



TOWN OF

**Bassendean**

## **AGENDA**

### **Ordinary Meeting of Council**

**Tuesday 17 October 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**

6 October 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](mailto: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 McIennan  
E: crmcIennan@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

<b>1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer .....</b>	<b>6</b>
<b>2 Announcements by The Presiding Person Without Discussion.....</b>	<b>6</b>
<b>3 Attendances, Apologies and Applications for Leave of Absence .....</b>	<b>6</b>
<b>4 Declarations of Interest.....</b>	<b>6</b>
<b>5 Presentations or Deputations .....</b>	<b>6</b>
<b>6 Statements by Members of the Public.....</b>	<b>6</b>
<b>7 Questions from Members of the Public.....</b>	<b>7</b>
<b>8 Petitions .....</b>	<b>7</b>
<b>9 Confirmation of Minutes .....</b>	<b>7</b>
<b>10 Business Deferred from Previous Meeting .....</b>	<b>8</b>
<b>11 External Committee Reports and Updates.....</b>	<b>9</b>
11.1 External Committee Reports and Updates.....	9
<b>12 Officer Reports .....</b>	<b>10</b>
12.1 Adoption of Recommendations En Bloc.....	11
12.2 Contract Variation - RFT 02/2019 Provision of Cleaning Services for Council Facilities .....	12
12.3 Draft Amended Local Planning Policy 12 - Residential Development and Fences .....	15
12.4 Accounts Paid - September 2023 .....	18
12.5 Monthly Financial Report - September 2023.....	20
<b>13 Motions of which Previous Notice has been given .....</b>	<b>25</b>
13.1 Mature Trees on Private Property - Cr McLennan .....	25
13.2 Incentives for Trees of Significance - Cr McLennan .....	27
<b>14 Announcements of Notices of Motion for the next meeting .....</b>	<b>30</b>
<b>15 Urgent Business .....</b>	<b>30</b>
<b>16 Confidential Business .....</b>	<b>30</b>
<b>17 Closure .....</b>	<b>30</b>

## **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](http://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.

*A response to a question taken on notice at the September OCM is provided below:*

Bill Busby - 56 Haigh Street, Ashfield

*Q. What is the Town's employee costs as a percentage of rate revenue?*

A.

<b>Town of Bassendean</b>				
<b>Employee costs as a percentage of rates revenue</b>				
	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22 **</b>	<b>2022/23 ***</b>
Employee Costs *	\$13,158,941	\$13,151,286	\$13,767,318	\$12,049,864
Rates Revenue	\$13,375,582	\$13,487,147	\$13,811,350	\$14,409,305
Percentage	98.38%	97.51%	99.68%	83.63%

### Notes:

\* Employee costs include salaries and wages, superannuation, training and development and workers compensation coverage.

\*\* The Town divested its Seniors and Disability Services business unit on 30 June 2022. The impact is shown in Note 18 to the 2021/22 financial statements.

\*\*\* Unaudited

## 8 Petitions

## 9 Confirmation of Minutes

<b>9.1 Confirmation of Minutes</b>	
<b>Attachments</b>	1. Ordinary Council Meeting Tuesday, 26 September 2023 - Minutes [9.1.1 - 19 pages]

### Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on Tuesday, 26 September 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	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	
<b>Department</b>	CEO'S Office
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	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.

<p>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.</p>
---

### **Officer Recommendation Item 12.1**

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

<b>Item</b>	<b>Report</b>	<b>Vote</b>
12.4	Accounts Paid - September 2023	Simple Majority
12.5	Monthly Financial Report - September 2023	Simple Majority

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

<b>Item</b>	<b>Report</b>	<b>Vote</b>
12.2	Contract Variation - RFT 02/2019 Provision of Cleaning Services for Council Facilities	Absolute Majority
12.3	Draft Amended Local Planning Policy 12 - Residential Development and Fences	Absolute Majority
13.1	Mature Trees on Private Property - Cr McLennan	Cr NoM
13.2	Incentives for Trees of Significance - Cr McLennan	Cr NoM

<b>12.2 Contract Variation - RFT 02/2019 Provision of Cleaning Services for Council Facilities</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	COUP/TENDNG/77
<b>Directorate</b>	Corporate Services
<b>Previous Reports</b>	OCM December 2019 OCM March 2023
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. CONFIDENTIAL REDACTED - RFT 02 2019 Variation 9 - Consumables [12.2.1 - 1 page]

### Purpose

The purpose of this report is for Council to consider a price variation to contract 02/2019 Provision of Cleaning Services for Council facilities.

### Background

In December 2019, Council resolved to approve Tender 02/2019 Provision of Cleaning Services for Council Facilities and appointed Intelife Group Limited (Intelife) for a period of three years with an option to extend for a further two years. The CEO extended the contract by a further two years to 2 February 2025 under delegated authority.

In March 2023, Council resolved to approve a contract variation of 6% price increase (effective 1 July 2022) for contract 02/2019, due to the annual wage review for cleaners providing a 4.6% wage increase, and the increase in Superannuation Guarantee from 10% to 10.5% from 1 July 2022. Importantly, the cleaning award increased by 1.75% and 2.5% in 2019/20 and 2020/21 respectively, but Intelife did not request a price variation to the contract.

Intelife has applied for a price increase of 6.25% due to an increase in labour costs and an increase of 8.5% for consumable items, effective 1 July 2023.

While the CEO has delegated authority to approve minor contract variations, Council is required to approve any proposed variation over 5% of the original estimated contract price.

## Strategic Implications

### Priority Area 4: Driving Financial Sustainability

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

### Comment

Intelife has applied for a price increase equivalent to 6.25% of the contract value for increased labour costs 1 July 2023, due to the annual wage review for cleaners (as per Cleaning Services Award 2010 by Fairwork Australia) providing 5.27% to 5.75% wage increase, and the increase in Superannuation Guarantee from 10.5% to 11% from 1 July 2023. Although the increase sought equates to the highest increase by Fairwork Australia, it is considered reasonable in the context of previous decisions by Fairwork Australia during the period covered by contract 02/2019 and the previous price increase awarded by Council.

Intelife has also applied for a price increase of consumables, which has been calculated at 8.5% based on historical usage. This is the first price increase request for consumables by the contractor since commencement of the contract, and is less than the cumulative CPI increase for All Groups (Perth) from June 2020 to June 2023 of 16.5%. The historical usage calculation for consumables is shown in the confidential attachment.

Since commencement of the contract with Intelife on 3 February 2020, six contract variations have been approved under delegated authority, for the supply of consumables, a change in cleaning times for public toilets, removing the Seniors and Disability Services Centre from the cleaning list and adding new public toilets at Sandy Beach Reserve, Wind in the Willows Centre at Ashfield and SES building to the list.

### Statutory Requirements

A Local Government may vary a contract for the supply of goods or services if the variation is necessary for the goods or services to be supplied and does not change the scope of the contract, pursuant to Regulation 21A of the Local Government (*Functions and General*) Regulations.

### Financial Considerations

The variations sought will increase the cost of the contact by \$18,163 for 2023/24, which will be met through the Town's operational budget for Materials and Contracts.

## **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 12.2**

1. That Council approves a variation to contract 02/2019 Provision of Cleaning Services for Council Facilities to provide for a price increase for labour of 6.25%, effective 1 July 2023.
2. That Council approves a variation to contract 02/2019 Provision of Cleaning Services for Council Facilities to provide a price increase for consumables of 8.5%, effective 1 July 2023.

**Voting requirements: Absolute Majority**

<b>12.3</b>	<b>Draft Amended Local Planning Policy 12 - Residential Development and Fences</b>
<b>File Reference</b>	TBA
<b>Department</b>	Community Planning
<b>Previous Reports</b>	22 May 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Draft amended Local Planning Policy 12 - Residential Development and Fences [12.3.1 - 6 pages]

### Purpose

The purpose of this report is for Council to consider adopting a draft amended *Local Planning Policy 12 – Residential Development and Fences* (LPP 12).

### Background

LPP 12 was adopted in May 2022 and varies the Residential Design Codes to provide amended or alternative ‘deemed-to-comply’ provisions. It also seeks to “*provide criteria for fences and associated structures, and development within the street setback area so as to ensure development within the street setback area preserves the character of the existing streetscape and is complementary and/or compatible with existing development*”.

### 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

The Policy is proposed to be amended by the inclusion of:

- a reference to the Town’s *Built Form and Character Study* (Stephen Carrick Architects, May 2018) so as to provide improved guidance on how the Town will assess proposals in terms of streetscape consistency and impact.
- a provision relating to the ridge height of large outbuildings, which was erroneously omitted from the original drafting of the Policy.

- a reference to *Local Planning Policy 14 – Stormwater*.

A cope of the draft amended policy is attached.

### **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.

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.
- 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 12.3**

That Council, 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 12 – Residential Development and Fences*.

**Voting requirements: Absolute Majority**

<b>12.4 Accounts Paid - September 2023</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Previous Reports</b>	
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	1. September 2023 Accounts Paid Report [ <b>12.4.1</b> - 14 pages]

### **Purpose**

The purpose of this report is for Council to receive the list of payments for September 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 September 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**

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 12.4**

That Council receives the list of payments for September 2023.

**Voting requirements: Simple Majority**

<b>12.5 Monthly Financial Report - September 2023</b>	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	FINM/AUD/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Monthly Financial Report - September 2023 [ <b>12.5.1</b> - 12 pages]

### **Purpose**

The purpose of this report is for Council to receive the Monthly Financial Report for September 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 unaudited. The amount may change once the financial position for 2022/23 is externally audited.

## Proposal

For Council to receive the Monthly Financial Report for September 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, September 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 September 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	20.6	20.6	0.0	0
Expenditure	28.4	8.3	7.6	0.6	8
Capital Works	5.6	0.6	0.1	0.5	83
Non-Operating Grants, Subsidies and Contributions	2.3	0.4	0.2	0.2	62

### 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 \$144K 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 more than 5%, maximising revenue generated from the early investment of rates revenue received from the first instalment payments which were due on 31 September 2023.

Other revenue is slightly higher coming from reimbursements which includes insurance claims.

### Operating Expenditure

Expenditure year-to-date is under budget by \$662K. With the budget adopted in late June, most operations remain in planning and mobilisation stages with works commencing in the coming months.

Employee costs are under by \$132K with vacancies across various positions.

Materials and contracts are under budget by \$735K due to timing of infrastructure maintenance \$235K, Sanitation \$210K and various Environmental projects by \$72K.

Insurance is over budget by \$125K which is a timing matter as the first instalment comprising 50% of the amount due was paid in July 2023.

Other expenditure is over budget by \$140K with ICT Licences being paid for the full year, offset by under-spend in Materials and Contracts by a similar amount.

All other reporting lines are within budget.

### Non-Operating Grants

Non-operating grants are under budget by \$262K with timing for grants from MRRG \$200K and Sandy Beach foreshore stabilisation by \$115K.

### Capital Works

Key Points to Note:

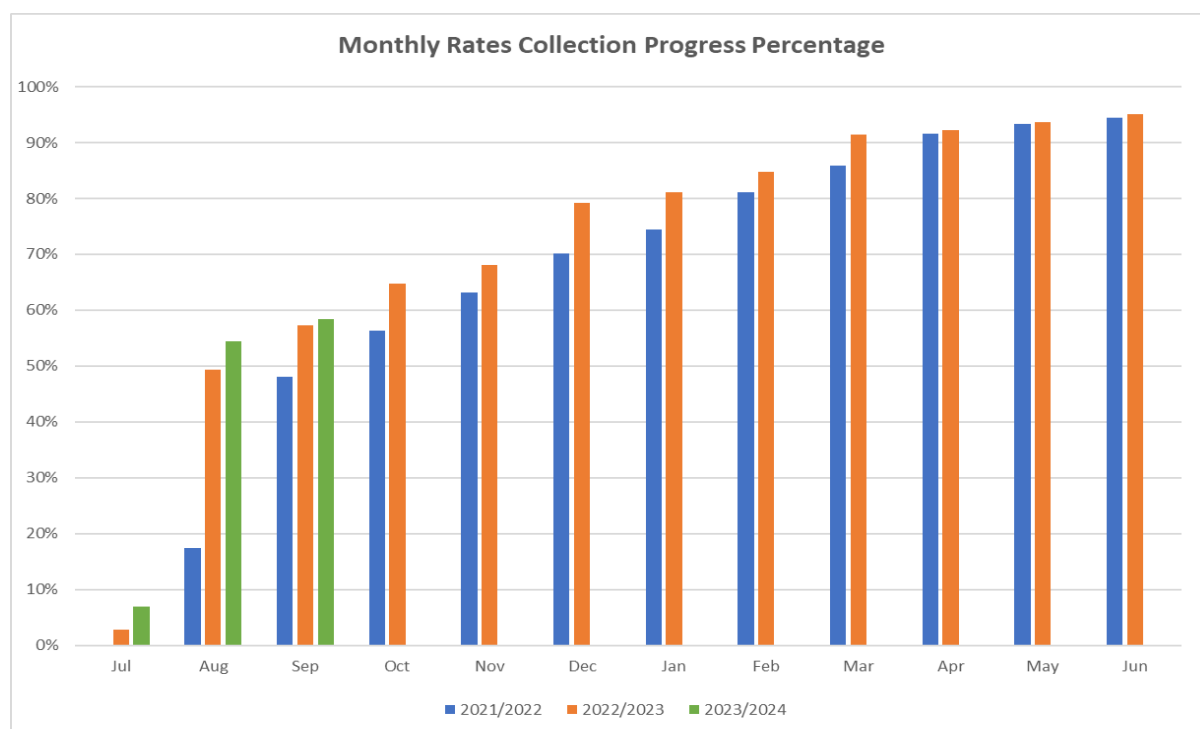
- Actual spend is 2% of the current budget with a further 18% committed to date.

- Contracts for the Ashfield Bore and Ashfield Lights have been awarded with works to commence shortly.
- The tender for the Bassendean Oval Lights is expected to issue in October.
- The two tip trucks which were ordered in the previous financial year are due for delivery shortly.

### Rates Collection Report

The chart below shows collection at 58% as at September 2023, continuing the improving trend toward earlier collection.

The second instalment is due on 31 October 2023.



### Monthly Investment Report

The overall balance of the Town’s investments is \$23.7M. This is comprised of municipal investments of \$13.6M (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 71% of its funds invested in non-fossil fuel ADIs.

The Reserve Bank of Australia maintained the cash rate at 4.1% in September 2023 and likely continued high interest rates in the coming months as inflation remains high provide 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**

There are no budget amendments recommended in the Monthly Financial Report for September 2023.

## **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 12.5**

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 30 September 2023, which incorporates the Statement of Financial Activity for the period to September 2023.

**Voting requirements: Simple Majority**



## 13 Motions of which Previous Notice has been given

<b>13.1 Mature Trees on Private Property - Cr McLennan</b>	
<b>Councillor</b>	Cr McLennan
<b>Attachments</b>	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**

It is open to Council to pursue this approach, however, it must be acknowledged that such an RFQ process represents an opportunity cost in that it would require limited staff resources to be redirected to this task.

Further, in terms of the potential assessment and protection of trees, the following should be considered.

- The audit could potentially cost up to \$450 per tree.
- The success of any audit could be compromised by lack of access to private land.
- The administrative process associated with progressing any protection would not be insignificant, particularly given the consultation and reporting required.
- Given that the area suggested for the audit (being the Town Centre) is where the community supports higher density to accommodate urban infill, it could be contended that the audit is in conflict with achieving this objective.

### 13.2 Incentives for Trees of Significance - Cr McLennan

<b>Councillor</b>	Cr McLennan
<b>Attachments</b>	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](https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Policy_Place/Conditions_of_Funding.pdf)

### **CEO Comment**

It is open to Council to pursue this approach, however, it must be acknowledged that the approach has an opportunity cost in that it would require limited staff resources to be redirected to this task.

Further, it is likely that the outcome of any review would reflect incentives provided by other local governments, including the example provided from the City of Vincent. It is also likely that all potential incentives would represent a financial burden for the Town and in turn, the community. It is also unknown whether ratepayers would be prepared to pay for the incentives via either (i) an increase in rates or (ii) a reduction in other Town services.

The Town is about to undertake a major review of its Strategic Community Plan. This provides the opportunity to seek input on various things, including whether the community is supportive of the allocation of funds to assess privately owned trees, incentivise tree retention and/or prosecute for unauthorised removal of trees.

Tree retention and tree canopy targets are being advocated for by many in the local government sector. Whilst the Town continues to advocate and lobby for this legislative change via WALGA and its local member, it is considered that ratepayer funds are currently best used for the planting of trees on Town owned and managed land.

Based on the above, it is considered that it is more appropriate for the NoM to be reconsidered as part of a review of the Council-adopted Tree Canopy Action Plan, at which time, there will be a greater understanding of the community's views on the matter.

If Council decides to pursue this motion, an alternate and preferred resolution is as follows:

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 **information through the CEO Bulletin** identifying possible incentives that Council may consider **as a means of supporting and encouraging** trees being included on the Town's Significant Tree Register.

**14 Announcements of Notices of Motion for the next meeting**

**15 Urgent Business**

**16 Confidential Business**

Nil

**17 Closure**

A Special Council Meeting will be held on Tuesday 24 October 2023 commencing at 6pm.

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

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