



TOWN OF
Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 13 December 2022, 6:04pm

in the Council Chamber,

Administration Building

48 Old Perth Road, Bassendean WA 6054

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

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2 Announcements by The Presiding Person Without Discussion

The Presiding Member announced that this is the final Ordinary Council Meeting for two staff members who will be leaving the organisation and expressed thanks to Amy Holmes, Minute Secretary and Elizabeth Kania, Manager Governance & Strategy.

3 Attendances, Apologies and Applications for Leave of Absence

Under regulation 14C(2)(b) of the Local Government (Administration) Regulations 1996, Cr Hamilton authorised Cr Poliwka to attend the Ordinary Council Meeting dated 13 December 2022 by electronic means.

Present

Councillors

Cr Kathryn Hamilton, Mayor
Cr Renee McLennan, Deputy Mayor
Cr Hilary MacWilliam
Cr Emily Wilding
Cr Jennie Carter
Cr Paul Poliwka
Cr Tallan Ames

Officers

Mr Luke Gibson, Acting Chief Executive Officer
Ms Donna Shaw, Acting Director Community Planning
Mr Paul White, Director Corporate Services
Mr Phil Adams, Executive Manager Infrastructure
Ms Nicole Davey, Executive Manager Sustainability & Environment
Ms Elizabeth Kania, Manager Governance & Strategy
Mrs Amy Holmes, Minute Secretary

Public

Approximately six members of the public were in attendance.

4 Declarations of Interest

Cr Poliwka declared an Impartiality Interest for Item 12.2 as he has had discussions with the property owner regarding the sale of the property, however he has no desire to acquire the property.

5 Presentations or Deputations

Mr Stan Karasinski addressed the Council on Item 12.3 – Community Transport Services, suggesting that the Bassendean 55plus group would be interested in a running a community transport service in the event that Council permanently ceased the service.

6 Statements by Members of the Public on Agenda Items

Mr Ashley Hams, 14 Carradale Glen, Hillarys

Mr Hams provided the following in writing and provided a verbal statement at the meeting:

“Regarding the Proposed Demolition of buildings at 168 West Road I, as executor of the estate, wish to present to Council a summary of action having respect for the wishes of the deceased.

- 1. The estate has 53 beneficiaries and no Hams descendent to retain and maintain the property.*
- 2. The deceased planned for demolition and distribution of its value.*
- 3. The now derelict rose garden is not being maintained as the house remains vacant.*
- 4. There was no contact from Council during 2022 when the heritage listing was reviewed. The application for demolition was in progress at that time. Application to have the house deregistered would have been made at that time.*
- 5. Inspections by prospective purchasers have not resulted in a sale due to renovation requirements or the option to purchase then demolish to create a vacant lot not being allowable. It is not accepted an appeal to the State Administrative Tribunal, with the associated costs, would change Council's decision.*
- 6. This property will continue to sit idle now as only the land value can meet the requirements of the Will and any reduction in that amount based on a lower selling value to allow for any renovation would be detrimental to the estate.*
- 7. As evidenced in the Heritage Assessment, the current location and condition of Hams Homestead cannot effectively serve the Town of Bassendean in terms of retaining the place as a heritage asset to the Town, insitu.*

8. *As Executor, in the interests of the 53 beneficiaries, I request Council reconsider the heritage listing and again consider this item at the next Council meeting when a two month extra exposure to the market will have expired."*

Mrs Anne Brinkworth, 19 Ida Street, Bassendean

The issue with community transport has upset many people. Requested that Council take everything into consideration when making a decision.

7 Questions from Members of the Public

Ms Andrea Haworth-Booth, 9 Elsfield Way, Bassendean

(Received in writing)

Could the Council please advise what the residents of Elsfield Way and other streets that already have underground power will get in return for the \$2,000 per household they will be required to pay?

Town officers advised that these questions are answered in the Council report and attachment 12.9.6.

Has the Council explored the legality of charging residents for a service that has already been paid for and installed (underground power)?

Town officers advised that Council may impose a service charge in accordance with section 6.32 of the *Local Government Act 1995*.

Ms Stephanie Hammersley, 75 Broadway, Bassendean

Will the results of the public survey on the proposed underground power project with Western Power be available to the public, and if so, where and when. Will they be posted online?

Town officers advised that the information is contained in the Council report and attachment 12.9.6. The report includes high level analysis of responses and a summary of the main themes from the survey, with officer responses.

When will the TOB be providing their decision regarding the proposed underground power project?

Town officers advised that if and when the Town enters into a Memorandum of Understanding (MOU) with once Western Power, Western Power will conduct detailed design and will present the Town a co-founding funding agreement. This will feed into the Town's budget process for 2024/2025.

Should the TOB go ahead with the contract for the underground power project, and I have no formal written contract with the TOB for the funding of this project, am I under any legal "contract" to pay the proposed 'service fee' that will be charged of me as a resident?

Should Council endorse the project and ultimately levy a service charge in accordance with the requirements of the *Local Government Act 1995* to recover the cost of the project from property owners, the service charge will become a debt due to the Town should it remain unpaid after the relevant due date(s), and may be recovered in accordance with the Town's Local Government Act to impose a service charge as part of its budget process.

I understand that, following two unsuccessful referendums of the people of Australia, that local governments have not been recognised under the constitution. A letter from Robert McLelland, Attorney General, in 2010, states "The constitution does not currently recognise local government. Any change to the constitution to recognise local government would need to be approved by voters at a referendum." As the constitution is the highest law in the land and overrides any lower laws and 'Acts', doesn't this mean that 'local governments' have no legal standing. As such, it would be assumed that residents are not legally required to pay rates, let alone fund a contract which their 'local government' enters into with another corporation.

Town officers responded that every State has its own constitution. Part V of the Federal Constitution recognises the constitution of the State and the laws of the States (clause 106). The Federal Constitution therefore recognises and defers to a State government to make laws pertaining to local government, which, in the case of Western Australia, is the *Local Government Act 1995*. Under that Act, the Town has the ability to put rates and service charges against property.

Mr Bill Busby, 52 Haig Street, Ashfield

The Ashfield Reserve irrigation needs attention and there is risk of fire from cigarettes, when will the irrigation be repaired?

Town officers advised that the bore has failed at this reserve and the Town is working on a solution, both short term and long term. A short-term solution is being finalised and is hoped to be in place in January 2023.

Mrs Anne Brinkworth, 19 Ida Street, Bassendean

Where has the \$30,000 funds been spent on weed control, Guildford Road is a disgrace?

The Mayor commented that Guildford Road comes under the jurisdiction of Main Roads. Town officers have requested a schedule for treatment of weeds on Guildford Road and are following this up. The Town is halfway through its weeding programme on other roads in the Town, with the majority to be finished by Friday.

Where is the \$9,000 spent on trees for the Power to the People project going?

Town officers advised that the trees are currently located at the Town's Operations Centre. There are no specific locations planned as yet. Planting will be undertaken in late April/May.

Ms Stephanie Hammersley, 75 Broadway, Bassendean

The Town's website is not very clear about how residents can address the Council through deputations, public question time etc. The only process available to the public to address Council with their concerns is through public question time. The website needs reviewing to give a better explanation.

The Mayor responded that Councillors are always available for discussions with residents and advised that Town officers will take these comments on board.

8 Petitions

Nil

9 Confirmation of Minutes

9.1	Confirmation of Minutes - Special Council Minutes of 29 November 2022
Attachments	1. Special Council Minutes 29 November 2022 [9.1.1 - 4 pages]

Council Resolution/Officer Recommendation – Item 9.1 OCM 1/12/22

MOVED Cr Carter, Seconded Cr Wilding, that the minutes of the Special Council Meeting held on 29 November 2022, be received and confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

9.2 Confirmation of Minutes - Ordinary Council Minutes of 29 November 2022

Attachments:	1. Ordinary Council Minutes 22 November 2022 [9.2.1 - 21 pages]
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Council Resolution/Officer Recommendation – Item 9.2 **OCM 2/12/22**

MOVED Cr McLennan, Seconded Cr Ames, that the minutes of the Ordinary Council Meeting held on 29 November 2022, be received and be confirmed as a true record.
CARRIED UNANIMOUSLY 7/0

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates

Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

The purpose of this report was for Council to note that no minutes from external Committees and organisations have been received.

Council Resolution/Officer Recommendation – Item 11.1 **OCM 3/12/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council notes that no documents from external Committees have been received within the reporting period.

CARRIED UNANIMOUSLY 7/0

12 Officer Reports

It was agreed that items 12.2, 12.3, 12.5, 12.9, 12.11 & 12.13 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation Item 12.1

OCM 4/12/22

MOVED Cr MacWilliam, Seconded Cr Wilding, that Council adopts en bloc the following Officer Recommendations contained in the Ordinary Council Meeting Agenda:

Item	Report
12.4	Application to keep three dogs - Lot 203 (No. 57) North Road, Bassendean
12.15	Accounts Paid - 30 November 2022
12.16	Monthly Financial Report – November 2022
12.17	Use of Common Seal
12.18	Calendar January to February 2023

CARRIED UNANIMOUSLY 7/0

Council was then requested to consider the balance of the Officer Recommendations independently.

Item	Report
12.2	Proposed Demolition - 168 (Lot 329) West Road and 145 (Lot 308) Whitfield Street, Bassendean
12.3	Community Transport Services
12.5	Potential sale of 11 (Lot 67) Hamilton Street, Bassendean
12.6	Rescission of previous Council Resolution - Bindaring Park Wetland Plan
12.7	Review of Council Policies: Waste
12.8	Youth Engagement Project
12.9	Proposed Targeted Underground Power Program for Bassendean
12.10	RFT 02/2022 Provision of Tree Pruning Services
12.11	Review of Strategic Community Plan
12.12	Review of Delegations Register
12.13	Arts, Culture and Events Committee Meeting of 29 November 2022
12.14	Audit and Governance Committee Meeting of 30 November 2022

12.2 Proposed Demolition - 168 (Lot 329) West Road and 145 (Lot 308) Whitfield Street, Bassendean	
Property Address	168 (Lot 329) West Road and 145 (Lot 308) Whitfield Street, Bassendean
Landowner/Applicant	Margaret Joan Hams – The Estate Of/ Ashley Hams
File Reference	2022-067
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.
Attachments	<ol style="list-style-type: none"> 1. Applicants Initial Cover letter - Pre Heritage Assessment [12.2.1 - 2 pages] 2. Applicants Revised Cover Letter [12.2.2 - 1 page] 3. Heritage Assessment - Patrick Irwin Architects [12.2.3 - 22 pages] 4. Letter from Patrick Irwin Architects [12.2.4 - 1 page]

Purpose

The purpose of this report was for Council to consider an application for development approval for the demolition of the heritage listed place at 168 (Lot 329) West Road and 145 (Lot 308) Whitfield Street, Bassendean. The landowner has requested Council determine the application.

Council Resolution/Officer Recommendation – Item 12.2 **OCM 5/12/22**

MOVED Cr Carter, Seconded Cr McLennan, that Council refuses the application for development approval for demolition of the dwelling and gardens at 168 (Lot 329) West Road and 145 (Lot 308) Whitfield Street, Bassendean, for the following reasons:

1. The proposal fails to conserve a place that offers considerable built heritage value and demolition will adversely impact the cultural significance of the local area;

2. The proposal does not meet the objectives contained within Clause 3 of Local Planning Policy No. 4 – Heritage and Character, as it does not result in the conservation and protection of a heritage listed place; and
3. The proposal does not comply with the criteria contained within Clause 7.8(b) of Local Planning Policy No. 4 – Heritage and Character by virtue of it:
 - (i) resulting in a loss of community benefit; and
 - (ii) failing to demonstrate that it is not feasible to restore and/or adapt the heritage place and/or incorporate the place into a new development.

CARRIED 5/2

Crs Carter, McLennan, Hamilton, MacWilliam and Wilding voted in favour of the motion. Crs Poliwka and Ames voted against the motion.

12.3 Community Transport Services	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COMS/REPRTNG/3
Department	Community Planning
Previous Reports	22 November 2022
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report was for Council to consider the future of the Community Transport Service.

Officer Recommendation – Item 12.3

That Council:

1. Notes that the Community Transport Service will be suspended on 23 December 2022;
2. Confirms that it does not intend to fund the recommencement of the Community Transport Service; and

- Notes that the Town will assist in transitional arrangements for clients and volunteers seeking alternative transport support or volunteering opportunities, respectively.

Cr Hamilton moved the officer recommendation with an amendment and an additional point, as shown in bold.

Council Resolution – Item 12.3
OCM 6/12/22

MOVED Cr Hamilton, Seconded Cr McLennan, that Council:

- Notes that the Town community transport service will be **discontinued** on 23 December 2022; and
- Requests the CEO engage with the committee of the 55 plus volunteers to investigate the potential for the organisation to establish a community transport service.**

CARRIED UNANIMOUSLY 7/0

Reason:

There is potential for the 55 plus volunteers to run the community transport service.

12.4 Application to keep three dogs - Lot 203 (No. 57) North Road, Bassendean	
Property Address	Lot 203 (No. 57) North Road, Bassendean
Landowner/Applicant	Murray Woodcock and Caroline Langham
File Reference	LAW/REGSTN/1
Department	Community Planning
Previous Reports	Nil
Authority/Discretion	Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.
Attachments	1. CONFIDENTIAL - Third Dog App - 57 North Road [12.4.1 - 3 pages]

Purpose

The purpose of this report was for Council to consider an application to keep three dogs at Lot 203 (No. 57) North Road, Bassendean. The matter requires determination by Council as is outside delegation provided to staff.

Council Resolution/Officer Recommendation – Item 12.4 **OCM 7/12/22**

MOVED Cr MacWilliam, Seconded Cr Wilding, that Council grants an exemption to keep three dogs at Lot 203 (No. 57) North Road, Bassendean, subject to the following conditions:

1. The approval is only valid for the identified dogs in the application;
2. The dogs remain registered at all times and do not contravene the *Dog Act 1976* or *Dogs Local Law 2019*; and
3. The approval may be revoked if the Town receives proven complaints regarding any of the dogs.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION 7/0

It was agreed that Item 12.5 be considered later in the meeting under Confidential Business.

12.6	Rescission of previous Council Resolution - Bindaring Park Wetland Plan
Property Address	Address here
Landowner/Applicant	Owner/s here
File Reference	GOVN/CCLMEET/33
Department	Office of the CEO
Previous Reports	28 May 2019
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Bindaring Wetland Concept - Sheet 1 REV E [12.6.1 - 1 page]

Purpose

The purpose of this report was for Council to consider the rescission of a previous resolution relating to the Bindaring Park Wetland Concept Plan.

Council Resolution/Officer Recommendation – Item 12.6
OCM 8/12/22

MOVED Cr McLennan, Seconded Cr Ames, that Council:

1. Rescinds paragraphs 3 and 4 of Council Resolution OCM – 7/05/19, which reads:

“That Council:

3. *Supports the amended Option 1 Bindaring Park Wetland Concept Plan to be advertised for public comment; and*
 4. *Notes that a further report will be provided on the outcomes of the community consultation feedback received.”*
2. Notes that a future Bindaring Park Masterplan project will be considered as part of the future Long Term Financial Plan and associated Corporate Business Plans.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.7 Review of Council Policies: Waste	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	WSTMNGT/SVPROVN/3
Author	Manager Recycling and Waste
Department	Sustainability and Environment, Sustainability and Environment
Previous Reports	28 July 2020 (Compassionate Waste Services Guidelines) 25 March 2014
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Draft Waste Services Policy [12.7.1 - 2 pages] 2. Waste Services Management Practice [12.7.2 - 9 pages] 3. Placement Of Roadside Litter Bins Policy [12.7.3 - 2 pages] 4. Bulk Rubbish Greenwaste Pick Up Collections Publicity Policy [12.7.4 - 1 page] 5. Bulk Rubbish And Greenwaste Pruning Pick Up Service Policy [12.7.5 - 1 page]

Purpose

The purpose of this report was for Council to consider revocation of the following Council Policies:

- 2.12 Bulk Rubbish, Greenwaste Pick Up Collections Publicity Policy;
- 2.13 Bulk Rubbish and Greenwaste Pruning Pick Up Service Policy; and
- 2.14 Placement of Roadside Litter Bins Policy.

And to consider a replacement Waste Services Policy.

Council Resolution/Officer Recommendation – Item 12.7
OCM 9/12/22

MOVED Cr McLennan, Seconded Cr Ames, that Council, Pursuant to the Local Government Act 1995:

1. Revokes the following Council Policies:
 - 2.12 Bulk Rubbish, Greenwaste Pick Up Collections Publicity Policy;
 - 2.13 Bulk Rubbish and Greenwaste Pruning Pick Up Service Policy;
 - 2.14 Placement of Roadside Litter Bins Policy; and

2. Endorses the Waste Services Policy as attached to this report.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.8 Youth Engagement Project	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CLLMEET/1
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report was for Council to consider a youth engagement project in Ashfield.

Officer Recommendation – Item 12.8

That Council advises of its decision in relation to the youth engagement project.

Council Resolution – Item 12.8

OCM 10/12/22

MOVED Cr Wilding, Seconded Cr MacWilliam, that Council requests the CEO:

1. Engage the Stephen Michael Foundation to undertake the youth engagement project in Ashfield;
2. Implement, where possible, the involvement of local sporting groups in the delivery of the youth engagement project;
3. Investigate the viability of utilising external grant funding to supplement existing municipal funds and expand upon the program.

CARRIED UNANIMOUSLY 7/0

Reasons:

Alongside the programs offered by the Stephen Michael Foundation, this project has the potential to strengthen connections between young people, their local government and other groups within the community. The involvement of local sporting groups in the delivery of this targeted project, is intended to upskill local sporting clubs to better engage with young people from disadvantaged or at-risk backgrounds, creating a sustainable pathway for continued engagement with these young people at the conclusion of the funded program. State Government grants, such as the WA Youth Engagement Grants Program, could be utilised to further this purpose.

12.9 Proposed Targeted Underground Power Program for Bassendean	
Property Address	Address here
Landowner/Applicant	Owner/s here
File Reference	ESAT/CONCTN/2
Department	Corporate Services, Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Draft MOU - Eden Hill [12.9.1 - 7 pages]

	<ol style="list-style-type: none"> 2. Proposed Underground Power Boundary Map [12.9.2 - 1 page] 3. Underground Power - Letter [12.9.3 - 2 pages] 4. Flyer - Underground Power [12.9.4 - 3 pages] 5. Community Survey [12.9.5 - 5 pages] 6. TUPP Survey Responses with Officer Comments [12.9.6 - 29 pages]
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Purpose

The purpose of this report was for Council to consider entering into a Memorandum of Understanding (MOU) with Western Power for a Targeted Underground Power Program (TUPP) in the suburbs of Bassendean and Eden Hill.

Cr Carter left the meeting at 7.47pm and returned at 7.49pm

Council Resolution/Officer Recommendation – Item 12.9 **OCM 11/12/22**

MOVED Cr McLennan, Seconded Cr Ames, that Council authorises the CEO to enter into a MOU with Western Power attached to this report for proposed TUPP project 271 in the suburbs of Bassendean and Eden Hill.

CARRIED UNANIMOUSLY 7/0

12.6 RFT 02/2022 Provision of Tree Pruning Services	
Property Address	NA
Landowner/Applicant	NA
File Reference	PARE/TENDNG/78
Author	Coordinator, Procurement, Contracts and Leases
Department	Corporates Services
Previous Reports	NA
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL - RFT 02 2022 TENDER EVALUATION REPORT (Confidential) [12.10.1 - 11 pages]

Purpose

The purpose of this report was to present to Council a summary of tenders received for RFT 02/2022 Provision of Tree Pruning Services for the Town of Bassendean and recommend appointment of a contractor considered to provide the best value for money to the Town.

Council Resolution/Officer Recommendation – Item 12.6 **OCM 12/12/22**

MOVED Cr Ames, Seconded Cr Wilding, that Council accepts the offer submitted by Radiant Nominees Pty Ltd trading as Trees Need Tree Surgeons to provide the Tree Pruning Services for the Town of Bassendean as specified in RFT 02/2022 for a period of three (3) years at the submitted schedule of rates.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.11 Review of Strategic Community Plan	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	TBA
Department	Office of the CEO
Previous Reports	26 May 2020 27 July 2020
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Existing SCP [12.11.1 - 13 pages] 2. Draft amended SCP [12.11.2 - 19 pages]

Purpose

The purpose of this report was for Council to consider the review of the Strategic Community Plan (SCP) and determine with the draft amended document is suitable for advertising.

Officer Recommendation – Item 12.11

That Council:

1. Endorses the draft amended Strategic Community Plan for the purposes of public consultation; and
2. Notes that the draft amended Strategic Community Plan will be advertised for a period of at least two months, before being presented to Council for determination in the first quarter of 2023.

Council Resolution – Item 12.11

OCM 13/12/22

MOVED Cr Hamilton, Seconded Cr Carter, that this Item be deferred to allow for further consideration at a Council workshop.

CARRIED 6/1

Crs Hamilton, Carter, MacWilliam, Wilding, Poliwka and Ames voted in favour of the motion. Cr McLennan voted against the motion.

12.12 Review of Delegations Register	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOV/CCLMEET/06
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Delegations Register - July 2022 [12.12.1 - 155 pages]

Purpose

The purpose of this report was for Council to review the delegations contained in the Delegations Register.

Council Resolution/Officer Recommendation – Item 12.12
OCM 14/12/22

MOVED Cr Ames, Seconded Cr McLennan, that Council:

1. In accordance with Section 5.46(2) of the *Local Government Act 1995*, reviews its delegations to the Audit and Governance Committee, Complaints Committee, and to the Chief Executive Officer;
2. In accordance with Section 5.42(1) of the *Local Government Act 1995*, adopts the amended delegations of authority to the Chief Executive Officer as provided in the attachment to this report; and
3. Requests the CEO to bring the Delegations Register to a Council workshop in February or March 2023 to review the broader financial management delegations.

CARRIED BY AN ABSOLUTE MAJORITY 4/3

Crs Ames, McLennan, MacWilliam and Wilding voted in favour of the motion. Crs Hamilton, Carter and Poliwka voted against the motion.

12.13 Arts, Culture and Events Committee Meeting of 29 November 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/.41
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Arts Culture and Events Committee Minutes 29 November 2022 [12.13.1 - 15 pages]

Purpose

The purpose of this report was for Council to receive the minutes of the meeting of the Arts, Culture and Events (ACE) Committee held on 29 November 2022.

Officer Recommendation – Item 12.13

That Council:

1. Receives the minutes of the meeting of the Arts, Culture and Events (ACE) Committee held on 29 November 2022;
2. Notes that the Town will deliver local, neighbourhood and district scale events for the remainder of the 2022/23 financial year;
3. Notes that the Town will undertake an evaluation of art works, to guide potential future disposal of artworks consistent with Council Policy 4.2 - Art Acquisition, Management and Decommissioning;
4. Adopts the draft Arts, Culture and Events Strategy for the purposes of advertising, subject to the inclusion of (i) an event for Pride Week in November 2023 and (ii) collaboration with Swan Districts Football Club for a NAIDOC event in July 2023;
5. Notes that the Town will continue to work with the artist and Bassendean Primary School on a Community Cultural Engagement Project;
6. Notes that the balance of funds (\$18,640) from the Community Cultural Engagement Project will be recommitted to the community events, activations and cultural activities budget, as part of the upcoming mid-year budget review; and
7. Notes the Town will continue to deliver a neighbourhood level event for residents to recognise Australia Day.

Cr McLennan moved the officer recommendation with an amendment to Point 7. Mayor Hamilton proposed a further amendment (the addition of a Point 8, as shown in bold) which was accepted by the mover.

Council Resolution – Item 12.13 **OCM 15/12/22**

MOVED Cr McLennan, Seconded Cr Hamilton, that Council:

1. Receives the minutes of the meeting of the Arts, Culture and Events (ACE) Committee held on 29 November 2022;
2. Notes that the Town will deliver local, neighbourhood and district scale events for the remainder of the 2022/23 financial year;
3. Notes that the Town will undertake an evaluation of art works, to guide potential future disposal of artworks consistent with Council Policy 4.2 - Art Acquisition, Management and Decommissioning;

4. Adopts the draft Arts, Culture and Events Strategy for the purposes of advertising, subject to the inclusion of (i) an event for Pride Week in November 2023 and (ii) collaboration with Swan Districts Football Club for a NAIDOC event in July 2023;
5. Notes that the Town will continue to work with the artist and Bassendean Primary School on a Community Cultural Engagement Project;
6. Notes that the balance of funds (\$18,640) from the Community Cultural Engagement Project will be recommitted to the community events, activations and cultural activities budget, as part of the upcoming mid-year budget review;
7. Notes the Town will continue to deliver a neighbourhood level event for residents **in conjunction with the annual citizenship ceremony to be held on 26 January 2023; and**
8. **Requests that staff provide a report to the next Arts, Culture and Events meeting on the suitability of the vacant demountable located at the tennis courts to be offered via an EOI process for revolving half yearly Artist Residency Programs.**

CARRIED 6/1

Crs McLennan, Hamilton, MacWilliam, Wilding, Carter and Ames voted in favour of the motion. Cr Poliwka voted against the motion.

Reasons:

Part 7 – Cr McLennan – to reflect the fact that there are sensitivities regarding Australia Day.

Part 8 – Mayor Hamilton – on the basis that it was discussed at the ACE Committee meeting.

12.14 Audit and Governance Committee Meeting of 30 November 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/18
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Audit and Governance Committee Minutes of 30 November 2022 [12.14.1 - 25 pages] 2. Audit and Governance Committee Minutes 7 September 2022 [12.14.2 - 11 pages] 3. Investment Policy [12.14.3 - 7 pages]

	<ol style="list-style-type: none"> 4. Draft Amended Investment Policy - Nov 2022 - Tracked Changes [12.14.4 - 8 pages] 5. Draft Investment Policy 2022 [12.14.5 - 3 pages] 6. CONFIDENTIAL - Audit Risk Register [12.14.6 - 6 pages] 7. OAG Audit Committee Chair October 2022 Summary [12.14.7 - 2 pages] 8. OAG Audit Committee Chair October 2022 Caroline Spencer [12.14.8 - 27 pages] 9. OAG Report 20 Fraud Risk Management Better Practice Guide [12.14.9 - 64 pages]
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Purpose

The purpose of this report was for Council to receive the report on the meeting of the Audit and Governance Committee held on 30 November 2022.

Cr Ames left the meeting at 8.42pm and returned at 8.43pm.

Officer Recommendation – Item 12.14

That Council:

1. Confirms the minutes of the Audit and Governance Committee dated 7 September 2022 as a true and correct record;
2. Adopts the draft amended Investment Policy attached to this report, subject to clause 8.1.2 being amended to read as follows:

The interest rate is at least 5% of, and no more than 25 basis points below, the interest rate available for comparable investment options available at the time;
3. Receives the Audit Risk Register and notes the action taken or proposed to address the identified risks;
4. Notes the Auditor General’s presentation and the Fraud Risk Management – Better Practice Guide;
5. Notes the delay in the Town receiving the Audited Annual Financial Statements for 2021/22 and the reason for the delay, and the consequential effect on the timing of the General Meeting of Electors; and
6. Holds an additional meeting of the Audit and Governance Committee, to be held on Tuesday 8 February 2023, commencing at 5.30pm.

Cr McLennan moved the Officer Recommendation with amendments to Point 2 as shown in bold.

Council Resolution – Item 12.14
OCM 16/12/22

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council:

1. Confirms the minutes of the Audit and Governance Committee dated 7 September 2022 as a true and correct record;
2. Adopts the draft amended Investment Policy attached to this report **with the following amendments:**
 - (i) Policy Objective to read: “To ensure the investment of the Town’s funds in a manner that maximises returns, with due consideration of risks, preserving the initial capital investment and ensuring future liquidity, whilst **reflecting** social and environmental **priorities**;
 - (ii) **Increasing the portfolio credit limit specified in clause 5.1 for investment in A-2 rated institutions from 60% to 70%;**
 - (iii) Clause 8.1 to read: “When making investment decisions, the Town will give preference to institutions that do not invest in or finance the fossil fuel industry, **or have stated a commitment to phase out investment in and financing of the fossil fuel industry by 2025, where:**”
 - (iv) Clause 8.1.2 to read: “The interest rate is at least **90%** of, and no more than **50** basis points below, the interest rate available for comparable investment options available at the time;
3. Receives the Audit Risk Register and notes the action taken or proposed to address the identified risks;
4. Notes the Auditor General’s presentation and the Fraud Risk Management – Better Practice Guide;
5. Notes the delay in the Town receiving the Audited Annual Financial Statements for 2021/22 and the reason for the delay, and the consequential effect on the timing of the General Meeting of Electors; and
6. Holds an additional meeting of the Audit and Governance Committee, to be held on Tuesday 8 February 2023, commencing at 5.30pm.

CARRIED BY AN ABSOLUTE MAJORITY 6/1

Crs McLennan, MacWilliam, Hamilton, Wilding, Carter and Ames voted in favour of the motion. Cr Poliwka voted against the motion.

Reasons:

Council supports Option 3 for the proposed interest rate differential and basis points cap for non-fossil fuel lenders as identified in the Officer's Report for Item 9.1 of the Audit & Governance Committee Agenda 30th November 2022, as it most fully reflects the Town's commitment to divestment and local action on climate change.

Expanding the A2 rating portfolio limit to 70% helps to broaden the options with secure institutions that do not finance fossil fuel projects.

12.15 Accounts Paid - 30 November 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. November 2022 Payment Listing [12.15.1 - 15 pages]

Purpose

The purpose of this report was for Council to receive the list of payments for November 2022.

Council Resolution/Officer Recommendation – Item 12.15
OCM 17/12/22

MOVED Cr MacWilliam, Seconded Cr Wilding, that Council receives the list of payments for November 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION 7/0

12.16 Monthly Financial Report – November 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Department	Corporate Services
Previous Reports	N/A

Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Financial Activity Statements as at 30 November 2022 [12.16.1 - 12 pages]

Purpose

The purpose of this report was for Council to receive the Monthly Financial Report for November 2022 which incorporates the Statement of Financial Activity.

Council Resolution/Officer Recommendation – Item 12.16 **OCM 18/12/22**

MOVED Cr MacWilliam, Seconded Cr Wilding, that Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
2. Receives the Monthly Financial Report for the period ending 30 November 2022, which incorporates the Statement of Financial Activity for the period to November 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION 7/0

12.17 Use of Common Seal	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	INFM/INTPROP/1
Department	Office of the CEO
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report was for Council to note the documents affixed with the Common Seal during the reporting period.

Council Resolution/Officer Recommendation – Item 12.17**OCM 19/12/22**

MOVED Cr MacWilliam, Seconded Cr Wilding, that Council notes there were no items requiring affixing of the Common Seal during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION 7/0

12.18 Calendar January to February 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	INFM/INTPROP/1
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

The purpose of this report was for Council to note the calendar for January and February 2023.

Council Resolution/Officer Recommendation – Item 12.18**OCM 20/12/22**

MOVED Cr MacWilliam, Seconded Cr Wilding, that Council note the calendar for January and February 2023.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION 7/0

13 Motions of which Previous Notice has been given

Nil

14 Announcements of Notices of Motion for the next meeting

Nil

15 Urgent Business

Nil

16 Confidential Business

Council Resolution – Item 16.0(a) OCM 21/12/22

MOVED Cr Wilding, Seconded Cr McLennan, that the meeting go behind closed doors, in accordance with Section 5.23 of the Local Government Act 1995, the time being 8.58pm.

CARRIED UNANIMOUSLY 7/0

12.5 11 (Lot 67) Hamilton Street, Bassendean	
Property Address	11 (Lot 67) Hamilton Street, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	N/A
Department	Chief Executive Officer
Previous Reports	26 July 2016 25 July 2017 22 May 2022
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. CONFIDENTIAL - CONFIDENTIAL - Justification (submitted by Casa Mia) [12.5.1 - 8 pages] 2. CONFIDENTIAL - CONFIDENTIAL - Valuation Report 1 (submitted by Casa Mia) [12.5.2 - 40 pages] 3. CONFIDENTIAL - CONFIDENTIAL - Offer to Purchase (submitted by Casa Mia) [12.5.3 - 1 page] 4. CONFIDENTIAL - CONFIDENTIAL - Valuation Report 2 (commissioned by the Town) [12.5.4 - 37 pages] 5. CONFIDENTIAL - CONFIDENTIAL - Valuation Summary [12.5.5 - 1 page]

Purpose

The purpose of this report was for Council to consider a request to sell 11 (Lot 67) Hamilton Street, Bassendean.

Officer Recommendation – Item 12.5

That Council:

1. Declines the submitted proposal for the Town to dispose of 11 (Lot 67) Hamilton Street, Bassendean, to the Casa Mia Montessori School Inc;
2. Advises that it is prepared to accept, in-principle, a proposal for the Town to dispose of 11 (Lot 67) Hamilton Street, Bassendean, to the Casa Mia Montessori School Inc on the basis of a sale price that is the mean average of the two current valuations that apply to the site;
3. In the event that Casa Mia Montessori School Inc accepts the above offer, notes the proposed disposal will be advertised for public comment before being reconsidered by Council; and
4. Notes that staff will progress actions to excise a 360m² portion of BIC Reserve as road reserve to ensure the subject site is provided with legal road frontage.

Cr Carter moved an alternative motion.

Council Resolution – Item 12.5

OCM 22/12/22

MOVED Cr Carter, Seconded Cr McLennan, that Council:

1. **Acknowledges the value of Casa Mia Montessori School Inc to the Town;**
2. Declines the submitted proposal for the Town to dispose of 11 (Lot 67) Hamilton Street, Bassendean, to the Casa Mia Montessori School Inc.;
3. **Provides for the quiet enjoyment of 11 (Lot 67) Hamilton Street, Bassendean by Casa Mia Montessori School Inc. per the terms of the existing lease agreement;**
4. **Requests the CEO to advise the Casa Mia Montessori School Inc. that Council considers it appropriate for 11 (Lot 67) Hamilton Street, Bassendean to be sold via a competitive open market process once the lease has expired or is mutually dissolved by both parties; and**
5. **Offers to reimburse the Casa Mia Montessori School Inc for costs of the valuation dated 7 September 2022.**

CARRIED 6/1

Crs Carter, McLennan, Hamilton, MacWilliam, Wilding and Ames voted in favour of the motion. Cr Poliwka voted against the motion.

Reasons:

A Local government Authority is required to ensure delivery of the highest return on the sale of assets for the overall benefit of ratepayers of the district. It should also be noted that under draft LPS 11 the site in question is zoned District Centre and is subject to a future Precinct Structure Plan that ultimately may deliver far higher rates revenue if developed for housing, than an educational institution that is not required to pay rates to the Town.

The site at 11 Hamilton Street is constrained on all sides, and this significantly restricts future expansion and the financial viability of the school.

This proposal for the sale of 11 Hamilton Street cannot be considered in isolation from the aspirations of the school to eventually excise and purchase from the State Government a portion of the BIC Reserve.

There is inherent risk in this as it also limits potential future recreational uses of the Crown land particularly if the Bowling Club wishes to reinstate a forth green on the site if and when the Bowling Club building is redeveloped and upgraded in the future.

The Resolution of Council from July 2016 recognised the above mentioned facts via the following caveat:

“Council is prepared to consider the sale of 11 Hamilton Street, if the school purchases 16 Whitfield Street, and grants planning approval of the school and allows the ongoing use of the BIC currently used by the school.”

It should be noted that the school passed up an opportunity to make an offer on 16 Whitfield Street for sale some two years ago. The end result is there is no option for the school to expand other than to apply to excise and purchase Crown Land that was originally “To remain as Recreational land in perpetuity for the use and enjoyment of the residents”. This citation is from the Bassendean Road Board in correspondence to the State Government when outlining the conditions under which the BIC land would be transferred to the Crown in the mid 1930’s. As such it would be appropriate, once the Casa Mia Montessori lease concludes, to reinstate the “Recreational” classification of the BIC Reserve that was altered in recent years to “Community Use” to accommodate the leasing of Crown land to the school for a fenced play space.

Council Resolution – Item 16.0(b)
OCM – 23/12/22

MOVED Cr McLennan, Seconded Cr Wilding, that the meeting come from behind closed doors, the time being 9.25pm.

CARRIED UNANIMOUSLY 7/0

17 Closure

The next Briefing Session will be held on Tuesday 14 February 2023 commencing at 6pm. The next Ordinary Council Meeting will be held on 21 February 2023 commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 9.25pm.