



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Tuesday 26 September 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 September 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

Cr Kathryn Hamilton

E: crhamilton@bassendean.wa.gov.au

Director of Corporate Services
Paul White



Director Community Planning

Luke Gibson



Executive Manager Infrastructure

Phillip Adams



Executive Manager Sustainability and Environment

Nicole Davey



Cr Emily Wilding
E: crwilding@bassendean.wa.gov.au



Cr Hilary MacWilliam
E: crmacwilliam@bassendean.wa.gov.

Cr Tallan Ames
E: crames@bassendean.wa.gov.au



Cr Renee McLennan
E: crmclennan@bassendean.wa.gov.

Cr Jennie Carter
E: crcarte r@basse ndean. wa .gov.



Cr Paul Poliwka
E: crpoliwka@bassendean.wa.gov.

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, setting and amending budgets.
Legislative	Includes adopting local laws, local 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 rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by the State Administrative Tribunal.
Information	For the Council/Committee to note.

Table of Contents

1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer	7
2 Announcements by The Presiding Person Without Discussion	7
3 Attendances, Apologies and Applications for Leave of Absence	7
4 Declarations of Interest	7
5 Presentations or Deputations	7
6 Statements by Members of the Public	7
7 Questions from Members of the Public	8
8 Petitions	8
9 Confirmation of Minutes	8
10 Business Deferred from Previous Meeting	8
11 External Committee Reports and Updates	9
11.1 External Committee Reports and Updates.....	9
12 Officer Reports	10
12.1 Adoption of Recommendations En Bloc.....	11
12.2 Draft Amended Land Asset Strategy.....	12
12.3 Use of Community Facility - 1A May Holman Drive, Bassendean.....	16
12.4 Draft Amended Local Planning Policy 1 - Bassendean Town Centre.....	20
12.5 ICT Strategy Review.....	23
12.6 Councillor ICT Policy Review.....	28
12.7 Adoption of Quarterly Report period ended 30 June 2023.....	31
12.8 Bassendean Local Emergency Management Committee Meeting - 30 August 2023.....	33
12.9 Arts, Culture and Events Committee Meeting - 5 September 2023.....	35
12.10 Accounts Paid -August 2023.....	38
12.11 Audit and Governance Committee Meeting - 6 September 2023.....	40
12.12 Monthly Financial Report - August 2023.....	44
13 Motions of which Previous Notice has been given	50
13.1 Mature Trees on Private Property - Cr McLennan.....	50
13.2 Bassendean Caledonian Soccer Football Club (Inc.) Lease and Other Community Leases.....	52
14 Announcements of Notices of Motion for the next meeting	54



14.1 Incentives for Trees of Significance	54
15 Urgent Business	56
16 Confidential Business	56
16.1 CEO Probation	56
17 Closure	56

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	
Attachments	1. Ordinary Council Meeting Tuesday, 22 August 2023 - Minutes [9.1.1 - 29 pages]

Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on 22 August 2023, be received and confirmed as a true and correct record.

Voting requirements: Simple Majority

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	
Department	CEO'S Office
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

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	Vote
12.2	Draft Amended Land Asset Strategy	Simple Majority
12.3	Use of Community Facility - 1A May Holman Drive, Bassendean	Simple Majority
12.5	ICT Strategy Review	Simple Majority
12.6	Councillor ICT Policy Review	Simple Majority
12.7	Adoption of Quarterly Report period ended 30 June 2023	Simple Majority
12.9	Arts, Culture and Events Committee Meeting - 5 September 2023	Simple Majority
12.10	Accounts Paid -August 2023	Simple Majority
12.12	Monthly Financial Report - August 2023	Simple Majority

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

Item	Report	Vote
12.4	Draft Amended Local Planning Policy 1 - Bassendean Town Centre	Absolute Majority
12.8	Bassendean Local Emergency Management Committee Meeting - 30 August 2023	Simple Majority / Absolute Majority
12.11	Audit and Governance Committee Meeting - 6 September 2023	Simple Majority / Absolute Majority
13.1	Mature Trees on Private Property - Cr McLennan	Councillor NoM
13.2	Bassendean Caledonian Soccer Football Club (Inc.) Lease and Other Community Leases	Councillor NoM
14.1	Incentives for Trees of Significance	Councillor NoM
16.1	CEO Probation	Confidential

12.2 Draft Amended Land Asset Strategy	
Property Address	Various
Landowner/Applicant	Town of Bassendean
File Reference	LUAP/PLANNNG/11
Directorate	Community Planning
Previous Reports	June 2020 December 2021
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. CONFIDENTIAL REDACTED - Current Land Asset Strategy - Adopted December 2021 [12.2.1 - 25 pages] 2. CONFIDENTIAL REDACTED - Draft amended Land Asset Strategy [12.2.2 - 28 pages] 3. CONFIDENTIAL REDACTED - Comparison table [12.2.3 - 5 pages]

Purpose

The purpose of this report is for Council to consider adopting the draft amended Land Asset Strategy (LAS).

Background

The Town owns a number of freehold lots within the Town and also has care and control of a number of Crown land parcels that are vested with the Town. There is a clear need to have good asset management practices, so as to ensure the Town's land assets are managed so as to deliver suitable returns (social, environmental and economic). If any economic potential exists, this should be maximised to reduce the Town's reliance on rates revenue.

In June 2020, Council considered the draft LAS and resolved that it be received.

In December 2021, Council considered a draft amended LAS and resolved that it be adopted.

Communication and Engagement

The draft LAS was discussed at a Councillor Workshops on 31 January 2023 and 11 July 2023 with a draft document subsequently circulated to Councillors via the CEO Bulletin on 8 September 2023.

Strategic Implications

Priority Area 4: Driving Financial Sustainability

- 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

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

Comment

The Town owns a broad range of assets - land being just one type. Similar to any other asset class, the Town needs to manage and maintain its land and property assets with financial, economic and risk management considerations in mind. Council must understand any risks involved and ensure that any actions do not adversely impact on the financial position of Council, noting that having underutilised land and property assets creates significant real and/or opportunity costs to the Town and impacts the aim for financial diversification and sustainability.

This Strategy applies to all land that is owned in freehold by the Town and a select number of Crown land parcels that are vested with the Town. It also applies to the existing improvements that are accommodated on those land parcels and seeks to provide high-level guidance for future actions. It should be noted that all Public Open Space (POS) lots within the district will be incorporated into a subsequent POS Strategy that will seek to guide and coordinate decisions relating to the provision and standard of POS within the Town, from the strategic level down to the operational level.

The Strategy is intended to provide a high-level overview of the Town's land assets and how each of them should be managed so as to deliver maximum benefit for the community.

It is recommended that Council adopt the draft amended Strategy and that it remain confidential (that is, not accessible to the public) as it contains market sensitive information that if made available, may place the Town in a financially disadvantaged position.

Statutory Requirements

The Council-adopted *Electoral Caretaker Period Policy* is currently in operation and provides the requirements and protocols to avoid actual and perceived advantage or disadvantage to a candidate in a Local Government Election.

Clause 5(a) of the Policy states that “*during a Caretaker Period, unless Extraordinary Circumstances apply, the CEO will reasonably ensure that Council or Committee Agendas, do not include reports or recommendations that constitute Significant Local Government Decisions*”. For the purpose of the Policy, such decisions include ones “*that would commit the Town to Significant Expenditure or actions that, in the CEO’s opinion, are significant to the Local Government operations, strategic objectives or will have significant impact on the community*”.

In considering the matter relevant to the Policy, the following is relevant:

- The subject item relates to a review of an existing Strategy rather than the adoption of a new Strategy;
- The draft amended Strategy is not meaningfully different to the current document;
- The item is being dealt with as a confidential item and is intended to remain confidential for the life of the Strategy; and
- The recommended actions that are likely to have more significant financial implications will need to be funded by separate Council decisions.

Based on the above, it is considered that the matter can be dealt with during the caretaker period.

Financial Considerations

Whilst there is no financial implications associated with the adoption of the LAS, the implications of some of the strategic recommendations will likely have a significant financial impact.

Risk Management Implications

Not having a contemporary strategy will compromise Council’s ability to make decisions on matters relating to its land assets.

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. adopts the draft amended Land Asset Strategy, as contained as a Confidential Attachment to this report; and
2. notes that the Land Asset Strategy is to remain a confidential document.

Voting requirements: Simple Majority

12.3 Use of Community Facility - 1A May Holman Drive, Bassendean	
Property Address	1A May Holman Drive, Bassendean
Landowner/Applicant	Crown land with a Management Order to the Town of Bassendean
File Reference	A80337
Directorate	Community Planning
Previous Reports	17 December 2019
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 consider the future use of the community facility located at 1A May Holman Drive, Bassendean.

Background

Project

In 2019, the Town constructed a community facility at the subject site; the purpose of which was to accommodate the Bassendean Men's Shed. Construction of the facility was co-funded by Lotterywest and the Town of Bassendean.

A further \$135,900 was secured from the Gaming Community Trust for a full interior fit out including a mezzanine floor, air conditioning, insulated walls, drop ceilings, office partitions, glazing, electrical fittings, painting and floor coverings. The Trust's Project Outcomes within the Grant Management Plan state the following:

“The utilisation rate of the premises will be the key outcome of the project. The aim is to have the premises utilised at least five times per week within six months of the work being completed.”

Further, the Project's Indicators and Evaluation Plan stated:

“An important metric sought by the Town of Bassendean will be the proportion of utilisation by the wider community, and the number of hours the facility spends ‘unused’ in 6 month intervals. The Men's Shed will be responsible for the marketing of this capacity in partnership with the Town's Community Services directorate.”

The Trust's Project Indicators proposed collection of the following data:

- *The changes in membership numbers for the Bassendean Community Men's Shed 6 and 12 months after the initial fitout*
- *The number of individuals and types of uses of the Utility Space by the Men's Shed members*
- *The number of individuals, number of groups, and types of uses of the Utility Space by other community groups*
- *The utilisation rate (%) of the space at 6 month intervals after completion*

In November 2021 (approximately four months after occupancy) the Men's Shed advised that it had 75 members and in December 2021 (approximately five months after occupancy) it advised that there were two other groups utilising the space, being the Lion's Club and the Bassendean Primary School Fathers group. The Town has not been requested by the Trust to report on the indicators.

Lease

On 17 December 2019, Council resolved to grant a lease to the Bassendean Community Men's Shed Inc., with the period of the lease being five years, with three subsequent five-year options. The lease provides for an annual premium of \$1 and also provides for the following:

"9.1 Casual hire

- (1) *The Lessee may hire out the Premises or any part thereof on a casual hire basis only provided:*
 - (a) *such use is consistent at all times with the Permitted Purpose;*
 - (b) *the Lessee ensures any hirer complies strictly with the relevant terms of this Lease;*
 - (c) *the Lessee obtains prior written consent for any hire arrangements, which consent may be withheld by the Lessor in its absolute discretion.*
- (2) *The Hire Fee means any fee for the hire of the Premises, which rate shall be the amount prescribed as "Hall Hire – Small Room Hire" in the Town of Bassendean's Schedule of Fees & Charges, as adopted annually by the Lessor pursuant to the Local Government Act 1995.*
- (3) *For the purposes of this Lease, "casual hire" means any hire of the Premises by the Lessee to a third party for a period of and not more than 48 hours in any calendar month and does not include any formal transfer, assignment or sublease of the Premises.*

(4) *The Lessee will not unreasonably refuse an application to hire out the Premises or any part thereof.* (emphasis added)

Since the completion and occupation of the facility, the Town has received feedback (including that from Councillors) suggesting that the Lessee has not been meeting the above requirements of the lease, with groups being denied access to the facility.

Proposal

To establish parameters for the interpretation and application of Clause 9.1(4) of the current lease.

Communication and Engagement

In recent months, the Town sought relevant information from the Lessee as to its history of acceptance and rejection of applications for third parties to hire the facility. The Lessee advised that it had permitted the Bassendean Lions Club to use the premises for three hours per week. It also advised that it had nominally rejected a lathe group on the basis that it did not have capacity to store the associated lathe in the workshop area.

In addition to the above, the Town has used the facility previously for staff training and development.

Strategic Implications

Priority Area 4: Driving Financial Sustainability

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

Comment

There is no obligation for the Lessee to be proactive in seeking to hire out the facility or part thereof, however, importantly, it must not unreasonably refuse an application. Given the Town has anecdotal information suggesting refusal of applications, it is reasonable for the Town to insert itself into the process to monitor compliance with that clause.

As such, the following is proposed for the interpretation and application of Clause 9.1(4) of the current lease:

- Within seven days of receiving an application to hire the premises, the Lessee is to either (i) approve the application or (ii) if it intends to refuse an application, it is required to submit to the Town the application and the draft reasons for refusal.

- Within seven days of receiving an application pursuant to (ii) above, the Town will advise the Lessee whether or not such a refusal would be ‘unreasonable’ for the purposes of the Lease.
- Should the Lessee refuse an application in a manner that the Town considers “unreasonable”, it will be deemed to be in breach of the Lease.

Statutory Requirements

Nil.

Financial Considerations

There are no financial implications associated with the recommended approach.

Risk Management Implications

There is a reputational risk associated with the Town’s facility not being available for broader community use, as contemplated by the approved lease and documentation from the planning and construction phases of the project.

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 adopts the following parameters for the interpretation and application of Clause 9.1(4) of the current lease:

- Within seven days of receiving an application to hire the premises, the Lessee is to either (i) approve the application or (ii) if it intends to refuse an application, it is required to submit to the Town the application and the draft reasons for refusal;
- Within seven days of receiving an application pursuant to (ii) above, the Town will advise the Lessee whether or not such a refusal would be ‘unreasonable’ for the purposes of the Lease; and
- Should the Lessee, in the opinion of the Town, unreasonably refuse an application, it will be deemed to be in breach of the Lease.

Voting requirements: Simple Majority

12.4 Draft Amended Local Planning Policy 1 - Bassendean Town Centre	
File Reference	LUAP/PLANNG/1
Department	Community Planning
Previous Reports	26 August 2008 23 November 2021
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Local Planning Policy 1 - Bassendean Town Centre Strategy and Guidelines [12.4.1 - 51 pages] 2. Local Planning Policy 10 - Window Security for Non-Residential Property Facades [12.4.2 - 3 pages] 3. Draft amended Local Planning Policy 1 - Bassendean Town Centre [12.4.3 - 3 pages]

Purpose

The purpose of this report is for Council to consider adopting a draft amended *Local Planning Policy 1 - Bassendean Town Centre Strategy and Guidelines* (LPP 1) and revoking *Local Planning Policy 10 – Window Security for Non-Residential Property Facades* (LPP 10).

Background

LPP 1 seeks to “*outline a vision and objectives for development within the Bassendean Town Centre*” and LPP 10 seeks to “*encourage high quality urban design in window security for non-residential areas, ensure that window security is visually permeable to allow activation, social interaction, provide commercial exposure, facilitate the provision of natural lighting and be compatible with other facades and ensure that internal or external roller shutters allow for surveillance into premises or out onto the street.*”

In November 2021, Council resolved to adopt the Bassendean Town Masterplan which in many ways, supersedes LPP 1.

In February 2023, the Statutory Planning Committee of the Western Australian Planning Commission approved the Town’s draft Local Planning Strategy. That Strategy contains the following recommended action:

“Revoke LPP 1 – Bassendean Town Centre Strategy and Guidelines and LPP 10 – Window Security for Non-Residential Property Facades”.

The above action is predicated on the existence of a Precinct Structure Plan, however, that framework is yet to be prepared. As such, it is considered necessary to maintain a policy position to guide future development within the Town Centre.

Communication and Engagement

The Town undertook significant community engagement and public consultation as part of both the Town Centre Masterplan and Local Planning Strategy processes.

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

The draft amended Policy maintains the relevant clauses of LPP 1, but also provides a reference to the 2021 Council-adopted Town Centre Masterplan as well as the relevant clauses of LPP 10.

Once a Precinct Structure Plan is approved for the Town Centre, the LPP can be revoked.

Statutory Requirements

Clause 5(2) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the “*the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*” Given the proposed changes to the Policy are relatively minor, it is recommended that the draft amended policy be adopted without undertaking any consultation.

Clause 6 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that a local government is able to revoke a local planning policy.

The Council-adopted *Electoral Caretaker Period Policy* is currently in operation and provides the requirements and protocols to avoid actual and perceived advantage or disadvantage to a candidate in a Local Government Election.

Clause 5(a) of the Policy states that “*during a Caretaker Period, unless Extraordinary Circumstances apply, the CEO will reasonably ensure that Council or Committee Agendas, do not include reports or recommendations that constitute Significant Local Government Decisions*”. For the purpose of the Policy, such decisions include ones “*that would commit the Town to Significant Expenditure or actions that, in the CEO’s opinion, are significant to the Local Government operations, strategic objectives or will have significant impact on the community*”.

In considering the matter relevant to the Policy, the following is relevant:

- The subject item relates to a review of an existing Policy rather than the adoption of a new Policy;
- The recommended actions have no financial impacts for the Town or Council; and
- The Policy is able to be further reviewed by a future Council.

Based on the above, it is considered that the matter can be dealt with during the caretaker period.

Financial Considerations

Nil.

Risk Management Implications

No Risks Identified

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:

1. pursuant to Clause 5(2) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended *Local Planning Policy 1 – Bassendean Town Centre*; and
2. pursuant to Clause 6 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes existing *Local Planning Policy 10 – Window Security for Non-Residential Property Facades*.

Voting requirements: Absolute Majority

12.5 ICT Strategy Review	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	INFT/IMPLTN/1
Directorate	Corporate Services
Previous Reports	OCM – 12/12/20 ordinary-council-minutes15-december-2020.pdf (bassendean.wa.gov.au) OCM – 11/12/21 ordinary-council-minutes15-december-2020.pdf (bassendean.wa.gov.au)
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. ICT Strategy 2020-2025 - August 2023 Review [12.5.1 - 16 pages] 2. CONFIDENTIAL REDACTED - ICT Strategic Plan 2020-2025 - August 2023 Review [12.5.2 - 10 pages]

Purpose

The purpose of this report is to present the results of the mid-term review of the ICT Strategy (**Attachment 1**) and ICT Strategic Plan (**Confidential Attachment 1**) to Council and submit the updated ICT Strategy and ICT Strategic Plan to Council for adoption.

Background

The Town's ICT Strategy 2020-2025 was received by Council in December 2020. This was the Town's first ICT Strategy and was supported by an ICT Strategic Plan, which outlined key projects and actions for each of the five years of the ICT Strategy.

Recognising a lack of investment by the Town in ICT over many years, the intent of the ICT Strategy was to guide the Town's future investment in Information and Communications Technology to provide a stable, robust and secure ICT platform that will adequately support the operational requirements of the Town into the future.

The focus of the first half of the ICT Strategic Plan was on network infrastructure and security. Given that work is largely complete, it is appropriate to review the ICT Strategy and ICT Strategic Plan to focus the second half of that plan through to December 2025.

Proposal

That Council adopts the updated ICT Strategy 2020-25 and ICT Strategic Plan 2020-25, attached to this report.

Communication and Engagement

The amended ICT Strategy and ICT Strategic Plan was workshopped with the ICT Steering Group on 9 August 2023. The ICT Steering Group endorsed both documents for presentation to CMC, which endorsed the documents for submission to Council.

Progress reports against the ICT Strategic Plan were provided to Council in December 2021 and 2022, and the plan has been further updated to reflect activities undertaken to August 2023. The updated ICT Strategy and ICT Strategic Plan was provided to Councillors via the CEO Bulletin on 1 September 2023 and discussed with Councillors at a workshop on 12 September 2023.

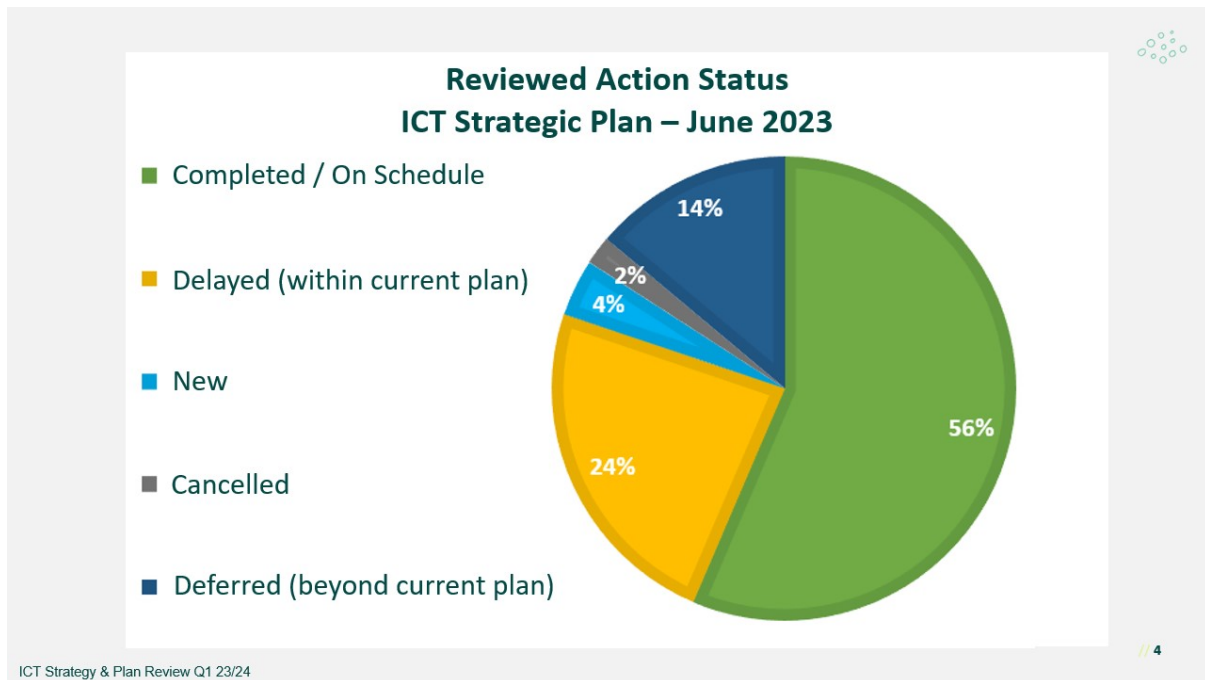
Strategic Implications

Priority Area 5: Facilitating People-Centred Services

- 5.1 Ensure community members know where and how to access services
- 5.2 Deliver efficient and well-connected internet and computer technology systems

Comment

While the ICT Strategic Plan was ambitious, significant progress has been made over the first half of the strategy, as represented in the following chart:



Key changes for the second half of the ICT Strategic Plan are:

- Focus on enterprise architecture review to better understand the current state;
- Prioritise preparation for a new Enterprise Resource Planning (ERP) system;
- Remove references to specific products;
- Refine training and upskill targets; and
- Defer non-critical activities to facilitate ERP preparation.

The following chart shows a high-level timeline for ERP preparation:



The next ICT Strategic Plan to be developed is likely to focus on ERP implementation.

Statutory Requirements

The Council-adopted Electoral Caretaker Period Policy is currently in operation and provides the requirements and protocols to avoid actual and perceived advantage or disadvantage to a candidate in a Local Government Election.

Clause 5(a) of the Policy states that “during a Caretaker Period, unless Extraordinary Circumstances apply, the CEO will reasonably ensure that Council or Committee Agendas, do not include reports or recommendations that constitute Significant Local Government Decisions”. For the purpose of the Policy, such decisions include ones “that would commit the Town to Significant Expenditure or actions that, in the CEO’s opinion, are significant to the Local Government operations, strategic objectives or will have significant impact on the community”.

In considering this report in the context of the Policy, the following is relevant:

- *The subject item relates to a review of an existing Strategy rather than the adoption of a new Strategy*
- *The recommended actions that are likely to have more significant financial implications will need to be funded by separate Council decisions.*

Based on the above, it is considered that the matter can be dealt with during the caretaker period.

The Local Government Act 1995, section 5.41, Functions of CEO.

The CEO’s functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government’s affairs and the performance of the local government’s functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Financial Considerations

Implementation of the ICT Strategic Plan will require funding, which will be the subject of separate budget submissions as and when required, with significant capital expenditure included in the Long-Term Financial Plan. Any required engagement will be guided by Council's Purchasing Policy and the Town's Procurement Framework.

Ultimately, acquisition and implementation of a new ERP will be a very significant project for the Town, in terms of financial and operational capacity, which will need to be incorporated into the LTFP.

Risk Management Implications

Financial Risk
Medium

The ICT Strategic Plan is designed to assist the Town address key risks raised by internal and external auditors from various audits, as reported to the Audit and Governance Committee quarterly.

In terms of the amended ICT Strategy and ICT Strategic Plan, the main risk comes with a delay in terms of ERP implementation. That is unavoidable, as the Town is far from ready at this point, from technical, process and data perspectives, and from a financial capacity perspective.

Further, implementation of a new ERP will require a very substantial commitment of human resources across the Town's business units, which must be taken into consideration when planning other work and project delivery.

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 adopts the updated ICT Strategy 2020-25 and ICT Strategic Plan 2020-25, as attached to this report.

Voting requirements: Simple Majority

12.6 Councillor ICT Policy Review	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	INFT/POLCY/1
Directorate	Corporate Services
Previous Reports	OCM 12/9/21 ordinary-council-agenda-28-september-2021.pdf (bassendean.wa.gov.au)
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Draft Amended Councillor ICT Policy [12.6.1 - 3 pages]

Purpose

The purpose of this report is for Council to consider a review of the Councillor ICT Policy.

Background

Council adopted a Councillor Information and Communications Technology (ICT) Policy in September 2021, and the policy is due for review in September 2023.

The Councillor ICT Policy provides elected members with an appropriate ICT allowance and sets out the additional ICT entitlements of elected members to assist elected members effectively fulfil their role.

Proposal

That Council adopt the draft amended Councillor ICT Policy attached to this report.

Communication and Engagement

Nil

Strategic Implications

Priority Area 5: Facilitating People-Centred Services

5.2 Deliver efficient and well-connected internet and computer technology systems

Comment

The Councillor ICT Policy has been reviewed by the administration and is considered to remain appropriate for the Town, with only minor changes proposed to clause 4.2.

Currently, clause 4.2 permits an elected member to purchase a Town-provided laptop or monitor only after serving a full term, and specifies values of \$250 and \$100, respectively. Given values are subject to change and dependent on various factors, such as the model and condition of the item, it is preferable to remove reference to specific values. Rather, it is proposed for the market value to be determined by the Director Corporate Services.

Removal of specific values allows removal of the requirement for elected members to have served a full term to be eligible to purchase the town-allocated device, as an appropriate market value can be determined.

Statutory Requirements

The caretaker period for the 2023 Local Government Elections is currently in effect. The proposed draft amended Councillor ICT Policy is not considered to be a significant decision for the purposes of the Electoral Caretaker Period Policy.

Section 5.98(2) of the *Local Government Act 1995* provides that a Councillor is to be reimbursed for certain expenses. Rather than reimburse individual expenses, a Local Government may decide to pay the allowance determined by the Salaries and Wages Tribunal (section 5.99A(1) of the LG Act).

Regulation 31 of the *Local Government (Administration) Regulations 1996* prescribes the type of expenses that may be reimbursed under section 5.98 of the Act, relevantly, as “rental charges incurred by a council member in relation to one telephone and one facsimile machine”.

Regulation 32 provides that an expense incurred by a council member in performing a function in his or her capacity as a council member may be reimbursed.

The Salaries and Allowances Tribunal introduced the term ‘ICT Expenses’ and expanded Regulation 31 by defining ICT Expenses as follows:

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or

- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.

Financial Considerations

The cost of providing a laptop device and large screen monitor to all Councillors and Office 365, with upgraded cybersecurity protection, is approximately \$8,000 per annum, which can be met from the Town's capital budget for ICT Equipment (devices) and operational ICT budget (licenses).

Risk Management Implications

The primary and overriding risk is to adopt a Councillor ICT Policy that allows the Town to adequately manage its cybersecurity risk. Failure to do so exposes the Town to infiltration by external parties, which could lead to data compromise/loss and loss or incapacitation of the Town's systems.

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 adopts the draft amended Councillor ICT Policy, as attached to this report.

Voting requirements: Simple Majority

12.7 Adoption of Quarterly Report period ended 30 June 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Directorate	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. 2022-23 Q 3-4 Quarterly Report - Town of Bassendean [12.7.1 - 23 pages]

Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ending 30 June 2023.

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 30 June 2023 is the third report for the 2022/23 financial year and provides an update on the projects/actions contained within the adopted Corporate Business Plan 2022-2026. Note this also includes reporting, as relevant for quarter 3 (period between 1 January 2023 – 31 March 2023).

Communication and Engagement

Nil.

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 63 actions / projects within the CBP, 20 have been completed, 22 are on-track and five are off-track. It should be noted that the items listed as off-track will be carried forward into 23/24.

Statutory Requirements

Local Government Act 1995.

Financial Considerations

Nil.

Risk Management Implications

No Risks Identified

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 receives the Quarterly Report for quarters 3 and 4 between 1 January and 30 June 2023.

Voting requirements: Simple Majority

12.8 Bassendean Local Emergency Management Committee Meeting - 30 August 2023	
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 - 30 August 2023 [12.8.1 - 6 pages] 2. Existing Instrument of Appointment and Delegation [12.8.2 - 3 pages] 3. Draft Terms of Reference [12.8.3 - 3 pages]

Purpose

The purpose of this report is for Council to receive the minutes of the Bassendean Local Emergency Management Committee (BLEMC) Meeting held on 30 August 2023.

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 at the meeting.

- BLEMC Management Review
- Agency Member Reports (Round Table)

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.

Committee Recommendation – Item 12.8

That Council:

1. receives the minutes of the Bassendean Local Emergency Management Committee meeting of 30 August 2023;
2. endorses the draft Terms of Reference for the Bassendean Local Emergency Management Committee, as attached to this report; and
3. revokes the existing Instrument of Appointment for the Bassendean Local Emergency Management Committee;

**Voting requirements: Point 1 and 2 - Simple Majority
Point 3 – Absolute majority**

12.9 Arts, Culture and Events Committee Meeting - 5 September 2023	
File Reference	GOVN/CCLMEET/41
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Arts Culture and Events Committee meeting minutes - 5 September 2023 [12.9.1 - 13 pages] 2. Arts, Culture and Events Strategy - Progress Report [12.9.2 - 4 pages] 3. Public Art map (amended as per recommendation by the ACE Committee) [12.9.3 - 1 page]

Purpose

The purpose of this report is for Council to receive the minutes of the meeting of the Arts, Culture and Events (ACE) Committee held on 5 September 2023.

Background

The ACE Committee meets at least four times each year in carrying out its functions, with the scope of the Committee being to undertake the following:

- Provide high-level strategic direction regarding matters relating to the community arts, culture and/or events that assist fostering strong community expression, identity and pride;
- Provide advice on the formulation and adoption of the annual budget, as it relates to matters of arts, culture and/or events;
- Review and provide feedback on any proposed strategies, plans or policies that relate to matters of arts, culture and/or events;
- Provide advice on the acquisition and decommissioning of art works under Council's Art Acquisition, Management and Decommissioning Policy; and
- Review and provide feedback on the procurement of public art, either under Local Planning Policy 15 – Public Art or via municipal funding.

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

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

6.2 Ensure major decision making is informed by community feedback

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

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

7.2 Create a community closely connected to its history and heritage

7.3 Engage the community in arts and culture

Comment

The minutes of the meeting are attached to this report. In summary, the Committee considered the following items:

- Arts, Culture and Events Strategy - Progress Report
- Bassendean Markets
- Public Art Implementation Plan - Proposed Locations
- Public Art at Sandy Beach Reserve

It is noted that for three of the four items, the Committee recommendation differs from the staff recommendation.

Statutory Requirements

Council's *Meeting Procedures Local Law 2020* states that a committee is to report on its activities when, and to the extent, required by the Council.

Financial Considerations

Committee recommendations 9 has financial implications for Council.

Risk Management Implications

There may be reputational risks associated with not funding various arts, cultural and events initiatives.

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.

Committee Recommendation – Item 12.9

That Council:

1. Receives the minutes of the meeting of the Arts, Culture and Events Committee held on 5 September 2023;
2. Notes the July – August 2023 Arts, Culture and Events Strategy Progress Report, as provided as an attachment;
3. In relation to the Bassendean Markets, does not provide any funding for the purposes of preparation and implementation of a traffic management plan for the May and June 2024 markets (in the event that the Wilson Street Carpark is unavailable);
4. In relation to the Bassendean Markets, extends the agreement beyond June 2024 to June 2025 subject to the Town and the Independent Operator negotiating and coming to agreement no later than 15 December 2023, as to alternative locations to stage the markets so as to not incur significant costs to the Town and ratepayers;
5. In relation to the Bassendean Markets, should no agreement be reached by 15 December 2023, that Council be advised and the Chief Executive Officer proceeds with a new process to secure the future staging of markets within the Town of Bassendean;
6. In relation to public art, endorses the proposed locations for public art as per the map provided to the Committee, but amended such that Location A is relocated to Palmerston Square Reserve and Location B is relocated to Park Estate Reserve, as per the attached amended map;
7. In relation to public art, that a future expression of Interest process will be provided at a future Committee meeting for review and recommendation, or to a Council meeting for review and endorsement, prior to advertising;
8. In relation to the public art at Sandy Beach Reserve, does not fund restoration of the artwork named “Rock Bottom” at this time, and that a cost estimate for decommissioning of the artwork be communicated to Councillors; and
9. In relation to the Public Art at Sandy Beach Reserve, notes that an amount of \$5,000 for the maintenance of the artwork named “Tree of Life” will be considered as part of the 2023/24 mid-year budget review.

Voting requirements: Simple Majority

12.10 Accounts Paid -August 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Directorate	Corporate Services
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. List of Payment Consolidated Report 31 August 2023 [12.10.1 - 15 pages]

Purpose

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

Background

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.

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

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

Statutory Requirements

Local Government (Financial Management) Regulations 1996

Financial Considerations

One transaction of a personal nature was inadvertently incurred by a staff member using a Town purchasing card. An invoice has been issued to the staff member for repayment.

One purchasing card was compromised with nine unauthorised transactions conducted for a total value of \$667.04, for which a dispute has been lodged with CBA. It is expected that the reversals will appear in the following month.

Otherwise, 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 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 12.10

That Council receives the list of payments for August 2023.

Voting requirements: Simple Majority

12.11 Audit and Governance Committee Meeting - 6 September 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/18
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. CONFIDENTIAL REDACTED - Audit Risk Register as at 31 August 2023 [12.11.1 - 8 pages] 2. Local Government Professionals Audit Survey Analysis [12.11.2 - 10 pages] 3. CONFIDENTIAL REDACTED - Sundry Debts Status - September 2023 [12.11.3 - 1 page] 4. Audit and Governance Committee Minutes 6 September 2023 [12.11.4 - 15 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 6 September 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.

Proposal

For Council to receive the report on the meeting of the Audit and Governance Committee held on 6 September 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 5: Facilitating People-Centred Services

- 5.2 Deliver efficient and well-connected internet and computer technology systems
- Priority Area 6: Providing Visionary Leadership and Making Great Decisions
- 6.1 Make brave decisions in line with a risk appetite
- 6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

Comment

The Committee considered the following items:

Audit Risk Register

The purpose of this report was to provide the Committee with the Town's Audit Risk Register, with updated actions since the meeting of the Committee on 12 June 2023 (**Confidential Attachment 1**).

The Audit Risk Register presents a summary of the audit risks and recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken or proposed to address the identified risks.

The Committee resolved to receive the Audit Risk Register and note the action taken or proposed to address the identified risks.

LG Professionals Audit Survey Analysis

The purpose of this report was to present the Local Government Professionals Report on Audit Survey Analysis to the Committee (**Attachment 1**).

Local Government Professionals identified some emerging key issues from the survey results, including:

- Timeframe and delays;
- Cost;
- Additional workload for Local Government staff;
- Inconsistent advice from contract Auditors and OAG; and
- Asset valuation requirements.

Local Government Professionals intends to use the survey results to work with the OAG to continue to improve the audit process for local governments.

The Committee noted the Local Government Professionals Report on Audit Survey Analysis.

Recovery of Sundry Debts 2022/23

The purpose of this report was to provide Council, via the Audit and Governance Committee, with an update on the status of sundry debts owed to the Town, and

recommend Council write off certain outstanding debts (**Confidential Attachment 2**).

During 2022/23, the Manager Finance wrote off three sundry debts totaling \$270 under delegated authority. A condition of the delegation is that Council be informed whenever the delegation is exercised. While the delegation is silent on the required frequency of reporting to Council, it is proposed to do so annually in June, following this initial report.

It is recommended that Council write off one debt for \$313.44. Multiple attempts to contact the debtor has been unsuccessful, and it is considered uneconomical to pursue legal action, given the size of the debt.

ICT Security / Penetration Testing Report

The purpose of this report was to inform the Audit and Governance Committee of the results of recent penetration testing conducted on the Town's Information and Communications Technology (ICT) infrastructure.

The Town engaged ES2 to conduct a series of penetration tests on the Town from both outside and inside the Town's network perimeter and report on the individual points of risk, actionable remediations and overall risk level.

The Committee noted the results of the penetration testing.

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

Financial Risk
High

The annual audit of the Town's Financial Report is an important part of the Town's approach to identifying, assessing and treating risks. While audits are not an absolute guarantee of the accuracy or reliability of the Town's information and may not identify all matters of significance, the audit is likely to highlight any significant risks and weaknesses in controls for risk mitigation by the Town.

The use of independent internal audit has several important benefits to the Town, including:

- Independent assurance for management and Council that internal controls in place are working effectively;
- Provision of advisory information on areas that may need further strengthening;
- Independent review of the efficiency and effectiveness of financial and non-financial controls; and
- Independent review the Town's compliance with legislative requirements.

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 12.11

That Council:

1. Notes the exercise of delegated authority by the Manager Finance to write off sundry debts totalling \$270, as shown in Confidential Attachment 2, in accordance with section 6.12 (1)(c) of the *Local Government Act 1995*; and
2. Writes off the debt totalling \$313.44 and listed for write-off in Confidential Attachment 1, in accordance with section 6.12(1)(c) of the *Local Government Act 1995*.

Voting requirements:

Point 1 - Simple Majority

Point 2 - Absolute Majority

12.12 Monthly Financial Report - August 2023	
Property Address	NA
Landowner/Applicant	NA
File Reference	FINM/AUD/1
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Monthly Financial Report to 31 August 2023 [12.12.1 - 12 pages]

Purpose

The purpose of this report is for Council to receive the Monthly Financial Report for August 2023 which incorporates the Statement of Financial Activity.

Background

The Local Government (Financial Management) Regulations 1996, Regulation 34, 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 by Council on 28 June 2023.

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 2023/24 Annual Budget.

The 2023/24 opening surplus position in the Statement of Financial Activity (Page 3 of the attachment), is an estimate and is un-audited. The amount may change once the financial position for 2022/23 is externally audited.

Proposal

For Council to receive the Monthly Financial Report for August 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
- 4.2 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 2023/24 Annual Budget and any subsequent amended estimates and actual income and expenditure amounts to the month, August 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 August 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)	24.0	20.2	20.3	0.1	1
Expenditure	28.4	6.0	6.0	0.0	0
Capital Works	5.6	0.3	0.1	0.2	200
Non-Operating Grants, Subsidies and Contributions	2.3	0.0	0.1	0.1	100

Operating Revenue

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

Operating grants, subsidies and contributions are under budget due to a timing difference in the recognition of the MRRG direct grant and the Financial Assistance Grants Scheme worth \$114K which were received in advance in June 2023 and reflected in the opening surplus position.

Interest income is higher than budget by \$195K due timing of recognition of interest income on maturity of significant investments yet to be accrued over the relevant period. The Town placed some deposits at rates in excess of 5%, maximising revenue generated from the early investment of rates revenue received from the first instalment payments which were due on 31 August 2023.

Other income lines are within reporting thresholds.

Operating Expenditure

Expenditure year-to-date is on budget. With the budget adopted in late June, most operations remain in planning and mobilisation stages.

Materials and contracts are under budget by \$87K due to timing of infrastructure maintenance.

Depreciation is under budget by \$52K due to 2022/23 capitalisations in progress. It is anticipated that the variance will diminish once the asset ledger is fully reconciled with movements for the previous financial year.

Other expenditure is over budget by \$185K with ICT Licences being paid for the full year at \$179K.

All other reporting lines are within budget.

Non-Operating Grants

Non-operating grants are above budget due to advance receipt of funds due to the lodgement of projects to be completed under the Local Roads and Community and Infrastructure Programme stage 4 worth \$53K.

Capital Works

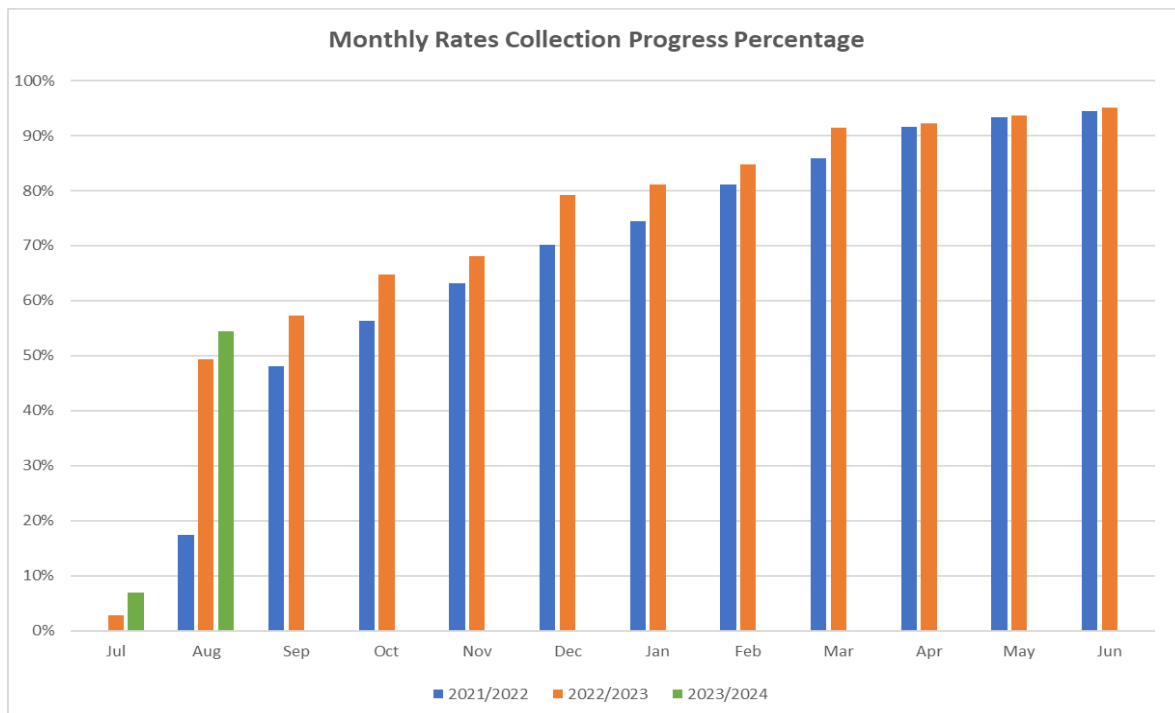
Key Points to Note:

- Actual spend is 1% of the current budget with a further 15% committed to date.
- There is a minor Carry Forward adjustment identified which has been reflected in the recommendation below.

- With the recruitment of the Manager Engineering and Assets now complete, it is anticipated that works will commence on most projects shortly.
- The RFT’s for the Ashfield Bore and Ashfield Lights have been awarded with works to commence shortly.
- Specifications for the Bassendean Oval Lights are being finalised.

Rates Collection Report

With the 1st Instalment due on 31 August 2023, the chart below now tracks progress over a three-year period showing a marked improvement with collection sitting at 54.5% as opposed to 49.33% in 2022/23 and 17.39% in 2021/22. This shows the adoption of the budget and the strengthening of controls on debt collection is making a significant difference to the Town’s cashflows and ability to generate higher investment returns.



Monthly Investment Report

The overall balance of the Town’s investments is \$21.9M. This is comprised of municipal investments of \$12.8M (including restricted cash), reserve investments of \$8.7 million and trust investments (public open space) of \$0.3M.

The administration uses *Marketforces.org.au* to assist in assessing whether financial institutions invest funds in fossil fuel related industries. The Town currently has 58% of its funds invested in non-fossil fuel ADIs.

The Reserve Bank of Australia maintained the cash rate at 4.1% in August 2023 and likely continued high interest rates in the coming months provides for an improved investment earnings outlook for 2023/24.

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.

Budget Amendments

The following budget amendments are proposed in the Monthly Financial Report for August 2023:

GL Account Code	Description	Current Budget \$	Amended Budget \$	Budget Movement \$
TBC	BROOKE STREET FOOTPATH	-	7,500	7,500
AP1714	SANDY BEACH CONSTRUCTION PLAYGROUND	-	47,000	47,000
TBC	ASSET ENHANCEMENT RESERVE	431,799	(7,500)	424,299
	NET CHANGE IN AMENDMENTS TO OPENING SURPLUS	2,408,822	(47,000)	2,361,822

- Brooke Street Footpath is on request from a resident with mobility issues and is considered to be a Town priority. The works will be funded by an allocation from the Asset Enhancement Reserve; and
- The Sandy Beach Construction Playground is a carry forward adjustment due to additional electrical works required on the project. Unspent budget from 2022/23 is being requested to complete these additional works which will be funded by adjusting the opening surplus position.

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 12.12

That Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
2. Receives the Monthly Financial Report for the period ending 31 August 2023, which incorporates the Statement of Financial Activity for the period to August 2023.
3. Approves the budget amendments as noted below to:
 - (a) Amend the opening 2023/24 surplus position by reducing it by \$47,000 to fund the Sandy Beach Construction Playground additional electrical costs; and
 - (b) Allocating \$7,500 from the Asset Enhancement Reserve to construct the Brooke St Footpath costing \$7,500:

GL Account Code	Description	Current Budget \$	Amended Budget \$	Budget Movement \$
TBC	BROOKE STREET FOOTPATH	-	7,500	7,500
AP1714	SANDY BEACH CONSTRUCTION PLAYGROUND	-	47,000	47,000
TBC	ASSET ENHANCEMENT RESERVE	431,799	(7,500)	424,299
	NET CHANGE IN AMENDMENTS TO OPENING SURPLUS	2,408,822	(47,000)	2,361,822

Voting requirements: 1 and 2 Simple Majority; 3 Absolute Majority

13 Motions of which Previous Notice has been given

13.1 Mature Trees on Private Property - Cr McLennan	
Councillor	Cr McLennan
Attachments	Nil

Cr McLennan wishes to move the following motion at this meeting:

Motion – 13.1

In an effort to, where practicable, support retention of mature trees to complement the delivery of quality development outcomes in the Bassendean Town Centre, Council requests the CEO to:

1. Develop and release a request for quote (RFQ) to conduct an audit of mature trees on private property within the boundaries of the Bassendean Town Centre, for trees that meet the requirements of being classified as Significant Trees on the Town's Significant Tree Register; and
2. Present the cost and the process for the conducting of the audit with an officers recommendation, to the 2024/25 budget workshop for council consideration.

Reasons:

WA has the weakest protections for mature trees on private property of all Australian states, lagging behind others who have long had regulation of mature trees in urban areas. Perth also has the hottest summers and the least tree canopy of any capital city in Australia, making it vital that we preserve our remaining mature trees.

Local governments are working hard to increase canopy on public land investing heavily in street trees and planting in reserves. However, the majority of canopy loss is occurring on private land. Despite Council's endeavors over recent years to have regulation of mature trees on private land included in our local Planning Scheme, these efforts have been hampered by a lack of support at a state government level.

There are now glimmers of hope that there may be some shift in attitude with Nedlands' Scheme Amendment #12 potentially securing support from the state government. If gazetted, Scheme Amendment No. 12 would introduce the requirement to obtain development approval from the local government for the removal of large canopy trees on private land in low residential density areas. The intent of this scheme amendment is to allow consideration of whether tree removal is appropriate. This amendment is now in the hands of the Minister with the decision being watched carefully by other local governments seeking to introduce a similar scheme amendment into their own planning frameworks if successful.

However, even if this amendment is supported by the Minister and other local governments pursue similar scheme amendments, large trees in areas zoned for higher density development would remain unprotected. Sites within our Town Centre where higher density development is proposed, would remain at risk of being cleared by developers without a development approval. Trees that have taken decades to grow and which deliver huge environmental, social and economic benefits, can disappear in hours without any thought to the consequences for our community. Given the state government's refusal to allow the broad regulation of mature trees, one of the only tools available to local governments wanting to preserve canopy in their town centre is the use of Significant Tree Registers.

CEO Comment

The NOM is supported on the basis that the request for quote is informed in the first instance by the legal advice the Town has contributed to financially from WALGA, in relation to the protection of trees on private property. Should the legal advice demonstrate that this NOM is likely to be unsuccessful, the CEO will bring a report to Council to revoke the NOM, before resources are allocated to the development of the RFQ.

13.2 Bassendean Caledonian Soccer Football Club (Inc.) Lease and Other Community Leases	
Councillor	Cr Hamilton
Attachments	Nil

Cr Hamilton wishes to move the following motion at this meeting:

Motion – 13.2

That Council:

1. Agrees to enter a lease agreement with the Bassendean Caledonian Soccer Football Club (Inc.) for the lease of clubrooms at Jubilee Reserve, being the attached draft lease agreement, subject to modification so as to provide a fixed lease term of two years;
2. Authorises the Chief Executive Officer to apply the current adopted Caledonian Club Room lease rental for the two-year term of the lease back dated to August 2nd , 2023; and
3. Requests that all other community leases that have expired or may expire prior to the review and adoption of a new Community Leasing Framework are to continue to operate under the Holding Over clause.

Reasons:

The Council adopted Property Management Policy and Community Leasing Framework is due for a review as per the February 2023 Resolution of Council. This review is scheduled to occur in December 2023.

There exists a timing issue in respect to the expiry of the lease for the Caledonian Club and the review of the Leasing Framework. Importantly the current leasing templates do not adequately provide for the redevelopment of sporting facilities, and with funding being pursued for the redevelopment of lighting infrastructure and upgrades to club rooms on Jubilee Reserve it's important that future leases clearly articulate how any redevelopment will impact the clubs and the Town.

This NOM values and respects the roles of clubs in our community and its intent is to ensure we develop a new leasing framework and lease template so that they can continue to deliver sporting facilities and programs to the community into the future.

For the purposes of providing security of tenure to the Caledonian Club, it is deemed appropriate to provide a fixed term lease of two years under the current framework to enable continuity of operations rather than waiting for the Leasing Framework to be reviewed some months hence. This notice of motion guarantees that the Caledonian Soccer Club will pay the lesser rate recently adopted by Council, rather than the more expensive rate if Council was simply to initiate the holding over clause.

It is worth noting that no other terms or conditions within the draft lease, recently negotiated with the club under the current Leasing Framework, have been changed.

Officer Comment

There is no objection to the proposed motion.

14 Announcements of Notices of Motion for the next meeting

14.1 Incentives for Trees of Significance

Councillor	Cr McLennan
Attachments	Nil

I, Cr Renee McLennan, hereby give notice in writing to the CEO to have the following Notice of Motion listed on the agenda of Ordinary Council Meeting to be held on 17th October 2023, at which it is proposed to be moved:

Motion – 14.1

That Council requests the CEO to:

1. Investigate options to incentivise property owners who have a mature tree of significance on their private property being listed on the Town of Bassendean’s Significant Tree Register under LPS11; and
2. Provide a report to Council identifying possible incentives that Council may consider adopting to support and encourage trees being included on the Town’s Significant Tree Register.

Background

Reasons:

In July 2023, Council adopted the Town’s “Tree Canopy Action Plan”. The plan identifies actions that the Town will take over the next four years to protect and enhance our urban forest and green cover, on both public and private land, with the primary objective being to increase overall canopy within the Town to meet a tree canopy cover target of 30% by 2040.

Currently the Town of Bassendean has only 15% tree canopy coverage. For the local community to have liveable neighbourhoods into the future, the Town needs at least 30% canopy to keep our suburbs cool. This will require not only planting more trees but also preserving the area’s existing mature trees.

Mature trees on public land are already afforded protection by the local government, however there are limited mechanisms available to promote the retention and protection of mature trees on private property. One mechanism supported by the WAPC is the use of Significant Tree Registers, where a local government can list trees of significance that are worthy of protection. However, tree registers of this nature have proven to be largely ineffective with a very limited number of trees being registered. One factor contributing to the low numbers is that there is typically no benefit to the property owner for having a tree included on the register. Therefore, offering incentives to assist property owners with expenses associated with maintaining large trees may be of benefit.

The Town's Tree Canopy Action Plan identifies one future action to incentivise trees being listed on the Significant Tree Register.

5. Community Awareness & Programs (5.3)

Direction: Provide support for debris management of trees included on the Significant Tree Register

Action: Application and approvals process developed for provision of an additional FOGO bin at no charge to residents/ businesses with a Significant Tree on their property

However, other options exist that would be worthy of consideration for inclusion in the Town's Tree Canopy Action Plan. For example, the City of Vincent has a Significant Tree Assistance Policy (7.6.3) which makes provision for financial assistance for owners of trees listed on the City's Trees of Significance Inventory. Property owners may be eligible for financial assistance for work associated with the listed tree through the City's Trees of Significance Incentive Fund. Funds can be used for remedial pruning, crown thinning, pest control or the like; or the provision of advice from a qualified arborist. Funds are generally provided on a dollar-for-dollar basis to a maximum of \$2,000 in any 5 year period. Where the City contributes funds for any tree, the owner must enter into an agreement to repay the City if the tree is removed within a five year period and in the City's opinion the tree could have been retained.

Trees of Significance Policy (City of Vincent)

<https://www.vincent.wa.gov.au/documents/764/763-trees-of-significance>

Conditions of funding (City of Vincent)

https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Policy_Place/Conditions_of_Funding.pdf

15 Urgent Business

Nil

16 Confidential Business

Officer Recommendation

That the following matters be considered with members of the public excluded from the Chamber under Clause 5.23 (2) of the Local Government Act 1995, in the list below.

- Item 16.1 - CEO Probation

16.1 CEO Probation	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/POLCY/2
Directorate	Office of the CEO
Previous Reports	Special Council Meeting Tuesday 31 January 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Confidential Separate Attachment

Purpose

The purpose of this report is for Council to consider the employment contract of the Chief Executive Officer, Mr Cameron Woods.

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (a), (b) and (c) of the Local Government Act 1995, as the Officer report discusses:

- a. *a matter affecting an employee or employees;*
- b. *the personal affairs of any person; and*
- c. *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

A Confidential Report is provided to Councillors under separate cover.

17 Closure

The next Briefing Session will be held on Tuesday 10 October 2023 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 17 October 2023 commencing at 6.00pm.

A Special Council meeting will be held on Tuesday 24 October commencing at 6.00pm to swear in new Councillors.