



MINUTES

Ordinary Meeting of Council

Tuesday 30 July 2024, 6:00 pm

in the Council Chamber,
48 Old Perth Road, Bassendean

Meeting Information

Recording and Live-streaming

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

Conduct at meetings

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

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

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

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Town of Bassendean Council - YouTube

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

Council Seating Plan



Minute Secretary
Ana Fernandez



Manager Governance and Strategy
Joanne Burges



Chief Executive Officer
Cameron Woods



Mayor
Cr Kathryn Hamilton

E: crhamilton@bassendean.wa.gov.au

Director of Corporate Services
Paul White



Director Infrastructure and Sustainability
Shane Asmus



Director Community and Place
Michelle Brennand



Executive Manager Sustainability and Environment
Nicole Davey



Cr Jennie Carter
E: crcarter@bassendean.wa.gov.au



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

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



Cr Jamayne Burke
E: crburke@bassendean.wa.gov.au

Cr Ken John
E: crjohn@bassendean.wa.gov.au



Deputy Mayor
Cr Paul Poliwka
E: crpoliwka@bassendean.wa.gov.au

Council Role

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

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

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

The Presiding Member declared the meeting open at 6:04 pm and welcomed all those in attendance.

Acknowledgment of Country

The Town of Bassendean acknowledges the Whadjuk people of the Noongar Nation as the Traditional Custodians of this land. We pay our respects to Elders past and present, and acknowledge their continuing culture and the contribution they make to the region.

2 Announcements by The Presiding Person Without Discussion

Nil

3 Attendances, Apologies and Applications for Leave of Absence

Present

Councillors

Cr Kathryn Hamilton, Mayor (Presiding Member)
Cr Jamayne Burke
Cr Ken John
Cr Jennie Carter
Cr Tallan Ames

Officers

Mr Cameron Woods, Chief Executive Officer
Ms Michelle Brennand, Director Community Planning
Mr Paul White, Director Corporate Services
Mr Shane Asmus, Director Infrastructure and Sustainability
Ms Ana Fernandez, Minute Secretary

Public

Approximately 3 members of the public were in attendance.

Apologies

Cr Paul Poliwka (Leave of Absence 3 July - 31 July 2024)
Cr Emily Wilding
Ms Nicole Davey, Executive Manager Sustainability and Environment
Ms Jo Burges, Manager Governance and Strategy

Leave of Absence

Council Resolution – Item 3.1

MOVED Cr Tallan Ames, Seconded Cr Ken John

That:

- Cr Jennie Carter be granted a leave of absence for 17 September to 6 October 2024 (inclusive); and 17 October to 30 October 2024 (inclusive).
- Mayor Kathryn Hamilton be granted a leave of absence for 3 August to 5 August 2024 (inclusive); and 9 August to 12 August 2024 (inclusive).
- Cr Jamayne Burke be granted a leave of absence for 23 September to 6 October 2024 (inclusive).

OCM 2024-07-30/1

CARRIED UNANIMOUSLY 5/0

4 Declarations of Interest

Nil

5 Presentations or Deputations

Nil

6 Statements by Members of the Public

Nil

7 Questions from Members of the Public

Please note that the following written questions were received prior to the Ordinary Council Meeting.

Mr Mark Luther, Kenny Street, Bassendean

Question 1: When will the road resurfacing works be conducted on Kenny Street?

Answer: At present the Town has the re-surfacing of Kenny St, between Guildford Rd and Chapman Street, listed to be undertaken in the 26/27 FY. This is subject to change based on on-going road asset condition and monitoring.

Question 2: When will the approved parking restrictions be rolled out on Kenny St?

Answer: *The Town is conducting a survey of residents affected by parking restrictions on Kenny Street, between Guildford Road and Palmerston Street, seeking feedback on preferences for 'Parking Permits' or 'No Change'. The survey is open until 9 August 2024. After the consultation period, a report will be presented to the Council. If changes are approved, new parking restrictions will be implemented shortly thereafter.*

Question 3: Due to the ongoing vehicle accidents on the intersection of Kenny St and Palmerston St and the increase in hoon speeding to and from Guildford Rd, what review has been conducted to address this issue?

Answer: *Based on MRWA crash data, there has been one recorded crash at this intersection in the past five years and the intersection is currently not listed within the top 50 highest crash sites in Bassendean. Based on this data alone, there is little justification to funding an upgrade or modification at this stage.*

In regards to hoon driving behaviour, the Town's traffic data indicates that the vehicle operating speeds are at around 51km/hr and the street is currently posted at 50km/hr. Based on this data, there is no evidence of consistent speeding that would warrant any form of traffic calming. If there is hoon driving behaviour from some individuals, the Town is happy to pass this onto the WA Police.

8 Petitions

Mrs Balla submitted a petition containing 182 signatures requesting:

To NOT allow the site at 94 West Road, Bassendean to be developed into an Early Learning Centre (DA-2024-066). The site is zoned Residential R20 under the Town of Bassendean's local planning scheme 11 and a commercial development should NOT be approved by the DAP.

Reasons

We, the undersigned, are strongly against the proposed development of 94 West Road Bassendean into an Early Learning Centre and do not believe the zoning should allow for this development. This is a residential area, and we strongly believe it should remain residential. The proposed commercial development will impact our right to quiet enjoyment of our properties and cause undesirable traffic issues. The location of 94 West Road is on the corner of Bridson Street, which is used as a main artery to/from Guilford Road and is busy during peak times. Further, Hyland Street intersection is directly opposite 94 West Road, together with increased traffic from the busy Coffee Shop - Last Crumb and the Bassendean Primary School it will create absolute traffic and

parking chaos furthermore, the development does not cater for the required number of parking bays.

Officer Comment

As per the *Town of Bassendean Council Meeting Procedures Local Law 2020* (Meeting Procedures):

6.11 Petitions

(1) A petition is to—

- (a) be addressed to the Mayor;*
- (b) be made by electors of the district;*
- (c) state the request on each page of the petition;*
- (d) contain the legible names, addresses and signatures of each elector making the request, and the date each elector signed;*
- (e) contain a summary of the reasons for the request;*
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and*
- (g) be respectful and temperate in language; and*
- (h) comply with any prescribed form pursuant to the Act or any other written law.*

(2) On presentation of a petition, the petition is to be received and referred for CEO report.

(3) At any meeting, the Council is not to vote on a matter the subject of a petition, unless—

- (a) the matter is the subject of a CEO report included in the agenda; and*
- (b) the Council has considered the issues raised in the petition.*

1. As per the requirements stated in (1)(d): 140 of the 182 signatories were deemed valid electors.
2. As stated in (3): Council cannot consider the matter, including responding to public questions, until a formal report is brought to a future Council meeting.

Council Resolution/Officer Recommendation – Item 8.1

MOVED Cr Tallan Ames, Seconded Cr Jamayne Burke

1. That the petition, containing 140 valid signatures be received.
2. That the petition be received as a submission for DAP Application - DA-2024-066.
3. Given the matter (DA-2024-066) is being considered at a future Ordinary Council meeting, no additional CEO report is required.

Voting requirements: Simple Majority

OCM 2024-07-30/2

CARRIED UNANIMOUSLY 5/0

9 Confirmation of Minutes

Council Resolution/Officer Recommendation – Item 9.1

MOVED Cr Tallan Ames, Seconded Cr Ken John

That the minutes of the Ordinary Council meeting held on 25 June 2024, be received and confirmed as a true and correct record.

OCM 2024-07-30/3

CARRIED UNANIMOUSLY 5/0

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Directorate	Office of the CEO
Responsible Officer	Chief Executive Officer
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. WALGA East Metropolitan Zone Minutes 20 June 2024 [11.1.1 - 17 pages] 2. EMRC Ordinary Meeting of Council - Abridged Minutes - 27 June 2024 [11.1.2 - 25 pages]

Purpose

The purpose of this report is for Council to note the minutes from external Committees and organisations that have been received.

Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

Comment

The following minutes have been received from external Committees and organisations:

- WALGA East Metropolitan Zone – Minutes - 20 June 2024
- EMRC Ordinary Meeting of Council - Abridged Minutes - 27 June 2024

Council Resolution/Officer Recommendation – Item 11.1

MOVED Cr Jennie Carter, Seconded Cr Tallan Ames

That Council notes the documents from external Committees that have been received within the reporting period.

Voting requirements: Simple Majority

OCM 2024-07-30/4

CARRIED UNANIMOUSLY 5/0

12 Officer Reports

Adoption of Recommendations En Bloc

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

that is a matter on which a member wishes to move a motion that is different to the Officer recommendation.

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 4.0, Declarations of Interest, they should do so at this point of the agenda.
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Council Resolution/Officer Recommendation – Item 12.1

MOVED Cr Tallan Ames, SECONDED Cr Ken John

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

Item	Report
12.2	Verge Collection Survey Results
12.3	Council Plan Quarterly Report
12.7	New Policy – Payments to Employees in Addition to Contract or Award Policy
12.8	Revoke Policy - Council Delegates Policy
12.9	Accounts Paid – June 2024
12.10	Monthly Financial Report
12.11	RFT 04/2024 Turf Maintenance and Grass Reduction Services

That Council considers the balance of the Officer recommendations independently.

Item	Report
12.4	East Metropolitan Zone of WALGA - CEO Deputy Voting Delegate
12.5	Policy Review - Councillor Training and Professional Development Policy
12.6	Policy Review - Standards for CEO Recruitment, Performance and Termination Policy

OCM 2024-07-30/5

CARRIED UNANIMOUSLY 5/0

12.2 Verge Collection Survey Results	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	WSTMNGT/SVPROVN/2 and WSTMNGT/SVPROVN/7
Directorate	Infrastructure and Sustainability
Responsible Officer	Executive Manager Sustainability and Environment
Previous Reports	24 August 2021 7 March 2023 26 March 2024
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Survey Questions [12.2.1 - 4 pages] 2. CONFIDENTIAL - EMRC Proposal Costs [12.2.2 - 5 pages]

Purpose

The purpose of this report is for Council to consider the results of the Verge Collection Survey and recommended next steps regarding a pre-booked loose verge collection service.

Background

At the Ordinary Council meeting on 26 March 2024, Council resolved as follows:

That Council:

1. *Provides in-principle support for commencement of a pre-booked bulk verge and on-demand collection service with EMRC from 1 July 2025, subject to prior community engagement and finalisation of a Participation Agreement, to be approved by Council;*
2. *Does not support participation in the EMRC kerbside bin collection service at this time; and*
3. *Notes the Administration's intention to exercise a contract extension with Veolia Australia Pty Ltd for RFT 064W 'For the Supply of Waste Disposal Goods and Services' until 30 June 2027, with any necessary variation as detailed in the report.*

The intent of the above resolution of council is that a pre-booked loose verge collection service would replace the current skip bin service, while on-demand collection of bulky items (mattresses, fridges/ freezers and lounges) is an existing service and would remain the same.

Since the time of the above resolution of Council, subsequent resolutions of Council have been made at the 18 June 2024 Special Council Meeting and 27 June 2024 Eastern Metropolitan Regional Council (EMRC) Ordinary Council meeting, which may affect the ability of EMRC to provide this service. A draft Participation Agreement and loan agreement have been received from EMRC, however have not been reviewed given the above situation.

The Town's current waste contract with Veolia Australia Pty Ltd (previously Suez Recycling and Recovery Pty Ltd) expires on 31 October 2024, and an extension until 30 June 2027 (noting potential removal of the skip bin service from 1 July 2025) was requested but is not yet executed.

Investigations with the Western Australian Local Government Authority (who developed the template waste contract) have confirmed that it is possible to vary the existing waste contract to include the pre-booked loose verge collection service. This is due to the type of waste to be removed (bulk hard waste and greenwaste) being included in the original contract scope, albeit with removal by a different method.

As per the Town's Register of Delegations (30 April 2024), variation proposals that are not of a minor nature are to be brought to Council for determination.

Communication and Engagement

Community engagement through a Verge Collection Survey (Attachment 1) was undertaken over a two month period, commencing on 1 May 2024 with surveys available to complete online or as a hard copy.

Promotion of the survey was undertaken by the following methods:

- The Town's public notice boards.
- Corflute signs installed at key locations around the District.
- Town of Bassendean website: Skip bin page and news articles.
- Social media posts (x 3)
- Printed surveys available at Customer Service Centre, Library, Seniors Centre and Wind in the Willows.

850 respondents completed the online survey while 25 printed surveys were received.

This survey response represents approximately 12% of households.

Strategic Implications

Performance Area 2: Planet

4.1 Promote sustainable waste management practices, aiming for a 10% reduction in waste generated per capita and 70% material recovery by 2030.

Comment

Survey results

Respondents were asked to nominate their preferred verge collection option from the following options, with multiple responses permitted:

- a. Skip bin service
- b. Pre-booked verge collection service
- c. Unsure
- d. Other (please specify).

Optional questions involved ranking the reasons for selection of the preferred option, and respondents were also given the opportunity to provide comments.

The survey introduction provided information on how a pre-booked verge collection service would work. Promotion of the survey also outlined that a return to a scheduled bulk verge collection service was not being considered.

The results of the survey are provided within Table 1 below:

Table 1. Verge Collection Survey Results

	Responses (online)	Responses (hard copy)	Total	% of responses
a. Skip bin service	105	4	109	11%
b. Pre-booked verge collection service	595	17	612	63%
c. Unsure	15	0	15	2%
d. Other (please specify)	230	2	232	24%
Missed answer/ invalid		2	2	<1%
TOTAL responses*	945	25	970	
Number respondents	850	25	875	

*Multiple responses were permitted

As outlined, a total of 945 responses were received with Option b the preferred method of collection with 63% of responses.

Multiple responses were permitted, and 86 of the respondents selected both option b. and option d. For those that selected “option d. other” (24% responses), based on the comments provided the preference was for a return to scheduled bulk verge collections. As previously outlined, a return to scheduled bulk verge collections was not an option being considered. This was due to the increasing costs and quantity of waste being placed out (exceeding per property limits), waste being placed out outside permitted timeframes and dumping of waste on vacant verges, blocks and parks/ reserves, including from people from outside the District.

For respondents who preferred option a. Skip bin service, the top three factors influencing their response were:

1. Looks tidier (4.63)
2. Easier to fit items in skip bin (4.04)
3. Skip bins prevent items being scattered in windy weather (3.97)

For respondents who preferred option b. Pre- booked verge collection service, the top three factors influencing their response and associated average score were:

1. Opportunity to recycle or repurpose items left for verge collection (5.63)
2. It's easier to place items on verge than to lift items into a skip bin (5.27)
3. Increased recycling and resource recovery once items are collected (4.76)

An extensive number of comments were received and have been reviewed by the Town.

Next steps

Given the community’s support for a pre-booked verge collection service indicated through the Verge Collection Survey results, it is recommended that this option be further progressed.

Due to the uncertainty regarding EMRC’s ability to provide this service, an alternative provider is recommended. As the Town’s current waste contract with Veolia is planned to be extended to 30 June 2027, it may be more cost effective and streamlined to investigate a contract variation with Veolia rather than undertake a new procurement process. This would avoid the requirement to manage two separate contracts/ contractors performing similar services and avoid confusion for customers associated with multiple booking systems and customer service contacts.

Veolia has indicated they are able to provide a pre-booked loose verge collection service and can submit a proposal if the Town proceeds with this approach.

Statutory Requirements

Local Government Act 1995

Waste Avoidance and Resource Recovery Act 2007

Financial Considerations

EMRC's proposed rates were provided as a confidential attachment to the 26 March 2024 Council report and is also provided as confidential attachment 2 to this report. The proposal to be received from Veolia for a contract variation can be compared to these rates, to assist the Town in determining value for money.

If the Veolia contract variation is within 10% of the previous EMRC pre booked bulk verge and on demand collection service, the administration will advise Council that a new procurement process will not be undertaken and a contract variation for a pre booked bulk verge collection with Veolia, for the period 1 July 2025 to 30 June 2027 will be developed.

Should there be any concerns regarding value for money, procurement can instead be undertaken through the WALGA panel for Waste Collection Services (PSP007-006) or through an open market public Request for Tender process. Due to the estimated value, the award of the contract would require a Council decision.

The initial term of the pre-booked verge collection service is proposed to end on 30 June 2027, to align with the maximum extension of the waste contract. This would enable a new waste contract, incorporating the verge collection, to be in place for 1 July 2027.

Risk Management Implications

The previous 26 March 2024 Council report included a risk assessment for participation in the EMRC's pre-booked verge collection service as a confidential attachment. As noted in the previous report, as the EMRC's service is effectively a collective/ partnership approach, the risks of the service are borne by the Participants. In comparison, in a traditional contract (as recommended in this report) the supplier bears most of the risk regarding inaccuracy of pricing, or service cost increases.

Provision of a verge collection service assists the community to conveniently dispose of bulk waste and green waste, while facilitating resource recovery. Alternatively, residents would be required to make their own arrangements to transport waste for disposal/ recycling using tip vouchers (allocation of two per financial year) or pay directly for a skip bin service or equivalent. The absence of a verge collection service may lead to an increase in illegal dumping on vacant land, parks and reserves or verges.

Risks associated with any bulk verge collection option (scheduled verge collections, pre-booked loose verge collection or skip bins) include:

- Illegal dumping
- Presentation of non-accepted items
- Placement of items outside acceptable timeframes
- Exceedance of the maximum permissible quantity
- Mess / dispersed litter
- Disturbance such as noise and additional vehicle traffic associated with waste collection.

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.2

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council:

1. Notes the outcomes of the Verge Collection Survey and
2. Authorises the CEO (Chief Executive Officer) to progress a pre-booked loose verge collection service with Veolia, commencing 1 July 2025 until 30 June 2027, via a contract variation subject to the CEO's satisfaction of value for money (not exceeding 10% of EMRC's proposed cost) and advise the Council via the CEO Bulletin of the contract terms; or
3. Should a contract variation with Veolia exceed the above threshold, requests the CEO to undertake a new procurement process to progress a pre booked verge collection service.

Voting requirements: Simple Majority

OCM 2024-07-30/6

CARRIED UNANIMOUSLY 5/0

12.3 Council Plan Quarterly Report	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	CORM/POLCY/1
Directorate	Office of the CEO
Responsible Officer	Chief Executive Officer
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Council Plan Quarterly Reporting - Quarter 4 [12.3.1 - 8 pages]

Purpose

The purpose of this report is for Council to receive the Council Plan Quarterly Report for the period ending 30 June 2024.

Background

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

The Quarterly Report for the period ending 30 June 2024 is the third and final report for the 2023/24 financial year and provides an update on the projects/actions contained within the adopted Council Plan 2023-2033 for Quarter four (4).

Communication and Engagement

Internal staff were consulted on specific projects and actions to provide updates informing this report.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

10.1 Effectively inform and engage the community about local services and events, and Council matters.

Comment

The Council Plan reporting is divided into the five (5) Performance Areas, ten Outcomes and their associated Objectives and Actions.

Officers have provided Status updates and Comments in the attached Quarterly Report for Q4, specifically focussing on the 2023/2024 financial year actions.

As detailed in Attachment 12.3.1, of the 39 actions / projects identified for the 2023/2024 financial year covered by this report, eleven (11) have been completed, twenty five (25) are on-track, none (0) are off-track, two (2) have not started and one (1) is assigned to Monitor / Review. Attachment 12.3.1 provides the detailed actions, status and comments.

There are a high number of projects / actions identified as on track. This volume is due to many having two financial periods assigned to them or they are ongoing actions covering multiple periods e.g. action 3.2.5 Participate in the WA Tree Festival.

Statutory Requirements

Nil

Financial Considerations

Where finance is required for an identified Project or action, this was factored into the 2023 / 2024 Budget. For the next reporting period, projects or actions requiring finance have been accounted for in the 2024 / 2025 Budget unless designated as unfunded.

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.3

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council receive the 1 April 2024 – 30 June 2024 Quarterly Report updating the actions set out in the Town of Bassendean Council Plan 2023-33.

Voting requirements: Simple Majority
OCM 2024-07-30/7

CARRIED UNANIMOUSLY 5/0

12.4 East Metropolitan Zone of WALGA - CEO Deputy Voting Delegate	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/LREGLIA/3
Directorate	Office of the CEO
Responsible Officer	Manager Governance and Strategy
Previous Reports	Nil
Authority/Discretion	Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Attachments	Nil

Purpose

The purpose of this report is for Council to appoint the CEO as a Deputy Voting Delegate to the East Metropolitan Zone of WALGA.

Background

WALGA is an independent, member-based, not-for-profit organisation representing and supporting the WA Local Government sector.

WALGA provides value to Member Local Governments by advocating and facilitating sector solutions and policy, and by delivering member-centric, quality services.

WALGA is governed by a President and a 24-member State Council, elected from the Local Government sector. Each State Councillor represents a WALGA Zone. There are 5 metropolitan Zones and 12 country Zones. All 139 WA Local Governments are invited to be Members of WALGA and a Zone.

Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State Council decision making table, but they are also a key player in developing policy and legislative initiatives for Local Government.

The relationship between State Council and Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels.

The Town of Bassendean is a member of the East Metropolitan Zone of WALGA.

Zone Delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level. In fulfilling their role as Council's representative, the Zone Delegate gives regard to their Council's positions on policy issues. There is also an expectation that Zone Delegates will report back to their Council about decisions made by the Zone.

Proposal

Council to appoint the CEO as an additional deputy delegate to the East Metropolitan Zone of WALGA

Communication and Engagement

Both the Mayor and WALGA governance representatives have been consulted to assist in informing this report.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

The Town of Bassendean currently have two (2) delegates (Cr Kathryn Hamilton and Cr Emily Wilding), and two deputy delegates (Cr Ken John and Cr Jennie Carter) to the East Metropolitan Zone of WALGA.

Currently the CEO is an attendee at the Zone meetings as a non-voting delegate. From time to time, it is not possible for some nominated delegates / deputy delegates to attend, therefore the appointment of the CEO as a deputy delegate goes towards ensuring that the Town is able to exercise its voting capacity at Zone meetings.

Statutory Requirements

Local Government Act 1995

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.4

MOVED Cr Jamayne Burke, Seconded Cr Tallan Ames

That Council:

- Appoint the CEO as an additional Deputy Voting Delegate to the East Metropolitan Zone of WALGA, and
- Advise WALGA of the appointment.

Voting requirements: Absolute Majority

OCM 2024-07-30/8

CARRIED UNANIMOUSLY 5/0

12.5 Policy Review - Councillor Training and Professional Development Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Office of the CEO
Responsible Officer	Chief Executive Officer
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. DRAFT Council Member Training and Professional Development Policy Tracked Changes 100724 [12.5.1 - 8 pages] 2. CLEAN Council Member Training and Professional Development Policy 100724 [12.5.2 - 8 pages]

Purpose

The purpose of this report is for Council to consider draft amendments to the Councillor Training and Professional Development Policy following an administrative review.

Background

The Councillor Training and Professional Development Policy was first adopted in September 2020. Ref: Item 12.6 OCM – 11/09/20.

The Policy was subsequently reviewed in December 2021 as per the requirements of section 5.128(5)(a) of the *Local Government Act 1995 (Act)* that the policy be reviewed after each local government ordinary election. Ref: Item 12.10 OCM – 14/12/21.

The administration has undertaken an administrative review as per legislative requirements and as guided by the Policy Document Control for review.

Communication and Engagement

The policy was reviewed internally by Administration in June 2024 to ensure compliance with the legislation.

Strategic Implications

Performance Area 4: Prosperity

8.2 Grow participation in life-long learning.

Comment

An administrative review of the Councillor Training and Professional Development Policy has been undertaken as per the requirements of the review process. The Logos have been updated to reflect the current branding of the Town and some minor amendments provided for consideration by Council.

These amendments are outlined below:

- The title of the Policy has been changed to Council Member Continuing Professional Development Policy to more clearly reflect legislation and contemporary references
- An enhanced introductory statement and minor grammatical changes has been included under Objectives to denote the importance of continuing professional development
- A new section '1. Council Member Induction' has been included to provide context
- Further clarity has been included under 2. Mandatory Training
- Inclusion of clarifying information under Accommodation; and

- A new 8. Policy Review section for context.

Copies of both the tracked changes version and the clean version of the reviewed policy are attached.

Statutory Requirements

Local Government Act 1995

Financial Considerations

Financial considerations include the cost of delivering on the requirements of this Policy. Budget is allocated annually for the purpose of Council Member training and professional development.

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.5

MOVED Cr Tallan Ames, Seconded Cr Jennie Carter

That Council adopt the reviewed Council Member Continuing Professional Development Policy.

Voting requirements: Absolute Majority

OCM 2024-07-30/9

CARRIED UNANIMOUSLY 5/0

12.6 Policy Review - Standards for CEO Recruitment, Performance and Termination Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/POLCY/2
Directorate	Office of the CEO
Responsible Officer	Manager Governance and Strategy
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. DRAFT Standards for CEO Recruitment, Performance and Termination with tracked changes 30 July 2024 [12.6.1 - 15 pages] 2. CLEAN DRAFT Standards for CEO Recruitment, Performance and Termination 30 July 2024 [12.6.2 - 12 pages]

Purpose

The purpose of this report is for Council to consider draft administrative amendments to the Standards for CEO Recruitment, Performance and Termination Policy.

Background

The Standards for CEO Recruitment, Performance and Termination Policy was last considered by Council in May 2021 at which time the previous 'Annual Performance Review – Chief Executive Officer Policy' was revoked and the current Policy adopted. Ref: OCM – 16/05/21.

The Policy was adopted to ensure the Town aligned with the then new *Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

An administrative review of the Standards for CEO Recruitment, Performance and Termination Policy has been undertaken as per the requirements of the review process.

The Logos have been updated to reflect the current branding of the Town and some minor amendments provided for consideration by Council.

These amendments are outlined below:

- The addition of clarifying regulatory references in the Objectives
- Elected Member changed to Council Member throughout the document to reflect contemporary reference to the role
- Minor formatting changes throughout the document, particularly to address repetition
- The addition of 1.12 Certification of compliance with adopted standards for CEO recruitment to reflect regulatory requirements, and
- Deletion of 2.6 Assessment Criteria, given this may change during the life of the Policy.
- Inclusion of 2.9 Endorsement of performance review, and
- Inclusion of 2.10 CEO to be notified of results of the performance review.

A copy of the reviewed policy with tracked changes and a clean version of the reviewed policy are attached to this report for consideration.

Statutory Requirements

Local Government Act 1995; Local Government (Administration) Regulations 1996

Financial Considerations

N/A

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.6

MOVED Cr Tallan Ames, Seconded Cr Jennie Carter

That Council adopt the reviewed Standards for CEO Recruitment, Performance and Termination Policy as attached to this report.

Voting requirements: Absolute Majority

OCM 2024-07-30/10

CARRIED UNANIMOUSLY 5/0

12.7 New Policy - Payments to Employees in Addition to Contract or Award Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Office of the CEO
Responsible Officer	Chief Executive Officer
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. NEW Payments to Employees in addition to contract or award Policy July 2024 [12.7.1 - 4 pages]

Purpose

The purpose of this report is for Council to adopt the Payments to Employees in Addition to Contract or Award Policy outlined in this Report

Background

The *Local Government Act 1995* (the Act) requires Local Governments to prepare a policy that meets the requirements of s.5.50. Payments to employees in addition to contract or award.

The following outlines the key componentry of the section in the Act:

A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out the circumstances in which the local government will pay an employee an amount in addition to any

amount to which the employee is entitled under a contract of employment or award relating to the employee.

Local governments are further required to define the manner of assessment of the additional amount.

Local governments must not make any payment of the kind described above, unless a policy pertaining to s5.50 of the Act has been adopted by Council.

Further, if a local government makes a payment to an employee whose employment with the local government is finishing that is more than the additional amount set out in the policy, local public notice is to be given in relation to the payment made.

Communication and Engagement

Engagement has been undertaken with the Town's internal Human Resources business unit, and similar class local governments to inform the development of this Policy.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

A Policy based on the requirements of the Act has been prepared and attached to this report for Council's consideration and adoption.

Statutory Requirements

Local Government Act 1995

Financial Considerations

Any costs associated with the execution of the policy.

Risk Management Implications

Financial Risk
Medium

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.7

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council adopt the Payments to Employees in Addition to Contract or Award Policy as attached to this report.

Voting requirements: Simple Majority

OCM 2024-07-30/11

CARRIED UNANIMOUSLY 5/0

12.8 Revoke Policy - Council Delegates Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Office of the CEO
Responsible Officer	Chief Executive Officer
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Council- Delegates- Policy [12.8.1 - 3 pages]

Purpose

The purpose of this report is for Council to consider revoking the Council Delegates Policy.

Background

The current Council Delegates Policy was last reviewed in September 2017. An administrative review of the contents has now been undertaken to assist Council in determining the future of this policy.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Based on the administrative review it is deemed that the Policy is out of date and mainly focuses on the responsibilities of nominating for and representing Council on a Committee, either a Committee of Council, which is guided by the appropriate Act and Regulations or external committees which are guided by their Constitutions / Charters or other mechanisms.

Further, the two main organisations referred to in the Policy are the East Metropolitan Regional Council (EMRC) and the Western Australian Local Government Association (WALGA) both of which have clear guidance on the appointment of delegates and provide information (via a Prospectus in the case of WALGA) in an appropriate timeframe for Local Governments to brief new and current council members after each election.

Council is seeking efficiencies in how the organisation undertakes its work and as such this policy is considered redundant.

Statutory Requirements

Local Government Act 1995

Financial Considerations

Nil

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.8

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council revoke the Council Delegates Policy.

Voting requirements: Simple Majority

OCM 2024-07-30/12

CARRIED UNANIMOUSLY 5/0

12.9 Accounts Paid - June 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. 01-30 June 2024 List of Payments [12.9.1 - 14 pages]

Purpose

The purpose of this report is for Council to receive the list of accounts paid for June 2024.

Background

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

Proposal

For Council to receive the list of accounts paid for June 2024.

Communication and Engagement

Nil.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Payments made during June 2024 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Statutory Requirements

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) *the payee's name; and*
- (b) *the amount of the payment; and*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*

Financial Considerations

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

Risk Management Implications

Financial Risk
Low

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

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

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.9

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council receives the list of accounts paid for June 2024.

Voting requirements: Simple Majority

OCM 2024-07-30/13

CARRIED UNANIMOUSLY 5/0

12.10 Monthly Financial Report - June 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Directorate	Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Monthly Financial Statements June 2024 [12.10.1 - 12 pages]

Purpose

The purpose of this report is for Council to receive the Monthly Financial Report for June 2024 which incorporates the Statement of Financial Activity.

Background

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

The Statement of Financial Activity is to show a comparison of the budget estimates with the actual revenue and expenditure figures for the year-to-date. The Statement of Financial Activity and accompanying documents must be presented to Council within two months after the end of the month to which the statement relates.

The variance report compares actual income and expenditure to the annual budget, as updated by the mid-year review, which was adopted by Council on 27 February 2024.

Each year Council is required to adopt a percentage or value to be used for reporting material variances. Council adopted \$15,000 or 10% whichever is higher, as part of its 2023/24 Annual Budget.

Proposal

For Council to receive the Monthly Financial Report for June 2024.

Communication and Engagement

Nil.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

The Monthly Financial Report contains the Statement of Financial Activity, which represents the adopted 2023/24 Mid-Term Budget Review Results and any subsequent amended estimates and actual income and expenditure amounts to the month.

The draft report provided is unaudited and subject to change for the below year-end entries:

- a) Capital projects are at a point of finalisation which can impact asset categories and depreciation;
- b) Provisions for staff leave entitlements have not been finalised;
- c) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
- d) June 2024 Overhead allocations have not been finalised;
- e) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the Town owns a percentage of equity have not been finalised;
- f) Adjustments related to the Australian Accounting Standards; and
- g) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

Statement of Financial Activity (by nature or type)

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on a year-to-date basis. The accompanying notes provide a detailed breakdown of the amounts and commentary is based on the June 2024 year-to-date figures.

Item	Current Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$Mn	\$Mn	\$Mn	%
Revenue (including General Rates)	24.2	25.0	0.8	3
Expenditure	28.4	27.1	1.4	5
Capital Works	5.7	3.2	(2.5)	(44)
Non-Operating Grants, Subsidies and Contributions	2.3	1.2	1.1	(50)

Operating Revenue

Total Revenue is over budget by \$754k, the variance is primarily due to;

Revenue from Operating Grants and Subsidies is higher than the budget due to early receipt of Financial Assistance Grant 2024/25 1st quarter payment, higher interest revenue (\$360k), and insurance recoveries.

Operating Expenditure

Total expenditure is under budget by \$1.4m. The significant variances within the individual categories are as follows:

- a) Employment Costs are under budget by \$837k. The 2023/24 end-of-the-year leave provision adjustments are pending when presenting this report.
- b) Materials and Contracts are under budget by \$421k. The variance is mainly attributed to the lower sanitisation costs \$188k, deferral of the Success Hill Foreshore Stabilisation project \$67k, Consultants various projects \$57k, and IT various expenses \$101k.

Non-Operating Grants

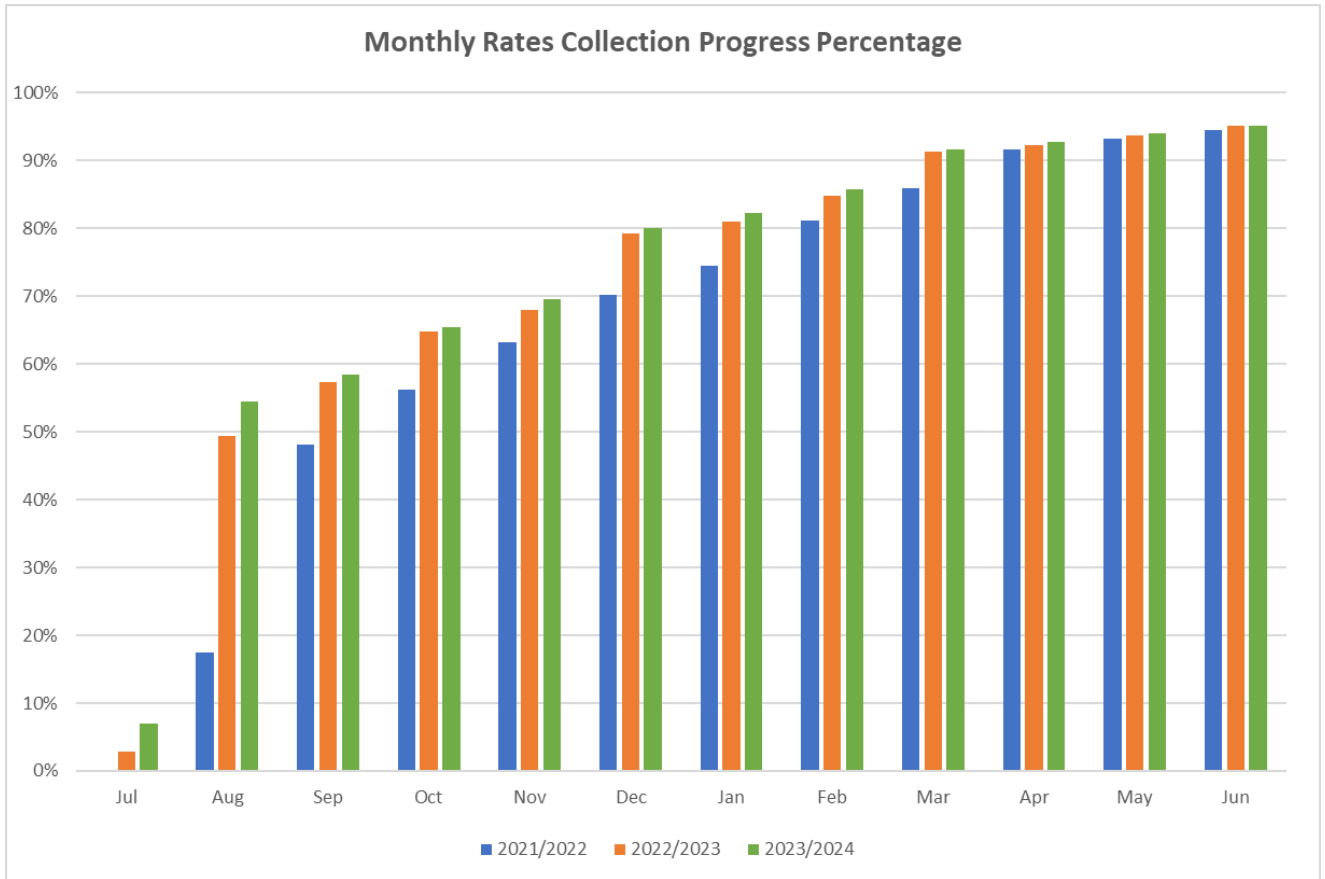
Non-operating grants are under budget by \$1.1m, due to the timing of completion of grant-funded capital projects.

Capital Works

Year-to-date expenditure totals \$3.2m, which equates to 56% of the current budget with a further \$100k (2%) committed with purchase orders being raised.

Rates Collection Report

The chart below shows collection at 95.11% as of June 2024.



Monthly Investment Report

The overall balance of the Town’s investments is \$15.8m. This is comprised of municipal investments of \$5.1m (including restricted cash) and reserve investments of \$10.7m.

The administration uses *Marketforces.org.au* to assist in assessing whether financial institutions invest funds in fossil fuel related industries. The Town currently has 77% of its funds invested in non-fossil fuel ADIs.

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

The Monthly Financial Report provides an overview of income and expenditure for the appropriate period.

Risk Management Implications

No Risks Identified.

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.10

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity.
2. Receives the Monthly Financial Report for the period ending 30 June 2024, which incorporates the Statement of Financial Activity for the period to June 2024.

OCM 2024-07-30/14

CARRIED UNANIMOUSLY 5/0

12.11 RFT 04/2024 Turf Maintenance and Grass Reduction Services	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	PARE/TENDNG/92
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL - RFQ 04 2024 EVALUATION REPORT - CONFIDENTIAL [12.11.1 - 14 pages]

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 04/2024 Turf Maintenance and Grass Reduction Services for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a contractor to provide Turf Maintenance and Grass Reduction Services. The Town does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Town had a single contract for this service with Prestige Property Maintenance over the past four years, which expires on 23rd August 2024 and all contract extension options have been exhausted. The value over this period was \$555,000, and primarily based on the works being undertaken in accordance with the Town's maintenance programs. For example, the frequency of mowing sporting ovals and other reserves was fixed, and the contractor was required to meet these frequencies. There was also limited opportunity for the Town to request changes to these programs.

With the new contract, the administration has prepared the specification to provide flexibility around maintenance frequencies and to ensure it can continually monitor and adjust as and when required.

This method of contract management is considered the most appropriate at this time, as the Town continues to review its Levels of Service, particularly in operational areas such as parks maintenance.

Proposal

To appoint a contractor to provide Turf Maintenance and Grass Reduction Services for the Town of Bassendean.

Communication and Engagement

The Request was advertised in The West Australian Newspaper and on the Town's website on Saturday 25th May 2024 and closed on Tuesday 11th June 2024.

Strategic Implications

Performance Area 3: Place

6.2 Enhance public open space and community facilities.

Comment

Submissions were received from the following six (6) Tenderers:

- Environmental Industries Pty Ltd
- GAS Assets Ltd t/as Gecko Contracting Turf and Landscape Maintenance
- LLS Aust Pty Ltd as Trustee for Lochness Unit Trust t/as Lochness Landscape Services
- Prestige Property Maintenance

- Profounder Turfmaster Pty Ltd t/as Profounder Turfmaster; and
- Jarra Nominees Pty Ltd & NB Norrish Pty Ltd t/as State Wide Turf Services.

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

All six (6) Tenderers met the initial compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 60% for this tender.

QUALITATIVE CRITERIA	WEIGHTING
Capacity	40%
Demonstrated Experience	35%
Demonstrated Understanding of the Requirements	25%

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage two to assess value for money to the Town.

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

Statutory Requirements

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

Financial Considerations

The costs associated with this contract will be included in the Town's Operational Budget for each year of the contract.

Risk Management Implications

No Risks Identified.

Declaration of Conflicts of Interest

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

Council Resolution/Officer Recommendation – Item 12.11

MOVED Cr Tallan Ames, Seconded Cr Ken John

That Council appoints the recommended tenderer, **Environmental Industries Pty Ltd**, as per the attached evaluation report to provide Turf Maintenance and Grass Reduction Services for the Town of Bassendean as specified in Tender 04/2024 for a period of Three (3) years with a further option to extend the Term of the Contract, by One (1) Year, plus a further option of One (1) Year, to commence upon Council Approval and Letter of Award.

Voting requirements: Simple Majority

OCM 2024-07-30/15

CARRIED UNANIMOUSLY 5/0

13 Motions of which Previous Notice has been given

13.1 Support for Notices of Motions to be submitted at the 2024 WALGA Conference	
Councillor	Cr Hamilton
Attachments	1. WALGA Conference Advocacy Notice of Motion - Cr Hamilton - 30 July 2024 OCM [13.1.1 - 5 pages]

I, Cr Kathryn Hamilton, hereby give notice in writing to the CEO to have the following Notice of Motions listed on the agenda of Ordinary Council Meeting to be held on 30 July 2024, at which it is proposed to be moved:

Motion – 13.1

That Council supports the attached Notice of Motions to be submitted no later than August 23rd, for consideration at the WALGA Conference to be held on the 9th October 2024:

Motion 1: Advocacy for Legislative Reforms to counter Land-Banking

Town of Bassendean

OCM Date: 30th July 2024

Motion

That WALGA,

1. *In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:*

Prohibiting demolition of habitable housing until a Development Application (DA) has:

- a) *been approved; and*
- b) *development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.*
- c) *provide Local Authorities with the ability to apply a “penalty fee” over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.*

- d) *Development of a mandatory register of unoccupied residential properties, with the ability of local governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.*
2. *Distributes the draft “WALGA Advocacy Position for Legislative Reforms to counter Land-Banking” to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.*

In Brief

- Land-banking reduces the availability of sites for development.
- Premature demolition of viable housing is unacceptable in what is a dire housing shortage for this nation.
- Additional legislative changes are required to enable Local Authorities the flexibility to apply additional levies to long term unoccupied housing.

Member Comment

The Victorian Government recently introduced the ability to tax long term unoccupied residential properties, (i.e. a residential property left vacant for six months or more in a year). Victorian Councils welcomed these changes to “*Vacant Residential Land Tax*” (VRLT) emphasising that it is a significant step forward in addressing longstanding land-banking issues that plague many municipalities.

Tighter controls that prevent the demolition of viable housing stock prior to Development Approvals assists in closing a loophole, that has to date, increased the numbers of long term unsightly vacant blocks negatively affecting the amenity of suburbs and towns. The introduction of a levy on long term unoccupied residential homes is designed to encourage occupation or rental of those homes. In turn DA approvals that subsequently require the demolition of viable housing stock should require commencement and completion of the new development within reasonable timelines.

This will alleviate the strain on the housing market by avoiding premature demolition with the intention to retain viable housing for occupancy for as long as possible, leading to a positive impact on rental availability and affordability. All of this can be accomplished without negatively affecting the development potential of a site.

Reference Documents

Link to media “*New legislation to boost housing supply and combat land-banking*” by *Shire of Maribyrnong*: <https://www.maribyrnong.vic.gov.au/News/New-legislation-to-boost-housing-supply-and-combat-land-banking>

Link to media “How the world is tackling issue of empty homes” by The Guardian:
<https://www.theguardian.com/society/2017/aug/02/how-the-world-is-tackling-issue-of-empty-homes>

CEO Comment

Noting this is an advocacy notice of motion addressing the financial sustainability and amenity of the Town, recommends Council support the NOM without the need for a further report.

Motion 2: Advocacy for Expansion of Differential Rating to include Long Term Unoccupied Commercial Buildings (Property Activation Levy)

Town of Bassendean

OCM Date: 30th July 2024

Motion

That WALGA,

- 1. Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:*
 - a) Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and*
 - b) Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;*
 - o is commercially habitable with annual investment in maintenance*
 - o remains connected to essential services*
 - o is undergoing periodic compliance checks and,*
 - o has a plan in place to redevelop or make operational.*
 - c) Develop legislation that enables local government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the local government.*
- 2. That the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings be provided to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.*

In Brief

The purpose of the levy is to encourage owners of unoccupied commercial buildings to activate and maintain their properties to improve commercial precincts with a focus on the following objectives:

- To improve the amenity of commercial precincts for residents, workers and visitors / tourists.
- Support adjoining business operators by encouraging activation of all commercial premises within precincts.
- Improve the liveability, attractiveness, safety and cultural activity of these precincts.
- Encourage the commercial precincts to thrive.

Member Comment:

The Northern Territory Government enabled Darwin to apply a “*Property Activation Levy*” to address long term vacant land or unoccupied commercial buildings, endeavouring to activate or beautify properties that generally have a negative impact the overall amenity and vibrancy of streetscapes. The Property Activation Levy incorporates the following:

- Owners of unoccupied commercial property are provided a reasonable grace period to activate their property without incurring the levy.
- Any property meeting the minimum number of listed activation options does not incur the surcharge levy applicable only to long term unoccupied commercial buildings.
- Revenue raised from the “*Property Activation Levy*”, is used on revitalisation projects of public places and land.

Some of the suggested activation (that must include ongoing maintenance) for unoccupied commercial premises are listed below, noting this list is not exhaustive:

- Inset graphics, art displays or other visual installations on ground level external windows and walls.
- Repaint or retile and improve ground level frontage and associated awnings over the footpath.
- Include rotating shop displays (for example Christmas, Easter, local events) or community spaces, such as for group activities, classes or study areas.
- Where setback from the road reserve exists, undertake improved landscaping.

Reference Documents:

Link to the “*Property Activation Levy*” document is attached, and outlines a diverse number of suggested options for the activation and beautification of vacant land or unoccupied mixed use premises:

https://treasury.nt.gov.au/_data/assets/pdf_file/0010/901495/derelict-vacant-property-levy.pdf

CEO Comment

Noting this is an advocacy notice of motion addressing the financial sustainability and amenity of the Town, recommends Council support the NOM without the need for a further report.

Council Resolution/Officer Recommendation – Item 13.1

MOVED Cr Tallan Ames, Seconded Cr Jennie Carter

That Council supports the attached Notice of Motion to be submitted no later than August 23rd, for consideration at the WALGA Conference to be held on the 9th October 2024:

Motion 1: Advocacy for Legislative Reforms to counter Land-Banking

Town of Bassendean

OCM Date: 30th July 2024

Motion

That WALGA,

- 1. In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:*

Prohibiting demolition of habitable housing until a Development Application (DA) has:

- a) been approved; and*
 - b) development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.*
 - c) provide Local Authorities with the ability to apply a “penalty fee” over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.*
 - d) Development of a mandatory register of unoccupied residential properties, with the ability of local governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.*
- 2. Distributes the draft “WALGA Advocacy Position for Legislative Reforms to counter Land-Banking” to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.*

OCM 2024-07-30/16

CARRIED UNANIMOUSLY 5/0

Council Resolution/Officer Recommendation – Item 13.1

MOVED Cr Kathryn Hamilton, Seconded Cr Jennie Carter

That Council supports the attached Notice of Motion to be submitted no later than August 23rd, for consideration at the WALGA Conference to be held on the 9th October 2024:

Motion 2: Advocacy for Expansion of Differential Rating to include Long Term Unoccupied Commercial Buildings (Property Activation Levy)

Town of Bassendean

OCM Date: 30th July 2024

Motion

That WALGA,

- 1. Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:*
 - a) Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and*
 - b) Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;*
 - o is commercially habitable with annual investment in maintenance*
 - o remains connected to essential services*
 - o is undergoing periodic compliance checks and,*
 - o has a plan in place to redevelop or make operational.*
 - c) Develop legislation that enables local government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the local government.*
- 2. That the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings be provided to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.*

OCM 2024-07-30/17

CARRIED UNANIMOUSLY 5/0

14 Announcements of Notices of Motion for the next meeting

Nil

15 Urgent Business

Nil

16 Confidential Business

Nil

17 Closure

The next Ordinary Council Meeting will be held on Tuesday 27 August 2024 commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 6:32 pm.