



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Wednesday 26 April 2023 at 6:00 pm

Notice is hereby given of the Ordinary Council Meeting
to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

Cameron Woods
CHIEF EXECUTIVE OFFICER

21 April 2023

Meeting Information

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 meetings

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

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

For any questions regarding the Ordinary Council meeting 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>

Council Seating Plan



Minute Secretary



Manager Governance and Strategy

Matthew Monkhouse



Chief Executive Officer

Cameron Woods



Mayor

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Director of Corporate Services
Paul White



Director Community Planning

Luke Gibson



Executive Manager Infrastructure

Phillip Adams



Executive Manager Sustainability and Environment

Nicole Davey



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Cr Paul Poliwka
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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 Announcements by The Presiding Person Without Discussion

3 Attendances, Apologies and Applications for Leave of Absence

4 Declarations of Interest

5 Presentations or Deputations

6 Statements by Members of the Public

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

Members of the public are encouraged to submit their statements in advance by completing the relevant form:

Online Form - Public Statement Time » Town of Bassendean

Please complete this form and submit it to the Town's Chief Executive Officer by no later than 12noon on the day of the meeting.

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 Questions from Members of the Public

15 minutes will be allocated for questions by members of the public any question that relates to the district.

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

Questions can be submitted prior to the Council meeting to:
www.bassendean.wa.gov.au/forms/public-question-time/36

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

8 Petitions

9 Confirmation of Minutes

9.1 Confirmation of Minutes - Special Council Meeting of 7 March 2023	
Attachments	1. Special Council Meeting Minutes of 7 March 2023 [9.1.1 - 6 pages]

Officer Recommendation – Item 9.1

That the minutes of the Special Council meeting held on 7 March 2023, be received and confirmed as a true and correct record.

9.2 Confirmation of Minutes - Ordinary Council Meeting of 28 March 2023	
Attachments:	1. Ordinary Council Minutes of 28 March 2023 [9.2.1 - 28 pages]

Officer Recommendation – Item 9.2

That the minutes of the Ordinary Council meeting held on 28 March 2023, be received and confirmed as a true and correct record.

10 Business Deferred from Previous Meeting

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Nil to report.

12 Officer Reports

Adoption of Recommendations En Bloc

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

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

Officer Recommendation Item 12.1

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

Item	Report
12.2	Living Stream Project: Second to Fourth Ave, Bassendean
12.4	Draft amended Council Policy - Community Funding
12.5	General Meeting of Electors held on 29 March 2023
12.6	Accounts Paid - March 2023
12.8	Use of Common Seal

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

Item	Report
12.3	Strategic Budget Policy
12.7	Monthly Financial Report – March 2023
16.1	Expression of Interest - 35 (Lot 178) Old Perth Road, Bassendean

12.2 Living Stream Project: Second to Fourth Ave, Bassendean	
Property Address	Lots 11, 12, 39, 41 and 44 on Plan 1787, Certificate of Title Volume 802 Folio 119 (30 Second Ave, 16 & 17 Third Ave, 7 Fourth Ave, Bassendean).
Landowner/Applicant	N/A
File Reference	ENVM/MAINT/2
Directorate	Executive Manager Sustainability and Environment
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Living Stream- Original concept [12.2.1 - 1 page] 2. Living Stream- Latest design [12.2.2 - 1 page] 3. CONFIDENTIAL - Living Stream Draft Licence [12.2.3 - 34 pages]

Purpose

The purpose of this report is for Council to consider its position on progression of the Living Stream project, following a review of the benefits and costs/ risks associated with implementation.

Background

Planning for a Living Stream project at “The Avenues” from Second Avenue to Fourth Avenue, Bassendean has been underway since 2019, with a site walkthrough held with adjacent property owners in December 2019, a community workshop in February 2020 and a draft concept released for public comment in mid-2020.

The project area is approximately 5,000m² (excluding verges). The lots are freehold land owned by the Water Corporation for stormwater drainage purposes (Brook Street Main Drain). A plan showing the project area follows.



The following projects/ actions are included in the Town's Corporate Business Plan 2022-2026:

- Repurpose open drain between Second and Third Avenue to create a Living Stream (Stage 1): 2022/23
- Repurpose open drain between Third and Fourth Avenue to create a Living Stream (Stage 2): 2023/24
- Review the outcomes of the living stream project to assess future works (2022/23 & 2023/24).

The Town has been working in partnership with the Water Corporation's Drainage for Liveability team to progress the final concept (Attachment 1) to detailed design and implementation, with the aim to convert the fenced, grassed stormwater drain to a community space with improved environmental outcomes.

Since September 2021, the Town and its consultant (Urbaqua) have been regularly liaising with Water Corporation to finalise the design. While the Drainage for Liveability team has been very supportive and responsive, the collated feedback received has differed at each review stage, resulting in variations to design specifications and inclusion of new requirements. This has resulted in a design that varies from the original concept and will result in diminished project outcomes (Attachment 2).

In addition to design approval by Water Corporation, prior to commencement of works the Town is required to enter into a Licence. The Licence (Attachment 3) is a standard requirement that applies to all Water Corporation land that is upgraded by other parties and/or utilised for public recreation. Similar licences have applied for other Drainage for Liveability projects in other local government areas. The draft Licence was received in February 2022 and has been reviewed by Town staff, legal advisors and the Local Government Insurance Scheme. There are several clauses in the Licence that will present a risk to the Town, should it be accepted.

The Town's concerns regarding both the design changes and the Licence clauses/definitions of concern have been escalated on multiple occasions, including:

- Correspondence to the Water Corporation's CEO in June 2022 (and also provided the Local Member, the Hon. Dave Kelly MP);
- In a meeting between the Town and the Water Corporation's Manager, Drainage and Liveable Community and Specialist – Customer & Stakeholder on 2 August 2022; and
- In a meeting between the Mayor and the Hon. Dave Kelly MP on 18 November 2022.

While some minor changes have been accommodated, the Water Corporation has indicated it is unable to alter the aspects of key concern to the Town.

Communication and Engagement

Communication and engagement has been ongoing with the neighbouring property owners, with regards to the design. There has been no community consultation relating to the Licence.

Communication with Councillors has been ongoing, and includes:

- Project Plan Summary provided in the 11 February 2022 CEO Bulletin;
- Information on the Licence provided in the 18 February 2022 CEO Bulletin;
- Project update in the 6 May 2022 CEO Bulletin (progress of approvals/ licence);
- Update in the 1 July 2022, 5 August 2022, 18 November 2022 and 23 December 2022 CEO Bulletins; and
- Councillors attended site meeting with neighbours and Councillor workshop on 1 November 2022 (with information distributed prior).

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

Design changes

The concept (Attachment 1) originally proposed a 2m wide stabilised gravel path (with 0.5m shoulder either side), decking over drainage structures with integrated seating, re-grading of the banks to create a living stream, 1.2m height fencing to prevent public access into the drainage channel and fully structured native planting (including trees) with wetland associations throughout.

The latest design for Stage 1 is shown in Attachment 2. The design elements required by Water Corporation that differ from the concept and diminish project outcomes include:

- Path width of 4 metres in total (2m path, 1m flat shoulder either side; to be planted with sacrificial vegetation);
- Machinery pads required for Water Corporation maintenance of drainage structures (concrete hardstand area of 12m x 4m at each end of the site); resulting in loss of the Second Avenue hedge and removal of proposed seating;
- Reduction in area that can be revegetated due to the above requirements.

It is now unlikely that trees can be established, due to further reduction in suitable planting locations at sufficient distance from the underground sewer;

- Screen on the outlet (visual impact); and
- Guardrails around the inlet (double fencing/ visual impact).

The Water Corporation’s position is that both the 4m path width and machinery pads are required, the former to provide safe vehicular access along the full length of the site. Following the November 2022 meeting between the Mayor and the local member, Water Corporation indicated it was reviewing whether access around the structures (inlet and outlet) could potentially be delivered through sacrificial vegetation/ limestone pads, however could not commit to this option.

The Water Corporation’s most recent responses to each of the Town’s concerns are as follows:

Concern	Response
Width of access path	A maintenance access path for vehicles is required. This path requires 4m of flat ground. Part or all of this path can be planted with sacrificial vegetation, however Water Corporation requires that it does not lose the ability to have vehicular access for the full length of the site.
Machinery pads	Water Corporation requires maintenance machinery pads at the inlet and outlet of the drain to ensure that it is able to respond to emergency incidents such as blockages and flood events. Water Corporation is currently reviewing if sacrificial vegetation or limestone pads could be delivered as alternative design options, however cannot commit to this option at this stage. If required, Water Corporation will complete this work prior to the Town’s work commencing.
Guardrails on the existing structures	Although the public will not be able to access the drain headwalls, handrails are a safety standard to protect all maintainers, including the Town of Bassendean and their contractors. These handrails are visible at other Drainage for Liveability projects e.g., Wharf Street Basin and are a safety requirement for all drainage site upgrades.
Grates over the outlets	Water Corporation is further reviewing the requirement for these grates, however at this stage they are considered a public safety requirement due to the removal of the site fence. Water Corporation will install these screens prior to the start of project works.

<p>Reduction in area that can be revegetated, and requirement to remove the hedge on Second Ave due to above requirements. It is now unlikely that trees can be established, due to further reduction in suitable planting locations at sufficient distance from the underground sewer</p>	<p>Water Corporation currently spends approximately \$7m annually in dealing with roots within its pipe systems. Vitreous Clay (VC) pipes are the most susceptible pipe type to root intrusion. Water Corporation therefore has a requirement that no tree be planted in close proximity to the VC sewer pipe that runs parallel to the drain. Water Corporation also requires that no trees be planted within 4m of shared boundary fences, as they can provide an access point onto private property. These requirements are consistent with the published Water Corporation standards for working near its assets and consistent with the requirements for all Drainage for Liveability projects. Other tall vegetation can be planted in these areas.</p>
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Licence requirements

The draft Licence (Attachment 3) contains indemnification and liability clauses that present a risk to the Town, if accepted. The Licence requires the Town to indemnify Water Corporation for any Losses it may experience (including if caused by any member of the public accessing the site). Based on legal advice, the Town has suggested alternative “hold harmless” clauses, which Water Corporation advises cannot be accepted.

It is not possible to obtain insurance for indemnities and/or indemnity clauses in a contract. As a result, any costs arising would need to be sourced from municipal funds. Such costs are potentially unlimited and this is considered to impose an unacceptable risk to the Town.

Alternative land management arrangements to a licence have been investigated, however Water Corporation previously advised these are not possible. These include a lease, transfer of the land in fee simple to Town of Bassendean or establishment of a management order / maintenance agreement (with option for an easement for Water Corporation infrastructure).

In December 2022 Water Corporation indicated purchase of the land by the Town could be considered, however, is its least preferred option. If that were the case, a maintenance agreement with similar liability clauses will still need to be executed between the Town and Water Corporation and therefore the Town’s concerns would remain.

Cost / benefit review

Given the above issues, it is prudent to re-evaluate the benefits and costs / risks associated with implementation, prior to proceeding. These are summarised below.

Benefits:

- Increased open space of 2,000m² for Stage 1 and 3,000m² for Stage 2 (approximately half of which will be physically accessible). Nearby existing Public Open Space includes Fourth Avenue POS (170m), Anzac Terrace Reserve (225m) and Fifth Avenue POS (265m);
- Additional pedestrian linkages connecting Second Ave to Third Ave (Stage 1) and Third Ave to Fourth Ave (Stage 2). The closest alternative connections are at Anzac Tce and Railway Pde; and
- Increased biodiversity through planting of local, native species, increased habitat and potential water quality improvement outcomes (noting that frogs are currently present and limited trees can be established).

Costs/ Risks:

- Replacement of grass with impermeable hard stand/ hard surface material that is likely to contribute to the urban heat island effect;
- Unknown and potentially unlimited financial costs and reputational risks if the environmental liability and third party indemnification clauses of the Licence are triggered;
- Reduced aesthetics/ amenity in location of drainage structures due to guardrails; and
- Initial construction costs and ongoing financial and resource requirements for maintenance, management of site issues and asset renewal/ replacement.

Due to the significance of the costs/risks identified above (particularly the first two), it is recommended that the Living Stream project does not proceed.

Statutory Requirements

In accordance with the Town's Execution of Documents Council Policy, a licence is a Category 1A document and requires a specific resolution of Council to enter into.

Financial Considerations

The estimated cost to finalise the Stage 1 designs is \$8,400 which will need to be re- budgeted in 2023/24 as the unspent funds for this financial year were re-allocated as part of the mid-year Budget Review.

The estimated cost to the Town to implement Stage 1 is \$180,000, with the Water Corporation to organise and fund installation of the drainage structures.

This was previously allocated in the 2022/23 Annual Budget however identified for carry forward to 2023/24 in the mid-year Budget Review.

If entered into, the licence will commit the Town to the ongoing maintenance and management of the Living Stream from Second Avenue to Third Avenue, Bassendean at the Town's cost. The licence period is for 10 years and can be extended. Should the licence be discontinued, the Town may be required to remove all infrastructure installed as part of the project, with public access no longer permitted.

The cost of general maintenance for Stage 1 is estimated at \$9,000 in year 1, and approximately \$2,500 per year thereafter. This is based primarily on vegetation maintenance and excludes asset renewal / replacement costs or management of other site issues.

Should any environmental liability or indemnification clauses be triggered as per the Licence, the financial impact is unknown and could potentially be significant. Any Water Corporation losses claimed are uninsurable and would need to be funded through municipal funds.

Risk Management Implications

High, as set out in the 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 12.2

That Council:

1. Authorises the Administration to arrange a meeting between the Town of Bassendean Mayor and CEO and the Minister for Water and the Water Corporation's CEO, seeking changes to the design requirements that diminish project outcomes and indemnification and liability clauses in the draft licence, that present an unacceptable risk to the Town; and
2. In the event that the required design changes and indemnification and liability clauses cannot be agreed, Council approves the discontinuation of the Living Stream project and requests the Administration communicate the outcome to the adjacent property owners/occupants and wider community.

Voting requirements: Simple Majority

12.3 Strategic Budget Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/POLCY/2
Directorate	Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Budget Policy [12.3.1 - 5 pages] 2. Financial Sustainability Policy [12.3.2 - 3 pages]

Purpose

The purpose of this report is for Council to consider adoption of a new Strategic Budget Policy for the Town, and to revoke the Town's existing Financial Sustainability Policy.

Background

The Town is currently developing a new Long-Term Financial Plan (LTFP) in conjunction with the Annual Budget for 2023/24. The LTFP is to be developed from the ground up, informed by relevant Town strategies and plans, with input from Councillors, to become a fundamental guiding document for the Town's long-term corporate planning and annual budgeting processes.

In setting out the parameters for development of the LTFP and annual budgets, a Council-adopted Strategic Budget Policy will establish clear principles and guidelines for Council and the administration for responsible stewardship of the Town's assets.

Proposal

That Council adopts the draft Strategic Budget Policy attached to this report and revokes the Town's Financial Sustainability Policy.

Communication and Engagement

A draft Strategic Budget Policy was provided to Councillors via the CEO Bulletin on 3 March 2023, prior to discussion at a workshop with Councillors on 7 March 2023. Councillors were requested to provide feedback on the draft Strategic Budget Policy by 24 March 2023. No feedback having been received, the draft Strategic Budget Policy is hereby submitted to Council for adoption.

Councillors will note inclusion of a new clause 4.3, inserted to provide greater clarity when making decisions for projects spanning multiple financial years.

Strategic Implications

Priority Area 4: Driving Financial Suitability

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

Comment

The Strategic Budget Policy will provide guidance to:

- Council in terms of responsible and accountable budget decision-making by enshrining the concept of intergenerational equity and specifying a funding priority or hierarchy for funding activities and projects;
- The community in terms of what to expect from Council decision-making about rate setting, fees and charges, building capacity through Reserve growth, borrowing and disposal of unused assets, to appropriately spread the burden between current and future residents of the Town; and
- Administration through express linkages with informing strategies and plans and guidelines regarding funding strategy, including rate-setting.

The Strategic Budget Policy will enhance the capacity of the Town to appropriately budget for long-term projects and more effectively integrate annual budgets with the LTFP.

Importantly, in setting a funding allocation hierarchy, priority will be given to funding risk mitigation activities in the first instance, followed by activities required to ensure compliance with statutory and regulatory obligations. The hierarchy also prioritises maintenance of existing assets and current operational priorities, and maintenance of adequate financial reserves, over new programs or assets and discretionary activities.

Preparation of the draft Strategic Budget Policy encompassed a review of the existing Financial Sustainability Policy. The content of the Financial Sustainability Policy is either covered in the draft Strategic Budget Policy, or not relevant or required to be embedded in a Council Policy. Accordingly, it is proposed that the Financial Sustainability Policy be revoked.

Statutory Requirements

Local Government Act 1995, section 1.3(3) states:

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Financial Considerations

While there are no direct financial considerations associated with adopting the Strategic Budgeting Policy, the policy is expected to lead to improved strategic and operational budgeting practices and improved linkages with the integrated planning and reporting framework.

Risk Management Implications

Financial Risk

High

It is incumbent on the Town to plan and budget appropriately, having regard to long-term financial sustainability, providing responsible stewardship of the Town's assets to facilitate ongoing provision of services for the community now and into the future. Implementation of the proposed Strategic Budget Policy will assist the Town minimise the risks posed by inadequate financial planning and budgeting.

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 12.3

That Council:

1. Adopts the draft Strategic Budget Policy, attached to this report; and
2. Revokes the Financial Sustainability Policy.

Voting requirements:

- 1. Simple Majority**
- 2. Absolute Majority**

12.4 Draft amended Council Policy - Community Funding	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	TBA
Directorate	Community Planning
Previous Reports	24 August 2021 28 February 2023
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Community Funding Policy [12.4.1 - 6 pages]

Purpose

The purpose of this report is for Council to consider amending Council Policy – Community Funding.

Background

The Community Funding Policy was adopted in August 2021.

In February 2023, Council resolved to adopt the Mid-Year Review of the 2022/23 budget, including a \$20,000 allocation to fund a CCTV rebate program. To facilitate the implementation of that program, it is necessary to review the above Policy.

Communication and Engagement

The draft amended policy was distributed to Councillors via the 31 March 2023 CEO Bulletin, with no comments received.

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

Comment

The Policy has been reviewed to provide for rebates and subsidies for goods and services where specifically identified within a formal Town-driven and Council-funded program, with such funding to be subject to specific eligibility requirements for that program.

Statutory Requirements

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

Financial Considerations

There are no financial implications associated with adopting the draft amended Policy.

More broadly, implementation of the Policy is contingent on the allocation of funds for the purpose of community funding.

Risk Management Implications

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 12.4

That Council amends the existing Council Policy – Community Funding, as contained in the attachment to this report.

Voting requirements: Simple Majority

12.5 General Meeting of Electors held on 29 March 2023	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Directorate	Office of the CEO
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. General Meeting of Electors Minutes of 29 March 2023 [12.5.1 - 12 pages]

Purpose

The purpose of this report is for Council to consider the motions that were passed at the General Meeting of Electors (GME) held on 29 March 2023.

Background

On 29 March 2023, five motions were passed by those electors that were present. These motions were as follows:

Motion 1

That Council consider and provide a 24/7 security patrol service, similar to what is provided by the City of Bayswater.

Motion 2

That the Town of Bassendean suspends the use of Fusilade Forte. This class 6 herbicide now meets the classification of a PFAS chemical. As such it is not safe to use anywhere in the Town of Bassendean.

Motion 3

That the Town of Bassendean publishes a weekly update on the website of exactly where pesticides are being applied in garden beds and landscaped areas, particularly if they include areas in or close to children's playgrounds, and any other area in the Town, so that residents can avoid exposure. Currently such information is not provided in a timely way.

Motion 4

That the Town of Bassendean stops using herbicides and pesticides in children's playgrounds.

Motion 5

That the Bassendean Volunteer Bus Service be reinstated and operating again within the Town of Bassendean.

Communication and Engagement

In order to meet the requirement of the Act, this report was required to be presented to Council's April Council Meeting. Due to the timing of the meeting, this report was not able to be included in the Briefing Session Agenda.

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 following comments are provided in response to each motion.

Security Patrol Service

Town Officers made inquiries with the Community Safety and Security Team at the City of Bayswater regarding its 24/7 security patrol service. The City runs a comprehensive community security service divided in 2 zones (North Zone – 4 suburbs and South Zone – 3 suburbs) and employs 10 full-time security rangers and other casuals to implement the service which is managed by a Coordinator of Security and Crime Prevention.

The City currently receives approximately 18,000 calls a year from residents regarding crime incidents and hotspots both relating to private and City owned property. Hotspots and areas of concern within the City are monitored twice a day with reports/incidents being managed digitally through internal City processes, also acting as a mechanism to report City property that is damaged for repairs. A strong partnership has been developed between the City and WA Police. The City is conscious of not pursuing incidents that are police related and will refer these incidents to WA Police. City security rangers and vehicles are equipped with the tools to gather intelligence for police such as video footage and licence plate recognition. Given the increasing pressure on police resources to attend incidents, the City's security patrol service is a vital partner with WA Police to address crime and increase community safety.

The City has recently completed a community engagement process for its community safety plan and will further consult with young people and other government agencies, including WA Police to complete its plan.

Given that the summary above is only a brief report regarding the City's security patrol service and whilst it is evident that the service is highly valued by City residents and WA Police, a significant investment would be required from the Town to implement such a service. Any proposal to implement a security patrol service by the Town would need to be evaluated and considered in light of the various options at the Town's disposal (including cost and efficacy), including CCTV, patrols, community connection, built form improvements and education. It is appropriate that any decision is based upon crime statistics from WAPOL, community trends and consideration of broader budgetary implications, rather than simply reacting to the perception of a need from some in the community.

The use of Fusilade Forte

The Town follows the advice from Australian Pesticides and Veterinary Medicines Authority (APVMA) and Department of Health regarding pesticide use and the Western Australian and Australian governments regarding PFAS (per- and poly-fluoroalkyl substances).

The definition of a PFAS chemical varies dependent on the source. Older definitions classified PFAS as a chain of carbon atoms bonded to fluorine atoms. Fluazifop-p-butyl (Fusilade Forte) does not meet this description. Newer definitions (OECD 2021) define PFAS as fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (without any H/Cl/Br/I atom attached to it); Fluazifop-p-butyl does meet this definition. However, the OECD report notes that:

- *“That this general PFAS definition is based only on chemical structure, and the decision to broaden this definition compared to Buck et al. (2011) is not connected to decisions on how PFASs should be grouped and managed in regulatory and voluntary actions”,*
- *“It also does not conclude that all PFASs have the same properties, uses, exposure and risks” and*
- *“The term “PFASs” does not inform whether a compound is harmful or not, but only communicates that the compounds under this term share the same trait for having a fully fluorinated methyl or methylene carbon moiety.”*

Fusilade Forte is approved by the APVMA for use in Australia, is not listed as a Persistent Organic Pollutant (POP) under the Stockholm Convention or a pesticide to be banned / severely restricted for health or environmental reasons under the Rotterdam Convention. According to the product SDS, Fusilade Forte is not considered to be persistent, bioaccumulating and toxic (PBT) and is not considered to be very persistent and very bioaccumulating (vPvB). As a result, suspension of the use of Fusilade Forte is not warranted.

Fusilade Forte is not widely used by the Town of Bassendean or its contractors. The majority of weed control in the Town's natural areas is mechanical/manual (consistently >50%), however, Fusilade Forte is used occasionally as a grass selective herbicide, which is consistent with recommendations of the Department of Biodiversity, Conservation and Attractions for control of several grass weed species.

Weekly updates on pesticide use

Weekly updates are problematic as the spraying is weather and resource dependent and maintaining these records require additional resources. In any event, information is provided on the ground with signage in compliance with the regulations stipulated by the Department of Health.

Herbicide and pesticide use in children's playgrounds

The matter was last considered by Council in November 2022, where it resolved to "note the contents of this report and the Town's ongoing commitment to continuously review its approach to weed management to evaluate latest developments and best practices."

Herbicides use is limited in children's playgrounds to only Sandy Beach and small amounts in Palmerston and Mary Crescent to treat the garden beds in those areas. The spraying is scheduled for low usage times and are signed. The majority of play spaces are not sprayed.

Community Transport Service

On 18 April 2023, a Special Electors Meeting was held in response to a request by electors in relation to the following:

- the methodology and conduct of the Town's engagement with the community leading to the rapid cessation of the Town Management Community Transport Service;
- request the Town to proactively and constructively seek out ways to assist in the establishment of a new Community Transport Service through a third party volunteer or not for profit location organisation; and
- request the Town provide some material or financial assistance to a third party volunteer or not for profit organisation that wishes to establish a new Community Transport Service to continue the long tradition of serving and connecting our community.

At the Special Electors Meeting, the electors present passed the following motions:

“That:

- 1. The Town of Bassendean re-instate and run the volunteer transport service within the Town of Bassendean; and*
- 2. The Council / Administration proactively and constructively assist in the establishment of a new community transport service.”*

The motions presented at the meeting, will be considered by Council at its May Ordinary Council meeting. This will effectively serve to address what is essentially the same motion that was passed at the General Meeting of Electors.

Statutory Requirements

Local Government Act 1995

Section 5.33. Decisions made at electors’ meetings

- (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose, whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Local Government Act 1995 s. 2.11 – 2.16

Local Government (Constitution) Regulations 1998 regulation 11.

Financial Considerations

If Council was to support a security patrol service, it would represent a significant financial undertaking.

Risk Management Implications

Failure to consider the motions that were passed by the electors at the General Meeting of Electors held on 29 March 2023 will place the Council in breach of s.5.33 of the Local Government Act 1995. Breach of the statutory obligation will place the Council at risk of reputational damage and possible censure from the Department.

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 12.5

That Council:

1. Receives the minutes of the General Meeting of Electors held on 29 March 2023;
2. Notes the five motions passed at the General Meeting of Electors held on 29 March 2023;
3. Does not support the implementation of a community security patrol service without understanding:
 - i) the current, historic and trend analysis of crime statistics;
 - ii) the effectiveness of community patrols in changing crime statistics;
 - iii) the cost of the service; and
 - iv) the other options available to Council to improve community safety;
4. Does not support motions 2, 3 or 4 of the General Meeting of Electors; and
5. Will consider motion 5 relating to the Community Transport Service, at the May 2023 Ordinary Council Meeting.

Voting requirements: Simple Majority

12.6 Accounts Paid - March 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	1. Accounts Paid - March 2023 [12.6.1 - 18 pages]

Purpose

The purpose of this report is for Council to receive the list of payments for March 2023.

Background

Payments made during March 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 March 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

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 12.6

That Council receives the list of payments for March 2023.

Voting requirements: Simple Majority

12.7 Monthly Financial Report – March 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Attachments	1. Financial Activity Statement as at 31 March 2023 [12.7.1 - 12 pages]

Purpose

The purpose of this report is for Council to receive the Monthly Financial Report for March 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 incorporates the statutory mid-year review which was adopted on the 28 March 2023 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

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 March 2023. The opening surplus position is the audited closing position for 2021/22 adopted Financial Statements.

Statement of Financial Activity (by nature or type)

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on a 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)	22.7	21.6	21.5	0.1	1
Expenditure	(26.8)	(19.6)	(19.2)	0.4	2
Capital Works	(2.8)	(1.7)	(1.4)	0.3	17
Non-Operating Grants, Subsidies and Contributions	1.0	0.8	0.8	0.0	0

Operating Revenue

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

Operating Grants and Subsidies are under budget due to timing differences with amounts due for Environmental Grants \$101K and Bassendean Youth Service \$30K.

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

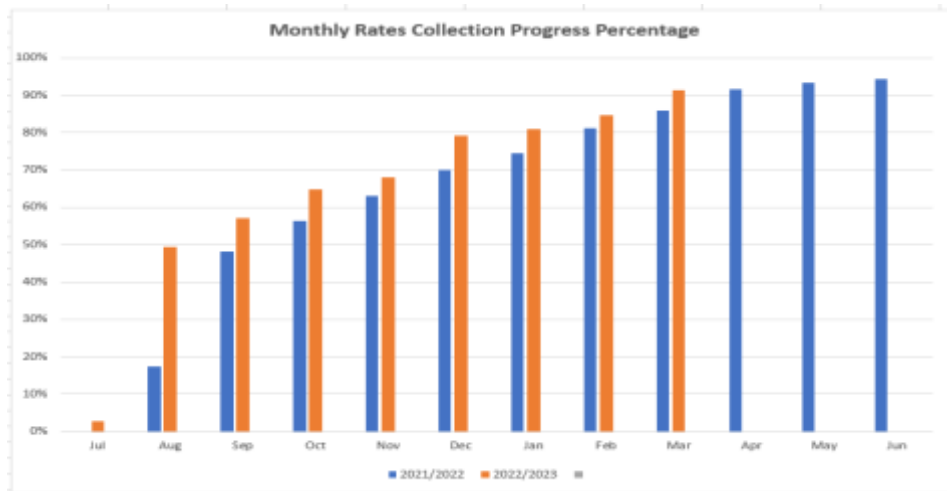
Interest earnings have increased significantly with the rapid increases in the Reserve Bank of Australia Cash Rates which was 3.6% in March, an increase of 25-basis points from the previous month, assisted by improved cashflow management.

Other revenue is above budget with timing variances from multiple service areas.

The early adoption of the Budget allowed the Town to issue rates notices on the 22 July 2022. As seen from the chart below, by the end of March, 91.5% of the annual budgeted rates revenue had been collected, compared with 85.9% last year.

Take up of eRates is at 9% and improving as more ratepayers convert to electronic receipt of rates notices, saving the Town costs in printing, postage and stationery. The Town will continue to promote eRates via Town communication channels.

The Town will shortly be contacting property owners with outstanding rates balances, with a view to collecting the outstanding amount, or entering into a suitable payment agreement. Property owners who continue to default will be referred to the Town's collection agent for further action.



Operating Expenditure

Expenditure year-to-date is 2% under budget.

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

Materials and contracts are under budget by \$0.5m due to timing of IT Expenses (\$110K), Sanitation (\$174K) and lower expenses in reserve, new trees and bushland maintenance (\$271K) due to seasonal factors, 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 \$22K adverse variance relates to the Local Roads and Community Infrastructure Grant which is due to timing.

Capital Works

The Capital budget was reduced to \$2.7M with an amount of \$1.3M determined as a carry forward as part of the 2022/23 statutory mid-year budget deliberations.

Actual spending is 50% of the current amended budget with the bulk of the spending on road infrastructure. A further 13% has been committed so far and an award letter has been issued for heavy plant to the selected preferred supplier.

Monthly Investment Report

The overall balance of the Town's investments is \$16.4M. This is comprised of municipal investments of \$7.6M (including restricted cash) and reserve investments of \$8.8M.

The administration uses *Marketforces.org.au* to assist in assessing non-fossil fuel lenders, and the Town currently has 64% of its funds invested in non-fossil fuel ADIs.

In relation to portfolio exposure, the Town is within limits with 43% in A2 banks against a threshold of 70% and 57% with A1 banks against a threshold of 100%.

The Reserve Bank of Australia raised the cash rate by 0.25% in March 2023, to 3.60%. 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.

Proposed Budget Amendments

The following amendments are proposed to the 2022/23 budget:

1. Footpaths – Various Locations
To provide a budget of \$49,046.52, for expenditure incurred on footpath repairs throughout the Town. The budget was erroneously omitted from the mid-year review.
2. Tip Trucks
Additional budget of \$15,220 required for the purchase of two tip trucks, following completion of a formal RFQ process.
3. Design Services – Reallocation
Reallocation of funds from the Design Services budget not required, to fund amendments one and two above.

The proposed budget amendments are shown at note 6 on page 10 of the attachment.

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 12.7

That Council:

1. Receives the Monthly Financial Report for the period ending 31 March 2023, which incorporates the Statement of Financial Activity for March 2023.
2. Notes the Explanation of Material Variances in the Statement of Financial Activity.
3. Approves the following budget reallocations:

GL Account Code	Description	Current Budget \$	Amended Budget \$	Budget Movement \$
AT2301	FOOTPATHS - VARIOUS LOCATIONS	-	49,046.52	(49,046.52)
AF302	TIP TRUCK - PLANT #PW7043	110,000	118,180.00	(8,180.00)
AF303	TIP TRUCK - PLANT #PW7049	100,000	107,040.00	(7,040.00)
241359.359	EXPENSE - DESIGN SERVICES	194,907.53	130,641.01	64,266.52
	Sub-total - Budget Re-alignments	404,908	404,908	-
	NET CHANGE IN AMENDMENTS TO SURPLUS			\$ -

Voting requirements:

Point 1 and 2 - Simple Majority

Point 3 - Absolute Majority

12.8 Use of Common Seal	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	INFM/INTPROP/1
Department	Office of the CEO
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

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

Background

Under Council's Execution of Documents Policy, the Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing.

Communication and Engagement

Not applicable.

Strategic Implications

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

Comment

Document Sealed	Date Sealed
Bassendean Bowling Club Lease	30 March 2023
Parking Amendment Local Law	18 April 2023

Statutory Requirements

Affixing of the Common Seal is done in accordance with section 9.49A of the *Local Government Act 1995* and Council's Execution of Documents Policy.

Financial Considerations

Not applicable.

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

Not applicable

Officer Recommendation – Item 12.8

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

Voting requirements: Simple Majority

13 Motions of which Previous Notice has been given

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

16 Confidential Business

16.1 Expression of Interest - 35 (Lot 178) Old Perth Road, Bassendean	
Property Address	35 (Lot 178) Old Perth Road, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	COUP/TENDNG/10
Directorate	Office of the CEO
Previous Reports	29 July 2021 21 December 2021 28 June 2022 28 February 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Reason for this Item to be discussed behind closed doors:

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23(c) of the Local Government Act as the officer report discusses a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

17 Closure

The next Briefing Session will be held on Tuesday 16 May 2023 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 23 May 2023 commencing at 6pm.