

# TOWN OF BASSENDEAN

## NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 17 November 2020 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

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

The 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.

Participants are 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.

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## A G E N D A

### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

#### *Acknowledgement of Traditional Owners*

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

#### *Audio Recording*

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

## **2.0 ATTENDANCES AND APOLOGIES**

### **Apologies**

Cr Chris Barty – Leave of Absence

## **3.0 DECLARATIONS**

## **4.0 ANNOUNCEMENTS**

## **5.0 PUBLIC QUESTION TIME/STATEMENTS**

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda.

Questions and statements can be submitted prior to the Briefing Session to:

<https://www.bassendean.wa.gov.au/council/town-council/council-meetings/about-council-meetings.aspx>

If a member of the public is not present at the meeting, a response will be provided in writing outside of the meeting.

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

## **6.0 DEPUTATIONS**

### **Item 7.2 - Additions to Small Bar - Patio and Café Blinds (Cork and Bottle) 77-83 (Lot 144) Old Perth Road, Bassendean**

Ben Carter, Director of Pinnacle Planning and Lola Jones, Applicant (representing Cork and Bottle)

## **7.0 REPORTS**

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

<b>Item No. 7.1</b>	<b>Development and use of Town-owned site – 1 (Lot 50) Surrey Street, Bassendean</b>
<b>Property Address (if applicable)</b>	1 (Lot 50) Surrey Street, Bassendean
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	28 July 2020
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
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<b>Attachment No. 1</b>	Letter of Agreement - 24/3/2015

### **Purpose**

The purpose of this report is for Council to consider the future development and use of 1 (Lot 50) Surrey Street, Bassendean, which is currently owned by the Town.

### **Background**

Council has considered matters relating to this site many times since it acquired the site in 1988. Below represents only a selection of the relevant milestones and is not to be taken as a complete record of the history of the site:

- In November 2015, Council resolved (amongst other things) to endorse the Option 2C design proposal prepared by SIA Architects.
- In early 2017, the Town was awarded a \$375,000 grant from LotteryWest.

- In April 2017, Council resolved to rescind the November 2015 resolution and to pursue Option 1 design proposal prepared by SIA Architects.
- In February 2018, Council resolved to amend the 2017/18 Budget for the purpose of “*engaging a suitable contractor to explore the SIA Architect Option 2c design with a view to repurposing the homestead and extension for use as a Family & Children’s Services Facility.*”

Council last considered this matter in July 2020, when it considered the appointment of a contractor in response to *Request for Tender 06/2019 - Provision of Restoration and Conservation Works to the Residency and the Pensioner Guard Cottage and Construction of a New Community Space at 1 Surrey St, Bassendean*. Council declined all tender responses given all tender responses significantly exceeded the budget for the project. .

The Town of Bassendean has met with LotteryWest to explore further funding however this was not supported. The effect of Council’s resolution is that the majority of the \$375,000 Lotterywest grant was relinquished, with Lotterywest maintaining a \$37,500 grant to fund improvement works on the Cottage.

Importantly, Council understands the value that the community places on local heritage and the Town remains committed to its history; this is evidenced as a key focus area in the newly adopted Strategic Community Plan. Council is committed to ensuring heritage locations and buildings of historical value within the Town are recognized and cared for.

A structural assessment for safety reasons has now been completed on both buildings to assess the potential for continued access by community groups. The residence is deemed unsafe however the Pensioner Guard Cottage is deemed safe and can continue to be opened to the public by the Bassendean Historical Society (BHS) as a way of sharing our Town's colonial history.

Earlier written advice was provided to the BHS to advise of Council’s decision and more recently, Town officer’s met with members of the BHS to provide a further update, indicating the matter is likely to be tabled at the November Ordinary Council Meeting for further consideration, following which Town officers will meet again with the BHS.

### **Communication and Engagement**

Since Council’s July 2020 resolution, the Town has had communication with the BHS regarding the opening of the Pensioner Guard Cottage as well as access to the residence. The Town advised that the residence was not safe for use, however, the Cottage was sound. It further advised that the BHS was able to recommence the opening of the Cottage on a monthly basis, subject to an appropriate user agreement.

The Town has also had discussions with the Western Australian branch of the National Trust regarding the potential for the Trust to acquire the site. The Trust advised that it was not in a position to acquire the site.

Recently, there have been comments on Facebook and in the Community Newspaper regarding funds of \$150,000 that were set aside for the refurbishment of 1 Surrey Street following the sale of the Masonic Lodge.

On 31 March 2011, \$1 million from the sale proceeds of the Masonic Hall site was credited to what is now the Land and Buildings Infrastructure Reserve.

*The project did not proceed at that time and the funds remain in the Land and Buildings Infrastructure Reserve.*

*The Town has spent more than \$150,000 on the refurbishment of Surrey Street over the last five years. It is open, with Council approval, to draw down on the Reserve to “reimburse” that expenditure (up to \$150,000) in the March 2021 budget review (after Council has made a decision on Surrey St), extinguishing the funds set aside from sale of the Masonic Lodge.*

## Strategic Implications

### Priority Area 4: Driving Financial Sustainability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> <li>Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalize</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>All Town-owned buildings increased in their utilisation</li> <li>Defined position and strategy of when buildings need renewal</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>Consolidated infrastructure footprint</li> <li>Enhanced sustainability footprint</li> <li>Clear indications of whole-of-life costs</li> </ul>

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

Direction	Potential Strategies	What Success Looks Like
Create a community closely connected to its history and heritage	<ul style="list-style-type: none"> <li>Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community</li> </ul>	<ul style="list-style-type: none"> <li>Historical and heritage facilities are well used by the community</li> <li>Heritage sites and buildings are visible to locals and visitors</li> </ul>

## Comment

### Structural condition of buildings

A number of structural assessments have been undertaken on the buildings located on the site and the most recent assessment was undertaken in August 2020. The assessment found that the Pensioner Guard Cottage is generally in fair condition, with only slight cracking observed.

In terms of the Residence however, there are a number of structural issues that require remediation as they pose safety issues, specifically, the suspended concrete roof, ceilings and lintels. In addition, the assessment noted structural issues that do not pose an immediate safety risk, but will require repair, including timber roof members, masonry wall cracks, mortar fretting (rising damp) and sloping timber floors.

If Council chooses to retain the site, it will need to also determine what, if anything, it does to rectify the above issues.

### Options for the site

In accordance with Council's July 2020 resolution, there is a need for Council to consider the future of the site, with the available options summarised below.

Option	Benefits	Shortcomings
Retain the whole site in its current form (status quo)	<ul style="list-style-type: none"> <li>• Cottage will be able to be opened to the community</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing maintenance obligations to the site</li> <li>• No financial return</li> </ul>
Subdivide off PGC/residence. Retain that site and dispose of the balance site with a view to achieving a commercial return.	<ul style="list-style-type: none"> <li>• Financial return on sale</li> <li>• Cottage will be able to be opened to the community</li> </ul>	<ul style="list-style-type: none"> <li>• Town will need to fund part demolition of residence</li> <li>• Ongoing maintenance obligations to the site</li> </ul>
Subdivide off PGC/residence. Dispose of both sites, with the disposal of the balance site being with a view to achieving a commercial return.	<ul style="list-style-type: none"> <li>• Financial return on sale</li> <li>• No further maintenance obligations to the site</li> <li>• Potential for restoration by third party</li> </ul>	<ul style="list-style-type: none"> <li>• Town will need to fund part demolition of residence</li> <li>• Potentially limited interest given condition of residence</li> </ul>
Disposal of the whole site with a view to achieving a commercial return.	<ul style="list-style-type: none"> <li>• No further maintenance obligations to the site.</li> <li>• Financial return on sale</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially limited interest given condition of residence</li> <li>• Cottage may not be able to be opened to the community</li> </ul>

<p>Disposal of the whole site with a view to ensuring the restoration of the buildings.</p>	<ul style="list-style-type: none"> <li>• No further maintenance obligations to the site.</li> <li>• Potential for restoration by third party</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially no financial return</li> <li>• Potentially limited interest given condition of residence</li> </ul>
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In considering the merits of each option, the following is relevant:

- The subject site is a Town-owned asset, however, given Council’s July 2020 decision, there is no clear purpose for it in terms of community amenity, particularly in its current state. Typically, local governments will only own land where that land genuinely assists in delivering a benefit to the community.
- Whilst the site does accommodate two buildings with heritage value, there is limited capability for them to deliver a benefit to the community beyond their heritage value.
- Council’s recently adopted Strategic Community Plan advocates for the rationalisation of Town assets so as to optimise their use and provide a consolidated infrastructure and enhanced sustainability footprint.
- Any option for the future of the site involving the Town retaining the Cottage and/or the residence represents an ongoing cost for rate payers associated with the maintenance of those buildings. (Noting the residence is currently unsafe for occupancy.) Given the heritage nature of the buildings, those costs could be significant and potentially increase over time and have implications for long term financial planning.

Based on the above, it is recommended that Council pursue disposal of the site by way of a public tender process that requires interested parties to demonstrate a genuine community benefit associated with their intended acquisition, which may include financial, heritage restoration and/or community access benefits. This would enable the Town to assess the value of proposals against the community benefit with Council considering the recommended proposal.

It is open to Council to pursue another option.

LotteryWest Grant

As detailed above, LotteryWest has maintained a \$37,500 grant to fund improvement works on the Cottage, however that requires matching expenditure by the Town and acquittal of the grant by 31 May 2021. Given that it is recommended that Council pursue disposal of the site and it is also recommended that the current grant be relinquished.

It is open to Council to pursue the improvement works, however, in that case, it would need to fund the matching expenditure and adhere to conditions imposed by LotteryWest.

## Bassendean Historical Society

As previously detailed, the Society would like to recommence the opening of the Cottage on a monthly basis.. This is supported, at least in the short-term but noting long-term access will depend on the ultimate future of the site. Access to the Cottage will require an appropriate user agreement. In this regard, the user agreement is proposed to broadly reflect the previous agreement with the following provisions:

- (1) The agreement does not permit access to the Residence (for safety reasons);
- (2) The agreement is able to be terminated by the Town by providing a written notification to the effect, so long as the notification is provided at 14 days prior to the next scheduled opening of the Cottage; and
- (3) Neither party shall make any oral or written statement about the other party which is intended or is reasonably likely to disparage the other party, or otherwise degrade the other party's reputation. Breach of this condition may result in termination of the agreement. (This latter condition will generally apply across new agreements).

## **Statutory Requirements**

The *Local Government Act 1995* sets out requirements and processes for disposing of Town-owned land, which includes a public tender process.

## **Financial Considerations**

Financial considerations are potentially significant depending on which option is selected. Any option for the future of the site involving the Town retaining the Cottage and/or the residence represents an ongoing cost associated with the renovation and maintenance of those buildings. Given the heritage nature of the buildings, those costs could be significant and potentially increase over time.

If Council resolves to pursue any form of subdivision, there will be costs associated with lodging the application and satisfying any conditions of subdivision approval.

If Council resolves to pursue any form of sale, there will be costs associated with engaging a real estate agent. A commercial sale of any land would deliver revenue to the Town.

## **Risk Management Implications**

High. The Town-owned site accommodates two buildings; one of which has been found to be unfit for occupation and requires remedial work to rectify. In addition, there is significant reputational risk associated with any and all of the options for the site. It is important that Council's decision reflects the relevant themes and commitments contained within its recently adopted Strategic Community Plan.



### **Officer Recommendation – Item 7.1**

That Council:

1. seeks to dispose of 1 (Lot 50) Surrey Street, Bassendean by public tender in accordance with section 3.58(2)(b) of the *Local Government Act 1995*, with the tender process to require interested parties to demonstrate a genuine community benefit associated with their intended acquisition, which may include financial, heritage restoration and/or community access benefits;
2. advises LotteryWest that it wishes to relinquish the \$37,500 grant relating to the Pensioner Guard Cottage and thanks LotteryWest for its assistance and support in relation to 1 Surrey Street, Bassendean; and
3. enters into an agreement with the Bassendean Historical Society to allow access to the Pensioner Guard Cottage.

**Voting requirements: Simple majority**

<b>Item No. 7.2</b>	<b>Additions to Small Bar - Patio and Café Blinds (Cork and Bottle)</b>
<b>Property Address (if applicable)</b>	Road reserve abutting 77-83 (Lot 144) Old Perth Road, Bassendean
<b>Landowner/Applicant (if applicable)</b>	Robert & Lorraine Hyde
<b>File Ref</b>	A3976
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
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<b>Attachment No. 2</b>	Development Plans – Cork and Bottle

## Purpose

The purpose of this report is for Council to consider a development application for Additions to Small Bar - Patio and Café Blinds in the road reserve abutting 77-83 (Lot 144) Old Perth Road, Bassendean (Cork and Bottle).

## Background

At its Ordinary meeting on 26 August 2014, Council approved an application for a Small Bar, along with additions and alterations at the subject site.

## Proposal

The proposal involves the following:

- Provision of roof cover over the existing pergola structure (which makes the structure a patio), comprised of insulated roof sheeting and Colorbond panels and flashing;
- The roof panels, gutter and flashing are proposed as Colorbond white;
- PVC café blinds on the perimeter of the existing structure; and
- Connection of the patio to the Town's stormwater infrastructure via a rainwater pipe, which will run underneath existing paving and connect into a nearby grate.
- The removal of an existing street tree.
- The area will be used as an Outdoor Eating Area/licensed area in conjunction with the existing Small Bar.

The size of the Outdoor Eating Area remains unchanged.

### Communication and Engagement

In early May 2020, the Town met with the owners of the Cork and Bottle small bar on Old Perth Road to discuss a proposal to provide permanent roof cover over the existing pergola structure, and partially enclose the area with outdoor blinds. The Town sought feedback from Council via the CEO Bulletin as the proposal required the removal of an existing street tree to facilitate the development. Two responses objecting to the removal of the tree were received.

The feedback was provided to the applicant to assist in deciding whether they would proceed to prepare the documentation required for a development application, which would be required to be determined by Council. The Town also advised the applicant that it would not support relocating the tree, and if Council supported the removal of the tree, the amenity evaluation value of the tree (determined as \$2,264.80) would be required as a condition of development approval. The applicant indicated that they were prepared to make the required payment.

It was recommended that the applicant modify the structure for consistency with existing development within the streetscape, to retain the street tree, and further information relating to stormwater disposal be included in the application.

The applicant submitted a development application on 29 May 2020, which was returned to the applicant prior to acceptance for further information (updated drawings, details as to the land use and extent of liquor license and any additional waste management details). No further correspondence was received.

On 12 November 2020, the Town received a development application for the proposed patio and café blinds the subject of this report.

### Strategic Implications

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Support the creation of a more green and shaded Town	<ul style="list-style-type: none"> <li>• Create an urban forest throughout reserves, gardens and streets</li> <li>• Protect existing trees and green spaces</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Fewer trees lost during development</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Increased proportion of tree cover</li> <li>• Reduced heat island effect</li> </ul>

### Priority Area 3: Creating a Vibrant Town and Precincts

Direction	Potential Strategies	What Success Looks Like
Support the town centre to thrive	<ul style="list-style-type: none"> <li>• Advocate for economic growth of our Bassendean town centre</li> <li>• Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean</li> </ul>	<p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Increased number of developments within the town centre</li> <li>• Increased population within the Town</li> <li>• Improved retention of existing businesses</li> <li>• Increased number and retention of new businesses</li> <li>• Increased local employment</li> </ul>

### Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Support the local economy	<ul style="list-style-type: none"> <li>• Prioritise infrastructure projects that generate local employment and support a circular economy</li> <li>• Ensure the local economy is positioned to recover from crises</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Increased local employment, relative to nonlocal employment</li> <li>• Increased local supply-chain use, relative to non-local supply</li> </ul>

### Comment

#### Local Planning Scheme No. 10 (LPS 10)

Clause 3.2.3 of LPS 10 provides a range of objectives for the Town Centre Zone, including ensuring buildings and ancillary structures are of high quality and achieve an architectural theme contributing to the uniqueness of the townscape, and that sheltered places for pedestrians are provided.

The proposal is considered to meet the objectives of the zone in that it provides for a sheltered place for pedestrians and contributes to the entertainment activities.

#### Local Planning Policy No. 1 – Bassendean Town Centre (LPP 1)

The purpose of LPP 1 is to provide a vision and objectives for development within the Bassendean Town Centre. LPP 1 encourages the activation of the street via outdoor eating areas and sheltered pedestrian spaces.

LPP 1 does not seek to limit the design palette of new development, and in respect to materials, recommends that materials respond to neighbouring buildings with appropriate colours. Neutral colours are recommended. Whilst the building itself is red brick, the adjacent tenancy has a white tiled façade.

Noting that the roof itself will not be highly visible from a pedestrian level, and the lack of prescriptive colours within LPP 1, it is open to Council to consider the use of white colorbond roofing.

In respect to roofs, LPP 1 provides that roofs should have simple forms complementing the linearity of buildings. The proposal is for a flat roof over the existing pergola, which is compliant in this regard.

LPP 1 also requires the following with respect to developer contributions:

*“A town centre public realm contribution of 2% of development cost will be payable to Council as a condition of development approval. This contribution will be used to enhance the public realm in the vicinity of the development site and will include public art, street furniture, planting, paving and amenities such as bicycle racks, bins, shade structures, signage. etc. Timing of these enhancements will be agreed between Council and the developer to be completed shortly after construction and to suit council works programmes.”*

A condition to this effect is not recommended for the following reasons:

- There is no established developer contribution scheme in place within LPS 10, and therefore no head of power to collect contributions;
- There is no need and nexus between the scale of the proposed development and a developer contribution;
- The proposed development is considered to provide a contribution to the streetscape by virtue of the nature of the proposal;
- The Town is currently reviewing LPP 1 in the context of a future Town Centre Masterplan, and public realm infrastructure requirements within the Town Centre.

#### Council Policy 1.8 – Street Trees (CP 1.8)

CP 1.8 provides the framework for the retention of street trees, or where retention is not feasible, requirements for the removal of trees.

Clause 4.3(b) of CP 1.8 provides the following with respect to the removal of a street tree:

*“Requests to remove street trees will only be considered favourably where a report by a suitably qualified arborist is provided to the satisfaction of the Town, demonstrating that the tree is:*

- (i) *Dead, having less than 10% photosynthetic material or live tissue present in the canopy mass;*
- (ii) *Diseased and unlikely to respond to treatment;*
- (iii) *Structurally unsound to the extent it presents a danger to the community;*
- (iv) *A species declared as a noxious weed by the Department of Primary Industries and Regional Development; or*
- (v) *The Town determines the tree is of no ecological or amenity value.”*

The Town has undertaken a review of the tree and has determined that it has no ecological value and little amenity value. As previously advised, the amenity value of the tree in accordance with the methodology contained within CP 1.8 is \$2,264.80. Should Council support the proposal, a condition requiring the payment of the amenity value of the tree is recommended.

#### Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 (Local Law)

Under the Local Law and *Local Government Property Local Law 2001*, the Town may issue a permit to allow certain activities to occur in public streets and on Town reserves. As such, should the applicant seek to use the area under the patio for alfresco dining, an Outdoor Eating Area Permit is required. The applicant will be advised of the need to make an application for this permit, which is a separate process to this application for development approval.

#### Municipal Heritage Inventory

The abutting property (77-83 Old Perth Road) is listed as Place No. 168 and has a Category 2 level of significance under the Town's Municipal Heritage Inventory. The proposed development is separate to the existing building and therefore will not impact the listed place.

#### Conclusion

Whilst the Town recognises the contribution street trees make to the amenity of the streetscape, this needs to be balanced against proposals that contribute to the street via activation and vibrancy. The proposed additions will ensure the space adjacent the Cork and Bottle can be used all year round by patrons and the public alike.

The placement of street trees in this portion of Old Perth Road is inconsistent, and the subject tree has low amenity value by virtue of its size. Given there are two substantial street trees adjacent the subject site which provide shade and amenity, it is considered inconsequential to remove this particular street tree to provide for the proposed additions. It is therefore recommended that Council approve the proposed development, subject to appropriate conditions.

#### **Statutory Requirements**

Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* provides the following:

- (5) *A person who constructs anything in accordance with permission under this section is required to –*
  - a) *maintain it; and*

- b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of its construction, maintenance, or use.*

A condition requiring the applicant to obtain public liability insurance is recommended, to ensure the Town is not legally responsible for personal injury to a third party or damage to the Town's property as a result of the use of the area underneath the pergola, which is on public land.

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Low. The risk of approving the application is low given appropriate conditions can be imposed on the development approval and application of relevant Local Laws can be applied to ensure the ongoing maintenance of the structure. Whilst there may be reputational risks associated with allowing the removal of an existing street tree, it is considered that the removal is acceptable in the circumstances.

### **Officer Recommendation – Item 7.2**

That Council approves the application for development approval for Additions to Small Bar - Patio and Café Blinds (Cork and Bottle) abutting 77-83 (Lot 144) Old Perth Road, Bassendean subject to the following conditions:

1. The applicant must hold a current Public Liability Insurance Policy with indemnity of not less than \$20,000,000. If requested, the applicant is to provide a Certificate of Currency to the Town of Bassendean prior to the construction activity commencing.
2. The proposed development being kept in good condition and maintained at all times (i.e. no tears, rips etc. to café blinds) to the satisfaction of the Town of Bassendean.
3. The road and footpath pavement areas must be kept clean and free of litter at all times.
4. Prior to applying for a Building Permit, an Infrastructure Services – Application for Permit for the proposed stormwater disposal must be submitted to and approved by the Town of Bassendean, including the payment of fees in accordance with the Council's Schedule of Fees and Charges. Any paving removed to accommodate stormwater infrastructure is to be reinstated to the satisfaction of the Town of Bassendean.

5. The landowner/applicant must ensure that no damage or obstruction is caused to a manhole, inspection pit, fire hydrant, water, gas, electrical or communications infrastructure, drainage or other service, within the location of Pergola.
6. Prior to applying for a Building Permit, the landowner/applicant shall pay to the Town of Bassendean the amenity value of the tree to be removed (\$2,264.80) in accordance with Council Policy 1.8 – Street Trees.

**Voting requirements: Simple majority**



<b>Item No. 7.3</b>	<b>Draft Amended Local Planning Policy No. 7 – Commercial and Mixed Use Development (Final Adoption)</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	LUAP/POLCY/12
<b>Previous Council Reports (if applicable)</b>	29 September 2020 (Res 10/09/20)
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
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<b>Attachment No. 3</b>	<b>Draft Local Planning Policy No. 7 – Commercial and Mixed Use Development</b>

### Purpose

The purpose of this report is for Council to consider adopting draft amended Local Planning Policy No. 7 – Commercial and Mixed Use Development.

### Background

At its meeting on 29 September 2020, Council resolved to advertise the draft amended Local Planning Policy No. 7 – Commercial and Mixed Use Development.

### Communication and Engagement

Following Council's resolution on the matter, the draft Policy was advertised for public comment on the Town's website for a period of 23 days, being from 30 September 2020 to 23 October 2020.

No submissions were received.

## Strategic Implications

### Priority Area 4: Driving Financial Suitability

Support the local economy	<ul style="list-style-type: none"> <li>• Prioritise infrastructure projects that generate local employment and support a circular economy</li> <li>• Ensure the local economy is positioned to recover from crises</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Increased local employment, relative to nonlocal employment</li> <li>• Increased local supply-chain use, relative to non-local supply</li> </ul>
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### Comment

Whilst no submissions were received, the draft amended policy has been further reviewed and it is considered appropriate to exempt the requirement for development approval for solar panels in commercial and mixed use zone and include reference to environmentally sustainable design, consistent with Council's approach for industrial areas under Local Planning Policy No. 6 – Industrial Development. As such, it is recommended that new provisions be included in the draft policy to this effect. It should be noted that solar panels will still be required to obtain a building permit.

The draft policy will ensure a higher standard of built form and design, address issues pertaining to service areas and improve the streetscape by virtue of additional landscaping provisions and requirements for activated facades.

It is therefore recommended that Council proceeds to adopt the draft Policy as amended.

### Statutory Requirements

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

- "(a) *review the proposed policy in the light of any submissions made; and*
- (b) *resolve to:*
  - (i) *proceed with the policy without modification; or*
  - (ii) *proceed with the policy with modification; or*
  - (iii) *not proceed with the policy."*

If Council proceeds with the policy, the local government is required to publish a notice accordingly.

### Financial Considerations

Nil.



## **Risk Management Implications**

Low. Should Council not adopt the draft policy, the Town will revert back to the existing policy, the provisions of which are not considered sufficient to provide guidance on the assessment of a variety of design elements typical of commercial development. Should Council not adopt the draft policy and revoke the existing policy, no criteria will be provided for the assessment of commercial development, which could result in poor development outcomes.

## **Officer Recommendation – Item 7.3**

That Council, pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft Local Planning Policy No. 7 – Commercial and Mixed Use Development (as amended following advertising) as contained in the attachment.

**Voting requirements: Simple majority**

<b>Item No. 7.4</b>	<b>Proposed Tree Preservation Order</b>
<b>Property Address</b>	36 (Lot 50) Anzac Terrace, Bassendean
<b>Landowner/Applicant</b>	Vicki Andrews & Genevieve Errey
<b>File Ref</b>	ENVM/NOTIF/1
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permit, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 4</b>	Photographs of Trees - 36 (Lot 50) Anzac Terrace, Bassendean

## Purpose

The purpose of this report is for Council to consider making Tree Preservation Orders (TPO) for five trees located at 36 (Lot 50) Anzac Terrace, Bassendean.

## Background

On 11 September 2020, the Town received a Tree Preservation Order nomination for five trees at 36 (Lot 50) Anzac Terrace, Bassendean, based on the trees' aesthetic quality and other significance (habitat and food for wildlife). The applicant seeks TPOs over three Tuart trees (*Eucalyptus gomphocephala*), one Cape Lilac tree (*Melia azedarach*) and one String bark tree (*Eucalyptus gigantea*), all located in the rear of the subject site. Photographs of the trees are attached.

## Communication and Engagement

As the landowner has nominated the trees, the notification requirements in accordance with Clause 4.7.7.3 of LPS 10 are not required. No further consultation was undertaken on the basis that the location of the trees is to the rear of the site abutting undeveloped portions of adjacent sites, and therefore the trees do not overhang or impact any buildings on adjacent properties.

## Strategic Implications

### Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> <li>• Conserve, enhance and repair natural and urban areas</li> <li>• Facilitate management of reserves by Friends groups</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Increased number and rate of participation of environmental volunteers</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Restoration and revegetation measures improve</li> </ul>
Support the creation of a more green and shaded Town	<ul style="list-style-type: none"> <li>• Create an urban forest throughout reserves, gardens and streets</li> <li>• Protect existing trees and green spaces</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Fewer trees lost during development</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Increased proportion of tree cover</li> <li>• Reduced heat island effect</li> </ul>

### Comment

Where a local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

- aesthetic quality;
- historical association;
- rarity; and
- any other characteristics which make the tree worthy of preservation.

The Town has undertaken a site inspection and assessment of the trees, and has determined that one Tuart tree (Tree 1), the Cape Lilac Tree (Tree 3) and the String bark tree (Tree 5) are suitable for protection given they provide habitat to wildlife and have high amenity value.

The two remaining Tuarts (Trees 2 and 4) are not recommended for retention given the abnormal growth of the trees, which may limit their structural integrity in the future. The applicant has been advised of this recommendation, and specifically requests that Tree 4 be protected via a TPO given it provides a food source and habitat to wildlife and its amenity value.

No urgent remedial pruning or other arboricultural works are required at present.

Notwithstanding the landowners request, the Town supports trees 1, 3 and 5 being protected via TPOs for the reasons outlined in the report, noting that the location of Tree 4 to the edge of the property will assist in its retention should the site be redeveloped in future.

## **Statutory Requirements**

In accordance with clause 4.7.7.6 of LPS 10, the local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this section.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

Whilst the Town can request trees be retained at the development stage, in the absence of a Tree Preservation Order, trees on private property can be removed without the need for prior approval.

## **Officer Recommendation – Item 7.4**

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes Tree Preservation Orders for three trees (Tree 1 – Tuart (*Eucalyptus gomphocephala*), Tree 3 – Cape Lilac (*Melia azedarach*) and Tree 5 – String bark (*Eucalyptus gigantean*) located at 36 (Lot 50) Anzac Terrace, Bassendean.

**Voting requirements: Simple majority**

<b>Item No. 7.5</b>	<b>Review of Responsible Cat Ownership Amendment Local Law 2006 and Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010</b>
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**THIS ITEM HAS BEEN WITHDRAWN.**



<b>Item No. 7.6</b>	<b>Draft amended Council Policy 5.2 – Awards</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>File Ref/ROC</b>	COMR/AWADP/2
<b>Previous Council Reports (if applicable)</b>	Nil.
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 5</b>	<ul style="list-style-type: none"> <li>• Current Council Policy 5.2 – Awards</li> <li>• Draft amended Council Policy 5.2 – Community Awards</li> </ul>

## Purpose

The purpose of this report is for Council to consider amending Council Policy 5.2 - Awards (CP 5.2).

## Background

CP 5.2 was last reviewed in March 2014 and seeks to “*foster the continued involvement of individuals/groups in the pursuit of excellence within their chosen field of endeavour, recognise ongoing commitment and raise the awareness about the achievements of awardees living within our community and to provide incentives to stimulate achievement and excellence.*”

## Communication and Engagement

The draft amended Policy was referred to Councillors via the Council Bulletin for feedback.

## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Establishing partnerships with the community that build capacity, connection and sense of belonging	<ul style="list-style-type: none"> <li>• Identify community members and organisations with the capacity to deliver projects and programs</li> <li>• Build capacity of community groups to deliver social return on investment</li> <li>• Identify and deliver community funding</li> <li>• Foster volunteering to provide services for our community and to build connections</li> <li>• Build capacity of volunteers to deliver programs and services with limited input from the Town</li> </ul>	<ul style="list-style-type: none"> <li>• Increased percentage of services delivered by community groups compared to the Town</li> <li>• Increased social return on investment using an agreed approach</li> <li>• Increased volunteer participation rates</li> <li>• Town staff hours result in greater return for time in volunteer management</li> </ul>

**Comment**

The existing CP 5.2 provides that the Town will facilitate opportunities for a range of community awards that assist in creating a local community identity. Apart from a series of broad statements, the Policy has little practical value as a tool to guide decision-making.

The draft amended CP 5.2 provides an appropriate framework that facilitates the recognition and celebration of significant contributions to the local community and district. It clearly sets out the award categories, nomination eligibility, nomination assessment parameters and the means of issuing the awards.

It is recommended that Council amend CP 5.2 by replacing it with the draft amended Policy contained as an attached to this report.

**Statutory Requirements**

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

**Financial Considerations**

The draft Policy provides that award winners will be presented with a framed certificate and be the subject of media promotion on the Town’s website, Facebook page and hard-copy publication. Those elements will represent a minor financial cost to Council which will need to be accommodated in the annual budget.

**Risk Management Implications**

Low.

**Officer Recommendation – Item 7.6**

That Council amends the existing *Council Policy 5.2 - Awards* by replacing it with the draft amended *Council Policy 5.2 – Community Awards*.

**Voting requirements: Simple majority**

<b>Item No. 7.7</b>	<b>Annual Budget 2020/21 – November Review</b>
<b>Directorate</b>	Corporate Services
<b>File Ref/ROC</b>	FINM/BUGTG/2
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 6</b>	<ul style="list-style-type: none"> <li>• Statement of Financial Activity</li> <li>• List of Proposed Budget Amendments included in November Budget Review 2020/21</li> <li>• Amendment to Library Fees and Charges 2020/21</li> </ul>

## Purpose

The purpose of this report is to present the first review to the Annual Budget 2020/21 for adoption (the November Budget Review).

## Background

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

This year, in addition to the planned budget review set out above, the Town carried out a review of the annual budget after the first three months of the financial year (1 July 2020 to 30 September 2020). The review highlighted a number of changes to previously planned projects, activities and funding arrangements.

Council is to consider the review and is to determine whether to adopt the review, any parts of the review or any recommendations made.

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

### Proposal

For Council to adopt the November Budget Review.

### Communication and Engagement

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

### Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>

### Comment

The November Budget Review reflects actual year to date income and expenditure to 30 September 2020 and savings and overspends identified through discussions with business units across the Town.

The proposed amended Annual Budget 2020/21 is presented as the Statement of Financial Activity attached. The statement shows:

- The Original Annual Budget 2020/21 (the full year budget adopted by Council in August 2020);
- Budget Amendments (the net difference between the Original Annual Budget and the proposed Amended Annual Budget 2020/21); and
- Amended Annual Budget 2020/21 (the Original Annual Budget, including recommended Budget Amendments).

The Original Annual Budget forecast net result was a surplus of \$4,647. The amended Annual Budget forecast net result is \$14,486.

Despite a balanced budget, the detailed review of the budget and consultation with business units, requires numerous adjustments, as detailed in the list of proposed budget amendments included in the November Budget Review.

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

### Operational Priority Projects

The budget for Operational Priority Projects requires an increase of \$110,785 due to the following:

- A reallocation of Information Systems Review (capital) budget to Information Technology Strategy (operating) budget for the implementation of the operational aspects of the IT Strategy - \$60,000; and
- An increase in Town Planning Land Sale Expense budget to provide for the costs associated with the sale of 246 Morley Drive - \$50,785.

### Capital Expenditure

The proposed Capital Expenditure budget has decreased by \$148,073. The primary factors contributing to the net decrease include:

- The Success Hill Jetty project requires remediation works to extend the life of the structures. It is proposed the project be funded out of the Emergency Repairs – Replacements of Assets budget – current estimate \$70,000;
- Budget items reprioritised to future years:
  - The approved annual budget included \$16,000 for air-conditioning at the Bassendean Bowling Club. This amount will not be spent this financial year;
  - The Afron elevated work platform (\$43,000) will not be purchased this year. The Town is currently assessing its plant asset requirements and will submit asset requests (if required) during the March budget review (funding adjustment in Plant and Equipment Reserve); and
  - The Lukin Way (Ida Street to Ivanhoe Street) road resurfacing project will be postponed to next financial year - \$84,694.
- New budget items:
  - Installation of purpose built pod cabs fitted to ranger vehicles to accommodate ranger and community needs - \$40,230;
  - C-Container (plus ramp and lean to) to provide storage solutions across the organisation - \$20,290;
  - Alf Faulkner Hall floor sanding and sealing - \$7,216; and
  - Bobcat digger bucket attachment for the Town's bobcat (funded through the plant and equipment reserve) - \$6,271.

- Expenditure forecast to be less than budget:
  - Light Industry Environmental Performance Assessment - \$10,000;
  - Ride on mower purchase - \$7,040; and
  - Mickleton Reserve in-situ concrete - \$6,000
- Expenditure forecast to exceed budget:
  - Mons Street (end of construction to Maley Street) - \$5,000;
- Proposal to spend \$41,000 on Mary Crescent footpath, funded by the reduction in footpath budget items in Ashfield Flats (\$6,500), Broadway (\$10,000), Mons Street (\$14,031) and Thompson Road (\$11,000). This project is funded from the Local Roads and Community Infrastructure Program.

### Operating Expenditure

Operating expenditure is \$44,901 less than budget primarily due to:

- Savings identified during the Salaries Functional Review. The review adjusted the budget for staff resignations, current vacancies, redundant and new positions - \$157,595;
- A budget of \$105,990 for bin tagging and a bin contents audit, funded by Go-FOGO Better Bins (\$46,656 in 2020/21 and \$59,334 in 2021/22). The Town expects to spend the full amount of the grant on 2020/21. The temporary funding shortfall in the current financial year will be funded by the Waste Management Reserve;
- A reallocation of FOGO Processing budget to the FOGO Refuse Site Maintenance budget, to reflect the finalisation of EMRC fees and charges - \$90,000;
- A reallocation of \$1,000 from the Youth Service Activities budget to Contract Agreements for the IT monitor purchase;
- Budget item reprioritised to future years:
  - The Governance Costing and Pricing Framework will not proceed this financial year (\$50,000); and
  - The Asset Revaluation (\$20,000) is not required in 2020/21, as a result of new Local Government (Financial Management) Amendment Regulations 2020, published in the Government Gazette on 6 November 2020. Assets are revalued on a 5 yearly cycle (rather than a 3 year cycle).

- New budget items:
  - Preventative European House Borer monitoring - \$12,000;
  - Old Perth Road Festoon light repairs and tree pruning - \$11,000;
  - Purchase of a new fertiliser spreader (funded by Plant & Equipment Reserve - \$4,500);
  - Outstanding invoice from a 2019 NAIDOC event - \$2,901
  - Australia Day branding expenditure (funded by the National Australia Day Council) - \$1,000; and
  - Project Management for priority projects - \$50,000.
  
- Expenditure forecast to be less than budget:
  - Loss on Disposal of Toro ride on mower less than expected - \$2,000
  - Revised maintenance budgets for Freeland Square (\$9,000), Lord Schofield Reserve (\$10,000), Anzac Terrace Reserve (\$10,000), Guildford Road Foreshore (\$5,000), Ashfield Parade Foreshore (\$1,000), Pump Bore Maintenance (\$10,000);
  - Tree Preservation Order (TPO) budget reduced as TPOs no longer require an arborist for all applications - \$10,000;
  - Vehicle operating lease reduced due to vehicle being returned in October 2020 - \$5,155.
  
- Expenditure forecast to exceed budget:
  - Legal expenses higher than anticipated \$10,000;
  - Asset Services training required to ensure employees are up to date with safe work practices - \$10,000;
  - Bassendean Oval floodlight repairs - \$8,448;
  - Public toilet and conveniences expenditure has increased as the Town has installed paper towel and soap dispensers to each public toilet block and requires service to refill dispensers and collect bins due to COVID-19 - \$23,600; and
  - Town planning increase in recruitment costs due to staff changes - \$910; and
  - Tool expenditure higher than anticipated (\$4,500), including a requirement for a Jib Crane (\$2,500).

### Capital Revenue

Capital Revenue less than budget by \$77,480 due to:

- Bassendean Bowling Club air-conditioning contribution will not be received this year - \$8,000;
- The Lukin Way (Ida Street to Ivanhoe Street) resurfacing project has been postponed therefore the Roads to Recovery funding will not be received - \$69,480; offset by



### Operating Revenue

Operating revenue is \$91,056 higher than budget. The following factors contributed to this:

- National Australia Day Council funding for Citizenship Ceremony branding - \$1,000;
- Waste Charges income is tracking greater than budget - \$36,219;
- New grant income to be received from DWER for GO-FOGO Better Bins - \$46,656 in 2020/21 (remaining \$59,334 to be received in 2021/22);
- Development Application Fee income forecast to exceed budget - \$20,000; offset by
- A reduction in the Scheme 4A Unit Development Contribution Rate (\$10,000) and no gain on disposal of the Afron Elevated work platform as the trade-in is not progressing this financial year (\$2,819).

### Proceeds from Disposal of Assets

Net decrease in proceeds from disposal of assets by \$1,000 as a result of:

- Proceeds from the sale of Toro ride on mower higher than expected - \$2,000; and
- Trade in for Afron Elevated work platform not progressing this year - \$3,000.

### Transfer from Reserves

There is a requirement to amend fund transfers from the following reserves:

- Plant and Equipment Reserve – a net \$38,629 decrease in reserve due to the postponed purchase of the Afron elevated work platform (\$40,000), the less than budgeted cost of the ride on mower (\$9,040) offset by the purchase of a new fertiliser spreader (\$4,500) and a digger bucket broom attachment (\$6,271);
- Land and Buildings Infrastructure Reserve - fund costs associated with the sale of 246 Morley Drive – 50,785; and
- Waste Management Reserve – funding GO-FOFO Better Bins shortfall - \$50,785. Reserve will be restored upon receipt of the second DWER grant instalment in 2021/22.

### Transfer to Reserves

There is a requirement to amend fund transfers to the following reserve:

- Employee Entitlement Reserve – a functional review of salaries identified \$157,595 in savings.

## Fees and Charges

The November budget review includes a proposed amendment to Library Services Local Studies Collection Fee.

The current fee is a 'photographic image – Multiple/Commercial Use'. The fee is as per policy (varies).

It is proposed this be amended to 'photographic image – Personal use, research, display or publication (note: copyright restrictions and other conditions may apply). Proposed Fee \$20.00.

## **Statutory Requirements**

The *Local Government Act 1995* requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

The Town has chosen to conduct two budget reviews in 2020/21, the first being the November Budget Review. A further budget review is proposed for February or March 2021.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
  - (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
  - (b) Consider the local government's financial position as at the date of the review; and
  - (c) Review the outcomes for the end of that financial year that is forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

\*Absolute majority required.

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

### **Financial Considerations**

Amendment of the Annual Budget 2020/21 in accordance with the recommended adjustments, as contained in this report and attachments, results in a balanced budget.

### **Risk Management Implications**

Nil.

### **Officer Recommendation – Item 7.7**

That Council adopts the November Budget Review, as outlined in this report and detailed in the attached list of Proposed Budget Amendments.

**Voting requirements: Absolute majority**

<b>Item No. 7.8</b>	<b>Meeting Schedule for 2021 - Council Meetings, Briefing Sessions, Committee Meetings and Citizenship Ceremonies</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	GOVN/CCLMEET/1
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil

## Purpose

The purpose of this report is for Council to consider the proposed Meeting Schedule for 2021, for Council meetings, Briefing Sessions, Committee meetings and Citizenship Ceremonies.

## Background

At the August 2019 Ordinary Council Meeting, Council agreed to host its Briefings Sessions in the community, rather than in the Council Chambers, as part of a 12 month trial, commencing November 2019.

Three Briefing Sessions were held from November 2019 to February 2020 in the community at the Ashfield Community Centre, Youth Services and Eden Hill Primary School, respectively. Due to the Covid-19 Pandemic, Briefings Sessions held in the community ceased. Briefing sessions moved to an electronic format as did all Council meetings. This was in accordance with the State Government's Covid-19 Safety Guidelines. Once restrictions were lifted, meetings moved back to the Council Chambers.

## Proposal

Council is requested to consider and endorse its 2021 Meeting Schedule. Once adopted, local public notice of all meeting dates, times and locations will be made.

## Communication and Engagement

Nil.

## Strategic Implications

### Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Fostering a culture of collaboration and trust between the organisation and community	<ul style="list-style-type: none"> <li>Provide opportunity to listen and involve our community in decisions that affect them</li> </ul>	<ul style="list-style-type: none"> <li>Greater community support for decision making</li> </ul>

## Comment

Council Policy 6.2 – Meeting Schedule, states that Agenda Briefing Sessions be held one week prior to the monthly Ordinary Council Meeting, generally on the third Tuesday of the month, commencing at 7.00pm.

Briefings Sessions are designed to brief Council one week prior to the more formal Council meetings, where decisions are made. Councillors and staff also meet at Concept workshops (to discuss matters of policy and strategy) which are scheduled on alternative Tuesdays of each month.

No meetings have been scheduled for January noting that a number of Councillors and Officers take leave during this time.

Commencement times for Briefing Sessions and Ordinary Council meetings, have varied in recent times during the Covid-19 Pandemic. Council met in the Council Chambers once social distancing rules were relaxed, and meetings commenced at 6.00pm.

The Audit and Governance and Bassendean Local Emergency Management Committees also were held electronically during the Covid-19 Pandemic and then once restrictions were lifted, in the Council Chambers.

A General Meeting of Electors is to be held in early 2021.. This will be considered when Council adopt the Annual Report which will be form part of the Audit and Governance Committee Agenda in December 2020.

Should Council resolve that the Ordinary Council Meetings and Briefing Sessions commence at 6.00pm, Council's Policy 6.2 – Meeting Schedule will need to be amended accordingly.

The Local Government Elections will be held on Saturday, 16 October 2021, after which time a Special Council meeting will be held to swear in new Councillors. It is recommended that the Special Council meeting be held on Monday 18 October 2021.

Included in the Officer Recommendation are the proposed meeting dates for 2021, which also includes Citizenship Ceremonies.

### **Statutory Requirements**

*Local Government Act 1995, Section 5.25(1)(g) and Local Government (Administration) Regulation 12.*

A local government is required at least once each year to give local public notice of all Ordinary Council meetings and Committee meeting dates, times and places that are open to the public and are to be held in the next twelve months.

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Based on the latest health advice, Phase 4 of WA COVID-19 continues to be monitored. Until such time, it is recommended that Briefing Sessions be held in the Council Chambers until all restrictions are lifted.

### **Officer Recommendation – Item 7.8**

That:

1. Council endorses the following meeting dates and Citizenship Ceremonies for 2021:

**Briefing Sessions** be held on Tuesdays in the Council Chambers, 48 Old Perth Road, Bassendean, commencing at 6.00pm on the following dates:

February	16
March	16
April	20
May	18
June	15
July	20
August	17
September	21
October	19
November	16
December	14

**Ordinary Council** meetings be held on Tuesday in the Council Chambers, 48 Old Perth Road, Bassendean, commencing at 6.00pm on the following dates:

February	23
March	23
April	27
May	25
June	22
July	27
August	24
September	28
October	26
November	23
December	21

**Audit and Governance Committee** meetings be held on a Wednesday in the Council Chambers, 48 Old Perth Road, Bassendean, commencing at 5.30pm on the following dates:

10 March, 9 June, 1 September and 1 December

**Bassendean Emergency Management Committee** meetings be held on a Wednesday in the Council Chambers, 48 Old Perth Road, Bassendean, commencing at 3.30pm on the following dates:

3 February, 5 May, 4 August and 3 November;

**Citizenship Ceremonies** be held on:

Sunday, 26 January, Wednesday, 25 March, Wednesday, 17 June, and Wednesday, 9 September; and

2. **A Special Council meeting** to swear in new Councillors be held on Monday 18 October 2021 in the Council Chambers, 48 Old Perth Road, Bassendean, commencing at 6.00pm;
3. That the commencement times of Briefing Sessions and Ordinary Council meetings, be amended to 6pm in Policy 6.2 – Council Meeting Schedule.

**Voting requirements: Absolute majority**

<b>Item No. 7.9</b>	<b>Quarterly Report for Period Ended 30 September 2020</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans, reports and strategies, accepting tenders, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 7</b>	<ul style="list-style-type: none"> <li>• Quarterly Report</li> <li>• Outstanding Resolutions for Deletion</li> </ul>

## Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ended 30 September 2020.

## Background

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables in the newly approved 2020-2024 Corporate Business Plan, where those deliverables commence in the current financial year.

The Quarterly Report also contains an addendum of the list of Outstanding Council Resolutions. Updates on the progress of these outstanding resolutions have been made for Council's noting. Administration has reconciled the list so that closed out resolutions may now be deleted.



## Proposal

That Council resolves to adopt the Quarterly Report P/E 30 September 2020.

## Communication and Engagement

Nil.

## Strategic Implications

### Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> </ul> <p>General alignment regarding values</p>
Foster an environment of innovation and leadership	<ul style="list-style-type: none"> <li>• Foster an environment of innovation, where people are encouraged to contribute</li> <li>• Foster leadership: harness the talent of individuals</li> <li>• Recognise and reward innovation and leadership</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Councillors and staff feel empowered to make appropriate decisions</li> <li>• Professional development for staff and councillors</li> <li>• Inductions to professional networks</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Recognition of excellence by other organisations</li> </ul>

## Comment

The Quarterly Report P/E 30 September 2020 is the first report for the financial year 2020/2021. The report reflects a composite of the activities that have occurred in the first quarter of the 2020/2021 financial year and provides a progress report on budget deliverables in the Corporate Business Plan (CBP). The report provides updates on the strategic priority projects and the deliverables of each priority area as contained in the CBP.

The format has been amended from the previous financial year, to align the Quarterly Report with the new Strategic Community Plan and the new Corporate Business Plan.

## **Statutory Requirements**

*Local Government Act 1995.*

## **Financial Considerations**

Nil.

## **Risk Management Implications**

A comprehensive and strategically aligned Quarterly Report will ensure transparency and accountability.

## **Officer Recommendation – Item 7.9**

That Council:

1. Receives the Quarterly Report for the quarter ending 30 September 2020; and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report for the period ending 31 October 2020, that are marked for deletion.

**Voting requirements: Simple majority**

<b>Item No. 7.10</b>	<b>Bassendean Local Emergency Management Committee Meeting held on 7 October 2020</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>File Ref/ROC</b>	GOVN/CCLMEET/12
<b>Previous Council Reports (if applicable)</b>	Nil.
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 8</b>	Notes of the Bassendean Local Emergency Management Committee Meeting held on 7 October 2020

### Purpose

The purpose of this report is for Council to receive the notes on the Bassendean Local Emergency Management Committee Meeting held on 7 October 2020.

### Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> <li>Ensure clear communication and flow of information from decision makers to operational staff</li> </ul>	<b>SHORT TERM</b> <ul style="list-style-type: none"> <li>Efficient and effective Council meetings</li> <li>Outcomes-focused decision making</li> </ul>

	<ul style="list-style-type: none"> <li>Implement a framework on decision making that identifies delegated authority for different levels of decision</li> </ul>	<p>(not process-focused)</p> <ul style="list-style-type: none"> <li>More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li> </ul>
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**Comment**

The Committee meeting scheduled for 7 October 2020 did not formally occur due to the lack of a quorum. The meeting instead took place informally and those members in attendance discussed the following items, as contained within the attached notes:

- Bush Fire Season 2020/21
- Draft amended Local Planning Policy No. 4 – Floodplain Management and Development
- COVID-19
- Local Government Emergency Management Advisory Group
- Local Emergency Management Arrangements
- Emergency management Agency matters
- Preparedness, Prevention, Response and Recovery Issues

**Officer Recommendation – Item 7.10**

That Council notes that the Bassendean Local Emergency Management Committee meeting scheduled for 7 October 2020 did not achieve a quorum and receives the notes from the informal of the Bassendean Local Emergency Management Committee meeting held on 7 October 2020.

**Voting requirements: Simple majority**

<b>Item No. 7.11</b>	<b>Audit and Governance Committee Meeting held on 4 November 2020</b>
<b>Property Address (if applicable)</b>	
<b>Landowner/Applicant (if applicable)</b>	
<b>File Ref/ROC</b>	GOVN/CCLMEET/18
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 9</b>  <b>Confidential No. 1</b>	Minutes of the Audit and Governance Committee meeting held on 4 November 2020 Audit Risk Register OAG Interim Audit Letter, including Attachment A: Findings Identified During the Interim Audit and Attachment B: Findings Identified During the Information Systems Audit

## Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 4 November 2020.

## 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 4 November 2020.

## Communication and Engagement

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

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	SHORT TERM <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> LONG TERM <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
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## Comment

The Committee considered the following items:

### Interim Audit Report for 2019/20

The Auditor General and the Town's auditors, RSM Australia (RSM) presented the Interim Audit Report for 2019/20, which identified some deficiencies in internal control, assessed as having significant, moderate or minor implication. The Interim Audit Report includes management comments on the remedial action taken or proposed to address the identified risks, provided to RSM by the Town in response to the findings.

While the Interim Audit Report was discussed in general terms in public, the findings were presented to the Committee as a confidential report.

### Audit Risk Register

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 Audit Risk Register includes findings and recommendations from the interim audit of risks, processes and controls for finance and information systems conducted by RSM and reported to the Town by the Auditor General on 19 August 2020.

The Audit Risk Register is updated and tabled at each meeting of the Committee.

While the Audit Risk Register was discussed in general terms in public, the Register was presented to the Committee as a confidential report.

## **CONFIDENTIAL BUSINESS**

### Investigation for Failure to Lodge a Primary Return

The Committee noted the findings of the Corruption and Crime Commission (CCC) inquiry into an allegation of serious misconduct for failure to complete a primary return pursuant to s.5.75 of the *Local Government Act 1995*. This matter was disclosed by the Town to the CCC.

### Request for Rate Concession

The Committee considered a recommendation to Council that it grants a 50% rate concession to Westcare for the property at 28 Hanwell Way, Bassendean for 2020/21 and 2021/22.

### Appointment of Officer

The Committee noted the CCC inquiry surrounding the process to appoint a staff member. The CCC was satisfied that the appointment was in accordance with the Town's approved process.

## **Statutory Requirements**

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

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

## **Financial Considerations**

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

## **Risk Management Implications**

The Audit and Governance Committee considered risks identified from the 2019/20 Interim Audit and risks captured in the Town's Audit Risk Register. If improvement opportunities relating to the identified risks are not progressed, the risks may not be adequately mitigated.

### **Officer Recommendation – Item 7.11**

That Council:

1. Grants a 50% rate concession to Westcare for the property at 28 Hanwell Way, Bassendean for 2020/21 and 2021/22; and
2. Receives the report on the Audit and Governance Committee meeting held on 4 November 2020.

**Voting requirements: Simple majority**



<b>Item No. 7.12</b>	<b>Monthly Financial Report – September and October 2020</b>
<b>File Ref/ROC</b>	FINM/AUD/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 10</b>	Monthly Financial Report – October 2020 Monthly Financial Report – September 2020

## Purpose

The purpose of this report is for Council to receive the monthly financial report for September and October 2020.

## 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 and by program.

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

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted \$5,000 or 10% whichever is higher, as part of its 2020-21 Annual Budget.

## Proposal

For Council to receive the monthly financial report for September and October 2020.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>Build understanding and support for the vision and Strategic Community Plan</li> <li>Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li> <li>Create an organisational culture of performance, innovation and excellence</li> <li>Develop shared values between Council, administration and the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>Openness and transparency of decision making</li> <li>Enhanced staff morale</li> <li>Staff have appropriate strategic direction</li> <li>Agreement on the link between projects and Strategic Community Plan</li> <li>General alignment regarding values</li> </ul>

## Comment

The Statements of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the months ending 30 September and 31 October 2020.

### SEPTEMBER 2020

#### Statement of Financial Activity (by nature or type)

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

Item	Annual Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	18.1	18.0	(0.23)
Expenditure	26.9	7.0	4.9	30.74
Capital Works	6.4	1.8	0.8	55.82
Non-Operating Grants, Subsidies and Contributions	1.8	0.1	0.2	22.77

### Operating Revenue

Revenue year to date is 0.23% below budget.

Interest earnings are under budget due to timing of investment income and an accrual processed in July for interest earned to 30 June 2020.

Other revenue is under budget due to timing of reimbursement of expenses, insurance income and senior's client fees.

### Operating Expenditure

Expenditure year to date is 30.74% under budget. Depreciation is still to be processed.

Materials and contracts are under budget due to timing of waste collection charges, reserve maintenance, road, drainage and footpath maintenance, the street tree program and operational projects.

Utility charges are under the year to date budget due to timing of street lighting charges.

Other expenditure is under budget due to timing of operational projects, COVID-19 expenses, and member fees.

### Capital Works

Expenditure on capital projects is under budget due to timing.

### **Cash backed reserves**

The closing balance of the cash backed reserves at 30 September 2020 is \$7.6 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

### **Statement of Financial Position**

The Town has current assets of \$27.6 million. The major components of which are cash and cash equivalents of \$19.9 million and trade and other receivables of \$7.7 million. Current liabilities total \$7.4 million. The major components are trade and other payables (including bonds and deposits) of \$4.4 million and employee provisions of \$2.3 million.

### **Statement of Cash Flows**

Net cash provided by operating activities is \$6.4 million and net cash provided by investing activities \$0.3 million.

## Monthly Investment Report

The overall balance of Town's investments is \$17 million. This is comprised of municipal investments of \$8.9 million (including restricted bonds and deposits), reserve investments of \$7.4 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 67% of its funds invested in non-fossil fuel ADIs compared to 58% in August.

## OCTOBER 2020

### Statement of Financial Activity (by nature or type)

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

Item	Annual Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	18.9	18.9	0.25
Expenditure	26.9	9.2	6.8	26.49
Capital Works	6.4	2.9	1.4	50.36
Non-Operating Grants, Subsidies and Contributions	1.8	0.1	0.2	22.77

### Operating Revenue

Revenue year to date is 0.25% above budget. Interest earnings are over budget due to late payment fees for rates offset by investment income under budget.

Other revenue is under budget due to timing of insurance income and senior's client fees.

### Operating Expenditure

Expenditure year to date is 26.49% under budget. Depreciation is still to be processed.

Materials and contracts are under budget due to timing of waste collection charges, reserve and building maintenance, road, drainage and footpath maintenance, the street tree program and operational projects.

Utility charges are under the year to date budget due to timing of street lighting charges. Other expenditure is under budget due to timing of operational projects, COVID-19 expenses and events.

### **Cash backed reserves**

The closing balance of the cash backed reserves at 31 October 2020 is \$7.7 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance.

The report provides information on Town's ability to allocate funds for future projects by providing a closing balance comparison to budget.

### **Statement of Financial Position**

The Town has current assets of \$25.8 million. The major components of which are cash and cash equivalents of \$19.3 million and trade and other receivables of \$6.5 million. Current liabilities total \$7.2 million. The major components are trade and other payables (including bonds and deposits) of \$4.3 million and employee provisions of \$2.3 million.

### **Statement of Cash Flows**

Net cash provided by operating activities is \$6.5 million and net cash used in investing activities \$0.4 million and financing activities \$0.1 million.

### **Monthly Investment Report**

The overall balance of the Town's investments is \$15.5 million. This is comprised of municipal investments of \$7.4 million (including restricted bonds and deposits), reserve investments of \$7.4 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 74% of its funds invested in non-fossil fuel ADIs compared to 67% in September. The Town has reached the limit for investment in non-fossil fuel ADIs within the terms of the Investment Policy.

### **Budget Amendments**

There are no budget amendments identified in the statements of financial activity for September and October 2020.

### **Statutory Requirements**

Local Government (Financial Management) Regulations 1996.

### **Financial Considerations**

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

### **Risk Management Implications**

Nil.

### **Officer Recommendation – Item 7.12**

That Council receive the monthly financial reports for September and October 2020.

**Voting requirements: Simple majority**

<b>Item No. 7.13</b>	<b>Accounts Paid – October 2020</b>
<b>File Ref/ROC</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 11</b>	List of Accounts

## Purpose

The purpose of this report is for Council to receive the list of payments for October 2020.

## Background

Payments made during October 2020 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

## Proposal

For Council to receive the list of payments for October 2020.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council,	<ul style="list-style-type: none"> <li>Build understanding and support for the vision and Strategic Community Plan</li> </ul>	SHORT TERM <ul style="list-style-type: none"> <li>Openness and transparency of decision making</li> <li>Enhanced staff morale</li> </ul>

administration and the community	<ul style="list-style-type: none"><li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li><li>• Create an organisational culture of performance, innovation and excellence</li><li>• Develop shared values between Council, administration and the community</li></ul>	<ul style="list-style-type: none"><li>• Staff have appropriate strategic direction</li><li>• Agreement on the link between projects and Strategic Community Plan</li><li>• General alignment regarding values</li></ul>
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### **Comment**

Nil.

### **Statutory Requirements**

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

### **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**

Nil.

### **Officer Recommendation – Item 7.13**

That Council receive the list of payments for October 2020.

**Voting requirements: Simple majority**

## **8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **8.1 Notice of Motion – Cr McLennan: 1 (Lot 223) River Street, Bassendean (Success Hill Lodge)**

Cr McLennan has advised that she wishes to move the following revocation motion:

That Council revokes OCM-18/10/20), which reads:

*“That Council, in accordance with Clause 13(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) a Heritage Conservation Notice requiring the landowner to do the following:*

1. *Carry out the following in accordance with the development approval dated 6 October 2020 (Ref: 2020-117) by 31 March 2021:*
  - *Re-roofing to the main building;*
  - *Provide stormwater drainage away from the building;*  
*and*
  - *•Replacement of the fascia and guttering of the main roof.*
  
2. *Obtain development approval for, and thereafter carry out, the following specified repairs to the heritage place in accordance with the Conservation Management Strategy (dated 17 May 2019) by 30 June 2021, specifically:*
  - *Repairs to the Dining Room west wall (internally and externally);*
  - *Repairs to the double hung windows to the Dining Room;*
  - *Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and*
  - *Investigation and treatment of time for terminate control.”*

and;



That Council:

1. In accordance with Clause 13(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) a Heritage Conservation Notice requiring the landowner to carry out the following in accordance with the development approval dated 6 October 2020 (Ref: 2020-117) by 31 March 2021:

- Re-roofing to the main building;
- Provide stormwater drainage away from the building; and
- Replacement of the fascia and guttering of the main roof; and

2. Request the landowner to lodge an application and obtain development approval for, and thereafter carry out, the following specified repairs to the heritage place in accordance with the Conservation Management Strategy (dated 17 May 2019) by 30 June 2021, specifically:

- Repairs to the Dining Room west wall (internally and externally);
- Repairs to the double hung windows to the Dining Room;
- Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and
- Investigation and treatment of time for terminate control,

after which date, if the works are not substantially commenced a report will be brought back to Council to consider the issuing of a Heritage Conservation Notice for the above works.

*Cr McLennan has the support from Cr Wilson and Cr Quinton to revoke the Council resolution.*

## **9.0 CONFIDENTIAL BUSINESS**

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

<b>Item No. 9.1</b>	<b>Use of the Bassendean Seniors and Community Centre Kitchen for the Community Kitchen Pilot Program</b>
<b>Property Address (if applicable)</b>	50 Old Perth Road, Bassendean
<b>Landowner/Applicant (if applicable)</b>	Town of Bassendean
<b>File Ref</b>	COUP/USAGE/7
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Confidential Attachment No. 2</b>	Assessment Report1 (Oct) Assessment Report2 (Nov)

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.*

<b>Item No. 9.2</b>	<b>New Lease and Licence Agreements for Funtrain Enterprises Pty Ltd</b>
<b>Property Address (if applicable)</b>	128 Ivanhoe Street, Eden Hill
<b>Landowner/Applicant (if applicable)</b>	Town of Bassendean
<b>File Ref</b>	LEGL/AGMT/7
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Confidential Attachment No. 3</b>	<ul style="list-style-type: none"> <li>• Sample new lease agreement</li> <li>• Current licence agreement – Alf Faulkner Hall</li> </ul>

### Purpose

The purpose of this report is for Council to consider endorsing new lease and licence agreements for Funtrain Enterprises Pty Ltd (trading as Sparx Early Learning Centre) for the use of the building at 128 Ivanhoe Street, Eden Hill to conduct a child care business and Alf Faulkner Hall, Eden Hill to conduct an out of school care business.

*This matter is to be considered as a confidential item under Clause 5.23(2)(b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.*

<b>Item 9.3</b>	<b>Workforce Plan Minor Review (July to September 2020)</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Directorate</b>	Office of the CEO
<b>Decision Type</b>	NA
<b>Confidential Attachment No. 4</b>	Workforce Plan Minor Review (July to September 2020)

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.*

<b>Item No. 9.4</b>	<b>Services Review</b>
<b>Property Address (if applicable)</b>	
<b>Landowner/Applicant (if applicable)</b>	
<b>File Ref/ROC</b>	COMS/SVPOVN/12
<b>Previous Council Reports (if applicable)</b>	Confidential report on 26 March 2019
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment</b>	Nil.

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.*

**10.0**                    **CLOSURE**

The next Briefings Session will be held on Tuesday 8 December 2020, commencing at 6.00pm.