



AGENDA

Briefing Session

Tuesday 21 February 2023

Notice is hereby given of the Briefing Session
to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

commencing at 6:00 pm

Meeting Information

About the Briefing Session

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.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the Local Government Act 1995.

Recording and Live-streaming

All participation in the meeting, except for confidential business, will be audio recorded and live-streamed on the Town's website. The live stream will be archived and made available on the Town's website after the meeting.

Conduct at Briefing Sessions

The Town is committed to ensuring our Briefing Sessions are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community. Any person attending is required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.

For any questions regarding the Briefing Session or any item presented in the agenda, please contact the Town of Bassendean at mail@bassendean.wa.gov.au.

Tune in to live streaming from the comfort of your own home by going to:
Town of Bassendean Council - YouTube

or if you miss it live, go to:
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

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Council Role

Each Report presented will identify what Council's Role is in the item

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Information	For the Council/Committee to note.

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1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer

Acknowledgement of Traditional Owners

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

2 Attendances and Apologies

3 Declarations of Interest

4 Announcements

5 Petitions

5.1 Petition - Sandpit at Alf Faulkner Hall	
Property Address	Alf Faulkner Hall, Mary Crescent, Eden Hill
Landowner/Applicant	Town of Bassendean
File Reference	COUP/MAINT/2
Department	Community Planning
Previous Reports	Nil
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	{attachment-list}

Purpose

The purpose of this report is for Council to accept the petition submitted by SPARX Eden Hill OSHC in relation to the sandpit at Alf Faulkner Hall.

Background

On 19 December 2022, SPARX Eden Hill OSHC submitted a petition containing 50 signatures, seeking “*an upgrade to the sandpit under the play equipment at Alf Faulkner Hall*”.

Communication and Engagement

SPARX and Town staff have been in regular contact on this matter since April 2022.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.4 Creating an environment where people feel welcome and safe

Priority Area 4: Driving Financial Suitability

4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members

Comment

Since the lodgement of the petition, Sparx has advised that its preference is for installation of rubber soft fall, as opposed to playground mulch.

Whilst the initial cost is higher (circa \$12,000), it has a lower maintenance cost as represents the best option in the context of the floors inside Alf Faulkner, which are subject due to damage caused by sand brought inside by children.

The works have not been budgeted and therefore requires consideration as part of the 2022/23 Mid-Year review, as addressed by a separate report on this agenda.

Statutory Requirements

In accordance with the *Council Meeting Procedures Local Law*, the petition is to be received and referred for CEO report. This report is prepared in satisfaction of that requirement.

Financial Considerations

A budget allocation of \$12,000 has been proposed as part of the 2022/23 Mid-Year review, as addressed by a separate report on this agenda.

Risk Management Implications

There is a safety and reputational risk associated with not resolving the issue, particularly in relation to litter in the area and the potential for drug paraphernalia to be found in the sand pit.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 5.1

That Council:

1. receives the petition submitted by SPARX Eden Hill OSHC in relation to the sandpit at Alf Faulkner Hall.
2. notes that the matter is proposed to be considered as part of the 2022/23 Mid-Year review, as addressed by a separate report on this agenda.

Voting requirements: Simple Majority

6 Statements by Members of the Public

Public statement time will be limited to two minutes per person.

Statements at a Briefing Session must relate to an item on the agenda.

Members of the public are encouraged to submit their statements by completing the relevant form and submit it to the Town's Chief Executive Officer by no later than 12noon on the day of the meeting.

Online Form - Public Statement Time » Town of Bassendean

Please complete this form

It should be noted that comments are recorded and live streamed via YouTube, and that there is no protection from legal action being taken against you, should it arise from your comments delivered at the meeting.

7 Public Question Time

15 minutes will be allocated for questions by members of the public unless the Council, by resolution, decides otherwise.

Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Members of the public shall not address the meeting on any matter not included in the Briefing Session Agenda.

Members of the public are encouraged to submit their questions to the Town's Chief Executive Officer on the online form by no later than 12noon on the day of the meeting.

Online Form - Public Question Time » Town of Bassendean

If a person asking a question is not present at the meeting, then the Mayor can choose to deal with it at the meeting or arrange a response by email.

8 Deputations

Deputation requests can be submitted prior to the Briefing Session via the online form: [Online Form - Request for Deputation » Town of Bassendean](#)

Further information can be found here:
About Council Meetings » Town of Bassendean

9 Reports

9.1 Use Not Listed (Short Stay Accommodation) - 88 (Lot 1) Reid Street, Bassendean	
Property Address	88 (Lot 1) Reid Street, Bassendean
Landowner/Applicant	John Peter Corbellini
File Reference	2022-127
Department	Community Planning
Authority/Discretion	<p>Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
Attachments	<ol style="list-style-type: none"> 1. Management Plan [9.1.1 - 6 pages] 2. Floor Plans [9.1.2 - 8 pages]

Purpose

The purpose of this report is for Council to consider an application for development approval for a Use Not Listed (Short Stay Accommodation) at 88 (Lot 1) Reid Street, Bassendean.

The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a use that is not listed within the Zoning Table under Local Planning Scheme No. 10 (LPS 10).

Background

Site Location

The subject site has an area of 350m² and contains a single dwelling. It is zoned Residential R20 under LPS 10.

The subject site is surrounded by low density detached residential development, with Cyril Jackson Senior Campus to the north and Ashfield Primary School to the south of the subject site. It is located approximately 510m from the Ashfield Railway Station, approximately 500m from the Ashfield Centre (at the intersections of Colstoun and Guildford Roads) and approximately 1.2km from the Bassendean Town Centre.

A location plan follows:



Proposal

The applicant is seeking approval for the dwelling to be used as Short Stay Accommodation. Details of the proposal are as follows:

- No more than six people within the accommodation at any given time.
- Parties and/or events will not be permitted. House rules state that use of the side alfresco will be prohibited before 7:00am and after 10:00pm which will assist in minimising excessive noise.
- Check in time is from 2:00pm.
- The application indicates that the landowners and manager will be responsible for handling complaints.
- The landowners' contact details and a copy of the Code of Conduct will be provided to adjoining owners/occupiers.
- CCTV is available to assist the landowner and/or manager in managing the premises.
- Guest parking will be contained within the premises. No verge parking is permitted, and parking on Reid Street is prohibited under the Town's *Parking Local Law 2019* in this location due to the continuous dividing line.

Communication and Engagement

The application was advertised for public comment between 2 December 2022 and 9 January 2023, in the following manner:

- A sign was erected on the subject site;
- Letters were sent to all owners and occupiers within a 200m radius of the proposed development; and
- A copy of the application was available for review on the Town's website and the Town's Customer Service Centre.

At the close of the submission period one submission of no objection was received from the Department of Education.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

Comment

Local Planning Scheme No. 10

The subject site is zoned Residential R20 under LPS 10. Short Stay Accommodation is a use that is not listed within the Zoning Table under LPS 10.

Clause 3.4.2 of LPS 10 states:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot be determined as falling within the type, class or genus of activity of any use category the local government may:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 67 of the deemed provisions in considering an application for development approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

The objectives of the Residential Zone, as defined by LPS 10 are:

- a) *“To maintain lifelong or long-time residents as an integral component of the Bassendean community;*
- b) *To continue and increase the attraction for young families to reside and raise their families in the Bassendean community;*
- c) *To recognize the role of Bassendean as a middle metropolitan area that is well placed to contribute meaningfully to sustainable urban development for the Perth region, and therefore facilitate the planned gradual increase in population growth in a manner that provides net environmental, social and economic benefit;*

- d) *To make provision for housing types that respond to the demands of an ageing population and declining occupancy rates;*
- e) *To limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- f) *To ensure that the density of development takes cognizance of the availability of the reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and*
- g) *To ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.”*

As the proposed use is a quasi-commercial land use that, if the activity is not appropriately managed, it may result in adverse impacts on the residential amenity of the immediate area. If the site is appropriately managed it was determined that it “may” be consistent with the objectives of the zone.

Local Planning Policy No. 18 – Short Stay Accommodation (LPP 18)

LPP 18 provides guidance for the appropriate siting and management of Short Stay Accommodation to protect the amenity of the surrounding locality. The proposal complies with the Policy, with the exception of the following.

Policy Criteria	Assessment
The site is located within an 400m walk from a centre or railway station and/or a 200m walk from a recognised high frequency bus route.	Not compliant. The site is located approximately 510m from the nearest railway station, 500m from the Ashfield Centre and 1.2km from the Bassendean Town Centre. Whilst the site is located within 160m of the nearest bus stop on Margaret Street, it is not a high frequency bus route.

As demonstrated above, the proposal is compliant with the requirement of the Policy with the exception of the locational criteria, as the subject premises is not within the 400m walkable catchment to a railway station or a centre.

Notwithstanding, the site is within an 800m walkable catchment, which is accepted as an appropriate walking distance threshold throughout the planning frameworks in Western Australia. With compliance with other aspects of LPP, the additional approximately 100m required to reach the Ashfield Centre and Railway Station is considered acceptable.

Local Planning Policy No. 8 – Car Parking and End of Trip Facilities

LPS 10 does not prescribe the minimum car parking spaces for Short Stay Accommodation, nor does it contain any similar use that may be applicable.

Local Planning Policy No. 8 – Car Parking and End-of-Trip Facilities (LPP 8) is used to guide decision making on applications which include variations to the minimum standard for every land use listed in draft LPS 11. Under that draft Scheme, the subject proposal would be considered a Holiday Home.

For a Holiday Home, LPP 8 requires two car parking bays wholly contained on the subject same site. The premises is capable of accommodating two bays within a tandem arrangement, which therefore complies with the LPP.

Conclusion

Whilst it is acknowledged the subject site is beyond the 400m locational criteria contained within LPP 18, the applicant has provided a detailed management plan in support of the application and no objections were received to the proposal. It is therefore recommended that the application be conditionally approved.

Statutory Requirements

In accordance with Clause 68(2) of the Regulations, Council is required to determine the application by:

- (a) Granting development approval without conditions; or
- (b) Granting development approval with conditions; or
- (c) Refusing to grant development approval.

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council refuse the application, the applicant may seek to have the application reviewed by the State Administrative Tribunal.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter, although the Interim CEO notes that the applicant is a former work colleague.

Officer Recommendation – Item 9.1

That Council approves the application for development approval of a Use Not Listed (Short Stay Accommodation) at 88 (Lot 1) Reid Street, Bassendean, subject to the following conditions:

1. The use must be undertaken in accordance with the submitted management plan at all times to the satisfaction of the Town;
2. The contact details of the owner/manger must be prominently displayed at the front of the property as viewed from the street to the satisfaction of the Town;
3. A register of all persons occupying the Short Stay Accommodation is required to be kept and shall be open to inspection on demand by the Town; and
4. No more than six persons who do not comprise a single family are permitted to be on the property between the hours of 10:00pm and 7:00am.

Voting requirements: Simple Majority

9.2 Parking Amendment Local Law 2023	
File Reference	LAWE/LOCLWS/2
Department	Community Planning
Previous Reports	22 November 2022
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Draft Parking Amendment Local Law 2023 - post consult with track changes [9.2.1 - 2 pages] 2. Draft Parking Amendment Local Law 2023 - post consult for adoption [9.2.2 - 2 pages] 3. Amendment Parking Local Law - Schedule of Submissions [9.2.3 - 2 pages]

Purpose

The purpose of this report is for Council to consider making the *Parking Amendment Local Law 2023* (Amendment Local Law).

Background

On 22 November 2022, Council resolved to advertise the draft Amendment Local Law in accordance with section 3.12 of the *Local Government Act 1995*. Whilst the Local Law did not require review until 2027, the amendments were required in response to Council's 27 September 2022 resolution to revoke the management order that applied to the Wilson Street Carpark (Reserve 37441) and for other minor amendments.

Communication and Engagement

The draft amendment local law was advertised for a period of 64 days (being from 1 December 2022 to 3 February 2022) in the following manner:

- Providing notice on the Town's website;
- Promoted on the Town's social media;
- Publishing a notice in a newspaper circulating within the district; and
- Ensuring a copy of the proposed Amendment Local Law was publicly available for inspection at the Customer Services Centre and Library.

At the close of the submission period, three submissions were received; one in support of the amendments and two comments. One late submission was received which provided comment. A copy of the Schedule of Submissions is attached.

The three comments received advised of concerns relating to the proposed amendment to clause 7.6 and how a vehicle that is lawfully parked on a street or carriageway could be deemed in breach of the Local Law and be potentially towed and impounded, even when parked adjacent to the owner's property. This is discussed further in the report.

The Department of Local Government, Sport, and Cultural Industries also requested minor drafting edits which have been incorporated into the attached draft Amendment Local Law.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.1 Fostering a culture of collaboration and trust between the organisation and community

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.2 Ensure major decision making is informed by community feedback

Comment

Clause 7.6 is used by the Town to deal with vehicles that have been identified as abandoned or creating an obstruction and are towed and impounded when no other option is available for resolution. The original clause required clarification to better reflect the circumstances in which a vehicle may be determined to be abandoned or causing an obstruction and therefore be removed and impounded from Town owned or managed land.

In terms of the concerns raised in the submissions, whilst the vehicle could initially be lawfully parked within a carriageway, this amendment clarifies the circumstances in which the Town may then determine it to be abandoned or causing an obstruction and therefore commence action in that regard.

As per the internal operational procedures, when clause 7.6 is enacted, if the vehicle owner is readily identifiable, the procedure identifies steps to be taken to manage the situation, including communication with the vehicle owner (where possible), prior to the impoundment of the vehicle. If the owner advises that there are extenuating circumstances, these will be considered.

A further reference was made to the definition of 'public place' under the Local Law and whilst this definition states '*any place to which the public has access whether or not that place is on private property*', in these circumstances, the provisions of the *Local Government Act 1995* regarding taking actions on private property will override the Local Law. Therefore the Town would not be enforcing this clause on private property, irrespective of if the public has lawful access to the land or not as the Local Law is only applicable to land owned or managed by the Town.

While the public submissions were considered, it is not proposed to make any further amendments to the draft Amendment Local Law.

The comments provided by the Department included a small number of minor drafting edits and as advised previously, these amendments have been made to the attached Amendment Local Law.

Statutory Requirements

Section 3.12 of *Local Government Act 1995* prescribes the process to be followed in making a Local Law and requires Council to consider any submissions received and allows it to make the Local Law as proposed or make a Local Law that is not significantly different from what was proposed. If the local government decides to make a Local Law that would be significantly different from what it first proposed, the local government is to recommence the advertising.

Should Council endorse the recommendation as proposed, there are procedural requirements that must be complied with, as follows.

- Publishing the amendment Local Law in the Government Gazette;
- Giving local public notice of the adoption of the amendment Local Law and its commencement date. The amendment Local Law will come into operation 14 days after the day on which it is published in the government gazette;
- Provide a copy of the Local Law, as made, to the Minister for Local Government; and
- Within 10 working days of the Local Law being gazetted, a copy of the Local Law, local law checklist and explanatory memorandum must be provided to the Joint Standing Committee on Delegated Legislation.

Financial Considerations

The cost of publishing the Local Law in the Government Gazette and providing the statutory notices of the Local Law's adoption can be met within the 2022/23 budget.

Risk Management Implications

Low. Failure to undertake the requested amendments will result in the inability to effectively manage parking in some circumstances.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.2

That Council in accordance with Section 3.12(4) of the *Local Government Act 1995*, makes the Town of Bassendean *Parking Amendment Local Law 2023*, as attached, and notes that the document will be executed in accordance with the *Local Government Act 1995* and Council's Execution of Documents Policy.

Voting requirements: Absolute Majority

9.3 Draft Public Health Plan - Final Adoption	
Property Address	NA
Landowner/Applicant	N/A
File Reference	PUBH/SVPROVN/3
Department	Community Development
Previous Reports	25 October 2022 (12.5)
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Draft Public Health Plan 2023 - Tracked Changes Post Advertising Version [9.3.1 - 62 pages] 2. Draft Public Health Plan 2023 - February (Final) [9.3.2 - 60 pages] 3. Schedule of Submissions [9.3.3 - 15 pages]

Purpose

The purpose of this report is for Council to consider the draft Public Health Plan (PHP) for final adoption and to revoke Council Policies relating to Active Ageing and Disability Access and Inclusion.

Background

Public health planning is about taking a proactive approach to public health, with the focus being on achieving long-term public health outcomes through the planning process. Public health planning enables governments to:

- Regularly assess the public health needs of the community;
- Articulate the public health vision, objectives, and policy priorities for the community;
- Allocate resources to achieve public health priorities; and
- Monitor and report progress.

On 25 October 2022, Council resolved to endorse the draft PHP for the purposes of advertising.

Communication and Engagement

The Town has consulted with the community, staff and relevant stakeholders within the Town as well as used data and research to prepare a draft PHP for the community, the details of which form the basis of this report.

In June 2021, the Town undertook preliminary consultation to capture public health perceptions and concerns to assist in the preparation of the draft PHP.

In accordance with Council's October 2022 decision, the draft PHP was advertised for public comment between 1 December 2022 and 16 January 2023 (46 days) in the following manner:

- Community survey, available on the website, customer service centre, library and youth services;
- A display at the library;
- Information on the Town's website and social media;
- Email banner on all internal and outgoing correspondence;
- Thrive; and
- On advertising boards located at railway stations in the district as well as Hawaiian's Bassendean Shopping Village; and

In response, the Town received 16 submissions providing comment, with the key themes being:

- Providing more shade and trees throughout the Town;
- Increased walking trails and walking routes, including upgrades to the existing pedestrian footpath network; and
- Provision of exercise equipment.

A copy of the Schedule of Submissions, including the Town's responses to these matters, is attached to this report and further discussed below.

A copy of the costings associated with the draft PHP were provided to Councillors in the 10 February 2023 CEO Bulletin.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

- 1.1 Fostering a culture of collaboration and trust between the organisation and community
- 1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging
- 1.3 Treating people equitably with access to programs and services, regardless of advantage or ability
- 1.4 Creating an environment where people feel welcome and safe
- 1.5 Supporting healthy lifestyles throughout our Town
- 1.6 Creating a resilient and adaptable community
- 1.7 Facilitating community connection

Priority Area 2: Leading Environmental Sustainability

- 2.6 Support the creation of a more green and shaded Town

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.2 Ensure major decision making is informed by community feedback
- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.6 Respond effectively and efficiently to crises

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

- 7.1 Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people
- 7.2 Create a community closely connected to its history and heritage
- 7.3 Engage the community in arts and culture

Comment

Submissions and Amendments

The following section discusses key themes raised during the consultation period and amendments to the draft PHP.

Community Transport

Proposed action 10.2.11 (draft has since been renumbered) was to provide a community transport service that meets the needs of an ageing population. In light of the recent discontinuation of this service (as explained in the report presented to Council's 13 December 2022 meeting) this action has been deleted. Should Council provide funding for a community transport service in future, this can be reinstated into the PHP as part of a future review.

Trees and Shade

It was evident from submissions that planting of trees and provision of shade was important to respondents. Priority Area 9.4 of the draft PHP includes actions for planting trees and providing shade structures throughout the district.

Whilst funding is already provided for the Town's street tree planting program, no specific funding is allocated to shade structures in reserves and as such, the draft PHP identifies this action as a new program that will require funding. Funding has been identified for every year of the PHP, however, specific funding for shade structures in addition to the normal street tree planting program will need to be included in subsequent budget processes.

Footpaths and Drink Fountains

Actions 9.4.3 and 9.4.4 of the draft PHP provides for the implementation of connected footpaths and cycleways throughout the Town ensuring adequate seating, shade, lighting, drinking fountains and bins are provided.

Whilst footpaths are included in asset management, provision of associated structures such as seating, shade, drinking fountains and bins have not been included in previous budgets and as such, the draft PHP identifies this action as a new program that will require funding. Similar to shade structures, incidental infrastructure associated with the path network will require funding through subsequent budget processes and has been identified in every year of the PHP.

Exercise Equipment

The provision of outdoor exercise equipment in parks was a top response in the preliminary consultation for the draft PHP and was also identified in the recent submissions.

There is no specific action in the draft PHP regarding the provision of outdoor exercise equipment and it is therefore recommended that the draft PHP be amended to include this action as a new program. The Town is currently developing a BIC Reserve Masterplan and is able to include elements such as play and exercise equipment as part of that process.

Social Activities

Submissions made comments regarding increased variety in the sporting and social programs offered by the Town, including the opportunity for social meet-ups at local venues.

The Town intends to review the RElax program in 2023 with respect to the type of activities offered and the delivery methods, to cater for community members more broadly, and consider liaising with local venues and providers to promote external activities.

The Town can also review how it communicates events and activations occurring within the district, to promote social inclusion.

Reporting

Each Local governments is required to provide reports to the Chief Health Officer on its performance of functions under the *Public Health Act 2016*. Should Council adopt the draft PHP, the Town will be required to report on the effectiveness of the actions contained within the PHP. Review and evaluation of the PHP will also occur as required by the Act.

Related Council Policies for Revocation

The draft PHP provides strategic direction for health-related matters within the Town. As part of its ongoing review of Policies, the Town has identified two existing Council Policies that will effectively be replaced by the actions and strategic direction provided by the draft PHP as detailed below.

Council Policy – Active Ageing

This policy was first adopted in 2003 and last reviewed in 2014. The purpose of the Policy is to effectively outline that Council supports mature residents having access to appropriate services and to outline that Council will advocate and/or work in partnership to ensure services and facilities are available for seniors.

The Policy is intended to provide a strategic framework for decision making through the identification of strategic direction and monitoring performance as it relates to services for seniors. Given the draft PHP provides a range of actions related to seniors and now provides such strategic direction, it is recommended that the policy be revoked to remove duplication.

Council Policy – Disability Access and Inclusion

This policy was adopted in 2013 and recognises that people with a disability have the same rights to services and facilities. The Policy seeks to form the basis of implementation of a Disability Access and Inclusion Plan (DAIP); most recently adopted by Council in 2019. Given (i) a range of related actions are included in the draft PHP and (ii) a Council Policy is not required to facilitate the preparation and implementation of a DAIP, it is recommended that the Policy be revoked.

Conclusion

The draft PHP is based on evidence-based research, preliminary community feedback and alignment with the State Public Health Plan. It is recommended that Council endorses the draft PHP for final adoption, and revokes Council Policies Active Ageing and Disability Access and Inclusion.

Statutory Requirements

Part 5 of the *Public Health Act 2016* provides for public health planning and will not come into effect until stage 5 of implementation. Once Part 5 is in effect (which will potentially be within the next two years), each local government has two years to produce a PHP.

Section 45 (4) of the *Public Health Act 2016* sets out the elements to must be incorporated into a local public health plan.

Financial Considerations

The draft PHP contains a series of actions which, if adopted, will need to be funded and implemented.

The cost of delivering the draft PHP in the 2022/23 financial year (excluding the cost of implementing Actions 9.4.2 to 9.4.6) is \$1,484,210; of which approximately \$33,500 is for new programs (that is, beyond the existing programs which are already funded in the adopted budget. It is noted that there is \$30,000 available in the current annual budget for PHP implementation.

The total cost of implementing the PHP over the four-year lifespan is \$7,347,560, with the cost of implementing proposed new programs being approximately \$920,500 (excluding costs associated with actions 9.4.2 and 9.4.4). Whilst a number of actions are already funded as existing programs, Council will be required to consider funding new programs in each financial year as identified by the PHP.

Risk Management Implications

Upon commencement of stage five of the *Public Health Act 2016*, all local governments will be required to produce a local PHP that is consistent with the State PHP for Western Australia. If Council does not adopt a PHP, there is a risk in failing to comply with legislated requirements.

In addition to the above risk, there is reputational risk in the instance that Council adopts the draft PHP and associated actions, without providing funding in subsequent years to implement them. Whilst future annual budgets will be determined by subsequent Councils, adoption of the draft PHP represents a commitment to the actions being funded and implemented.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.3

That Council:

1. Adopts the draft Public Health Plan;
2. Revokes Council Policy – Active Ageing; and
3. Revokes Council Policy - Disability Access and Inclusion.

Voting requirements:

Point 1 – Simple majority

Points 2 and 3 – Absolute Majority

9.4 Point Reserve Foreshore Plan	
Property Address	Point Reserve, North Road, Bassendean
Landowner/Applicant	Town of Bassendean Department of Planning, Lands and Heritage / Western Australian Planning Commission
File Reference	PARE/PLANNG/2
Department	Environment and Sustainability
Previous Reports	23 March 2021
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Point Reserve Foreshore Plan (Draft) [9.4.1 - 17 pages] 2. Point Reserve Consultation Survey - Printed version [9.4.2 - 6 pages] 3. Point Reserve Consultation Survey Results Summary [9.4.3 - 15 pages] 4. Point Reserve Consultation Survey - Written comments [9.4.4 - 18 pages]

Purpose

The purpose of this report is for Council to consider the elements / options for inclusion in the final Point Reserve Foreshore Plan, following the conclusion of community consultation.

Background

On 23 March 2021, Council resolved to receive a \$32,000 Riverbank funding grant for the purposes of developing a foreshore plan for Point Reserve, and also allocated \$500,000 funding across the 2021/22 draft annual budget and the draft Long Term Financial Plan.

In September 2021, the \$32,000 funding was received and the Point Reserve Foreshore Plan project commenced.

The study area includes Point Reserve (managed by Town of Bassendean) and the adjacent Public Open Space managed by the State Government, via the Department of Planning, Lands and Heritage. The total area is approximately 4 hectares, extending 400 linear metres along the shoreline.

The foreshore areas to the north and south of the project extent are reserved for Parks and Recreation under the Metropolitan Region Scheme, however the majority remains under private ownership.

The Town has previously advocated to the State Government to progress with acquisition of the foreshore reserve, with particular value identified in establishment of a continuous foreshore linkage between Point Reserve and Guildford Road Bridge to the north.

A map of the study area follows.



The following milestones have been completed to inform the development of the Plan:

- River value desktop and field report: A desktop assessment and field visit was undertaken to identify the reserve’s values (environmental, social, historical) and opportunities and limitations for the site. The field visit was attended by stakeholders including Dept Planning, Lands and Heritage and Dept Biodiversity, Conservation and Attractions;
- School workshop: 44 Year 6 River Rangers from Bassendean Primary School attended a workshop on site. They were provided stories about the natural environment and historical and Aboriginal heritage values of Point Reserve, and were then asked to draw their “one big idea”. An initial draft Concept was developed based on the students’ ideas;

- Councillor visioning workshop: Councillors attended a site meeting to provide general feedback on the initial draft Concept. Agreement was reached on the importance of maintaining the natural values of Point Reserve; and
- External stakeholder feedback: Feedback was sought from the Dept Planning, Lands and Heritage and Dept Biodiversity, Conservation and Attractions on the initial Draft Concept.

Subsequent tasks undertaken include:

- Councillor workshop held on 7 June 2022, with several changes requested by Councillors;
- Letterbox drop to immediate neighbours, inviting them to a site meeting held on 6 July. This was attended by 12 residents (from 9 properties, two of which were not directly abutting the study area). The Town met with two other residents individually. Involvement/input was received from 10 of the 12 immediate neighbouring properties;
- Site meeting with local access group to discuss the preferred path type / material and additional considerations to improve accessibility;
- Traffic counters installed to monitor vehicles accessing both lower and upper carparks;
- Councillor workshop held 12 July 2022, with information provided on neighbour feedback received, access improvement suggestions and proposed way forward for consultation involving multiple options for each aspect; and
- Multiple options developed for inclusion in the Draft Point Reserve Foreshore Plan, relating to:
 - Area for improvement (spatial extent);
 - Location of playground and carpark;
 - Jetty / boardwalk options;
 - Different path configurations; and
 - Path material.

Communication and Engagement

The Draft Foreshore Plan and consultation survey questions were circulated to Councillors on 29 August 2022. As a result of feedback received, several minor changes were made to the documents.

The Draft Foreshore Plan (refer Attachment 1) was subsequently released for community consultation for a period of five weeks from 27 September 2022 to 31 October 2022, through an online survey (with printed version also available; refer Attachment 2). A key component of the survey involved seeking feedback on alternative options developed for each element.

In response, 81 submissions were received. A summary of the consultation method and results is included in Attachment 3 and written comments (as received) in Attachment 4.

A summary of the consultation outcomes and information on the next steps has been provided to survey respondents who wished to be kept informed.

Survey outcomes

To assist with analysis, responses for “strongly support” and “support” are combined to determine an overall level of support for an element. Similarly “oppose” and “strongly oppose” are combined to determine the overall level of opposition.

A summary is outlined below. The option with the highest level of support for each element is shown in bold/ grey fill.

Element	Option	Percentage of responses		
		Strongly support/ support	Neutral	Oppose/ strongly oppose
Area for improvement	1: Limit the plan to the Town's land (existing park area)	35%	16%	49%
	2: Includes adjacent State Government managed land	68%	9%	23%
Location of carpark and playground	3: Relocate the seating and barbeque so they are closer to the playground and move the carpark to the end of the access road with reduced bays	52%	28%	20%
	4: Relocate the seating and barbeque so they are closer to the playground and move the carpark to west with reduced bays	31%	31%	38%
	5: No change to current location or size of the carpark but upgrade the playground	38%	31%	31%
Jetty/ boardwalk	6: Jetty to be angled into the river with a pontoon	56%	27%	17%
	7: Create a boardwalk adjacent to the riverbank	66%	15%	19%
	8: Create a jetty into the river similar to historic jetty	71%	15%	14%
Path configurations	9: Provide access without boardwalks (concrete path)	29%	23%	48%
	10: A circuit within the Town managed land with boardwalks where the area becomes inundated	47%	25%	28%
	11: A circuit around the whole area	64%	6%	30%
	12: Single path to the end of DPLH land	22%	36%	42%
Path material (extended area)	13: Concrete path	51%	25%	24%
	*14: Low boardwalk	51%	27%	23%

**Please note due to rounding of decimal places this does not equal 100%*

There was >50% support for all “additional elements” (refer Attachment 3 pages 5-6):

- Retaining beach access at three locations

- Lighting around car park and amenities (must be at low levels and wildlife friendly)
- New playground with shade structures
- Seating nodes
- Celebration of Noongar stories through art and interpretation
- Unobtrusive educational signage
- Small timber deck
- Bird hide (open structure to path side)
- Increased shade through additional tree planting
- Foreshore stabilisation. This is likely to include rock in areas with visible erosion (around a few of the trees)/ either side of river access points. May also need some sand nourishment.
- Riparian planting between the foreshore and the path, wetland planting in low-lying areas and some reduction of grassed areas (and mowing needs) by adding vegetation around mature trees
- Creation of places for local animals including bat and bird boxes, insect hotels, fauna tunnels, sheltered areas and frog habitat
- Planting along northern and western fence lines adjacent private property
- Open area for multiple uses (upper park area)

A large number of written comments were received (refer Attachment 4). For those who provided comments on the proposal to rehome the geese, the majority were in support (27 out of 48 respondents).

Councillor feedback

The outcomes of the consultation were provided to Councillors through the CEO Bulletin on 14 November 2022 and presented at a Councillor workshop held on 29 November 2022. At the workshop, there was a request for the options to be formally considered by Council prior to finalising the Concept and progressing future stages.

Three Councillors indicated support for the Option 10 path configuration (Circuit in Town managed land with boardwalks where the area becomes inundated), differing feedback was received regarding the jetty/ boardwalk (two Councillors preferred the boardwalk, two a historic jetty) and one Councillor indicated that no works should be undertaken at Point Reserve.

In general, support was given to assist Bushcare Volunteer Groups to undertake restoration/ revegetation works within the State Government land.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

2.5 Value and conserve and protect our water resources and waterways

2.6 Support the creation of a more green and shaded Town

Comment

In determining the recommended options for inclusion in the final Point Reserve Foreshore Plan, consideration has been given to the outcomes of the community consultation, Councillor feedback received, budget constraints and the relative cost and benefit of each option.

Priority elements

It is considered that upgrade of the Town's land (existing park area) should take priority over the adjacent State Government land, with protection and enhancement of environmental values and maintaining or improving on accessibility key. Due to the environmental conditions, relocation of the playground away from the river is a priority, as is foreshore stabilisation. The relocation of the carpark will allow for improved parkland design, enhancing community use.

Recommendations

Based on Councillor feedback received at the 29 November 2022 workshop, budget constraints and the anticipated costs in comparison to the community benefit provided, it is recommended that the extent of built infrastructure is limited to the Town's land (existing park area).

This will result in two options (Option 1 and Option 10) being included in the Final Foreshore Plan, that did not receive the highest level of support in the community survey.

Element	Option	Level of support
Area for improvement	1: Limit the plan to the Town's land (existing park area)	35%
Path configurations	10: A circuit within the Town managed land with boardwalks where the area becomes inundated	47%

Should Council prefer to include the adjacent State Government land (Option 2) and a circuit around the entire area (Option 11), either significant grant funding would be required for the built infrastructure or alternatively other elements (e.g. jetty/boardwalk and/or the relocated carpark) would need to be excluded from the Foreshore Plan.

As noted under the Risk Management Implications section of this report, the regular tidal inundation of the southern area is also a key factor requiring consideration.

For the remaining elements, it is recommended the option with the highest level of support in the community survey is selected:

Element	Option	Level of support
Location of carpark and playground	3: Relocate the seating and barbeque so they are closer to the playground and move the carpark to the end of the access road with reduced bays	52%
Jetty/ boardwalk	8: Create a jetty into the river similar to historic jetty	71%
Path material (extended area)	N/A	

Similarly, it is recommended that all “additional elements” within the Town’s land (existing park area) are included, as these received a high level of support in the survey.

It is important to note the value of the lower carpark in terms of accessibility. As such it is recommended that any revised carpark design should incorporate turn around bays and/or a drop-off bay.

The suggestion to support Bushcare Volunteer Groups to undertake restoration (including within the State Government land) is supported.

Relocation of the geese is currently being investigated and further information will be provided to the community prior to this occurring.

Statutory Requirements

Any ground disturbing works impacting on Aboriginal Heritage Sites (including the Swan River and Helena River confluence) requires approval under the *Aboriginal Heritage Act 1972 (WA)* until 30 June 2023, and the *Aboriginal Cultural Heritage Act 2021 (WA)* from 1 July 2023.

Under the *Swan and Canning Rivers Management Act 2006 (WA)*, the Department of Biodiversity, Conservation and Attractions has overall planning, protection and management responsibility for the Swan Canning Development Control Area (DCA). Point Reserve is located within the DCA, with any future works requiring their approval. The Draft Plan is consistent with the DBCA’s draft policy; *Planning for Localities along the Swan Canning Development Control Area* and Locality Plan for the Lower Swan, which encompasses Point Reserve. As a key stakeholder and funding co-contributor, DBCA has been consulted throughout the Foreshore Plan development.

Under the *Jetties Act 1926 (WA)*, the Department of Transport is responsible for issuing jetty licences, which will apply to the selected boardwalk/ jetty structure.

Financial Considerations

Potential funding sources towards implementation of the project include:

- WAPC Area Assistance Grant (for construction, subject to the Town taking over vesting of DPLH land); and
- Riverbank Funding/ State NRM funding for environmental elements (stabilisation, revegetation etc), subject to a competitive grant application.

With regards to municipal funds, a resolution of Council from March 2021 supported allocation of:

- \$350,000 Municipal funds over two financial years; and
- Additional funds available from a Natural Area Reserve account.

The above results in a maximum of \$600,000 Municipal funds available towards construction (subject to approval of the Long-Term Financial Plan and Annual Budgets). However, this is subject to Council’s position on the priority of this project (or elements of the project) against other competing projects and activities.

The highest cost elements involved with the concept include:

- Carpark relocation; high level cost estimate of \$150,000
- Jetty/ boardwalk: ranging from \$200,000 - \$500,000;
- Paths (particularly boardwalks): \$140/m² for concrete and up to \$2,000/m² for boardwalks; and
- Foreshore stabilisation.

Risk Management Implications

The following key climate risks based on the climate projections for Perth have been considered in development of the Draft Landscape Concept Plan.

Climate change variable	Risk statement	Controls
Higher sea levels and more frequent sea level extremes	Salt water intrusion resulting in loss / change to shoreline/ riparian vegetation	Select salt tolerant species for new planting in low lying areas
	Permanent/ more frequent inundation of low lying foreshore areas impacting infrastructure and reducing access to POS	New infrastructure in susceptible areas designed to withstand inundation

As much of the southern area is within the tidal zone, it is subject to regular inundation during high tides that occur year round and flood events/ winter rainfall. This limits the community benefit of any built infrastructure (as access would be limited) and increases the costs/ risks of construction and ongoing maintenance.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.4

That Council:

1. Approves the Point Reserve Foreshore Plan, contained in the attachment, subject to the inclusion of the following elements in the final concept:

Area for improvement (spatial extent)	Limit area to the Town's land (existing park area): Option 1
Path configuration	A circuit within the Town managed land where the area becomes inundated (Option 10)
Playground/ carpark location	Relocation of the seating and barbeque so they are closer to the playground and move the carpark to the end of the access road with reduced bays (Option 3)
Jetty/ boardwalk options	Create a jetty into the river similar to historic jetty (Option 8)
Other elements	<p>All "other elements" within Town managed land:</p> <ul style="list-style-type: none"> • Retaining beach access at three locations • Lighting around car park and amenities (must be at low levels and wildlife friendly) • New playground with shade structures • Seating nodes • Celebration of Noongar stories through art and interpretation • Unobtrusive educational signage • Increased shade through additional tree planting • Foreshore stabilisation. This is likely to include rock in areas with visible erosion (around a few of the trees)/ either side of river access points. May also need some sand nourishment. • Riparian planting between the foreshore and the path, wetland planting in low-lying areas and some reduction of grassed areas (and mowing needs) by adding vegetation around mature trees • Creation of places for local animals including bat and bird boxes, insect hotels, fauna tunnels, sheltered areas and frog habitat • Planting along northern fence lines adjacent private property • Open area for multiple uses (upper park area)

2. Notes that the approved Foreshore Plan will be used to inform detailed design, with staged implementation to be considered for inclusion in the future Long Term Financial Plan and future Annual Budgets, with the intention to seek grant funding where possible.

Voting requirements: Simple Majority

9.5 Draft Local Planning Framework	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/PLANNG/24
Department	Community Planning
Previous Reports	25 February 2020 28 April 2020 4 November 2020 24 August 2021 28 June 2022 27 September 2022 25 October 2022
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. Local Planning Strategy Modifications [9.5.1 - 5 pages] 2. Local Planning Scheme Modifications [9.5.2 - 1 page] 3. Bassendean Town Centre Frame Area [9.5.3 - 1 page]

Purpose

The purpose of this report is for Council to formally note endorsement of the draft Local Planning Strategy and certification to advertise draft Local Planning Scheme No. 11 (LPS 11) by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC) subject to modifications.

Background

There is extensive background relating to the preparation of the draft local planning frameworks for certification to advertise as detailed in Item 12.8 of the 28 June 2022 Ordinary Council Meeting agenda.

In respect to the draft Local Planning Strategy, on 27 September 2022, Council resolved to note the submissions received in response to the advertising of the draft Local Planning Strategy and to support the draft strategy, subject to various modifications being made.

In respect to draft LPS 11, on 25 October 2022, Council resolved to adopt the draft Scheme.

On 16 November 2022, the draft Scheme was forwarded to the relevant agencies for certification to advertise.

On 4 January 2023, the Environmental Protection Authority (EPA) advised that it considers draft LPS 11 is unlikely to have a significant effect on the environment and formal environmental assessment is therefore not required.

On 7 February 2023, both the Local Planning Strategy and draft LPS 11, were considered by the SPC, where the draft Local Planning Strategy was endorsed and draft LPS 11 was certified for advertising, both subject to modifications as discussed in this report.

Communication and Engagement

The draft Strategy was advertised in August 2022, with the results of that consultation included in the report presented to Council's September 2022 round of meetings.

A brief update was provided to Councillors at the Councillor workshop on 7 February

Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

Comment

Local Planning Strategy

The modifications required to the draft Local Planning Strategy (see schedule attached) are primarily administrative in nature or were requested by Council, except for "Planning Area A – Bassendean District Centre", with the third paragraph of that section to be amended to read as follows.

'Planning Area A proposes the redevelopment and land use intensification of the Bassendean District Activity Centre area with a focus on optimising employment opportunities, land use diversity and accommodating residential outcomes. The Strategy recognises that Planning Area A requires a precinct structure plan and that the land is to be zoned and coded in accordance with this plan and/or the Council adopted Bassendean Town Centre Masterplan.'

Consistent with the Bassendean Town Centre Masterplan, the Town proposes to prepare the Precinct Structure Plan and investigate the matters such as density, land use mix, servicing capacity, traffic impacts, interface and retail needs in the immediate term, for those areas not otherwise coded in the short term.'

This modification recognises the preparation and adoption of the Bassendean Town Centre Masterplan, which forms the basis of the future Precinct Structure Plan. The modification will enable draft LPS 11 to apply a residential zoning and suitable coding to land within the residential frame area (rather than so as to facilitate infill development ahead of the Precinct Structure Plan).

Draft Local Planning Scheme No.11

The modifications required to draft LPS 11 are as follows:

- Administrative modifications;
- Applying zones and codes to the Bassendean District Centre Frame, as discussed in the previous section. (refer to attached map);
- Retaining 16 Surrey Street as 'Public Open Space', rather than being zoned District Centre or any form of Residential zone.
- Retain the Bassendean PTA Carpark as un-zoned land;
- Introduce a new Mixed Use zoned and insert associated land use permissibility into the zoning table; and
- Modify various land use permissibilities and definitions and insert land use definitions for Art Gallery and Betting Agency.

The complete schedule of modifications to draft LPS 11 is attached.

Public Consultation and Notice

Draft Local Planning Strategy

In accordance with Regulation 16(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, following the modifications being made, the Town is required to ensure that an up-to-date copy of the endorsed Local Planning Strategy is published on its website.

Draft Local Planning Scheme No.11

Subject to sections 81 and 82 of the *Planning and Development Act 2005*, if the WAPC advises a local government that it is satisfied that a draft local planning scheme submitted by the local government is suitable to be advertised, the local government must, as soon as is reasonably practicable, prepare a notice in a form approved by the WAPC giving details of —

- (a) the purpose of the draft scheme; and
- (b) how the draft scheme is to be made available to the public; and
- (c) the manner and form in which submissions may be made; and
- (d) the period for making submissions (typically 90 days) and the last day of that period.

The Town must then advertise draft LPS 11 in accordance with the notice, and provide a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme and as directed by the WAPC.

The Town intends to advertise draft LPS 11 in the following manner, commencing in March 2023.

- Developing documentation to explain key components of the Scheme, including frequently asked questions (FAQs) and explanatory notes;
- Letters to landowners where zoning changes have occurred and within the special control area.
- Making the documents publicly available for inspection at the Town's offices and at the offices of the WAPC;
- Advertising in the local newspaper, the Town's social media platforms and via website; and
- Drop-in sessions with Town staff available to enable community; and
- Invitations to the Cities of Swan, Belmont and Bayswater and various public authorities to make submissions on the proposals.

Upon conclusion of the public advertising, Council will be required to consider all submissions received and will be required to make recommendation on the draft Scheme. The documents will then be submitted to the WAPC for consideration by the Minister for Planning.

Conclusion

Endorsement of the draft Local Planning Strategy and certification to advertise draft LPS 11 by the SPC represent significant milestones in the progression of the local planning framework. It is recommended that Council note the progression of these documents as resolved by the SPC.

Statutory Requirements

- Planning and Development Act 2005
- Planning (Local Planning Schemes) Regulations 2015
- Environmental Protection Act 1986
- Heritage Act 2018

Financial Considerations

The cost of publishing a notice for the Local Planning Scheme and advertising the draft Scheme will be met by the 2022/23 operational budget.

Risk Management Implications

Low. The recommendation is that Council simply notes the recent decisions of the SPC. No further action is required of Council at this time.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.5

That Council:

1. Notes that, on 7 February 2023, the Statutory Planning Committee of the Western Australian Planning Commission resolved to, in relation to the draft Local Planning Strategy, to:
 - “(i) *determine the submissions in accordance with the Schedule of Submissions (Attachment 5 – Schedule of Submissions);*
 - “(ii) *consider that modification to the Local Planning Strategy (Attachment 2 – Local Planning Strategy), in accordance with the attached Schedule of Modifications (Attachment 8 - Schedule of Modifications) is required;*
 - “(iii) *subject to the above modifications being satisfactorily undertaken, endorse the Local Planning Strategy under regulation 15 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
 - “(iv) *authorise the Planning Director – Schemes, Amendments and Administration of the Department of Planning, Lands and Heritage to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly; and*
 - “(v) *advise the local government to publish a notice of the Local Planning Strategy advising of the endorsement of Local Planning Strategy in accordance with regulation 16 of the Planning and Development (Local Planning Schemes) Regulations 2015.”*
2. Notes that, on 7 February 2023, the Statutory Planning Committee of the Western Australian Planning Commission resolved to, in relation to the draft Local Planning Scheme No. 11, to:
 - “(i) *Consider that modifications to the Town of Bassendean draft Local Planning Scheme No.11 are required for it to be suitable for advertising, in accordance with the attached schedule of modifications (A6 - Schedule of Modifications);*

- (ii) *Advise Council that following completion of the modifications to the Town of Bassendean draft Local Planning Scheme No.11, it is to be advertised in accordance with Regulation 22 of the Planning and Development (Local Planning Schemes) Regulations 2015”;*
3. Notes that the Town will undertake the administrative tasks associated with finalising the draft Local Planning Strategy; and
4. Notes that the Town will make the required modifications to draft Local Planning Scheme No. 11 in accordance with the Statutory Planning Committee resolution, and thereafter commence public consultation.

Voting requirements: Simple Majority

9.6 RFT 04/2022 Weed Control for Environmental Weeds in the Town of Bassendean	
File Reference	ENVM/TENDNG/18
Directorate	Corporate Services / Sustainability and Environment
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - RFT 04 2022 EVALUATION REPORT (Confidential) signed [9.6.1 - 12 pages]

Purpose

The purpose of this report is for Council to consider a summary of tenders received for RFT 04/2022 Weed Control for Environmental Weeds in the Town of Bassendean appoint the contractor considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a contractor to provide weed control for environmental weeds services. 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 Weed Control & Chemical Application in Natural Areas with Landcare Weed Control, which expired on 7 February 2023.

RFT 04/2022 has a similar scope of works to the previous contract, however has been renamed to Weed Control for Environmental Weeds and was sought via a tender due to the expected value of works.

The services include weed control (both chemical and non-chemical) in the natural areas within the Town, including but not limited to Anzac Terrace, Ashfield Flats (Town managed areas only), Ashfield Parade, Bindaring Park, Broadway Reserve, Jubilee Reserve, Pickering Park, Sandy Beach, Success Hill Reserve and Surrey Street Drain. The service also includes treatment of Caltrop town-wide, and allows for treatment of significant environmental weeds outside of natural areas if required.

Communication and Engagement

The Request was advertised in The West Australian Newspaper and the Town's website on 26 November 2022 and closed at 11.00am (AWST) on Thursday, 15 December 2022. Relevant businesses listed on the WA Aboriginal Business Directory and Supply Nation were invited to provide a submission.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity.

2.6 Support the creation of a more green and shaded Town.

Comment

Submissions were received from following four Tenderers:

- Aboriginal Landcare (ngala-boodja);
- Environmental Industries Pty Ltd;
- Indigenous Managed Services Pty Ltd; and
- Natural Area Holdings Pty Ltd t/as Natural Area Consulting Management Services.

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

All four 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	15%
Demonstrated Experience	25%
Demonstrated Understanding of the Requirements	25%
Plant, Equipment, Operators and Technical Expertise operating in Natural Areas	35%

The pre-determined qualitative threshold for this tender was set at 70%. Based on the qualitative assessment, only one tenderer met the above threshold.

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report. The contract value is within budget.

Statutory Requirements

A public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

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.

Due to the increase in unit costs in comparison to the previous contract, an additional \$19,500 is required in the 2022/23 Annual Budget in order to achieve planned works. These funds have been requested in the mid-year Budget Review. If this is not approved, the works can be reduced to remain within the budgeted amount.

Risk Management Implications

The risk of not awarding the contract is that the Town will lack the capacity for control of environmental weeds.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter, although a member of the evaluation panel noted that she is a former employee of the preferred supplier.

Officer Recommendation – Item 9.6

That Council appoints Natural Area Holdings Pty Ltd t/as Natural Area Consulting Management Services to provide Weed Control for Environmental Weeds in the Town of Bassendean as specified in Tender 04/2022 for a period of One (1) Year, with two options for extension of One (1) year each, to commence upon Council Approval and Contractor Letter of Award.

Voting requirements: Simple Majority

9.7 2021/22 Annual Report	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	TBA
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Draft Annual Report 15 Feb 23 [9.7.1 - 50 pages]

Purpose

The purpose of this report is for Council to receive the Town of Bassendean Annual Report 2021/22 including the Audited Annual Financial Statements for the year ending 30 June 2022, and to set a date for the General Meeting of Electors.

Background

Section 5.53 of the *Local Government Act 1995* requires the Town to prepare an annual report for each financial year, with that report to contain the following:

- a report from the mayor or president;
- a report from the CEO;
- an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - the number of complaints recorded in the register of complaints;
 - how the recorded complaints were dealt with;
 - any other details that the regulations may require; and

- such other information as may be prescribed.

Section 5.54 of the Act requires the annual report for a financial year to be accepted by the local government no later than 31 December after that financial year, however, if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.

As reported to the Audit and Governance Committee on 30 November, the 2021/22 Annual Financial Statements were unable to be finalised in time for the audit to be completed by 31 December 2022, due to significant delays in regarding revaluation of the Town's assets.

Communication and Engagement

On 18 November 2022, the draft Annual Report was circulated to Councillors for comment via the CEO Bulletin. No comments were received.

On 8 February 2023, the draft Audited Annual Financial Statements for the year ending 30 June 2022 were endorsed by the Audit and Governance Committee.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

Comment

The Annual Report and the 2021/22 Audited Financial Statements provide an overview of the activities of the Town of Bassendean and report on the measures of success in line with the Corporate Business Plan.

The Town is compliant with section 5.54 of the Act as the auditor's report became available to the Town on 2 February 2023.

Statutory Requirements

Once adopted by Council, the CEO is required to give local public notice of the availability of the annual report as soon as practicable after the decision. Additionally, a General Meeting of Electors is to be held on a day selected by the local government but not more than 56 days after Council adopts the annual report. The proposed date for the General Meeting of Electors is Wednesday 29 March 2023.

Financial Considerations

The costs associated with the graphic design of the Annual Report and giving local public notice, can be met from the Town's operational budget.

Risk Management Implications

Failure to adopt the Annual Report within the statutory timeframes would place the Town in breach of the Act and would need to be accounted for by the Town when completing the Annual Compliance Return. This could result in reputational damage for the Town.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.7

That Council:

1. Adopts the Town of Bassendean's 2021/22 Annual Report for the year ending 30 June 2022, including the Audited Annual Financial Statements for the year ended 30 June 2022; and
2. Holds its General Meeting of Electors on Wednesday 29 March 2023 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

Voting requirements: Absolute Majority

9.8 Relocation of the Town's Customer Service Centre	
Property Address	35 and 48 Old Perth Road, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	CORM/PLANNG/2
Department	Office of the CEO
Previous Reports	NA
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - Relocation report - Hawaiian [9.8.1 - 1 page]

Purpose

The purpose of this report is for Council to consider the potential relocation of the Town's Administration staff associated with the vacation of the Town's premises at 35 Old Perth Road, Bassendean, in advance of the 2023/24 budget planning process.

Background

Subject Site

The Customer Service Centre site at 35 Old Perth Road, Bassendean is owned freehold by the Town. The site is identified in the Bassendean Town Centre Masterplan as suitable for mixed use development of up to five stories, yielding up to ten multiple dwellings/apartments.

Previous Council determinations

When seeking Council's adoption of the 2021/22 Annual Budget, the administration sought a budget allocation of \$250,000 to facilitate co-location of the Town's administration staff. On 29 July 2021, Council considered the budget and resolved as follows:

"Office Relocation be removed from the Capital Budget and allocated \$30,000 from the Operational Project Budget for preparation of a detailed project plan including project costs for consideration by Council and allocation of \$220,000 to the Future Projects Reserve to provide funds for the project should Council endorse the project plan."

In December 2021, Council resolved to adopt a Land Asset Strategy for various Town owned and controlled sites throughout the district. With regard to 35 Old Perth Road, the Council-adopted Land Asset Strategy recommends:

“That the Town seek to accommodate existing staff at other locations, including 48 Old Perth Road, the Library and the Seniors and Disability Services site in Ashfield.

Once that has occurred, it is recommended that the Town seek to redevelop the site, generally in accordance with the current zoning and the adopted Town Centre Masterplan.”

On 28 June 2022, Council considered a proposal to relocate the Town’s Administration staff to vacate the Town’s premises at 35 OPR to free the site for other potential uses, in accordance with the Council-adopted Land Asset Strategy. A Project Plan Summary for Relocation of the Administration was presented for Council’s consideration, with inclusion in the 2022/23 Proposed Annual Budget release of the sum of \$220,000 from the Future Projects Reserve for project implementation. At that meeting, Council resolved as follows:

“That Council:

- 1. Does not endorse the Project Plan Summary for Relocation of the Administration, as attached to this report as Confidential Attachment 1;*
- 2. Requests the CEO progress an Expression of Interest process for the redevelopment of 35 Old Perth Road; and*
- 3. Requests the CEO write to Minister Carey to canvas the State's interest for that site.”*

Subsequent Actions

Following Council’s resolution and to facilitate progression of the Masterplan, the Town liaised with the owners of 39 and 41 Old Perth Road (abutting 35 OPR) seeking expressions of interest (EOI) for third party acquisition or future development over all three sites. Following concept plans being prepared, the landowners gave in-principle support to further discussions being held with the State Government to facilitate development of the sites.

In late November 2022, the Town met with the Housing and Assets branch of the Department of Communities (DoC) to discuss concepts and potential acquisition. Whilst supportive of development, the DoC advised that it would only consider residential development (and not a mixed-use proposal) given they seek to provide and manage housing only. This advice was conveyed to the abutting landowners, who advised that without a commercial component to a future development, they would not be prepared to participate in any manner.

The DoC subsequently advised that, given the site constraints (i.e., narrow frontage, no alternative access), it would not be prepared to develop the site without the adjacent parcels of land.

In accordance with Council's June 2022 resolution, the Town progressed an EOI process, seeking submissions from those that could potentially purchase and/or develop 35 OPR. The EOI submission period does not close until 9 March 2023, with a report to be presented to Council at the March OCM.

Council is requested to adopt a position on the future location of the Town's Customer Service Centre at this time, to assist in the preparation of the 2023/24 annual budget and provide maximum lead time for any requisite project planning.

Communication and Engagement

The matter was discussed in detail as part of the June 2022 round of Council meetings.

On 23 December 2022, Councillors were provided an update regarding 35 Old Perth Road, including advice that the Town intended to progress to an EOI in early 2023, in accordance with point 2 of the Council resolution from June 2022.

On 17 January 2023, Councillors were provided with the EOI documentation in advance of the public advertising.

On 31 January 2023, the matter was discussed at a Councillor workshop.

Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.3 Ensure operational activities reflect the strategic focus of Council

Comment

Options

The following options for relocation are presented for Council's consideration, with relevant considerations for each proposal further discussed.

Option 1: Utilisation of existing Council premises, including the Library

Option 1 is as presented to Council in June 2022 as follows:

Ashfield Community Centre

- Relocate the Director Community Planning and the Development and Place team to the former Ashfield Community Centre at 2 Colstoun Road, Ashfield
- This will involve the Planning, Building, Environmental Health and Rangers teams, being 13 staff in total
- The reception/foyer will be set up as a customer interface/service area, with appropriate ICT capabilities to improve customer service.

48 Old Perth Road

- To create an open plan environment by removing the offices on the Old Perth Road side of the building and internal walls between the ICT office and a vacant office in front of the current security entrance
- Relocate the current security entrance to the North side of the currently vacant office
- Retain the current offices on the BIC Reserve side of the building
- Removing the walls within the CEO area to accommodate an open plan office space
- Relocate the CEO's office to the space currently occupied by Environment and Sustainability
- Relocate Environment and Sustainability to the open plan office space to the Southern end of the building
- Relocate the Director Corporate Services and the Finance and Records teams to the open plan office space at the Southern end of 48 Old Perth Road.

Bassendean Memorial Public Library

- Redesign the Library entrance and foyer to provide two service areas, for the Library and Customer Services
- Rationalise the current office space within the secure area of the Library premises to accommodate Customer Services staff taking phone enquiries
- Relocate Customer Services staff from 35 OPR to the Library premises.

Option 1 Considerations

As the Town's population grows and diversifies, the demand for community access to high quality services, resources and facilities also increases. Co-location of the Town's Customer Service staff and Library Services presents an opportunity to utilise facilities and resources that share community, education, and recreational commonalities to ensure the Town can deliver sustainable and accessible outcomes to the community and to also drive cost efficiencies.

There are significant benefits for maximising community and administrative access to Town facilities, including:

- Creating a 'one stop shop' for common reasons for attending Town facilities (i.e., payment of rates, access to library and computers and general enquiries)
- Increased community awareness of services and activities available at the library
- Promotion of the library as a community hub and as a focal point for community services and activity
- Enhanced community health and well-being by promoting, attracting and increasing participation rates in library activities
- Broadening opportunities for staff to participate in both customer service and library functions, providing a greater level of staff coverage and opportunities for staff training and development
- Maximising the return on the Town's investment in the library building and infrastructure
- Maximise opportunities for cost-efficient sharing, including managing, maintenance, staffing and energy costs
- Addressing current occupational health and safety and building compliance matters affecting staff located at 35 OPR, including greater provisions of toilet facilities and access for people with disability.

The opening hours of the Town's Library and Customer Service Centre currently differ. Consideration will need to be given to whether to align the opening hours, which may improve efficiency and provide increased access to the Customer Service Centre.

The proposed administration portion of the Ashfield Community Centre is currently vacant. The land is Crown Land with a Management Order to the Town for use for Community Purposes and there is currently no power to lease the site. While an amendment to the Management Order can be sought to provide the Town with power to lease, any power to lease granted may not be unfettered and may not include a commercial lease. Relocation of some Town staff to Ashfield will ensure utilisation of an otherwise vacant asset currently incurring building and holding costs.

Option 2: Utilisation of retail space at Hawaiian Bassendean

Following Council's June 2022 resolution, the Town sought alternative options that did not involve relocation of Customer Services to the Library, given that seemed to be the primary point of Councillor opposition to the proposal. There being no other suitable Town-owned or controlled sites within the district, staff met with representatives from Hawaiian to view vacant office space at Hawaiian Bassendean Shopping Centre to ascertain whether the space could potentially be suitable for a Customer Service interface.

Hawaiian had two vacant premises, which were inspected and deemed suitable, with one being more suitable than the other. Furthermore, it was considered the premises could accommodate Customer Services staff and the Finance team, which is operationally advantageous given the finance functions performed by Customer Service staff and frequent interaction between Finance, Rates and Customer Service staff and the community.

Option 2 is the same as Option 1, with the exception of the Library remaining unchanged and Customer Services staff and a portion of Finance staff being relocated from 35 OPR to a tenancy leased at the Hawaiian Bassendean Shopping Centre. Option 2(a) is the shell option and option 2(b) is the turnkey option, which are outlined in the Confidential Attachment.

Option 2 Considerations

- This option arguably provides more convenient access for the community and the capacity to increase the profile of the Town and facilitate cross-publication of community-facing initiatives and projects.
- This option comes at higher cost, and without the potential opportunities and efficiencies that may arise through co-location of Library and Customer Services staff.
- This option requires Council to enter into a lease agreement with Hawaiian, and a decision as to whether to pursue Option 2(a) or Option 2(b).
- The Town's Customer Service Centre is open to the public from 8.30am to 5:00pm, Monday to Friday (excluding public holidays), with some staff commencing earlier or later than publicly available hours. Without a change to the Town's current opening hours, the Town's Customer Service Centre would remain closed on weekends when other outlets at the shopping centre are open, which may impact adversely on the Town's reputation.

Based on the above, Option 1 is preferred, for the following reasons:

- It adequately facilitates community and administrative access to Town facilities, provides for improved utilisation of an existing Town asset and provides an improved customer service model for the community.
- It provides the greatest level of business continuity and ease of access for the community, as it reduces the number of separate facilities (i.e., the majority of business units within close proximity at 48 OPR and the Library as opposed to the inclusion of another separate tenancy at the Hawaiian Bassendean Shopping Centre)
- It comes at lower cost than Option 2
- It facilitates opportunities and efficiencies through colocation of Library and Customer Services staff.

Nevertheless, it is open to Council to pursue Option 2, which arguably provides more convenient access for the community and the capacity to increase the profile of the Town and facilitate cross-publication of community-facing initiatives and projects, albeit at higher cost and without the opportunities presented by colocation of Library and Customer Services staff.

Option 3: Continue to occupy 35 Old Perth Road

It is open to Council to largely maintain the status quo. This option would still require some action to appropriately address safety concerns, including, as a minimum, increasing the height of front counter and providing secondary security access doors.

Option 3 Considerations

Pursuing Option 3 would require a budget allocation (albeit meaningfully less than options 1 and 2) and also continues the current operating costs of the site, which are approximately \$35,000 per annum. Further, this option would maintain the current sub-standard office accommodation which could potentially compromise the Town's ability to attract and retain staff in the current tight labour market. Importantly, this option would both be a direct departure from the Council-adopted Land Asset Strategy and provide a land use scenario that is inconsistent with the Council-adopted Town Centre Masterplan.

Project Implementation

Irrespective of which option Council pursues, relocation is expected to be completed over five phases (with the Library substituted for Hawaiian where appropriate) as follows:

- Phase 1: Preparation and Planning (March to June 2023)
- Phase 2: Relocation of the Director Community Planning and the Development and Place Team to Ashfield (July to August 2023)
- Phase 3: Relocation of the Finance and Records teams to 48 OPR/Hawaiian (August to December 2023)
- Phase 4: Relocation of Customer Services to the Library/Hawaiian (December to February 2024)
- Phase 5: Decommissioning and Finalisation (March 2024).

The timeframes shown above are for Option 1 and are subject to the appointment of a suitable project manager. Should Council elect to pursue Option 2, a project plan will be developed including timeframes.

Council should note that this is a significant project for the Town, regardless of which option is chosen, and successful delivery of this project may impact the timing of other projects and may require a realignment of priorities for the 2023 calendar year.

Future Community Hub

Whilst Council is required to endorse one of the following options to facilitate the redevelopment of 35 OPR in the short term, the Town considers the options as interim (medium term) solutions until such time that a new Community Hub is constructed, potentially at Bassendean Oval, as contemplated by the Council-adopted Town Centre Masterplan.

Such a project would be particularly complicated in that it involves Crown land that is reserved under the Metropolitan Region Scheme and would require thorough consideration of (amongst other things) the direct financial cost of the initial preparatory work, the necessary project management capacity and the Town's ability to fund the implementation any proposal, with that last matter being a significant issue with no current solution.

Town staff recently met with representatives from the Department of Planning, Lands and Heritage to discuss this future project. The Department suggested that the Town write to the Department so as to enable the matter to be raised with the Minister for Lands. This matter will be progressed separately in accordance with the Long-Term Financial Plan, Corporate Business Plan and/or any specific decision of Council.

Ultimately though, the likely timeframes associated with any new project for Bassendean Oval will be considerable, meaning the decision sought by Council at this juncture will apply for a significant period.

Statutory Requirements

Modifications to the library to accommodation Option 1 will be required to be independently certified to ensure compliance with the *Building Act 2011*, *Building Regulations 2012* and the National Construction Code.

Financial Considerations

The financial considerations presented here are for Option 1. The financial considerations for Option 2 are shown in the Confidential Attachment.

The total budget for the project is \$290,000, including:

- The balance of the current unused operational budget of \$20,000
- Release of the \$220,000 from the Future Projects Reserve;
- An additional \$50,000 for project management.

Funds will be used for the following purposes related to the relocation:

- Independent Building Certifier
- 48 OPR works
- Library counter interface

- Office furniture, fixtures and fittings
- Project Management
- Switchboard works at 48 Old Perth Road and Ashfield. It should be noted that these works are required irrespective of the proposed relocation and were included in the 2022/23 Annual budget.

Running costs associated with 35 OPR are approximately \$35,000 per annum, most of which will cease to be incurred if and when the premises are vacated.

Risk Management Implications

The risk management implications remain as identified in the report to Council in June 2022. The operational risks are:

- That the project cannot be completed within budget or within the scheduled timeframe
- Unanticipated complications, for example problems that may arise with 48 OPR relating to building infrastructure, electrical or other services.

More broadly, there is a reputational risk associate with not pursuing options 1 or 2, in that failure to vacate 35 OPR is contrary to the Council-adopted Land Asset Strategy and will prevent the Town achieving a key strategic priority under the Town Centre Masterplan.

Further, the Town has no other purpose for the administration portion of the Ashfield Community Centre and that portion of the site is likely to remain vacant. The land is Crown Land with a Management Order to the Town for use for Community Purposes. While an amendment to the Management Order has been sought to provide the Town with power to lease, any power to lease granted to the Town may not be unfettered and may not include a commercial lease.

Financial risks associated with not proceeding with options 1 or 2 include:

- The Town will be unable to unlock the potential of the 35 Old Perth Road site
- Building operating and holding costs will continue to be incurred across 35 Old Perth Road and the Ashfield Community Centre, a portion of which will be vacant
- The Town will be unable to realise any potential performance and service delivery improvements in the future by having Customer Services and Library Services operating from the same premises.

Whilst it is acknowledged that Council may consider there to be a risk in determining this matter in advance of making a final determination on the future of 35 OPR, that risk is considered negligible and largely off-set by the following:

- The Council-adopted Land Asset Strategy specifically contemplates 35 OPR being vacated and no longer being used for Town purposes, as follows:

“That the Town seek to accommodate existing staff at other locations, including 48 Old Perth Road, the Library and the Seniors and Disability Services site in Ashfield.”

- A decision at this time will allow the Town to provide a response to Hawaiian regarding option 2.
- A decision at this time will provide certainty around the current budget planning process (irrespective of which option Council pursues)
- A decision at this time will provide greater lead-time to appropriately plan for necessary works (irrespective of which option Council pursues)

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.8

That Council:

1. Endorses Option 1 for the relocation of the Town’s Administration staff associated with the vacation of the Town’s premises at 35 Old Perth Road, Bassendean.
2. Approves for inclusion in the 2023/24 Proposed Annual Budget (i) the release of \$220,000 from the Future Projects Reserve for project implementation, and (ii) a budget allocation of \$50,000 for Project Management.

Voting requirements: Simple Majority

9.9 Adoption of Quarterly Report period ending 31 December 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Quarterly Report - Q2 of 2022/23 [9.9.1 - 23 pages]

Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ending 31 December 2022.

Background

The Department of Local Government, Sport and Cultural Industries' *Integrated Planning and Reporting Framework and Guidelines* states that it is good practice to provide to Council, at least quarterly, implementation reports linked to the Corporate Business Plan (CBP).

The Quarterly Report for the period ending 31 December 2022 is the second report for the 2022/23 financial year and provides an update on the projects/actions contained within the adopted Corporate Business Plan 2022-2026.

Communication and Engagement

The draft Quarterly Report was provided to Councillors as part of the under cover of the 3 February 2023 CEO Bulletin. No comment was received.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
 6.3 Ensure operational activities reflect the strategic focus of Council

Comment

As detailed in the attachment, of the 65 actions / projects within the CBP, 10 have been completed, 42 are on-track and four are off-track. It should be noted that the items listed as off-track can and will be progressed in one way or another during quarters 3 and 4.

Statutory Requirements

Local Government Act 1995.

Financial Considerations

Nil.

Risk Management Implications

Nil.

Officer Recommendation – Item 9.9

That Council receives the Quarterly Report for the quarter ending 31 December 2022.

Voting requirements: Simple Majority

9.10 Bassendean Local Emergency Management Committee Review	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/12
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. BLEMC Instrument of Appointment and Delegation [9.10.1 - 3 pages]

Purpose

The purpose of this report is for Council to consider changing the Bassendean Local Emergency Management Committee (BLEMC) to an external Committee of Council.

Background

Local Emergency Management Committees (LEMC)

Under sections 38 - 40 of the *Emergency Management Act 2005*, local governments are required to establish a Local Emergency Management Committee (LEMC) to carry out the various functions which includes coordinating the development and submission of documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of Local Emergency Management Arrangements (LEMAs).

Each local government is required to establish, administer and maintain a LEMC, although they are not required to be formal committees of Council. To meet this requirement, a local government may:

- have a single committee (i.e. one LEMC covers the entirety of the local government district)
- have more than one committee (i.e. if there are areas with very different emergency management needs within a local government, each area may have a separate LEMC. The entirety of the local government district must be covered, and the boundaries of the individual committees must be clearly set out)
- join with another local government and establish a LEMC for their combined districts (i.e. if two local governments are closely located and have very similar emergency management needs, the LEMC may cover more than one local government district).

Bassendean Local Emergency Management Committee (BLEMC)

The BLEMC is a formal committee of Council whose role is to ensure that LEMAs are prepared and maintained for the Town and to perform any other emergency management requirements as specified under the EM Act.

On 23 June 2020, Council resolved to adopt the Instrument of Appointment and Delegation for BLEMC (attached).

The BLEMC meets quarterly as recommended by the State Emergency Management Procedure (SEMP), with minutes presented to Council for information. In addition to relevant Town support staff who do not have voting rights, membership of the Committee with voting rights is as follows:

- Two (2) Town of Bassendean Councillors (one of which is to be appointed as Presiding Member / Chair)
- Town of Bassendean - Director Community Planning (Local Recovery Coordinator)
- Officer in Charge – Kiara Police Station (Local Emergency Coordinator, to be appointed as Deputy Chair)
- Department of Fire and Emergency Services – District Officer Swan
- Department of Communities – Team Leader
- Department of Communities (Child Protection and Family Support) - Senior District Emergency Services Officer
- Bassendean State Emergency Service - Unit Manager
- St John Ambulance – Manager Emergency Management Unit

Proposal

It is proposed to operate BLEMC as an external committee as opposed to a formal committee of Council.

Communication and Engagement

Discussions were held during the 30 November 2022 and 7 December 2022 BLEMC meetings to improve future attendance to ensure a quorum is achieved, including disbanding the formal committee of Council to provide more flexible meeting arrangements.

Separate to the above, there were various discussion regarding the potential to create a shared Committee between the City of Bayswater and the Town of Bassendean. This is discussed in the report.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.1 Fostering a culture of collaboration and trust between the organisation and community

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.6 Respond effectively and efficiently to crises

Comment

Joint Local Emergency Management Committee

To ensure increased participation in meetings, informal discussions were held between the LEMC Executive Officers representing the City of Bayswater and the Town, as well as the District Emergency Management Advisor for the combined East and Central District Emergency Management Committee. As part of these discussions, it was agreed to explore the possibility and viability of amalgamating the LEMCs of both local governments for the purpose of emergency management. In mid-2022, both LEMCs requested the preparation of a discussion paper to address all aspects and issues associated with the potential joint LEMC.

A discussion paper on the joint LEMC proposal was circulated to all members on 10 November 2022, and in accordance with the process toward amalgamation, a motion to proceed was required.

On 6 December 2022 and prior to BLEMC considering the matter at its 7 December 2022 meeting, the Bayswater LEMC met and resolved that it did not support amalgamation with the Town's LEMC at that time. It did however support continued liaison, collaboration and provision of mutual aid support. As such, amalgamating the two LEMCs is not currently an option.

Instrument of Appointment and Delegation

In accordance with the Instrument of Appointment and Delegation for BLEMC, a quorum for a meeting of the BLEMC has at least five members of those previously listed. Given competing time pressures of members and limited agenda items, there has been a decline in the number of attendees, resulting in difficulties achieving a quorum for meetings. Where a quorum is not achieved, BLEMC is required to be adjourned and rescheduled, with the meeting otherwise not contributing to the minimum four meetings per year in accordance with the adopted Instrument of Appointment and Delegation.

The District Emergency Management Advisor has advised the Town's LEMC Executive Officer that this issue was becoming more common amongst non-combat role local governments such as the Town and other inner-city local governments.

It is now proposed to operate BLEMC as an external committee (as opposed to a formal committee of Council) as it will provide greater flexibility in the operation of BLEMC, such as flexible meeting times and removing the need to publish agendas in advance, which may otherwise be subject to change if members are unavailable. It should be noted that such an approach would align with other local government authorities.

Should Council change the status of the BLEMC to an external committee, the Instrument of Appointment and Delegation for BLEMC would be replaced with a Terms of Reference. The Town will prepare a draft Terms of Reference, broadly in accordance with the Department of Fire and Emergency Management's draft Local Emergency Management Committee Handbook, and present them to the Committee and Council for adoption.

Appointment of Councillors to the Committee and appointment of the chair (the Chair being one of the appointed Councillors) would occur after each local government election, as is currently the case.

Conclusion

Changing the status of BLEMC to an external committee of Council will provide greater flexibility for meetings and ensure that in the absence of a quorum, BLEMC would still have met quarterly as recommended by the SEMP. It will otherwise have little impact on the functioning of the Committee.

The functions of BLEMC and report to Council on LEMAs will still occur under the proposed arrangements. It is therefore recommended that Council disbands BLEMC as a formal committee of Council and notes it will continue to operate as an external committee.

Statutory Requirements

Section 38(1) of the *Emergency Management Act 2005* requires a Local Government to establish a LEMC.

Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees.

Financial Considerations

The cost of appointment of the Town's LEMC Executive Officer is \$4,950 per annum.

Risk Management Implications

Low. The Town will continue to meet its statutory obligations regardless of whether BLEMC is a formal or external Committee of Council.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.10

That Council:

1. Endorses the proposal for the Bassendean Local Emergency Management Committee will operate as an external Committee of Council, effective as of 24 October 2023;
2. Notes that draft Terms of Reference will be prepared generally in accordance with the Department of Fire and Emergency Management's draft Local Emergency Management Committee Handbook; and
3. Notes that a report will be presented to Bassendean Local Emergency Management Committee and Council prior to October 2023 to seek approval of the draft Terms of Reference and revocation of the Instrument of Appointment for the Bassendean Local Emergency Management Committee.

Voting requirements: Simple Majority

9.11 Bassendean Local Emergency Management Committee Meetings held on 14 September, 30 November and 7 December 2022	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/12
Department	Community Planning
Previous Reports	Nil.
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. BLEMC Minutes 14 September 2022 [9.11.1 - 5 pages] 2. BLEMC Minutes 30 November 2022 [9.11.2 - 3 pages] 3. BLEMC Minutes 7 December 2022 [9.11.3 - 7 pages]

Purpose

The purpose of this report is for Council to receive the minutes of the Bassendean Local Emergency Management Committee Meetings held on 14 September, 30 November and 7 December 2022.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
 6.3 Ensure operational activities reflect the strategic focus of Council

Comment

The Committee discussed the following items for each meeting:

Meeting Date	Matters Discussed
14 September 2022	<ul style="list-style-type: none"> • Receipt of the report form the Metropolitan North & East Recovery Group. • Joint LEMC proposal between the City of Bayswater and the Town of Bassendean • Review of the Town of Bassendean Local Emergency Management Arrangements • Emergency Management Agency Reports • Post Incident Report and Post Exercise Reports • Contact details and key holders. • Preparedness, Prevention, Response and Recovery Issues

30 November 2022 (*no quorum)	<ul style="list-style-type: none"> • Department of Communities' role in Emergency Management • The Committee did not have a quorum in accordance with the Instrument of Appointment and Delegation. The Presiding Member agreed to the meeting being rescheduled.
7 December 2022	<ul style="list-style-type: none"> • Receipt of the report from the Metropolitan North & East Recovery Group • Joint LEMC proposal between the City of Bayswater and the Town of Bassendean • Review of the Town of Bassendean LEMA • Agency Member Reports (Round the Table) • Emergency Management Agency Reports • Post Incident Report and Post Exercise Reports • Contact details and key holders. • Preparedness, Prevention, Response and Recovery Issues

Statutory Requirements

Under sections 38 - 40 of the Emergency Management Act 2005, local governments are required to establish and carry out the functions of a Local Emergency Management Committee, which includes coordinating the development and submission of documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of Local Emergency Management Arrangements.

Financial Considerations

Nil.

Risk Management Implications

Nil.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.11

That Council receives the minutes of the Bassendean Local Emergency Management Committee meetings of 14 September, 30 November and 7 December 2022.

Voting requirements: Simple Majority

9.12 Audit and Governance Committee Meeting - 8 February 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/18
Department	Corporate Services
Previous Reports	
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. Audit and Governance Committee Minutes 8 February 2023 [9.12.1 - 9 pages] 2. AFS 30.6.22 Final Signed [9.12.2 - 54 pages] 3. Draft Opinion to Bassendean 2022 [9.12.3 - 3 pages] 4. APM Town of Bassendean F Y 2022 - Final [9.12.4 - 29 pages] 5. CONFIDENTIAL REDACTED - RSM Auditor's Closing Report - 30 June 2022 [9.12.5 - 18 pages] 6. CONFIDENTIAL REDACTED - Final Management Letter Attachment A - Town of Bassendean 30 June 2022 [9.12.6 - 8 pages] 7. CONFIDENTIAL REDACTED - Final Management Letter Attachment B - ITGC Town of Bassendean 30 June 2022 [9.12.7 - 13 pages] 8. Management Representation Letter 30.6.22 [9.12.8 - 5 pages] 9. CONFIDENTIAL REDACTED - Confidential Report 8 Feb 2023 [9.12.9 - 6 pages]

Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 8 February 2023.

Background

The Town's Audit and Governance Committee meets at least four times each year in carrying out its functions under the Instrument of Appointment and Delegation (the Instrument). The Instrument specifies the authority, objectives and responsibilities of the Committee and governs its membership and meeting requirements.

This meeting of the Committee was convened for the Committee to review the draft Audited Annual Financial Statements and the Audit Closing Report for the year ending 30 June 2022.

In addition, the Committee was also provided a confidential report relating to a Report of Serious Misconduct.

Proposal

For Council to receive the report on the meeting of the Audit and Governance Committee held on 8 February 2023.

Communication and Engagement

To ensure openness, accountability and integrity, Council has appointed two community representatives to be members of the Audit and Governance Committee and an independent advisor to the Committee.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

Comment

The Committee considered the following items:

Audited Annual Financial Statements for the year ending 30 June 2022

The Committee endorsed the Draft 2021/22 Annual Financial Statements for adoption by Council. In doing so, it also:

- Noted the matters identified in the Draft Independent Auditor's Report;
- Reviewed the matters noted in the Draft Audit Closing Report;
- Noted the findings identified during the Audit (Management Letter - Confidential); and
- Noted the un-adjusted items in item 14 of the Management Representation Letter.

The Financial Statements for the year ending 30 June 2022 have been extracted from the attachments for this agenda item and included in the Annual Report for 2021/22.

Report of Serious Misconduct (Confidential)

The Committee considered a summary of an incident of serious misconduct reported to the Department of Communities and the Corruption and Crime Commission (CCC).

Statutory Requirements

Section 7.1A of the *Local Government Act 1995* requires a local government to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it. The local government appoints the members of the audit committee and at least three of the members, and the majority of the members, are to be council members.

Regulation 16 of the *Local Government (Audit) Regulations 1996* specifies the functions of the audit committee.

Financial Considerations

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Guidelines will govern any required engagements.

Risk Management Implications

The risks associated with the audited annual financial statements for 2021/22 are detailed in the Independent Auditor's Report and the Management Letter, whilst the risks associated with the Report of Serious Misconduct are detailed in the confidential report.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.12

That Council:

1. Adopts the draft 2021/22 Annual Financial Statements, as included in the draft Town of Bassendean Annual Report for 2021/22;
2. Notes the report of Serious Misconduct and the action the Town has taken to resolve the matter; and
3. Requests the CEO report to the Committee on the effectiveness of the processes introduced to support officers in recognising their compliance obligations.

Voting requirements: Simple Majority

9.13 Monthly Financial Report – December 2022 and January 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. Financial Activity Statement as at 31 December 2022 [9.13.1 - 12 pages] 2. Financial Activity Statement as at 31 January 2023 [9.13.2 - 12 pages]

Purpose

The purpose of this report is for Council to receive the Monthly Financial Reports for December 2022 and January 2023 which incorporates the Statement of Financial Activity.

Background

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, requires that a Statement of Financial Activity be prepared each month and presented to Council.

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

The 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. The variance report compares to the current budget which was adopted on the 5 July 2022 for the financial year, 2022/23.

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 \$15,000 or 10% whichever is higher, as part of its 2022/23 Annual Budget.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

- 4.1 Ensure there is sufficient, effective and sustainable use of assets
- 4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members
- 4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.5 Foster an environment of innovation and leadership

Comment

The Monthly Financial Report contains the Statement of Financial Activity, which represents the adopted 2022/23 Annual Budget and subsequent amended estimates and actual income and expenditure amounts for December 2022 and January 2023. The opening surplus position is the estimated closing position for 2021/22 end-of-year draft Financial Statements.

The estimated opening financial position reported as of December 2022 and January 2023 is an interim position and will change once the 2021/22 Financial Statements are adopted by Council in February 2023.

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 accompanying notes provide a detailed breakdown of the amounts and commentary is based on the January 2023 year-to-date figures.

Item	Current Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$m	\$m	\$m	\$m	%
Revenue (including General Rates)	22.9	20.9	20.6	0.3	1
Expenditure	(27.3)	(16.3)	(15.2)	1.0	7
Capital Works	(4.5)	(2.1)	(1.2)	0.9	43
Non-Operating Grants, Subsidies and Contributions	1.8	1.0	0.8	0.2	25

Operating Revenue

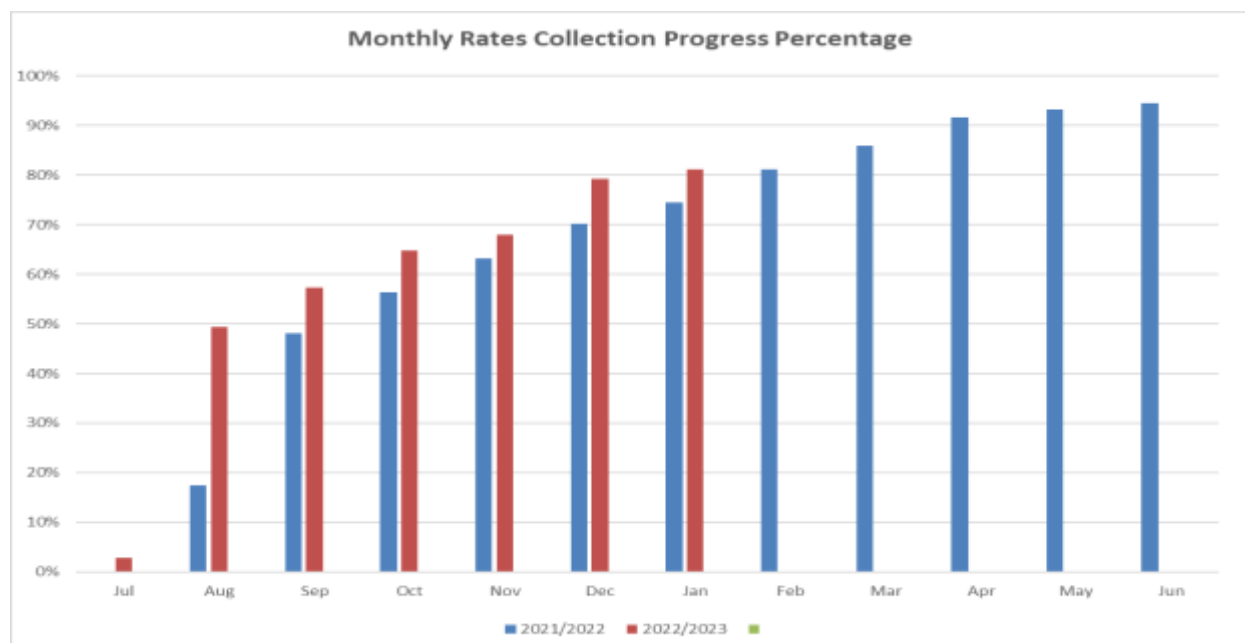
Revenue year-to-date is on budget based on the Statement of Comprehensive Income.

Fees and Charges revenue is on target with year-to-date budget.

Interest earnings have increased significantly with the rapid increases in the Reserve Bank of Australia Cash Rates which was 3.1% in January, a 25-basis point movement from the previous month, assisted by improved cashflow with the early adoption of the budget resulting in funds available for investment.

Other revenue is under budget mainly due to timing of billing of variable outgoings to leased properties and lower property enquiries.

The early adoption of the Budget allowed the Town to issue its rates notices on the 22 July 2022. As seen from the chart below, by the end of this month, 81% of the annual budgeted rates revenue has been collected as opposed to previous year collection rate of 74%. Having the first instalment due on 26 August 2022 has a positive effect on cash flow and allows the early placement of investments. Take up of eRates is at 9% and improving as more ratepayer's covert to electronic form of communication for rates notices which will save the Town costs in printing, postage and stationery. More work is needed in actively promoting via Town communication channels.



Operating Expenditure

Expenditure year-to-date is 7% under budget.

Employment costs are on target with costs from the use of contractors to fill critical vacant positions resulting in the adverse variance reported.

Materials and contracts are under budget by \$1.1m due to timing of projects, and various infrastructure maintenance services. Details are set out in the attachment.

All other expenses were within the reporting threshold.

Non-Operating Grants

The \$43,000 adverse variance relates to Local Roads and Community Infrastructure Grant which is due to timing.

Capital Works

Actual spending is 26% of the current budget with the bulk of the spending on road infrastructure. A further 10% has been committed so far and RFQ's are completed for heavy plant.

An amount of \$1.3M was determined as a carry forward as part of the 2022/23 budget deliberations. A reconciliation has been undertaken and adjustments will be brought to Council, with potential other changes such as the works required for the Ashfield Reserve bore, as part of the statutory review that will be conducted in January 2023 and reported to Council in February 2023.

Monthly Investment Report

The overall balance of the Town's investments is \$18.1M. This is comprised of municipal investments of \$9.3M (including restricted cash) and reserve investments of \$8.7M.

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 78% of its funds invested in non-fossil fuel ADIs.

In relation to portfolio exposure, the Town is within limits with 25% in A2 banks against a threshold of 60% and 75% with A1 banks against a threshold of 100%.

The Reserve Bank of Australia raised the cash rate by 0.25% in December 2022, to 3.1%. Further rate increases are expected in the coming months albeit at a slower pace, which provides for an improved investment earnings outlook for 2022/23 as already noted above with higher returns than the year-to-date budget so far.

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.

Risk Management Implications

Financial Risk

Low

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.13

That Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
2. Receives the Monthly Financial Reports for the period ending 30 December 2022 and 31 January 2023, which incorporates the Statement of Financial Activity for the periods to December 2022 and January 2023.

Voting requirements: Simple Majority

9.14 Accounts Paid November 2022 and December 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Payment Report December 2022 [9.14.1 - 13 pages] 2. Payment Report January 2023 [9.14.2 - 11 pages]

Purpose

The purpose of this report is for Council to receive the list of payments for December 2022 and January 2023.

Background

Payments made during December 2022 and January 2023 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Proposal

For Council to receive the list of payments for December 2022 and January 2023.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

4.3 Support the local economy

Comment

Nil.

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

Financial Risk
Low

The Town has adequate controls in place to mitigate external and internal risks in accounts payable.

As an extra measure, the Town uses EftSure to independently check bank account details of key suppliers paid by the Town.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.14

That Council receives the list of payments for December 2022 and January 2023.

Voting requirements: Simple Majority

9.15 Proposal to enter into a lease agreement with the Bassendean Bowling Club Inc.	
Property Address	Reserve 21150 (BIC Reserve)
Landowner/Applicant	Crown Land
File Reference	LEGL/AGMT/9
Directorate	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Lease - Bassendean Bowling Club Inc [9.15.1 - 49 pages]

Purpose

The purpose of this report is for Council to consider entering into a lease agreement with the Bassendean Bowling Club Inc. in relation to a portion of Reserve 21150 (BIC Reserve).

Background

In August 2021, Council adopted the Property Management Policy and Community Leasing Framework. The latter provides that a community lease may be granted for a period of up to five years with one or more extension options for a maximum additional period of up to five years.

In accordance with the Policy and the Framework, the Town sought to formalise a lease with the Bassendean Bowling Club Inc. in relation to a portion of BIC Reserve. That draft lease provided for an initial lease term of five years and a further term of five years, in accordance with the Council-adopted Framework.

The draft lease was executed by the Club and now requires execution by the Town. Recently, however, Councillors have expressed a desire to review the Framework to review lease premiums and maximum lease terms. Councillors also requested that the current draft lease for the Bassendean Bowling Club Inc. be amended to provide for a reduced lease period; reflecting the impending review to the framework and the potential changes that will result.

Communication and Engagement

The Town has liaised with the Bassendean Bowling Club Inc. as have a number of Councillors.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

1.7 Facilitating community connection

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members

Comment

The partly executed lease is consistent with Council's adopted Community Leasing Framework, however, Councillors have expressed a desire for a shorter lease period; reflecting a potential review of the Community Leasing Framework and the Property Management Policy in 2023.

It is open to Council to make such a decision.

Statutory Requirements

Disposal (including leasing) of Town-owned land must generally occur in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*.

Under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, a disposition of land is an exempt disposition if the land is disposed of to "a body (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions." (emphasis added).

Financial Considerations

The draft lease provides for an annual lease premium of \$8,150, being 10 per cent of the Gross Rental Value of the property, in accordance with the Community Leasing Framework.

Risk Management Implications

There may be some reputational risk associated with Council seeking to reduce the length of the lease in a manner contrary to its adopted Community Leasing Framework and the Property Management Policy.

In addition, if Council elects to reduce the length of the lease on the basis of an impending review of the adopted Property Management Policy and Community Leasing Framework, it will impact the Town's ability to progress leases for other clubs and organisations.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.15

That, if Council wishes to depart from the Council-adopted Community Leasing Framework, that:

1. it agrees to enter a lease agreement with the Bassendean Bowling Club Inc in relation to a portion of BIC Reserve, on the basis of the attached draft lease, subject to modifications so as to provide a lease term of two years; and
2. requests that the CEO coordinate a review of the Council-adopted Property Management Policy and Community Leasing Framework.

Voting requirements: Simple Majority

9.16 Mid-Year Budget Review - Annual Budget 2022/23	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/BUGTG/1
Department	Corporate Services
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Mid Year Review Financials and Rate Setting Statement 2022-23 [9.16.1 - 4 pages] 2. CONFIDENTIAL REDACTED - F Y 22-23 Operating Projects- Dec 2022-23 [9.16.2 - 1 page] 3. CONFIDENTIAL REDACTED - F Y 22-23 Capital Works - Dec 2022 FINAL [9.16.3 - 2 pages]

Purpose

The purpose of this report is for Council to consider the adoption of the Mid-Year review to the Annual Budget 2022/23 (the Statutory Budget Review).

Background

The *Local Government Act 1995* and Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

This year, the Town carried out a review of the annual budget after the first six months of the financial year (1 July to 31 December 2022). The review was conducted by the administration in January 2022.

The Statutory Budget Review must be submitted to the Department of Local Government, Sport and Cultural Industries (the Department) within 30 days after the Council has made its determination.

Communication and Engagement

The Chief Executive Officer, Directors, Managers and relevant staff were consulted about current and future projects and cost pressures and changes attributed to their functional area of responsibility.

The draft Statutory Budget Review was distributed to Councilors by the CEO on 13 February 2023 and a workshop was held with Councilors on 14 February 2023. Based on these discussions, minor adjustments were made considering some new projects proposed by the Staff and Councilors.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective, and sustainable use of assets

Comment

The Statutory Budget Review reflects actual year to date income and expenditure to 31 December 2022 and considered the following areas:

- Budget re-alignments and corrections;
- Review of variances to identify if they were timing adjustments (for example, a budgeted activity yet to occur), or structural in nature.
- New Items – Grants, Projects and New Council directions; and
- Review of Reserve Transfers considering the status of Capital Works projects and the concluded 2021/22 financial position, following completion of the external audit by the Office of the Auditor General in February 2022.

The proposed amended Annual Budget 2022/23 is presented as the Rate Setting Statement. The statement shows:

- The Current Budget 2022/23 (the full year budget adopted by Council in July 2022 and any subsequent amendments to December 2022);
- The Proposed Annual Budget 2022/23; and
- The variance between the two reflected in both dollar and percentage terms.

The Current Annual Budget forecast (Proposed Budget) net result surplus of \$963,903 is higher mainly due to lower materials and contracts and deferred capital works offset by lower non-operating grants receivable, as detailed below.

The detailed review of the budget and consultation with business units required numerous adjustments, as detailed in the list of proposed budget amendments included in the Statutory Budget Review.

The following is a summary of the key variations and recommended Budget Amendments:

Amounts Attributable to Operating Activities

Operating Revenue

Operating revenue is \$137,383 lower than the current budget. The following factors contributed to this:

- Reduction in anticipated revenue from the Planning service area with a significant reduction in development applications due the current constrains with building costs and financing of property development;
- Interest earnings are higher in line with increases in the RBA Cash Rate which was at 3.35% as at February 2023 and additional increases forecasted in the coming months.
- Other Revenue is lower with the main contributor coming from the lack of distribution of surplus funds by the Eastern Metropolitan Regional Council (EMRC). The budget of \$100,000 has been removed.

Operating Expenditure

Operating expenditure is \$550,055 less than budget primarily due to:

- Materials and Contracts is reflecting a net reduction of \$467,149 made up mainly deferral/discontinuance of some operating projects as reflected in the confidential **Attachment 2**;
- Other Expenditure is down by \$82,906 due to a re-classification of expenses for IT expenses to Materials and Contracts.
- Two new operating projects are being tabled as per **Attachment 2**, which are:
 - Ashfield Flats Master Plan contribution; and
 - CCTV Rebate program for residents of the Town.

Investing Activities

Investing Activities is proposed to decrease by \$969,963, primarily due to:

Capital Revenue lower than budget by \$782,351. The main change being deferral of the Bassendean Oval Lighting project to 2023/24 which was heavily funded via external grants and contributions.

The Capital Expenditure budget (confidential **Attachment 3**) is proposed to fall by \$1,752,314 primarily due to:

- \$1,242,000 identified as deferred to 2023/24. Details of projects identified are reflected in **Attachment 3**;
- Savings from projects completed \$401,825; and

- New projects for which there is available capacity to complete this year, totaling \$472,000, funded from the savings identified. These projects are:
 - Ashfield Reserve Bore;
 - Soft fall next to Alf Faulkner Building;
 - Old Perth Road and surrounds lighting upgrade; and
 - Lights on Extension Street (subject to completion of alternative options and seeking a claim from LGIS).

Transfer to Reserves

No changes are being proposed for Transfer to Reserves.

Transfer from Reserves

Transfers from Reserves are proposed to be reduced by \$1,353,614, due to the deferral of some capital projects which were partially funded from Reserves offset, by an increase in funds drawn from the Employee Entitlements Reserve to account for long-term staff who have left the Town.

Statutory Requirements

**Absolute majority required.*

33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Financial Considerations

Amendment of the Current Budget 2022/23 in accordance with the recommended adjustments, as contained in this report and attachments, results in no change to the budgeted closing surplus.

Risk Management Implications

Financial Risk
Medium

Should the Council resolve not to adopt the Statutory Budget Review, further amendments can be made in accordance with Council's direction and the Statutory Budget Review re-submitted for the March Ordinary Council meeting. While that will comply with the Town's statutory obligations, it will delay progress by the financial team in developing the 2023/24 Annual Budget and phase one of the Long-Term Financial Plan.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 9.16

That Council adopts the Statutory Budget Review, as outlined in this report and detailed in the attached lists of proposed Budget amendments.

Voting requirements: Absolute Majority

10 Confidential Business

11 Motions of which Previous Notice has been given

12 Closure

The next Briefing Session will be held on Tuesday, 21 March 2023 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday, 28 March 2023 commencing at 6pm.