

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 19 May 2020, commencing at 5.30pm.

In accordance with regulation 12(2) and 14D of the *Local Government (Administration) Regulations 1996*, public notice is hereby given that due to the public health emergency arising from the COVID-19 Pandemic, the Mayor has considered it appropriate for the Briefing Session to be held by electronic means.

Members of the public may still participate in public question time by providing their written questions to the Town by 12 noon on the day of the meeting for inclusion at the meeting. Questions may be sent to the Town at:

yoursay@bassendean.wa.gov.au

The Mayor will preside at the Briefing Session. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Audio Recording

The audio recording will commence at the times that the meetings are due to commence and finish when the Presiding Member closes or adjourns the meeting for any reason.



Mayor
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2.0 ATTENDANCES AND APOLOGIES

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 PUBLIC QUESTION TIME

Members of the public may still participate in public question time by providing their written questions to the Town by 12 noon on the day of the meeting for inclusion at the meeting. Questions may be sent to the Town at:

<https://www.yoursay.bassendean.wa.gov.au/>

Don Yates – 10 Thompson Road, Bassendean

Q1. Why have previous Council planning documents provided for different geographical extents of the Bassendean Town Centre?

A1. It is acknowledged that previous planning documents have provided for different geographical extents of the Bassendean Town Centre. This likely occurred on the basis of evolving views of the Centre, as well as at least some of the documents having a different planning purpose.

Q2. Will the Town of Bassendean establish a single definition for the Bassendean Town Centre so there is no confusion?

A2. A new Local Planning Scheme will formalise the spatial extent of commercial zoned land in the town centre, as well as higher density residential zoned land in close proximity to that commercial zoned land. In any event and as suggested above, different planning documents have different planning purposes and may therefore apply to different spatial areas.

6.0 DEPUTATIONS

7.0 REPORTS

Under each report, Officers will provide a brief outline of the report. Councillors will be given the opportunity to ask any questions that they may have.

7.1 Draft amended Local Planning Policy No.14 – Onsite Stormwater Retention (Ref: LUAP POLCY/18 – Cameron Hartley, Planning Officer)

APPLICATION

The purpose of this report is for Council to consider amending Local Planning Policy No. 14 – Onsite Stormwater Retention (LPP 14).

ATTACHMENTS

Attachment No. 1:

- Existing Local Planning Policy No. 14 - LPP14 – Onsite Stormwater Retention
- Draft amended Local Planning Policy No. 14 - LPP14 – Stormwater

BACKGROUND

Built form development invariably involves an increase in the impervious area on a site, which requires stormwater to be managed in a way that does not adversely affect the subject site, any adjoining landowner or the public realm. Whilst most of the land within the Town can accommodate stormwater on-site through standard infiltration devices such as soakwells, there are some areas within the Town where, due to the soil conditions, connection to the Town's stormwater infrastructure is required.

The current LPP 14 (contained as Attachment 1 to this report) is used to determine the circumstances in which the Town will permit connection and the design standards of infrastructure. It applies to all applications for subdivision or development that proposes to connect to the Town's drainage system.

PROPOSAL

It is proposed to amend the existing Local Planning Policy as provided in Attachment 2 to this report. Details of the draft amended policy are discussed in the following sections.

COMMUNICATION & ENGAGEMENT

The Planning and Development (Local Planning Schemes) Regulations 2015 allows the local government to make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

STRATEGIC IMPLICATIONS

Strategic Priority 2: Built Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices	The number of new dwelling approvals granted by the Town against the <i>Perth Peel @ 3.5 Million</i> planning framework target for Bassendean (4,200 new dwellings by 2050) The level of community engagement and participation into Local Area Planning (Input into plans and policy development.)
	3.1.2 Implement sustainable design and development principles	
	3.1.3 Plan for local neighbourhoods and their centres	
	3.1.4 Ensure infrastructure is appropriate for service delivery	

COMMENT

The following is a summary of modifications made to the draft policy:

- Updated terminology and formatting;
- Renaming the policy as it relates to off-site as well as on-site stormwater;
- Expanding the scope of the policy to effectively apply to all development, not just development that involves connection to the Town's drainage network;
- Updated provisions in line with current legislation and best practice;
- Clearer guidance on information requirements and geotechnical reports;
- Distinguishing between the requirements for on-site and off-site stormwater retention;

- Removal of the '*Modified Copas Equation*', as it is more appropriately captured in a separate information sheet; and
- Removal of reference to administrative Infrastructure Services processes, which are outside the scope of an application for development approval.

As the above amendments are minor and do not significantly alter current assessment practices, public consultation is not considered necessary.

STATUTORY REQUIREMENTS

The *Planning and Development (Local Planning Schemes) Regulations 2015* generally require a local government to advertise any amendment to a local planning policy, however, advertising is not required if, in the opinion of the local government, the amendment is a minor amendment.

The Town considers the amendments to be minor in nature and therefore advertising is not required. The Town is still required to publish notice in a newspaper, circulating in the Scheme area, advising of the adopted policy.

FINANCIAL CONSIDERATIONS

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

OFFICER RECOMMENDATION — ITEM 7.1

That Council, pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Local Planning Policy 14 – Stormwater, as contained in Attachment 2 of this report.

Voting requirements: Simple Majority

7.2 Designation of Reserves – Dog Exercise Areas (Ref: PARE/MAINT/80 - Donna Shaw, Manager Development & Place)

APPLICATION

For Council to consider endorsing a public consultation proposal relating to the designation of reserves as being either 'on leash' or 'off leash' dog areas.

ATTACHMENTS

Attachment No. 2:

- Existing Reserve Designations;
- Proposed Reserve Designations; and
- Preliminary Consultation Report.

BACKGROUND

The signage within the Town's reserves relating to dogs is required to be replaced due to general wear and tear. Prior to replacing the signs, it was considered appropriate to review the designations of the reserves as either 'on leash' or 'off leash' to ensure the use of the reserves appropriately meets the needs of the community.

Generally, the Town's reserves and public open spaces are designated as 'on-leash' for dogs, however the Town does have 12 'off-leash' areas, as follows, where dogs can be walked off leash, provided they are kept under effective control at all times.

- Anzac Terrace Reserve;
- Ashfield Reserve;
- Freeland Square;
- Gary Blanch Reserve;
- Mary Crescent Reserve;
- May Holman Reserve;
- Padbury Way Reserve;
- Palmerston Square Reserve;
- Parmelia Way Reserve;
- Pickering Park;
- Carman Way Reserve; and
- Troy Street Reserve.

It should be noted that in relation to the control of dogs, the Town does not manage Ashfield Flats as this is reserved as Parks and Recreation under the Metropolitan Region Scheme, and is under the control and management of the State Government. The following areas are also prohibited for dogs:

- Playgrounds;
- Any oval which has sports actively being played on it; and
- Any land or reserve which has signage stating no dogs.

The Town has undertaken preliminary consultation and subsequently prepared a draft plan designating proposed 'on leash' and 'off leash' dog areas, the details of which form the basis of this report.

PROPOSAL

The proposal involves seeking community input the draft designation of reserves as being either 'on leash' or 'off leash' dog areas.

COMMUNICATION & ENGAGEMENT

The Town has undertaken the following preliminary consultation to assist in preparing the proposed reserve designations:

- At a dog registration day on 26th October 2019, owners were invited to provide suggestions for off-leash dog exercise areas and comment on the use of existing reserves. The boards used for this exercise were also erected in the Town's Customer Service Centre for the week following, and customers were invited to provide feedback.
- Comments were also sought via *yoursay Bassendean* between October 2019 and January 2020.

The preliminary consultation report is attached and the results are further discussed below.

STRATEGIC IMPLICATIONS

Strategic Priority 1: Social

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
	1.1.2 Activate neighbourhood spaces to facilitate community gathering	
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages	Community / Stakeholder Satisfaction Survey (Activity and connectivity)
1.3 Plan for a healthy and safe community	1.3.1 Facilitate safer neighbourhood environments	Community / Stakeholder Satisfaction Survey (Safety, Health and Well-being)

Strategic Priority 2: Natural Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
2.3 Ensure the Town's open space is attractive and inviting	2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection	Community / Stakeholder Satisfaction Survey (Open Space and use of Open Space)

COMMENT

Response to Preliminary Consultation

At the dog registration day and via the use of the boards in the Customer Service Centre, attendees were requested to identify which reserves they currently walk their dogs and where the designations on reserves should change. It should be noted that some attendees provided responses for multiple reserves.

The following table outlines the responses received and highlights where a majority of respondents requested a change in the designation:

Current On-leash reserves			
Reserve	Responses		
	Maintain On-leash	Change to Off-leash	Total
Abell Reserve	1	0	1
Ashfield Reserve (Haig Street side)	1	3	4
Bassendean Oval	1	2	3
BIC Reserve	2	1	3
Bindaring Park	4	2	6
Bradshaw Reserve	0	0	0
Bridson/Elder Reserve	2	1	3
Broadway Arboretum	1	0	1
Carman Way Reserve	0	0	0
Christie Park	1	0	1
Colin Smith Reserve	0	0	0
Culworth/Mickleton Reserve	0	0	0
Freiberg Reserve	1	0	1
Hamilton Street Reserve	2	1	3

Hatton Court Reserve (Pinzone Park)	2	1	3
Iveson Place Reserve	0	0	0
Jubilee Reserve	1	0	1
Kelly Park	0	0	0
Link Park	0	0	0
Lord Schofield Reserve	0	0	0
Park Estate Reserve	0	0	0
Sandy Beach Reserve	5	10	15
Success Hill Reserve	0	0	0
Third Avenue Reserve	0	0	0
Current Off-leash reserves			
Reserve	Responses		
	Change to On-leash	Maintain Off-leash	Total
Anzac Terrace Reserve	0	0	0
Ashfield Reserve	0	3	3
Freeland Square	0	0	0
Gary Blanch Reserve	0	1	1
Mary Crescent Reserve	0	0	0
May Holman Reserve	0	0	0
Padbury Way Reserve	0	0	0
Palmerston Square Reserve	0	3	3
Parmelia Way Reserve	0	0	0
Pickering Park	0	10	10
Troy Street Reserve	0	1	1

As identified above, the majority of submissions advocated for the retention of the existing designations, with the exception of Ashfield Reserve (Haig Street side), Bassendean Oval and Sandy Beach. Each is assessed below:

Reserve	Comment
Ashfield Reserve (Haig Street Side)	It is not considered appropriate to change the Haig Street side of Ashfield Reserve from 'on-leash' to 'off-leash' as it is an active playing field for a range of sporting clubs. It should be noted that the Guildford Road side of the reserve is an "off-leash" area, and the two portions are divided by a row of trees.
Bassendean Oval	The Town recommends the designation of Bassendean Oval remain on-leash as the reserve is used by the Swan Districts Football Club. As an active reserve, it is not appropriate for off-leash dogs.

Sandy Beach	Whilst Sandy Beach can be considered as an 'off-leash' area, due to the proximity to environmentally sensitive areas and playgrounds, the Town recommends it remain an 'on-leash' reserve.
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Proposed Designations

The Town has also reviewed each reserve to determine if further areas are suitable for designation as 'off-leash' reserves, based on the following factors:

- Areas of environmental significance;
- Active reserves used by sporting clubs, community groups or schools; and
- Proximity to major roads without physical barriers.

Based on this criteria, the following reserves are not considered suitable as 'off-leash areas':

Reserve	Comment
Jubilee Reserve	It is not considered appropriate to change Jubilee Reserve from 'on-leash' to 'off-leash' as the reserve is an active playing field for a range of sporting clubs.
Culworth Reserve	Is located next to the Anzac Terrace Primary School oval, which is used for active recreation. There is no barrier between the oval and the reserve.
Point Reserve	Is an environmentally sensitive area with wildlife.
BIC Reserve	Has a war memorial on the reserve and is used by St Michael's School oval for active recreation.
Success Hill	It would be considered potentially appropriate, subject to the provisions of fencing to stop access to the environmentally sensitive bushland, however, the site is also very important to the Whadjuk Noongar people, and is a closed registered Aboriginal site. It is therefore not considered appropriate to have an "off-leash" designation.
Lord Street Reserve	Proximity to Lord Street without a physical barrier is not considered appropriate for "off-leash" designation.
The Arboretum	Environmentally sensitive area.
Bindaring Park	Environmentally sensitive area.
Lovelock Public Open Space	Environmentally sensitive area.
Carnegie Road Public Open Space	Environmentally sensitive area.
Harcourt Public Open Space	Environmentally sensitive area.

The following reserves which are currently 'on-leash' areas can be considered as 'off-leash areas', and have been proposed as such:

- Bradshaw Reserve;
- Third Avenue Public Open Space;
- Colin Smith Reserve;
- Park Estate and Link Park;
- Christie Park;
- Frieberg Reserve;
- Hatton Court Reserve (Pinzone Park);
- Abell Reserve;
- Hamilton Street Reserve;
- Bridson/Elder Reserve; and
- Kelly Park.

It should be noted that despite a number of submissions requesting more areas for dogs to be exercised, a number of comments were made requesting dogs be on a lead in public places at all times. It is considered necessary to undertake targeted consultation on each of the proposed reserve designations, in addition to the ability to provide general comments.

Future Consultation

Consultation on the proposed reserve designations is proposed to be undertaken by requesting the community advise if they agree or disagree with the proposed designations, by the following means:

- Via yoursay Bassendean;
- The Town's social media page; and
- Landowners and occupants directly adjacent or abutting reserves where existing designations are proposed to change.

Following consultation, the Town will review submissions received and provide a further report to Council, following which signs will be installed in accordance with the adopted reserve designations.

STATUTORY REQUIREMENTS

Section 31(3A) of the *Dog Act 1976* provides the following:

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

The *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* provides the following in respect to signs:

“2.16 Signs:

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.*
- (2) A person shall comply with a sign erected under subclause (1).*
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.”*

FINANCIAL CONSIDERATIONS

The cost of public consultation can be met through Council's approved operational budget.

OFFICER RECOMMENDATION — ITEM 7.2

That Council endorses the proposed reserve designations for 'on leash' and 'off leash' dog areas, for the purposes of public consultation.

Voting requirements: Simple Majority

7.3 Revocation of Local Planning Policy No. 9 – Incorporation of Existing Dwellings into Grouped Housing Developments (Ref LUAP/POLCY/14 - Donna Shaw, Manager Development and Place)

APPLICATION

The purpose of this report is for Council to consider revoking Local Planning Policy No. 9 – Incorporation of Existing Dwellings into Grouped Housing Developments.

ATTACHMENTS

Attachment No. 3:

Local Planning Policy No. 9 – Incorporation of Existing Dwellings into Grouped Housing Developments

BACKGROUND

Local Planning Policy No. 9 – Incorporation of Existing Dwellings into Grouped Housing Developments was adopted by Council in December 2008. Since the adoption of the policy, State Planning Policy 7.3 – Residential Design Codes (SPP 7.3) has been amended to include the majority of provisions contained in the policy.

PROPOSAL

To revoke Local Planning Policy No. 9 – Incorporation of Existing Dwellings into Grouped Housing Developments.

COMMUNICATION & ENGAGEMENT

Should Council revoke the Policy, the *Planning and Development (Local Planning Schemes) Regulations 2015* require a notice of revocation to be prepared by the local government and published in a newspaper circulating the Scheme area.

STRATEGIC IMPLICATIONS

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.2 Enhance connectivity between places and people	3.2.1 Connect the Town through a safe and inviting walking and cycling network. 3.2.2 Advocate for improved and innovative transport access and solutions.	Community / Stakeholder Satisfaction Survey (roads, footpaths and cycle paths)

	3.2.3 Enhance the liveability of local neighbourhoods.	Community/ Stakeholder Satisfaction Survey (access to public transport both access to Town and within.)
	3.2.4 Enhance road safety through design	

COMMENT

The following is a comparison between the provisions contained in LPP 9 and the relevant requirements of SPP 7.3:

Dwelling Configuration

LPP 9 Provision	SPP 7.3 Provision
The existing dwelling is positioned in such a manner as to allow for additional development in accordance with the R-Codes.	5.1.1 – Site Area and 5.3.5 – Vehicular Access provide for the minimum site area and minimum access widths to accommodate development, including where an existing dwelling is to be retained on site.
<p>Comment:</p> <p>The Town can only support a development or subdivision application where it complies with the minimum and average lot sizes and minimum access leg requirements of SPP 7.3. Further, applicants are required to modify the existing dwelling or proposed lot boundaries to provide for sufficient lot boundary setbacks as required by SPP 7.3.</p>	

Outdoor Living Area

LPP 9 Provision	SPP 7.3 Provision
Sufficient space exists on the land for the provision of an outdoor living area in accordance with the R-Codes for the existing dwelling, to be located either at the rear or the side of the dwelling. In any event, the courtyard shall be easily accessible from the main habitable rooms of the dwelling.	5.3.1 (C1.1): An outdoor living area to be provided: <ul style="list-style-type: none"> - In accordance with Table 1; - Behind the street setback area; - Directly accessible from a habitable room of the dwelling; - With a minimum length and a minimum dimension of 4m; and - To have at least two-thirds of the required area without permanent roof cover.
<p>Comment:</p> <p>SPP 7.3 allows outdoor living areas to be located in front of the dwelling, which is considered appropriate, particularly where a subdivision involves the retention of a an existing dwelling on the front lot that has a front setback in excess of what SPP 7.3 allows. Other provisions within SPP 7.3 require visually permeable fencing to ensure an appropriate level of visual amenity and passive surveillance.</p>	

Car parking

LPP 9 Provision	SPP 7.3 Provision											
<p>The existing dwelling being provided with two vehicle parking spaces (at least one undercover) which shall be designed in such materials to compliment the dwelling.</p>	<p>5.3.3 (C3.1): The following minimum number of on-site car parking spaces is to be provided for each single house, grouped dwelling and special purpose dwelling comprising the following number of bedrooms:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th rowspan="2">Type</th> <th colspan="2">Car parking spaces</th> </tr> <tr> <th>Location A</th> <th>Location B</th> </tr> </thead> <tbody> <tr> <td>1 bedroom</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>2 + bedroom</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> </tr> </tbody> </table> <p>A = within</p> <ul style="list-style-type: none"> - 800m of a train station on a high frequency rail route; or - 250m of a high frequency bus routed. <p>B = not within the distances outlined in A above.</p>	Type	Car parking spaces		Location A	Location B	1 bedroom	1	1	2 + bedroom	1	2
Type	Car parking spaces											
	Location A	Location B										
1 bedroom	1	1										
2 + bedroom	1	2										
<p>Comment:</p> <p>A reduction in car parking bays is considered appropriate where a development is located in close proximity to a high frequency public transport route, consistent with the requirements of SPP 7.3. In addition, the requirement for one bay to be undercover serves no planning purpose. Where carports and garages are located in the street setback area, Local Planning Policy 12 – Developments Within the Street Setback Area (LPP 12) requires the material, design and finishes of any proposed structure to match in all respects those of the dwelling on the lot.</p>												

Storage

LPP 9 Provision	SPP 7.3 Provision
<p>The existing dwelling being provided with a 4m² store with a minimum dimension of 1.5m, constructed in a design and material matching the dwelling where visible from the street.</p>	<p>5.4.4 (C5): An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m when provided external to a garage and 1m where provided within a garage and an internal area of at least 4m².</p>
<p>Comment:</p> <p>Whilst SPP 7.3 prescribed a small minimum lateral dimension where the store is internal to a garage, the difference is minor and sufficient storage space will still be available.</p>	

Dwelling Condition

LPP 9 Provision	SPP 7.3 Provision
<p>The existing dwelling is, in the opinion of Council's Building Surveyor, of suitable structural standard for incorporation into a grouped housing development and for ultimate strata title subdivision. As part of its assessment as to the structural soundness of the dwelling, Council may, where it considers that a dwelling may not be of sufficient structural standard, require the applicant to submit certification from all or one of the following:</p> <ul style="list-style-type: none"> - a registered builder; - a licensed plumber; - a licensed electrician; <p>as to the standard of the dwelling.</p>	<p>N/A</p>
<p>Comment:</p> <p>The structural standard of an existing dwelling is not a relevant planning consideration when considering the appropriateness of a subdivision or development application. Matters pertaining to the condition of a building are more appropriately addressed by through the Building Code of Australia and National Construction Code.</p>	
<p>As a condition of planning approval, Council may require upgrading of the existing dwelling, and such upgrading shall be carried out as part of the development and shall be completed prior to the refund of development bonds.</p>	<p>5.2.6 (C6): Where an existing dwelling is proposed to be retained as part of a grouped dwelling development, the appearance of the retained dwelling is upgraded externally to an equivalent maintenance standard of the new (or the rest of) the development.</p>
<p>Comment:</p> <p>Applicants are unable to obtain subdivision clearance or a building permit unless the requirements of SPP 7.3 have been fulfilled. As such, no development bond is required.</p>	

CONCLUSION

As demonstrated above, the provisions contained within LPP 9 are either incorporated into the latest version of SPP 7.3, included in LPP 12, or serve no planning purpose. For these reasons, it is recommended that LPP 9 be revoked.

STATUTORY REQUIREMENTS

Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outline the procedure for revoking local planning policies as follows:

“A local planning policy may be revoked -

(a) by a subsequent local planning policy that –

(i) is prepared in accordance with this Part; and

(ii) expressly revokes the local planning policy; or

(b) by a notice of revocation –

(i) prepared by the local government; and

(ii) published in a newspaper circulating in the Scheme area.”

FINANCIAL CONSIDERATIONS

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

OFFICER RECOMMENDATION — ITEM 7.3

That Council, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes Local Planning Policy No. 9 – Incorporation of Existing Dwellings into Grouped Housing Developments and notes that a notice of revocation will be published accordingly.

Voting requirements: Simple Majority

7.4 Proposed Council Policy – Street Trees and Revocation of Various Council Policies Relating to Street Trees (Ref: COUP/POLCY/1 – Donna Shaw, Manager Development and Place)

APPLICATION

The purpose of this report is for Council to consider adopting a draft Council Policy - Street Trees and revoking the following Council policies:

- Council Policy 1.8 - Significant Tree Policy;
- Council Policy 1.10 - Street Tree Protection;
- Council Policy 1.11 - Street Tree Pruning, Removal and Replacement Policy;
- Council Policy 1.12 - Amenity Tree Evaluation; and
- Council Policy 1.14 - Dangerous Trees on Private Property.

ATTACHMENTS

Attachment No. 4:

Draft Council Policy – Street Trees

BACKGROUND

Council currently has seven policies relating to trees, many of which contain similar or overlapping objectives and provisions. On 31 March 2020, Council resolved to advertise a draft amended Local Planning Policy 13 – Tree Retention and Provision, and adopt Council Policy 1.9 – Verge Treatment Policy.

The remaining five Council policies have been reviewed, with a number of provisions being administrative in nature and not appropriate for inclusion in a Council policy, covered by separate legislation and/or not considered best practice.

PROPOSAL

It is proposed to consolidate the appropriate provisions into one singular Council policy to replace the five existing policies, so as to ensure ease of use and clarity. A copy of the draft policy is attached. Details of the review of existing Council policies and the draft policy are discussed in the following sections.

COMMUNICATION & ENGAGEMENT

Nil.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.3 Strengthen governance, risk management and compliance	Community / Stakeholder Satisfaction Survey (Governance) Risk Management Profile
	5.1.5 Ensure optimal management of assets	
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service	Community / Stakeholder Satisfaction Survey (Community engagement and participation)
	5.2.2 Engage and communicate with the community	
	5.2.3 Advocate and develop strong partnerships to benefit community	
5.3 Strive for Improvement and Innovation	5.3.1 Adopt and measure against best practices ensuring a focus on continuous improvement	Local Government Service Review Benchmarks

COMMENT

Council Policy 1.8 - Significant Tree Policy

Whilst the intent of CP 1.8 is to provide an additional level of protection for trees in public places (including road reserves) that have been identified as having special significant to the community, the existence of the policy does not provide any further protection than what is currently provided for under existing legislation.

The *Land Administration Act 1997* provides that the local government has the care, control and management of the road, including all assets within the road reserve. Therefore, the prior approval of the Town is required for the pruning or removal of any tree within the road reserve.

Whilst Tree Preservation Orders under Local Planning Scheme No. 10 can be used for trees in the public realm, it is not necessary given the Town will not damage or remove trees under its own care and control.

It is recommended that Policy 1.8 be revoked.

Council Policy 1.10 - Street Tree Protection

The intent of Council Policy 1.10 is to ensure street trees are protected during the development of the adjacent lot, ensuring the long term health of street trees. The requirements of the policy have been included in draft amended Local Planning Policy 13 – Tree Retention and Provision (LPP 13), which prohibits the removal of street trees unless a suitably qualified arborist is provided demonstrating the tree is dead, diseased, dangerous or a weed.

It is recommended that CP 1.10 be revoked, and matters pertaining to street tree protection be included in the draft policy.

Council Policy 1.11 – Street Tree Pruning, Removal and Replacement Policy

The purpose of Council Policy 1.11 is to set criteria by which the Town undertakes requests for pruning or removal of street trees and outlines the implementation of the street tree renewal program.

The implementation of the Town's Street Tree Planting program is an administrative matter, and therefore matters pertaining to the scheduled replacement of street trees, documentation of trees, planting schedule and the alignment of plantings are not required to be included in a Council Policy. It is however, considered appropriate to have criteria for maintenance and removal requests for street trees to provide clear guidance to the community.

It is recommended that Council Policy 1.10 be revoked, and matters relating to maintenance and removal requests for street trees be included in the draft policy.

Council Policy 1.12 – Amenity Tree Evaluation Policy

The purpose of Council Policy 1.12 is to provide the method to determine the amenity value of trees or groups of trees within the Town.

For those trees unable to be repaired or replaced, CP 1.12 uses the *Revised Burnley Method* (Moore, 1991), which is considered to be the best practice methodology as it is self-indexing for inflation, operates in urban settings and is sensitive to changes in the value of trees due to changes in consumer preference.

It is recommended that Council Policy 1.12 be revoked and the provisions relating to the cost of repairing or replacing a street tree be included in the draft policy, to enable landowners to 'make good' damaged or removed street trees.

Council Policy 1.14 – Dangerous Trees on Private Property

The purpose of Council Policy 1.13 is to provide direction when considering allegations from property owners that a tree on an adjoining property is dangerous. The Policy provides the ability for the Town to determine if the tree is dangerous and request its removal.

The Town already has the ability to serve a notice under Section 3.25 of the *Local Government Act 1995* to require a landowner to remove or prune a dangerous tree and as such, it is recommended that Council Policy 1.14 is revoked.

Proposed Council Policy – Street Trees

The draft policy consolidates the provisions from the five existing policies that are required to be retained to provide standards and certainty to the community and stakeholders on matters relating to street trees. Consolidating the policies will ensure there is one singular location for provisions relating to street trees to avoid confusion and streamline the provisions for ease of use. It is therefore recommended that Council adopts the draft policy.

STATUTORY REQUIREMENTS

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 7.4

That Council:

1. Adopts the draft Council Policy – Street Trees as attached to this report; and
2. Revokes the following Council policies:
 - a) Policy 1.8 - Significant Tree Policy;
 - b) Policy 1.10 - Street Tree Protection;
 - c) Policy 1.11 - Street Tree Pruning, Removal and Replacement Policy;
 - d) Policy 1.12 - Amenity Tree Evaluation; and
 - e) Policy 1.14 - Dangerous Trees on Private Property.

Voting requirements: Absolute Majority

7.5 Draft Local Planning Policy No. 13 – Tree Retention and Provision – Final Adoption (Ref: LUAP/POLCY/5 - Donna Shaw – Manager Development and Place)

APPLICATION

The purpose of this report is for Council to consider adopting draft Local Planning Policy No. 13 – Tree Retention and Provision.

ATTACHMENTS

Attachment No. 5:

- Local Planning Policy No. 13 – Trees on Development Sites;
- Draft Local Planning Policy No. 13 – Tree Retention and Provision;
- Schedule of Submissions; and
- Consultation Report.

BACKGROUND

At its meeting on 31 March 2020, Council considered draft Local Planning Policy No. 13 – Tree Retention and Provision and resolved to advertise the draft policy.

PROPOSAL

A copy of the draft policy is attached. Details of consultation and submissions received are discussed in the following sections.

COMMUNICATION & ENGAGEMENT

The draft amended policy was presented to the Design Bassendean Advisory Group on 4 March 2020, which provided broad support for the policy.

Following Council's resolution on the matter, the draft Policy was advertised for public comment for a period of 22 days, being from 9 April 2020 to 1 May 2020, by way of the following:

- Advertisement in a local paper (Eastern Reporter Newspaper);
- Displayed on Your Say Bassendean; and
- Promoted on the Town's Facebook page.

At the close of the public consultation period, 16 submissions were received; 10 supporting the intent of the draft policy and three providing comment and three objecting.

A schedule of submissions and consultation report are attached, with the relevant matters raised discussed in the following sections of the report.

STRATEGIC IMPLICATIONS

Strategic Priority 2: Natural Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
2.1 To display leadership in environmental sustainability	2.1.1 Strengthen environmental sustainability practices and climate change mitigation	Carbon emissions ("Planet Footprint")
2.2 Protect our River, Bushland Reserves, and Biodiversity	2.2.1 Protect and restore our biodiversity and ecosystems	Community / Stakeholder satisfaction Survey (River, Bushland and Reserves)

Strategic Priority 3: Built Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)

COMMENT

Impact on Development Potential

The draft policy has no impact on development yield per se, however, it is acknowledged that the requirement to provide a tree on site will impact the size of the dwelling that can be accommodated on the lot. Larger dwellings may be required to be two-storey to have the same floor area that would have otherwise been achieved at ground level. In this regard, it is recommended that the draft policy be amended to add a provision that allows the flexible application of development standards, where required to facilitate the retention of existing trees.

Specific comment was made to the split density provisions in LPS 10 which require dwellings to face the street to access the higher density code. Whilst subdivision in those areas often produce narrow lots, it is not considered necessary to clear the entire site to facilitate suitably sized dwellings on narrower lots. It is however recognised that requiring all dwellings to face the street can result in additional crossovers and reduced area available for street tree plantings and as such, this requirement will be considered as part of the Town's review of the local planning framework.

Retention of Mature Trees

Concern was raised that the policy provides for the ability to plant new trees in lieu of retaining existing mature trees; citing the ecological and economic benefits of mature trees compared to the establishment and maintenance cost of planting new trees.

In an attempt to incentivise the retention of existing trees, the number of new trees required to be provided may be reduced by two where a tree subject to a Tree Preservation Order or a medium or large tree is retained on site and protected by a Tree Growth Zone. The Town considers this to be a suitable incentive, as the design of the dwellings on the balance of lots within the subdivision/development will not be obliged to provide an area for a tree or associated growth zone. Where one mature tree is retained, fewer trees are required overall. In addition, it is recommended that the draft policy be amended to add a provision that allows the flexible application of development standards, where required to incentivise and facilitate the retention of existing trees.

Maintenance of Trees

Where an existing tree is retained, the Town will impose conditions on the relevant approval requiring the retention of the tree in perpetuity and a notification to be registered on the Certificate of Title advising prospective purchasers that the site contains a tree which is required to be retained and protected from development works. For new trees, it is recommended that the draft policy be amended to add a provision requiring trees to be retained in perpetuity. The Town can review aerial photography and undertake inspections where required to ensure compliance.

Residential Design Codes

Clarification was sought on the applicable sections of the R-Codes that the draft policy was augmenting or replacing, however, the draft policy is not seeking to modify or replace any of the requirements in the R-Codes - Volume 1.

Education and Other Incentives

The Town supports the use of educational material in promoting the value of trees both on private property and within the public realm. The Town can provide additional information on its website to this effect. The Town will also work with WALGA and other local governments through its participation in the Urban Forest Working Group to advocate for tree retention on development sites and to develop materials that can be used for educational purposes for both existing landowners and the development industry.

Tree Levy

One of the submissions suggested the use of a tree levy, whereby all landowners in the district would be charged a levy as part of their rates which would be refunded where trees were present on the property. This is not considered appropriate for the following reasons: as the proposal is not equitable given some existing developed properties are unable to accommodate trees and developers could clear trees and develop sites, with the levy being passed onto the future owners of the site once the trees had already been removed.

Street Trees

The advertised version of the draft policy provided criteria where the removal of existing street trees will be supported. It is recommended that matters pertaining to the pruning, removing and replacing any street tree be removed from the draft policy to make it clear that this policy relates to trees on private property only. Provisions relating to street trees will be included in a separate Council policy.

Construction Methodology

Comment was made regarding the use of alternative construction methods as opposed to slab construction as a means of protecting trees and their root structures. Whilst slab construction is the most commonly used form of development in Western Australia, neither the Residential Design Codes nor the Building Code of Australia limit the use of appropriate alternatives.

The draft policy seeks to create a balance between development and tree retention and provision, but does not (and cannot) extend to building standards.

Legislative Controls

The definition of development under the *Planning and Development Act 2005* does not extend to the pruning, modification or removal of trees, and as such, development approval is not required for these works on private property. Similarly, the Town has no statutory power to prevent the issue of a building or demolition permit in order to retain a tree on private property.

It is open to Council to advocate to WALGA (via its Urban Forest Working Group) for significant legislative change, however, before that occurs, it is recommended that community consultation is undertaken to gauge views about the preparedness to accept greater regulatory controls relating to trees on private property, particularly controls that would make it an offence to remove a tree on private property without local government approval. If the community supports such statutory controls and enforcement powers, Council could advocate accordingly.

Conclusion

The draft policy responds to Council and community concerns regarding the loss of trees as a result of development. It is therefore recommended that Council adopts the draft policy with the following modifications:

- Providing a requirement to maintain new trees in perpetuity;
- Providing the ability to be flexible with development standards if required to retain an existing tree; and
- Deleting reference to street trees.

STATUTORY REQUIREMENTS

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline the procedure that the local government must follow after the consultation period, which is to:

- "(a) review the proposed policy in the light of any submissions made; and
- (b) resolve to:
 - (i) proceed with the policy without modification; or

- (ii) *proceed with the policy with modification; or*
- (iii) *not proceed with the policy."*

If Council adopts the Policy, the Town is required to publish a notice in a newspaper circulating the Scheme area advising as such.

FINANCIAL CONSIDERATIONS

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

OFFICER RECOMMENDATION — ITEM 7.5

That Council:

1. Pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Local Planning Policy No. 13 – Tree Retention and Provision as contained as an attachment to this report; and
2. Supports a broader community consultation process to determine whether or not there is broad support for greater regulatory controls relating to the removal of trees on private property.

Voting requirements:

Point 1: Absolute majority

Point 2: Simple Majority

7.6 Town Centre Revitalisation (Ref: Peta Mabbs, Chief Executive Officer and Luke Gibson, Director Community Planning)

PURPOSE

The purpose of this report is for Council to consider actions to stimulate the ongoing planning and redevelopment of the Bassendean Town Centre, as a key strategic response to the COVID-19 pandemic.

BACKGROUND

Building on the State Government's agenda focusing on Metronet, creating local jobs and affordable housing, the Town is committed to exploring opportunities for the enhancement and activation of the Bassendean town centre, which is a district-level centre, ideally located opposite the train station and within 15km of central Perth and accommodates a number of government controlled land parcels. This is particularly the case now as the Town seeks ways to meaningfully contribute to the important recovery phase of the COVID-19 situation.

PROPOSAL

As a strategic enabler to the recovery from COVID-19, which has had an adverse impact on our local economy, a visioning exercise and concept plan is proposed focussing on the revitalisation of the Bassendean town centre.

COMMUNICATION AND ENGAGEMENT

The Town recently completed *BassenDream Our Future*; an extremely comprehensive community engagement project to develop an aspirational vision for the future of Ashfield, Bassendean and Eden Hill. The process included over 3,000 interactions with the community involving a series of workshops, breakfast radio, surveys and an Ideas hub to promote strong community engagement and a strong desire to genuinely understand the thoughts, aspirations and ideas of the community for the future. More specifically, *BassenDream Our Future* is being used to shape the Town's new Strategic Community Plan and Local Planning Framework.

Relevant to this proposal, the outcomes of *BassenDream Our Future* suggest that there is broad community support for providing higher density development within 400m of the three railway stations and around the Bassendean town centre as well enhancing and activating the Bassendean town centre (Old Perth Road).

STRATEGIC IMPLICATIONS

Strategic Priority 5: Economic

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
4.2 Facilitate local business retention and growth	4.2.2 Continue the activation of Bassendean's town centre.	Number of local business and Stakeholder Survey (Engagement and Facilitation of local Business Networks)

COMMENT

Throughout most of 2019, the Town of Bassendean in partnership with Creating Communities undertook the most extensive community engagement process ever to identify the community's ideas, thoughts and aspirations for the future of the District. This work concluded in late 2019 and has provided a strong base to inform a review of the Local Planning Strategy, the preparation of a new Local Planning Scheme and the development of a new Strategic Community Plan, all of which are underway.

A strong theme emerging from community feedback via the BassenDream project is the development of 'town centre vibrancy'. This was also reinforced in a subsequent Catalyse community survey in November 2019, where the community commented that town centre development and a focus on economic development was needed to make the District even better.

In order to attract investment (both private and government) and resultant development for the revitalisation of the town centre at this critical juncture, the creation of a Town Centre vision and concept is key. This will enable an integrated and holistic approach to the planning of the town centre. A vision and concept plan is not just about the built-form but also understanding what people want from their town centre and what components contribute to that desired outcome.

Undertaking this work now is of critical importance in order to provide an impactful and strategic response to COVID-19. This is about envisioning the town centre to enable a thriving economy and jobs in the local community.

This project is considered a natural follow on from the *BassenDream Our Future* project of 2019; and it is proposed that Creating Communities continues to partner with the Town in this process.

The town centre vision and concept plan will be a key component of the both the LPS and development of the new town planning scheme, both of which are currently being prepared. It will also provide a valuable promotions/marketing tool, to enable the Town to generate interest and excitement about the unique opportunities that will be able to be unlocked in the future. It is that interest and excitement that will lead to meaningful investment in the town centre, and ultimately, the achievement of the community's vision.

STATUTORY REQUIREMENTS

Nil.

FINANCIAL CONSIDERATIONS

The cost of appointing Creating Communities will be in the vicinity of \$70-90K. This engagement may combine the following elements:

- Project scoping and inception workshop
- Desktop research
- Key stakeholder interviews – targeted at key decision-makers and stakeholders
- Targeted town centre related surveys
- Focus groups
- Development of initial design concepts.
- Design workshops to seek feedback on and refinement of design concepts
- Development and feedback of town centre masterplan
- Final Report (presentation and submission)

Whilst this consultancy may include some concept images, there will be value in also procuring various 'first person perspective' images to help convey the town centre concept and for use in marketing and promotional material. This work would be a separate exercise that would involve a separate process of appointment. It is estimated to cost approximately \$10-\$20k, some of which could be met from the existing budget allocated to the Local Planning Strategy.

OFFICER RECOMMENDATION – ITEM 7.6

That Council approves the:

1. Preparation of a vision and concept plan for the Bassendean Town Centre; and
2. Cost of up to \$100,000 to be allocated in the 2020/21 budget for the above.

Voting requirements: Simple majority

7.7 Point Reserve Jetties Update (Ref: PARE/MAINT/52 Phil Adams, Executive Manager Infrastructure)

APPLICATION

The purpose of this report is to:

- provide Council with a structural engineering assessment report to highlight the deficiencies in the remaining jetty structures at Point Reserve; and
- recommend to Council the removal of the remaining jetty structures at Point Reserve for community safety reasons, acknowledging the structures are not recommended for repurposing or modification.

This report does not address the future amenity of Point Reserve. The latter will be considered as part of a future report to Council.

ATTACHMENTS

Attachment No. 6:

Condition Assessment Reports from M P Rogers & Associates:

- Point Reserve South Jetty; and
- Point Reserve North Jetty.

BACKGROUND

Officers presented a report at the November OCM advising Council of the unsafe condition and actions taken to address the safety hazards related to both jetties and to prevent public access. The works included removing the decking and associated timber components as authorised by both Department of Biodiversity, Conservation & Attractions (DBCA) and Department of Transport (DoT).

Officers presented an updated report at the December OCM to inform Council of developments regarding the jetties and received Council endorsement to undertake structural assessments of both jetties, decking and piles.

The entire decking structure of the North jetty was removed late last year and a short section of the South jetty decking that connects the Jetty to the land was also removed as the structures were compromised by termite damage. The remaining decking on the South jetty remains in place and both jetties remain closed to the public and are fenced off.

The timber removed from the jetties has been relocated to the Town’s depot and stored in bounded piles raised off the ground to prevent further termite activity until such time that the Town repurposes the timber.

In April 2020 Town staff received the Condition Assessment Reports for both the South and North Jetties (attached) where the investigations and assessment has revealed that the decking and piles on both jetties are structurally unsuitable.

COMMUNICATION & ENGAGEMENT

In November 2019, the Town informed the community about the deteriorating state of the two jetties via the Towns website and Facebook along with a notice to mariners. The primary focus of communications was to alert the public of the safety risks and the unsafe state of the jetties.

No further community engagement has been undertaken to date.

STRATEGIC IMPLICATIONS

The management of the Point Reserve Jetties aligns with the following Strategic Priorities under the current *Community Strategic Plan 2017-2027*.

Strategic Priority 3: Built Environment

Objectives	Strategies
3.3 Enhance the Town’s appearance	3.3.1 Improve amenity and the public realm 3.3.2 Strengthen and promote Bassendean’s unique character and heritage

Strategic Priority 5: Built Environment

Objectives	Strategies
5.1 Enhance organisational accountability	5.1.2 Ensure financial sustainability 5.1.5 Ensure optimal management of assets

COMMENT

The Town engaged M P Rogers & Associates PL to conduct a Condition Assessment Report and the scope of works included:

- Review previous condition reports and background information.
- Complete a detailed condition inspection, provide summary of findings and recommendations for repair/rehabilitation.
- Complete a structural assessment following the condition assessment to confirm the reserve capacity of the structure and compliance to Australian Standards.
- Engage divers to undertake a detailed assessment of the existing piles.
- Review options for the reuse of the jetty piles.
- Prepare a report summarising the result of the condition assessment and structural assessment.

CONSULTING ENGINEER FINDINGS NORTH JETTY

The engineers report states that the existing timber structures have two main components that result in it being unsuitable to ensure the structural integrity of the jetty. The analysis indicates the current timber structures do not have sufficient strength to meet Australian Standards and that there is some deterioration of the timbers.

Through the analysis, the report demonstrates the structural capacity of the timber structures is insufficient to cater for the bending movement and compressive strength when the jetty is under loading from debris that could be generated from storm actions and therefore there is a risk of the jetty collapsing. The report also states that there is insufficient embedment of the piles to provide sufficient axial capacity although the report does consider that there are unknowns regarding some of the elements such as the length of railway iron, steel grade used, concrete sleeve strength, concrete infill strength and extent and some assumptions have needed to be made which are reasonable. Based on the findings of the inspection, some of the strengthened sections of piles had limited embedment into the riverbed (~0.1m) to meet the requirements of the lateral loading from river currents, debris loading, or accidental boat impact. On this basis the report concludes that due to the current pile size and condition it is unlikely that the piles would have the required lateral geotechnical capacity to withstand the design loads.

Further to the above the report found that there was sufficient deterioration of the timber structures to make the determination that they do not have sufficient capacity to meet Australian Standards and that to achieve the required strength and durability, modifications to the piles is unlikely to be practical and full replacement of the piles is recommended.

CONSULTING ENGINEER FINDINGS SOUTH JETTY

The diver's inspection suggests that the piles appeared to be in reasonable condition below the water. However, the inspection found that the above water portion of the piles are in very poor condition with significant splits and deterioration. The structural assessment of the jetty has also indicated that the existing timber piles do not have sufficient strength to withstand the debris loading as required in AS4997.

The report explains that repair and/or strengthening of existing piles to allow its reuse may be possible by sleeving and grouting around the piles with a reinforcing cage. However, it is not recommended due to the following limitations:

- The strengthening may improve the condition and provide additional capacity to withstand the bending and compressive actions. However, it would also result in an increase to the diameter of the piles, increasing the current loads from river flow. This would further increase the lateral load onto the piles and may result in overstressing the piles in less critical loading conditions.
- Without ascertaining the condition of all the piles below the riverbed, there are unknowns regarding the capacity of piles to withstand compression and tension forces.
- The piles are likely to be nearing the end of their design life, therefore even after repair, it is difficult to ascertain the extension to its service life. Replacement may still be required in the coming 5 to 10 years even after repair.

Based on the above consideration, the report concludes that reuse of the existing piles is not recommended and the existing structures will need to be removed.

Further detail can be found in the attached Point Reserve South Jetty and North Jetty Condition Assessment Reports.

OVERALL SUMMARY OF CONSULTING ENGINEERS FINDINGS

The findings of the report explain that the existing piles have insufficient strength and durability to meet the current design standards and cannot be repurposed or modified for new jetties. Therefore the piles need to be removed as the current situation is a risk to community safety.

FINANCIAL CONSIDERATIONS

The estimated cost to remove the existing piles and associated structures is approximately \$50,000. This can be met from within This can be met from within the existing emergency works budget.

STATUTORY REQUIREMENTS

Jetties Act 1926
Swan and Canning Rivers Management Act 2006
Canning Rivers Management Regulations 2007
Town of Bassendean Local Government Property Local Law

Statutory Context

The Department of Biodiversity, Conservation and Attractions (DBCA) through the Swan River Trust, is the regulatory body for the Swan and Canning Rivers Management (SCRM) Act 2006. The Trust is charged with the protection of the Swan and Canning Rivers and associated land, pursuant to the SCRM Act. The Act vests the river reserve in the Trust as well as establishing the Riverpark that the Trust manages. The Riverpark and the Development Control Area (DCA) are land and waters as defined in sections 9 and 10 of the Act. The Department has overall planning, protection and management responsibility for the Swan-Canning River system.

The Department provides advice, makes recommendations to and comes under the jurisdiction of the Minister for Environment. Among the Trust's various functions and powers (section 23) is the control of activities and development within the DCA. Accordingly, Part 5 of the SCRM Act outlines the role of the Trust in approving all development within the DCA.

The Department of Transport (DoT) has authority under the Jetties Act 1926 (WA). The Act defines a jetty as any structure connected to a body of water that, wholly or in part, may be used for the purpose of launching or landing a vessel.

All jetties require a licence. This is to ensure that the jetty meets all safety and maintenance standards, and does not interfere with navigation. Jetty licences are issued pursuant to sections 7 and 8 of the Jetties Act 1926. The terms of the Town's jetty licence state that the licensee is not to modify the approved jetty structure in any way unless permission in writing is obtained from the Department of Transport and that the jetty must be maintained in a good, proper and safe condition.

OFFICER RECOMMENDATION - ITEM 7.7

That Council approves the removal of the remaining jetty structures at Point Reserve recognising the jetties are unable to be repurposed or modified.

Voting requirements: Simple Majority

7.8 RFT 02/2020 Concrete Footpaths, Crossovers, Kerbing and Pram Ramps (ROAD/TENDNG/46 - Paul White, Director Corporate Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received for RFT 02/2020 Concrete Footpaths, Crossovers, Kerbing and Pram Ramps for the Town of Bassendean and recommend appointment of contractor considered to provide the best value for money to the Town.

ATTACHMENTS

Confidential Attachment 1:

RFT 02/2020 Concrete Footpaths, Crossovers, Kerbing and Pram Ramps Tender Evaluation Report.

BACKGROUND

The Town has a requirement to engage a contractor to provide Concrete Footpaths, Crossovers, Kerbing and Pram Ramps. The Town does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Town had a single contract for this service with Axiis Contracting Pty Ltd, which expired on 31 May 2019. Since then, the Town has procured concrete footpath, crossover, kerbing and pram ramp services through quotations.

COMMUNICATION AND ENGAGEMENT

The request was uploaded in the WALGA e-procurement Vendor Panel Portal (e-quotes) on 4 March 2020 and closed at 11:00am, on Wednesday 18 March 2020.

STRATEGIC IMPLICATIONS

Strategic Priority 3: Built Environment:

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.2 Enhance connectivity between places and people	3.2.1 Connect the Town through a safe and inviting walking and cycling network.	Community / Stakeholder Satisfaction Survey (roads, footpaths and cycle paths)

COMMENT

Submissions were received from the following three Tenderers:

- Axiis Contracting Pty Ltd;
- Dowsing Group; and
- Techsand Pty Ltd.
-

The Evaluation Panel for this tender comprised four members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

All three Tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table.

QUALITATIVE CRITERIA	WEIGHTING
Capacity	30%
Demonstrated Experience	30%
Demonstrated Understanding of the Required Tasks	40%

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

STATUTORY REQUIREMENTS

In accordance with clause 11(2) of Part 4 of the Local Government (Functions and General) Regulations 1996, tenders do not have to be publicly invited if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

FINANCIAL CONSIDERATIONS

The costs associated with this contract will be included in the Town of Bassendean's Operational Budget for each year of the contract.

OFFICER RECOMMENDATION – ITEM 7.8

That Council appoints Axiis Contracting Pty Ltd to provide the Concrete Footpaths, Crossovers, Kerbing and Pram Ramps Services for the Town of Bassendean as specified in RFT 02/2020 for a period of three (3) years, to commence upon Council Approval and Contractor Acceptance.

Voting requirements: Absolute majority

7.9 National Redress Scheme (Participation Of WA Local Governments) (Ref: COMS/SVPROVN/12 – Peta Mabbs, Chief Executive Officer)

APPLICATION

This item is for the Town of Bassendean to consider –

- the WA Government’s decision in relation to the National Redress Scheme;
- the considerations and administrative arrangements for the Town of Bassendean to participate in the National Redress Scheme;
- endorsement of the Town of Bassendean’s participation as part of the WA Government’s declaration in the National Redress Scheme; and
- the grant of authority to the CEO to execute a service agreement with the State, if a redress application is received.

ATTACHMENTS

Attachment No. 7:

Local Government Information Paper (December 2019).

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry –

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold - the first concerns accountability for historical breaches in the duty of care that occurred prior to 1 July 2018 within any institution, and the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

This report is concerned only with the historical element of institutional child sexual abuse through the National Redress Scheme.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme which commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments have joined the Scheme.

The WA Parliament has passed legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.

DETAILS

Following extensive consultation, the State Government in December 2019 agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Town of Bassendean's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Town of Bassendean formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Town of Bassendean will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Town of Bassendean to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Town of Bassendean formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Town of Bassendean include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Town of Bassendean having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Town of Bassendean.

Considerations for the Town of Bassendean if Participating in the Scheme

Detailed below is a list of considerations for the Town of Bassendean to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Town of Bassendean will receive a Redress application. A Service Agreement will only be executed if the Town of Bassendean receives a Redress application. The Town will need to give the CEO authority to execute a service agreement with the State if a Redress application is received.

Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

The CEO will determine which officers will be responsible for the receipt of applications and response for requests for information.

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Town of Bassendean's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses.

5. Redress Decisions

The Town of Bassendean notes that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Town of Bassendean do not have any influence on the decision made and there is no right of appeal.

CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*

2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

STATUTORY IMPLICATIONS

The Town of Bassendean in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments –

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance) Compliance Audit Risk Management Profile Financial Ratio Benchmarked. Asset Ratio Benchmarked
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	
	5.1.4 Improve efficiency and effectiveness of planning and services	
	5.1.5 Ensure optimal management of assets	

OFFICER RECOMMENDATION – ITEM 7.9

That Council:

1. Endorses the participation of the Town of Bassendean in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
2. Grants authority to the CEO to execute a service agreement with the State, if a Redress application is received; and
3. Notes that a confidential report will be provided if a Redress application is received by the Town of Bassendean.

Voting requirements: Simple majority

7.10 Town of Bassendean Strategic Community Plan 2020 – 2030 (Ref: – Peta Mabbs, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to resolve to advertise the draft Town of Bassendean Strategic Community Plan 2020 – 2030 for public comment prior to adoption by Council.

The Council is required under the *Local Government (Administration) Regulations 1996* (the Regulations) 19C (9) to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan.

ATTACHMENTS

Attachment No. 8:

Town of Bassendean draft Strategic Community Plan 2020 – 2030.

BACKGROUND

Under s. 5.56 of the *Local Government Act 1995*, a local government is to ensure that it develops a series of robust plans for the future direction of its district. Any plans made under the Act are to be in accordance with the regulations.

A Strategic Community Plan outlines the community's long-term (10 year) vision, aspirations and direction for the local government. The Strategic Plan is not a static document, recognising that communities change over time. The Regulations require a full review of the Strategic Community Plan be undertaken every 4 years and a desktop review every 2 years to ensure that the Plan reflects the community's priorities and is an effective guide to Council and Administration in making decisions for the local government and delivering services to the community.

While the Town has a current Strategic Community Plan it no longer achieves the purpose for which it was created, that being to adequately set out the vision, aspirations and objectives of the community within the district and provide a guide for Council moving forward. After consultation with Council in 2019, it was decided that a new Strategic Community Plan would be required, one that would align with the aspirations and priorities of residents and ratepayers.

To achieve this end, the Town commissioned consultants Creating Communities, to undertake the development of a new Strategic Community Plan. The draft Strategic Community Plan is the result of the extensive community consultation that was undertaken as part of BassenDream Our Future community engagement process and the MARKYT Community Scorecard Survey undertaken by CATALYSE Pty Ltd. The findings and results of these two processes formed the basis for the draft Strategic Community Plan. (see links below to reports).

https://www.bassendean.wa.gov.au/profiles/bassendean/assets/clientdata/document-centre/strategic_planning/bassendream_engagement_report_final.pdf.

<https://www.bassendean.wa.gov.au/documents/734/markyt-scorecard>.

Council and Administration also participated in a series of workshops during March 2020, to provide input into the Strategic Community Planning process.

DETAIL

The *Local Government (Administration) Regulations 1996* requires a local government to adopt a Strategic Community Plan.

The community, Council and the Administration are all parties to the development of the Strategic Community Plan.

Importantly, the Regulations requires that the community be consulted during the development of the strategic community plan. To this end, the Town facilitated this engagement through undertaking the most extensive community engagement process ever undertaken by the Town in 2019 involving over 3000 community interactions across different forums. Online Polls were conducted, an ideas hub was established, an online survey was conducted, and a series of design workshops were also held. A series of Stakeholder forums with representatives of key local stakeholder organisations were also conducted as part of this process. The resultant BassenDream Our Future report (attached) formed the basis for the community input into the draft Strategic Community Plan.

The Town further commissioned CATALYSE Pty Ltd to undertake a MARKYT Community Scorecard in order to –

- Support a review of the Strategic Community Plan;

- Assess performance against objectives and key performance indicators in the current Strategic Community Plan;
- Determine community priorities; and
- Benchmark performance.

This was conducted in October and November 2019. The MARKYT Community Scorecard (attached) utilised the results of 843 residents, ratepayers, and visitors within the Town to provide information on the Town’s performance from advocacy, citizen engagement and community development, to town planning, economic development and environmental management. The scorecard identified the top community priorities. The survey results and the comments provided from the community on the town’s performance were significant in shaping the draft Strategic Community Plan.

During the early part of 2020, Council and Administration engaged in a series of workshops with Creating Communities, to provide their input into the strategic planning process, identifying achievable priorities and creating realistic key performance indicators to meet the community’s vision.

The consultants provided the Town with a draft Strategic Community Plan in May for feedback from Council. It is important to note that the draft Strategic Community Plan directly correlates with the feedback from the BassenDream Our Future Report and CATALYSE Survey Results.

To ensure that the community has visibility of the proposed final Strategic Community Plan, and to fulfil the requirements of the regulations, it has been determined that the draft Strategic Community Plan be advertised for public comment for a period of 4 weeks. At the end of the public submission period, the community feedback will be collated and forwarded to Council for their consideration, with the final Strategic Community Plan being proposed for adoption by Council at its July Ordinary Council Meeting.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we’re going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	

	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked. Asset Ratio Benchmarked

PUBLIC CONSULTATION

The *Local Government (Administration) Regulations 1996* regulation 19C (9) requires residents and ratepayers of a local government district be consulted during the development of a strategic community plan. The draft Strategic Community Plan is the result of the findings of the consultation undertaken as part of the BassenDream Our Future project and the priorities identified by the MARKYT Community Scorecard. Council and Administration also provided feedback into the strategic planning process through a series of facilitated workshops conducted during March 2020.

OFFICER RECOMMENDATION – ITEM 7.10

That Council resolves to advertise for public comment the draft Town of Bassendean Strategic Community Plan 2020-2030.

Voting requirements: Simple Majority

7.11 Accounts Paid – April 2020 (Ref: FINM/CREDTS/4) – Paul White, Director Corporate Services

APPLICATION

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

ATTACHMENTS

Attachment No. 9:

List of payments made under delegated authority for April 2020.

BACKGROUND

The monthly payments made for April 2020 are presented to Council, with details of payments made by the Town in relation to goods and services received.

STRATEGIC IMPLICATIONS

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance) Compliance Audit Risk Management Profile Financial Ratio Benchmarked. Asset Ratio Benchmarked
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	
	5.1.4 Improve efficiency and effectiveness of planning and services	
	5.1.5 Ensure optimal management of assets	

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with their allocated budget.

OFFICER RECOMMENDATION – ITEM 7.11

That Council receive the list of payments for April 2020.

Voting Requirements: Simple majority

7.12 Monthly Financial Report – April 2020 (Ref: FINM/AUD/1 – Paul White, Director Corporate Services)

APPLICATION

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

ATTACHMENTS:

Attachment No. 10:

Monthly Financial Report, containing the Statement of Financial Activity, for April 2020.

BACKGROUND

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

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

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted 10% or \$5,000, whichever is greater, as part of its 2019-20 Annual Budget.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people 5.1.2 Ensure financial sustainability 5.1.3 Strengthen governance, risk management and compliance	Community / Stakeholder Satisfaction Survey (Governance) Compliance Audit Risk Management Profile Financial Ratio Benchmarked. Asset Ratio Benchmarked

COMMENT

The Statement of Financial Activity attached represents the adopted 2019/20 Annual Budget estimates and actual income and expenditure amounts for the month ending 30 April 2020.

Statement of Financial Activity (by nature or type)

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

Item	Amended Annual Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	21.9	21.9	(0.15%)
Expenditure	26.5	21.9	20.9	4.51%
Capital Works	5.9	1.2	0.9	27.87%
Non-Operating Grants, Subsidies and Contributions	1.9	0.4	0.3	(22.91%)

Operating Revenue

Revenue year to date is 0.15% below budget. This is due to investment interest below budget due to low interest rates. The Federal Government’s Early Childhood Education and Care Relief Package will affect revenue in future months. The Town is required to provide free child care and receives 50% of its fee revenue calculated for the fortnight ending 1 March 2020. Local Governments are not eligible for JobKeeper payments. The combined effect of these measures means that the Town’s revenue from provision of early childhood education services, is approximately \$20,000 per week less than what it would be in the absence of the measures. The CEO and the Mayor have continued to advocate strongly to all levels of government to address this anomaly.

Operating Expenditure

Expenditure year to date is 4.51% under budget. Materials and contracts are under budget due to timing (street tree planting program, other projects and refuse collections) and cancellation of events and programs due to COVID-19. Utility charges are under budget due to timing (street lighting and some building facilities). Other Expenditure is under budget due to timing (administration expenses and projects).

Capital Works

Expenditure on capital projects is under the year to date budget due to timing.

Cash backed reserves

The closing balance of the cash backed reserves at 30 April 2020 is \$7.0 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on Town of Bassendean's ability to allocate funds for future projects by providing a closing balance comparison to budget. Transfer to and transfers from reserve to fund capital projects are still to occur.

Statement of Financial Position

Town of Bassendean has current assets of \$16.2 million. The major components of which are cash and cash equivalents of \$14.4 million and trade and other receivables of \$1.7 million. There are current liabilities of \$5.3 million. The major components are trade and other payables (includes bonds and deposits) of \$2.8 million and employee provisions of \$2.4 million.

Statement of Cash Flows

Net cash provided by operating activities is \$2.5 million for the year to date and net cash used in investing activities is \$0.6 million.

Monthly Investment Report

The overall balance of Town of Bassendean's investments is \$12.7 million. This is comprised of municipal investments of \$4.9 million (including restricted bonds and deposits), reserve investments of \$7.0 million and trust investments (including public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 69% of its funds invested non-fossil fuel ADIs.

Budget Amendments

There are no budget amendments identified in the statements of financial activity for April 2020.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION – ITEM 7.12

That Council receive the monthly financial report for April 2020.

Voting requirements: Simple majority

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Notice of Motion: Cr Wilson – Report as part of Budget Process

Cr Wilson has advised that he intends to move this motion at the next Ordinary Council Meeting:

“That Council requests staff prepare a report for Council as a part of the Budget process detailing:

- 1. All of the service providers the Town contracts for the provision maintenance of the roads reserves in the Town including, but not limited to, weeding, street sweeping, tree pruning, tree planting, tree watering, footpath and cross-over installation and maintenance; and related activities;*
- 2. The expiry dates of these contracts and whether the contracts contain options to renew or extend;*
- 3. The annualised cost of each of these contracts across the forward estimates until their expiry;*
- 4. The scope of activity of the services provided in each of these contracts; and*
- 5. Officer advice on any operational obstacles that would arise from bringing the scope of work for each of these contracts in-house following the expiry of the contracts.”*

OFFICER COMMENT

Response to Points 1 to 4:

A response is provided as an attachment (**Attachment No. 11**).

Response to Point 5:

The key question in relation to government service delivery is *“are we getting what we need, and at a reasonable cost?”*

‘Operational obstacles’ are usually considered as part of the broader considerations in undertaking a Service Review. A Service Review is a review to identify potential service delivery improvements. A Service Review can be used to improve efficiency and effectiveness, and assists in addressing financial sustainability.

Bringing the abovementioned scope of work, in-house, without a proper assessment may have unintended consequences for those impacted.

For the beneficiaries of the service (i.e. our community) this may equate to impacts in terms of efficiency (i.e. cost, timeliness and outputs) and effectiveness (i.e. quality and outcomes); for local businesses this may equate to a reduction in work, income and jobs resulting in adverse economic impacts; for the organisation this may equate to additional costs in overheads and infrastructure; for the broader system this may impact the desire to innovate and more broadly compete, thereby impacting price and quality.

The range of potential benefits from a mixed economy is extremely wide and these should be considered when determining the approach to service delivery:

- Value for Money - Value for money is the most common explanation for competition and contracting. Competition is capable of delivering significant improvements in value for money.
- Improved Quality - Competition and contracting has been a vehicle for improving service quality. This may be the result of increased accountability and transparency that often accompanies a competitive tender and the negotiation of a legally-enforceable contract. However, governments have sometimes used competition and contracting as a way of raising service standards, and introducing qualitative reforms that might otherwise have been difficult to implement.
- Enhanced Accountability - Competitive tendering and performance contracting are founded on the principles of transparency and accountability.
- Transfer of Risk - One of the most useful explanations as to why governments have turned to the private sector is to be found in the management of risk. Governments have traditionally relied on private firms where they are better positioned to manage the risks associated with delivery.
- Core Business - In some cases, government advocates the outsourcing of some services as a means of freeing up resources to enable them to focus on core business.
- Increased Innovation - Where providers are given the freedom, it seems that competition and contracting can create a climate where innovation flourishes. In part, this is because of the change in motivation that competition brings, but there is also some evidence that the contractual framework creates a hotspot where new ideas are more likely to be tried and implemented.

- System Effects - Under some circumstances, competition and contracting deliver benefits well beyond the service or function in question. There can be systemic gains from competition and contracting for the industry and for government.

Prior to considering any substantial changes to current service delivery approaches, such as bringing a suite of contracts in-house, as a discipline a Service Review is recommended to understand more fully the matters outlined above. Prior to the lapsing of major contracts into the future, or the commissioning of a new service, as a practice, a service review should be undertaken to ensure the most appropriate approach to achieving the desired outcomes.

9.0 **CONFIDENTIAL BUSINESS**

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

10.0 **CLOSURE**

The next Briefings Session will be held on Tuesday 16 June 2020, commencing at 5:30pm.