

AGENDA

Ordinary Council Meeting Tuesday 19 November 2024

NOTICE OF MEETING

Dear Council Member

The next Ordinary Meeting of Council will be held at 6:00 pm on Tuesday 19 November 2024, in the Council Chamber, Administration Building, 48 Old Perth Road, Bassendean.

Please note, that parts of this meeting will be closed to the public, as the agenda contains confidential items and attachments which will be discussed by Council behind closed doors, in accordance with s5.23 (2) of the *Local Government Act 1995*.



Cameron Woods
CHIEF EXECUTIVE OFFICER

14 NOVEMBER 2024

Meeting Information

Recording and Live-streaming

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

Conduct at meetings

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

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

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

Tune in to live streaming from the comfort of your own home by going to:
Town of Bassendean Council - YouTube

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

Council Chambers Seating Plan



Chief Executive Officer
Cameron Woods



Mayor
Cr Kathryn Hamilton
CrHamilton@bassendean.wa.gov.au



Cr Jennie Carter
CrCarter@bassendean.wa.gov.au



Cr Emily Wilding
CrWilding@bassendean.wa.gov.au



Cr Tallan Ames
CrAmes@bassendean.wa.gov.au



Cr Jamayne Burke
CrBurke@bassendean.wa.gov.au



Cr Ken John
CrJohn@bassendean.wa.gov.au



Deputy Mayor
Cr Paul Poliwka
CrPoliwka@bassendean.wa.gov.au



Director Corporate Services
Paul White



Director Community and Place
Michelle Brennand



Director Infrastructure Services
Shane Asmus

Public Gallery

Council Role

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

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

Table of Contents

1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer	6
2 Announcements by The Presiding Person Without Discussion	6
3 Attendances, Apologies and Applications for Leave of Absence	6
4 Declarations of Interest	6
5 Presentations or Deputations	6
6 Statements by Members of the Public	7
7 Questions from Members of the Public	7
8 Petitions	7
9 Confirmation of Minutes	7
10 Business Deferred from Previous Meeting	8
11 External Committee Reports and Updates	8
11.1 External Committee Reports and Updates.....	8
12 Officer Reports	8
12.1 Adoption of Recommendations En Bloc.....	10
12.2 Policy Review - Code of Conduct for Council Members, Committee Members and Candidates.....	11
12.3 Policy Review - Street and Reserve Trees	14
12.4 Policy Review - Crossover Policy.....	17
12.5 Disability Access and Inclusion Plan 2024-2028.....	20
12.6 Accounts Paid - October 2024	29
12.7 Monthly Financial Report - October 2024	31
12.8 Development Assessment Panel Application - Proposed Child Care Premises - 94 West Road, Bassendean	35
13 Motions of which Previous Notice has been given	37
14 Announcements of Notices of Motion for the next meeting	37
15 Urgent Business	37
16 Confidential Business	38
16.1 Membership of the East Metropolitan Regional Council	38
16.2 Customer Service Centre Operating Hours	38
16.3 RFT 08/2024 - Lease of 128 Ivanhoe St - Child Care Centre	38
17 Closure	38

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

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

3 Attendances, Apologies and Applications for Leave of Absence

Councillors

Cr Kathryn Hamilton, Mayor (Presiding Member)
Cr Paul Poliwka, Deputy Mayor
Cr Emily Wilding
Cr Jamayne Burke
Cr Ken John
Cr Jennie Carter
Cr Tallan Ames

Officers

Mr Cameron Woods, Chief Executive Officer
Mr Paul White, Director Corporate Services
Ms Michelle Brennand, Director Community & Place
Mr Shane Asmus, Director Infrastructure & Sustainability
Ms Joanne Burges, Manager Governance & Strategy
Ms Ana Fernandez, Minute Secretary

4 Declarations of Interest

5 Presentations or Deputations

6 Statements by Members of the Public

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

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

Online Form - Public Statement Time » Town of Bassendean

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

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

7 Questions from Members of the Public

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

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

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

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

8 Petitions

9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	1. Ordinary Council Meeting 22 October 2024 Unconfirmed Minutes [9.1.1 - 46 pages]

Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on 22 October 2024 be received and confirmed as a true and correct record.

Voting requirements: Simple Majority

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

Nil

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.

Item	Report	Vote
12.1	Adoption of Recommendations En Bloc	Simple Majority
12.2	Policy Review - Code of Conduct for Council Members, Committee Members and Candidates	Absolute Majority
12.3	Policy Review - Street and Reserve Trees	Simple Majority
12.4	Policy Review - Crossover Policy	Absolute Majority
12.5	Disability Access and Inclusion Plan 2024-2028	Simple Majority Absolute Majority
12.6	Accounts Paid - October 2024	Simple Majority
12.7	Monthly Financial Report - October 2024	Simple Majority
12.8	Development Assessment Panel Application - Proposed Child Care Premises - 94 West Road, Bassendean	Simple Majority
13	Motions of which Previous Notice has been given	
16	Confidential Business	
16.1	Membership of the East Metropolitan Regional Council	Simple Majority
16.2	Customer Service Centre Operating Hours	Simple Majority
16.3	RFT 08/2024 - Lease of 128 Ivanhoe St - Child Care Centre	Simple Majority

Officer Recommendation Item 12.1

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

Item	Report
12.3	Policy Review - Street and Reserve Trees
12.6	Accounts Paid - October 2024
12.7	Monthly Financial Report - October 2024

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

Item	Report
12.2	Policy Review - Code of Conduct for Council Members, Committee Members and Candidates
12.4	Policy Review - Crossover Policy
12.5	Disability Access and Inclusion Plan 2024-2028
12.8	Development Assessment Panel Application - Proposed Child Care Premises - 94 West Road, Bassendean

12.2 Policy Review - Code of Conduct for Council Members, Committee Members and Candidates	
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. Reviewed with Tracked Changes Code of Conduct Crs, Committee Members and Candidates - 030924 [12.2.1 - 12 pages] 2. CLEAN Reviewed Code of Conduct Crs Committee Members and Candidates - 030924 [12.2.2 - 12 pages]

Purpose

The purpose of this report is for Council to consider the reviewed Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

Background

The Code of Conduct for Council Members, Committee Members and Candidates includes:

- (a) general principles to guide behaviour
- (b) requirements relating to behaviour, and
- (c) provisions specified to be rules of conduct.

Council Members were provided with a copy (or a link) to this document as part of their induction to their role.

The Town of Bassendean Code of Conduct is based on the WALGA model; thus, no changes have been made to the content of the document. The only changes made have been to the logo on the front cover and some minor formatting.

The purpose of bringing this to Councils attention is to advise of the update to the document and to comply with 5.104. (7) of the *Local Government Act 1995* which states that the CEO must publish an up-to-date version of the local government's adopted code of conduct on the local government's official website.

Attached are the reviewed Code of Conduct with tracked changes (12.2.1) and a CLEAN copy of the reviewed document (12.2.2) for Council consideration.

Proposal

For Council to adopt the reviewed Code of Conduct for Council Members, Committee Members and Candidates.

Communication and Engagement

Council Members were advised via the CEO Bulletin on 6 September 2024 that an administrative review had been undertaken of the Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct). No comments or feedback were received.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Council adopted the current Code of Conduct at the Ordinary Council Meeting held on 27 April 2021 and was advised of the following:

On 3 February 2021, the Local Government (Model Code of Conduct) Regulations 2021 introduced a mandatory Code of Conduct for Council Members, Committee Members and Candidates.

The Model Code replaces the previous Local Government (Rules of Conduct) Regulations 2007 and the Town of Bassendean Code of Conduct as it relates to Council and Committee Members.

The Local Government Act 1995, section 5.104 requires that local governments adopt the Model Code of Conduct within three months of the regulations coming into operation (3 May 2021).

In accordance with section 5.104(5), the Model Code will apply until the Town adopts its own Code.

Reviewing the Code of Conduct regularly presents a best practice approach. It is advised that the Code of Conduct is presented again in October 2025 and following each subsequent Local Government Election for adoption by the new Council.

Statutory Requirements

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

Financial Considerations

Nil

Risk Management Implications

Compliance

Low

This Code of Conduct provides guidance to council members, committee members and candidates to assist in adherence to the legislative requirements of the Act therefore the residual risk is considered low.

Financial Risk

Low

An insignificant financial impact rating is identified within the Town's risk criteria as less than \$10,000. Any breaches of the Code of Conduct would not result in a higher financial risk rating for the Town.

Reputational

Minor

It is considered that a breach of the Code of Conduct, would result in a minor impact on the Town's reputation (social/community) given a minor reputation rating is identified as substantiated, localised impact on community trust, or a low media item.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.2

That Council adopt the reviewed Code of Conduct for Council Members, Committee Members and Candidates.

Voting requirements: Absolute Majority

12.3 Policy Review - Street and Reserve Trees	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COUP/POLCY/1
Directorate	Infrastructure and Sustainability
Responsible Officer	Executive Manager Sustainability and Environment
Previous Reports	22 August 2003 26 March 2024
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Amended Street and Reserve Trees Council Policy - track changes [12.3.1 - 6 pages] 2. Amended Street and Reserve Trees Council Policy - final [12.3.2 - 6 pages]

Purpose

The purpose of this report is for Council to consider an amended Street and Reserve Trees Council Policy.

Background

The Street and Reserve Trees Council Policy was adopted at the 28 June 2022 Ordinary Council Meeting with an annual review frequency and was last reviewed at the 22 August 2023 Ordinary Council Meeting.

The 2024 review has been undertaken, with minor changes proposed as outlined with track changes (refer Attachment 1) and the final amended policy provided in Attachment 2.

Communication and Engagement

There has been no community consultation with regards to the policy review. The draft amended Council Policy was circulated to Council Members in the 18 October 2024 CEO Bulletin for comment, with no feedback received.

Strategic Implications

Performance Area 2: Planet

3.2 Increase the tree canopy cover to 30% by 2040.

Comment

The Policy Objective refers to identifying an interim tree canopy target for 2030 in the policy review. The intention was that this target would be set following release of the 2024 Urban Monitor canopy data, which is not yet available. While it is not proposed to include an interim target in the 2024 policy review, this will be incorporated at the next available opportunity.

The proposed amendments to the Street and Reserve Trees Council Policy include:

- Updates to formatting and section headings to reflect the Town's current Council Policy template.
- Policy Statement amended to include mandatory planting of trees on verges by the 2027 winter planting program, to reflect Resolution 8 of Item 12.2 of the 26 March 2024 Ordinary Council Meeting, which supported a phase in of mandatory planting within 3 years.
- Inclusion that species identified as host plants for Polyphagous Shot Hole Borer (with the exception of WA native species) will be avoided in the Planting List, under the Street and Reserve Tree Criteria (Tree Planting).
- Inclusion of tree maintenance to provide clearance to streetlights.
- Minor edit to provide explanation of the drip line of a tree canopy.

Tree Removal

- Removal of reference to provision of an Arborist Report, as this is not applicable to all sub-clauses and situations that may be assessed by suitably qualified Town employee/s rather than an external consulting Arborist.
- Inclusion of additional situations where tree removal may be considered, including under direction of a Quarantine Area Notice (e.g. for Polyphagous Shot Hole Borer), for public safety, strategic removal and replacement to enhance canopy or removal required to enable development of an adjacent lot where all other design options have been exhausted.
- Inclusion of potential recovery of amenity value where trees are removed for development. The current policy only specifies recovery of amenity value for trees removed through vandalism or without authorisation.
- Inclusion of a minimum requirement for replacement planting at a ratio of 1 (removed): 1 (replaced), for trees removed for development. The current policy only specifies this ratio for trees removed through vandalism or without authorisation.

Statutory Requirements

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

Financial Considerations

There are no financial implications associated with the Policy Review.

Risk Management Implications

Compliance

Low

Environmental

Low

Financial Risk

Low

Reputational

Low

There are minimal risks associated with the policy review, given the changes are minor. The Local Government Insurance Scheme Tree Risk Mitigation Guide (August 2023) was considered as part of the review.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.3

That Council adopts the amended Street and Reserve Trees Council Policy as provided in Attachment 2

Voting requirements: Simple Majority

12.4 Policy Review - Crossover Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Infrastructure and Sustainability
Responsible Officer	Director Infrastructure and Sustainability
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Notice of Motion Crossover Policy 27 August 2024 [12.4.1 - 3 pages] 2. 1.5 Crossover Policy [12.4.2 - 5 pages] 3. Reviewed Crossover Policy October 2024 [12.4.3 - 4 pages]

Purpose

The purpose of this report is for the Council to consider adopting a new Crossover Policy.

Background

Council Policy 1.5 Crossover Policy was adopted in 2009 and last reviewed in March 2014. The existing Policy provides criteria relating to crossovers, including details about new crossovers, specification requirements and information on the removal of redundant crossovers.

In addition, a Notice of Motion requesting a review of the existing Crossover Policy was presented to the 27 August 2024 Ordinary Council Meeting.

Communication and Engagement

A new draft Council Policy was circulated to Council Members in October through the CEO Bulletin for comment. No comments or feedback were received.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

A review of the Crossover Policy has been undertaken with particular focus on ensuring a new crossover does not adversely impact on the Town's requirement for residents to create or maintain a sustainable and environmentally friendly verge.

While reviewing the existing Crossover Policy, it was evident that a sizable portion was operational in nature and already covered within the Town's existing Crossover Specifications, which is available online and provides details around the required design and construction elements.

Rather than amending the existing Policy with significant changes, a new Crossover Policy has been prepared with support from the Town's existing Crossover Specifications.

The main amendments to the existing Crossover Policy include:

- The required street tree minimum clearance has increased from 1.5m to 2.0m.
- Maximum allowable crossover widths have reduced from 6.0m to 4.5m for residential and from 10.7m to 6.0m for commercial crossovers to reduce the extent of hardstand surface within the verge.
- Removal of several of the more "operational" details, which are covered separately within the Town's existing Crossover Specifications.
- Further emphasizing under "objectives" the importance of a crossover being incorporated into the verge, while maintaining an aesthetically pleasing and environmentally sustainable space for the community.

Current applications to the Town for a new or modified crossover will be assessed based on the existing policy, however subject to Council approval, the requirements within the new Policy will need to be met for subsequent applications.

The existing Policy is provided as Attachment 1 and the new Crossover Policy as Attachment 2.

Statutory Requirements

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

Financial Considerations

There will be a minor reduction in the annual amount of crossover subsidies paid to residents for compliant crossovers based on the reduced widths and maximum amount as per the Town's Fees and Charges.

Risk Management Implications

Compliance

Low

Environmental

Low

Financial Risk

Low

Reputational

Low

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.4

That Council:

1. Revoke the Town's existing Crossover Policy, and
2. Adopt the new Crossover Policy as provided in Attachment 2

Voting requirements: Absolute Majority

12.5 Disability Access and Inclusion Plan 2024-2028	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COMDEV/PLANNG/2
Directorate	Community and Place
Responsible Officer	Director Community and Place
Previous Reports	August 2024
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Council Policy - Disability- Access-and- Inclusion [12.5.1 - 3 pages] 2. Schedule of Submissions - Public Comment Period - Draft DAIP 2024-2028 [12.5.2 - 2 pages] 3. Questions asked - Public Comment Period - Draft DAIP 2024-2028 [12.5.3 - 1 page] 4. Final Draft DAIP 2024 2028 - tracked changes [12.5.4 - 26 pages] 5. Final Draft DAIP 2024 2028 - clean version [12.5.5 - 30 pages]

Purpose

The purpose of this report is to present Council with an update of outcomes from the public comment period and seek adoption of the final Town of Bassendean Disability Access and Inclusion Plan 2024-2028.

Background

Members of the community, people living with disability, their families and carers have the same rights to access programs and services, facilities, information, make complaints, to be consulted and to be employed.

These rights are protected within International, National and State legislation which make it unlawful to discriminate against a person living with disability.

The *WA Disability Services Act (1993)* (amended 2004) requires public authorities to develop and implement Disability Access and Inclusion Plans (DAIP) and to progressively build on the achievements of the previous Plan. The Town has a statutory obligation to review the Plan every five years.

The Town first developed a DAIP in 1995 and has maintained a Plan since then, with the current DAIP expiring on 30 June 2024. The Draft DAIP 2024-2028 was developed

in response to community feedback received and continues the progress achieved in the previous Plan.

Ultimately, the Plan is a strategic guiding document that aims to actively address barriers faced by people with disability with the Town demonstrating their commitment to:

- Eliminating discrimination against people with disability.
- Providing inclusive and accessible information, facilities, services and workplaces.

In August 2024 (OCM 2024-08-27/6), Council resolved the following in relation to the Town's Draft DAIP 2024-2028:

- *Approves the advertising of the Draft Disability Access and Inclusion Plan 2024-2028 as attached to this report for public comment.*
- *Requests the Chief Executive Officer to report the outcomes of the public comment period and present the proposed Draft Disability Access and Inclusion Plan 2024-2028 at a subsequent 2024 Ordinary Council Meeting.*

Subsequently, a public comment period advertising the Draft DAIP 2024-2028 was conducted from Monday 16 September to Monday 14 October 2024 with feedback received being used to update the Plan where applicable.

A summary of public feedback has been provided as part of this report with an updated Final Draft DAIP 2024-2028.

In recommending that Council adopt the final Plan, it will also be proposed that Council Policy *Disability Access and Inclusion* be revoked given the statutory obligation for public authorities to develop and implement Disability Access and Inclusion Plans.

Proposal

Based on changes being made to the Draft DAIP 2024-2028 from the public comment period and that Council Policy *Disability Access and Inclusion* is no longer required, the following is proposed:

- Adoption of the Final Draft DAIP 2024-2028 as the Town of Bassendean's Disability Access and Inclusion Plan (DAIP) 2024-2028; and
- Revocation of Council Policy *Disability Access and Inclusion*.

Communication and Engagement

As per the *WA Disability Services Act (1993)* (amended 2004) a period of public comment is required before the authority can adopt their DAIP. Town officers used a

variety of methods to advertise and call for public comment from Monday 16 September to Monday 14 October 2024, including the following:

- Listing the Plan on the Town’s website in the consultation section.
- Public notice in 19 September 2024 edition of Perth Now.
- Article in the September edition of Thrive.
- Article on the news section of the Town’s website.
- Posters calling for public comment at Town buildings including the Customer Service Centre, Library, Wind in the Willows Child Care Centres, Community Halls, Volunteer Centre, and public notice boards.
- Two posts on the Town’s social media channels.
- Letters to community groups/schools/other stakeholders, including residents of Hyde Retirement Village.
- An information stall at Hawaiian’s Bassendean Shopping Centre.

A list of questions used during the public comment period are included as attachment 12.5.5 to this report.

The Department of Communities (State Disability Strategy) was also advised of the public comment period and received a copy of the Draft DAIP 2024-2028. No feedback regarding the Plan was provided by the Department, other than indicating that if the seven core outcomes as a requirement of the Western Australian Disability Services Act 1993 (amended 2004) are included in the Draft DAIP, then the Plan would be compliant.

Eight respondents made submissions during the public comment period, and a summary is provided as an attachment to this report.

Of the eight respondents' submissions, five were deemed to be applicable to the Draft DAIP 2024-2028, two not applicable and one respondent not providing a submission.

Of the five applicable submissions, key areas for improvement include the following:

- Parking for seniors and people with disability when attending activities at the Bassendean Community Hall and Bassendean Seniors and Community Centre
- The Town requiring the support of the Federal Government to initiate any real change
- That a park bench audit be completed to ensure connection with concrete paths and space for a disability wheelchair adjacent to the park bench.
- Adopt the “sunflower” concept to raise awareness of unseen disabilities in a discreet manner
- Lived experience of carer/support worker pushing elderly person around the Town in a wheelchair found it difficult. Main area was the paving down Old Perth Road on southern side of road and the crossing at Wilson St.

In addition to existing actions in the Draft DAIP that already address feedback provided from the public comment period, minor updates to the Plan have also been included to ensure DAIP actions reflect community feedback.

Strategic Implications

Performance Area 1: People

2.1 Create a safe town for everyone.

2.2 Advance opportunities, community participation and quality of life for people of all ages and abilities.

Performance Area 5: Performance

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

Comment

The Final Draft DAIP 2024-2028 consists of the following seven core outcomes as a requirement of the *Western Australian Disability Services Act 1993* (amended 2004) and includes actions to deliver on the outcomes:

- Outcome 1 – Access to Services: People with disability have the same opportunity as other people to access the services or, any events organised by the Town.
- Outcome 2 – Access to Buildings and Other Facilities: People with disability have the same opportunities as other people to access the buildings and other facilities of the Town.
- Outcome 3 - Access to Information: People with disability receive information from the Town in a format that will enable them to access the information as readily as other people are able to access it.
- Outcome 4 – Level and Quality of Services: People with disability receive the same level and quality of service from the staff of the Town as other people receive from the staff of the Town.
- Outcome 5 – Complaints Handling: People with disability have the same opportunities as other people to make complaints to the Town.
- Outcome 6 – Participation in Community Consultation: People with disability have the same opportunities as other people to participate in any public consultation by the Town.
- Outcome 7 – Employment: People with disability have the same opportunities as other people to obtain and maintain employment with the Town.

Prior to the public comment period, the Draft DAIP 2024-2028 was developed in response to community feedback and continued to build on the progress achieved in the previous Plan and includes the following new initiatives:

- Reviewing the Town’s Active Ageing Policy in response to the community survey results and looking for ways to facilitate improvement particularly through external partnerships
- Expanding our provision of services to people with a disability by partnering with service providers, neighbouring councils and others to provide a greater range of programs for people with a disability (e.g. NDIS, sensory storytimes, art programs, all abilities expo with neighbouring Councils)
- Exploring adaptive technology options to provide additional support for hearing and visually impaired residents at civic and community events, including council meetings
- Auditing the Town’s assets to develop and prioritise a schedule of works to improve universal access which is also a commitment in the Council Plan
- Development of a promotional campaign to people with a disability to ensure greater awareness of the Town’s disability services, facilities, and events
- Providing training in disability awareness and statutory obligations for Town staff
- Establishing an internal disability access and inclusion working group and external community and key stakeholders working group to guide and provide input regarding the implementation of the DAIP.

As a result of the public comment period, the following changes to the Draft DAIP 2024-2028 have been made:

Public Comment Submission	Action
<i>Parking for seniors and people with disabilities when attending activities at the Bassendean Community Hall and Bassendean Seniors and Community Centre.</i>	The Town already provides parking for people with disabilities at these facilities. The DAIP Action 2.2 - Audit of the Town’s controlled ACROD parking bays will further review.
<i>The Town requiring the support of the Federal Government to initiate any real change.</i>	Noted.
<i>That a park bench audit be completed to ensure connection with concrete paths and space for a disability wheelchair adjacent to the park bench.</i>	Comments from this submission were used to update Action 2.1 as follows: Action 2.1 - Audit of Town’s assets and prioritise a schedule of works subject to budget availability to improve universal access in the Town of Bassendean’s facilities and public open space (e.g. Jubilee and Ashfield Reserve) include,

	but not limited to, footpaths and outdoor furniture.
<i>Adopt the “sunflower” concept to raise awareness of unseen disabilities in a discreet manner.</i>	<p>Comments from this submission were used to include a new Action 1.11 as follows:</p> <p>Action 1.11 - Provide training to forward facing staff on invisible or hidden disabilities and the identification of the Hidden Disabilities Sunflower.</p>
<i>Lived experience of carer/support worker pushing elderly person around the Town in a wheelchair found it difficult. Main area was the paving down Old Perth Road on southern side of road and the crossing at Wilson St.</i>	<p>Comments from this submission were used to update Action 2.1:</p> <p>Action 2.1 - Audit of Town’s assets and prioritise a schedule of works subject budget availability to improve universal access in the Town of Bassendean’s facilities and public open space (e.g. Jubilee and Ashfield Reserve) include, but not limited to, footpaths and outdoor furniture.</p> <p>Action 2.2 commits to an audit of the Town’s controlled ACROD parking bays to inform the development of an ACROD improvement plan for budget consideration in the Long-Term Financial Plan and the Town’s Asset Management Plans.</p>

In addition, minor changes were made to the Draft DAIP 2024-2028 to align Business Unit responsibility for the implementation of actions included in the Plan.

Following the Council Briefing Session on Tuesday 12 November 2024, Action 2.1 was updated to reflect the Town’s ability to prioritise a schedule of works subject to budget availability, and a new Action 2.8 was included to lobby/advocate State Government to audit and upgrade state owned assets that are located within the Town of Bassendean. The Draft DAIP 2024-2028 has been updated to reflect these changes.

Subsequently, Council is requested to consider the above proposed changes to confirm the Final Draft (DAIP) 2024-2028 for ultimate adoption as the Town of Bassendean’s Disability Access and Inclusion Plan 2024-2028.

Whilst there are no legislative requirements for the Department of Communities (State Disability Strategy) to approve the new DAIP prior to Council adoption, the Department was provided with a copy of public submissions, the Final Draft DAIP 2024-2028 and

Council report. Once adopted by Council, the final DAIP will be provided to the Department as per Statutory requirements.

In accordance with the *Disability Services Regulations 2004*, Council is required to list the Plan on the Town's website and be able to provide the DAIP on request in both electronic and audio format.

Subject to Council adopting the Plan, it is anticipated that the DAIP will be released publicly on Thursday, 21 November 2024 on the Town's website with subsequent communications in a newspaper public notice and emails/letters to community groups, sporting clubs and other stakeholders. The production of the audio version of the final DAIP will be completed in early 2025.

Outcomes achieved through the implementation of the DAIP will be communicated via the Council Plan quarterly reports to Council and annually to the Department of Communities and Town residents through the Annual Report.

Revocation of Council Policy – Disability Access and Inclusion

In March 2013 (OCM-01/03/2013), the Council adopted the Disability Access and Inclusion Policy (attachment). The purpose of the Policy is to provide guidelines to:

- Ensure that people with disability have the same level of access to Council's facilities, functions, services and employment opportunities as all other members of the community;
- Ensure people with a disability can participate fully in Council processes, functions and events; and
- Encourage broader services provided within the Town cater for the needs of people with disability and their carers.

Nine strategies are outlined to implement the Policy and include reference to the Town implementing a Disability Access and Inclusion Plan and adherence to applicable legislation.

Essentially, the principles of the Policy replicate the Final Draft DAIP 2024-2028 and given the Statutory obligations for local authorities to develop and implement Disability Access and Inclusion Plans, the Policy is no longer required and therefore recommended for revocation.

Statutory Requirements

Western Australian Disability Services Act 1993 (amended 2004)
Western Australian Equal Opportunity Act 1984 (amended 1988)
Commonwealth Disability Discrimination Act 1992
Disability (Access to Premises – Buildings) Standards 2010
Local Government Act 1995

Financial Considerations

Council approved \$20,000 as part of the 2024/25 budget for the implementation of the DAIP once adopted, with future year's budget allocations being considered as part of the Town's annual budget process.

A DAIP implementation plan will be prepared to guide expenditure of the approved 24/25 budget and timeline as well as future budget deliberations.

Risk Management Implications

Compliance

Low

The current DAIP lapsed in June 2024 and the Disability Services Act 1993 advises that 'A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the *Local Government Act 1995* a report about the implementation of the Plan.

The Town has maintained communication with the Department of Communities (State Disability Strategy) regarding the transition of Plans, with an extension approval being provided whilst the Town conducted a public comment period, Department consultation and ultimate Council adoption.

Whilst the risk implications are low, it is timely for the Final Draft DAIP 2024-2028 to be adopted by Council to lessen the risk of non-compliance.

A revocation of Council Policy *Disability Access and Inclusion* will also ensure further streamlining of Council Policies that are no longer required or covered by other statutory obligations.

Environment

Low

Financial Risk

Low as funding is available in the operational budget and future budget implications will be managed through the annual budget process

Reputational

Low as substantial community engagement has been undertaken and actions in the plan are in alignment with the Council plan and other strategic informing documents, including the Public Health Plan

Declaration of Conflicts of Interest

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

Officer Recommendation 1 – Item 12.5

That Council:

- Receive the public feedback summary from the public comment period regarding the Draft Disability Access and Inclusion Plan 2024-2028;
- Adopt the Disability Access and Inclusion Plan 2024-2028 as attached; and
- Request the CEO to prepare a DAIP implementation plan budget and timeline for current and future budgets.

Voting requirements: Simple Majority

Officer Recommendation 2 – Item 12.5

That Council revoke Council Policy *Disability Access and Inclusion*.

Voting requirements: Absolute Majority

12.6 Accounts Paid - October 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	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. List of Payments 01-31 October 2024 [12.6.1 - 20 pages]

Purpose

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

Communication and Engagement

Nil

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Payments made during October 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 Manual and allocated budgets.

Risk Management Implications

Financial Risk
Low

The Town has adequate controls in place to mitigate external and internal risks in accounts payable. As an extra measure, the Town uses EftSure to independently check bank account details of suppliers paid by the Town.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.6

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

Voting requirements: Simple Majority

12.7 Monthly Financial Report - October 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Monthly Financial Statements October 2024 [12.7.1 - 10 pages]

Purpose

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

Background

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

The Statement of Financial Activity compares 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 original budget, which was adopted by Council on 26 June 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 2024/25 Annual Budget.

Proposal

For Council to receive the Monthly Financial Report for October 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 2024/25 Annual Budget and actual income and expenditure amounts for October 2024.

The opening surplus provided in the draft Statement of Financial Activity is unaudited and subject to change for 2023/24 year-end entries arising from potential audit adjustments 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 October 2024 year-to-date figures.

Item	Current Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$M	\$M	\$M	\$M	%
Revenue (including General Rates)	25.2	20	20.4	0.4	2
Expenditure	27.8	8.7	8.6	0.08	1
Capital Works	8.1	1.2	0.67	0.3	30
Non-Operating Grants, Subsidies and Contributions	4.0	0.5	0.5	0.01	2

Operating Revenue

Total Revenue is over budget by \$320k, primarily due to:

- Dividend received from EMRC in October of \$278k. The income will be incorporated into the budget during the Mid-Term Review as a budget adjustment.

Operating Expenditure

Total expenditure is under budget by \$63k. The significant variances within the individual categories are as follows:

- Employment Costs are under budget by \$30k, considered a timing issue; and

- Materials and Contracts are under budget by \$77k, due to the timing of maintenance of infrastructure assets.

Non-Operating Grants

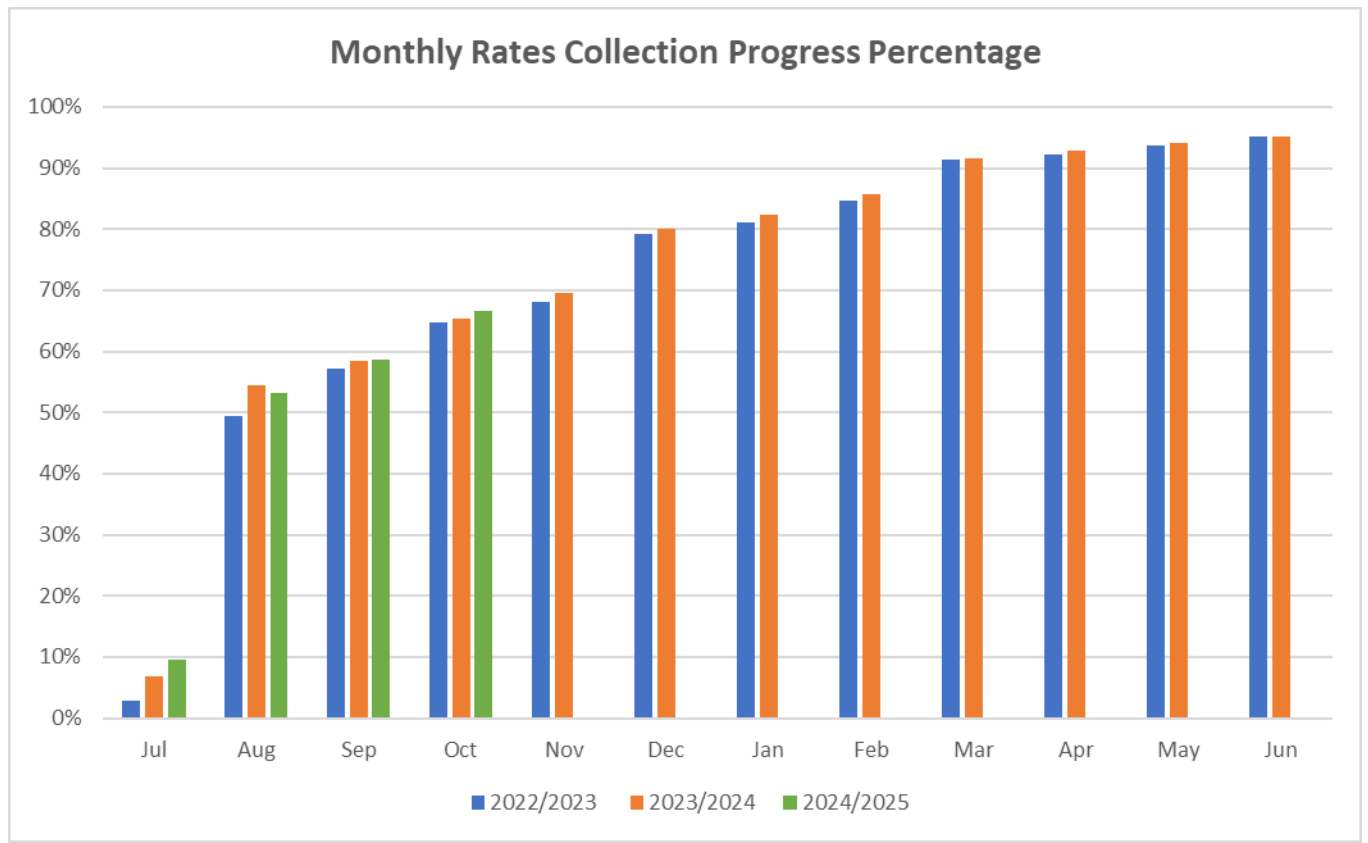
Revenue from non-operating grants is consistent with budget.

Capital Works

While capital works are under budget, this is considered a timing issue with purchase orders having been raised but works remaining in progress.

Rates Collection Report

The chart below shows collection at 67% as of 31 October 2024.



Monthly Investment Report

The overall balance of the Town’s investments is \$25m. This is comprised of municipal investments of \$14m and reserve investments of \$11m.

The administration uses *Marketforces.org.au* to assist in assessing whether financial institutions invest funds in fossil fuel-related industries. The Town currently has 93% 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.

Officer Recommendation 1 – Item 12.7

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 31 October 2024, which incorporates the Statement of Financial Activity for the period to October 2024.

Voting requirements: Simple Majority

12.8 Development Assessment Panel Application - Proposed Child Care Premises - 94 West Road, Bassendean	
Property Address	94 West Road, Bassendean
Landowner/Applicant	Briscola PTY LTD
File Reference	DABC/BDVAPPS/2024-066
Directorate	Community and Place
Responsible Officer	Manager Planning and Regulation
Previous Reports	N/A
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	<ol style="list-style-type: none"> 1. Responsible Authority Report [12.8.1] 2. Location Plan [12.8.2] 3. Development Plans [12.8.3] 4. Schedule of Submissions [12.8.4] 5. Submission of adjoining owner [12.8.5] 6. Design Review Minutes [12.8.6] 7. Town Planning Statement [12.8.7] 8. Operational Management Plan [12.8.8] 9. Transport Impact Statement and Addendums [12.8.9] 10. Acoustic Assessment [12.8.10] 11. Independent Review of Transport Impact Statement [12.8.11] 12. Environmentally Sustainable Design Report [12.8.13] 13. Arboricultural Report [12.8.13]

Purpose

The purpose of this report is for Council, as the Responsible Authority, to provide its recommendation to the Metro Inner Development Assessment Panel (DAP) as to how the application for a Child Care Premises at Lot 85 (No. 94) West Road, Bassendean should be determined.

Council may resolve to either endorse or not endorse the Officer’s recommendation provided in the attached Responsible Authority Report (RAR).

If Council's recommendation differs to the officer recommendation, Council is required to provide reasons for its alternative recommendation as the Responsible Authority.

Details

Refer to the attached Responsible Authority Report.

Council is advised the matter has been tentatively scheduled for the Metro Inner DAP agenda on the 2 December 2024, this will be confirmed after the lodgement of the RAR to the DAP.

Once confirmed the Town is required to advise each person who made a written submission during the public notification of the development application details of that meeting.

An applicant or an interested person may request to make a deputation to a DAP meeting. The Presiding Member will consider these requests and may invite those people to make a deputation or submission to the meeting.

Strategic Implications

Performance Area 3: Place

5.1 Responsible planning and development, with population growth concentrated around the town centre, train stations and transport corridors.

Statutory Requirements

Pursuant to cl.12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the Responsible Authority is to provide the Metro Inner Development Assessment Panel with a report which must include a recommendation as to how the application should be determined.

Financial Considerations

N/A

Risk Management Implications

Compliance

Low

Environmental

Low

Financial Risk

Low

Reputational

High due to the level of community interest.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.8

That Council:

1. Resolve to endorse the Officer's Recommendation as that of the Responsible Authority; and
2. Recommend the Metro Inner Development Assessment Panel approve the application subject to conditions.

Voting requirements: Simple Majority

13 Motions of which Previous Notice has been given

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

16 Confidential Business

Officer Recommendation

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

16.1 Membership of the East Metropolitan Regional Council

Reason for this Item to be discussed behind closed doors:

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

16.2 Customer Service Centre Operating Hours

Reason for this Item to be discussed behind closed doors:

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23(a) of the Local Government Act as the officer report discusses a matter affecting an employee or employees.

16.3 RFT 08/2024 - Lease of 128 Ivanhoe St - Child Care Centre

Reason for this Item to be discussed behind closed doors:

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

17 Closure

The next Ordinary Council meeting will be held on Tuesday 17 December 2024 commencing at 6pm.