquire the rights of way as contained in <u>Attachment 1 to this report</u>, with modification(s).At the conclusion of the public advertising period, if no objections are received, Council supports the formal request being made to the Minister for Lands for the acquisition of the subject rights of way. In the event that an objection(s) is received, the City presents a report to Council to consider the objection(s).		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Dependent on the modification(s) determined by Council.	
Reputation	Low		
Governance	Low		
Community and Stakeholder	Moderate		
Financial Management	Low		
Environmental Responsibility	Low		
Service Delivery	Low		
Organisational Health and Safety	Low		
Conclusion	It is considered that the risks associated with this option are dependent on the modification(s) determined by Council.		

Option 3	That Council does not proceed with the land matters as detailed in the report in relation to the subject rights of way, as contained in <u>Attachment 1 to this report</u>.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	High
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	There is considered to be high risk to the City's reputation and community and stakeholders if Council proceeds with this option as the City will not be taking formal responsibility for the ongoing management and maintenance of the subject ROWs, which will potentially make ROW issues harder to resolve, and provide less certainty for owners and developers wanting to access land via ROWs.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1:	Advertising the acquisition of land by the Minister for Lands.		
Asset Category:	Other	Source of Funds:	Municipal
LTFP Impacts:	Not listed in the LTFP		
Notes:	N/A		
Item 2:	ROW construction.		
Asset Category:	Other	Source of Funds:	Municipal
LTFP Impacts:	Not listed in the LTFP		

Notes: * The City has an annual budget for ROW construction. The City's 2021/22 budget allocates \$30,000 for ROW construction.

Item 3: Ongoing ROW maintenance.

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

LTFP Impacts: Not listed in the LTFP

Notes: ** The City has an annual budget for road maintenance, which includes ROW maintenance. The City's 2021/22 budget allocates \$185,000 for road maintenance.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$750	-	-	-	-	-	\$6,600
2	*	-	-	-	-	-	\$30,000*
3	**	-	-	-	-	-	\$185,000**

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability

Goal E1: Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.

It is considered that the proposal will allow for the City to better manage and maintain the subject ROWs, which will better maintain the identity of those neighbourhoods.

CONCLUSION

In light of the above, it is recommended that Council authorises the City to undertake public advertising in relation to requesting that the Minister for Lands acquire the subject ROWs as Crown land.

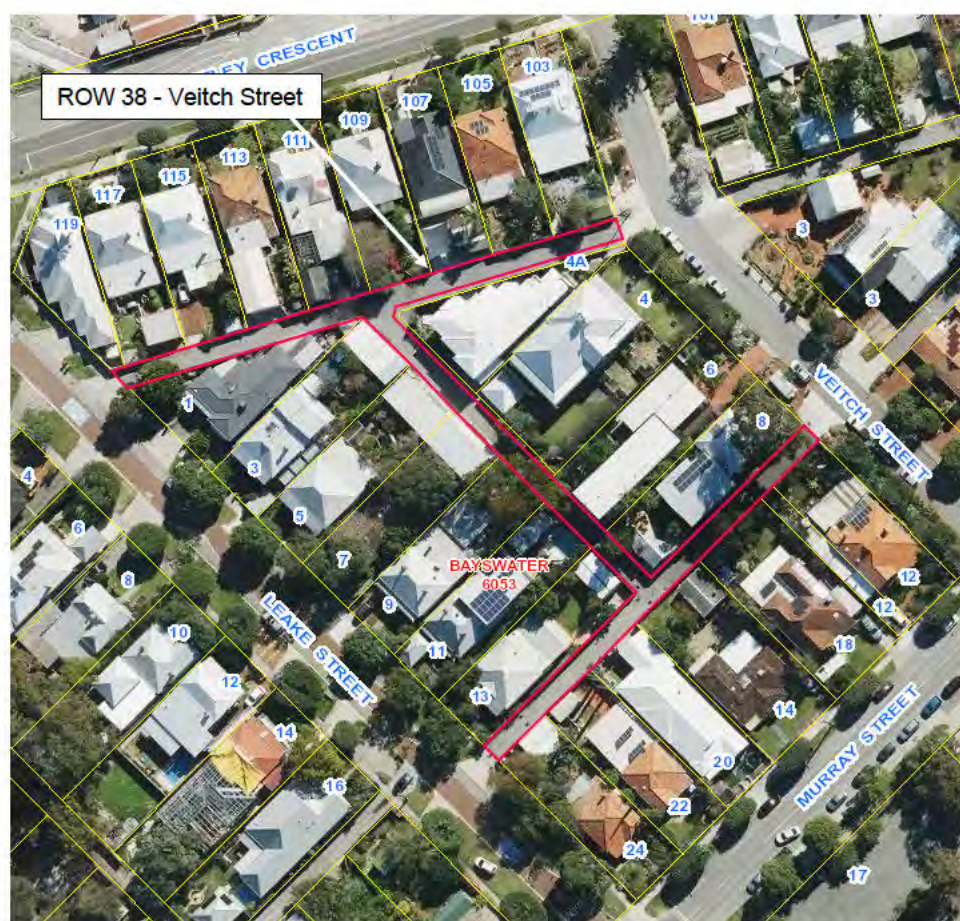
Bayswater and Noranda Right of Ways**ROW 37 - Veitch Street**

Location	Block bound by Murray, Veitch and King William Streets and Whatley Crescent, Bayswater
Width	4.02m
Condition	Part bitumen paved and drained, and part sandy track
Use	Sole access to vehicle parking for properties on Whatley Crescent, King William Street and Murray Street. Potential to provide more access to properties as part of future subdivision or redevelopment.



ROW 38 – Veitch Street

Location	Block bound by Leake, Murray, Veitch Streets and Whatley Crescent, Bayswater
Width	4.02m
Condition	Bitumen, paved and drained track.
Use	Primary access to vehicle parking for properties on all streets. Potential to provide more access to properties as part of future subdivision or redevelopment.



ROW 40 – King William Street

Location	Block bound by King William, Hamilton and Olfe Streets and Whatley Crescent, Bayswater
Width	4.0m
Condition	Part paved, and part not constructed.
Use	Provides access to vehicle parking for commercial and residential property on all streets. Potential to provide more access to properties as part of future subdivision or redevelopment.



ROW 42 – Olfe Street

Location	Block bound by Hamilton, Slade and Olfe Streets and Whatley Crescent, Bayswater
Width	4.1m
Condition	Part paved and drained, and part hard standing gravel and grass track
Use	Provides access to properties on all streets. Potential to provide more access to properties as part of future subdivision or redevelopment.



Lot 67 Minerva Street

Location	Block bound by Minerva and Salvator Streets and Ivory Park, Noranda
Width	5.04m
Condition	Part grass, and part sandy track
Use	Not currently being used as a ROW Potential to provide more access to properties as part of future subdivision or redevelopment.



Lot 68 Vernon Street

Location	Block bound by Vernon, Ivory, Smitherson and Salvator Streets, Noranda
Width	5.04m
Condition	Part grass, and part sandy track
Use	Currently only being used by a limited amount of properties. Potential to provide more access to properties as part of future subdivision or redevelopment.



Lot 69 Vernon Street

Location	Block bound by Vernon, Ivory and Salvator Streets and Ivory Park, Noranda
Width	5.04m
Condition	Part grass, and part sandy track
Use	Currently only being used by a limited amount of properties. Potential to provide more access to properties as part of future subdivision or redevelopment.



Lot 70 Vernon Street

Location	Block bound by Vernon, Ivory and Doyle Streets and Widgee Road, Noranda
Width	5.04m
Condition	Part sandy, and part grass track.
Use	Currently only being used by a limited amount of properties. Potential to provide more access to properties as part of future subdivision or redevelopment.



10.4.5 Nominations to DevelopmentWA Midland Land Redevelopment Committee

Applicant/Proponent:	City of Bayswater
Responsible Directorate:	Community and Development
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Letter from Development WA dated 11 November 2021 [10.4.5.1 - 1 page]
Refer:	Item 10.1.1: OCM 23.06.2020

SUMMARY

For Council to consider nominations for appointment to the DevelopmentWA Midland Land Redevelopment Committee to represent the City of Bayswater.

OFFICER'S RECOMMENDATION

That Council nominates the Mayor, Deputy Mayor and Chief Executive Officer as representatives of the City of Bayswater on the DevelopmentWA Land Redevelopment Committee for the Midland Redevelopment Area.

MOTION

That Council nominates the Mayor, Deputy Mayor and Cr Dan Bull as representatives of the City of Bayswater on the DevelopmentWA Land Redevelopment Committee for the Midland Redevelopment Area.

Cr Sally Palmer Moved, Cr Giorgia Johnson Seconded

LOST: 4/6

For: *Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.*

At 7:55pm, Mr Kelley Ambrose, Manager Governance and Strategy withdrew from the meeting.

At 7:55pm, Ms Alex Barker, Technical Officer, Tree Services withdrew from the meeting.

At 7:57pm, Mr Kelley Ambrose, Manager Governance and Strategy returned to the meeting.

At 7:58pm Ms Alex Barker, Technical Officer, Tree Services returned to the meeting.

COUNCIL RESOLUTION

That Council nominates the Mayor, Deputy Mayor and Cr Josh Eveson as representatives of the City of Bayswater on the DevelopmentWA Land Redevelopment Committee for the Midland Redevelopment Area.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Michelle Sutherland Seconded

CARRIED: 6/4

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.*

Against: *Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

REASON FOR CHANGE

As the Chief Executive Officer has announced his resignation, Council considered it more appropriate that another Councillor should be nominated in his place. It was then moved that Cr Josh Eveson be considered for appointment on the DevelopmentWA Midland Land Redevelopment Committee in place of the Chief Executive Officer.

BACKGROUND

On 3 March 2020 the State Government gazetted the *Metropolitan Redevelopment Authority Amendment Regulations 2020*. The modified regulations changed the Midland redevelopment area to include the areas surrounding the Bayswater, Forrestfield and Midland train stations. The Bayswater redevelopment area includes the entire Bayswater Town Centre Structure Plan area.

On 25 May 2021 DevelopmentWA gazetted the *METRONET East Redevelopment Scheme* and taken over planning control of the area.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The City has received correspondence (**Attachment 1**) from the Minister for Lands advising that each Redevelopment Area has a Land Redevelopment Committee (LRC) to enable the community and each local government to be involved in the development and delivery of urban renewal projects.

Following the local government elections on 16 October 2021 the Minister for Lands has requested the City to provide three nominations to the Minister for consideration as a member of the LRC for the Midland Redevelopment Area. The Minister will determine the final appointment to the LRC.

Given the significance of the redevelopment project to the City, it is recommended that the City's nominations be the Mayor, Deputy Mayor and Chief Executive Officer. This will enable effective advocacy and lobbying on behalf of the community to DevelopmentWA.

LEGISLATIVE COMPLIANCE

Section 81(1) of the *Metropolitan Redevelopment Authority Act 2011*.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation/ following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council nominates the Mayor, Deputy Mayor and Chief Executive Officer as representatives of the City of Bayswater on the DevelopmentWA Land Redevelopment Committee for the Midland Redevelopment Area.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low

Conclusion	Given the importance of the project to the City, it is considered appropriate and of low risk to nominate the Mayor, Deputy Mayor and Chief Executive Officer to the Midland Land Redevelopment Committee.
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Option 2	That Council nominates the _____, _____ and _____ as representatives of the City of Bayswater on the DevelopmentWA Land Redevelopment Committee for the Midland Redevelopment Area.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Council may wish to nominate alternative representatives to the Midland Land Redevelopment Committee, however it is noted that this could carry an increased risk in the areas of reputation and community and stakeholder management as the Mayor, Deputy Mayor and Chief Executive Officer are considered to be the key representatives of the City and this could affect the advocacy and lobbying initiatives of the City.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

It is considered appropriate for the Mayor, Deputy Mayor and Chief Executive Officer to be nominated as the City's representatives on the Midland LRC to enable effective advocacy and lobbying on behalf of the community.

CONCLUSION

To enable appropriate representation on behalf of the City and the opportunity to advocate and lobby on behalf of the community, it is recommended that the Mayor, Deputy Mayor and Chief Executive Officer be nominated to represent the City on the Midland LRC.



Hon Dr Tony Buti MLA
Minister for Finance; Lands; Sport & Recreation;
Citizenship & Multicultural Interests

Our Ref: 80-02278

Mr Andrew Brian
Chief Executive Officer
City of Bayswater
PO Box 467
MORLEY WA 6943

Dear Mr Brian

DEVELOPMENTWA MIDLAND LAND REDEVELOPMENT COMMITTEE

The DevelopmentWA Land Redevelopment Committees play a key role in the decision making around the development and delivery of urban renewal projects in each of the redevelopment areas.

In accordance with Section 80(1) of the *Metropolitan Redevelopment Authority Act 2011* (the Act), Land Redevelopment Committees (LRC) comprise of five members, one being a member of the DevelopmentWA Board, one is nominated under section 81 of the Act and the remaining members appointed at the discretion of the Minister.

Section 81 of the Act refers to nominations for appointment from the relevant local government in whose district there is a redevelopment LRC. Councillor Dan Bull is currently the local government representative sitting on the Midland LRC.

Following the local government elections on 16 October 2021, I formally request that, within 42 days of receipt of this letter, you provide three nominations to myself in writing for consideration as a member of the Midland LRC. Subsequent to these nominations, the final appointment to the Midland LRC will be determined.

I thank you for your ongoing commitment to developing and renewing our city.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tony Buti'.

Dr Tony Buti MLA
MINISTER FOR LANDS

11 NOV 2021

Level 5, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005
Telephone: +61 8 6552 6400 Facsimile: +61 8 6552 6401 Email: Minister.Buti@dpc.wa.gov.au

10.5 Major Projects Directorate Reports**10.6 Sub Committee Reports****10.6.1 Audit and Risk Management Committee - 16 November 2021****10.6.1.1 Corporate Strategy Annual Progress Reports**

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority
Attachments:	<ol style="list-style-type: none"> 1. Annual Progress Report - Age Friendly Strategy 2017 2021 [8.1.1 - 17 pages] 2. Annual Progress Report - CCTV Strategy 2018 2028 [8.1.2 - 7 pages] 3. Annual Progress Report - Community Safety and Crime Prevention Plan 2017-2021 [8.1.3 - 10 pages] 4. Annual Progress Report - Cultural Plan 2019 2024 [8.1.4 - 12 pages] 5. CONFIDENTIAL - Annual Progress Report - Land Acquisition Disposal Strategy [8.1.5 - 7 pages] 6. Annual Progress Report - Youth Action Plan 2019 2023 [8.1.6 - 8 pages]
Refer:	<p>Item 8.6 ARMC: 09.02.2021 Item 10.4.6 OCM: 24.08.2021 Item 10.4.4 OCM: 23.06.2020 Item 10.5.1.2 OCM: 03.09.2019 Item 10.4.7 OCM: 23.07.2019 Item 9.1.5 CTFCS: 15.05.2018 Item 9.1.10 CTFCS: 17.05.2017 Item 15.1.1 OCM: 31.05.2016</p>

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

- (e) *a matter that if disclosed, would reveal —*
- information that has a commercial value to a person; or*
 - information about the business, professional, commercial or financial affairs of a person,*

SUMMARY

This report provides Council an annual progress update for the below strategies for the year 1 October 2020 to 30 September 2021:

1. Age Friendly Strategy 2017-2021
2. CCTV Strategy 2018-2028
3. Community Safety and Crime Prevention Plan 2017-2021
4. Cultural Plan 2019-2024
5. Land Acquisition and Disposal Strategy
6. The Platform Youth Action Plan 2019-2023.

Both the Age Friendly Strategy 2017-2021 and the Community Safety and Crime Prevention Plan 2017-2021 recently ended. This report also provides information about their completion and the City's progress towards their replacements.

OFFICER'S RECOMMENDATION

That Council notes the annual progress reports for the following strategies:

1. Age Friendly Strategy 2017-2021
2. CCTV Strategy 2018-2028
3. Community Safety and Crime Prevention Plan 2017-2021
4. Cultural Plan 2019-2024
5. Land Acquisition and Disposal Strategy
6. The Platform Youth Action Plan 2019-2023.

COUNCIL RESOLUTION

(COMMITTEE RECOMMENDATION)

That Council:

1. **Notes the annual progress reports for the following strategies:**
 - (a) **Age Friendly Strategy 2017-2021**
 - (b) **Community Safety and Crime Prevention Plan 2017-2021**
 - (c) **Cultural Plan 2019-2024**
 - (d) **Land Acquisition and Disposal Strategy**
 - (e) **The Platform Youth Action Plan 2019-2023.**
2. **Requests that City officers undertake a further review of the CCTV Strategy 2018-2028 to ensure that new and emerging technologies such as artificial intelligence are incorporated into the strategy and report back to the ARMC to ensure consideration for inclusion as part of the 2022/23 budget.**

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 9/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

In 2019 Council adopted the Corporate Business Plan 2019-2023, which included a new action:

“L3.1.3 – Provide an annual report on the implementation of approved strategies.”

Progress reporting commenced in February 2020. Reports are provided to Council through the Audit and Risk Management Committee (ARMC). The City maintains a large and diverse range of strategies, so the reports are distributed across the scheduled ARMC meetings each year.

The reporting schedule for the financial year 2021/22 is outlined in **Table 1**. Newly endorsed strategies and plans are added to the schedule as appropriate.

Table 1: Progress Reporting Schedule for calendar year 2021

	Quarter One	Quarter Two	Quarter Three	Quarter Four
ARMC	November 2021	February 2022	May 2022	August 2022
Strategies for progress reporting	Age Friendly Strategy 2017-2021 CCTV Strategy 2018-2028 Community Safety & Crime Prevention Plan 2017-2021 Cultural Plan 2019-2024 Land Acquisition & Disposal Strategy The Platform Youth Action Plan 2019-2023	Bayswater Town Centre Activation Plan Destination Marketing Strategy Local Housing Strategy/Local Planning Strategy 2012 Town Centre Activation Plans for Bayswater, Maylands, Morley & Noranda	Environment & Liveability Framework 2021-2045 Emission Reduction & Renewable Energy Plan Urban Forest Strategy Waterwise Bayswater 2020-2030	Citywide Traffic Management Implementation Plan Economic/Business Framework Play Space Strategy 2019-2029 Public Health & Wellbeing Plan 2019-2024 Town Centre Parking Management Plans for Bayswater, Maylands & Morley
Report period	1 October 2020 to 30 September 2021	1 January 2021 to 31 December 2021	1 April 2021 to 31 March 2022	1 July 2021 to 30 June 2022

The format of progress reports for the calendar year 2020 appeared to be clear and inclusive of necessary information for the ARMC and Council. Adjustments have been made to the process and report format. The Governance and Strategy branch aims to continuously improve both the capture and reporting of progress information.

EXTERNAL CONSULTATION

No external consultation has taken place in relation to this report. Consultation may have been undertaken during the development of individual strategies.

OFFICER'S COMMENTS

This report provides Council a progress update for six strategies adopted by Council. A summary of these strategies is provided in **Table 2**.

Table 2: Summary of strategies being reported this quarter

Strategy	Adopted	Last review	Next review	Status	Attachment
1. Age Friendly Strategy 2017-2021	CTFCS 17 May 2017	October 2019	2021	Complete	<u>Attachment 1</u>
2. CCTV Strategy 2018-2028	CTFCS 15 May 2018	Yet to be reviewed	2023	In progress	<u>Attachment 2</u>
3. Community Safety and Crime Prevention Plan 2017-2021	OCM 31 May 2016	Yet to be reviewed	2022	Complete	<u>Attachment 3</u>
4. Cultural Plan 2019-2024	OCM 23 July 2019	Yet to be reviewed	As needed	In progress	<u>Attachment 4</u>

5. Land Acquisition and Disposal Strategy*	OCM 23 June 2020	Yet to be reviewed	Est. 2022	In progress	<u>Attachment 5</u>
6. The Platform Youth Action Plan 2019-2023	OCM 3 September 2019	October 2020	October 2021	In progress	<u>Attachment 6</u>

This cover report provides general information about each strategy and key achievements from the past year. **Attachments 1-6** provide further information about key achievements and priorities. The last progress report for strategies one, two, three, four and six were presented to the ARMC meeting 9 February 2021. The reports covered progress to approximately September 2020. Report five, the Land Acquisition and Disposal Strategy was not included as it was only adopted in June 2020.

Age Friendly Strategy 2017-2021

This strategy guided the City's approach towards becoming an Age Friendly City. It incorporated values, principles and definitions outlined by the World Health Organisation's (WHO) Age Friendly Cities Framework, including two of the eight WHO domains: Communication and Information, and Transport. One in six people in the City are aged 65 years or over, and there is a higher-than-average population of older people with culturally and linguistically diverse backgrounds. These have been important factors in the development and implementation of programs and initiatives.

The strategy was launched in September 2017 and concluded 30 June 2021. In total, 44 out of 46 actions identified in the strategy have been addressed, delivering many positive outcomes and community partnerships. Key achievements and challenges since the last progress report are outlined in **Table 3** and detailed further in **Attachment 1**.

Table 3: Age Friendly Strategy 2017-2021 achievements and challenges

Domain	Strategy	Comments
Communication	Implement an Age Friendly Ambassador Program	The Age Friendly Ambassador program has gone from strength to strength, amassing over 1,000 hours of volunteer support and playing a key role in a number of community engagement projects, including development of the new Age Friendly Strategy 2021-2025.
	Provide timely and appropriate information in a range of accessible formats	A Digital Mentor Program was established at Morley Library in 2021 through the Commonwealth Government's Be Connected initiative. The program is facilitated by volunteers and aims to support and increase the digital literacy of older adults, much needed with the rapid move to online services due to the COVID-19 pandemic.
Transportation	Support for alternative forms of transport, such as mobility device users	The Get Back on Your Bike program was delivered in October 2020 with funding through the Department of Transport's Bike Month grant. The program supported older adults to get back on in the saddle in a safe and supportive environment.
	Older people have a range of safe, convenient, affordable and accessible transport options	Capacity to advocate on public transport issues is limited. A number of transport actions were out of the City's scope as they are the responsibility of the Public Transport Authority (PTA) or Main Roads.

The COVID-19 pandemic has impacted the delivery of services, activities and events. Older people are a vulnerable community, and so can be more significantly affected by restrictions and other protective measures. This has affected attendance and City's volunteer network, as many

volunteers are from an older cohort. A challenge going forward will be to continue to look at new and innovative ways to engage and connect with our older community, and increase digital literacy, particularly for residents who are more isolated and harder to reach.

The new Age Friendly Strategy 2021-2025 was adopted by Council at the OCM 24 August 2021. As the 2017-2021 strategy has ended, the next progress report will focus on the 2021-2025 plan.

CCTV Strategy 2018-2028

This strategy was an action item of the Community Safety and Crime Prevention Plan 2017-2021. It guides the development and management of the City's Closed-Circuit Television (CCTV) system, which assists in decreasing crime and anti-social behaviour, protects community assets and improves the detection of crime and conviction of offenders.

Of the 18 actions identified in the plan, three are in progress, eight have been completed and six have been incorporated into ongoing business. One action to review the City's CCTV Policy is on hold until the next review scheduled for 2023. Key achievements since the last progress report are outlined in **Table 4** and detailed further in **Attachment 2**.

Table 4: CCTV Strategy 2018-2028 achievements

Strategy	Status	Comments
Strategy 2: Ensure sustainability of current and future CCTV	Ongoing	We have recently introduced vehicle mounted cameras and body cameras. The footage will support staff, WA Police and other relevant stakeholders.
Strategy 3: Ensure appropriate placement of CCTV cameras	Complete	A CCTV network has been established in AP Hinds Reserve, Bayswater Gardens and Riverside Gardens. Short-term projects will consider the Bayswater Train Station precinct and Maylands Waterland, with a risk-based approach being taken to identifying suitable areas and establishing systems.
Strategy 6: Collaboration and accountability	Complete	The City installed exterior facing 360-degree CCTV cameras with 31 day recording capability on Ranger and Security vehicles. Footage from these cameras has been utilised by the WA Police and the high quality of vision was acknowledged.

Community Safety & Crime Prevention Plan 2017-2021

This plan identified and prioritised community safety and crime prevention initiatives that improve safety, service delivery and reduce crime within the community. The City is dedicated to creating a safe community for its residents and visitors. Crime prevention is considered to be everyone's responsibility and as such, it is vital to join efforts and leverage existing knowledge and expertise.

Of the 21 actions in the plan, 13 are complete and eight have been incorporated into ongoing business or projects. Anecdotally, the volume of crime appears to have decreased following the installation of CCTV networks at AP Hinds Reserve and Riverside Gardens. The introduction of licence plate recognition cameras has provided police with valuable evidence in relation to a number of investigations in the Maylands area, including a series of commercial burglaries, stealing with violence and a suspicious death. Other key achievements since the last progress report are outlined in **Table 5** and detailed further in **Attachment 3**.

Table 5: Community Safety & Crime Prevention Plan 2017-2021 achievements

Action	Status	Comments
Our Built Environment B2.1.3 Develop and implement a Parking Management Strategy for each town/city centre.*	On hold	The Bayswater short-term car parking management plan is now complete, including implementation. This includes the Hamilton Street car parking in Bayswater town centre, which was planned during the period covered by this report and launched in October 2021. Future car parking plans are intended to be captured as a part of future Precinct Plans. No funding was allocated in 2021/22 to complete this work, however the City continues to investigate options that may be included in the future Precinct Plans.
Leadership and Governance 5.1 Advocate and lobby for funding of projects and regulations increasing crime prevention and community safety.	Ongoing	The City advocates and lobbies for project funding. Successful crime prevention and community safety projects undertaken within the life cycle of this plan, and as the result of funding applications, include: <ul style="list-style-type: none"> • CCTV network installations at locations across the City • Installation of 360-degree external cameras on Ranger and Security vehicles • Purchasing of equipment to support the Animal Welfare in Emergencies plan.

* This action stems from the City's Corporate Business Plan 2017-2021, but was included in the scope of this strategy.

Overall, the plan is considered successful. The guidance provided has enabled a number of community focused programs, including bicycle patrols to engage with community members, and further development of the City's relationship with WA Police. Preliminary work has commenced towards the development of a new Community Safety and Crime Prevention Plan, which is expected to be completed in the 2022/23 financial year, subject to funds being granted in the annual budget.

Cultural Plan 2019-2024

This plan was developed in collaboration with the community, including artists and industry leaders, and focusses on three main elements of cultural arts; being visual arts, literature and performing arts. It clarifies the City's role and provides a framework to guide the planning of arts and cultural programs, services and facilities in the City of Bayswater.

Since the plan was adopted, the City has strengthened working relationships with a variety of local artists and key culture and the arts stakeholders. Of the 15 commitments set out in the plan, 13 are ongoing, one is in progress and one is yet to commence. Of the 11 opportunities identified in the plan, 10 have been seized in various ways.

The City has been successful in delivering and supporting various arts and culture initiatives and projects. All of the actions taken have been delivered within existing resources. Key achievements against the commitments and opportunities in the plan are outlined in **Table 6** and detailed further in **Attachment 4**.

Table 6: Cultural Plan 2019-2024 achievements against commitments and opportunities

Commitments	Status	Comments
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Advocacy and advisory 1. Lobby for arts and culture organisations in the City of Bayswater.	Ongoing	The City actively lobbied for State Planning approval for the Laneway Art Space in Bayswater town centre. A letter of support by the City was included as part of the Development Application to the WA Planning Commission. Approval has been granted.
Partner/collaborate 1 Encourage connections and networking opportunities between the City, arts and cultural workers and artists that live or work in the City of Bayswater.	Ongoing	The City funded the Centre for Stories Café Residency writer-in-residence program featuring local writers. These writers engaged with local visitors to discuss their work and the art of writing.
Deliver 2. Optimise community use of buildings and facilities for the delivery of cultural activities and cultural services.	Ongoing	The City sponsored the WA Symphonic Wind Ensemble (WASWE) to utilise the Morley Sport and Recreation Centre for rehearsal sessions in 2021/22.
Opportunities	Status	Comments
Partner/collaborate 4. Explore our connections to our local Noongar culture.	Ongoing	During NAIDOC Week 2020, the City held arts workshops at Bayswater Community Centre and Libraries. Activities were free for the community to participate in and included basket weaving and working with straw and wool to make 'fantastic creatures'.
Deliver 2. Use non-traditional spaces for cultural activities.	Ongoing	Trialling of a converted shipping container as a multi-use stage and exhibition space was undertaken at The RISE, with a WAYJO quartet performing successfully in it.

Some projects, partnerships and events have been impacted by the COVID-19 pandemic and brief lockdowns during February, April and June 2021. They include:

- NAIDOC Week July 2021 events which were rescheduled to October 2021.
- Bayswater Community Concert in collaboration with the Perth Symphony Orchestra scheduled for 6 February 2021 was postponed and held on 12 March 2021.
- Anzac Day Dawn Services in collaboration with the RSL was cancelled.
- Author Holden Shepherd spoke at an evening event at Maylands Library in April 2021. This event had been rescheduled from August 2020.

Land Acquisition & Disposal Strategy

The City developed the Land Acquisition and Disposal Strategy and associated Land Acquisition and Disposal Policy to identify and develop a plan to effectively manage land under the ownership, care or control of the City for the benefit of the community. The Strategy guides the management of City land that can be leveraged for community benefit and financial return to support the initiatives the City provides to the community.

The Strategy was adopted by Council at the OCM 23 June 2020. In the time since adoption, key achievements include:

- Established cross-organisational management and reporting of the disposal process.
- Introduced procedures with relation to applying delegations relating to this strategy.

Achievements and general activities are detailed further in **Attachment 6**.

The Platform Youth Action Plan 2019-2023

This plan guides the City, together with the City's Youth Advisory Council, to progress the needs and aspirations of young people aged 12-25 years living in the City of Bayswater. The plan focuses on three key themes:

- Health and wellbeing,
- Education and employment and;
- Community connection.

There are 14 opportunities identified across the three themes. Work is in progress to maximise seven of those opportunities, and two more are now part of ongoing business. A further two are on hold, one has been delayed and two are yet to commence.

Overall, implementation is progressing well. Different service areas within the organisation have worked collaboratively to deliver programs. The City has also partnered with local organisations, such as Morley YMCA and Enviro House to deliver workshops and events in a cost-effective and resourceful manner. Some activities have been impacted by lockdowns and restrictions due to the COVID-19 pandemic, but the City has continued to engage with young people through other, less affected programs. The City has also focussed on workshops, events and programs to promote mental health and wellbeing. Key achievements and challenges since the last progress report are outlined in **Table 7** and detailed further in **Attachment 6**.

Table 7: The Platform Youth Action Plan 2019-2023 achievements and challenges

Opportunities	Status	Comments
Education and employment Deliver study sessions for young people to assist them with study and school pressures.	In progress	Morley Library created a study hub on weekday afternoons during October and November 2020. This was a comfortable space for students to relax, focus and prepare for their upcoming ATAR exams. There was free Wi-Fi, coffee, beanbags and snacks provided.
Education and employment Involve the YAC in the planning and delivery of City events, programs and facilities for young people.	In progress	Members of the Youth Advisory Council assisted with the planning and delivery of events such as Friendly Footprint and Youth Week Jam 2021. Members were also successful in obtaining a Drug Aware YCulture Metro grant to support delivery of Friendly Footprints.
Health and wellbeing Deliver How to Adult – Wellbeing & Life Skills workshops that enhance confidence & capability.	On hold	The City has temporarily suspended delivery of the How to Adult workshop program due to low attendance. The City will resume these workshops in 2022 and expects attendance levels to return to normal once the impacts of COVID-19 subside.

LEGISLATIVE COMPLIANCE

Not applicable.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	<p>That Council notes the annual progress reports for the following strategies:</p> <ol style="list-style-type: none"> 1. Age Friendly Strategy 2017-2021 2. CCTV Strategy 2018-2028 3. Community Safety and Crime Prevention Plan 2017-2021 4. Cultural Plan 2019-2024 5. Land Acquisition and Disposal Strategy 6. The Platform Youth Action Plan 2019-2023. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	<p>Noting progress made on Council adopted strategies will assist Council in future decision making. This reduces risks to Council decision making by keeping Council informed of progress, and helps the organisation to manage a number of risks in carrying out those decisions.</p>	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies to this report:

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.

Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

The strategies reported this quarter relate to the Strategic Community Plan 2021-2031 in a number of ways, including:

Theme: Community

Goal C1: Create safe and inviting places for people to come together.

Goal C2: Celebrate multiculturalism, arts and culture by supporting local events and initiatives.

Theme: Environment and Liveability

Goal E3: Improve the City's walking and cycling network and create safer streets.

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.

Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Overall, the six strategies and plans reported on this quarter have delivered a number of benefits for the community. Both the Age Friendly Strategy 2017-2021 and the Community Safety and Crime Prevention Plan 2017-2021 have successfully concluded and the City has commenced or completed work to develop their next iterations respectively. While the COVID-19 pandemic continued to affect services during the reporting period, the City has responded well to the challenges through adaptation and forward planning. Other strategies will be reported as per the schedule in Table 1, with the next report focusing on town centre activation and local town planning.

City of
Bayswater

Annual Progress Report

Age Friendly Strategy 2017-2021



This document provides an annual progress and close-out report for the implementation of the City of Bayswater Age Friendly Strategy 2017-2021 (the Strategy). The report covers activities from 1 October 2020 to the Strategy's conclusion on 30 June 2021.

Purpose

One in six people in the City are aged 65 years or over, and there is a higher than average population of older people with culturally and linguistically diverse backgrounds. These have been important factors in the development and implementation of programs and initiatives.

The City launched its inaugural Age Friendly Strategy 2017-21 in 2017. The Strategy guided the City's approach in all of its activities to become an Age Friendly City. The Strategy incorporated values, principles and definitions, as outlined by the World Health Organisation's (WHO) Age Friendly Cities Framework and focuses on two of the eight WHO domains: Communication and Information, and Transport. The City has spent the past four years implementing the actions detailed within this strategy, until its conclusion on 30 June 2021.

Vision

An Age Friendly City is one where people of all ages can live healthy and independent lives for as long as possible, and remain in a secure and supportive environment that enables them to participate in the community as they grow old. It addresses how the City can best meet the needs of older people. The City's Age Friendly Strategy 2017-2021 is aligned to the City's Strategic community plan, Access and Inclusion Plan, and other relevant informing strategies.

Implementation

In total, 44 out of 46 actions identified in the Strategy have been addressed, delivering many positive outcomes and community partnerships. Implementation of the Strategy ended on 30 June 2021. A review was undertaken concurrently with development of the second Age Friendly Strategy 2021-2025 in 2020. An Age Friendly Bayswater snapshot was published in March 2020 to provide a user-friendly update to Councillors and the community on what has been achieved over the four years of the plan.

Achievements

Since the last progress report, the City reached a number of achievements. Several are detailed below. **Tables 1 and 2** provide more information about specific actions in the Strategy.

Communication and Information

Within this domain, City has delivered the following.

- **A Digital Mentor Program** was established at Morley Library in 2021 through the Commonwealth Government's Be Connected initiative. The program aims to support and increase the digital literacy of older adults, much needed with the rapid move to online services due to the COVID-19 pandemic. Facilitated by volunteers, the program offers a weekly tech club and one-on-one support.

- **Wayfinding signage** was installed in Maylands Town Centre during 2021, in consultation with Maylands Historical and Peninsular Association, Roxy Lane Theatre and Community Garden, and Maylands Library. It provides clear and consistent directional signage at key intersections close to the above facilities, to enable people to easily find these and other community places.
- **The City's very own Purple Road** went on a roadshow around key City venues. Developed in partnership with Northern Suburbs Legal Centre, more than 450 purple flowers were crafted by the Bayswater Community Centre craft group. The Purple Road aims to raise awareness of Elder Abuse, with each flower representing someone's story, conversation or reflection. The City's road was also invited to a special 'joining of the roads' event at Kings Park for World Elder Abuse Awareness Day on 15 June 2021.
- **The Age Friendly Ambassador program** has gone from strength to strength, amassing over 1,000 hours of volunteer support and playing a key role in a number of community engagement projects, including development of the new Age Friendly Strategy 2021-2025.
- **More than 25 information sessions for older adults** were delivered at community centres, libraries and the Civic Centre in partnership with other agencies. They included a four week Healthy at Home program focused on fall prevention, safety around the home, cooking on a budget and keeping a healthy mind in line with the City's COVID-19 Community Recovery Plan.
- **Community consultation for the new Age Friendly Strategy 2021-2025** was undertaken between March and June 2021 was hugely successful with more than 800 comments received through surveys, pop up listening booths and a community workshop.

Transportation

Within this domain, City has delivered the following.

- **The Get Back on Your Bike program** was delivered in October 2020 with funding through the Department of Transport Bike Month grant. The program supported older adults to get back on in the saddle in a safe and supportive environment. It also linked participants to local retailers, bike groups and the City's cycle paths and networks.
- **Five bus shelters** were created by the Perth Transport Authority during 2020 and 2021, in collaboration with the City. This takes the number of bus shelters across to the City to 126.
- **Two workshops in partnership with RAC** were delivered to support driver safety in older adults. These were well attended and well received by community.
- **Fifteen footpaths were upgraded or created** as part of the City's COVID-19 stimulus funding.

Awards

In November 2020, the City won the 2020 WA Local Government Professionals Connecting Communities Award for its Age Friendly Ambassadors program.

Challenges

As this was the City's first Age Friendly Strategy we can now reflect on key challenges. This reflection has informed development of the new Age Friendly Strategy 2021-2025 and what the City's focus will be going forward:

- Capacity to advocate on public transport issues is limited. A number of transport actions were out of the City's scope as they are the responsibility of the Public Transport Authority (PTA) or Main Roads. For example, improving the frequency of bus routes. Going forward, the City's role will be to connect the community to the PTA to inform and engage older adults on public transport concerns and projects.
- The COVID-19 pandemic has impacted the delivery of services, activities and events, particularly as older people are a more vulnerable community. This has also impacted the City's volunteer programs, as many volunteers are from an older cohort. Going forward, a key challenge will be to continue to look at new and innovative ways to engage and connect with our older community, and increase digital literacy, particularly for residents who are more isolated and harder to reach.
- The Strategy detailed the role of the City to become an Age Friendly City, however it only focusses on two out of the eight WHO outcome areas. All eight areas need to be considered in order to obtain affiliation to the WHO.
- The establishment of a network of older volunteers to act as a conduit between the City and our older community has been a very successful model. Time, support and resources to continue to expand and upskill this effective volunteer network is critical to capitalising on the momentum of this program going forward.

COVID-19 implications

A number of lock downs affected the opening of venues and changed the way services and activities are delivered. The City's Community bus program has been suspended for the entirety of 2020 to 2021, meaning all bus trips and outings have been put on hold. This has resulted in two Transport actions not being delivered during the life of the strategy.

Strategy	Action
Community Transport services continue to evolve to be responsive and relevant to our community	Investigate providing a local community bus service, including shopper and social trips.
Support for alternative forms of transport, such as mobility device users	Consider providing gopher and/or mobility safety training in partnership with RAC.

It is proposed, that a review of the City's community bus program services will be further explored as part of the City's Age Friendly Strategy 2021-2025.

Priorities going forward

The Age Friendly Strategy 2017-2021 is now complete and has been replaced by the Age Friendly Strategy 2021-2025. Actions that were not completed have been carried forward into the new plan or incorporated into ongoing business, where appropriate. Priorities of the new Strategy include:

- Continuing to partner with local agencies and the community to empower residents and to reach older people who might be isolated
- Undertaking a review of the Age Friendly Ambassador program to refocus and expand the network to support more face-to-face connections with older and diverse communities

- Partnering with Transperth to facilitate information sessions and network tours to educate and build confidence in older adults using public transport.

A key goal of the Age Friendly Strategy 2021-2025 will be to become an affiliated Age Friendly City with the WHO to bring global recognition to the City of Bayswater as an Age Friendly City.

Review

A review of the Age Friendly Strategy 2017-2021 was completed in 2021. The Age Friendly Strategy 2021-2025 was adopted by Council at the OCM 24 August 2021.

Table 1: Information and Communication

Below is an update for actions relating to information and communication, for the period 1 October 2020 to 30 June 2021. Note that actions incorporated into ongoing business are considered complete.

Strategy	Action	City's role	Timeframe	Status	Comment
Consider a diverse range of communication strategies and/or alternative formats to enable older people to access information readily	Develop a communication strategy to ensure that older people have access to information about the City's services and broader community support programs.	Deliver	2017-2018	Complete	In consultation with AWAC the City advocates for improved ACROD parking and clear accessible pathways.
	Ensure the City's information, communication, internet and social media policies and procedures is consistent with the Disability Access and Inclusion Plan (DAIP) 2016-2020.	Advocate	2017-2021	Complete	A number of initiatives in the area of communication were implemented in 2020/21 in line with the City's Access and Inclusion Plan 2020 to 2024, including ensuring all online and hard copy promotional event material includes accessibility information and the international symbol of access. A portable hearing loop was purchased in 2020, which is used at the Civic Centre, and community centre events to improve audio accessibility. ordinary-council-meeting-23-march-2021-minutes (bayswater.wa.gov.au)
	Improve promotion of information on seniors housing, care and support services.	Advocate	2017-2021	Complete	The City continues to educate and link its older community to a wide range of information and support services by partnering with key agencies and the City's Age Friendly Ambassador network. More than 25 information sessions for older adults were delivered at the community centres, Libraries and the Civic Centre in 2020/21 including falls prevention, safety and security in and around the home, scams, cooking demonstrations and a My Aged Care session in Chinese in partnership with Chung Wah.

Strategy	Action	City's role	Timeframe	Status	Comment
	Consider the needs of the culturally and linguistically diverse (CaLD) community when developing and implementing communication and promotion strategies and activities'.	Facilitate, partner	2017-2021	Complete	A number of City projects in 2020/21 considered the needs of CaLD communities in promotion, for example the City's FOGO campaign ensued all key details and dates regarding the FOGO system were provided in the top 5 languages spoken across the City. The support of the Ambassadors, four of whom speak a second language, was integral in better connecting with CaLD older adults, during the consultation for the Age Friendly Strategy 2021-2025 undertaken between April and June 2021. The City continues to partner with local agencies to provide information sessions in different languages, for example a My Aged Care session in Chinese in partnership with Chung Wah. A partnership has also been formed with Partners in Culturally Appropriate Care funded by the Commonwealth Government to deliver a series of Dementia Health sessions in different language in 2021/22.
	Consider more inclusive language to describe our community services, facilities and events to ensure it is inclusive of all ages.	Deliver	2017-2021	Complete	A written style guide was launched in November 2020 to provide comprehensive guidance and consistency across all communication prepared by the City to ensure it easy to read, and navigate.
Provide timely and appropriate information in a range of accessible formats	Utilise a range of information methods to ensure wide coverage of messages.	Deliver	2017-2021	Complete	The City continues to provide information on services, activities and events in a range of formats including hard copy as detailed in the Access and Inclusion Plan (2020 to 2024). For example, during the consultation for the Age Friendly Strategy 2020-2025, a mix of face to face, hard copy and online engagement methods were utilised, together with a quick and easy feedback slip for those older people who were not able or comfortable to complete a survey.

Strategy	Action	City's role	Timeframe	Status	Comment
	Disseminate information in both hard-copy and electronic formats with an age friendly style i.e. larger fonts, less dense text and straightforward language.	Advocate, deliver	2017-2021	Complete	The City continues to provide information in both hard and electronic formats in line with the City of Bayswater Access and Inclusion Plan (2020 to 2024). In June 2021 a digital mentor program facilitated by volunteers was established at Morley Library for older adults in line with the Commonwealth Governments Be Connected program and funding. This program provides a tech club one and one support with the aim of increasing the digital literacy of older people.
	Investigate a consolidated marketing tool/ calendar of events for all activities within Bayswater of interest to older adults for example the City of Vincent 'Well and Wise' calendar.	Advocate, deliver	2017-2019	Complete	A link to the City's Community Events calendar is displayed in the new Service Directory for Older Adults. In early 2019, the City printed a copy of the Events Calendar and placed copies in a pouch at the back of the Directory. Details of City events are also displayed on planter boxes placed in the Bayswater Town Centre and updated every two months with upcoming local events. The City's Age Friendly Ambassadors also circulate verbal and hard copy information regarding upcoming City events to older adults.
	Review the City's current Community Directory, with a view to providing alternative formats to ensure equity of access.	Deliver	2018-2019	Complete	A review of the City's Community Directory was undertaken in 2019, with a new online database launched in November 2019 which residents can easily search and connect to services. Hard copy directories are also provided upon request. The City's Age Friendly Ambassadors were provided with training on the online directory in December 2019.
	Investigate the installation of community notice-boards in the City's town centres.	Deliver	2018-2019	Complete	An MOU has been established with Bedford RSL to install a community notice board outside its venue, facing on to Catherine Street / Grand Promenade.
	Consider utilising a subscription service to enable community member's access to e-newsletters that is tailored to individual's needs and interests.	Deliver	2018-2021	Complete	The City has a monthly e-newsletter (launched in 2019) which community can subscribe to, as well as Town Centre e-newsletters and a Club Connections e-publication.

Strategy	Action	City's role	Timeframe	Status	Comment
	Investigate consistent signage and way-finding systems to assist older people or persons with unique challenges to navigate their way through the community.	Advocate, deliver	2017-2021	Complete	Wayfinding signage was installed in the Maylands Town Centre in 2021 in consultation with Maylands Historical and Peninsular Association, Roxy Lane Theatre and Community Garden and Maylands Library. It features clear, consistent and easily recognisable blue directional signage on poles at key intersections close to the above facilities to enable people to easily find these and other community places.
	Consider using pictograms and multilingual strategies in communication.	Advocate, deliver	2017-2021	Complete	The City continues to improve communication using pictograms and images reflective of our diverse community. As part of the consultation process on the Age Friendly Strategy 2021-2025, an Age Friendly Bayswater snapshot was developed in electronic and hard copy. This provided an easy to read, info graphic style document to highlight what has been achieved over the four years of the City's first Age Friendly Strategy.
Implement an Age Friendly Ambassador Program	Investigate and trial an Age Friendly Ambassador program to improve communication with older people.	Deliver, partner	2017-2018	Complete	Program launched in April 2019. This program and the City's overall achievements in the Age Friendly space contributed to the City of Bayswater winning the COTA WA's Age Friendly Local Government Award in November 2019.
	Encourage community members who are well connected, valued and respected to become Age Friendly ambassadors.	Facilitate	2017-2021	Complete	Given the success of the first Age Friendly Ambassador network, the Ambassadorship period for all eight volunteers was extended for a further year, expiring 1 April. An expression of interest process to renew and refocus program will be undertaken between January and March 2022.
	Engage, support and empower older members of the community to connect, consult, disseminate and advocate with other community members.	Facilitate	2017-2021	Complete	The City's Age Friendly Ambassador program continues to go from strength to strength with the Ambassadors contributing an outstanding 1000+ hours since the commencement of the program. In November 2020, the City was presented with the 2020 WA Local Government Professionals Connecting Communities Award for its Age Friendly Ambassador program.

Strategy	Action	City's role	Timeframe	Status	Comment
	Recruit and train Age Friendly Ambassadors from diverse backgrounds taking into account gender and cultural representation.	Advocate	2017-2018	Complete	Nine passionate local older people representing a diverse cultural and linguistic backgrounds and ranging in ages from 52 to 85 years have been recruited to form a network of Age Friendly Ambassadors across the City of Bayswater community. Training to-date has included an Ambassador Retreat Day, Communication skills and First Aid Training.
	Utilise Age Friendly Ambassadors when undertaking community consultation.	Partner	2018-2021	Complete	The Age Friendly Ambassadors have been engaged for a number projects, including the Strategic Community Plan review, Community Engagement Framework review, development of the Community Recreation Plan, and FOGO implementation. Following a review of the program in late 2020, a memo was sent to Councillors in January 2021 outlining the various achievements and challenges to date.
	Identify opportunities to link Age Friendly ambassadors into projects, programs and initiatives. Monitor and evaluate the program. Report to Council and recommend future action.	Facilitate, partner	2018-2021	Complete	During 2020/21, the Age Friendly Ambassadors have been actively involved in a number of community engagement projects as well as providing a voice on behalf of the older community. Engagement projects included, the Community Engagement Framework review, the Community Recreation Plan, FOGO implementation and Age Friendly Strategy 2021-2025 community consultation. A comprehensive review of the program was undertaken in November 2020 and a memo provided to Council in January 2021, recommending that the Ambassadorship period is extended for another year. Expressions of interest to review the program will take place between January and March 2022.
Commit to using inclusive branding and language for the City's initiatives and	Develop Age Friendly branding and promotion materials to promote the City as an Age Friendly leader	Deliver	2017-2018	Complete	A suite of branded material for community centres program for older adults and Ambassador Program was produced in 2018/19. The City has introduced e-learning videos. As part of these videos, the City ensures it films older residents when undertaking activities so a variety of age ranges and abilities are incorporated in City videos.

Strategy	Action	City's role	Timeframe	Status	Comment
facilities to encourage intergenerational community participation	Investigate a uniquely Bayswater name for our 'Senior Citizen Centres' that promote the service as age friendly	Deliver, partner	2017-2018	Complete	Research and consultation was undertaken in mid-2018 regarding the re-naming of the City's two Senior Centres. Consultation identified the name of Bayswater and Morley community centres.
	Re-name our 'Senior Citizen Centres' and 'Autumn Centres' and consider ways to ensure that branding and messaging are welcoming for seniors from a range of backgrounds and cultures.	Deliver	2017-2018	Complete	On 1 January 2019, the City's Senior Citizen Centres relaunched as the Bayswater Community Centre and Morley Community Centre. New accessible and welcoming building signage was installed as part of the relaunch, together with a suite of age friendly information.
	Review and report on the model of the City's three Seniors Citizen Centres.	Deliver	2017-2018	Complete	During 2019/20 members of the City's two community centres in Bayswater and Morley (formally Senior Citizens Cents) increased from 650 members to more than 850 members.

Table 2: Transportation

Below is an update for actions relating to transportation, for the period 1 October 2020 to 30 June 2021. Note that actions incorporated into ongoing business are considered complete.

Strategy	Action	City's role	Timeframe	Status	Comment
Increase opportunities for greater participation by residents older people	Apply the City's Community Engagement Framework to identify and create opportunities for older adults from diverse backgrounds to be consulted and included in decision making.	Facilitate, advocate, deliver, partner	2017-2021	Complete	34% of the City's Engage Bayswater Panel is represented by older adults. The City's Age Friendly Ambassadors act as conduit between the City and the community and share feedback at monthly meetings. The network reflects the multiculturalism of the City which has supported engagement with older adults from CaLD backgrounds.
	Investigate initiatives that create accessible and supportive environments that encourage engagement, connectedness and participation, for example The Meeting Place in Fremantle.	Deliver, partner	2018-2019	Complete	Place making seed funding initiatives that received funding in 2019/20 to provide accessible and supportive environments encouraging engagement, connectedness and participation. These include Retro Bingo in Morley, a photographic exhibition in Bayswater which all are invited to contribute to, a public herb garden and free to use massage chairs outside Maylands Wellness on Whatley Crescent, and a parklet in Maylands that provides a place to stop for all and meets universal access design requirements.
Older people have a range of safe, convenient, affordable and accessible transport options	Collaborate with the Department of Planning Transport and Infrastructure to provide adequate and appropriate seating and shade to bus shelters and stops.	Partner	2017-2021	Complete	Five new bus shelters were installed at key locations across the City in collaboration with the Perth Transport Authority (PTA).
	Advocate and collaborate with the Department of Transport and the Public Transport Authority (PTA) to improve public transport.	Advocate	2017-2021	Complete	The City continues to work closely with PTA on the Metronet planning.

Strategy	Action	City's role	Timeframe	Status	Comment
	Advocate to with the PTA for improved frequency of bus services to assist older people.	Advocate	2017-2021	Complete	The PTA is set to undertake a major review of local bus routes in consultation with the City between 2022 to 2023.
	Promote the Taxi User Subsidy Scheme and advocate for improved access to this service.	Advocate	2017-2021	Complete	Promoted in the Directory for Older Adults and City's two community centres.
Community Transport services continue to evolve to be responsive and relevant to our community	Review the City's Community Bus Program to ensure it meets community needs and provides older people access to key community locations.	Facilitate	2017-2018	On hold	The City's community bus program was been suspended during the whole of 2020/21 due to COVID-19 constraints. This action has been carried forward to the Age Friendly Strategy 2021-2025.
	Investigate providing a local community bus service, services including shopping and social trips.	Facilitate	2018-2019	On hold	The City's community bus program was suspended during the whole of 2020/21 due to COVID-19 constraints. This action has been carried forward to the Age Friendly Strategy 2021-2025.
Older people are more confident and feel safer when travelling and parking in the City	Consider partnering with a not-for-profit, for example RAC to provide advice and support regarding vehicle modifications, adjustments and driver training.	Partner	2018-2019	Complete	In 2020/21, the City partnered with RAC to host 2 education sessions at the Bayswater Community Centre on road safety.
	Advocate for sufficient ACROD parking in high use locations.	Advocate	2017-2021	Complete	In line with the City's Access and Inclusion Plan 2020-2024, an ACROD Parking campaign was undertaken in December 2020 to raise awareness of and minimise misuse of ACROD parking spots. This was a state-wide campaign and the City communicated key messages online, through social media, a video with the Mayor and newspaper advertising.

Strategy	Action	City's role	Timeframe	Status	Comment
	Partner with local shopping centres and precincts to reserve conveniently located parking for older people '65 years and up'.	Partner	2018-2021	Complete	This was investigated in 2018/19 and feedback received from local shopping centre partners indicated this was not a feasible option and will not be pursued further with local shopping centres. For all areas of the City, the only reserved parking bays, as outlined in local laws are for ACROD permit holders, which includes anyone over the age of 65 years who are eligible to receive a permit.
Support for alternative forms of transport, such as mobility device users	Promote the addition of recharge points for mobility devices in partnership with local business, and key City locations.	Facilitate	2018-2021	Complete	Information and locations of the City's Recharge Points are promoted at all key City community events and information sessions for seniors, as well as the City's Directory for Older Adults.
	Implement and review the Recharge Scheme Initiative.	Deliver	2017-2021	Complete	Ongoing and monitored in line with the City's Access and Inclusion Plan 2020-2024.
	Consider providing gopher and/or mobility safety training in partnership with RAC.	Partner	2018-2021	Complete	Due to ongoing COVID-19 constraints and social distancing requirements, this action was not progressed during 20/2021. It is not identified as a requirement in the City's Access and Inclusion Plan 2020-2024.
	Promote alternative forms of transport, for example walking, cycling and wheeling (gopher, wheelchairs for older adults within the City of Bayswater).	Facilitate	2017-2021	Ongoing	A Get Back on Your Bike program funded through a Department of Transport grant was hosted for older adults during Bike Month 2020 (October). The initiative supported 60 older adults to build confidence and use their bikes. It also promoted local retailers, the Over 55's bike club and linked participants to bike networks within the City. During 2020/21 the Morley Community Centre walking group doubled its numbers.

Strategy	Action	City's role	Timeframe	Status	Comment
Adequate and appropriate seating, shelter and shade is considered	Outdoor and indoor furniture and seating is designed and selected with the requirements of older people in mind, for example shelter and shade.	Deliver, partner	2017-2021	Complete	During 2020 and 2021 a number of upgrades were completed at Noranda Nook to create an accessible and supportive environment. These included a nature play area connected to a footpath network to ensure accessible access. A concept plan has also been developed for Bert Wright Park in Bayswater in consultation with community. Now adopted, the plan includes continuous pathways, improved access to the Bayswater Library and community centre, more shade, seating and accessible picnic tables and BBQs.
Consider the perceived safety and risk that may be barriers for older people using transport in the City	Consider older people when implementing and reviewing the City's CCTV plan and Community Safety and Crime Prevention Plan.	Facilitate, advocate, deliver, partner	2017-2021	In progress	The City's Community Safety and Crime Prevention Plan will be reviewed and new plan developed in 2022/23 with a vision to engage older people as part of the consultation process. This action has not been carried forward to the Age Friendly Strategy 2021-2025 as it will be actioned and reported through the development of a new Community Safety and Crime Prevention Strategy.
Ensure appropriate traffic management for the City's town centres and key pedestrian zones	Complete and implement a City wide Local Area Traffic Management Study	Deliver	2018-2020	Complete	A City-wide Local Area Traffic Management Study was completed in 2018. An Implementation Plan was endorsed by Council in March 2019.
Plan for adequate and accessible paths, bus stops and road crossings	Ensure smooth wide footpaths that cohabitate with bikes, pedestrians and other users of the paths are planned for.	Advocate, deliver	2017-2021	Complete	An extensive program to update and renew footpaths across the City commenced in 2020/21 as part of the stimulus funding. During this period approximately 15 footpaths were constructed, totalling \$1.4 million.

Strategy	Action	City's role	Timeframe	Status	Comment
Support initiatives that promote healthy and active lifestyles for older people	Promote alternative transport options such as walking, cycling and wheeling (gopher, wheelchairs...) when promoting City events.	Deliver, partner	2017-2021	Complete	Matting was installed at all of the City's outdoor community events during 2020/21 to improve access for people using mobility aids.
	Consider the needs of older people in the City's Public Health Planning.	Advocate, deliver, partner	2018-2021	Complete	In March and April 2021, the City delivered a hugely successful 4 week Healthy at Home program with all sessions fully booked. These sessions covered falls prevention, making your home safety, cooking on a budget and keeping a healthy mind in line with the City's COVID-19 recovery plan.
	Explore a partnership with the Morley Galleria Shopping precinct to initiate walking groups for older people.	Partner	2017-2021	Complete	A partnership with Galleria Shopping centre was explored in 2018 and did not proceed. A Walking Group of older people at Morley Community Centre commenced on 18 June 2019, and was led by a City registered volunteer.
	Instigate and promote existing walking groups within the City	Facilitate	2017-2021	Complete	Groups are promoted in the City's Directory for Older Adults and recently launched online Community Directory.

Age Friendly Bayswater Snapshot

AGE FRIENDLY BAYSWATER SNAPSHOT

What we have done and our next steps

Here's what's been achieved over the four years of the City's first Age Friendly Strategy 2017-2021:

- 3,500 copies of the City's Directory for older adults distributed since its launch in January 2019.
- 25% increase in membership of the relaunched Bayswater and Morley community centres over the past two years.
- 38 volunteer positions created for older adults across the City's two community centres.
- 84 free upskilling sessions for people aged 50+ facilitated by the City over the past three years.
- 18 partnerships established with local service providers to help implement age friendly actions.
- 91% satisfaction rate from attendees surveyed at information sessions held for older adults.
- 800 volunteer hours contributed by the City's Age Friendly Ambassadors over the past two years.
- 121 bus stop shelters available throughout the City, many with space to sit and room for wheel chairs and mobility aids.
- 28,000 books delivered to older residents through the City's Libraries' Homebound Books and Books on Wheels programs.
- 34% of the City's Engage Bayswater panel is represented by older adults. This panel provides feedback on important community issues.



AGE FRIENDLY AMBASSADOR PROGRAM

Launched in April 2019, this is a crowning achievement for the City. Comprising eight older adults from diverse backgrounds and varying ages, the ambassadors have taken a leadership role in our community, connecting people with practical information and services, ensuring older residents have a voice on community issues. It is a program for seniors, delivered by seniors.



Some of the initiatives that have been delivered as part of the Age Friendly Strategy:

- A dedicated program for older adults at the City's Bayswater and Morley community centres, providing members with access to more than 30 activities and services.
- Installation of age friendly seating and community notice boards in the City's town centres.
- A program to create and upgrade footpaths to improve accessibility within the City.
- Monthly meetings between City staff and Age Friendly Ambassadors to increase awareness of older people's needs.
- Creation of a Technology Uncovered program, with funding through the government's Be Connected initiative, to upskill older adults and increase confidence online.
- New and accessible communication tools, including the Bayswater Boat newsletter delivered to more than 30,000 households.
- Stronger connections with local Aboriginal Elders, some of whom are older people, through the City's Reconciliation Action Plan.
- Self-loan kiosks at all City Libraries which can be accessed in the top 20 languages spoken in the City of Bayswater.
- Partnerships to increase older adults' knowledge and participation in health and wellbeing activities, including a 'Get back on your bike program'.



PURPLE ROAD

In 2020, the City collaborated with Northern Suburbs Community Legal Centre to create our very own Purple Road to raise awareness of elder abuse. More than 450 purple flowers were crafted by the City's community centre members during the COVID-19 lockdown, with each flower representing someone's story, a conversation, or reflection.



AWARDS

- The City was presented with the 2019 WA Age Friendly Local Government Award at the WA Seniors Awards, in recognition of the successful initiatives delivered in-line with the Age Friendly Strategy 2017-2021.
- The City was presented with the 2020 WA Local Government Professionals Connecting Communities Award for its Age Friendly Ambassadors program.

How the City has supported older people during the COVID-19 pandemic

To keep our community connected and supported during the height of the COVID-19 pandemic, the City established a Community Care team to make fortnightly calls to older residents between March and June 2020.

During this time, the Community Care team made over 5,000 calls, totaling 800 hours of conversation and were able to connect people to a wide range of information and services.

World Health Organisation affiliation

The City's goal is to become an affiliated Age Friendly City with the World Health Organisation (WHO), the overarching body of Age Friendly cities around the world. This was unable to be achieved during the first Age Friendly Strategy 2017-21, due to the COVID-19 pandemic, as this became a priority for WHO. The City will pursue an affiliation with WHO over the next four years to bring global recognition to the City of Bayswater as an Age Friendly City.



Next steps to becoming a more Age Friendly City

In 2021, from April to August, the City will be developing its second Age Friendly Strategy to take us to 2025.

The strategy will guide the City of Bayswater's approach to becoming an Age Friendly City and will build on the successes of the first strategy.

The community will be invited to provide their input to the strategy through surveys, pop-up listening booths and community workshops. It is anticipated the Age Friendly Strategy 2021-2025 will be launched to the community by the end of the year.



Eight areas guiding our Age friendly journey

World Health Organisation – Age Friendly Cities.



For more information visit bayswater.wa.gov.au/engagebayswater or contact the City's Coordinator Active Ageing and Volunteers on 9270 4107.

City of
Bayswater

Annual Progress Report

CCTV Strategy 2018-2028



This document provides an annual progress report for the implementation of the City of Bayswater CCTV Strategy 2018-2028 (the Strategy) for the year 1 October 2020 to 30 September 2021.

Purpose

The City's CCTV Management Policy was first adopted by Council in December 2009 with the purpose of providing a Closed-Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protects community assets and improves the detection of crime and conviction of offenders. The CCTV Strategy 2018-2028 was an action item of the Community Safety and Crime Prevention Plan 2017-2021. Council adopted the CCTV Strategy in May 2018.

Objectives

Vision: Deliver a Safety Service Which Builds a Strong Sense of Community Safety.

The Strategy aims to:

- Provide a clear vision and framework for how CCTV can best be used to enhance the safety and security of the community now, while positioning the City for future technological advances.
- Provide the framework and criteria for the strategic development and ongoing management of internal CCTV and external mobile CCTV systems that are owned, leased and/or operated by the City.
- To ensure the financial sustainability of CCTV systems, seeking further external funding where appropriate.

Implementation

Of the 18 actions identified in the plan, three are in progress, eight have been completed and six have been incorporated into ongoing business. One action to review the City's CCTV Policy is on hold until the next review scheduled for 2023.

Achievements

Since the last progress report, the City has achieved the following:

- Installed exterior facing 360-degree CCTV cameras with 31 day recording capability on operational vehicles attached to the Rangers and Security office. Footage from these cameras has been utilised by the Western Australia Police Homicide Squad in the resolution of a suspicious death and the high quality of vision was acknowledged by WA Police.
- Body cameras have been purchased and allocated to the City's Community Rangers, Security Rangers and Parking Officer. A recent survey indicated unanimous officer satisfaction with the cameras and enhanced feeling of safety whilst wearing them.
- Introduction of Licence Plate Recognition cameras at key locations around the City.
- Four new servers installed to replace aged and redundant units.

Table 1 provides more information about specific actions in the Strategy.

COVID-19 implications

No impact.

Priorities going forward

Into the next year, the City intends to focus on:

- Increasing City's Licence Plate Recognition capability by purchasing additional camera's and analytic software.
- Continuing to explore future funding opportunities to expand the City's CCTV network.
- Investigating analytic capabilities and tools to increase the value derived from the City's CCTV network.

Further considerations will be evaluated as part of the FY2022/23 budget process.

Review

The next review is planned for 2028.

Table 1: Updates for implementation actions

Below is an update for CCTV Strategy 2018-2028 implementation actions for the year 1 October 2020 to 30 September 2021. When reading this table, note that:

- The timeframes are indicative only and may vary due to changing circumstances, the City's priorities and budgetary considerations at the time.
- The costings are indicative only and will need to be further refined based on more details, such as detailed design and procurement processes.
- The progress and effectiveness of the actions is monitored through ongoing compliance data and evaluation.

Strategy	Action	Estimated timeframe	Estimated resources	Responsibility/ Collaboration	Current status	Comment
Strategy 1: Establish foundations and use contemporary digital CCTV technology	1. Review existing infrastructure to ensure compliance with relevant legislation.	Short Term (Years 1-2)	Within existing staff resources	City of Bayswater	Complete	All systems comply with relevant legislation/actions recorded with GIS Department.
	2. Adopt the WAPOL Local Interpretation Guide ~ZPAA Recommendations for CCTV Systems as IM minimum recommendations for the use and installation of CCTV systems in the City or Bayswater.	Short Term (Years 1-2)	Within existing staff resources	City of Bayswater	Complete	The use and installation of CCTV systems in the City exceeds the minimum recommendations.
	3. Develop minimum technical specifications for the technical standards in line with relevant industry standards. Technical specifications document includes a reasonable life expectancy for various elements of the CCTV system and suggest a plan for future upgrades based on industry standards and changing technology.	Short Term (Years 1-2)	Within existing staff resources	City of Bayswater	Complete	A technical guide has been produced and will be utilised for future installation projects to ensure minimum technical standards are met and consistency is achieved. An audit undertaken in February 2021 captured age and replacement timeframes for all assets.

Strategy	Action	Estimated timeframe	Estimated resources	Responsibility/ Collaboration	Current status	Comment
Strategy 2: Ensure sustainability of current and future CCTV	1. Integrate CCTV based solutions with ICT systems and business processes where relevant and appropriate.	Short Term (Years 1-2)	\$27,000 for 2018/19 financial year	City of Bayswater	Ongoing	The City's CCTV systems have been incorporated into the City's ICT systems and business processes.
	2. Review replacement funding in the City's Long Term Financial Plan to ensure adequate funding is available at end or life for (1-2 Years) current systems.	Short Term (Years 1-2)	Within existing staff resources	City of Bayswater	Complete	Review undertaken in September 2021.
	3. Monitor developments in mobile and moveable / temporary Ongoing CCTV.	Ongoing	Within existing staff resources	City of Bayswater	Ongoing	This is an ongoing business as usual task.
	4. In consultation with WAPOL and other stakeholders, install, Ongoing maintain and regularly evaluate the City's CCTV camera surveillance system.	Ongoing	Within existing staff resources	City of Bayswater, WA Police, stakeholders	Ongoing	This is an ongoing business as usual task. The City has recently introduced vehicle mounted cameras and body cameras. The footage will support staff, WA Police and other relevant stakeholders.
	5. Maintain and operate CCTV systems in the City of Bayswater and other locations in accordance with relevant legislation.	Ongoing	Within existing staff resources	City of Bayswater	Complete	A CCTV Management Practice was introduced in 2020 to ensure CCTV systems are operated in accordance with legislation.

Strategy	Action	Estimated timeframe	Estimated resources	Responsibility/ Collaboration	Current status	Comment
Strategy 3: Ensure appropriate placement of CCTV cameras	1. Review existing permanent camera locations for suitability and identify areas for future growth of the network with attention given in the short term to AP Hinds Reserve, Bayswater and Riverside Gardens, King William Street, Bayswater.	Short Term (Years 1-2)	Apply for grant funding when available. If successful, the Safer Communities grant (applied for \$265,511) will provide CCTV covering Riverside Gardens.	City of Bayswater, WA Police, stakeholders	Complete	Current locations remain viable and relevant for CCTV surveillance. In 2020/21 a network was established in AP Hinds Reserve, Bayswater Gardens and Riverside Gardens. Short term projects will consider the Bayswater Train Station precinct and Maylands Waterland, with a risk based approach being taken to identifying suitable areas and establishing systems.
	2. Explore opportunities for temporary camera locations and consider the use of portable CCTV (e.g. Support the installation of portable CCTV and other suitable security treatments in locations where graffiti is severely affecting public space amenity).	Medium Term (Years 2-5)	Within existing staff resources	City of Bayswater, WA Police, stakeholders	Ongoing	Portable, covert cameras are being utilised in high graffiti attack areas, with limited success. At this point in time it is considered that permanent CCTV solutions offer the most effective solution for City requirements, however this is being monitored and may change with state of the art and cheaper technologies emerging.
	3. Consider use of cameras for emergency management real time situational awareness.	Medium Term (Years 2-5)	Within existing staff resources	City of Bayswater	Ongoing	Portable cameras can be hired at short notice and have the capability to stream live vision. The City also has a large network of fixed cameras across the City for use in the event of an emergency.

Strategy	Action	Estimated timeframe	Estimated resources	Responsibility/ Collaboration	Current status	Comment
	4. Set direction and priorities for the further installation and management of electronic surveillance.	Medium Term (Years 2-5)	Within existing staff resources	City of Bayswater	Ongoing	This is a business as usual task where a risk-based approach is taken to establishing surveillance systems at appropriate locations, based on numerous factors including crime data, community expectation and likelihood and consequence of offending behaviour.
Strategy 4: Ensure adherence to relevant legislation, standards and guidelines covering CCTV	1. Develop effective procedures for operations and maintenance of infrastructure.	Short Term (Years 1-2)	Within existing staff resources	City of Bayswater	In progress	Operating Procedures developed and in place which will allow an authorised users to view and download footage. The City also has a CCTV management practice in place. Maintenance procedures are currently under development.
	2. Review the City's CCTV Management Policy.	Immediate	Within existing staff resources	City of Bayswater	On hold	CCTV Policy was reviewed in May 2018 and is due for its next review in 2023.
Strategy 5: Access to CCTV footage / connected CCTV solution	1. Review the City's ability to provide access to the network of CCTV footage to Western Australian Police (WAPOL) and other Emergency services as outlined in the Memorandum of Understanding and WAPOL State CCTV Strategy.	Medium Term (Years 2-5)	Within existing staff resources	City of Bayswater, WA Police, stakeholders	Complete	Review undertaken. The CCTV management practice has been developed to ensure compliance with legislative requirements and standards relating to CCTV systems operated by the City.
Strategy 6: Collaboration and accountability	1. Update the CCTV Information located on the City's website to include links to relevant documents and CCTV locations within the City of Bayswater.	Short Term (Years 1-2)	Within existing staff resources	City of Bayswater	In progress	The City has recently undertaken an audit of all CCTV assets and locations and updated internal databases. It is expected the information will be available on the City's website in February 2022.

Strategy	Action	Estimated timeframe	Estimated resources	Responsibility/ Collaboration	Current status	Comment
	2. Ensure CCTV systems are effective and can be used by WA Police during an investigation. This will be achieved by ensuring that the City of Bayswater CCTV system meets the ANZPAA Recommendations for CCTV Systems and complies with the variations as listed under the State CCTV Strategy.	Medium Term (Years 2-5)	Within existing staff resources	City of Bayswater, WA Police	Complete	The City's CCTV systems are effective, comply with ANZPAA recommendations and able to be successfully utilised by WA Police to support investigations. The State CCTV strategy expired in 2018 and has not been renewed. Prior to it ceasing the City's CCTV systems complied with all variations listed under the strategy.
	3. Investigate if the City can collaborate with local business and private property owners for the installation of CCTV (temporary or otherwise) onto their property to be used as part of investigations.	Long Term (Years 5-10)	Within existing staff resources	City of Bayswater, stakeholders	In progress	This has been investigated by the City and is considered on a case by case basis.

City of
Bayswater

Annual Progress Report

Community Safety and Crime Prevention Plan 2017-2021



This document provides an annual progress report and close-out report for the City of Bayswater Community Safety and Crime Prevention Plan 2017-2021 (the Plan) for the year 1 October 2020 to 30 September 2021.

Purpose

The City's Community Safety and Crime Prevention Plan identified and prioritised community safety and crime prevention initiatives that improved safety, service delivery and reduced crime within the community. The City is dedicated to creating a safe community for its residents and visitors. Crime prevention is everyone's responsibility and as such, it is vital to join efforts and leverage existing knowledge and expertise.

Objectives

Vision: Create a safe and welcoming place for all.

The Community Safety and Crime Prevention plan outlines the City's vision and commitment to safety and crime prevention while outlining the roles and responsibilities of all partners involved. It aims to provide a safe community where people are able to pursue, and obtain the fullest life possible without fear or hindrance from crime and disorder.

Implementation

Of the 21 actions in the plan, 13 are complete and 8 have been incorporated into ongoing business or projects. Volume crime offending appears to have decreased following the installation of CCTV networks at AP Hinds Reserve and Riverside Gardens. The introduction of licence plate recognition cameras has provided police with valuable evidence in relation to a number of investigations in the Maylands area including a series of commercial burglaries, stealing with violence and a suspicious death.

Tables 1 to 5 provide more information about specific actions in the Plan.

Achievements

Since the last progress report, the City has achieved the following:

- Introduction of Licence Plate Recognition (LPR) cameras in strategic locations throughout the City of Bayswater.
- Bicycle patrols to engage with community members.
- Engagement with support agencies to assist homeless people and reduce anti-social behaviour.
- Introduction of banning notices to prevent repeat offenders who cause harm or threaten staff and community members from attending City owned properties.
- Installation of CCTV at AP Hinds Reserve and Riverside Gardens, Morley Library internal and external cameras, and the Ranger and Security office external cameras.

- Introduction of body cameras for Ranger and Security staff.
- CCTV servers replaced due to age at Morley Sport and Recreation Centre, Bayswater WAVES, the RISE Complex, and Paddy Walker Works Depot.
- Ten CCTV cameras in Maylands replaced to achieve better results.

Perhaps the most significant achievement of the last 12 months is that all actions in the Plan have now been complete or incorporated into ongoing business practices. The Plan is now considered complete.

COVID-19 implications

The pandemic has resulted in a lower rate of formal and informal engagement with the community. For example, informal engagement during patrols. No other effects have been observed.

Priorities going forward

Over the next 12 months the City will continue to maintain the ongoing activities identified in the Plan, including performing streetlight audits, supporting community groups and maintaining its strong relationship with the WA Police. Development of a new Community Safety and Crime Prevention Plan is also expected to commence during this time.

Review

Preliminary planning is underway for a scheduled review in the 2022/23 financial year, subject to funds in the annual budget. As the current plan is now complete, the next review will develop a new Community Safety and Crime Prevention Plan.

Table 1: Our Community

Below is an update on actions relating to the 'Our Community' theme of the City's Strategic Community Plan 2017-2027.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
1.1	Develop a comprehensive CCTV strategy for the City of Bayswater.	Yes	2016-2017	Complete	The draft strategy was completed in April 2018 and adopted by Council at the Ordinary Council Meeting on 15 May 2018.
1.2	Develop a Memorandum of Understanding between the City of Bayswater and WA Police to further strengthen information sharing and reinforcing the partnership approach.	Yes	2016-2017	Ongoing	WA Police no longer require an MOU to provide information. A local agreement is now in place to enable information sharing.
1.3	Provide a report in order for Council to consider the funding and appointment of a dedicated Crime Prevention Officer.	No	2016-2019	Complete	A business case for a community safety officer was proposed in the 2020/21 budget but was not approved. The City intended to revisit this in the 2021/22 budget, however it was not progressed due to various budget constraints in the wake of the COVID-19 pandemic. The proposal will be reconsidered for the 2022/23 budget.
1.4	Promote the 'Eyes on the street' program where employees of the City report any suspicious activity they might see while working on site to the City's 24/7 Security Watch.	Yes	2016-2017	Ongoing	The City supports and promotes the Eyes on the Street program. City officers have access to the Eyes on The Street mobile application to assist with timely reporting of suspicious behaviour.
1.5	Contribute towards the City wide directory of support services that lists organisations located or operating within the City that assist in combatting homelessness.	Yes	2016-2017	Complete	The City collaborated with the community to develop the "Caring for our Community" booklet which is readily available to community members and is provided to vulnerable community members.
1.6	Investigate the possibility of including community safety features in the City's 'Report it' mobile application keeping in mind the different roles and responsibilities of the police and the City.	No	2016-2017	Complete	The City has investigated the "Report It" application, but determined it is not necessary as the City provides a 24/7 service which enables community members to speak directly to a City employee and to report any matters involving the City. The City maintains the "Snap, Send, Solve" application for people who wish to report matters via mobile applications.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
1.7	Develop a community safety campaign that provides residents with information and best practices of crime prevention initiatives around their house and properties.	Yes	2016-2017	Complete	Community safety is continuously promoted through targeted education campaigns, community events and presentations to community groups. Working in conjunction with WA Police, burglary hotspots are identified each week and mail box drops are conducted by officers to inform residents of the activity in their area and targeted patrols are performed by security officers.
1.8	Assist Police with other community based partnerships within resources, as they become available.	Yes	2016-2019	Ongoing	The City has a close working relationship with WA Police and regularly collaborates to deliver inter-agency crime prevention and community safety initiatives, including collaborative patrols and crime prevention initiatives.

In addition to the actions in the table, this theme included the following action from City's Corporate Business Plan 2017-2021.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
C1.3.1	Review and implement the service delivery levels provided by Rangers and Security.	Yes	2017-2021	Ongoing	This task was undertaken as part of the City's SEED initiative and is a business as usual activity. The City continually reviews performance and implements continuous improvement strategies in all service areas.

Table 2: Our Natural Environment

Below is an update on actions relating to the 'Our Natural Environment' theme of the City's Strategic Community Plan 2017-2027.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
2.1	Conduct regular checks of the City's parks and reserves to ensure the necessary pruning of trees and bushes whereby improving sightlines in line with CPTED principles.	Yes	2016-2019	Ongoing	All wards are regularly inspected, and a comprehensive security audit is undertaken annually. Information is provided to the appropriate branch for action.

Table 3: Our Built Environment

Below is an update on actions relating to the 'Our Built Environment' theme of the City's Strategic Community Plan 2017-2027.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
3.1	Organise night time audits to decide where improved street lighting would be most beneficial.	Yes	2016-2019	Ongoing	Ongoing business as usual task. Anomalies are reported to appropriate business areas for rectification.
3.2	Continue to assess developments against and promote the principals of Crime Prevention Through Environmental Design (CPTED) principles.	Yes	2016-2019	Complete	In accordance with the Residential Design Codes and Design WA - Apartment guidelines, all developments promote the principles of CPTED. All new structure plans / precincts plans consider CPTED principles as a part of their development (Morley Activity Centre Structure Plan, Bayswater Town Centre Structure Plan, Meltham Station Precinct Structure Plan, and Meltham Surrounds).
3.3	Investigate whether the recent study done by 55Central in Maylands around Designing out Crime can offer opportunities for the City's other suburbs as well.	Yes	2016-2017	Complete	It is considered that the recommendations are sufficiently general that their intent can be applied to other town centres in the City. The City's place managers implement projects in accordance with the CPTED principles.
3.4	Research the possibility of installing solar powered bollards to improve lighting around public amenities and in reserves.	Yes	2016-2018	Complete	Information shared with place managers Morley/Maylands to use as needed. Solar lights being considered around the RISE and an area in Noranda along a pathway near little athletics, costs pending.
3.5	Advocate for (night time) safety audits around public transport - specifically the train and bus stations - to discuss with the Public Transport Authority what measures can be taken to improve safety.	Yes	2016-2019	Complete	Correspondence has been sent to Public Transport Authority (PTA) and discussions have taken place. PTA maintain control of these areas and do not wish to engage in further collaboration at this point.
3.6	Liaise with the Owners of Galleria and the Public Transport Authority to improve safety around the Morley bus station and the Maylands and Bayswater Train stations.	Yes	2016-2019	Complete	The City has liaised with Galleria and PTA management, however attempts to collaborate to enhance safety and security have been unsuccessful to this point. The City will continue to provide quality service provision to areas that fall within the City's jurisdiction.

In addition to the actions in the table, this theme included the following actions from City's Corporate Business Plan 2017-2021.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
B2.1.2	Complete and implement a City-wide Local Area Traffic Management Study.	Yes	2017-2021	Complete	The City is working to assess and evaluate the issues identified in each of the eight local area traffic management precinct areas and has an annual citywide budget allocation to implement priority measures following community consultation.
B2.1.3	Develop and implement a Parking Management Strategy for each town/city centre.	Yes	2017-2021	Ongoing	The Bayswater short-term car parking management plan is now complete, including implementation. This includes the Hamilton Street car parking in Bayswater town centre, which was planned during the period covered by this report and launched in October 2021. Future car parking plans are intended to be captured as a part of future Precinct Plans. No funding was allocated in 2021/22 to complete this work, however the City continues to investigate options that may be included in the future Precinct Plans.

Table 4: Our Local Economy

Below is an update on actions relating to the 'Our Local Economy' theme of the City's Strategic Community Plan 2017-2027.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
4.1	Assist the community in their applications for safe, suitable and quality community events.	Yes	2016-2019	Ongoing	The City continues to assist community members to make application for safe, suitable and quality community events.

Table 5: Leadership and Governance

Below is an update on actions relating to the 'Leadership and Governance' theme of the City's Strategic Community Plan 2017-2027.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
5.1	Advocate and lobby for funding of projects and regulations increasing crime prevention and community safety.	Yes	2016-2019	Complete	<p>The City advocates and lobby's for project funding. Successful crime prevention and community safety projects undertaken within the life cycle of this plan include as the result of funding applications include:</p> <ul style="list-style-type: none"> • CCTV network installations at locations across the City • Graffiti removal within the Morley commercial precinct • Installation of 360-degree external cameras on Ranger and Security vehicles • Introduction of body worn cameras, which enhance officer safety, accountability and improved evidence gathering capability • Signage to provide awareness and education relating to safe and lawful drone usage • Purchasing of equipment to support the Animal Welfare in Emergencies plan.
5.2	Promote awareness of the City's 24/7 security services.	Yes	2016-2019	Ongoing	Ongoing marketing and promotional initiatives have been undertaken to promote services including presentations to community groups, pop up stalls, providing merchandise and fridge magnets to community members, social media marketing and by providing visible patrols.
5.3	Promote the directory of available service organisations supporting the more vulnerable members of our community and their families.	Yes	2016-2019	Complete	The City's directory of available services organisations is carried by officers on patrol and handed to vulnerable people as necessary.
5.4	Promote Ranger Services and related laws to the community.	Yes	2016-2019	Ongoing	Ongoing marketing and promotional initiatives have been undertaken to promote services including presentations to community groups, pop up stalls, providing merchandise and fridge magnets to community members, social media marketing and by providing visible patrols.

No.	Action	Within existing budget?	Timeframe	Current status	Comment
5.5	Develop a report for Council consideration providing options to fund a program for not for profit and / or community organisations to facilitate projects under partnership to prevent or reduce crime.	Yes	2017-2018	Complete	Nyoongar Outreach Services and 55 Central have been engaged by the City on an ongoing basis to provide outreach services for vulnerable community members who may have, or could potentially commit offences.

City of
Bayswater

Annual Progress Report

Cultural Plan 2019-2024



This document provides an annual progress report for the implementation of the City of Bayswater Cultural Plan 2019-2024 (the Plan). The report covers activities from 1 October 2020 to 30 September 2021.

Purpose

Council adopted the City's inaugural Cultural Plan 2019-2024 in July 2019. The Plan was developed in collaboration with the community, including artists and industry leaders, and focusses on three main elements of cultural arts, being visual arts, literature and performing arts. The Plan provides a framework to guide the planning of arts and cultural programs, services and facilities in the City of Bayswater.

Objectives

The Plan clarifies the City's role and guides priorities for grant funding, partnerships and investments in cultural development within the City, aligned with other City plans and strategies. The Plan does not encompass heritage matters or public art.

The Plan identifies three key pillars which provide focus and reflect the City's role. The pillars are:

- Advocacy and Advisory
- Partner and Collaborate
- Deliver.

Achievements

Since the development of the Plan, the City has strengthened working relationships with a variety of local artists and key culture and the arts stakeholders. Of the 15 commitments set out in the plan, 13 are ongoing activities, implementation of one is in progress and one is yet to commence. Of the 11 opportunities identified in the plan, 10 have been seized in various ways.

The City has been successful in delivering and supporting various arts and culture initiatives and projects. It is important to note that to date, all of the actions taken have been delivered within existing resources. In addition, during the months of February, April and June 2021 arts and culture opportunities and partnerships were limited due to the COVID-19 pandemic and brief, but irregular lockdowns.

Since the last progress report, the City has achieved the following in the key deliverables:

Events

Programs and activities are used as a way to promote and deliver cultural experiences, such as arts and literature programs, sustainability workshops, community funded programs and celebrations of Aboriginal culture. From October 2020 to September 2021 the City ran 11 events and supported 16 events through the Community Events Grant program. They include:

- The City delivered a range of community events with arts and culture activities, such as Jazz in the Park, Summer Markets, Bayswater Community Concert, Movie in the Park and Evening in the Park.
- The City commissioned a quartet from WA Youth Jazz Orchestra (WAYJO) to perform at a community engagement event in front of The RISE. The intent was to provide locally produced music for the public and to investigate ways to support WAYJO's active presence in the area.

Showcasing of Local Artists

The City funded the Centre for Stories Café Residency writer-in-residence program featuring local writers. These writers engaged with local visitors to discuss their work and the art of writing. The City also partnered with Baysie Rollers and the Laneway Art Space to introduce a large mural in the Bayswater town centre, painted by local artist Graeme Miles Richards.

Partnerships, Sponsorships and Grants

Through the City's Community Events Grants and Major Town Centre Event Funding allocations, the City provided community groups an opportunity to deliver inclusive events that the whole community can participate in. The City also financially supported Town Centre teams to deliver events that incorporated cultural activities, such as performing arts.

The City partnered with various groups and organisations to deliver events, artwork and literature based activities. Examples of these partnerships include:

- Community group Catch Music provided an all-abilities music performance at the City's Annual Volunteer Function. This provided an opportunity for Catch Music to support two musicians from diverse backgrounds and showcase their talents to the City's community.
- WA Ballet delivered an Open Day of four different free community workshops at the WA Ballet venue in Maylands. This was the City's first arts and culture partnership with WA Ballet.
- Somedae Picture delivered two viewings of *The Spirit of Happiness* in December 2018. This short movie is about Suzanne Dickenson, who was part of the Stolen Generations. The viewings were well attended and made a significant impact. A Welcome to Country was coordinated for this event.
- Creative Maylands was commissioned to produce a mural by Blank Walls on Lyric Lane in Maylands.
- Creative Maylands delivered a kids' art workshop at Roxy Lane Community Garden. The artist, Rahalie McGuirk, was a winner of Creative Maylands' 'Maylands Neighbourhood SOUP' event, and the artwork resulting from the kids' workshop will be painted on Roxy Lane.
- Community group LACE and Roxy Lane Community Garden commissioned artist Graeme Miles Richards to paint a number of artworks as part of the activation of the Roxy Lane and Greenslade Lane precinct in Maylands.

Capacity Building

Between October 2020 and September 2021, the City delivered a number of face-to-face Community Upskiller sessions, including some designed to support cultural awareness and inclusion.

Connection to Local Noongar Culture

During NAIDOC Week 2020 (held in October 2020 due to COVID-19 pandemic), the City held arts workshops at the Bayswater Community Centre and Libraries. Activities were free for the community to participate in. Morley Library hosted a cultural workshop with Belinda Cox for children and an adult event where Noongar Elder and poet Alf Taylor was interviewed by author Dennis Haskell. Maylands Library hosted a screening of a documentary on the art and life of Keith Looby.

Noongar cultural and language workshops continue to be held at Maylands Library, facilitated by local Aboriginal and Torres Strait Islander Education Officer and Noongar language teacher Carol Foley. Ten sessions have been held, including about the seasons Boonaroo (February-March) and Djilba (August-September).

Schools

The City invited students from Hampton Senior High School to create a digital artwork for shoWcAse in PIXELS 2021. The school selected 'Kookaburra Spirit' by Tunyaluk Yangyuen. The student's artwork was displayed on the iconic digital tower at Yagan Square in September 2021.

Participant satisfaction

The level of participant satisfaction for events and activities was 89% (surveyed events only).

Implementation

It is important to note that prior to development of the City's first Cultural Plan, the City had been active in the culture in the arts space for some time. This included the direct delivery of cultural activities and events, as well as supporting individuals and community groups to deliver cultural activities. Since the implementation of the Plan, activities and events focussed on culture and the arts have increased, as well as engagement with local artists and key stakeholders. The City is currently implementing the Cultural Plan 2019-2024 with existing resources, as it does not currently employ an Arts Officer, to assist with the implementation of the Cultural Plan.

Tables 1 to 3 provide more information about specific actions in the Plan.

COVID-19 implications

Implementation has been impacted by brief lockdowns during February, April and June 2021, and some partnerships, projects and events could not be progressed due to restrictions. These included:

- NAIDOC Week July 2021 events which have been rescheduled to October 2021.
- Bayswater Community Concert in collaboration with the Perth Symphony Orchestra scheduled for 6 February 2021 was postponed and held on 12 March 2021.
- Anzac Day Dawn Services in collaboration with the RSL was cancelled.
- Author Holden Shepherd spoke at an evening event at Maylands Library in April 2021. This event had been rescheduled from August 2020.

Priorities going forward

The City's main focus for the next 12 months will remain on the three main elements of cultural arts identified in the Plan: visual arts, literature and performing arts. The City will continue to encourage participation and partnerships, contributing to the community's quality of life, celebrating diversity, improving cross-cultural understanding and building community pride.

Review

Reviews of the Plan are undertaken on an as-needed basis. The next review is expected to occur closer to when the Plan is due to end in 2024.

Table 1: Advocacy and advisory

The City already acts as an ambassador for our community with other tiers of government and uses its influence to attract funding for activities and facilities that will add value to our local culture. Our intention is to harness the information we receive from cultural organisations and artists to better inform our advice and advocacy program. Below is an update for 'Advocacy and Advisory' actions for the period 1 October 2020 to 30 September 2021.

Details	Status	Comment
Commitments		
1. Lobby for arts and culture organisations in the City of Bayswater.	Ongoing	<ul style="list-style-type: none"> The City actively lobbied for State Planning approval for the Laneway Art Space in Bayswater town centre. A letter of support by the City was included as part of the Development Application to the WA Planning Commission. Approval has been granted.
2. Promote the City's cultural assets and events using a range of media platforms, including social media, City of Bayswater website and print media.	Ongoing	<ul style="list-style-type: none"> Events are promoted using a range of media platforms, including the website, social media, print, Bayswater Beat newsletter, posters, bollard covers, electronic signage and large vinyl signage outside the Civic Centre, and media releases, where appropriate. The City prepares a marketing and communications plan for all events to ensure all avenues are considered. Due to the changing nature of the COVID-19 pandemic the 2020/21 City-run events have been advertised individually rather than the whole season. The Art Awards are promoted via social media, the website, Bayswater Beat newsletter, advertorials/media releases, banners and printed collateral at the Civic Centre and outstations. The Art Awards Exhibition was well attended, and a record number of artworks were sold (42). The City partnered with Centre for Stories on a writer-in-residence program at Drip Espresso cafe. This involved City of Bayswater writers and was promoted on social media, in Perth Now, print media, and ABC Radio. The City promoted the Christmas markets and Carols by Candlelight events in December by utilising the tools above. Each event was very well attended, with a record number of attendees for the annual Carols event. Other City led events promoted during this period included Jazz in the Park, Australia Day Community BBQ, Summer Markets, Bayswater Community Concert, Movie in the Park, Evening in the Park and Explore Discover Connect Carnival. The City commenced using variable message boards at reserves to advertise events and provides updates (for example, when the Community concert planned for 6 February was postponed due to lockdown).

Details	Status	Comment
3. Seek grant funding and commitments to the delivery of infrastructure for cultural activities.	Ongoing	<ul style="list-style-type: none"> 55 Central received a Better Bayswater Grant to deliver 'The Art Room' from January to June 2021. The Art Room activities are free-of-charge and are promoted through a range of services in the community that target people who may be living with mental health issues, be homeless and/or socially isolated or have addiction issues.
Opportunities		
1. Actively encourage the provision of inclusive art and cultural activities by other organisations for people of all ages.	Ongoing	<ul style="list-style-type: none"> The City provides community grant funding to various organisation throughout the year to deliver cultural events. The City processed 20 external event applications in this period, and approved 12 community events grants applications. The City granted funding for the Curate Arts Recycled Instrument Project at Ellis House.
2. Support a diverse range of arts and culture activities to build a stronger community and meet community needs.	Ongoing	<ul style="list-style-type: none"> The City delivered its annual Art Awards with record entries in 2020. Fees were waived for artists in 2020 to allow for maximum community participation. The City's annual School Banner Competition was delivered to ensure participation of local primary schools. A Christmas Market event was held in December, as well as the annual Carols by Candlelight event, each attracted a record number of patrons. The City delivered a range of community events with arts and culture activities included, such as Jazz in the Park, Summer Markets, Bayswater Community Concert, Movie in the Park, Evening in the Park. The City funded the Centre for Stories Café Residency writer-in-residence program featuring local writers. These writers engaged with local visitors to discuss their work and the art of writing. The City commissioned a quartet from WAYJO (WA Youth Jazz Orchestra) to perform at a community engagement event in front of The RISE. The intent was to provide locally produced music for the public, and to investigate ways to support WAYJO's active presence in the area. The City supported a WA Symphonic Wind Ensemble concert. This City's very own Purple Road went on a roadshow around key City venues during 2020 and 2021. A partnership with Northern Suburbs Legal Centre, in excess of 450 purple flowers were crafted by Bayswater Community Centre craft group members for the road. The aim of the Purple Road is to raise awareness of Elder Abuse, with each flower representing someone's story, conversation or reflection.

Details	Status	Comment
3. Advocate for the State Government to support cultural expression within the City of Bayswater, such as the provision of funding for arts and cultural facilities (hard infrastructure) that ties in with arts and cultural projects, programs and services (soft infrastructure).	Not started	This action is yet to be progressed.

Table 2: Partner/collaborate

The City is always looking to add value to its own investment in culture by working with others. When we invite other groups and individuals to participate the community benefits and we create a stronger, more resilient culture and arts community for the long term. Below is an update for 'Partner/collaborate' actions for the period 1 October 2020 to 30 September 2021.

Details	Status	Comment
Commitments		
1. Encourage connections and networking opportunities between the City, arts and cultural workers and artists that live or work in the City of Bayswater.	Ongoing	<ul style="list-style-type: none"> The City funded the Centre for Stories Café Residency writer-in-residence program featuring local writers. These writers engaged with local visitors to discuss their work and the art of writing.
2. Continue to deliver cultural activities in partnership with others.	Ongoing	<ul style="list-style-type: none"> The City partnered with WA Ballet to deliver an Open Day of four different free community workshops in December 2020 at the WA Ballet venue in Maylands. This was the first arts and culture partnership between the City and WA Ballet. The City partnered with Somedae Pictures to bring to the City of Bayswater the Spirit of Happiness production, which was a short movie about Suzanne Dickenson, who was part of the stolen generation. Two viewings were delivered at the Civic Centre on 18 December 2020 and these were well attended and made a significant impact. A Welcome to Country was coordinated for this event. The City partnered with Baysie Rollers and the Laneway Art Space to introduce a large mural in the Bayswater town centre, painted by local artist Graeme Miles Richards. The City partnered with Creative Maylands to commission a mural by Blank Walls on Lyric Lane in Maylands. The City partnered with Creative Maylands to deliver a kids' art workshop at Roxy Lane Community Garden. The artist, Rahalie McGuirk, was a winner of Creative Maylands' 'Maylands Neighbourhood SOUP' event, and the artwork resulting from the kids' workshop will be painted on Roxy Lane. The City partnered with community group LACE and Roxy Lane Community Garden to commission artist Graeme Miles Richards to create artworks as part of the activation of Roxy Lane and Greenslade Lane in Maylands. The City partnered with Centre for Stories to deliver the Café Residency writer-in-residence program.

Details	Status	Comment
3. Work with the Office of Multicultural Interests and local groups to build cultural awareness through performance, activities and events.	Not started	This action is yet to be progressed.
4. Continue to facilitate the use of local libraries as venues for exhibitions and other cultural activities.	Ongoing	<ul style="list-style-type: none"> • Morley Library hosted an interactive cultural workshop with Belinda Cox for children for NAIDOC Week. • Morley Library hosted an adult event for NAIDOC Week where Noongar Elder and poet Alf Taylor was interviewed by author Dennis Haskell. • Maylands Library hosted screening of a documentary on the art and life of Keith Looby. • Continue to host monthly writers' workshop program at the Maylands Library. • Host bi-monthly ukulele program in the Maylands Library. • Libraries host a number of events for children during Harmony Week, March 2021 including Seledang Sutra Indonesian Dance and Origami with Sanny Ang. • Author Holden Shepherd spoke at Maylands Library in April 2021. This event had been rescheduled from August 2020 due to COVID-19. • Noongar cultural and language workshops continue to be held at Maylands Library, facilitated by local Aboriginal and Torres Strait Islander Education Officer and Noongar language teacher Carol Foley. • The City's Libraries hosted Children's Book Week in October 2020 (rescheduled from August 2020 due to COVID-19). Library staff took four authors and illustrators out to seven schools, and hosted one in library event with an author. Over 700 children participated in the program. Library staff also undertook classroom visits to twelve classes (360 children) promoting literacy and libraries.
5. Develop the capacity of local cultural groups and organisations through the provision of the City's Community Upskillers Program, grant funding and partnership opportunities.	Ongoing	<ul style="list-style-type: none"> • During October and December 2020 the City delivered three Community Upskiller sessions, covering volunteer management, financial management and waste management. • In October 2020, Better Bayswater Grant funding was approved for 'The Art Room' to be delivered by 55 Central from January to June 2021. This program was for people who may be living with mental health issues, are homeless and/or socially isolated, or have addiction issues. While the group is open to any community member, many people who attend have no other outlet for social interaction and support. During each session, participants will chat while they work on therapeutic art projects over afternoon tea.

Details	Status	Comment
Opportunities		
1. Explore greater use of technology to make cultural activities more interactive and accessible.	Ongoing	<ul style="list-style-type: none"> The City delivered the school Christmas banner competition, displaying the entries online rather than via an in-person exhibition.
2. Consider a range of temporary cultural experiences – self-paced, pop-ups, flash mobs, hands-on activities.	Ongoing	<ul style="list-style-type: none"> WAYJO's performance to trial a converted shipping container as a multi-use stage at The RISE was a temporary experience, with the stage gone the next week.
3. Explore adapting and repurposing unused spaces and creating cultural precincts.	Ongoing	<ul style="list-style-type: none"> In December 2020, the City collaborated with Creative Maylands and Funk Factory to repurpose the disused back area of Lyric Theatre on Lyric Lane for an interactive workshop including a performance from WAYJO musicians. A community engagement session at The RISE to determine improvements to its main public space involved a WAYJO performance. This was partly an investigation into whether there was support to build this space into a regular performance and cultural precinct. The intent is now for performances, historical exhibition, and outdoor reading and literature to feature in the space.
4. Explore our connections to our local Noongar culture.	Ongoing	<ul style="list-style-type: none"> During NAIDOC Week 2020, the City held arts workshops at Bayswater Community Centre and Libraries. Activities were free for the community to participate in and included basket weaving and working with straw and wool to make 'fantastic creatures'.
5. Work with schools to involve all parts of the community in arts and culture.	Ongoing	<ul style="list-style-type: none"> The City invited students from Hampton Senior High School to create a digital artwork for shoWcAse in PIXELS 2021. The school selected 'Kookaburra Spirit' by Tunyaluk Yangyuen. The student's artwork was displayed on the iconic digital tower at Yagan Square in September 2021.

Table 3: Deliver

The City has a strong program of events and also delivers cultural opportunities to the community through its facilities and activities. Through community engagement we gain a better understanding of local needs and can shape and remodel our programs to respond. Below is an update for 'Deliver' actions for the period 1 October 2020 to 30 September 2021.

Details	Status	Comment
Commitments		
1. Continue to deliver family events which are free or low cost, with entertainment for children.	Ongoing	<ul style="list-style-type: none"> The City's annual events for 2020/21, as detailed in its events calendar are all free of charge and inclusive of all ages. The Avon Descent finish line event is an example of the events that are free of charge and inclusive of all ages.
2. Optimise community use of buildings and facilities for the delivery of cultural activities and cultural services.	Ongoing	<ul style="list-style-type: none"> Cultural activities were facilitated at various City venues throughout this period including the Civic Centre, Bayswater Community Centre, Morley Community Centre and the City's Libraries. The City sponsored the WA Symphonic Wind Ensemble (WASWE) to utilise the Morley Sport and Recreation Centre for rehearsal sessions in 2021/22.
3. Increase the City's awareness of changing resident needs, desires and interests.	Ongoing	<ul style="list-style-type: none"> The City's Strategic Community Plan was developed with an array of community engagement opportunities. This Strategic Plan is the one key document capturing the changing needs and aspirations of the community.
4. Continue to deliver activities and events that are valued by the community.	Ongoing	<ul style="list-style-type: none"> Events delivered included Art Awards, Carols by Candlelight and Markets. These events encourage community participation such as Art Awards which ran from October through to November 2020. The City held its annual school Christmas banner competition and displayed the winning banners in December 2020 in the Town Centres. The City partnered with Co3 Contemporary Dance Australia to deliver three workshops for The Bird Makers Project in various locations throughout the City of Bayswater in September/ October. Community members were guided through the process of creating their own 'black bird'. The birds were then collected to become the set for the Co3 Australia 'Archives of Humanity' main stage production in 2021.

Details	Status	Comment
		<ul style="list-style-type: none"> Other events include Jazz in the Park, Australia Day Community BBQ, Summer Markets, Bayswater Community Concert, Movie in the Park, Evening in the Park and Explore Discover Connect Carnival. Older adults we're treated to a performance by Little Miss Squeezebox at the community centre members Christmas party at the civic centre in December 2020. Little Miss Squeezebox plays a traditional Italian accordion and sings Italian songs reflecting the cultural diversity of the City of Bayswater.
5. Link cultural experiences with social opportunities.	Ongoing	<ul style="list-style-type: none"> The Café Residency writer-in-residence program invited members of the public to come to Drip Espresso café, have a drink and chat to the writers.
6. Utilise open spaces, parks and the riverfront.	Ongoing	<ul style="list-style-type: none"> The majority of the City's events planned for 2020/2021 are being held in open spaces across the City for example Carols by Candlelight and Markets, Australia Day Community BBQ, Summer Markets, Bayswater Community Concert, Movie in the Park and Evening in the Park.
7. Make way for new cultural initiatives when old practices no longer serve the community.	In progress	<ul style="list-style-type: none"> The City continuously reviews its events and practices. These reviews are part of the annual budgeting process.
Opportunities		
1. Explore new cultural experiences to appeal to a wide range of audiences.	Ongoing	<ul style="list-style-type: none"> Various cultural experiences were delivered in partnership with others including WA Ballet, Somedae Pictures and others.
2. Use non-traditional spaces for cultural activities.	Ongoing	<ul style="list-style-type: none"> Trialling of a converted shipping container at a multi-use stage and exhibition space was undertaken, with a WAYJO quartet performing successfully in it.
3. Embrace spontaneity by cutting red tape where possible - recognising that people want to be more spontaneous about their activities.	Ongoing	<ul style="list-style-type: none"> COVID-19 pandemic has restricted spontaneity but the City works with community to support them to deliver activities and events.

City of
Bayswater

Annual Progress Report

The Platform Youth Action Plan 2019-2023



This document provides an annual progress report for the implementation of the City of Bayswater The Platform Youth Action Plan 2019-2023 (the Plan). The report covers activities from 1 October 2020 to 30 September 2021.

Purpose

The purpose of the Plan is to steer the City, together with the City's Youth Advisory Council (the Plan) to progress the needs and aspirations of young people aged 12-25 years living in the City of Bayswater.

Objectives

The Plan focuses on three key themes:

- Theme 1:** Health and wellbeing
- Theme 2:** Education and employment
- Theme 3:** Community connection.

Progressing the actions within each theme will ensure that the City is responsive to the current priorities of young people, while maintaining a clear and consistent strategic focus over the 2019/20-2020/21 financial years

Implementation

There are 14 opportunities identified across the three themes. Work is in progress to maximise seven of those opportunities, and two more are now part of ongoing business. A further two are on hold, one has been delayed and two are yet to commence.

Achievements

Since the last progress report, the City has reached a number of achievements. Several are detailed below. **Tables 1 to 3** below provide more information about specific actions in the Plan.

Theme 1: Health and wellbeing

- Wellbeing Programs

The City delivered a ten-week program for 13 students from Anchor Point, focusing on maintaining physical and mental health, and wellbeing. A nine-week program was also run for 40 students at Bold Park Community School, focusing on mental health and wellbeing. These skills-based programs were supported by HelpingMinds and covered a range of skills, including nutrition, fitness and resilience.

Theme 2: Education and employment

- Study Hubs

Study pressure was identified as the biggest issue for young people aged 12-17. In response, a 'Study Hub' was set up at Morley Library, running for a few hours each afternoon during October and November 2020. It provided a comfortable space for students to relax, focus and prepare for exams. It also offered resources to reduce stress and improve study skills.

Attendance was initially low, but quickly grew to up to ten students in an afternoon. The Study Hub has been recreated for October and November 2021, and has already seen attendance on par with the end of the 2020 run.

- Zero2Hero Workshop

In October 2020, four YAC members attended a Youth Leadership Workshop by Zero2Hero, coordinated by the Eastern Metropolitan Regional Council (EMRC). Participants enjoyed sessions on leadership, resilience and personality profiles.

- Friendly Footprint

The YAC received a Drug Aware YCulture Metro grant from Propel Youth Arts. The grant funded Friendly Footprint, an event for young people to learn simple and practical sustainability skills. In October 2020 YAC members coordinated an 'open day' for young people in partnership with Enviro House. The event included free workshops, information and activities to share simple, practical skills. Workshops included growing an edible garden, composting, making bees wax wraps and basket weaving. There were also activities such as a mini 'Repair Café' and a clothes swap. Approximately 40 young people attended the event.

Theme 3: Community connection

- Youth Workshop for Community Engagement

In February 2021 the City held a workshop for young people as part of the review of the Community Engagement Framework. Seven young people participated, sharing ideas on how the City could better engage with young people and inform them of decisions.

- Youth Week Jam 2021

The City partnered with YMCA Morley to celebrate Youth Week 2021 at Crimea Reserve. Approximately 100 young people attended and enjoyed a range of activities, including an all ages 'Jam Session' with Skateboarding WA, a pick-up ball competition, a Circuit Challenge with Morley YMCA, Floral Crown making with Morley Library and more. The YAC helped coordinate the event, which received a 100% satisfaction rating from participants.

- shoWcAse IN PIXELS 2021

The City invited students from Hampton Senior High School to create an artwork for the shoWcAse IN PIXELS 2021. The school selected 'Kookaburra Spirit' by Year 12 visual arts student, Tunyaluk Yangyuen, which represents the City's commitment to sustainability and abundance of natural areas. The artwork was displayed in Yagan Square on the 45 metre Digital Tower during September 2021.

School Engagements

The City had various engagements with local high schools during the year, including:

- YAC presentation at John Forrest Secondary College

Two YAC members delivered a presentation to student prefects in August 2021 to raise awareness of the City's Youth Advisory Council. YAC members discussed their role and showcased a range of workshops and events that they have delivered.

- Bushrangers Club visit

An officer was invited to attend a meeting with the Bushrangers Club at John Forrest Secondary College in November 2020. This was an opportunity for Bushrangers to share their past and upcoming projects, and information about YAC.

- Morley Mental Health Week

Morley Senior High School invited staff to attend an event to raise awareness of the importance of mental health. A total of 26 students completed a Pledge for Mental Health. The events also provided an opportunity to promote the City's youth program to students.

- Hampton RUOK Day

Staff attended an event for RUOK Day at Hampton Senior High School. Various stallholders and activity providers were invited, which encourages students to have meaningful conversations about mental health. Fifteen students completed a Pledge for Mental Health and staff enjoyed networking opportunities with mental health service providers.

Challenges

The COVID-19 pandemic continues to be the biggest challenge for the Plan, leading to a decrease in participants for many events. The 2020 How to Adult program encountered a number of difficulties. Some workshops had to be rescheduled or cancelled due to low registration, despite strong promotion. The program is currently on hold until 2022. The City continues to engage with young people through other programs which are less affected by the pandemic.

Principals, teachers and chaplains have highlighted the need for mental health initiatives in response to the COVID-19 pandemic. Research by the Youth Affairs Council of Western Australia (YACWA) has confirmed the importance mental health support for young people. Insights from the YACWA include:

- 91% of respondents had experienced some or significant impact on their mental health
- Young people are disproportionately affected by job losses and have difficulties accessing welfare support
- Changes and inconsistencies with education have been extremely difficult for some
- Loss of social connections is a large concern for most young people and contributed to declining mental health.

Over the last year the City has focussed on workshops, events and programs to promote mental health and wellbeing. To reach young people, the City has shifted focus to work directly with schools to engage and deliver programs. Successful delivery of online workshops during lockdowns, such as the Youth Workshop on Community Engagement, also demonstrate the City can respond quickly to ongoing challenges.

Priorities going forward

The City will continue to deliver wellbeing programs similar to those for students at Anchor Point and Bold Park Community School. The focus and delivery of each program is unique and will be developed through consultation with staff and students at each school. The City will also continue to deliver previous successful initiatives in 2021/22 including Study Hubs, Youth Week Jam and an annual principal's meeting.

The City has allocated \$40,000 for chaplaincy services in the 2021/22 budget, consistent with the financial contributions of previous years. This funding will enable YouthCARE to continue to distribute additional service to John Forest Senior High School, Hampton Senior High School, Morley Senior High School and Maylands Peninsula Primary School.

The City will deliver two youth focussed events for PrideFEST in November 2021. This will include a program similar to the 'Spill the Tea' workshops by the City of Stirling, which were very popular. The events will provide a safe space for young LGBTIQA+ people to connect and support each other. A 'Drag Yourself' make-up workshop for young people will also be held at Roxy Lane Theatre. A professional make-up artist will teach applying makeup to become a Drag Queen or Drag King.

Review

The Plan was designed to apply from 2019-2021. However, given the significant impacts the COVID-19 pandemic on services and young people, the themes within the Plan will remain relevant beyond 2021. This has been confirmed through consultation with the YAC. Subsequently the City resolved to amend the timeframe to 2019-2023 and notified Council of this change via the last annual progress report. A review will be considered closer to the expiry date.

Table 1: Theme 1 – Health and wellbeing

Below is an update for health and wellbeing actions for the period 1 October 2020 to 30 September 2021.

Outcomes	Age group	Opportunities	Measures	City's role	Timeframe	Status	Comment
Young people are offered services to support mental health.	12-17 years	Investigate suitable partnerships with local high schools that contribute to enhancing mental health.	Report on partnerships with high schools.	Nothing specified in plan	2019-2023	Ongoing	The City contacted all local high schools in May 2021 offering to coordinate workshops for students with mental health organisations (e.g., HelpingMinds, Headspace). This was not taken up by any of the schools, but many have engaged mental organisations directly.
Young people in the City of Bayswater are more independent and prepared for the responsibilities of adulthood.	12-17 years	Deliver How to Adult – Wellbeing and Life Skills workshops that enhance confidence and capability.	Four workshops are delivered and a minimum satisfaction rating of 75% is received from participants.	Deliver	2019-2023	On hold	The City has temporarily suspended delivery of the How to Adult workshop program. The City will resume these workshops in 2022 and expects attendance levels to return to normal once the impacts of COVID-19 subside.
Young people are offered opportunities to participate in activities that enhance mental and physical health.	12-25 years	Deliver diverse activities at a range of venues across the City in partnership with local organisations.	Number of partnerships established to deliver activities.	Deliver	2020-2023	In progress	The City has delivered successful wellbeing programs for students at Bold Park Community School and Anchor Point in 2021.
Young people are connected with organisations that offer mental health services.	12-25 years	Identify partnerships and promote organisations that improve mental health information and support.	Mental health services and programs are promoted through at least six social media posts per year.	Facilitate	2020-2023	In progress	The City has promoted mental health services and organisations through seven posts on Facebook and Instagram in the past year.

Table 2: Theme 2 – Education and employment

Update for education and employment actions for the period 1 October 2020 to 30 September 2021.

Outcomes	Age group	Opportunities	Measures	City's role	Timeframe	Status	Comment
Young people in the City of Bayswater are more confident to manage their study workload.	12-17 years	Deliver study sessions for young people to assist them with study and school pressures.	Two study skills information sessions are delivered and a minimum satisfaction rating of 75% is received from participants.	Deliver	2020-2023	In progress	Morley Library created a study hub on weekday afternoons during October and November 2020. This was a comfortable space for students to relax, focus and prepare for their upcoming ATAR exams. There was free Wi-Fi, coffee, beanbags and snacks provided.
Young people in the City of Bayswater are offered employment skills to increase their ability to gain work experience or employment.	12-17 years	Deliver How to Adult – Employable Me series to develop employment skills.	Four workshops are delivered and a minimum satisfaction rating of 75% is received from participants.	Deliver	2019-2023	On hold	In July 2020 the City offered two workshops focussed on developing employment skills as part of the How to Adult workshop series. Bookings for both of these workshops were exceptionally low. The How to Adult workshops are on hold until the community recovers from the impacts of COVID-19.
Employment opportunities are improved for young adults living in the City of Bayswater that are either underemployed or unemployed.	18-25 years	Establish partnerships with local businesses to deliver work experience, skill building, mentoring, etc.	Successful external grant application to implement the opportunity.	Facilitate, deliver, partner	2020-2023	Not started	Local businesses are faced with exceptional challenges during the COVID-19 pandemic. The City will wait until local businesses recover before implementing this action.
City of Bayswater has a strong, diverse Youth Advisory Council (YAC).	12-25 years	Provide leadership training to develop the skills of the City of Bayswater YAC.	80% of YAC members attended youth leadership training.	Deliver	2019-2023	Delayed	City of Bayswater YAC expressed a desire to build capacity and develop leadership skills in the area of marketing. This has been delayed due to other priorities.

Outcomes	Age group	Opportunities	Measures	City's role	Timeframe	Status	Comment
		Involve the YAC in the planning and delivery of City events, programs and facilities for young people.	100% of YAC members involved in the City's youth program, events or facility development.	Facilitate, deliver	2019-2023	In progress	Members of City of Bayswater Youth Advisory Council have assisted with the planning and delivery of events such as Friendly Footprint and Youth Week Jam 2021.

Table 3: Theme 3 – Community connection

Update for community connection actions for the period 1 October 2020 to 30 September 2021.

Outcomes	Age group	Opportunities	Measures	City's role	Timeframe	Status	Comment
Relationships are established with local high schools to inform the City of Bayswater's youth programming.	12-17 years	Provide the opportunity for high schools to meet with the City to share information, identify partnership and promotional opportunities.	Meetings with local high schools are held twice a year.	Facilitate, deliver, partner	2019-2023	Ongoing	The City has focussed on building strong relationships with local schools in the past year. In particular, strong working relationships have been developed with Anchor Point and Bold Park Community School.
Active membership in Eastern Metropolitan Regional Council, Youth Officer Group.	12-25 years	Participate in quarterly meetings Eastern Metropolitan Regional Council.	Attend four meetings per year at EMRC per year.	Advocate, deliver	2019-2023	In progress	Community Development Officer Youth and Grants has attended quarterly meetings at EMRC during this period.
Young people are engaged when decisions are made that affect them.	12-25 years	Ask young people for their ideas and opinions when the City is making decisions that affect them.	Number of opportunities offered to participate on committees, panels and forums	Facilitate, partner	2019-2023	In progress	Young people were invited to participate in a workshop exclusively for 12 – 25 year olds to provide input into the City's Community Engagement Review.
Opportunities are explored for young people to participate in actions that arise from a range of City strategies and plans.	12-25 year	Encourage creative expression in young people.	Work with schools to involve all parts of the community in arts and culture.	Facilitate, partner	2019-2023	In progress	The City invited students from Hampton Senior High School to create an artwork to be entered into shoWcAse IN PIXELS 2021.
		Increase appreciation of the cultural richness in our community.	Number of opportunities to participate in actions that arise from the City's cultural plan and strategies.	Facilitate	2019-2023	Not started	

10.6.1.2 Debtors Write-Off

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority <i>ABSOLUTE MAJORITY REQUIRED for limb 2</i>
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Infringement debtors list - for debts under \$500 [8.3.1 - 1 page] 2. CONFIDENTIAL - Rate small balance write off list [8.3.2 - 1 page] 3. CONFIDENTIAL - Recreation facilities debtors list - for debts under \$500 [8.3.3 - 1 page]

Confidential Attachment(s) - in accordance with Section 5.23(2)(b) of the Local Government Act 1995 - the personal affairs of any person.

SUMMARY

This report presents and notifies Council of a list of bad debts that have been written off under delegated authority in accordance with the Sundry Debt and Recovery Policy. In addition, approval is sought to write off rate small balances.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council:

1. Notes bad debts of: \$1,190.00 as outlined in Attachments 1 and 3 and; rate penalty interest/administration fees of \$2,916.74 as outlined in this report has been written off under delegated authority and;
2. Approves the write off of \$46.18 rate small balance as outlined in Attachment 2.

ABSOLUTE MAJORITY REQUIRED

Cr Sally Palmer Moved, Cr Giorgia Johnson Seconded

CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 9/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

BACKGROUND

This report provides an overview of bad debts accrued and requiring write off under the Sundry Debt Collection and Recovery Policy.

Australian Accounting Standards and the provisions of the *Local Government Act 1995* and Financial Management Regulations require, inter alia, ongoing assessment of the likelihood that debts recognised in the organisation's accounts will be collected.

Sundry debtors are managed in accordance with the City's Sundry Debt Collection and Recovery Policy. While all reasonable efforts are made to recover aged debts, there are also some that, for practical purposes, require write off.

These can be monies due for user charges, infringements, fees and other services rendered, and the process for collection is dependent on the type of debt raised and the mechanisms available under various legislation for recovery. Section 6.12 (1) of the *Local Government Act 1995* allows for debts to be written off by Council, and the Sundry Debt and Recovery Policy gives delegated authority to the Chief Executive Officer to write off any uncollectable bad debts under \$500 per account, and advise Council accordingly.

Any amount in excess of \$500.00 requires approval from Council to write off.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

Infringement Debtors

The infringement write-off list (**Attachment 1**) refers to current infringements where the City cannot acquire the offender's details from the Department of Transport. The total amount written off under Delegated Authority is \$1,100.00.

Rates Debtors

Rate accounts with balances comprising of penalty interest and/or administration fees of \$5.00 or less are written off under Delegated Authority.

For the period 1 July 2021 to 30 September 2021, small balances totalling \$2,916.74 for 1,429 properties has been written off under Delegated Authority.

In addition, Council approval is being sought to write off small balance for rates totalling \$46.18 for 60 properties (**Attachment 2**) for the period 1 July 2021 to 15 October 2021 as the City does not have delegated authority to do so.

Recreation Facilities Debtors

The Recreation Facilities bad debts (**Attachment 3**) have arisen from outstanding invoices for user group bookings at Noranda Family Centre, which have not been recoverable.

Numerous attempts have been made to contact the user groups regarding the outstanding invoices, however no response has been received. As a result, the debts incurred were unable to be recovered.

Following a documented recovery process, a number of debts accrued have been reviewed and require approval to be written off under delegated authority in accordance with Council's Sundry Debt Collection and Recovery. These write-offs total \$90.00.

LEGISLATIVE COMPLIANCE

The Sundry Debt Collection and Recovery Policy applies and section 6.12 (1) of the *Local Government Act 1995* states:

*"Subject to subsection (2) and any other written law, a local government may —
...(c) write off any amount of money, which is owed to the local government."*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: 1. Notes bad debts of: \$1,190.00 as outlined in Attachments 1 and 3 and; rate penalty interest/administration fees of \$2,916.74 as outlined in this report has been written off under delegated authority and; 2. Approves the write off of \$46.18 rate small balance as outlined in Attachment 2.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	By writing off these debts, the outstanding debtors account will reflect amounts that are deemed recoverable.	

FINANCIAL IMPLICATIONS

Bad debts are reflected in the end-of-year operating result. The ongoing review of the City's revenue collection and debt recovery practices is considered to be an important feature of risk management and strengthening corporate governance.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance
 Goal L4: Communicate in a clear and transparent way.

CONCLUSION

It is recommended that Council notes the bad debts written off under delegated authority. Debts include \$1,190.00 for infringement and recreation debtors as outlined in Attachments 1 and 3 and rate penalty interest/administration fees of \$2,916.74 as outlined in this report.

In addition, it is recommended Council approve the rate small balance write off of \$46.18 as outlined in **Attachment 2**.

10.6.1.3 OAG Report 2021 - Local Government COVID-19 Financial Hardship Support

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority
Attachments:	<ol style="list-style-type: none"> 1. OAG Report: Local Government COVID-19 Financial Hardship-Support [8.5.1 - 28 pages] 2. CONFIDENTIAL - Self -Assessment COVID-19 Financial Support [8.5.2 - 3 pages]
Refer:	Nil.

SUMMARY

An audit was recently conducted by the Office of the Auditor General (OAG) on the Cities of Belmont and Rockingham and the Shire of Northampton to assess if local government entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response measures. The City has reviewed the report and undertaken a self-assessment against the City's practices to identify any areas for improvement.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council notes the OAG Report 'Local Government COVID-19 Financial Hardship Support' and the City's self-assessment against the report findings, as contained in Attachments 1 and 2 to this report.

Cr Georgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 9/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.*

Against: *Nil.*

BACKGROUND

The role of the OAG is to audit the finances and other activities of state and local government entities, and report the findings to Parliament. The purpose of that is to reduce risk in the sector and to proactively encourage improvement.

The OAG also conducts audits which are not specific to local government, however the findings may be relevant for informing the general environment or for providing insight into emerging issues.

On 15 October 2021, the OAG released *Local Government COVID-19 Financial Hardship Support* which is included at **Attachment 1**.

EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

The overall purpose of the recent audit was to determine if local government (LG) entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response

measurers. As part of the audit, the OAG undertook a review of the approaches taken by the Cities of Belmont and Rockingham and the Shire of Northampton.

When reviewing the findings, the Auditor General noted that it was pleasing that most LG entities stepped up and provided support, in some instances over and above what was requested by the State Government. The Auditor General further commented that it was critical LG entities balance application and assessment costs with the value of any support provided, to ensure eligible applicants receive timely support at their time of need.

In identifying areas for improvement, the Auditor General noted that there were instances where help didn't reach those in need because LG entities either didn't do enough to tell their local communities about the support available or made it too difficult to access.

The OAG also reviewed whether other LG entities across the state had financial hardship policies. Out of 137 LG entities, 123 had a financial hardship policy in 2020/21. It was noted that most have kept these for 2021/22 or have taken a longer-term view and adapted their policies to apply beyond the pandemic.

Key findings

“All 3 sampled LG entities had financial hardship policies but only 2 informed their ratepayers.”

All entities adopted financial hardship policies; however, the Shire of Northampton did not notify ratepayers of its existence or that financial support was available beyond uploading the policy to the Shire's website. It was noted that this was contrary to its policy to write to ratepayers with accounts in arrears to encourage them to apply for support.

All 3 entities were identified as providing support to all ratepayers (and just those assessed as experiencing financial hardship) through a variety of measures including:

- Total rates revenue and fees and charges were kept at or below 2019/20 levels
- Interest not charged on unpaid rates for part of 2019/20
- Extra time given to ratepayers before charging penalty interest
- Waiving instalment interest

“Belmont and Rockingham effectively processed applications while Northampton did not receive any.”

This finding identified that Belmont and Rockingham established effective processes in line with their respective policies.

City of Belmont

It was noted that Belmont received 53 applications and approved 32. Applications that were approved and did not require staff follow up were processed, approved and a decision communicated to the applicant within 3 days. The 4 remaining applications that required further information were advised of the outcome in 4, 21 and 96 days from the date of application and one remaining outstanding. In comparison, the City of Bayswater's response timeframes on average is 10 days.

Applications that were rejected by the City of Belmont were for reasons including being assessed as not experiencing COVID-19 related hardship or providing insufficient information.

It was also highlighted that the minimal supporting information required reflected the dollar value of support available to each ratepayer and the administration costs and risks to the City. The City

of Belmont accepted a Centrelink Job Keeper or Job Seeker statement or redundancy letter as evidence for reduced income.

It was noted that the City relied on the existing Code of Conduct to manage conflicts of interest and it was recommended that an additional process be introduced to confirm staff who assess financial hardship applications do not have any conflicts of interest.

City of Rockingham

The City of Rockingham received 70 applications and approved 41. Similarly, applications that were rejected were for reasons including being assessed as not experiencing COVID-19 related hardship or providing insufficient information.

The OAG felt that the City of Rockingham's approach was more time consuming and onerous for ratepayers, as applications were kept open and followed up applications for supporting information. The OAG concluded that this exceeded the risks and dollar value of COVID-19 specific support available to individual ratepayers. It was also noted that if applicants could not meet the requirements of the payment arrangement offered, they were asked to provide an income and expense statement from a State-funded financial counsellor. This again was viewed as too onerous for ratepayers, particularly in comparison to the approach taken by the City of Belmont.

"Most of the State's 137 LG entities have a financial hardship policy."

Out of the 137 LG entities in WA, 123 had a financial hardship policy in 2020/21 (including the City of Bayswater). At October 2021, 109 entities advised they have policies in 2021/22, again including the City of Bayswater.

Entity response

The responses from the 3 LG entities acknowledged the recommendations of the OAG, noting that a short time frame was provided to implement the measures requested by the State Government. Of note, the City of Rockingham outlined that it is management's view that the systems are appropriate based on support available and the evidence-based approach of Council's policy.

Self-assessment undertaken by the City

City Officers have undertaken a self-assessment against the findings of the OAG report to identify any potential areas for improvement in the City's practices. This self-assessment is included in **Confidential Attachment 2**.

In summary, the majority of the recommendations were found to have already been in practice or have previously been identified and are currently being progressed by Officers. These actions will be added to the Audit Log.

LEGISLATIVE COMPLIANCE

Nil.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the Officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council notes the OAG Report 3: Staff Exit Controls Report and the City's self-assessment against the report findings, as contained in <u>Attachments 1 and 2</u> to this report.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome

Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Noting this report from the OAG provides the Audit and Risk Management Committee and Council assurance that the City is regularly reviewing sector reports and undertaking a self-assessment to ensure the City is utilising best practice.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

- Theme: Leadership and Governance
- Goal L1: Engage the community in a meaningful way.
Provide opportunities for the community to have their say and consider their views when making decisions.
- Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

This report from the OAG provides insights to the Audit and Risk Management Committee on how effective the local government sector as a whole was in providing effective financial hardship support to assist ratepayers impacted by COVID-19 response measures. In addition, a self-assessment has been undertaken against the City's practices to identify any areas for improvement.

Western Australian Auditor General's Report



Local Government COVID-19 Financial Hardship Support



Report 5: 2021-22
15 October 2021

Office of the Auditor General
Western Australia

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We can deliver this report in an alternative format for those with visual impairment.

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The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT

**Local Government COVID-19 Financial
Hardship Support**

Report 5: 2021-22
October 2021

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**THE PRESIDENT
LEGISLATIVE COUNCIL**

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

LOCAL GOVERNMENT COVID-19 FINANCIAL HARDSHIP SUPPORT

This report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of my Office's overall program of audit and assurance for Parliament. They seek to provide Parliament and the people of WA with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

This audit assessed if local government entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response measures.

I wish to acknowledge the entities' staff for their cooperation with this audit.

A handwritten signature in black ink, appearing to be 'C Spencer'.

CAROLINE SPENCER
AUDITOR GENERAL
15 October 2021

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Auditor General's overview

COVID-19 policy responses have had a profound impact on not only the way we live and work but, for many, the ability to work at all. This resulted in many people experiencing reduced and uncertain incomes with consequent financial implications and hardship. This was particularly the case early in the pandemic in 2020, and during the subsequent government-mandated lockdowns of the first half of 2021.



This report summarises our performance audit of the financial hardship support provided by local government (LG) entities in 2020-21 to ratepayers impacted by the COVID-19 pandemic. We conducted the audit partly in response to requests we received to audit LG entities' processes for providing financial hardship support to ratepayers.

LG entities provided support above what was requested by the State Government. They not only provided financial support to ratepayers assessed as being in financial hardship but, at their own initiative, supported all ratepayers. Most support came in the form of interest waivers and allowing ratepayers additional time to pay rates. This came at a direct cost to LG entities' revenues, which may present budgetary impacts for some years.

Most LG entities had a financial hardship policy in 2020-21, and it was encouraging to find that most have kept these for 2021-22 or have taken a longer-term view and adapted their policies to apply beyond the pandemic.

A key message from this audit, however, is the importance of LG entities applying a commonsense and balanced approach to probity. We observed that some LG entities set a very high bar for ratepayers to access financial support of only a few hundred dollars a year, or less. This includes, in some cases, requiring ratepayers to see a financial counsellor, which could be a significant time impost and emotional intrusion on people in need of short-term financial relief. Policies and assessment processes should balance the need for proportionate assurance that support is provided only to ratepayers experiencing genuine financial hardship, against the need to provide timely support to those in need.

Providing clear public information about processes and the type and amount of support available will also help potential applicants decide whether the benefits of applying outweigh the time and effort, thereby reducing the administrative load on both LG entities and the ratepayers they serve.

Executive summary

Introduction

The objective of the audit was to assess if local government (LG) entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response measures.

We assessed if the City of Belmont (Belmont), Shire of Northampton (Northampton) and City of Rockingham (Rockingham) had financial hardship policies in 2020-21, and if they processed applications effectively. We also confirmed if Western Australia's (WA) other 134¹ LG entities had policies in place.

Background

The State Government recognised that restrictions introduced in response to the COVID-19 pandemic would cause financial hardship for many people, potentially reducing their ability to pay property rates.

On 8 May 2020, the Minister for Local Government issued Ministerial Circular 03-2020 (Circular), which encouraged LG entities to adopt financial hardship policies to assist ratepayers. On the same day the Minister issued Local Government (COVID-19 Response) Order 2020 (Order).² The Order applied for 2020-21 and capped the maximum amount of interest that LG entities could charge all ratepayers and prevented LG entities imposing interest or other charges on ratepayers they assessed as experiencing financial hardship due to COVID-19.

We expected LG entities to have adopted a financial hardship policy and to have complied with the Order. We also expected that LG entities' processes to implement their policies would follow better practice guidance³ and reflect the dollar value of support available to each ratepayer and the administration costs and risks to the LG entity. For example, a ratepayer owing \$1,500 in overdue rates could receive a penalty interest waiver of up to \$120 (at 8% per annum being the maximum rate allowed under the Order).

In terms of processes, we expected that LG entities:

- had a current Council-approved financial hardship policy
- actively promoted the policy to their ratepayers and made the policy and application form publicly available
- used clear eligibility and assessment criteria and timeframes to process applications
- kept clear records of applications and outcomes
- identified and managed actual, potential and perceived conflicts of interest for staff who assessed applications
- improved their application and assessment processes in response to complaint feedback.

¹ Western Australia has a total of 148 local government entities. We did not audit the 9 regional councils and 2 Indian Ocean Territories.

² On 1 June 2021, Local Government (COVID-19 Response) Amendment Order 2021 was issued to extend the Order to 2021-22.

³ Western Australian Local Government Association (WALGA), Good Governance in Practice: Implementing a Financial Hardship Policy - A Guide for Developing Administrative Practices.

Conclusion

Of WA's 137 LG entities, 123 had a financial hardship policy in 2020-21. At October 2021, 109 LG entities have policies in 2021-22, of which 105 are available on their websites. The 3 LG entities we reviewed had policies and provided financial support at their own discretion to all ratepayers (not just those experiencing financial hardship), such as waiving interest or allowing additional time to pay rates.

Northampton did not promote its policy or the availability of financial support to its ratepayers and did not establish processes to implement its policy. The Shire did not receive any financial hardship applications.

Belmont and Rockingham promoted the availability of financial support to their ratepayers, made their policies and application forms available on their websites, and established eligibility criteria and processes to assess applications in line with their policies:

- Belmont's processes reflected the dollar value of support available to each ratepayer and the administration costs and risks to the LG entity.
- Rockingham's policy and processes were designed to cover both general and COVID-19 specific financial hardship and to provide applicants with the maximum financial assistance they were entitled to under the policy. However, in our view this approach was time consuming and onerous for ratepayers in need of short term support, and likely meant the City's costs to process each application exceeded the risks and dollar value of COVID specific support available to individual ratepayers. Streamlining processes could reduce information requirements for applicants and provide more timely responses.

Findings

All 3 sampled LG entities had financial hardship policies but only 2 informed their ratepayers

Belmont, Northampton and Rockingham adopted financial hardship policies in response to the Ministerial Circular. Their policies and how they were promoted and applied are summarised in Table 1.

Northampton's policy was available on its website, but the Shire did not otherwise notify ratepayers of its existence or that financial support was available to them. This was contrary to its policy to write to ratepayers with accounts in arrears, encouraging them to apply for support. At the time of the audit, Northampton had not extended its policy or adopted another for 2021-22 rates. Northampton Council subsequently approved an updated policy on 17 September 2021.

	Belmont	Northampton	Rockingham
2020-21			
Policy title	<i>Financial Hardship Policy (COVID-19)</i>	<i>Financial Hardship Policy and Procedures – Rate Debtors</i>	<i>Council Policy - Financial Hardship</i>
Adoption date	26 May 2020	22 June 2020	28 July 2020
Policy applies to:			
COVID-19 related financial hardship	✓	✓	✓
General financial hardship	X	X	✓
Unpaid rates	At adoption date and for 2020-21	At adoption date and for 2020-21	At adoption date and for 2020-21 and beyond
Eligible ratepayers	All	All	Residential and small businesses
Publicised to ratepayers:			
Multiple channels	✓	X	✓
Policy on website	✓	✓	✓
Application form on website	✓	X	✓
2021-22			
Policy title	<i>Financial Hardship Policy</i>	<i>Financial Hardship Policy and Procedures – Rate Debtors</i>	<i>Council Policy - Financial Hardship</i>
Adoption date	22 June 2021	17 September 2021	28 July 2020

Source: OAG using LG entity information

Table 1: Financial hardship policies adopted by the 3 audited LG entities

COVID-19 financial hardship support measures

The 3 LG entities provided financial support to all ratepayers (not just those they assessed as experiencing financial hardship). For example:

- 2020-21 total rates revenue⁴, and fees and charges were kept at or below 2019-20 levels
- Belmont and Northampton did not charge interest on unpaid rates for part of 2019-20
- Belmont and Rockingham gave ratepayers an extra 4 months to pay 2020-21 rates before charging penalty interest
- Rockingham did not charge instalment interest in 2020-21.

In addition, the 3 LG entities' policies offered the following financial supports to ratepayers assessed as experiencing financial hardship due to COVID-19 (Table 2).

Financial support measures on rates	Belmont	Northampton	Rockingham
Waive instalment interest and administration charges	✓	✓	✓*
Waive penalty interest	✓	✓	✓
Extra time to pay after due date	✓	✓	✓
Suspend debt recovery	✓*	✓	✓
Additional once-off relief or write-off	✓	Not offered	✓

* Support not included in policy but provided in practice

Source: OAG using LG entity information

Table 2: Financial support measures for ratepayers assessed as experiencing COVID-19 financial hardship during 2020-21

Most financial support was provided through interest waivers. This contributed to sizeable reductions in LG entities' revenues from interest on overdue rates and instalment payments in 2019-20 and 2020-21 (Table 3). Over the 3 financial years from 2018-19 to 2020-21, the LG entities' interest revenues decreased by 13% at Belmont, 37% at Northampton, and 84% at Rockingham. This, along with other reduced revenues from the freezing of property rates and the closure of recreational, sporting and community facilities during the pandemic, may present budgetary challenges for LG entities for some years.

LG entity	2020-21* (\$)	2019-20 (\$)	2018-19 (\$)
Belmont	225,213	248,602	260,318
Northampton	32,433	38,126	51,690
Rockingham	189,168	1,233,123	1,215,543

* Unaudited figures provided by LG entities

Source: OAG using LG entity information

Table 3: LG entities' revenue from interest on overdue rates and instalment payments in the last 3 financial years

⁴ The value of rates for individual ratepayers could vary, but total rate revenue for each LG entity was frozen.

Belmont and Rockingham effectively processed applications while Northampton did not receive any

Belmont and Rockingham's processes to assess applications, and to identify and manage conflicts of interest, were in line with their policies and were generally effective. Both LG entities kept records of applications received and their outcomes. Northampton did not establish any processes but also did not receive any applications. Clear processes contribute to consistent, timely and transparent decision making.

Belmont received 53 applications and approved 32. Most approved applicants received more than 1 type of support including waivers of interest and administration charges and extra time to pay. Around one-third also received a rates rebate of up to \$250 (of which the median value received was \$40). Applications were rejected for reasons including being assessed as not experiencing COVID-19 related hardship and providing insufficient information. We reviewed 10 applications and found:

- clear eligibility and assessment criteria that aligned with the intent of the City's policy. This supported consistent and timely assessment of applications and provision of support to the City's ratepayers
- minimal supporting information requirements that reflected the dollar value of support available to each ratepayer and the administration costs and risks to the City. The City accepted a Centrelink Job Keeper or Job Seeker statement, or a redundancy letter from an employer as sufficient evidence for reduced income
- 6 of the 10 applications were submitted with sufficient information to demonstrate eligibility and did not require staff follow-up. These applications were processed, approved and a decision communicated to the applicant within 3 days (which is less than the 10-day target established by the City's customer service charter). The remaining 4 applicants had to provide further supporting information. Three were advised of the outcome in 4, 21 and 96 days from the time they applied, and 1 was pending further information at the time of our review
- consistent with the Order, the City did not charge interest or administration fees to approved applicants
- the City relied on existing employee declarations against its code of conduct to identify and manage conflicts of interest in the assessment process. Additional assurance would be provided if the City implemented a process to confirm that staff who assess financial hardship applications do not have any conflicts of interest when assessing applications. However, we did not become aware of any conflicts for the applications we reviewed
- the City's complaints register did not list any formal complaints from ratepayers about its hardship policy, processes or decisions.

Rockingham received 70 applications and approved 41. Most approved applicants received more than 1 type of support. All approved applicants were allowed extra time to pay, most had interest and administration fees waived, and around 15% received a one-off rebate of \$200. Applications were rejected for reasons including being assessed as not experiencing COVID-19 related hardship or providing insufficient information. We reviewed 9 applications for COVID-19 specific relief and found:

- Rockingham's eligibility and assessment criteria aligned with the intent of its policy. Applicants were assessed against general financial hardship criteria and, if found not eligible, were then assessed against COVID-19 specific criteria. This allowed applicants to be assessed for maximum financial assistance under the policy. The City kept the

applications open and followed-up applicants for supporting information. In our view this approach was time consuming and onerous for ratepayers in need of short term support, and likely meant the City's costs to process each application exceeded the risks and dollar value of COVID-19 specific support available to individual ratepayers (which was in the order of \$250⁵ for 2020-21, or about 20% of the median rate value):

- all 9 applicants indicated they were seeking COVID-19 specific support but were required to provide information to demonstrate eligibility for general financial hardship support
- this required applicants to enter into a payment arrangement with the City to pay off their rates for the current and next year by the end of next financial year. The 6 applicants that could not meet this requirement were asked to provide an income and expense statement from a State-funded financial counsellor
- 1 of the 6 applicants provided the required statement and their support was approved in 22 days, another application was considered withdrawn by the City after 20 days due to the applicant's changed circumstances. The remaining 4 applications remained open for between 143 and 271 days.
- consistent with the Order, the City did not charge interest or administration fees to approved applicants. Further, the City did not take legal action against ratepayers while assessing their applications and any interest charges were reversed if approval was granted
- the City relied on existing employee declarations against its code of conduct to identify and manage conflicts of interest in the assessment process. Additional assurance would be provided if the City implemented a process to confirm that staff who assess financial hardship applications do not have any conflicts of interest when assessing applications. However, we did not become aware of any conflicts for the applications we reviewed
- the City's complaints register did not include any formal complaints from ratepayers about its policy, processes or decisions.

Northampton did not receive any applications for COVID-19 financial support. The Shire's policy was available on its website, but it was not promoted to ratepayers. This may have limited ratepayer knowledge about the support available to them. Furthermore, the Shire did not create an application form or other processes to support the assessment of applications. At the time of our review Northampton had not received any formal complaints about its policy or lack of processes.

Most of the State's 137 LG entities have a financial hardship policy

Of WA's 137 LG entities, 123 advised they had a financial hardship policy in 2020-21. Three of the 34 LG entities in the Perth and Peel region, and 11 of the 103 LG entities in regional WA advised they did not (Table 4).

	Perth and Peel entities	Regional WA entities	Total
Number with a financial hardship policy	31	92	123

⁵ For example, a ratepayer owing \$1,278 in overdue rates (being the median value of residential rates in Rockingham in 2020-21) would have received an interest waiver of about \$51 (at 8% per annum for 6 months). They may have also received a rebate of \$200 if found eligible for COVID-19 support.

	Perth and Peel entities	Regional WA entities	Total
Number without a financial hardship policy	3	11	14
Total	34	103	137
Percent with a financial hardship policy	91%	89%	90%

Source: OAG using LG entity information

Table 4: LG entities with a financial hardship policy in 2020-21

On 1 June 2021, the Minister for Local Government issued the Local Government (COVID-19 Response) Amendment Order 2021 to extend the requirements of the Order to 2021-22. The Order specifies instalment interest thresholds that LG entities must comply with based on whether they do or do not have a financial hardship policy in place.

At October 2021, 109 LG entities advised they have policies in 2021-22, 105 of which made the policies available online. LG entities might continue to apply their 2020-21 financial hardship policies or might be in the process of updating them to apply to 2021-22 rates.

As a result of our audit information request, some LG entities updated their policies or sought Council approval to apply the policies to 2021-22 rates.

LG entities that do not have a financial hardship policy in 2021-22 may still support ratepayers. For example, through flexible payment arrangements.

Information on the 2020-21 and 2021-22 financial hardship policies of all 137 LG entities is presented in Appendix 1.

Recommendations

All LG entities, including those not sampled in this audit, should review their policies and implement processes to support their approach to providing financial hardship support to ratepayers. LG entities should balance application and assessment costs with the value of any support provided, and ensure they:

1. have a current Council-approved financial hardship policy that, if they want to charge the higher threshold of instalment interest, covers 2021-22 rates
2. actively promote the policy to their ratepayers and make the policy and application form publicly available (Northampton)
3. put in place clear eligibility and assessment criteria and timeframes to process applications (Northampton and Rockingham)
4. maintain records of applications and outcomes
5. identify and manage actual, potential and perceived conflicts of interest for staff who assess applications (Belmont, Northampton and Rockingham)
6. review their application and assessment processes in response to complaint feedback.

Under section 7.12A of the *Local Government Act 1995*, the 3 sampled LG entities are required to prepare an action plan addressing significant matters relevant to them for submission to the Minister for Local Government within 3 months of this report being tabled in Parliament, and within 14 days of submission publish it on their website. The action plans should address the recommendations relevant to each entity as indicated in the brackets above.

Response from the City of Belmont

The City of Belmont is especially proud that in the short time available it was able to implement processes in response to the Financial Hardship requirements, we welcome the OAG's acknowledgement of what we were able to do well during this time.

The City appreciates the recommendations and areas for improvement and these will be or have been incorporated to ensure there is continuous improvement and transparency of processes.

Response from the Shire of Northampton

The Shire of Northampton has co-operated fully with Office of Auditor General (OAG) in relation to "Financial Hardship" performance audit. We didn't find any major factual inaccuracies in the audit report and we intend to address any shortcomings in our approach to this matter.

Whilst the Shire didn't actively promote the Financial Hardship Policy our staff have always encouraged ratepayers that were having financial hardship to go onto payment plans. Additionally, we have a very small proportion of ratepayers on payment plans and outstanding rates debtors. Currently we have less than 20 ratepayers on a payment plan and our rate debt is approximately 4% of our annual rate billings. Therefore the impact of ratepayers not being aware of the Financial Hardship policy would have been minimal due to our pro-active approach to helping ratepayers that are having difficulty.

Council has approved the extension of our Financial Hardship policy to apply for rates levied in the current 2021/2022 financial year and we have implemented other measures to ensure we comply with the requirements of the points raised in the "Emerging Findings" report.

Response from the City of Rockingham

The City has clear eligibility criteria and an assessment process. It is management's view that the systems are appropriate based on support available and Council Policy requirement of an evidence-based approach. Council Policy – Financial Hardship is responding to matters related to public funds and the process applied by the City maximises the benefit to applicants on an evidence-based approach. The City has received no complaints regarding its process and to those applicants which received support, it is considered a material benefit to them.

The City has multi-layered conflict of interest systems enshrined in organisational processes and practices. On a risk based approach further controls are also applied to further reduce actual, potential or perceived conflicts of interest. These controls apply to all staff involved in assessing applications. These have all been applied and the audit found no evidence of any actual, potential or perceived conflicts of interest for staff who assess the applications.

Audit focus and scope

The objective of the audit was to assess if LG entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 using the following criteria:

- Do the sampled LG entities have an effective financial hardship policy?
- Do the sampled LG entities process applications for financial hardship effectively?

The audit included testing for the 2020-21 financial year at the 3 sampled LG entities:

- City of Belmont
- Shire of Northampton
- City of Rockingham.

Selection of these LG entities was based on a number of factors including the socio-economic ratings assigned by the Australian Bureau of Statistics and their locations in metropolitan and regional Western Australia.

We also received confirmation from Western Australia's other 134 LG entities (excluding Christmas and Cocos Islands and regional councils) if they had financial hardship policies in 2020-21 and 2021-22, and if the 2021-22 policies were available on their LG entity's website. We did not independently verify most of the information provided by the 134 LG entities, but we did confirm that their 2021-22 policies were available on their websites.

Audit evidence was gathered by:

- reviewing relevant Government policies, Ministerial Circular 3-2020, Local Government (COVID-19 Response) Order 2020, Local Government (COVID-19 Response) Amendment Order 2021 (Amendment Order), and better practice guidance and templates⁶
- identifying and reviewing LG entities' policies and procedures
- assessing the public availability of LG entity policies and processes
- interviewing LG entity staff responsible for assessing and approving hardship applications
- reviewing LG entities' eligibility assessments and their timeliness. We tested 10 of the 53 COVID-19 specific hardship applications at Belmont and 9 of the 70 applications at Rockingham. Northampton did not receive any formal applications
- validating if LG entities provided the approved support to the eligible persons
- reviewing LG entity complaint registers for complaints about the hardship application process or decisions
- assessing if LG entities have processes to identify and address conflicts of interest in the hardship application assessment process.

We audited compliance with the financial hardship aspects of the Local Government (COVID-19 Response) Order 2020, specifically whether LG entities waived interest and administration charges for people assessed as experiencing financial hardship. We did not

⁶ WALGA, Good Governance in Practice: Implementing a Financial Hardship Policy - A Guide for Developing Administrative Practices.

audit LG entity compliance with the maximum limits on interest for ratepayers not assessed as experiencing COVID-19 financial hardship, or the Amendment Order.

This was an independent performance audit, conducted under Section 18 of the *Auditor General Act 2006*, in accordance with Australian Standard on Assurance Engagements ASAE 3500 *Performance Engagements*. We complied with the independence and other ethical requirements related to assurance engagements. Performance audits focus primarily on the effective management and operations of entity programs and activities. The approximate cost of undertaking the audit and reporting was \$293,000.

Appendix 1: Summary of LG financial hardship policies

LG entities provided the information included in the following table about their 2020-21 and 2021-22 financial hardship policies. We did not independently verify most of it. However, we did confirm if their 2021-22 policies were available on their websites.

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
A bany, City of	✓	✓	✓
Armadale, City of	✓	✓	✓
Ashburton, Shire of	✓	✓	✓
Augusta-Margaret River, Shire of	✓	✓	✓
Bassendean, Town of	✓	✓	✓
Bayswater, City of	✓	✓	✓
Belmont, City of	✓	✓	✓
Beverley, Shire of	✓	X	n/a
Boddington, Shire of	X	✓	✓
Boyup Brook, Shire of	✓	✓	✓
Bridgetown-Greenbushes, Shire of	✓	✓	✓
Brookton, Shire of	✓	✓	✓
Broome, Shire of	✓	✓	✓
Broomehill-Tambellup, Shire of	✓	✓	X
Bruce Rock, Shire of	✓	X	n/a
Bunbury, City of	✓	✓	✓
Busselton, City of	✓	✓	✓
Cambridge, Town of	✓	✓	✓
Canning, City of	✓	✓	✓
Capel, Shire of	X	X	n/a
Carnamah, Shire of	✓	✓	✓
Carnarvon, Shire of	✓	✓	✓
Chapman Valley, Shire of	✓	✓	✓
Chittering, Shire of	✓	✓	✓
Claremont, Town of	✓	✓	✓
Cockburn, City of	✓	✓	✓
Collie, Shire of	X	X	n/a
Coolgardie, Shire of	✓	✓	✓
Coorow, Shire of	✓	✓	✓

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Corrigin, Shire of	✓	✓	✓
Cottesloe, Town of	X	✓	✓
Cranbrook, Shire of	✓	✓	✓
Cuballing, Shire of	✓	X	n/a
Cue, Shire of	✓	X	n/a
Cunderdin, Shire of	✓	✓	✓
Dalwallinu, Shire of	✓	✓	✓
Dandaragan, Shire of	X	X	n/a
Dardanup, Shire of	✓	✓	✓
Denmark, Shire of	✓	✓	✓
Derby-West Kimberley, Shire of	✓	✓	✓
Donnybrook-Balingup, Shire of	✓	✓	✓
Dowerin, Shire of	✓	X	n/a
Dumbleyung, Shire of	✓	✓	✓
Dundas, Shire of	✓	✓	✓
East Fremantle, Town of	✓	✓	✓
East Pilbara, Shire of	✓	✓	✓
Esperance, Shire of	✓	✓	✓
Exmouth, Shire of	✓	✓	✓
Fremantle, City of	✓	✓	✓
Gingin, Shire of	✓	X	n/a
Gnowangerup, Shire of	✓	✓	✓
Goomalling, Shire of	✓	✓	✓
Gosnells, City of	X	X	n/a
Greater Geraldton, City of	✓	✓	X
Halls Creek, Shire of	✓	✓	✓
Harvey, Shire of	✓	✓	✓
Irwin, Shire of	✓	✓	✓
Jerramungup, Shire of	✓	✓	✓
Joondalup, City of	✓	✓	✓
Kalamunda, City of	✓	✓	✓
Kalgoorlie-Boulder, City of	✓	✓	✓
Karratha, City of	✓	✓	✓
Katanning, Shire of	✓	✓	✓
Kellerberrin, Shire of	X	✓	✓

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Kent, Shire of	✓	✓	✓
Kojonup, Shire of	✓	✓	✓
Kondinin, Shire of	✓	✓	✓
Koorda, Shire of	✓	✓	✓
Kulin, Shire of	X	X	n/a
Kwinana, City of	✓	✓	✓
Lake Grace, Shire of	✓	✓	✓
Laverton, Shire of	X	X	n/a
Leonora, Shire of	✓	✓	✓
Mandurah, City of	✓	✓	✓
Manjimup, Shire of	✓	✓	✓
Meekatharra, Shire of	✓	X	n/a
Melville, City of	✓	✓	✓
Menzies, Shire of	✓	✓	✓
Merredin, Shire of	✓	✓	✓
Mingenew, Shire of	✓	✓	✓
Moora, Shire of	✓	✓	X
Morawa, Shire of	✓	✓	✓
Mosman Park, Town of	✓	X	n/a
Mount Magnet, Shire of	✓	X	n/a
Mt Marshall, Shire of	✓	✓	✓
Mukinbudin, Shire of	✓	✓	✓
Mundaring, Shire of	✓	X	n/a
Murchison, Shire of	✓	✓	✓
Murray, Shire of	✓	✓	✓
Nannup, Shire of	✓	X	n/a
Narembeen, Shire of	✓	✓	✓
Narrogin, Shire of	✓	✓	✓
Nedlands, City of	✓	✓	✓
Ngaanyatjarraku, Shire of	✓	✓	✓
Northam, Shire of	✓	X	n/a
Northampton, Shire of	✓	✓	✓
Nungarin, Shire of	X	X	n/a
Peppermint Grove, Shire of	✓	✓	✓
Perenjori, Shire of	✓	X	n/a

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Perth, City of	✓	✓	✓
Pingelly, Shire of	✓	✓	✓
Plantagenet, Shire of	✓	✓	✓
Port Hedland, Town of	✓	✓	✓
Quairading, Shire of	X	X	n/a
Ravensthorpe, Shire of	✓	✓	✓
Rockingham, City of	✓	✓	✓
Sandstone, Shire of	X	X	n/a
Serpentine Jarrahdale, Shire of	✓	✓	✓
Shark Bay, Shire of	✓	X	n/a
South Perth, City of	✓	✓	✓
Stirling, City of	✓	✓	✓
Subiaco, City of	✓	✓	✓
Swan, City of	✓	✓	✓
Tammin, Shire of	✓	✓	✓
Three Springs, Shire of	✓	✓	✓
Toodyay, Shire of	✓	✓	✓
Trayning, Shire of	✓	X	n/a
Upper Gascoyne, Shire of	X	X	n/a
Victoria Park, Town of	✓	✓	✓
Victoria Plains, Shire of	✓	✓	✓
Vincent, City of	✓	✓	✓
Wagin, Shire of	✓	X	n/a
Wandering, Shire of	✓	✓	✓
Wanneroo, City of	✓	✓	✓
Waroona, Shire of	✓	✓	✓
West Arthur, Shire of	✓	✓	X
Westonia, Shire of	✓	✓	✓
Wickepin, Shire of	✓	✓	✓
Williams, Shire of	✓	✓	✓
Wiluna, Shire of	✓	X	n/a
Wongan-Ballidu, Shire of	✓	✓	✓
Woodanilling, Shire of	X	X	n/a
Wyalkatchem, Shire of	✓	✓	✓
Wyndham-East Kimberley, Shire of	✓	✓	✓

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Yalgoo, Shire of	✓	✓	✓
Yilgarn, Shire of	✓	✓	✓
York, Shire of	✓	✓	✓

Source: OAG using information provided by LG entities

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Auditor General's 2021-22 reports

Number	Title	Date tabled
4	Public Building Maintenance	24 August 2021
3	Staff Exit Controls	5 August 2021
2	SafeWA – Application Audit	2 August 2021
1	Opinion on Ministerial Notification – FPC Arbitration Outcome	29 July 2021



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Office of the Auditor General for
Western Australia

10.6.1.4 2020/21 Interim Audit

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Interim Management Letter to CEO [8.6.1 - 1 page] 2. CONFIDENTIAL - Interim Management Letter with Management Comments [8.6.2 - 18 pages]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

- (f) *a matter that if disclosed, could be reasonable expected to -*
- (ii) *endanger the security of the local government's property.*

SUMMARY

This report presents the interim audit management letter including management comments for the interim audit completed in June 2021.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council notes the 2021 interim audit management letter including management comments as contained in Attachments 1 and 2 to this report.

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 9/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

The City's auditor, the Office of the Auditor General (OAG), has completed the interim audit for the year ending 30 June 2021 and has provided the City with an interim audit management letter. The OAG has recommended that this report be kept confidential as the report is considered to be part of working papers until such time as the final audit report has been issued.

EXTERNAL CONSULTATION

Officers from OAG liaised with City staff from May to June 2021 to complete the interim audit process.

Officers from OAG met with City staff on 3 August 2021 to discuss the draft interim audit management letter and the recommendations included therein.

OFFICER'S COMMENTS**Interim Audit**

The interim audit management letter raised 4 findings for 2020/21 and followed up 8 findings from 2019/20. These findings include recommended actions relating to revenue, expenditure, payroll, general ledger and Technology One user access management.

Revenue Findings

As outlined in **Attachment 2**, revenue findings include the recreation branch's point-of sale system (Phoenix) and its end of shift reconciliation; and user access in Property and Rating system. All revenue findings have been addressed and actioned as outlined in the interim audit management letter.

Expenditure Findings

Expenditure findings in **Attachment 2** include recommendations covering procurement and accounts payable. Financial delegation for procurement and supplier master file changes were both identified as moderate to significant risks. Process changes have enabled system controls to be implemented to reduce the risk of financial delegations being set up incorrectly and prevent inconsistency on information provided within branches (i.e., Governance, Information Services and People, Culture and Safety). Change in the procurement policy have also given more clarity on purchase order exempt categories such as expenses relating to utilities.

Payroll Findings

The payroll findings outlined in **Attachment 2** include recommendations for changes to pay rates, reconciliations and the employee termination exit procedure and return checklist. A secure ECM folder and reconciliation report were created to facilitate the review of changes to pay rates and reconciliation processes.

General Ledger and User Access Management

The two items noted in **Attachment 2** are Technology One user access Management and the lack of timeliness of monthly reconciliations and review including bank reconciliations. Information Services have worked closely with the relevant managers who have constantly assessed the appropriate users' access rights based on their roles. This is challenging at times due to inherent system limitations. The delays in completing reconciliations are due to staff movements leading to increased workloads for the remaining staff with competing priorities. It is likely the timing of monthly reconciliation will be an on-going risk until the staffing is at full capacity. The Financial Services team will continue to face increased pressures due to more frequent audits (both internal and external), and legislation changes.

LEGISLATIVE COMPLIANCE

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Australian Accounting Standards

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council notes the 2021 interim audit management letter including management comments as contained in Attachments 1 and 2 to this report.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option of the Audit and Risk Management Committee and Council noting the interim audit management letter, including management's comments has the above low risks.	

FINANCIAL IMPLICATIONS

Implementation of the officer's recommendation can be completed within existing resources.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended that the Audit and Risk Management Committee and Council note the interim audit management letter, including management's comments.

10.6.1.5 GST Audit

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Summary of Recommendations [8.7.1 - 4 pages] 2. CONFIDENTIAL - GST Data Analytics Report [8.7.2 - 47 pages]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

- (f) a matter that if disclosed, could be reasonably expected to —
(ii) endanger the security of the local government's property;

SUMMARY

For Council to consider the internal audit outcome of GST compliance for the City.

**COUNCIL RESOLUTION
(OFFICER/COMMITTEE RECOMMENDATION)**

That Council notes the outcomes of the Ernst & Young GST audit as contained in Attachment 2 to this report.

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 9/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

BACKGROUND

There are no specific legislative requirements for carrying out a GST audit. However, it is best practice to ensure that the City's Business Activity Statement (the BAS) lodgements are compliant with the *New Tax System (Goods and Services Tax) Act 1999* and its various Tax Rulings issued by the ATO.

The City lodges the BAS monthly to the Australia Taxation Office (ATO). It is a self-declaration document, and the City submits output tax credit from sales transactions and claims input tax credit for purchases transactions according to the above GST Act. The table below provides a summary of the value of GST submitted and claimed over the 5-year period.

Financial Year	GST Sales (\$)	GST Purchases (\$)
2015/16	1,621,716	3,953,347
2016/17	1,727,744	3,900,479
2017/18	1,578,534	4,265,438
2018/19	1,651,262	3,827,408

2019/20	770,592	3,816,443
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Ernst & Young (EY) were contracted by the City to complete an audit of the City's GST compliance. EY have been engaged to complete state government audits, and carried out GST compliance analysis/audits for the City as well as similar audits for other local governments.

The project brief for EY was to provide an in-depth analysis of compliance, and to identify:

- Potential over-claims of GST;
- Potential under-claims of GST; and
- Opportunities for process improvement.

EY completed GST data analytics of the City's Accounts Receivable data for the period 1 July 2015 to 30 June 2020, and the City's Accounts Payable data for the period 1 January 2017 to 30 June 2020.

EXTERNAL CONSULTATION

EY liaised with the City's staff during the audit process. The Auditor Manager met with City's staff on 27 November 2020 and 22 June 2021 to discuss the report and the recommendations.

OFFICER'S COMMENTS

The audit found that most transactions appeared to have been treated appropriately for GST purposes. However, it did identify some transactions where GST had potentially been incorrectly remitted or claimed. Under-claiming GST is a lost financial opportunity, but the greater risk from a compliance perspective is over-claiming GST credits. This often occurs when the GST status of a company changes after they have been registered in the City's financial system. Periodic reviews of the vendor master list are required in order to maintain the GST status of each company.

The audit identified inconsistencies with the GST treatment of some transactions with similar nature. However, upon further investigation these were found to be correct as the GST treatment is based on the registration status of each organisation.

A few inconsistencies between the fees & charges and the system GST configurations set up were detected and have subsequently corrected.

Other areas tested include GST attribution as well as transactions between the City and key vendors. Testing was also conducted to identify transactions that are potential duplicates by identifying transactions with the same set of distinct variables. The report identified a number of anomalies. However, after further investigation and a sample review, the transactions were found to be correct and not duplicates.

In addition to correcting the transactions, refresher training was provided to the finance team based on the results of the audit.

A summary of all recommendations and management response is outline in **Attachment 1** with **EY's detailed report in Attachment 2.**

LEGISLATIVE COMPLIANCE

The requirement to have a scope of work for audit is covered under regulation 7 of the Local Government (Audit) Regulations 1996 and the compliance of the A New Tax System (Goods and Services Tax) Act 1999.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council notes the outcomes of the Ernst & Young GST audit as contained in <u>Attachment 2</u> to this report.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Noting this report from Ernst & Young provides the Audit and Risk Committee and Council with insight into the City's level of GST compliance and manage risk to the organisation.	

FINANCIAL IMPLICATIONS

EY was engaged to complete GST data analytics of the City's Accounts Receivable and Accounts Payable data for a total cost of \$19,250. The City investigated the anomalies identified by Ernst and Young. The resulting overall discrepancy for the 5-year period is an overclaim amount of \$4,701.01 which was corrected with the lodgement of the October 2021 BAS.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance
 Goal L4: Communicate in a clear and transparent way
 Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

This report provides Council with an update on the outcomes of the GST data audit of the City's Accounts Receivable data for the period 1 July 2015 to 30 June 2020, and the City's Accounts Payable data for the period 1 January 2017 to 30 June 2020.

The audit identified a small number of transactions where GST had been incorrectly claimed. However, in context of the overall number of transactions analysed over the 5-year period, these do not indicate any concerns with internal controls. The resulting over-claimed amount of \$4,701.01 will be corrected through submitting an amendment to ATO along with the next Business Activity Statement for October 2021.

A number of recommendations have also been considered and incorporated into our BAS procedure checklist. Regular GST refresher training will also be offered to staff members to ensure information on GST requirements are up to date and enforced.

10.6.1.6 Review Of Terms Of Reference

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Audit and Risk Management Committee Terms of Reference [8.8.1 - 2 pages]
Refer:	OCM 26.10.2021 Item 10.2.9

SUMMARY

For the Audit and Risk Management Committee to undertake a review of the Committee's terms of reference.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the Audit and Risk Management Committee has undertaken a review of the terms of reference adopted by Council at the Ordinary Council Meeting on 26 October 2021; and
2. Notes that no changes are recommended to the Audit and Risk Management Committee terms of reference at this point in time.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council:

1. Notes the Audit and Risk Management Committee has undertaken a review of the terms of reference; and
2. Recommends the following changes to the Terms of Reference:
 - a) The wording in the External Members section be changed from "Two external members" to "Up to two external members".
 - b) In the Roles and Functions of the Committee, the word "May" be inserted at the beginning of point (a), so it reads "May guide and assist the City in carrying out its functions under part 6 of the Act which deals with the annual budgeting process, financial accounting, and management and reporting of municipal and trust funds and the requirements for rates setting and land valuation general."
 - c) Point (a) of the Roles and Functions section to be changed to point (f), and the remaining points renumbered accordingly.
 - d) A new point (g) to be added to the Roles and Functions of the Committee, which reads: "Review the quarterly performance reports of the Corporate Business Plan and annual review of the corporate strategies".

Cr Georgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 9/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.

Against: Nil.

BACKGROUND

At the Ordinary Council Meeting on 26 October 2021, Council established minor committees of Council and appointed members to each committee for the term 26 October 2021 to 20 October 2023.

As part of the Council resolution to establish the Committees, the following limb was resolved:

'...3. Requests each Committee review their terms of reference at their first meeting and recommend any changes considered necessary to improve the efficiency or effectiveness of the Committee to Council.'

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

City Officers undertook a review of all Committee terms of reference as part of the preparation for the establishment of minor Committees following the 2021 Local Government Elections.

In relation to the Audit and Risk Management Committee, the following changes were made to the terms of reference:

Formatting

The terms of reference were updated to ensure consistent formatting and content for all minor committees.

External member

Membership of the Committee was expanded from one External Member to up to two External Members.

Reimbursement of fees

The reimbursement of fees to external members was formally included in the terms of reference. To ensure consistency with legislative provisions, an amount of \$250 has been provided to allow for travel time and time spent reviewing and considering Committee business commensurate with the skills required of external members.

Removal of Integrated Planning and Reporting framework reporting

At the Ordinary Council Meeting on 26 October 2021, City Officers proposed the establishment of the Corporate Reporting and Performance Committee, in light of duplication of reporting between the Audit and Risk Management Committee and the Budget Review and Expenditure Committee. The remit to receive reporting on Integrated Planning and Reporting was therefore removed from the Audit and Risk Management Committees terms of reference. As the Corporate Performance and Reporting Committee was not established by Council, the Committee may wish to consider whether this remit should be reintroduced to the Audit and Risk Management Committee's terms of reference.

Committee review of terms of reference

In accordance with Council's resolution, the Audit and Risk Management Committee may propose further changes to the terms of reference to improve the efficiency or effectiveness of the Committee. Any proposed changes will be presented to Council for formal endorsement.

LEGISLATIVE COMPLIANCE

Section 7.1A of the *Local Government Act 1995* (WA) provides that Council is required to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: <ol style="list-style-type: none"> Notes the Audit and Risk Management Committee has undertaken a review of the terms of reference adopted by Council at the Ordinary Council Meeting held on 26 October 2021; and Notes that no changes are recommended to the Audit and Risk Management Committee terms of reference at this point in time. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	As part of the preparation for the establishment of all minor committees, City Officers undertook a review of the Audit and Risk Management Committee terms of reference. No changes are proposed at this point in time, which represents a low risk in all categories.	

Option 2	That Council: 1. Notes the Audit and Risk Management Committee has undertaken a review of the terms of reference; and 2. Recommends the following changes to the terms of reference: a) _____; b) _____; and c) _____.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependant on the changes recommended by the Audit and Risk Management Committee.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Should the Committee propose changes to the terms of reference, there may be associated risks with governance or service delivery, which will be evaluated depending on the changes proposed.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

In accordance with the Council resolution on 26 October 2021, the Audit and Risk Management Committee is required to undertake a review of the terms of reference at the Committee's first meeting. City Officers undertook a review of the terms of reference as part of the establishment of the Committee, and no changes are proposed at this point in time.

TERMS OF REFERENCE Audit and Risk Management Committee	
Purpose	The purpose of the Committee is to provide independent oversight so that Council can be satisfied with the performance and effectiveness of the City's financial reporting, governance systems, risk management and internal control practices.
Elected membership Member	Four Elected Members*. <i>*minimum three required under legislation</i>
External membership Member	Two external members.
Non-Voting Members	The Chief Executive Officer or his/her nominee is to be available together with the Director Corporate and Strategy or his/her nominee, to attend all meetings to provide advice and guidance to the Committee. Other Council officers may attend meetings as and when required. The City shall provide such administrative support to the Committee as may be required from time to time.
Powers	<p>The Committee does not have executive powers or authority implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in the management processes or procedures.</p> <p>In discharging its responsibilities, the Committee will liaise with the Chief Executive Officer to ensure the effective and efficient management of the City's functions and compliance with legislation and, in particular, Part 6 (Financial Management) and Part 7 (Audit) of the <i>Local Government Act 1995</i> ('the Act') as well as Part 16 (Functions of Audit Committee) and Part 17 (CEO to review certain systems and procedures) of the <i>Local Government (Audit) Regulations 1996</i> ('the audit regulations') and periodic reviews of the City's financial management systems under Regulation 5 (2) of the <i>Local Government (Financial Management) Regulations 1996</i> ('the financial regulations').</p> <p>The Committee may request such access to members of management, employees and all relevant information as it considers necessary to discharge its duties. This includes being entitled to request access to records, data, reports and explanatory information as the Committee deems necessary to discharge its responsibilities for providing independent oversight.</p>
Roles and Functions	<p>The roles and functions of the Committee are to:</p> <ul style="list-style-type: none"> (a) Guide and assist the City in carrying out its functions under part 6 of the Act which deals with the annual budgeting process, financial accounting, and management and reporting of municipal and trust funds and the requirements for rates setting and land valuation general. (b) Guide and assist the City in carrying out its functions under Part 7 of the Act which covers the essential requirements for appointment of auditors and conducting audits, and in particular, oversee implementation of any action under section 7.12 of the Act which covers financial audits, supplementary audits and performance audits by the Auditor General.

	<p>(c) Guide and assist the City in carrying out its functions under regulation 17 of the audit regulations and, in particular, monitor and advise the CEO when undertaking a review under regulation 17 (1) of the audit regulations or regulation 5 (2) of the financial management regulations, and review reports provided to the Committee by the CEO under regulation 17 (3) of the audit regulations and refer the results of its review to Council;</p> <p>(d) Support the City's auditors, both external (including the financial and performance audits conducted by the Office of the Auditor General) and internal when conducting an audit or carrying out other duties under the Act and associated regulations;</p> <p>(e) Perform any other function conferred on the Committee by these regulations or another written law.</p> <p>(f) In addition to the above functions, the Committee also has the following responsibilities:</p> <ul style="list-style-type: none"> • To review the scope of the Internal Audit plans and to consider their effectiveness; • Support the implementation of a risk management culture. Consider reports at least annually on the City's Risk Management Framework.
Delegated Authority	Nil.
Meetings:	Committee meetings are to be in accordance with the <i>City of Bayswater Standing Orders Local Law 2021</i> .
Meeting Frequency:	The Committee shall meet at least quarterly**. <i>**minimum annually under legislation</i>
Meeting Date and Time:	Quarterly or as required.
Location	City of Bayswater Civic Centre
Liaison Officer	Director Corporate and Strategy or nominated officer.

10.6.2 Policy Review and Development Committee - 30 November 2021**10.6.2.1 Financial Hardship Policy**

Owner:	Manager Financial Services
Responsible Branch:	Financial Services
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required
Attachments:	<ol style="list-style-type: none"> 1. Financial Hardship - Policy [8.1.1 - 3 pages] 2. Financial Hardship Policy Proposed Changes [8.1.2 - 3 pages] 3. Financial Hardship Policy Final [8.1.3 - 3 pages]
Refer:	Item 10.5.2.2 OCM 23.06.2020 Item 10.2.6 OCM 27.04.2021 Item 8.4 Policy Review 20.07.2021 Item 8.5 ARMC 16.11.2021

SUMMARY

The Financial Hardship Policy (the Policy) offers those suffering genuine financial hardship with options including access to flexible payment options when paying their rates, the ability to have interest charged on rates waived or suspended, and the cessation of debt recovery as a result of non-payment of rates.

The Office of the Auditor General (OAG) has released a report entitled Local Government COVID-19 Financial Hardship Support. It is recommended minor amendments are made to the Policy in line with OAG's recommendations in the report.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council amends the Financial Hardship Policy as outlined in Attachment 3.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

Council approved the original Policy at the Ordinary Council Meeting on 23 June 2020. At the time, the Policy was created directly in response to the economic climate due to the COVID-19 pandemic however, its intention was to support ratepayers experiencing financial hardship beyond the COVID-19 pandemic.

On 27 April 2021 Council approved an amendment to ensure non-residential property owners could be considered under the Policy.

The Policy supports ratepayers suffering genuine financial hardship by providing payment flexibility, the possibility of writing off/waiving interest on overdue accounts and the cessation of debt recovery as a result of non-payment of rates. In addition, the Policy includes the scope and

criteria for assessing applications as well as guidelines to ensure all applicants are treated with respect, equality and confidentiality.

The Office of the Auditor General published the Local Government COVID-19 Financial Hardship Support report on 15 October 2021. Following this, the City undertook a self-assessment and the results of the assessments were presented to the Audit and Risk Management Committee on 16 November 2021. The OAG's report included recommendations on what content financial hardship policies should include. The self-assessment indicated that the City met all the OAG's recommendations except for an advertised timeframe that applications will be assessed.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

Following the City's self-assessment of the OAG's Local Government COVID-19 Financial Hardship Support Report, a minor amendment is recommended. The amendment reflects best practice as determined by the OAG. The City of Belmont and the City of Swan Financial Hardship Policies have been reviewed. The City's policy is similar to both those of the City of Belmont and the City of Swan and covers all topics contained within these policies.

Proposed Policy Amendments

The policy's purpose remains unchanged as the intent of the policy is to support ratepayers or debtors experiencing genuine financial hardship.

The Financial Hardship Review section has been extended to include "a 5 business day timeframe for assessment of applications". Including a 5-day timeframe for assessment of financial hardship applications will ensure applicants are advised of the outcome of their request in a timely manner.

The remainder of the policy remains unchanged.

LEGISLATIVE COMPLIANCE

The Local Government Amendment (COVID-19 Response) Act 2020 came into effect on 21 April 2020 and introduced several measures to assist with the impact of the COVID-19 pandemic. Financial hardship measures were introduced to protect Western Australian ratepayers hardest hit by the COVID-19 pandemic.

The other relevant legislation is the:

- *Local Government Act 1995 (WA)*
- *Rates and Charges (Rebates and Deferrals) Act 1992*
- *Local Government (COVID-19 Response) Ministerial Order 2020 (SL 2020/67 - Gazetted 8 May 2020)*
- Local Government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance – Ombudsman WA

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council amends the Financial Hardship Policy as outlined in Attachment 3.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The minor amendments are considered low in risk as they will ensure applicants know the outcome of their request in a timely manner.	

Option 2	That Council makes the following amendments to the Financial Hardship Policy: 1. _____ 2. _____.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependent on amendments made.
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The risks will depend on the amendments made.	

Option 3	That Council does not amend the current Financial Hardship Policy.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	If the proposed policy is not adopted, the finance team will need to reconsider how it will address the recommendation from the OAG. This would potentially increase reputational and stakeholder risks.	

FINANCIAL IMPLICATIONS

Possible reduction in penalty interest revenue.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L1: Engage the community in a meaningful way.
Provide opportunities for the community to have their say and consider their views when making decisions.

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The City's Financial Hardship Policy will be reviewed periodically to reflect practice recommendations and changes in legislation.

Including a 5-day timeframe for assessment of financial hardship applications will ensure applicants are advised of the outcome of their request in a timely manner.

Financial Hardship Policy



Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	Financial Services
Document Ref	Doc ID: 4041586

Purpose

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

Financial Hardship Examples

While evidence of hardship will be required, the City recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

Conditions

Ratepayers and debtors are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and, where possible, entering into a payment proposal. The City will consider all circumstances, applying

the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities. Documentation for assessment can include the following:

- A letter from a recognised financial counsellor (i.e. must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A prepayment proposal;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

Debt Recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the third due payment, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g. debt arrangement in place 2019/20 must be fully repaid by 30 June 2021.

Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the City of Bayswater of any change in circumstance that affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the City reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

Interest Charges

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992).

The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

Communication and Confidentiality

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Review

The City will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

Definitions

Nil

Related Legislation

Local Government Act 1995 (WA)

Related Documentation

Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guide – Ombudsman Western Australia

Financial Hardship Policy



Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	Financial Services
Document Ref	Doc ID: 4041586

Purpose

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

Financial Hardship Examples

While evidence of hardship will be required, the City recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

Conditions

Ratepayers and debtors are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and, where possible, entering into a payment proposal. The City will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities. Documentation for assessment can include the following:

- A letter from a recognised financial counsellor (i.e. must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A prepayment proposal;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

Debt Recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the third due payment, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g. debt arrangement in place 2019/20 must be fully repaid by 30 June 2021.

Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the City of Bayswater of any change in circumstance that affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the City reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

Interest Charges

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992).

The deferred rates balance:

- remains as a debt on the property until paid;

- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

Communication and Confidentiality

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Review

The applicant will be informed of the outcome within 5 business days.

The City will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

Definitions

Nil

Related Legislation *Local*

Government Act 1995 (WA)

Related Documentation

Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guide – Ombudsman Western Australia

Financial Hardship Policy



Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	Financial Services
Document Ref	Doc ID: 4041586

Purpose

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

Financial Hardship Examples

While evidence of hardship will be required, the City recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

Conditions

Ratepayers and debtors are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and, where possible, entering into a payment proposal. The City will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities. Documentation for assessment can include the following:

- A letter from a recognised financial counsellor (i.e., must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A prepayment proposal;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

Debt Recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the third due payment, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g., debt arrangement in place 2019/20 must be fully repaid by 30 June 2021.

Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the City of Bayswater of any change in circumstance that affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the City reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

Interest Charges

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992).

The deferred rates balance:

- remains as a debt on the property until paid;

- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

Communication and Confidentiality

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e., verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Review

The applicant will be informed of the outcome within 5 business days.

The City will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

Definitions

Nil.

Related Legislation

Local Government Act 1995 (WA)

Related Documentation

Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guide – Ombudsman Western Australia

10.6.2.2 Attendance At Events Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic Review
Voting Requirement:	Simple Majority
Attachments:	1. Attendance at Events Policy [8.2.1 - 3 pages]
Refer:	Item 10.6.1.1, OCM 8.12.20

SUMMARY

For Council to endorse the continuation of the Attendance at Events Policy in its current form.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council endorses the continuation of the Attendance at Events Policy as outlined in Attachment 1.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.*

Against: *Nil.*

BACKGROUND

Council policies are reviewed periodically in line with their risk level as outlined in the Policy Governance Policy.

In 2017, the State Government announced a review of the Local Government Act 1995 (WA). This review is the first significant review of the Act in more than two decades.

The *Local Government Legislative Amendment Bill 2019* was tabled in Parliament on 14 March 2019 and given royal assent on 5 July 2019. The new framework came into operation from 20 October 2019. One of the changes made to the Act from the Bill was the requirement for local governments to adopt an Attendance at Events Policy (s 5.90A).

Council adopted its Attendance at Events Policy on 8 December 2020, which was developed based on the model provided by the Department of Local Government, Sport and Cultural Industries in its operational guideline *Attendance at Events Policy* of December 2019. As part of the process for developing the policy, City Officers considered the content and format of similar policies adopted by other local governments.

The main point of difference between the Department's model policy and the one adopted by Council is that the latter includes the requirement for a register of attendance to be maintained on the City's website. This requirement was recommended for administrative efficiency so that the policy did not have to be updated each time that event attendance was approved.

EXTERNAL CONSULTATION

Not applicable - the City's policy is based on the Department's model policy for the sector.

OFFICER'S COMMENTS

Council may wish to note that the policy does not apply to invitations that are sent to individual Councillors. The purpose is only to provide guidance on ensuring that there is equitable opportunity for all elected members to attend events where the invitations are to Council in general.

Since adoption of the Policy, the City has only received one event invitation which had to be considered in line with the Policy. On that occasion, attendance was approved by the Mayor as a report could not be prepared in time for the next meeting agenda and a report was provided to the 23 November 2021 Ordinary Council Meeting.

It is likely that there will continue to be limited situations where the policy will need to be applied, and on that basis, it is recommended that the Policy continue in its current form.

As the Policy is a legislative requirement, there is no option for Council to revoke it.

LEGISLATIVE COMPLIANCE

Local Government Act 1995 (WA) s 5.90A

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Attendance at Events Policy as outlined in <u>Attachment 1</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Council adopted the Policy following legislative amendments to the Local Government Act 1995 (WA). There have been minimal invitations captured under the Policy which have not highlighted any issues with the process.	

Option 2	That Council endorses the continuation of the Attendance at Events Policy as outlined in <u>Attachment 1</u> and as further amended.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Dependant on the amendments made to the Policy.	
Reputation	Low		
Governance	Low		
Community and Stakeholder	Moderate		
Financial Management	Low		
Environmental Responsibility	Low		
Service Delivery	Low		
Organisational Health and Safety	Low		
Conclusion	Council may wish to make amendments to the Policy. It is noted that the Policy is a legislative requirement and there may limitations on amendments that can be made to the Policy.		

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council's review of the Attendance at Events Policy, which is a legislative requirement, provides an opportunity for the community to be aware of Council's policies.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Council is required to have an Attendance at Events Policy in place as a result of legislative amendments to the Local Government Act 1995 (WA). The Policy has been in place for approximately 12 months and there has been one instance where tickets were received and considered under the Policy. In light of the limited tickets received and considered under the Policy, it is recommended that no changes be made to the Policy at this time.

Attendance at Events Policy



Responsible Division	Office of the CEO
Responsible Business Unit/s	Office of the CEO, Governance
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units
Document Ref	3579617

Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.

Policy Statement

1. Invitations

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing and addressed to the Council.
- b) Any invitation or offer of tickets not addressed to the Council is not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- c) A list of events and attendees authorised by the City in advance of the event will be maintained in a Register available on the City's website.

2. Approval of Attendance by Council

- a) In making a decision on attendance at an event, the Council will consider:
 - i) Who is providing the invitation or ticket to the event;
 - ii) The location of the event in relation to the City (within the district or out of the district);
 - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
 - iv) Whether the event is sponsored by the City;
 - v) The benefit of Local Government representation at the event;
 - vi) The number of invitations/tickets received; and
 - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- b) Decisions to attend events in accordance with this policy will be made by simple majority or by the Mayor in accordance with clause 3 below.

3. Approval of Attendance by Mayor

- a) Where an invitation has been received and a response is required prior to the next Ordinary Council Meeting, the Mayor will be authorised to approve attendance.
- b) In approving attendance, the Mayor will consider the following:
 - i) Who is providing the invitation or ticket to the event;
 - ii) The location of the event in relation to the City (within the district or out of the district);
 - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
 - iv) Whether the event is sponsored by the City;
 - v) The benefit of City representation at the event;
 - vi) The number of invitations/tickets received; and
 - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- c) All approvals made by the Mayor will be reported to the subsequent Ordinary Meeting along with the assessment made in accordance with the above criteria.

4. Payments in respect of attendance

- a) Where an invitation or ticket to an event is provided free of charge, the City may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- b) For any events where a member of the public is required to pay, unless previously approved and listed in the Register available on the City's website, Council will determine whether it is in the best interests of the City for an Elected Member or the CEO to attend on behalf of the City.
- c) If Council determines that an Elected Member or CEO should attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation,
- d) Where partners of an authorised City representative attend an event, any tickets for that person, if paid for by the City, must be reimbursed by the City representative unless expressly authorised by Council.

Definitions

Elected Members includes the Mayor and all Councillors

Event is defined as a:

- Concert;
- Conference (that is not included in the *Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy*, or in the case of the Chief Executive Officer, the *Senior and Executive Staff attendance at Conferences, Seminars and Training*)
- Function; or
- Sporting Event.

Related Legislation

Local Government Act 1995 (WA) s 5.90A

Related Documentation

Nil

Relevant Delegations	Nil.
Risk Evaluation	Nil.
Council Adoption	8 December 2020
Review/Modified	
Review/Modified	
Review/Modified	

10.6.2.3 Elected Members Conferences, Seminars, Attendance And Authorised Travel Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic Review
Voting Requirement:	Simple Majority
Attachments:	1. Elected Members Conference, Seminars, Attendance Authorised Travel Policy [10.6.2.3.1 - 1 page]
Refer:	Item 12.2.6 OCM 26.08.2014 Item 13.8 OCM 31.05.2016 Item 13.3.1 OCM 27.03.2018

SUMMARY

For Council to undertake a review of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy.

COUNCIL RESOLUTION

(OFFICER/COMMITTEE RECOMMENDATION)

That Council endorses the continuation of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy as outlined in Attachment 1.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

Council policies are reviewed periodically in line with their risk level as outlined in the Policy Governance Policy.

Council adopted the Elected Member Conferences, Seminars, Attendance and Authorised Travel Policy ('**the Policy**') on 1 November 2011.

The Policy was reviewed on 26 August 2014 to reflect legislative amendments. These changes did not change the intent or provisions of the Policy.

Council reviewed the Policy at the Ordinary Council Meeting on 31 May 2016 and introduced the requirement to maintain an online register for Elected Member and staff travel interstate and overseas. The Policy was also amended to remove the option for Councillors to travel business class.

The Policy Review and Development Committee amended the Policy in February 2018 to apply to Elected Members only, with an equivalent Policy for staff. The Policy applicable to elected members was also expanded to require that they disclose their attendance at any conferences or training which takes place locally and the City contributes to the cost. The wording around the prohibition of attendance at overseas conferences (except for New Zealand) where funded by the City was amended for greater clarity.

When the Policy was presented to Council for endorsement in March 2018, amendments were made to provide that the amount available to each Councillor be capped at \$15,000 each for the four-year period of election and \$15,000 for the Mayor for the two-year period of their election.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

Should a Councillor wish to attend an event that falls under the Policy, they are required to notify the City. Arrangements will then be made for registration and if applicable, travel and accommodation. These costs are allocated to the individual Councillor's conference allowance account. A register is also maintained and available on the City's website in line with the Policy requirements.

Since Council amended the Policy to cap the amount spent on conferences, the following is a summary of expenses paid for Councillor attendance at conferences, seminars, events and travel in accordance with the Policy:

Year	Amended Budget (\$)	Actual (\$)
2018/19	15,000*	12,225
2019/20	35,000	29,159
2020/21	35,000	14,222
2021/22	35,000	761 (YTD)

*Adopted budget was \$35,000, which was reduced to \$15,000 as part of the mid-year budget review.

A review of similar policies in the local government sector has been undertaken and the following comparisons are provided:

Council	Key policy details
Town of Cambridge	<ul style="list-style-type: none"> Attendance at conferences etc. Is limited to one elected member and one officer per event. Payment of \$75 per day for meals and incidental travel expenses. Claims for reimbursement above \$75 are to be supported by documentation. Economy class flights for less than 6 hours, international travel of six hours or more may be booked business class.
Shire of Mundaring	<ul style="list-style-type: none"> Annual conference allowance of no more than \$3,000 per year per councillor. Unspent funds are not carried forward. President/Deputy President are approved to attend the Annual National General Assembly of Local Government which is not part of the individual allowances. Any request for attendance above the \$3,000 allocation is to be approved by Council.
City of Belmont	<ul style="list-style-type: none"> \$5,000 each year of their term for travel, accommodation and registration expenses for professional development. In the first three years of the term an elected member may draw on amounts exceeding

	\$5,000 per year but any amount greater will reduce the allocation available in subsequent years.
City of Swan	<ul style="list-style-type: none"> Allocation of \$5,000 per year per councillor for travel, registration accommodation and reimbursement costs associated with conferences and seminars. Annual budget of \$17,500 provided for councillors who have exhausted their individual allocation, with the CEO and Mayor jointly authorised to approve attendance.
City of Joondalup	<ul style="list-style-type: none"> Councillors entitled to \$7,500 (inflated by CPI) each year Mayor entitled to \$16,400 (inflated by CPI) each year Attendance by councillors at the annual WALGA conference paid for by the City Attendance by the Mayor at the annual WALGA conference, annual ALGA conference and annual National Congress of LG Professionals Australia conference paid for by the City
City of Stirling	<ul style="list-style-type: none"> Elected members are allocated a biennial conference allowance of \$18,400 Mayor receives a Mayoral Representation Allowance of \$18,400

Under the current policy, City of Bayswater Elected Members receive \$15,000 over their four-year term for conferences, seminars, training and so on. This equates to \$3,750 per year, which is in the middle range of amounts provided at other Councils reviewed. It is noted that the Mayor receives a \$15,000 allowance over the two-year period which equates to \$7,500. The provisions in the City's Policy to cap the amount for Councillors is consistent with the approach taken by other Councils. It is noted that amounts vary between local governments.

The City has not received any feedback since Council's last review of the Policy in 2018. Therefore, no changes are proposed to the Policy.

LEGISLATIVE COMPLIANCE

Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy as outlined in <u>Attachment 1</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Council last reviewed the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy in 2018, with no feedback received since that time. The City's Policy is on par with other local governments of similar sizes, and no changes are therefore recommended to the Policy.	

Option 2	That Council endorses the continuation of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy as outlined in <u>Attachment 1</u> and as further amended.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependent on the amendments made to the Policy.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Council may wish to make amendments to the Policy, which may accompany increased risks in the areas of financial management, reputation or community and stakeholder (dependant on the changes made).	

FINANCIAL IMPLICATIONS

An allocation of \$35,000 is currently included as part of the annual budget process in accordance with the Policy. Any increases/decreases to the amount provided in the Policy would be incorporated as part of the budget process.

STRATEGIC IMPLICATIONS

Council's review of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy provides an opportunity for the community to be aware of Council's policies.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Council adopted the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy in 2011, and the policy has been periodically reviewed since then. Amendments were made by Council at the last review in February 2018 to cap the amount available to Councillors for attendance at conferences, seminars and events under the Policy for the duration of their term. No feedback has been received in relation to the Policy, and a review has determined that the City's Policy is largely consistent with others in the sector. It is therefore recommended that no changes be made to the Policy.

COUNCIL POLICY: ELECTED MEMBERS ATTENDANCE AT CONFERENCES, SEMINARS, TRAINING AND PROFESSIONAL DEVELOPMENT

POLICY OWNER: Chief Executive Officer

POLICY STATEMENT:

Council supports the attendance of Elected Members at conferences; seminars and training: which will assist them in fulfilling their role or otherwise benefit the Bayswater district community and where attendance is undertaken in a transparent manner.

POLICY DETAILS

Selection and determination of attendance at conferences, training and seminars will be made by the individual Councillor in relation to their particular interests.

The amount payable by the City of Bayswater (the City) for attendance at such events will be capped at \$15,000 for each Councillor, for the four year period of their election, and \$15,000 for the Mayor, for the two year period of their election. This maximum allowance is contingent on budget allocations.

The City will not fund attendance at overseas conferences, other than New Zealand. The City will fund attendance by elected members at interstate conferences. Attendance at interstate and New Zealand conferences will be limited to a maximum of three Councillors per event.

At the first Ordinary Council Meeting following the attendance by a Council member at any City funded conference, seminar or training event a written report will be tabled which provides a summary of the reasons for attendance, the cost to the City and any information or documentation of particular importance to Council, the City, or ratepayers and residents. This attendance information will also be published on a publically available register on the City's website no later than 10 days after the Ordinary Council Meeting.

The City will develop such internal processes as it considers appropriate to implement this policy.

DEFINITIONS

Events covered by this policy include: conferences, seminars, training courses, professional development, industry forums, workshops, presentations, awards, business breakfasts/luncheons/dinners - where there is a cost to the City.

RELATED LEGISLATION AND OTHER REFERENCES

- Nil



Adopted by Council:	19 April 2011
Reviewed	01 November 2011, 26 August 2014, 31 May 2016, 27 March 2018
Strategic Link	Governance and Leadership

10.6.2.4 Retirement Of Elected Members Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic Review
Voting Requirement:	Simple Majority
Attachments:	1. Retirement of Elected Members Policy [8.4.1 - 2 pages]
Refer:	PRDC 06.02.2018 Item 8.3 OCM 06.08.2019 Item 11.1 OCM 20.08.2019 Item 10.1.2

SUMMARY

For Council to endorse the continuation of the Retirement of Elected Members Policy in its current form.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council endorses the continuation of the Retirement of Elected Members Policy as outlined in Attachment 1.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

Council policies are reviewed periodically in line with their risk level as outlined in the Policy Governance Policy.

Council originally adopted a Recognition of Service by Retiring Elected Members Policy on 22 April 2008. The Policy provided guidance on recognition gifts for retiring elected members consistent with section 5.100A of the *Local Government Act 1995* (WA) and regulation 34AC of the *Local Government (Administration) Regulations 1996* (WA).

That policy was revoked on 6 February 2018 and all related matters were subsequently dealt with under a management practice.

Following a Notice of Motion on 6 August 2019, Council adopted a new Retirement of Elected Members Policy at its Ordinary Council Meeting on 20 August 2019 (**Attachment 1**). As part of the process for developing that policy, City officers considered the similar policies of other local governments.

EXTERNAL CONSULTATION

Nil. However, due consideration was given to community expectations when developing the policy.

OFFICER'S COMMENTS

The Policy provides for the following recognition of service for elected members that have decided not to re-contest their positions on Council at the end of their terms of office:

- A certificate of service of the retiring Elected Member.
- A name plate, similar to the Councillors name plates in the Chambers shall be prepared with the years of service engraved on the plate below the Elected Member's name.
- The gifts to be presented to the retiring Elected Member at an informal farewell as determined by the Mayor.
- The above presentation can be made posthumously to the spouse or designated family member of the Elected Member.

Since the adoption of the Policy, two Councillors have retired from Council and gifts have been arranged for the retiring elected member in line with the Policy and budget allocations.

At this stage, it is not recommended that any changes be made to the Policy.

LEGISLATIVE COMPLIANCE

The *Local Government Act 1995* (WA) provides the following:

5.100A. Gifts to Council Members

A local government cannot give a gift to a council member unless –

- (a) the gift is given in prescribed circumstances; and*
- (b) the value of the gift is less than a prescribed amount.*

The *Local Government (Administration) Regulations 1996* (WA) provides the following:

34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.*
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1,000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).*

The Retirement of Elected Members Policy is consistent with the above legislation.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the Officer's Recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Retirement of Elected Members Policy as outlined in <u>Attachment 1</u> .		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Low	
Reputation	Low	Low	

Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Council has provided two gifts under the Retirement of Elected Members Policy since its adoption. In light of the infrequency of gifts and the minimal cost, a low risk profile is associated with this option.	

Option 2	That Council endorses the continuation of the Retirement of Elected Members Policy as outlined in <u>Attachment 1</u> and as further amended.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependent on the amendments made to the Policy.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Council may wish to make amendments to the Policy, noting that there are legislative restrictions on how much can be spent on a gift.	

FINANCIAL IMPLICATIONS

Costs for the gifts are minimal and can be accommodated in the annual budget.

STRATEGIC IMPLICATIONS

Council's review of the Retirement of Elected Members Policy will provide awareness to the community of the Policy.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The Retirement of Elected Members Policy was adopted by Council in August 2019. Following the adoption, two gifts have been presented in line with the Policy. Given the infrequency of the gifts and noting that it can be accommodated within existing budgets, it is not proposed to make any amendments to the Policy. Should Council wish to amend the Policy, this will need to be undertaken in line with the legislative provisions.

Retirement of Elected Members Policy



Responsible Division	Governance
Responsible Business Unit/s	Governance
Responsible Officer	Manager Governance
Affected Business Unit/s	Governance, Office of the CEO
Document Ref	3471742

Purpose

To provide direction on gifts given to retiring Elected Members in recognition of their service to the community as an Elected Member.

Policy Statement

The City of Bayswater will provide retiring Elected Members the following gifts in recognition of their service to the City of Bayswater:

1. A certificate of service of the retiring Elected Member.
2. A name plate, similar to the Councillors name plates in the Chambers shall be prepared with details of the years of service engraved on the plate below the Elected Member's name.
3. The gifts to be presented to the retiring Elected Member at an informal farewell as determined by the Mayor.
4. The above presentation can be made posthumously to the spouse or designated family member of the Elected Member.

Definitions

Nil

Related Legislation

Local Government Act 1995 (WA)

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption

Review/Modified	Insert Date
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Review/Modified	Insert Date
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Review/Modified	Insert Date
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10.6.2.5 Elected Members Allowances Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic Review
Voting Requirement:	Simple Majority
Attachments:	<ol style="list-style-type: none"> 1. Elected Members Allowances Policy - Current [8.5.1 - 3 pages] 2. Elected Members Allowances Policy - Amendments [8.5.2 - 3 pages] 3. Elected Members Allowances Policy with Further Amendments made by Policy Review and Development Committee [8.5.3 - 3 pages]
Refer:	Item 13.2.1 OCM 20.02.2018 Item 7.2 OCM 25.06.2013 Item 16.3 OCM 25.10.2016 Item 13.2 OCM 22.03.2016

SUMMARY

For Council to undertake a review of the Elected Members Allowance Policy.

OFFICER'S RECOMMENDATION

That Council amends the Elected Member Allowance Policy as outlined in Attachment 2.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council amends the Elected Member Allowance Policy as outlined in Attachment 2 and as further amended in new Attachment 3.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

The Elected Member Allowance Policy was adopted by Council on 23 April 2006. There have been several reviews of the policy since then, as summarised below:

February 2018

- The policy was amended to specify that payments to Elected Members should occur on the first Friday following the end of the quarter.

October 2016

- The policy was amended for elected members to be paid quarterly in arrears rather than monthly in advance.

March 2016

- The legislative provisions in the policy were updated.
- The reference to the IT Allowance was updated in line with the definition used by the Salaries and Allowances Tribunal.

June 2013

- The policy was amended to provide for the maximum amount as determined by the annual review of elected member fees and allowances by the Salaries and Allowances Tribunal.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

A request has been received to amend the Elected Members Allowance Policy to change the timing of allowance payments to elected members from quarterly in arrears to monthly in arrears. To implement that change, the following is proposed (as outlined in **Attachment 2**):

- Fees to be paid on a monthly basis in arrears by the first Friday following the end of the month,
- Fees to be paid on a daily pro rata basis
- Removal of definition of quarter.

The above policy change will not affect the amount that Councillors are paid, and is only a process change that the Financial Services branch will incorporate as part of their payment runs.

The proposed policy changes include the requirement to provide an annual payment summary to elected members for the preceding financial year by the end of July each year, which has been the administrative practice for some time anyway.

LEGISLATIVE COMPLIANCE

Local Government Act 1995

Local Government (Administration) Regulations 1996

CEOs and Elected Members - Salaries and Allowances Tribunal Annual Determination

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council amends the Elected Member Allowance Policy as outlined in Attachment 2 .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low

Conclusion	The amendments requested do not pose any increased risks to Council. The changes relate to the frequency that payments are made, which is a process that can be accommodated by the Financial Services team.
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Option 2	That Council amends the Elected Member Allowance Policy as outlined in <u>Attachment 2</u> and as further amended.		
Risk Category		Adopted Risk Appetite	Risk Assessment Outcome Dependant on the amendments made to the Policy.
Strategic Direction		Moderate	
Reputation		Low	
Governance		Low	
Community and Stakeholder		Moderate	
Financial Management		Low	
Environmental Responsibility		Low	
Service Delivery		Low	
Organisational Health and Safety		Low	
Conclusion	Council may wish to make further amendments to the Policy, which may accompany increased risks in the areas of financial management and reputation (dependant on the changes made).		

Option 3	That Council endorses the continuation of the Elected Member Allowance Policy as outlined in <u>Attachment 1</u>.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Council may wish to continue with the Policy in its current form. It is noted that there are no associated risks with this option, as the request to change the Policy has been received from Elected Members.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council's review of the Elected Members Allowances Policy provides an opportunity for the community to be aware of Council's policies.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

A request has been received to amend the Elected Member Allowances Policy for allowances to be paid from quarterly in arrears to monthly in arrears. The frequency of payments to elected members will be incorporated into the Financial Services team payment runs. The other proposed changes will bring the policy into alignment with current financial reporting practices.

Elected Members Allowances Policy



Responsible Division	Corporate and Strategy
Responsible Business Unit/s	Financial Services, Governance and Strategy
Responsible Officer	Director Corporate and Strategy
Affected Business Unit/s	Financial Services, Governance and Strategy
Document Ref	3658399

Purpose

To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.

Policy Statement

Elected Members including the Deputy Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal. The Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal.

The Mayor and Deputy Mayor shall be paid an annual allowance as established in Council's Annual Budget in accordance with the determination by the Salaries and Allowances Tribunal.

Elected Members including the Mayor and Deputy Mayor shall be paid an ICT allowance of \$3,400.

Reimbursement of Elected Members expenses in excess of the annual allowances made under this policy are required to be substantiated by the claimant through the production of receipts or the keeping of a log book before such claims are paid.

The attendance fees and the ICT allowance are to:

- Be paid on a quarterly basis.
- Generally, be paid in arrears on the first Friday following the end of the quarter.
- Be calculated on a daily pro rata basis for each quarter.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

Transitional period

The arrears payments made to elected members following 31 March 2018 will only be paid for the period from 1 February 2018 to 31 March 2018.

Definitions

“Quarter” means the conventional Australian accounting quarters as follows:

Quarter 1	1 July – 30 September
Quarter 2	1 October -31 December
Quarter 3	1 January – 31 March
Quarter 4	1 April – 30 June

“ICT expenses” means

1. Rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
2. Any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

Related Legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996

Salaries and Allowances Tribunal Annual Determination - 11 April 2017 - CEOs and Elected Members

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	28 June 2005
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Review/Modified	23 April 2006
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Review/Modified	June 2007
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Review/Modified	1 March 2012
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Review/Modified	25 June 2013
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Review/Modified	15 December 2015
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Review/Modified	22 March 2016
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Review/Modified	25 October 2015
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Review/Modified	20 February 2018
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Elected Members Allowances Policy



Responsible Division	Corporate and Strategy
Responsible Business Unit/s	Financial Services, Governance and Strategy
Responsible Officer	Director Corporate and Strategy
Affected Business Unit/s	Financial Services, Governance and Strategy
Document Ref	3658399

Purpose

To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.

Policy Statement

Elected Members including the Deputy Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal. The Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal.

The Mayor and Deputy Mayor shall be paid an annual allowance as established in Council's Annual Budget in accordance with the determination by the Salaries and Allowances Tribunal.

Elected Members including the Mayor and Deputy Mayor shall be paid an ICT allowance of \$3,400.

Reimbursement of Elected Members expenses in excess of the annual allowances made under this policy are required to be substantiated by the claimant through the production of receipts or the keeping of a log book before such claims are paid.

The attendance fees and the ICT allowance are to:

- Be paid on a ~~quarterly~~ monthly basis.
- Generally, be paid in arrears ~~on~~ by the first Friday following the end of the ~~quarter~~ month.
- Be calculated on a daily pro rata basis ~~for each quarter~~.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

The City will provide an annual payment summary to each Elected Member for the preceding financial year by the end of July each year.

Transitional period

~~The arrears payments made to elected members following 31 March 2018 will only be paid for the period from 1 February 2018 to 31 March 2018.~~

Definitions

~~“Quarter” means the conventional Australian accounting quarters as follows:~~

Quarter 1	1 July – 30 September
Quarter 2	1 October – 31 December
Quarter 3	1 January – 31 March
Quarter 4	1 April – 30 June

“ICT expenses” means

1. Rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
2. Any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

Related Legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996

Salaries and Allowances Tribunal Annual Determination - 11 April 2017 - CEOs and Elected Members

Related Documentation

Nil

Relevant Delegations

Risk Evaluation

Council Adoption	28 June 2005
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Review/Modified	23 April 2006
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Review/Modified	June 2007
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Review/Modified	1 March 2012
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Review/Modified	25 June 2013
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Review/Modified	15 December 2015
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Review/Modified	22 March 2016
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Review/Modified	25 October 2015
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Review/Modified	20 February 2018
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Elected Members Allowances Policy



Responsible Division	Corporate and Strategy
Responsible Business Unit/s	Financial Services, Governance and Strategy
Responsible Officer	Director Corporate and Strategy
Affected Business Unit/s	Financial Services, Governance and Strategy
Document Ref	3658399

Purpose

To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.

Policy Statement

Elected Members including the Deputy Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal. The Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal.

The Mayor and Deputy Mayor shall be paid an annual allowance as established in Council's Annual Budget in accordance with the determination by the Salaries and Allowances Tribunal.

Elected Members including the Mayor and Deputy Mayor shall be paid an ICT allowance of \$3,400.

Reimbursement of Elected Members expenses in excess of the annual allowances made under this policy are required to be substantiated by the claimant through the production of receipts or the keeping of a log book before such claims are paid.

The attendance fees and the ICT allowance are to:

- Be paid on a ~~quarterly~~ monthly basis on the first day of the month.
- Generally, be paid in arrears ~~on-by~~ the first Friday following the end of the ~~quarter~~ month.
- Be calculated on a daily pro rata basis ~~for each quarter~~.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

The City will provide an annual payment summary to each Elected Member for the preceding financial year by the end of July each year.

Transitional period

The arrears payments made to elected members following 31 March 2018 will only be paid for the period from 1 February 2018 to 31 March 2018.

Definitions

“Quarter” means the conventional Australian accounting quarters as follows:

Quarter 1	1 July — 30 September
Quarter 2	1 October — 31 December
Quarter 3	1 January — 31 March
Quarter 4	1 April — 30 June

“ICT expenses” means

1. Rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
2. Any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

Related Legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996

Salaries and Allowances Tribunal Annual Determination - 11 April 2017 - CEOs and Elected Members

Related Documentation

Nil

Relevant Delegations**Risk Evaluation**

Council Adoption	28 June 2005
Review/Modified	23 April 2006
Review/Modified	June 2007
Review/Modified	1 March 2012
Review/Modified	25 June 2013
Review/Modified	15 December 2015
Review/Modified	22 March 2016
Review/Modified	25 October 2015
Review/Modified	20 February 2018

10.6.2.6 Elected Members Issue Of Stationery, Publications And Equipment Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic Review
Voting Requirement:	Simple Majority
Attachments:	1. Elected Members Issue of Stationery, Publications and Equipment Policy [8.6.1 - 3 pages]
Refer:	Nil.

SUMMARY

For Council to undertake a review of the Elected Members Issue of Stationery, Publications and Equipment Policy.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council endorses the continuation of the Elected Members Issue of Stationery, Publications and Equipment Policy in its current form as outlined in Attachment 1.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

BACKGROUND

The Elected Members Issue of Stationery, Publications and Equipment Policy ('the Policy') was adopted by Council on 23 April 1996. There have been a number of reviews of the Policy since its adoption, and the last such review was in August 2018.

A summary of the minor changes made to the Policy since its adoption are:

Review of August 2018:

- Provision of personal briefcase/satchel was replaced with provision of an iPad cover with inbuilt keyboard and stylus.
- Provision was also added for a suitable device as determined by the Manager Information Services.
- A multifunction printer/scanner/copier be provided in the Councillor Workroom for use, rather than provided to each individual Councillor.

Review of March 2016:

- The legislative references were updated.
- The reference to the IT Allowance was updated to 'in accordance with SAT Determination'.
- IT Support to Councillors for City issued equipment and software was included.

- The reference to provision of the LGMA diary and loose-leaf *Local Government Act 1995* (WA) was deleted as those are no longer supplied to Elected Members.

First review in December 2013:

- The definition of 'device provided' was changed from notebook/laptop to tablet.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The Policy outlines the following provisions to Elected Members:

- Up to 4,000 letterheads, envelopes and business cards during their term (postage costs at the Elected Members' expense).
- 50 City of Bayswater Christmas cards, envelopes and postage.
- Name badge.
- ICT Allowance in accordance with the annual Salaries and Allowances Tribunal determination and the Elected Members Allowances Policy.
- Appropriate device (currently an iPad Pro) which is replaced every two years.
- Multifunction unit (printer/fax/copier) provided for Elected Member use in the Councillor workroom.

The City's Information Technology team have observed that since the provision of iPads there has been a reduction in service issues relating to devices as they are generally easy to use and self-diagnose faults. The wording of the policy provides flexibility in the event that a new device becomes available on the market that the City's Manager Information Technology identifies as being more suitable.

Councillors may wish to note that the City is exploring a transition to electronic voting and electronic provision of agendas and minutes via the iPad device, through an application that is integrated with the City's newly acquired agenda and minutes software.

City Officers have not been made aware of any issues in relation to the stationery entitlements, and whether they are required to be increased or decreased.

In light of the above, it is recommended that no changes be made to the current policy at this time.

LEGISLATIVE COMPLIANCE

Elected Members Issue of Stationery, Publications and Equipment Policy

Elected Member Allowances Policy

Annual Determination by the Salaries and Allowances Tribunal

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Elected Members Issue of Stationery, Publications and Equipment Policy in its current form as outlined in <u>Attachment 1</u>.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The Elected Members Issue of Stationery, Publications and Equipment Policy has been regularly reviewed by Council. It currently provides flexibility to ensure equipment provided to Elected Members are fit for purpose. No feedback has been received that the allowances need to be adjusted in the Policy, therefore no changes are recommended. No risks are identified with this option.	

Option 2	That Council endorses the continuation of the Elected Members Issue of Stationery, Publications and Equipment Policy as outlined in <u>Attachment 1</u> and as further amended.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome Dependent on the amendments made to the Policy.
Strategic Direction	Moderate	
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Council may wish to make amendments to the Policy, noting that depending on the changes made there may be associated risks in the categories of financial management and reputation.	

FINANCIAL IMPLICATIONS

There will be no financial implications if there are no changes to the current policy, as the items provided to elected members are already provided for in the annual budget.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

There have been several minor reviews of the Elected Members Issue of Stationery, Publications and Equipment Policy since it was adopted in 1996. Flexibility is provided in the Policy to allow for devices to be updated from time to time, and the City is investigating opportunities to improve the systems linked to these devices. City Officers are not aware of any particular issues with the current stationery allowances in the Policy. The City is therefore not recommending any amendments to

the policy at this time. Should Council wish to make amendments, the associated budget may need to be reviewed accordingly.

Elected Members Issue of Stationery and Equipment Policy



Responsible Division	Office of the CEO
Responsible Business Unit/s	Office of the CEO
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Office of the CEO
Document Ref	3236402

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 their 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	23 April 1996
Review/Modified	6 February 2006
Review/Modified	10 March 2009
Review/Modified	10 December 2013
Review/Modified	22 March 2016
Review/Modified	8 November 2017
Review/Modified	15 August 2018

10.6.2.7 Elected Members Access To Civic Centre And Requests/Contacts With City Employees Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic Review
Voting Requirement:	Simple Majority
Attachments:	<ol style="list-style-type: none"> 1. Elected Member Access to Civic Centre Policy - Current [8.7.1 - 2 pages] 2. Elected Member Access to Civic Centre Policy - Amendments [8.7.2 - 2 pages]

SUMMARY

For Council to undertake a review of the Elected Members' Access to Civic Areas and Requests/Contacts with City Employees Policy.

COUNCIL RESOLUTION

(OFFICER/COMMITTEE RECOMMENDATION)

That Council amends the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy as outlined in Attachment 2.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.*

Against: *Nil.*

BACKGROUND

Council adopted the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy (**'the Access Policy'**) in July 2007. The Policy has been reviewed a number of times since its adoption with the last major review occurring in March 2016, where the following changes were made:

- Updating of legislative references
- Removal of the ability for the Mayor to contact the appropriate Manager should the Chief Executive Officer or Director be unavailable.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The 'Access to Civic Centre' provisions with the Policy outlines areas within the Civic Centre that Elected Members are permitted to access.

In relation to the provisions regarding requests/contacts with City Employees, is noted that since the adoption of this Policy a separate Elected Member Request for Information Policy (**'CHD Policy'**) has been adopted. The CHD Policy provides guidance for Elected Members to request information from City Officers on operational or strategic issues using the Councillor help desk process.

A recent internal review highlighted a minor conflict between the two policies, as the Access Policy requests elected members to contact the Directors and/or CEO for queries, whereas the CHD Policy requests Elected Members requests elected members use the CHD system in the first instance.

To minimise any confusion, it is proposed to remove the references to communication with City Officers from the Access Policy, as outlined in **Attachment 2**. The Policy will therefore only relate to access to the Civic Centre.

Policy direction in relation to requests for information will be continue to be addressed via the CHD Policy.

Within the Civic Centre

LEGISLATIVE COMPLIANCE

Local Government (Rules of Conduct) Amendment Regulations 2020

Elected Member Request for Information Policy.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council amends the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy as outlined in Attachment 2 .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents a low risk as it will address a duplication of policy direction relating to Elected Members contacting City Officers for information.	

Option 2	That Council endorses the continuation of the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy in its current form as outlined in Attachment 1 .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Moderate
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents a moderate governance risk, as there will continue to be conflict between the two policies which provide different direction towards contacting City Officers for information.	

Option 3	That Council amends the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy as outlined in <u>Attachment 2</u> and as further amended by Council.		
Risk Category		Adopted Risk Appetite	Risk Assessment Outcome Dependent on the amendments made to the Policy.
Strategic Direction		Moderate	
Reputation		Low	
Governance		Low	
Community and Stakeholder		Moderate	
Financial Management		Low	
Environmental Responsibility		Low	
Service Delivery		Low	
Organisational Health and Safety		Low	
Conclusion	Council may wish to make amendments to the Policy, noting that risks will be dependent upon the amendments made by Council.		

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council's review of the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy will provide awareness to the community of the Policy.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The Access Policy was adopted in 2007, and the separate CHD Policy was adopted in 2020.

Amendments are now proposed to resolve the minor conflict between the two policies in respect to contact with the City staff.

Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy



Responsible Division	Office of the Chief Executive Officer
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Responsible Business Unit/s	Office of the Chief Executive Officer
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Responsible Officer	Chief Executive Officer
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Affected Business Unit/s	Office of the Chief Executive Officer
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Document Ref	
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Purpose

To provide access privileges for Elected Members to the City of Bayswater Civic Centre, and to clarify the procedure for Elected Members' requests and contact with City Employees.

Policy Statement

Access to Civic Areas

1. Elected Members are to have access to the civic areas of the Civic Centre including, Basement Car Park, Councillors Lounge, Councillors Office and Council Chamber and Foyer.
2. Elected Members are to be provided with an access key and security card allowing access to the above areas as soon as possible following election to office.
3. Elected Members are to return the access key and security card to the Chief Executive Officer (CEO) immediately upon the expiration of the Elected Member's term.

Access to Administration Area

Elected Members can only access the administration area in the Civic Centre by contacting either the CEO and/or Directors.

Requests and Contact with City Employees

Elected Members are to liaise directly with the CEO and Directors in relation to administration matters including work-related requests, enquiries, complaints and comments.

Definitions

Nil.

Relevant Delegations

Risk Evaluation

Council Adoption**24 July 2007**

Review/Modified08 December 2009

Review/Modified22 March 2016

Elected Members Access to Civic Centre ~~and Requests/Contacts with City Employees~~ Policy



Responsible Division Office of the Chief Executive Officer

Responsible Business Unit/s Office of the Chief Executive Officer

Responsible Officer Chief Executive Officer

Affected Business Unit/s Office of the Chief Executive Officer

Document Ref

Purpose

To provide access privileges for Elected Members to the City of Bayswater Civic Centre, ~~and to clarify the procedure for Elected Members' requests and contact with City Employees.~~

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Access to Administration Area

Elected Members can only access the administration area in the Civic Centre by contacting either the CEO and/or Directors.

~~Requests and Contact with City Employees~~

~~Elected Members are to liaise directly with the CEO and Directors in relation to administration matters including work related requests, enquiries, complaints and comments.~~

Definitions

Nil.

Relevant Delegations

Risk Evaluation

Council Adoption	24 July 2007
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Review/Modified	08 December 2009
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Review/Modified	22 March 2016
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10.6.2.8 Policy Register And Amendment To Review Cycle

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Amended Policy 001: Policy Governance [8.8.1 - 3 pages] 2. Policy Register [8.8.2 - 15 pages]
Refer:	Item 8.1: PRDC 20.07.2021 Item 10.6.1.1: OCM 24.08.2021

SUMMARY

The City's Policy: Governance Policy was adopted by Council in August 2021. An amendment is now proposed to the review provisions under clause 9 of the policy to better align with the local government election cycle. The City has also prepared a Policy Register per clause 10 of the policy, which is presented for Council to note. The Policy Register is intended to improve overall compliance by increasing the overall awareness of the policies and mitigating the risks associated with outdated policies.

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That Council:

1. Amends the Policy: Governance Policy as outlined in **Attachment 1**.
2. Notes that the Policy Register contained in **Attachment 2** will form the administrative record of all current and active Council policies made under section 2.7 of the *Local Government Act 1995 (WA)*.
3. Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate.

Cr Catherine Ehrhardt Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN-BLOC): 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

BACKGROUND

Section 2.7 of the *Local Government Act 1995* defines one of the roles of Council as determining the policies of the local government. The City is responsible for the ongoing maintenance and application of those policies. During the financial year 2020/21, the City undertook an internal review of its Policy Framework, and that review produced a number of operational recommendations in addition to holistic improvements which were put to Council in the form of a head policy.

The Policy: Governance Policy (the Policy) was endorsed by the Policy Review and Development Committee (the Committee) on 20 July 2021 and adopted by Council at the Ordinary Council Meeting of 24 August 2021. It sets the principles and expectations for the administration in regards

to management of the City's Policy Framework and replaced an internal policy framework document which focused on instruction rather than the strategic goals of policy setting.

The Policy aims to simplify and standardise the processes, and provide greater structure and oversight of the Policy Framework. The specific matters for consideration in this report are:

- Moving from a two-year policy review cycle to a risk-based review cycle.
- For Council to note that the administration will maintain a register of all current policies.

EXTERNAL CONSULTATION

No consultation was required with the public or other agencies on this matter.

OFFICER'S COMMENTS

Comments for this report have been separated into four sections. Limbs 1, 2 and 3 correspond with the respective three limbs in the Officer's Recommendation. An update is also provided on the implementation of the recommendations from the Policy Framework review in FY2020/2021.

Council may wish to note that this report applies only to Council policies made under section 2.7 of the *Local Government Act 1995* (WA). The associated officer's comments and recommendation, the Governance Policy, and the Policy Register do not consider or apply to policies made under the *Planning and Development Act 2005* (WA) or other enabling legislation.

Limb 1: Amendments to the Policy

Policies may be developed, amended, reviewed or revoked at any time, but for good practice, they should all be reviewed periodically. Under the previous Policy Framework, all policies were reviewed over a set two-year cycle, however the internal review found that some policies did not require such frequent review. It also found that arbitrary reviews were creating unnecessary work including consideration by the Committee and Council and the associated administrative processes.

The revised Policy: Governance Policy includes provisions for the periodic reviewing of every policy, but proposes a shift from a two-year cycle to a flexible risk-based cycle. As new policies are developed and existing policies are reviewed, they will be evaluated against the City's Risk Management Framework to determine the level of risk associated with the policy content and objectives against various influencing factors. The risk level will determine how frequently the policy should be reviewed, between one and three years.

The City proposes to amend the review provisions for low-risk policies, as outlined in clause 9 of the Policy, from at least every three years to at least every four years. This would be a practical improvement as it would align with the local government election cycle and the City's policy review program, which aligns with the committees established after each election. It is important to note that the amendment will not prevent Council, the Committee or the administration from requesting a policy be developed, amended, reviewed or revoked at any time.

The current risk requirements are set out below, along with the corresponding proposed amendment. The amendments are also demonstrated in **Attachment 1**.

Table 1: Policy risk level against current and amended provisions.

Risk level	Current provisions	Amended provisions
Extreme	Annually	Annually
High	At least every two years	At least every two years
Moderate	At least every two years	At least every two years

Low	At least every <u>three</u> years	At least every <u>four</u> years
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Limb 2: Policy Register

The Governance and Strategy branch has undertaken a comprehensive search to identify all current and available policies. This included thorough searches of the City's website and intranet, previous policy review schedules, and Committee and Council minutes. Extensive consultation was also undertaken with each directorate to confirm current policies being applied by the organisation. The information from this search was used to develop the Policy Register contained in **Attachment 2**.

The Register contains identifying information for all known adopted policies. It will provide better oversight of the Policy Framework and a definitive record of policies in effect. The Register will be updated as policies are adopted, amended, reviewed or revoked, rather than returned to Council each time. The City intends to refine the design and collect more detailed information as part of the next review cycle. Internal supplementary documents, such as management practices, will also be mapped against relevant policies in time.

Limb 3: Revoking policies not included in the register

It is possible that there are some inactive policies which have not been identified, and it is recommended that Council revokes any such inactive policies as they may contain outdated reference or not reflect current practices. In the event that any such inactive policies are subsequently identified, they will be submitted in due course to Council with recommendations to revoke them where appropriate.

Update on the implementation of other recommendations

It was expected that implementation of the remaining holistic and operational recommendations would be completed by the end of 2021. Progress of the implementation has been delayed due to other priorities, including the election period. It is therefore anticipated that implementation will be completed by the end of the 2021/22 financial year.

LEGISLATIVE COMPLIANCE

Under section 2.7 of the *Local Government Act 1995* (WA), one of the roles of Council is to determine the policies of the local government.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council:	
	<ol style="list-style-type: none"> Amends the Policy: Governance Policy as outlined in <u>Attachment 1</u>. Notes that the Policy Register contained in <u>Attachment 2</u> will form the administrative record of all current and active Council policies made under section 2.7 of the <i>Local Government Act 1995</i> (WA). Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low

Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is considered to present a very low risk in all categories. Amending the Policy would align processes and simplify governance functions.	

Option 2	That Council: 1. Amends the Policy: Governance Policy contained in <u>Attachment 1</u>, subject to further amendments as determined by Council. 2. Notes that the Policy Register contained in <u>Attachment 2</u> will form the administrative record of all current and active Council policies made under section 2.7 of the Local Government Act 1995 (WA). 3. Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Risks to be determined based on the modifications determined by Council
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Should Council choose to make further amendments to the Policy, Council should be mindful of risks related to each amendment. The benefits outlined in Option 1 may also be compromised.	

Option 3	That Council: <ol style="list-style-type: none"> Not amend the Policy: Governance Policy contained in <u>Attachment 1</u>. Notes that the Policy Register contained in <u>Attachment 2</u> will form the administrative record of all current and active Council policies made under section 2.7 of the Local Government Act 1995 (WA). Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Moderate
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Should Council choose not to amend the Policy, the City will require direction as to what Council requires in order to do so. This would pose a moderate governance risk, and the subsequent uncertainty would pose a low risk to service delivery.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Implementation of recommendations from an internal review of the City's policy framework is in progress. The recommendations provided in this report are to propose the next steps to improving management and oversight of the City's policy framework. The amended Policy: Governance Policy would enable the City to better align the policy review schedule with the local government election cycle. The Policy Register has been developed to provide greater visibility of the current and active policies. It is recommended that Council resolve to revoke any policies now listed in that register to avoid any potential conflict with current and active policies.

Planning and development policies are outside the scope of this report.

City of
Bayswater

Policy 001:

Policy Governance



Responsible Division	Corporate and Strategy
Responsible Business Unit	Governance and Organisational Strategy
Responsible Officer	Manager Governance and Organisational Strategy
Affected Business Units	All business units
Document ID	XXXX

Purpose

This policy sets out principles and expectations for the development and management of Council's policies.

Scope

This policy applies to all City of Bayswater policies made under the *Local Government Act 1995* (WA). Administrative controls, including management practices, guidelines and procedures must also be consistent with this policy.

Definitions

For the purpose of this policy —

guideline means a document that supports the interpretation of a policy, often by providing examples to demonstrate how the policy and supplementary documents should be applied.

policy means a written statement of Council's position on a matter adopted under the *Local Government Act 1995* (WA).

Policy Statement

1. Under the *Local Government Act 1995* (WA) section 2.7, one of the roles of Council is to determine the policies of the local government.
2. Policies provide strategic direction and principles to guide the activities of and decision-making by Council and the administration.
3. The administration will develop and maintain such supplementary documents as are necessary to ensure effective implementation of policies.

Principles for policy development

4. A policy response may be considered where there is complexity or lack of clarity in one or more of the following circumstances:
 - a. Statutory requirements

- b. Industry standards
 - c. Community need or expectations
 - d. A resolution by Council
 - e. The City's strategic objectives.
5. A policy will be adopted where it is demonstrated the policy it will provide:
- a. Clarity and consistency in operations or decision-making
 - b. Greater efficiency
 - c. Improved customer or community outcomes.
6. All policies must:
- a. Be applied consistently across the organisation, unless stated otherwise
 - b. Support and represent the City's values and strategic objectives
 - c. Consider relevant stakeholders
 - d. Comply with statutory requirements
 - e. Be consistent with other policies, resolutions and local laws
 - f. Assign a responsible officer to administer the policy
 - g. Be made available on the City's website within 14 days of being adopted by Council.
7. If necessary, a guideline may be developed to support the interpretation of a policy. Guidelines are to be appended to the relevant policy and adopted by Council.
8. All supplementary documents must be consistent with the relevant policies, local laws and other relevant statutory and administrative requirements.

Principles for policy management

9. Policies will be reviewed periodically to ensure they remain relevant and fit-for-purpose. Policies will be assessed in accordance with the City's Risk Management Framework and the frequency of review will be determined in accordance with the following:

Risk level	Frequency of review
Extreme	Annually
High	At least every two years
Moderate	At least every two years
Low	At least every three four years

A policy may be reviewed, amended or rescinded at any time outside the set review cycle if it is considered necessary.

10. The administration will maintain a register of all policies and supplementary documents.
11. The administration will update relevant internal controls to reflect the review, amendment or rescission of a policy within 30 days of the decision being adopted by Council, if practical.

Related Legislation

Local Government Act 1995 (WA) s2.7(2)(b)

Related Documentation

Nil

Document details

Relevant delegations	Nil
Risk evaluation	Low
Strategic link	L1 Accountable and good governance
Council adoption	24 August 2021
Next review due	August 2021
Reviewed/modified	Nil



Policy Register

Following is a register of all City of Bayswater policies adopted under section 2.7 of the *Local Government Act 1995* (WA). Policies are grouped by responsible directorate.

NOTE: The risk level and next review date for each policy will be determined as part of the next two-year review cycle. Details will be added to the register when a risk level and next review date are adopted by Council.

Chief Executive Officer

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Anniversary Recognitions	To provide a guideline for when anniversary and birthdays of residents of the City of Bayswater are recognised.	Office of the CEO	February 2006	<i>To be determined</i>
Communications and Social Media	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.	Communications & Marketing	November 2018	<i>To be determined</i>
Community Engagement	This Community Engagement Policy outlines the City of Bayswater's commitment to engaging with the community through the use of appropriate, effective and inclusive practices. The policy will guide the delivery of community and stakeholder engagement across the organisation to support decision-making, build relationships and strengthen the community's acceptance of outcomes.	Community Engagement	March 2019	<i>To be determined</i>
Elected Members Attendance at Conferences, Seminars, Training and Professional Development	Council supports the attendance of Elected Members at conferences; seminars and training: which will assist them in fulfilling their role or otherwise benefit the Bayswater district community and where attendance is undertaken in a transparent manner.	Office of the CEO	March 2018	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Elected Members Issue of Stationery, Publications and Equipment	To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.	Office of the CEO	August 2018	<i>To be determined</i>
Elected Members Request for Information	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.	Office of the CEO	December 2020	<i>To be determined</i>
Execution of Documents and Use of Common Seal	To establish procedures for: a) Affixing the City's common seal; and b) Determining whether a document is executed by way of common seal or signed by an authorised employee.	Office of the CEO	April 2020	<i>To be determined</i>
Honorary Freeman of the City	To provide appropriate recognition to residents and other individuals who have served the Bayswater community with distinction.	Office of the CEO	February 2018	<i>To be determined</i>
Public Interest Disclosure	To facilitate the disclosure of public interest information under the Public Interest Disclosure Act 2003 (PID Act) and ensure protection for those making such disclosures.	Office of the CEO	February 2018	<i>To be determined</i>
Senior and Executive Staff Attendance at Conferences, Seminars and Training	Council supports the attendance of City of Bayswater (the City) staff at conferences, seminars and training to assist them in fulfilling their role and further developing their skill set or where attendance will benefit the Bayswater district community.	Office of the CEO	May 2018	<i>To be determined</i>

Community and Development

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
CCTV Management	This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders.	Rangers & Security	May 2018	<i>To be determined</i>
Disposal of Unclaimed Animals	To establish the guidelines for how unclaimed animals are to be disposed of in a humane and proper manner.	Rangers & Security	July 2019	<i>To be determined</i>
Funding and the Provision of in kind Support for Minor works for Public and Private Schools within the City of Bayswater	To provide guidelines for the provision of funding and/or in kind support for minor works for public and private schools within the City of Bayswater which are publically accessible outside of school hours or where covered by a separate agreement.	Project Services	March 2019	<i>To be determined</i>
Granting Permits under the Thoroughfare Local Law	Could not locate a copy, but it was included in the last review schedule. Also appears to have been functionally superseded by the Activities in Thoroughfares and Public Places and Trading Local Law 2020.	Development & Place Rangers & Security	March 2019	<i>To be determined</i>
Infringement Notices	To provide the criteria for the withdrawal and the collection of unpaid infringements.	Rangers & Security	July 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Mobile Food Vehicles	To provide guidance on the requirements for the operation of mobile food vehicles within the City of Bayswater, encourage mobile food vehicles to operate in locations which support the activation of underutilised public spaces. To ensure mobile food vehicles operate in a way which complements existing food businesses in town centre. Ensure mobile food vehicles are of a temporary nature. Ensure mobile food vehicles do not reasonably compromise the amenity of the surrounding residential area and to ensure mobile food vehicle operators practise safe food handling in accordance with the Food Act 2008.	Development & Place Environmental Health & Statutory Building	March 2019	<i>To be determined</i>
Naming of Parks, Reserves, Streets and Infrastructure	To outline the City of Bayswater's requirements, in support of the consistent approach for the naming of parks, reserves, streets and infrastructure as set out by the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.	Development & Place	August 2017	<i>To be determined</i>
Pedestrian Accessway Closures	To outline matters to be taken into consideration when assessing proposals for the closure of Pedestrian Access Ways (PAW).	Development & Place	March 2016	<i>To be determined</i>
Volunteers	To ensure volunteer management systems and processes are in place that: Recognise the valuable contribution of City of Bayswater registered volunteers, Ensure compliance and industry leading volunteer management, particularly in the areas of recruitment, training, Occupational Health and Safety and support of volunteers	Community Development	July 2019	<i>To be determined</i>

Updated 9 November 2021

Corporate and Strategy

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Policy Governance	This policy sets out principles and expectations for the development and management of Council's policies.	Governance & Strategy	August 2021	<i>To be determined</i>
Administrative Maintenance of Policies	To allow of minor inconsequential amendments to be made to the City's policies without the requirement to present those minor amendments to Council for adoption.	Governance & Strategy	November 2018	<i>To be determined</i>
Attendance at Events	The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.	Governance & Strategy	December 2020	<i>To be determined</i>
Caretaker Election Period	To ensure compliance with the caretaker election period provisions in the Code of Conduct – Council Members and Committee Members 2018.	Governance & Strategy	August 2018	<i>To be determined</i>
Cash-backed Reserves	To provide a strategic framework for the establishment and utilisation of Financial (Cash-Backed) Reserves.	Financial Services	May 2020	<i>To be determined</i>
Community Grants	This policy states the Council's position on providing financial support to not-for-profit community groups within the context of the Strategic Community Plan.	Corporate & Strategy	May 2018	<i>To be determined</i>
Contract Management	To support the City's Procurement Policy.	Governance & Strategy	June 2020	<i>To be determined</i>
Corporate Credit Card	To set out the business practices for effective use of Corporate Credit Cards.	Financial Services	February 2018	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Cyber Security	To protect the City of Bayswater's (the City) ICT assets and ensure cyber security best practice standards.	Information Services	May 2018	<i>To be determined</i>
Drugs and Alcohol	The City of Bayswater ('the City') is committed to providing a safe and healthy workplace for all employees, contractors and sub-contractors. As part of this commitment the City will not tolerate the misuse of alcohol or other drugs in the workplace. The purpose of this policy is to ensure the following: That employees, contractors and sub-contractors are fit for work and not under the influence of alcohol and/or other drugs while at work. That the safety and wellbeing of staff and the public are not placed at risk by the actions of an employee under the influence of drugs and/or alcohol. That the illegal and criminal activity of possession or dealing in drugs does not occur at the workplace.	People, Culture & Safety	July 2019	<i>To be determined</i>
Elected Members Access to Civic Centre and Requests / Contacts with City Employees	To provide access privileges for Elected Members to the City of Bayswater Civic Centre, and to clarify the procedure for Elected Members' requests and contact with City Employees.	Governance & Strategy	March 2016	<i>To be determined</i>
Elected Members Allowances	To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.	Corporate & Strategy	February 2018	<i>To be determined</i>
Elected Members Contact with Developers	To provide the highest standards of transparency and openness in town planning and development decision-making and to avoid perceptions of bias or undue influence.	Governance & Strategy	March 2018	<i>To be determined</i>
Equal Opportunity	To ensure the fair and equitable treatment of people accessing the City of Bayswater's services and facilities, whether members of the community or City of Bayswater employees.	People, Culture & Safety	February 2018	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Financial Hardship	This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.	Financial Services	June 2020	<i>To be determined</i>
Fraud and Corruption	This Policy articulates the City's commitment to prevention, detection, response and monitoring of any fraudulent or corrupt activities within its operations.	Governance & Strategy	June 2019	<i>To be determined</i>
ICT Business Continuity	To ensure continuity of business in the event of failure or loss of primary ICT infrastructure.	Information Services	May 2018	<i>To be determined</i>
Investment	The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio.	Financial Services	June 2020	<i>To be determined</i>
Loan Borrowing	To provide guidance for the prudent borrowing of funds to ensure: transparent and accountable decision-making by the City; and the City's financial resources are appropriately managed.	Financial Services	June 2020	<i>To be determined</i>
Occupational Safety and Health	<p>The City of Bayswater Council and Executive Management is fully committed to continuously improving all aspects of safety within the organisation with the development and implementation of the Occupational Safety and Health Management System.</p> <p>The City of Bayswater aims to be a leader in Occupational Safety and Health (OSH) in all aspects of our business.</p> <p>The purpose of this policy is to express the commitment and intention to manage the safety and health responsibilities, consistent with the organisation's overall strategic vision and the requirements of relevant legislation.</p>	People, Culture & Safety	January 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Official Photograph of Council	To provide information and a photographic record of the Elected Members and Senior Management staff who have served at the Council	Governance & Strategy	May 2019	<i>To be determined</i>
Payments	Stipulates what kind of payments the City will accept.	Financial Services	June 2019	<i>To be determined</i>
Privacy	To ensure that any third party personal information held by the City of Bayswater (the City) is handled appropriately and that best practice privacy principles are maintained.	Governance & Strategy	November 2018	<i>To be determined</i>
Procurement	This policy demonstrates the City of Bayswater's commitment to the principles of transparency, probity and good governance in procurement practices and also provides guidance in ensuring full compliance with applicable legislation. The policy also provides for preference to be given wherever possible to sourcing of environmentally-sustainable products.	Governance & Strategy	April 2021	<i>To be determined</i>
Rates and Charges Collection	This policy outlines the City of Bayswater's position for efficient and effective collection of rates and charges and reimbursements.	Financial Services	March 2018	<i>To be determined</i>
Rates Exemption	To ensure a consistent and objective approach to rate exemptions under the Local Government Act 1995.	Financial Services	April 2018	<i>To be determined</i>
Requirements to Hold a Current Public Liability Insurance	To document and assess the requirement for hirers of Council reserves and venues for sporting or recreation use to hold a current public liability insurance policy and to outline the procedures involved.	Governance & Strategy	July 2019	<i>To be determined</i>
Retirement of Elected Members	To provide direction on gifts given to retiring Elected Members in recognition of their service to the community as an Elected Member.	Governance & Strategy	August 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Risk Management	The City of Bayswater Risk Management Policy is an outline of the City's commitment to managing risks that may impact the City's strategies, goals or objectives.	Governance & Strategy	May 2019	<i>To be determined</i>
Senior Management Group Civic Allowance	The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by the Chief Executive Officer (CEO) and Directors in carrying out their rules.	People, Culture & Safety	May 2019	<i>To be determined</i>
Strategic Budget	<p>To establish clear principles and guidelines for the City of Bayswater (the City) that will deliver:</p> <ul style="list-style-type: none"> – Elected Members strategic financial management directives; – Community engagement; – Robust and transparent long-term financial planning; – Intergenerational equity; – Good stewardship of the City's assets; – Sustainable, fully costed fees, charges for services and goods sold; – Asset sustainability (maintenance, renewal, replacement and new); – Prudent rates setting that reflects the community's needs and aspirations; – Sustainability in non-rates and non-fees & charges income. 	Financial Services	January 2020	<i>To be determined</i>
Sundry Debt Collection and Recovery	This policy states the Council's position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.	Financial Services	March 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Temporary Employment or Appointment of a CEO	To provide for the employment of a CEO for periods of less than one year, and to also provide for the appointment of one of the City's Directors as Acting CEO during any limited absences of the CEO.	Governance & Strategy	October 2019	<i>To be determined</i>
Use of City Information Resources	To ensure proper usage of all information and communications technology (ICT) resources, including any electronic data transfer using the City of Bayswater's (the City) ICT resources.	Information Services	May 2018	<i>To be determined</i>
Use of City of Bayswater Logo	To set out the protocols and conditions for use of the City of Bayswater logo.	Financial Services	November 2018	<i>To be determined</i>
Waivers, Concessions and Definitions for Fees and Charges	The City of Bayswater (the City) may waiver fees or grant concessions to support not-for-profit community groups and schools and to promote the City in a fair and equitable manner.	Financial Services	May 2018	<i>To be determined</i>

Major Projects and Commercial Activities

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Funding and the Provision of in kind Support for Minor works for Public and Private Schools within the City of Bayswater	To provide guidelines for the provision of funding and/or in kind support for minor works for public and private schools within the City of Bayswater which are publically accessible outside of school hours or where covered by a separate agreement.	Project Services	March 2019	<i>To be determined</i>
Land Acquisition and Disposal	To provide a framework to achieve the efficient and accountable retention, development, acquisition and disposal of City of Bayswater land and property for community benefit.	Major Projects & Commercial Activities	June 2020	<i>To be determined</i>
Requirement to Hold Working with Children Check	To document the requirement for hirers of Council facilities and organisations/individuals who participate in City functions, events or services involving child related activities to demonstrate that they have complied with the Working with Children (Criminal Record Checking) Act 2004.	Recreation & Commercial Activities	July 2019	<i>To be determined</i>
Sports Turf Maintenance	States the Council's position on consistent and equitable ways of providing specialist turf surfaces and more appropriately apportioning the costs of this to the recipient clubs.	Project Services	July 2019	<i>To be determined</i>

Works and Infrastructure

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Asset Management	The key objective of this Asset Management (AM) policy is to ensure that services delivered by the City continue to be sustainably delivered by ensuring that the assets are managed in a systematic approach that optimises their performance and expenditures over their life cycle for the purpose of achieving the City's Strategic Community Plan. It will also provide clear direction as to how the City, as custodians of community assets, will manage those assets within an Asset Management Framework.	Engineering and Spatial Services	May 2019	<i>To be determined</i>
Community Facilities Lease and Licence, User Agreement	To provide a structured and consistent approach to the management of Council's lease and licence/user agreements with not-for-profit organisations and sporting and recreational groups for the use of community facilities.	Building Works	April 2019	<i>To be determined</i>
Contribution to Common Fences	To clearly state the City of Bayswater's financial contribution towards the costs associated with the provisions of a new and or repairs to an existing fence that abuts a reserve or land owned or controlled by the City.	Parks and Gardens	May 2019	<i>To be determined</i>
Council Vehicles - Conditions of Use	The purpose of this policy is to ensure that the City maintains a suitable fleet of vehicles that contributes positively and effectively to the work performance of the City of Bayswater (the City).	Engineering and Spatial Services	March 2019	<i>To be determined</i>
Crossovers	To provide appropriate standard for the construction of crossovers in the City of Bayswater and to ensure the correct allocation of crossover subsidies as per schedule 9.1 (7) of the Local Government Act 1995.	Engineering and Spatial Services	July 2019	<i>To be determined</i>
Dinghy Management	This policy states Council's position on private dinghy storage on river foreshore reserves, under its care and control.	Sustainability, Environment & Waste	February 2017	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Directional Signs	To outline the City of Bayswater's position in regard to directional signage provided by the City of Bayswater at the applicant's cost for businesses and facilities within the City of Bayswater, with the view to provide direction whilst restricting the spread of signs and reducing the likelihood of traffic hazard along the City of Bayswater's verges or median strips.	Engineering and Spatial Services	May 2019	<i>To be determined</i>
Edible Pocket Gardens	To support residents using a portion of their local park as an 'edible pocket garden' to promote greening and sustainability initiatives throughout the City.	Parks and Gardens	May 2019	<i>To be determined</i>
Footpath Construction	To provide a consistent and transparent process for dealing with the construction of Footpaths and Cycleways within the road reserve under the care, control and management of the City of Bayswater.	Engineering and Spatial Services	May 2021	<i>To be determined</i>
Graffiti Vandalism	To provide a service to clean, remove or cover incidents of graffiti vandalism in Bayswater. To provide guidelines for a multi-pronged campaign against this very visible form of vandalism.	Engineering and Spatial Services	July 2019	<i>To be determined</i>
Private Trees	To provide guidance with regards to complaints regarding trees within neighbouring private property that may be or have a high likelihood of causing damage to adjoining private property and actions that can be taken by the City in accordance with Schedule 3.1 - Section 3.25, 3.26, and Schedule 3.2, Section 3.27 (7) of the Local Government Act 1995.	Parks and Gardens	February 2019	<i>To be determined</i>
Public Reserves - Management of Vegetation Adjacent to Private Property	To establish guidelines where Council may approve the pruning, removal and replacing of trees and other vegetation in public reserves.	Parks and Gardens	March 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Purchase and Placement of Memorial Seats	This policy states the Council's position on additional public seating throughout the City and the placement of memorials to deceased loved ones on this seating.	Parks and Gardens	July 2019	<i>To be determined</i>
Street Verges	To outline the requirements for providing, maintaining, protecting and removing trees on private land and the street verge during the development of land or residential subdivision in the City of Bayswater.	Parks and Gardens	March 2019	<i>To be determined</i>
Urban Trees	To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater.	Parks and Gardens	March 2019	<i>To be determined</i>

Revoked Policies

All policies not contained in this register at its adoption are considered revoked.

Policies revoked since adoption of this register:

- Nil.

10.6.2.9 Urban Trees Policy

Responsible Branch:	Parks and Gardens
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required
Attachments:	<ol style="list-style-type: none"> 1. Current Urban Trees Policy [8.9.1 - 4 pages] 2. Amendments to Current Urban Trees Policy [8.9.2 - 6 pages] 3. Proposed Updated Urban Trees Policy [8.9.3 - 4 pages] 4. Proposed Urban Trees Policy with Further Amendments Recommended by Policy Review and Development Committee [8.9.4 - 4 pages]

SUMMARY

For Council to note the proposed amendments to the Urban Trees Policy and the associated recommendations.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the proposed amendments to the Urban Trees Policy as outlined in Attachment 3 to this report;
2. Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the amended Urban Trees Policy; and
3. Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of amendments to all three policies.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. Amends the Urban Trees Policy as outlined in Attachment 3 to this report and as further amended in new Attachment 4;
2. Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the amended Urban Trees Policy;
3. Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of amendments to the remaining policies; and
4. Requests the Chief Executive Officer to prepare a report investigating residents' ability to undertake minor maintenance on trees on the verges abutting their property.

At 09:04 pm, Cr Catherine Ehrhardt, Deputy Mayor returned to the meeting.

MOTION

That Council:

1. **Notes the proposed amendments to the Urban Trees Policy as outlined in Attachment 3 to this report;**

2. Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the amended Urban Trees Policy; and
3. Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of amendments to all three policies.

Cr Sally Palmer Moved, Cr Giorgia Johnson Seconded

LOST: 4/6

For: Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)

That Council:

1. Amends the Urban Trees Policy as outlined in Attachment 3 to this report and as further amended in new Attachment 4;
2. Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the amended Urban Trees Policy;
3. Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of amendments to the remaining policies; and
4. Requests the Chief Executive Officer to prepare a report investigating residents' ability to undertake minor maintenance on trees on the verges abutting their property.

Cr Josh Eveson Moved, Cr Michelle Sutherland Seconded

CARRIED: 6/4

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.

Against: Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

BACKGROUND

The City has had the Urban Trees Policy in place since April 2019 (**Attachment 1**), and now further refinement of its intent and detail is required. This review also provides opportunity to update the revised policy template.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

As City officers have been working with the current policy, it has been noted that certain areas of the policy required more clarity around various issues that are encountered relating to tree management when dealing with the community.

Accordingly, the policy has been amended (**Attachment 2**) using clearer language and definitions, and any additional information or clauses speak for themselves (**Attachment 3**).

The Urban Trees Policy refers to the following two policies which also deal with street trees:

- Crossover Policy; and
- Trees on Private Land and Street Verges Policy

The above policies will be required to be reviewed to ensure harmonisation of intent and related statements with the Urban Tree Policy. Therefore, it is recommended that the Council note the proposed amendments to the Urban Tree Policy at this stage to allow the other two policies to be reviewed. It should be noted that Council may wish to consider further amendments to the Policy as part of this report and if deemed beneficial, Officers can arrange a Councillor workshop to review the Policy. A workshop would be useful to explore real cases and hypothetical situations as a means of assessing the effectiveness of the Policy.

Once Officers have completed the proposed amendments, it is proposed to bring the Urban Trees Policy together with the Crossover Policy and Trees on Private Land and Street Verges Policy back to the Policy Review and Development Committee for further consideration and adoption by Council.

LEGISLATIVE COMPLIANCE

Not applicable.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council: <ol style="list-style-type: none"> Notes the proposed amendments to the Urban Trees Policy as outlined in <u>Attachment 3</u> to this report; Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the Urban Trees Policy; and Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of all three policies. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option provides a considered approach to amending policy in relation to all areas of tree management. Ensuring the City provides for a modern approach to urban tree management, including the consideration of regulatory compliance obligations, overarching duty of care and maximising the outcomes for tree health and wellbeing of the community.	

Option 2	That Council amends the Urban Trees Policy as outlined in <u>Attachment 3</u> to this report and as further amended by Council.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate

Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	<p>Any additional amendments made by Council will need to consider their implications to the objectives of the City's Urban Forest Strategy, the protection of public trees, arboriculture best practice, and flow on effects to related City policies.</p> <p>By amending the Urban Trees Policy in isolation, could result in contradictory approaches to street trees through the various policies that also directly and indirectly deal with trees. This can result in issues with service delivery and increased reputational risk.</p>	

Option 3	That Council does not amend the existing Urban Trees Policy.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	<p>By not amending the existing policy the City will not keep abreast of changes to industry standards and community expectations.</p> <p>Officers are aware of some issues relating to the interpretation of the current policy. If amendments are not made then these issues are expected to continue.</p>	

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

This policy provides guidance on how trees will be maintained and cared for on City managed land to sustain the long-term benefits provided by individual trees and the wider tree population in support of the objectives of the City's Urban Forest Strategy.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Environment and Liveability

Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.

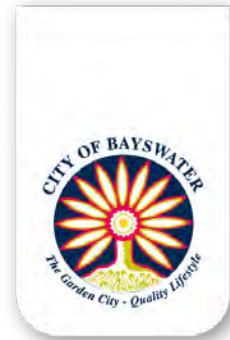
Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

CONCLUSION

Amending policy in relation to all areas of tree management ensures the City provides a considered and modern approach to urban tree management, including the consideration of regulatory compliance obligations, overarching duty of care and maximising the outcomes for tree health and wellbeing of the community.

URBAN TREES POLICY

Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	All
ECM Document No.	3372086



PURPOSE:

To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater.

POLICY STATEMENT:

1 Promotion

Council's policy is to promote the establishment of trees throughout the district to increase tree canopy and achieve the environmental benefits associated with the planting of trees.

2 New Trees

The Director of Works and Infrastructure is authorised to arrange for the planting of street trees of an approved variety where a need exists.

2.1 Approved Street Trees

The approved species of trees for street tree planting is updated on an annual basis by the City's Consulting Arborist and will be listed on the City's website.

2.2 Requests for Street Trees

Requests for street tree planting can be lodged at any time and will be planted as soon as practical. Adjacent property owners may request one or more trees dependent on the space available.

Where appropriate, street trees are to be located on an alignment of 2.7 metres from the property line or on such other alignment approved by the Director of Works and Infrastructure.

2.3 Watering

The City will water newly planted street trees, however, the adjoining landowners are encouraged to give additional water where possible, during the summer season.

3 Maintenance / Pruning

3.1 Trees Not Under Power Lines

Pruning can be undertaken to improve a trees health and longevity, yet excessive or unnecessary pruning can lead to the introduction of decay, pest and fungal infections. Where a request for pruning is made, each tree is assessed on a case-by-case basis, with appropriate pruning being undertaken where necessary to achieve the best outcomes for tree health and safety of the community.

Where a tree is maintained in accordance with good arboricultural practice, it lessens the likelihood of structural issues and the potential for branch failures. To ensure that the City's trees are maintained to an appropriate standard, all pruning will be undertaken in line with the Australian Standard for Amenity Pruning (AS 4373-2007) and the following criteria.

Tree pruning is only undertaken for the following reasons:

- To ensure clearance from power lines and street lighting as per the Code of Practice for 'Personnel Electrical Safety for Vegetation Control Work Near Live Power Lines';
- To ensure visibility of street signage;
- To allow appropriate sightlines for vehicles and pedestrians, to achieve this tree(s) are uplifted to a height of 2.5m above ground level;
- To provide 4.5m minimum vehicular clearance along roads;
- Where an unacceptable level of risk exists within the trees structure and pruning will enable its longevity;
- To define the form of a tree and/or to remove significant deadwood;
- To remove significant influence over a dwelling as determined by the City's Consulting Arborist; and
- To remove significant influence over solar panels as determined by the City's Consulting Arborist.

Pruning is not undertaken for the following reasons:

- Leaf, fruit or bark drop;
- Appearance (for shaping or because the tree is "ugly");
- Minor overhanging over fence lines;
- Views;
- To reduce its size;
- To discourage the presence of fauna; and
- For advertising signage.

There may be occasions where specialist pruning, falling outside of this criteria, is required to maintain the longevity of a tree. In these cases, the City's Consulting Arborist will assess the tree and direct pruning as required.

The City will not lop or top a tree or undertake other pruning to the detriment of its form or structural integrity.

3.2 Pruning of Trees Beneath Power Lines

The City will undertake pruning to ensure that trees below power lines are maintained at distances in line with the legislated requirements. Any tree beneath power lines will also be uplifted to 2.5m over the verge and 4.5m over the road to ensure safe usability of the verge for pedestrians and motorists. Where a tree overhangs a property line, it will be pruned to the boundary, unless a resident requests it be left to grow over.

4 Tree Removal

The City values all trees and appreciates that a resident may wish for a tree to be removed for a variety of reasons. However, it is recognised that trees are a community asset, and do not belong only to an adjacent resident. As such, tree removal is only undertaken for the following reasons:

- The tree is dead;
- Where an unacceptable level of risk exists within the trees structure and remedial techniques cannot rectify;
- The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it;

- The tree is causing significant damage to infrastructure and suitable documented evidence is provided by a qualified professional; and/or
- To facilitate the placement of a permanent vehicle access crossing where there is no other viable option (Subject to payment of Amenity valuation).

Where a tree is scheduled for removal, the City's Arboricultural Team shall document basic details regarding the tree along with the reasons for removal, prior to removal taking place. Except in cases where the risk of failure or collapse is imminent and urgent removal is required.

Tree removal is **not** undertaken for the following reasons:

- Leaf, fruit or bark drop;
- Its size;
- Dislike of the species;
- The presence of fauna or insects (insect pests are treated through various techniques);
- Where the tree is an "inconvenience" during construction projects; and
- Views.

5 Tree Removal for Development

Where a tree is proposed to be removed for any kind of development or building works, it will be subject to an assessment of its health and condition and amenity valuation using the Helliwell System. If it is deemed suitable to allow removal of the tree, the proponent of the works will be required to:

- Pay the amenity value of the tree to the City;
- Arrange for its removal by an arboricultural contractor; and
- Plant a replacement tree that is a minimum 45 litre bag size of a species nominated by the City's Consulting Arborist.

In cases of development or subdivision, an application for removal is to accompany subdivisional or building plans in line with the Trees on Private land and street verges policy and the above will apply.

The Manager Parks and Gardens and the City's Consulting Arborist are authorised to remove a tree in line with the above criteria and replace it with an appropriate species.

6 Tree Memorial

When a landowner (the applicant) requests that an approved street tree adjacent to their property be listed protected the Director of Works and Infrastructure may approve the application, subject to the following:

- The applicant agrees to affix a memorial (small sign paid by the applicant and supplied by the City) near the tree.
- The applicant agrees to maintain the tree during its period of protection.
- The applicant agrees to indemnify the City of Bayswater against all actions claims, damages, debts and expenses whatsoever in respect of damage to property and the death or injury to any person arising out of maintenance of the street tree or trees the subject of this application by the landowner / applicant and its employees or contractors.
- The applicant meets the cost of the sign and associated maintenance for the term of the tree protection.

- The City of Bayswater will maintain an up-to-date register of all street tree memorials.
- If the applicant fails to maintain the tree then the City may undertake works as required to ensure appropriate clearances for sightlines and power lines are maintained.
- The termination of the period of protection is on application or when the property ownership is transferred from the applicant.

7 Unauthorised Pruning and Vandalism of Trees

Where unauthorised pruning, vandalism, poisoning or removal of vegetation occurs within the City of Bayswater owned or managed land, the Director of Technical Services will take action as follows:

- Where the plant is less than 2m tall and/or less than four plants are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the plant is greater than 2m tall and/or more than three plants are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Write to affected residents in the vicinity advising of the poisoning of the tree(s) and the City's actions in response to the vandalism
- A sign can be removed prior to the 2 year period if a resident applies to the City to replace the vandalised vegetation (of a similar size and species) at a 2:1 ratio at their own cost.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Nil

DEFINITIONS:

Nil

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	9 April 2019
Reviewed / Modified	Date	
Reviewed / Modified	Date	



URBAN TREES POLICY

Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	All
ECM Document No.	3372086

PURPOSE:

To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater. This policy provides guidance on how trees will be maintained and cared for on City-managed land.

POLICY STATEMENT:

1 ~~Promotion~~General

Council's policy is to promote the establishment of trees throughout the district to increase tree canopy and achieve the environmental benefits associated with the planting of trees. All trees, irrespective of who planted them and which have at least 50% of their base located within City managed land, will be maintained and cared for by the City.

2 ~~New Trees~~Tree Planting

The Director of Works and Infrastructure is authorised to arrange for the planting of street trees of an approved variety where a need exists.

2.1—Approved Street Trees

The approved species of trees for street tree planting is updated on an annual basis by the City's Consulting Arborist and will be listed on the City's website.

2.2—Requests for Street Trees

Requests for street tree planting can be lodged at any time and will be planted as soon as practical. Adjacent property owners may request one or more trees dependent on the space available.

Where appropriate, street trees are to be located on an alignment of 2.7 metres from the property line or on such other alignment approved by the Director of Works and Infrastructure.

2.3—Watering

The City will water newly planted street trees, however, the adjoining landowners are encouraged to give additional water where possible, during the summer season.

The City will undertake the planting of trees on City-managed land under its annual tree planting program, which includes requests from residents. The City will determine the species and select the location of the tree in consideration of site conditions, infrastructure, utility services, sight lines and other constraints. Generally, one tree will be planted per property, while properties with larger or corner frontages may receive more. The City will undertake all activities required to establish new trees and provide ongoing maintenance.

3 Tree Maintenance / Pruning

3.1 Trees Not Under Power Lines

Pruning can be undertaken to improve a tree's health and longevity, yet excessive or unnecessary pruning can lead to the introduction of decay, pest and fungal infections. Where a request for pruning is made, each tree is assessed on a case-by-case basis, with appropriate pruning being undertaken where necessary to achieve the best outcomes for tree health and safety of the community.

Where a tree is maintained in accordance with good arboricultural practice, it lessens the likelihood of structural issues and the potential for branch failures. To ensure that the City's trees are maintained to an appropriate standard, Pruning may be undertaken to improve the form of a tree, reduce an assessed risk, or improve stability.

All pruning will be in accordance undertaken in line with the Australian Standard for Amenity Pruning (AS 4373-2007), and the following criteria.

Generally, Tree pruning services are provided to: is only undertaken for the following reasons:

- To ensure clearance from power lines and street lighting as per the Code of Practice for 'Personnel Electrical Safety for Vegetation Control Work Near Live Power Lines';
- To ensure visibility of street signage;
- To allow appropriate sightlines for vehicles and pedestrians, to achieve this tree(s) are uplifted to a height of 2.5m above ground level;
- To provide 4.5m minimum vehicular clearance along roads;
- Where an unacceptable level of risk exists within the tree's structure and pruning will enable its longevity;
- To define the form of a tree and/or to remove significant deadwood;
- To remove significant influence over a dwelling as determined by the City's Consulting Arborist; and
- To remove significant influence over solar panels as determined by the City's Consulting Arborist.
- maintain required clearances from power lines, utilities and other infrastructure.
- maintain appropriate clearances for sightlines, and accessibility for road and footpath users.
- reduce risk of harm.
- remove or reduce hazardous dead wood.
- correct structural defects in natural growth or form (remedial pruning).
- re-establish tree after damage (restoration pruning).
- optimise form and branch structure in a juvenile tree (formative pruning).
- clear significant overhanging influence from private buildings.

Pruning is not undertaken for the following reasons:

- Leaf, fruit or bark drop.;
- Appearance s or aesthetics. (for shaping or because the tree is "ugly").;
- Minor oOverhanging over fence lines.;
- To improve Vviews.;
- To reduce tree's size or height.;
- To discourage the presence of animals or insects, fauna; and
- Clearance For advertising signage.
- Overshadowing of buildings, property and/or solar panels.

~~There may be occasions where specialist pruning, falling outside of this criteria, is required to maintain the longevity of a tree. In these cases, the City's Consulting Arborist will assess the tree and direct pruning as required.~~

~~The City will not lop or top a tree or undertake other pruning to the detriment of its form or structural integrity.~~

~~The City may determine occasions where specialist pruning that falls outside these criteria is required to maintain the health of a tree.~~

~~The City's adopted 'Quantified Tree Risk Assessment' methodology will form the basis for individual pruning requests.~~

3.2—Pruning of Trees Beneath Power Lines

~~The City will undertake pruning to ensure that trees below power lines are maintained at distances in line with the legislated requirements. Any tree beneath power lines will also be uplifted to 2.5m over the verge and 4.5m over the road to ensure safe usability of the verge for pedestrians and motorists. Where a tree overhangs a property line, it will be pruned to the boundary, unless a resident requests it be left to grow over.~~

4 Tree Removal

~~The City values all trees and appreciates that a resident may wish for a tree to be removed for a variety of reasons. However, it is recognised that trees are a community asset, and do not belong only to an adjacent resident. As such, tree removal is only undertaken for the following reasons: Tree removal may be undertaken when:~~

- ~~• aThe tree is dead.~~
- ~~• Where an unacceptable level of risk exists within the tree's structure and remedial techniques cannot rectify.;~~
 - ~~○ tThe tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it.~~
 - ~~○ The tree is causing significant damage to infrastructure and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a qualified professional.;~~~~and/or~~
 - ~~• To facilitate the placement of a permanent vehicle access crossing where there is no other viable option (Subject to payment of Amenity valuation).~~
 - ~~○ there is an imminent safety risk to people, property and/or infrastructure.~~
 - ~~○ the removal is approved under a crossover approval granted by the City. Such removal may be subject to conditions of the crossover approval granted in accordance with the City's crossovers policy.~~
 - ~~○ the removal is approved under a subdivision approval granted by the Western Australian Planning Commission or development approval granted by the City. Such removal may be subject to conditions in accordance with those approvals.~~

Tree removal is not undertaken for the following reasons:

- Tree species, form, size, shape or location is not the personal preference of the resident.
- The tree is considered an inconvenience for proposed or current construction works.
- The tree is interfering with views.
- The tree is believed to be affecting personal health.
- Overshadowing of buildings, property and/or solar panels.

- The tree drops natural debris such as leaves, flowers, fruit and bark.

Where a tree is removed, the City will endeavour to plant a replacement tree of a suitable species as practicably close to the removed tree as part of its annual tree planting program.

Where a tree is removed for a subdivision, development and/or for works undertaken for a utility provider or other authority, then the City will seek compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

5—Tree Removal for Development

~~Where a tree is proposed to be removed for any kind of development or building works, it will be subject to an assessment of its health and condition and amenity valuation using the Helliwell System. If it is deemed suitable to allow removal of the tree, the proponent of the works will be required to:~~

- ~~• Pay the amenity value of the tree to the City;~~
- ~~• Arrange for its removal by an arboricultural contractor; and~~
- ~~• Plant a replacement tree that is a minimum 45 litre bag size of a species nominated by the City's Consulting Arborist.~~

~~In cases of development or subdivision, an application for removal is to accompany subdivisional or building plans in line with the Trees on Private land and street verges policy and the above will apply.~~

~~The Manager Parks and Gardens and the City's Consulting Arborist are authorised to remove a tree in line with the above criteria and replace it with an appropriate species.~~

6—Tree Memorial

~~When a landowner (the applicant) requests that an approved street tree adjacent to their property be listed protected the Director of Works and Infrastructure may approve the application, subject to the following:~~

- ~~• The applicant agrees to affix a memorial (small sign paid by the applicant and supplied by the City) near the tree.~~
- ~~• The applicant agrees to maintain the tree during its period of protection.~~
- ~~• The applicant agrees to indemnify the City of Bayswater against all actions claims, damages, debts and expenses whatsoever in respect of damage to property and the death or injury to any person arising out of maintenance of the street tree or trees the subject of this application by the landowner / applicant and its employees or contractors.~~
- ~~• The applicant meets the cost of the sign and associated maintenance for the term of the tree protection.~~
- ~~• The City of Bayswater will maintain an up to date register of all street tree memorials.~~
- ~~• If the applicant fails to maintain the tree then the City may undertake works as required to ensure appropriate clearances for sightlines and power lines are maintained.~~
- ~~• The termination of the period of protection is on application or when the property ownership is transferred from the applicant.~~

75 Unauthorised Pruning and Vandalism of Trees

Where unauthorised pruning, vandalism, poisoning or removal of vegetation occurs within the City of Bayswater owned or managed land, the Director of Technical Services Works and Infrastructure will take action as follows:

- Where the treeplant is less than 2m tall and/or fewerless than four plants are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the treeplant is greater than 2m tall and/or more than three plants are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Painting of dead trees in bright colour to highlight their demise.
- Referring the matter to the WA Police.
- Write to affected residents in the vicinity advising of the poisoning of the tree(s) advising of and the City's actions in response to the vandalism.

A sign can be removed prior to the two-year period if a resident applies to the City to replace the vandalised treesvegetation (of a similar size and species) at a 2:1 ratio at their own cost.

In addition to the above, if the damage or vandalism has occurred due to development activities, the City may seek from the person or company responsible compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

DEFINITIONS:

City-managed trees – Trees located in road reserves, reserves and on land vested in, or otherwise managed by the City, and includes Grass Trees (*Xanthorrhoea* species) and Zamia Palms (*Macrozamia* species).

Tree vandalism – Subjecting a tree to intentional harm, including unauthorised pruning, poisoning, removal, and physical or chemical damage.

Unauthorised pruning - Pruning activities conducted by any persons other than authorised City employees or authorised contractors
Nil

RELATED LEGISLATION:

Nil.

RELATED DOCUMENTATION:

Nil.

DEFINITIONS:

Nil.

RELATED LEGISLATION:

- Local Government (Miscellaneous Provisions) Act 1995
- Environmental Protections Act 1986
- Thoroughfares Local Law 2020
- Section 444 of Criminal Code WA
- Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.

Nil

RELATED DOCUMENTATION:

- Trees on Private Land and Street Verges Policy
- Private Trees Policy
- Crossovers Policy
- Street Verges Policy
- Edible Pocket Gardens Policy
- Australian Standard for Amenity Pruning (AS 4373-2007)
- City of Bayswater Tree Planting Guideline
- City of Bayswater Urban Trees Guideline

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	9 April 2019
Reviewed / Modified	Date	
Reviewed / Modified	Date	

City of
Bayswater



Urban Tree Policy 2021

Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	All Business Units
Document Ref	

PURPOSE

This policy provides guidance on how trees will be maintained and cared for on City-managed land.

POLICY STATEMENT

General

All trees irrespective of who planted them and which have at least 50% of their base located within City managed land will be maintained and cared for by the City.

Tree Planting

The City will undertake the planting of trees on City-managed land under its annual tree planting program which includes requests from residents. The City will determine the species and select the location of the tree in consideration of site conditions, infrastructure, utility services, sight lines and other constraints. Generally, one tree will be planted per property, while properties with larger or corner frontages may receive more. The City will undertake all activities required to establish new trees and provide ongoing maintenance.

Tree Pruning

Pruning may be undertaken to improve the form of a tree, reduce an assessed risk, or improve stability.

All pruning will be in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4371 – 2007).

Generally, pruning services are provided to:

- maintain required clearances from power lines, utilities and other infrastructure.
- maintain appropriate clearances for sight lines, and accessibility for road and footpath users.
- reduce risk of harm.
- remove or reduce hazardous dead wood.
- correct structural defects in natural growth or form (remedial pruning).
- re-establish tree after damage (restoration pruning).
- optimise form and branch structure in a juvenile tree (formative pruning).

Commented [LB1]: I think this policy is somewhat long and could be shortened. This will depend on the style of policy adopted by the City and is perhaps something I can discuss with ELT.

I believe it should be straight to the point and should not try to justify the reasons or provide background to the statements in the policy. Such justifications can be done via the Officer Report or separate information or guide notes etc.

Commented [BW2R2]: Thanks Luke. We included what we believed to be necessary to convey the overall intent of the City when it comes to tree management, and some of the issues we have encountered in the past may have been laid to rest more quickly had the detail been in the policy endorsed by elected members. However happy to be guided by ELT on this.

Commented [DA3]: Whilst I note Brett's comments below, it appears that much of the below details should be in a management practice or guidelines rather than a policy. The policy can then refer to the MP/guidelines.

Commented [capsadmin4]: This may be considered to be at odds with the Thoroughfares Local Law – Thoroughfares and Public Places and Trading Local Law 2020 it states:

Division 1 - General

2.1. General prohibitions:

A person shall not –

(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless:-

(i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government

May need to amend Local Law as it does not define difference between plant and tree.

Commented [LB5]: The statement in the policy is still valid as it relates to the maintenance of the tree (i.e. the City will maintain all trees on verges). The LL deals with owners damaging and removing trees. In other words, a property owner can damage or remove a tree that the City maintains if the City did not install or plant the tree. If we don't want owners to touch any trees regardless of who planted it, then the LL should be changed to say this.

Commented [BW6R6]: We believe it is best that residents do not 'touch' trees on City managed land, unless through agreement under tree memorial. There is always the question of liability should something go wrong and ultimately we are still the owner or manager of these areas so would probably be held accountable to some degree. Maybe we need to seek legal advice to determine if there needs to be any urgency to amend the local law to close this loophole? Also should probably seek advice on the proposal to have a liability disclaimer for the City should a resident opt for a tree memorial, not sure how it would stand up in court?

Commented [DP7]: does this imply that anyone can plant a tree on City land at any time?

- clear significant overhanging influence from private buildings.

Pruning is not undertaken for the following reasons |

Commented [DA8]: Do we need to include overshadowing of solar panels and the like?

- Leaf, fruit or bark drop.
- Appearance or aesthetics |
- Overhanging over fence lines.
- To improve views.
- To reduce tree size or height.
- Personal health concerns.
- To discourage the presence of animals or insects.
- Clearance for advertising signage.
- Overshadowing of buildings, property and/or solar panels.

Commented [DA9]: is considered unattractive?

The City may determine occasions where specialist pruning that falls outside these criteria is required to maintain the health of a tree.

The City's adopted 'Quantified Tree Risk Assessment' methodology will form the basis for individual pruning requests. |

Commented [DA10]: Do we need to include overshadowing of solar panels and the like?

Tree Removal

Tree removal may be undertaken when:

- a tree is dead.
- an unacceptable level of risk exists within the tree's structure that remedial techniques cannot rectify.
- the tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it.
- the tree is causing significant damage to infrastructure, and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a qualified professional.
- there is an imminent safety risk to people, property and/or infrastructure.
- the removal is approved under a crossover approval granted by the City. Such removal may be subject to conditions of the crossover approval granted in accordance with the City's crossovers policy.
- the removal is approved under a subdivision approval granted by the Western Australian Planning Commission or development approval granted by the City. Such removal may be subject to conditions in accordance with those approvals.

Commented [DA11]: Suggest we retain the existing clause: to facilitate the placement of a permanent vehicle access crossing

Tree removal is not undertaken for the following reasons:

- Tree species, form, size, shape or location is not the personal preference of the resident.
- The tree is considered an inconvenience for proposed or current construction works.

- The tree is interfering with views.
- The tree is believed to be affecting personal health.
- Overshadowing of buildings, property and/or solar panels.
- The tree drops natural debris such as leaves, flowers, fruit and bark.

Where a tree is removed, the City will endeavour to plant a replacement tree of a suitable species as practically close to the removed tree as part of its annual tree planting program.

Where a tree is removed for a subdivision, development and/or for works undertaken for a utility provider or other authority, then the City will seek compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

Tree Vandalism

Where vandalism of trees occurs, the City after an investigation, may authorise the following actions:

- Issuing of infringement notice with a penalty.
- Where the tree is less than 2m tall and/or fewer than four trees are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the tree is greater than 2m tall and/or more than three trees are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Painting of dead trees in bright colour to highlight their demise.
- Referring the matter to the WA Police.
- Write to affected residents in the vicinity of the tree(s) advising of the City's actions in response to the vandalism.

A sign can be removed prior to the two-year period if a resident or group of residents applies to the City to replace the vandalised trees (of a similar size and species) at a 2:1 ratio at their own cost.

In addition to the above, if the damage or vandalism has occurred due to development activities, the City may seek from the person or company responsible compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

Definitions

City-managed trees – Trees located in road reserves, reserves and on land vested in, or otherwise managed by the City, and includes Grass Trees (*Xanthorrhoea* species) and Zamia Palms (*Macrozamia* species).

Tree vandalism – Subjecting a tree to intentional harm, including unauthorised pruning, poisoning, removal, and physical or chemical damage.

Unauthorised pruning – Pruning activities conducted by any persons other than authorised City employees or authorised contractors.

Related Legislation

- Local Government (Miscellaneous Provisions) Act 1995
- Environmental Protection Act 1986
- Thoroughfares Local Law 2020

Commented [DA12]: Not sure why this is included in this policy which only deals with trees on property under control of the City.

Commented [LB13R13]: Probably should not mention development as it should be covered in the LPP. This can still exist for the exceptional circumstances scenarios such as for crossovers where no other options exist.

- *Section 444 of Criminal Code WA*
- Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.

Related Documentation

- *Trees on Private Land and Street Verges Policy*
- *Private Trees Policy*
- *Crossovers Policy*
- *Australian Standard for Amenity Pruning (AS 4373-2007)*
- *City of Bayswater Tree Planting Guideline*

Relevant Delegations	EF-D04 Notices requiring certain things to be done EF-D08 Reserves under the Control of Local Government
Risk Evaluation	
Council Adoption	XXX
Review/Modified	Insert Date
Review/Modified	Insert Date
Review/Modified	Insert Date

Urban Tree Policy 2021



Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	All Business Units
Document Ref	

PURPOSE

This policy provides guidance on how trees will be maintained and cared for on City-managed land.

POLICY STATEMENT

General

All trees irrespective of who planted them and which have at least 50% of their base located within City managed land will be maintained and cared for by the City.

Tree Planting

The City will undertake the planting of trees on City-managed land under its annual tree planting program which includes requests from residents. The City will determine the species and select the location of the tree in consideration of site conditions, infrastructure, utility services, sight lines and other constraints. Generally, one tree will be planted per property, while properties with larger or corner frontages may receive more. The City will undertake all activities required to establish new trees and provide ongoing maintenance, [with the prior approval of the property owner](#).

Tree Pruning

Pruning may be undertaken to improve the form of a tree, reduce an assessed risk, or improve stability.

All pruning will be in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4371 – 2007).

Generally, pruning services are provided to:

- maintain required clearances from power lines, utilities and other infrastructure.
- maintain appropriate clearances for sightlines, and accessibility for road and footpath users.
- reduce risk of harm.
- remove or reduce hazardous dead wood.
- correct structural defects in natural growth or form (remedial pruning).
- re-establish tree after damage (restoration pruning).
- optimise form and branch structure in a juvenile tree (formative pruning).

- clear significant overhanging influence from private buildings.

Pruning is not undertaken for the following reasons:

- ~~Leaf, fruit or bark drop.~~
- ~~Appearance or aesthetics.~~
- ~~Overhanging over fence lines.~~
- To improve views.
- To reduce tree size or height.
- Personal health concerns.
- To discourage the presence of animals or insects.
- Clearance for advertising signage.
- Overshadowing of buildings, property and/or solar panels, unless it can be proved it is impacting the performance of the solar panels.

The City may determine occasions where specialist pruning that falls outside these criteria is required to maintain the health of a tree.

~~The City's adopted 'Quantified Tree Risk Assessment' methodology will form the basis for individual pruning requests.~~

Tree Removal

Tree removal may be undertaken when:

- a tree is dead.
- an unacceptable level of risk exists within the tree's structure that remedial techniques cannot rectify.
- the tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it.
- the tree is causing significant damage to infrastructure, and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a qualified professional.
- there is an imminent safety risk to people, property and/or infrastructure.
- the removal is approved under a crossover approval granted by the City. Such removal may be subject to conditions of the crossover approval granted in accordance with the City's crossovers policy.
- the removal is approved under a subdivision approval granted by the Western Australian Planning Commission or development approval granted by the City. Such removal may be subject to conditions in accordance with those approvals.

Tree removal is not undertaken for the following reasons:

- Tree species, form, size, shape or location is not the personal preference of the resident.
- The tree is considered an inconvenience for proposed or current construction works.

- The tree is interfering with views.
- ~~The tree is believed to be affecting personal health.~~
- Overshadowing of buildings, property and/or solar panels.
- The tree drops natural debris such as leaves, flowers, fruit and bark.

Where a tree is removed, the City will endeavour to plant a replacement tree of a suitable species as practicably close to the removed tree as part of its annual tree planting program.

Where a tree is ~~removed~~ approved for removal for a subdivision, development and/or for works undertaken for a utility provider or other authority, then the City will seek compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, ~~and the cost of arranging provision of a replacement tree(s) and three years' maintenance if Council is required to remove it.~~

Tree Vandalism

Where vandalism of trees occurs, the City after an investigation, may authorise the following actions:

- Issuing of infringement notice with a penalty.
- Where the tree is less than 2m tall and/or fewer than four trees are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the tree is greater than 2m tall and/or more than three trees are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Painting of dead trees in bright colour to highlight their demise.

• ~~Referring the matter to the WA Police.~~

- Write to affected residents in the vicinity of the tree(s) advising of the City's actions in response to the vandalism.

A sign can be removed prior to the two-year period if a resident or group of residents applies to the City to replace the vandalised trees (of a similar size and species) at a 2:1 ratio at their own cost.

In addition to the above, if the damage or vandalism has occurred ~~due to~~ a direct result of development activities without prior approval, the City may seek from the person or company responsible compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree if required, and the cost of arranging provision of a replacement tree(s) and three years' maintenance if required.

Definitions

City-managed trees – Trees located in road reserves, reserves and on land vested in, or otherwise managed by the City, and includes Grass Trees (*Xanthorrhoea* species) and Zamia Palms (*Macrozamia* species).

Tree vandalism – Subjecting a tree to intentional harm, including unauthorised pruning, poisoning, removal, and physical or chemical damage.

Unauthorised pruning - Pruning activities conducted by any persons other than authorised City employees or authorised contractors.

Related Legislation

- *Local Government (Miscellaneous Provisions) Act 1995*
- *Environmental Protections Act 1986*

- *Thoroughfares Local Law 2020*
- *Section 444 of Criminal Code WA*
- Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.

Related Documentation

- *Trees on Private Land and Street Verges Policy*
- *Private Trees Policy*
- *Crossovers Policy*
- *Australian Standard for Amenity Pruning (AS 4373-2007)*
- *City of Bayswater Tree Planting Guideline*

Relevant Delegations	EF-D04 Notices requiring certain things to be done EF-D08 Reserves under the Control of Local Government
Risk Evaluation	
Council Adoption	XXX
Review/Modified	Insert Date
Review/Modified	Insert Date
Review/Modified	Insert Date

COUNCIL RESOLUTION - ADOPTION BY EXCEPTION

That the recommendations relating to items: 10.1.1, 10.2.1, 10.2.2, 10.3.5, 10.4.4, 10.6.2.1, 10.6.2.2, 10.6.2.3, 10.6.2.4, 10.6.2.5, 10.6.2.6, 10.6.2.8, 10.6.2.8 contained in the agenda be adopted by exception as per section 5.5 of the *City of Bayswater Standing Orders Local Law 2021*.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.

Against: Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Proposed 40Km/H Zone In The City Of Bayswater**

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2018*, CR DAN BULL raised the following motion:

COUNCIL RESOLUTION

That Council pursues the implementation of a trial 40 km/h area zone in the City of Bayswater within the area bounded by Beaufort Street, Salisbury Street, Catherine Street and Grand Promenade by:

1. Engaging with Main Roads WA to determine the suitability of the proposed trial area and any amendments required to the area;
2. Consulting with land owners and residents within the proposed trial area to determine their support of the proposed trial; and
3. Reporting back to Council on the outcomes of the consultation and further consideration of the proposed trial.

Cr Dan Bull Moved, Cr Elli Petersen-Pik Seconded

CARRIED: 7/3

For: Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.

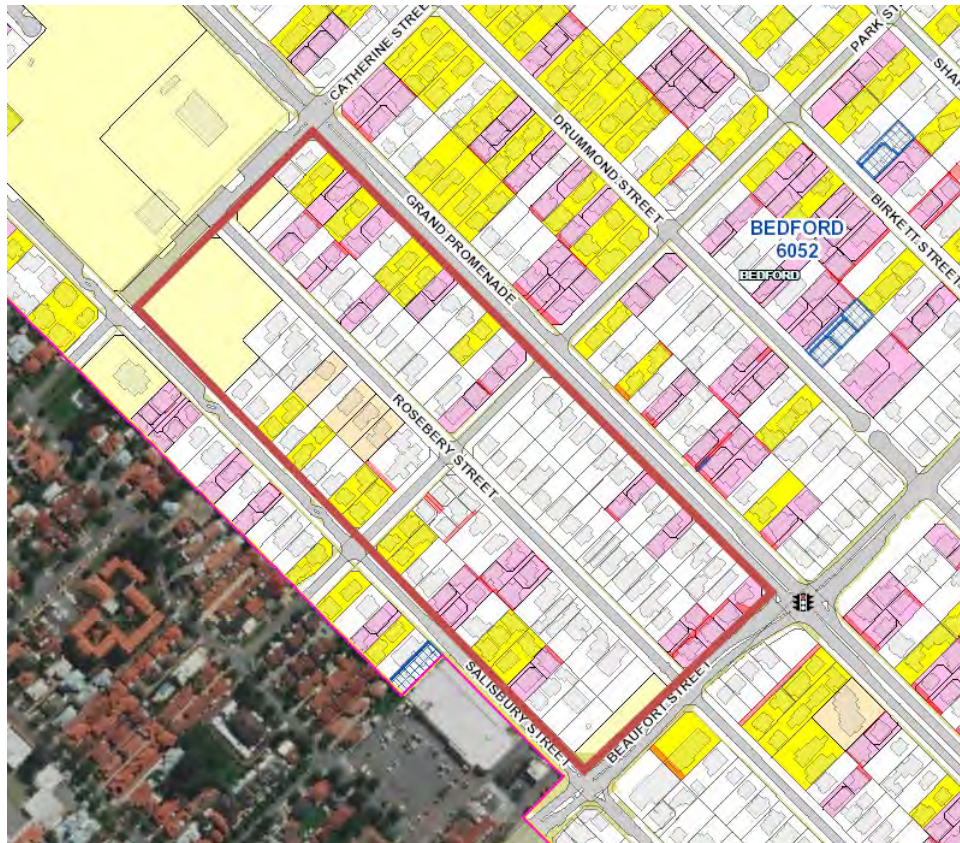
Against: Cr Filomena Piffaretti, Mayor, Cr Josh Eveson and Cr Michelle Sutherland.

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2018*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

OFFICER'S COMMENT

The Notice of Motion suggests the following area for the proposed trial which is bounded by Beaufort Street, Salisbury Street, Catherine Street and Grand Promenade:



There is significant amount of published research literature that suggests a reduction in speed below the default speed limit can have safety and health benefits. Reduced speeds can reduce the likelihood and severity of crashes and is conducive of a more pedestrian and cyclist friendly environment.

Roads that are not sign-posted with a speed limit within built-up areas revert to the default speed limit of 50km/h. It should be noted that the entire City of Bayswater is considered built-up.

The use of an area zone allows a blanket speed zone to be applied to an area that would have otherwise been either the default speed zone, have individual streets sign-posted if the speed limit differs from the default speed limit, or a combination of both. In the case of implementing a blanket 40km/h speed zone over an area, the use of an area zone would significantly reduce the number of signs that are required, which in turn reduces sign clutter, maintenance costs and the impact on verges and residences. In an area zone, all entry streets to the area are sign-posted with a speed limit sign with the addition of "Area" below the speed. The same signs are generally sign posted on the rear with "End" above and "Area" below the speed.

A 40km/h area zone has been successfully implemented in neighbouring local government areas in recent years, including an area in Mount Lawley under the City of Vincent, which extended into the City of Bayswater portion of Mount Lawley.

Any requests related to speed zoning must be made to Main Roads WA. The City will need to discuss the proposed area with Main Roads WA, in the first instance, to gain their support for the selected area. There is possibility that Main Roads WA may require changes to the proposed boundary.

Once an area is selected with Main Roads WA, the City will need to obtain relevant traffic data to support a change in speed zoning. Depending on the area ultimately selected for the area zone proposal, it is likely that the City will need to obtain new traffic data.

It should also be noted that, depending on the outcomes of the traffic survey, Main Roads WA may still require traffic calming measures to be applied in conjunction with the implementation of an area zone.

LEGISLATIVE COMPLIANCE

Only Main Roads WA has the authority to approve speed zones.

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Due to officers being committed to projects in the current budget and several recent vacancies at the City, it will be necessary to outsource the project. Funds for this project can be sourced from the budget for “City-wide traffic implementation”, which has sufficient remaining balance.

LFTP impacts: None.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$10,000 (management and materials)	-	-	-	-	-	\$76,048
2	\$15,000 (traffic data survey)	-	-	-	-	-	

Funds for this project can be sourced from the budget for “City-wide traffic implementation”, which has sufficient remaining balance.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme Community

Goal C1: Create safe and inviting places for people to come together.

Theme Environment and Liveability

Goal E3: Improve the City’s walking and cycling network and create safer streets.

CONCLUSION

The implementation of 40km/h area zones can have safety and health benefits, if implemented in appropriate areas. It is recommended that a suitable area be identified for a trial in consultation with Main Roads WA and the community, to be further considered by Council.

VOTING REQUIREMENT

Simple Majority Required.

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 Responses To Questions From Members Without Notice

Questions	Response/Action
Cr Elli Petersen-Pik	Chief Executive Officer
1. Several months ago, Council made a decision to ask the City to prepare a report about exploring the option of having an out of school care, on City land next to Maylands Peninsula Primary School. Council requested the City to prepare report to the November council meeting, which is today, and we didn't have any report. So my question is what happened, when are we going to get the report and why we don't have a report today?	The report was not progressed sufficiently to bring it back to the November Meeting of Council, however staff reprioritised other work and provided a report to the December Meeting of Council.
2. A follow-up question; is this normally how the City does plans when it comes to major stakeholders? We first consulted with everyone, then we go and speak to major stakeholders, and if required maybe change the plans, maybe completely. And are we going to go back to the community, if we are going to significantly change the plans?	<p>Director Major Projects and Commercial Activities</p> <p>The Gibbney Reserve Redevelopment project is entirely focussed on the play space and park infrastructure upgrades. The current building is not included in that project.</p> <p>As part of the City's community engagement planning process for any project, stakeholders are identified in terms of their interest in the project and the level of impact the project may have on them. For the Gibbney Reserve Redevelopment, the identified stakeholders were:</p> <ul style="list-style-type: none"> • Adjacent residents; • Councillors; • Park users; • Residents who have made previous comments, complaints or requests; • Community groups, sporting clubs who use the park and facility; and • Maylands Primary School. <p>City staff met with the primary school, in relation to the play space and the potential future development of the drainage basin adjacent to the school. During the process, all stakeholders have been consulted about their use of the play space and surrounding reserve, and were requested to provide feedback on the draft concept plan.</p> <p>Now that the engagement period has closed, all feedback will be considered and the plan will be revised if necessary before being released to the public.</p>
3. Going back to the out of school hours care issue, so Council hasn't made the decision yet about the location of the out of school hours care, but the Gibney Reserve Redevelopment Plan already has been	<p>Director Major Projects and Commercial Activities</p> <p>Please note that should land be required, it is envisaged that any future building would be located between the existing clubroom</p>

prepared and we are now in consultation. That might be the same location that the City might decide might be ideal for an out of hours after school care. So I'm trying to understand how that coincides with both of those issues, and why hasn't the City waited a bit longer for Council to make a decision?

building and the cricket/netball courts. Therefore, there is no infrastructure provision considered for this space, only minor landscaping noted in the concept plan for beautification.

12.2 Question From Members Without Notice

Questions	Response/Action
Cr Georgia Johnson	Director Community and Development
1. About a year ago a little over we discussed a café proposal at riverside gardens and that was meant to be explored further and just wondering if we could have an update on the progress of that please.	The question will be taken on notice and a response provided in more detail.
2. We're building an enclosed dog exercise area at Riverside Gardens may I have an update on the progress of that please.	Director Major Projects The question will be taken on notice and a response provided.
Cr Catherine Ehrhardt	Director Works and Infrastructure
3. Has there been an audit conduct on all the unutilised ablutions facilities that have attached kiosks or unutilised or unleased City sporting facilities on reserves, etc. Of those one that have the ability of potential development or leasing out. If I may just to give an example like the Bath street ablutions facility there on top of the hill overlooking the river- there is a kiosk there and a large change room area but it has been empty since the early 80s I think- so that kind of thing.	The question will be taken on notice and a response provided.
Cr Josh Eveson	Director Community and Development
4. I've got a few and happy to take them on notice. The first one is regarding some economic development- we spoke about it a bit tonight I refer to some questions and a motion from the AGM of electors held on the 10 th of December 2019. Around an appointment economic development officer, the motion was passed 38-14, does the City have any info regarding the local economy, job creation, growth, and views on stimulating investment in our district.	Mr Des Abel advised that the City has got an Economic Recovery Officer for a temporary period which has been extended to the end of this calendar year. Mr Abel will provide a more detailed response to outline the officer's achievements so far.
5. We've been talking about industrial areas and it came up in the agenda and it's spruiked some interest. I also wanted to follow up on the 2019 electors' motion for the Bayswater industrial area for the compliance officer. So, this was a motion to assist in tidying up the area which was a wide a wide range of non-compliances to local by-laws, the focused activity would help raise revenue to cover	Mr Des Abel advised that it was considered as part of the budget process but hasn't gone through as part of the budget as an allocation for a new position to deal with that matter specifically.

<p>staffing cost and drive a better compliance regime which would improve visual amenity and longer-term commercial interest in the precinct.</p> <p>Has there been any movement on this motion by resources appointment or focus by existing city staff.</p>	
<p>Just following on with the BIA All about industrial tonight. Availability of....</p> <p>Further related to the BIA- availability of strategically located industrial land is an ongoing challenge in WA.</p> <p>The reason we have an industrial land steering committee I've been thinking about how the city can provide incentives to unlock development options and increase economic activity and boost local employment options In our inner city industrial area with hundreds of millions of potential activity by resolving the quite well known sewerage constraint.</p> <p>Has the city considered assessing the difficulties around the septic infill restraint with an economic lens to help spark local job growth.</p>	<p>Mr Des Abel advised that the City has been proactive in this matter. The CEO has sent a letter to the chair of the committee to look at providing or supporting the provision of State Government sewerage under the umbrella of promoting innovation. The question was taken on notice to provide a more detailed response.</p>
<p>I've got one about innovation. I've been doing a lot of reading and I've seen some things done around Perth in regards to innovation precincts or clusters as they're known. with funding already delivered for Henderson, Fiona Stanley, Wanneroo and such places. My question is as a district We have a lot of very talented innovative residents and students. Is the City looking at options to collaborate with local business and other key stakeholders to secure a share of around a hundred million in state and federal government funding to develop our innovation precinct that would support local job growth, investment and join the innovation march that is happening across the state.</p>	<p>Mr Des Abel replied that the Economic Recovery Officer had been looking into that, again. The question has been taken on notice and a more detailed response will be provided.</p>
<p>Cr Michelle Sutherland</p>	<p>Director Major Project</p>
<p>I would just like to ask one about the Noranda Netball Courts. I don't know which Officer is in charge of that, I don't know if you know there was a bit of fence taken out of that, someone decided to play around with that.</p> <p>Subsequently I heard that someone spilt some chemicals on a little bit of the playing</p>	<p>Mr Doug Pearson advised that there was an issue of some material being spilt on the surface that's caused some damage so the officers were following that up with the manufacturer just to see what's the best way of tackling it is. The question has been taken on notice and a more detailed response will be provided.</p>

surface and its caused a bit of angst to the netball people community, because as we know it costs a lot of money to get them there and I just wanted to know if there's is a timeframe to getting it fixed and that sort of thing.
You can let me know later, but just to let the netball people know.

13 NEW BUSINESS OF AN URGENT NATURE

COUNCIL RESOLUTION

In order to progress with the recruitment process there is a need to adopt a number of preliminary processes and the reports have been drafted to enable Council to commence the process in the shortest possible timeframe.

Cr Elli Petersen-Pik Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

13.1.1 Chief Executive Officer Resignation

Responsible Branch:	Office of the Chief Executive Officer
Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Andrew Brien Letter of Resignation [13.1.1.1 - 2 pages]

MR ANDREW BRIEN, CHIEF EXECUTIVE OFFICER, DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Mr Andrew Brien declared an impartial interest in this item as it relates to his employment at the City. Mr Andrew Brien remained in the room during voting on this item.

SUMMARY

For Council to note the resignation of the CEO, Mr Andrew Brien.

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

That Council notes the resignation of Mr Andrew Brien as Chief Executive Officer dated 6 December 2021, with the last working day to be Friday 25 February 2022 and a termination date of 4 March 2022.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Dan Bull Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

BACKGROUND

Nil.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

The CEO, Mr Andrew Brien, provided formal notification to the Mayor of his resignation on 6 December 2021 (**Attachment 1**).

As per clause 11.4(1) of the CEO Employment Contract, the CEO is to provide 3 months' notice in writing to the Mayor of his resignation.

In accordance with the above, the CEO has advised that his last day at the City of Bayswater will be 4 March 2021, with his final working day being Friday, 25 February 2021 (due to taking one week leave).

LEGISLATIVE COMPLIANCE

The CEO has provided formal notice of his resignation as per the requirements of the CEO Employment Contract.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council notes the resignation of Mr Andrew Brien as Chief Executive Officer dated 6 December 2021, with the last working day to be Friday 25 February 2022 and a termination date of 4 March 2022.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The CEO has provided formal notification of his resignation from the City of Bayswater to the Mayor, as required under the employment contract. A low risk has been assessed against Council's noting of the CEO's resignation.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance
 Goal L4: Communicate in a clear and transparent way.
 Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The CEO has provided formal notification to the Mayor of his resignation from the City of Bayswater. The CEO's last day with the City will be 4 March 2022, with his last working day to be 25 February 2022.



6 December 2021

Mayor Filomena Piffaretti
City of Bayswater

Dear Mayor Piffaretti

As per our previous discussions in relation to my employment with the City and my advice to you last week, it is with extreme reluctance that I am formally tendering my resignation as Chief Executive Officer with the City of Bayswater. As I have previously advised, this decision is not one that I have made lightly and whilst I was very much looking forward to working with you and your team over the next two years, an opportunity to move back into regional local government is something that I am passionate about. These opportunities do not come around very often so when they do, there is a requirement to consider them fully.

As I have indicated my contract requires that I provide 3 months' notice in writing. "*Clause 11.4 Termination by Officer at will. 11.4 (1) The Officer may, for any reason, terminate the employment on a date specified by the Officer at any time by giving 3 months' notice in writing to the Mayor.*" Accordingly, I would like this to be effective from 4 March 2022 with my last day of work 25 February 2022 to enable me to take a week of leave before commencing my new role. I am committed to working out my notice period to ensure that you are provided with all the support that I can arrange prior to my final day with Council.

Whilst I have indicated that I will be working out my notice period, I will also be taking a few days of leave during this period to assist in the transition to my new position. This will only be in terms of a day at a time and will be limited to a few occasions over the 3 month period. I am simply making this known in the spirit of transparency, noting that Council is still required to pay out my annual and long service leave entitlements.

I believe that I have achieved all I set out to at the City of Bayswater and I know it will continue to go from strength to strength under your leadership as Mayor and with the support of all Councillors the City is poised for great things. I have enjoyed the working relationship with yourself, firstly as the Deputy Mayor and more recently as the Mayor and have really appreciated the support that you have provided to me. In our discussions over the last few weeks I have made it clear that this is a decision that was made prior to the local government elections and this was confirmed with the timeframes around the recruitment process for the City of Kalgoorlie-Boulder.

There are three key aspects that I am going to miss, firstly the Executive Leadership Team and their support and friendship, secondly the dedicated and professional staff that we have across the City, and finally, the opportunity to work with you as Mayor in taking the Council forward over the next few years. In the last month there has already been a positive change in focus and direction of the Council and I believe that this will continue to provide the momentum that is required to take the City to the next level, this shift in focus has made my decision to resign even more difficult.



I am aware of the challenges that my resignation will cause, especially given the time of year and as such I have taken the liberty of preparing the relevant reports to enable the Council to progress with the recruitment process in the shortest possible timeframes. There are a number of steps that need to be followed to ensure compliance with the legislation and all of these will be outlined in the reports to Council.

To assist with the transition process I am also making a number of changes to ensure that yourself and the Council is supported through my notice period and then up to the appointment of a new Chief Executive Officer. These changes will ensure that there is a continued focus on advocacy in the lead up to the Federal Election, increased administrative and governance support for yourself as Mayor along with the rest of the Councillors whilst ensuring that all administrative tasks related to my role are closed out appropriately. I have already commenced with these changes and will provide you with a separate briefing on this in the next few days.

I have also discussed this matter with the Directors who will put in place appropriate arrangements to ensure continuity of service during this time.

I appreciate the opportunity that the City has provided to me over the last four and half years and wish yourself as Mayor, the Councillors and all staff all the very best in the continued delivery of outcomes to the Bayswater residents, ratepayers and businesses.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Andrew Brien", written over a faint, light blue circular stamp or watermark.

Andrew Brien
CHIEF EXECUTIVE OFFICER

13.1.2 Establishment of CEO Recruitment Committee

Responsible Branch:	Office of the Chief Executive Officer
Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Executive/Strategic Legislative
Voting Requirement:	<i>ABSOLUTE MAJORITY REQUIRED</i>
Attachments:	<ol style="list-style-type: none"> 1. CEO Recruitment Standards and Guidelines [13.1.2.1 - 21 pages] 2. Model Standards for CEO Recruitment, Performance and Termination [13.1.2.2 - 7 pages] 3. Draft Chief Executive Officer Position Description [13.1.2.3 - 5 pages]

MR ANDREW BRIEN, CHIEF EXECUTIVE OFFICER, DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Mr Andrew Brien declared an impartial interest in this item as it relates to the replacement his position as Chief Executive Officer at the City. Mr Andrew Brien remained in the room during voting on this item.

SUMMARY

Following the resignation of the CEO, it is a requirement for Council to establish a CEO Selection Panel/Committee.

OFFICER'S RECOMMENDATION

That Council:

1. Establishes the CEO Recruitment Committee, comprising the following members:
 - (a) The Mayor;
 - (b) The Deputy Mayor;
 - (c) One Elected Member from each Ward, being:
 - i. _____ from Central Ward;
 - ii. _____ from North Ward;
 - iii. _____ from South Ward;
 - iv. _____ from West Ward; and
 - (d) One independent member, to be selected by the CEO Recruitment Committee.
2. Endorses the position description of the Chief Executive Officer as outlined in Attachment 3, noting it has been updated to reflect the current organisation structure.
3. Delegates authority to the CEO Recruitment Committee all powers necessary to enable the Committee to undertake all the administrative aspects of the recruitment process including:
 - a) The recruitment of an independent member to the Committee; and;
 - b) Appointment of a professional recruitment consultant.

COUNCIL RESOLUTION

That Council:

1. Establishes the CEO Recruitment Committee, comprising the following members:
 - (a) The Mayor;

- (b) The Deputy Mayor;
 - (c) The following elected members:
 - i. Cr Ostaszewskyj from Central Ward;
 - ii. Cr Eveson from North Ward;
 - iii. Cr Petersen-Pik from South Ward; and
 - (d) One independent member, to be selected by the CEO Recruitment Committee.
2. Endorses the position description of the Chief Executive Officer as outlined in Attachment 3, noting it has been updated to reflect the current organisation structure.
 3. Delegates authority to the CEO Recruitment Committee all powers necessary to enable the Committee to undertake all the administrative aspects of the recruitment process including:
 - a) The recruitment of an independent member to the Committee; and;
 - b) Appointment of a professional recruitment consultant.

ABSOLUTE MAJORITY REQUIRED

Cr Sally Palmer Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.

Against: Nil.

REASON FOR CHANGE

Council changed the officer's recommendation to remove the requirement for a west ward Councillor to be on the Committee as none of the West Ward members who were present at the meeting nominated to be a member.

BACKGROUND

Following changes to the legislation, the Department of Local Government, Sport and Cultural Industries released a guideline in relation to the legislative changes to assist Councils in undertaking CEO recruitment. A copy of the guideline is included at **Attachment 1**.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

Council is required to establish a CEO Selection Panel in accordance with s 5.39A(1) of the *Local Government Act 1995* (WA) (**'the Act'**), with legislative amendments flowing through the Local Government (Administration) Regulations 1996 (WA) (**'the Regulations'**). The following is required under the Act in relation to the Committee:

- ☐ The Panel is to comprise of Council members (the number of which must be determined by the local government) and at least 1 independent person (cl 8, Division 2 of the Regulations)
- ☐ Council must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government (cl 5(1), Division 2 of the Regulations)

These requirements mirror the Model Standards for CEO Recruitment, Performance and Termination which were adopted by Council on 23 March 2021 (**Attachment 2**).

It is recommended that Council establish the CEO Recruitment Committee with membership comprising the Mayor, Deputy Mayor and one Elected Member from each Ward. Noting the requirement to include an independent member on the Committee, it is recommended that the Panel be established as a formal Committee of Council to enable delegated authority to be granted for the recruitment and selection of the independent member. This will allow the process to be undertaken and an independent member selected prior the January Ordinary Council Meeting.

Clause 8, Division 2 of the Regulations as well as Council's adopted Model Standards for CEO Recruitment, Performance and Termination provides that the independent member cannot be:

- ☐ A Council Member;
- ☐ An employee of the local government; or
- ☐ A human resources consultant engaged by the local government.

Since the introduction of legislation, it is noted that independent members to recruitment panels have been previous CEOs, or senior employees with knowledge of the role of CEOs in local governments. Examples of potential independent members provided by the Department include:

- ☐ Former Elected Members or former staff members of the Local Government;
- ☐ Former or current Elected Members (such as the Mayor or Shire President) or staff members of another local government;
- ☐ A prominent or highly regard member of the community; or
- ☐ A person with experience in the recruitment of CEOs and senior executives.

Council is required to review the position description of the CEO, which must be undertaken before advertising can occur and endorsed by an absolute majority of Council. Given that Council recently undertook a review of the CEO's contract and performance in late 2020 (in which no amendments were requested to the position description), it is recommended that Council endorse the position description as amended in **Attachment 3** to reflect the current organisational structure. As the legislation requires Council endorse the position description of the CEO by an absolute majority, should Council request further time to review the position description this will result in delays to beginning the recruitment process or require Council to convene a Special Council Meeting during the December/January recess.

The appointment of an external recruitment consultant is the subject of a separate report. It is recommended that the CEO Recruitment Committee also be granted delegated authority to appoint the recruitment consultant following a request for quote process. As part of the recruitment process, Council is required to give Statewide public notice (in accordance with section 5.36(a) of the Act and regulation 18A of the Regulations), which includes:

- ☐ Details of the remuneration and benefits offered;
- ☐ Details of the place where applications are to be submitted;
- ☐ The date and time applications close;
- ☐ The duration of the proposed contract;
- ☐ A web address where the position description can be accessed;
- ☐ Contact details for a person who can provide further information; and
- ☐ Any other relevant information.

It is noted that the CEO Recruitment Committee will not appoint a new CEO. The CEO Recruitment Committee's role is to assess each applicant's knowledge, experience, qualifications and skills against the selection criteria, with the summary of the Committee's assessment of each applicant and the Committee's recommendation as to which applicant or applicant is suitable for the position of CEO is to be presented to Council. Once Council has employed a new CEO, Council must by

an absolute majority resolution certify that the person was employed in accordance with Council's adopted standards in relation to the recruitment of CEOs (Regulation 18FB of the Regulations).

Council may also wish to consider whether the CEO Recruitment Committee will require administrative support during the process.

LEGISLATIVE COMPLIANCE

The establishment of the CEO Recruitment Committee is in accordance with the requirements of s 5.39(A) (CEO recruitment) and s 5.8 (establishment of Committees) of the *Local Government Act 1995* (WA).

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: <ol style="list-style-type: none"> Establishes the CEO Recruitment Committee, comprising the following members: <ol style="list-style-type: none"> The Mayor; The Deputy Mayor; One Elected Member from each Ward, being: <ol style="list-style-type: none"> _____ from Central Ward; _____ from North Ward; _____ from South Ward; _____ from West Ward; and One independent member, to be selected by the CEO Recruitment Committee. Endorses the position description of the Chief Executive Officer as outlined in <u>Attachment 3</u>, noting it has been updated to reflect the current organisation structure. Delegates authority to the CEO Recruitment Committee all powers necessary to enable the Committee to undertake the administrative aspects of the recruitment process including: <ol style="list-style-type: none"> The recruitment of an independent member to the Committee; and; Appointment of a professional recruitment consultant. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The above option is consistent with the legislative requirements and is considered a low risk to Council.	

Option 2	That Council: <ol style="list-style-type: none"> Establishes the CEO Recruitment Committee, comprising the following members: <ol style="list-style-type: none"> _____; _____; _____;
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	<p>(d) _____;</p> <p>(e) _____;</p> <p>(f) _____; and</p> <p>(e) One independent member, to be selected by the CEO Recruitment Committee.</p> <p>2. Requests the CEO Recruitment Committee undertake a review of the Chief Executive Officer position description, with any recommended changes presented to Council at the first Ordinary Council Meeting in 2022.</p>	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Medium
Governance	Low	Medium
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Council may appoint alternate members to the CEO Recruitment Committee, however it is noted that legislation requires appointment of an independent member to the Committee. Council may wish to ensure that there is equal representation across the Wards in the composition of the Committee. In addition, this option does not grant delegated authority to the Committee in relation to the administrative aspects of the recruitment process which may cause delays. Should Council request the CEO Recruitment Committee to undertake a review of the CEO position description, this could cause delays to the commencement of the recruitment process.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Following the resignation of the CEO, Council is required to establish a CEO Recruitment Committee to recruit for a new CEO. The Committee is required to have an independent member, it is recommended that Council delegate authority to the Committee to recruit and selected for the independent member to prevent any delays to the CEO recruitment process.



Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

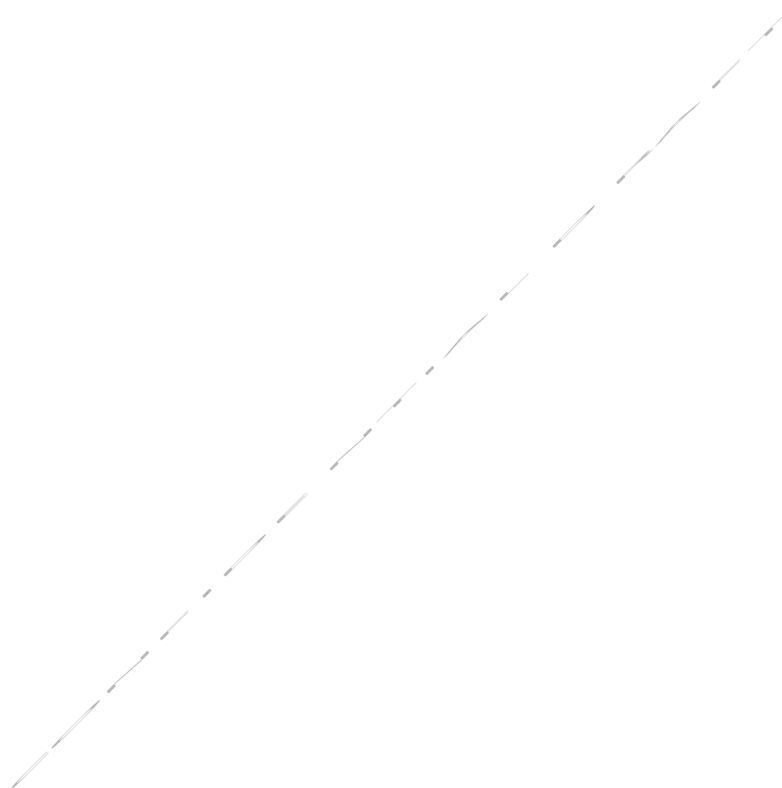
*Local Government (Administration) Amendment
Regulations 2021*

February 2021

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Preface

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act 1995* (Act) lists a number of general principles of employment that apply to local governments.

Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

Recruitment and Selection Standard cont.

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

Guidelines

Recruitment and selection process

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the *State Records Act 2000* (WA).

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered;
- details of the place where applications are to be submitted;
- the date and time applications close;
- the duration of the proposed contract;
- a web address where the JDF can be accessed;
- contact details for a person who can provide further information; and
- any other relevant information.

In order to attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

Selection panel and independent person

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment of CEOs and senior executives.

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities of panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- shortlisting;
- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;

- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the *Employment Agents Act 1976* (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview

questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- "Similar-to-me" effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- "Halo" effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

Due Diligence

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee,

such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
 - the value of one year's remuneration under the contract; or
 - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

Appointment

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

CEO induction

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

Part 2 – Performance Review

Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

Performance Criteria

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criteria. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the

achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

Assessing performance

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

Addressing performance issues

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,

performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Confidentiality

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

Part 3 – Termination

Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

Guidelines

Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

Termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

Disclaimer

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at www.fwc.gov.au, the Fair Work Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.



Model standards for CEO recruitment, performance and termination

Division 1 — Preliminary provisions

1. Citation

These are the *City of Bayswater Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the *[insert name of local government]*;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment

of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

- (1) In this clause —
independent person means a person other than any of the following —
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

- (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the **negotiated contract**) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the **incumbent CEO**) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
 - and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
- (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.



POSITION DESCRIPTION



POSITION DETAILS

Position Title:	Chief Executive Officer
Classification:	Negotiated contract
Division:	Executive Services
Department:	Executive Services
Employment Status	Full Time

ORGANISATION ENVIRONMENT

Description of Department -

The Executive Services Directorate includes the following functions:

- Councillor Support
- Marketing and Communications
- Community Engagement

POSITION OBJECTIVES

Objective of this Position

- To implement the strategic goals and objectives of the organisation.
- To ensure that Council receives professional and timely advice and support on all matters relating to the operation of the City of Bayswater as a local government and achievement of its goals.
- To provide overall leadership and direction for the administration of the City of Bayswater and to provide the primary link through communications and consultation between the Council and staff.

Within Section

- Meet corporate objectives.
- Ensure that delegations are exercised within statutory requirements, Council Policies and strategic objectives. Lead the organisation in providing a high level of service to the Community and Elected Members.

Within Organisation

- Develop a Corporate approach within the Executive Leadership Team towards Strategic Financial Management.
- Provides visionary leadership, strategic management and direction for the City of Bayswater.
- Development and implementation of the Integrated Planning Framework including informing strategies for strategic documents.
- Administer the legal, statutory and election process of the Local Government's operation and be the chief adviser to Council on these matters.
- Foster a Corporate approach to ensure effective financial controls operate within and across each functional area.
- Manage the preparation, review and enforcement of Council's statutes, policies and local laws including review of delegations of authority.
- Provide a focus for Corporate Culture and Leadership.

REPORTING RELATIONSHIPS

Responsible to

This position reports directly to:

- Council and the Mayor

Supervision Responsibilities

This position is currently responsible for supervising:

- Director of Major Projects and Commercial Activities
- Director Community and Development
- Director of Corporate and Strategy
- Director Works and Infrastructure
- Executive Assistant

Key Internal / External Relationships

This position interacts:

Internal -

- Councillors individually
- Council, All Committees
- Directors, Managers
- All Staff

External -

- Community groups and clubs
- Business and community groups
- Residents and ratepayers
- Federal & State Governments

- Other Local Governments, peak bodies and sector representatives
- Consultants and Legal advisors

RESPONSIBILITIES OF ALL EMPLOYEES OF THE CITY IN RELATION TO SUPPORTING THE CORPORATE VALUES

Our Bayswater Values

Accountability - Do it right. *We do what we say we will do the right way and on time. Working together we take responsibility and pride in delivering quality service in an efficient way.*

Excellence - Do it well. *We are a 'can do' organisation where we are responsive, efficient, professional, friendly and positive, continually striving for service excellence.*

Innovation - Do it better. *We challenge the status quo through embracing change and thinking outside the box to broaden our horizons.*

Respect - Do it together. *We respect and care, promoting a positive, safe and inclusive workplace where people contribute and feel part of team, valued, listened to and acknowledged.*

All employees of the City are required to demonstrate a willingness to be flexible and fit into a variety of roles to meet the requirements of the organisation.

COMPETENCY REQUIREMENTS

Leadership

- Proven leadership at the Chief Executive Officer/Director or Senior Manager level, with the demonstrated intellectual capacity to develop an understanding of all legislation impacting on Local Government.
- Significant knowledge and understanding of Integrated Planning and Reporting framework.
- Delegation skills to ensure the achievement of outcomes, accountability of senior management staff and the development of employees' abilities.
- Understanding of the application of contemporary human resource management principles, including understanding of the relevant industrial relation frameworks.
- Demonstrated proven negotiations skills.

Policy Implementation

- Good knowledge of public policy issues as they impact on Local Government.

Governance and Compliance

- The ability to administer the Local Government Act (1995) and associated Legislation involved in the field of Local Government.
- Proven delivery of professional and timely advice to support making the most informed decisions.
- Knowledge of statutory, legal and contractual obligations.

Financial results

- Extensive experience in the area of financial management.

Community Relations

- Demonstrated experience in contemporary community engagement.
- Appreciation of the culture and heritage of the City and how it integrates with planning and policy.
- A proven history of building and maintaining positive strategic relationships.

General Management

- Excellent interpersonal and communication skills focussing on maintaining good relationships with elected members, staff and stakeholders.
- Degree in relevant Management, Business and/or Public Sector Administration discipline or experience that is accepted as comparable is desirable.
- Managing issues relating to change management and organisational reform.

KEY DUTIES/ RESPONSIBILITIES

- Responsible for effective day to day operations of the City of Bayswater.
- In consultation with Council, initiate, implement, evaluate and achieve strategic and service delivery plans for the City of Bayswater.
- Co-ordinate, in conjunction with the Executive Leadership Team, an overall system of fiscal management to reflect Council's aims and objectives.
- Implement and manage the requirements of the Integrated Planning Framework.
- Promote a clear, equitable and strategic approach to people management, including proactive workforce planning, strong employee wellbeing and development programmes and outcomes. Lead and develop the Executive Leadership Team in such a manner that an environment of success and professional camaraderie is evident to all. Ensure that the Executive Leadership Team has the skills necessary to implement best practice human resource management.
- Institute a staff training program that will improve staff skills across the board, which will assist staff in focusing on service delivery to the Community.
- Administer the legal, statutory and election process of the City of Bayswater's operations and be the chief adviser to Council on these matters to ensure the City is operating within the statutes and all legal requirements of the election process are maintained.
- On behalf of the City of Bayswater, make effective representation of the issues, views, policies and needs of the City, as necessary.
- Ensure the development and maintenance of sound communications and good relationships between the City, Government Departments, Business and the Community at large.
- Ensure reports and recommendations submitted to Council are well written and

<p>based on sound judgment with appropriate recommendations.</p> <ul style="list-style-type: none"> • Ensure that the Council's statutory compliance obligations are met. • Manage the relationships between Council and the Administration to ensure the highest levels of governance and accountability throughout the organisation and compliance with the Code of Conduct and the Local Government (Official Conduct) Amendment Act 2007. • Develop and maintain the status of the City of Bayswater as an effective, innovative and responsible leader in Local Government. • As designated Executive Officer of the Local Recovery Coordinating Group (LRCG) provide executive support by ensuring secretariat support as required.
<p><i>This position description is only descriptive of the type of duties to be undertaken during the period of employment, and the employee accepts that the organisation may require the employee to carry out any duties, which are within the employee's skill and competence.</i></p>
<p>PERFORMANCE CRITERIA</p>
<p>Key Result Areas and associated strategies and actions will be varied by agreement between the employee and employer annually, during the term of the contract.</p>
<p>EXTENT OF AUTHORITY</p>
<p>All authority vested in a Chief Executive Officer under the Local Government Act and associated Regulations and Local-Laws and all other relevant Acts State and Federal Parliament.</p> <p>Delegated Authority as determined by Council to manage Councils services, functions and expenditure.</p>
<p>APPROVAL</p>
<p>I confirm that the details above are an accurate statement of the position's responsibilities and requirements.</p> <p>Approved</p> <p>Signature _____ Date _____</p> <p>Name _____</p> <p>Mayor City of Bayswater _____</p>

13.1.3 Appointment of External Consultant

Responsible Branch:	Office of the Chief Executive Officer
Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	Nil

MR ANDREW BRIEN, CHIEF EXECUTIVE OFFICER, DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Mr Andrew Brien declared an impartial interest in this item as it relates to the replacement his position as Chief Executive Officer at the City. Mr Andrew Brien remained in the room during voting on this item.

SUMMARY

Following the resignation of the CEO, it is recommended that Council consider the appointment of an external recruitment consultant to coordinate the recruitment process.

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

That Council:

1. Requests the CEO undertake a request for quote process for the appointment of an external recruitment consultant in relation to the recruitment of a new CEO; and
2. Notes that the CEO Recruitment Committee has been granted delegated authority to assess and appoint an external recruitment consultant following the request for quote process.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Michelle Sutherland Seconded

CARRIED: 9/1

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Giorgia Johnson.*

Against: *Cr Dan Bull.*

BACKGROUND

As part of the CEO recruitment process, it is recommended that Council appoint an external recruitment consultant to lead the recruitment process. It is noted that, through a separate report, it is recommended that Council establish a CEO Recruitment Committee which will have delegated authority to appoint the external recruitment consultant.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The external recruitment consultant will liaise with the Mayor and the CEO Recruitment Committee throughout the recruitment process and with their input, undertake advertising, preliminary shortlisting and coordinate the interview process of preferred candidates.

It is proposed to seek quotes from recruitment consultants with executive recruitment experience, including but not limited to:

- Lester Blades
- Davidson
- Hays
- Beilby Teal Downing
- Mills Recruitment
- Hunter Executive Search
- Chandler McLeod
- Derwin
- Hudson
- Leading Roles

LEGISLATIVE COMPLIANCE

In accordance with s 5.16(1) of the Act, Council may delegated any of its power and duties to a committee, noting that an absolute majority decision of Council is required and that this is the subject of a separate report.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council: <ol style="list-style-type: none"> Requests the CEO undertake a request for quote process for the appointment of an external consultant in relation to the recruitment of a new CEO; and Notes that the CEO Recruitment Committee has been granted delegated authority to assess and appoint an external recruitment consultant following the request for quote process. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This is considered low risk as it will ensure that the recruitment process can begin without delay.	

FINANCIAL IMPLICATIONS

Funding for the recruitment process will be identified in the mid-year budget review process.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended that Council begin the request for quote process for the appointment of an external recruitment consultant to assist Council in the CEO recruitment process. To ensure no time delays, it is noted that it is recommended in a separate report that delegated authority be granted to the CEO Recruitment Committee to appoint the consultant.

14 MEETING CLOSED TO THE PUBLIC**14.1 Matters For Which The Meeting May Be Closed****14.1.1 Audit and Risk Management Committee - 16 November 2021****14.1.1.1 Internal Audit - People, Culture And Safety (Payroll Master File)**

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority

REASON FOR CONFIDENTIALITY

Item 12.1, Internal Audit – People, Culture and Safety (Payroll Master File) is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

- (f) *a matter that if disclosed, could be reasonably expected to —*
- (ii) *endanger the security of the local government's property;*

COUNCIL RESOLUTION

That the meeting be closed to the public.

Cr Josh Eveson Moved, Cr Sally Palmer Seconded

CARRIED: 7/3

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Cr Steven Ostaszewskyj, Cr Catherine Ehrhardt, Deputy Mayor and Cr Elli Petersen-Pik.*

At 10:10 pm, the meeting closed to the public and the recording was suspended

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That the recommendation as contained in the “Confidential Report” be adopted.

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 10/0

For: *Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.*

Against: *Nil.*

14.1.1.2 Internal Audit - Procurement

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority

REASON FOR CONFIDENTIALITY

*Item 12.2, Internal Audit, Procurement is a **CONFIDENTIAL REPORT** in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:*

- (f) a matter that if disclosed, could be reasonably expected to —*
- (ii) endanger the security of the local government's property;*

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That the recommendation as contained in the "Confidential Report" be adopted.

Cr Georgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.

Against: Nil.

14.1.2 Aged Care Asset Divestment Committee - 23 November 2021**14.1.2.1 Evaluation Of Tender Submissions - Update For November 2021**

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority

MR ANDREW BRIEN, CHIEF EXECUTIVE OFFICER DECLARED A FINANCIAL INTEREST
In accordance with section 5.60A of the Local Government Act 1995, Mr Andrew Brien, Chief Executive Officer declared a financial interest in this item as his son in law works for one of the tenderers. At 10:12pm, Mr Brien withdrew from the meeting.

REASON FOR CONFIDENTIALITY

Item 11.1 Evaluation of Tender Submissions, Update for November 2021 is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

- (e) *a matter that if disclosed, would reveal —*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

COUNCIL RESOLUTION**(OFFICER/COMMITTEE RECOMMENDATION)**

That the recommendation as contained in the “Confidential Report” be adopted.

Cr Michelle Sutherland Moved, Cr Dan Bull Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.

Against: Nil.

At 10:18pm, Mr Andrew Brien, Chief Executive Officer, returned to the meeting.

COUNCIL RESOLUTION

That the meeting be reopened to the public.

Cr Georgia Johnson Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY: 10/0

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Georgia Johnson.

Against: Nil.

At 10:19pm, the meeting reopened to the public and the recording resumed. However, no members of the public returned to the meeting.

14.2 Public Reading Of Resolutions That May Be Made Public

15 CLOSURE

There being no further business to discuss, the Chairperson, Cr Filomena Piffaretti, Mayor, declared the meeting closed at 10:19 pm.