



TOWN OF

**Bassendean**

## **AGENDA**

### **Ordinary Meeting of Council**

**Tuesday 28 June 2022 at 6:00 pm**

Notice is hereby given of the Ordinary Council Meeting  
to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

Peta Mabbs

**CHIEF EXECUTIVE OFFICER**

24 June 2022

# 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 Council meeting or any item presented in the agenda, please contact the Town of Bassendean at [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au).

Tune in to live streaming from the comfort of your own home by going to:  
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg/live>  
or if you miss it live, go to:  
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

# Council Seating Plan

Minute Secretary  Amy Holmes	Manager Governance and Strategy  Elizabeth Kania			Director Corporate Services  Paul White	
		Chief Executive Officer  Peta Mabbs	Mayor Cr Kathryn Hamilton E: crhamilton@bassendean.wa.gov.au	Director Community Planning  Luke Gibson	
				Executive Manager Infrastructure  Phillip Adams	
				Executive Manager Sustainability and Environment  Nicole Davey	
Cr Emily Wilding E: cwilding@bassendean.wa.gov.au			Cr Hilary MacWilliam E: crmacwilliam@bassendean.wa.gov.au		
Cr Tallan Ames E: crames@bassendean.wa.gov.au			Cr Renee MacLennan E: crmcclennan@bassendean.wa.gov.au		
Cr Jennie Carter E: crcarter@bassendean.wa.gov.au			Cr Paul Poliwka E: crpoliwka@bassendean.wa.gov.au		

# Council Role

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

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town 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 right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Information	For the Council/Committee to note.

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

### **Acknowledgement of Traditional Owners**

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

## **2 Announcements by The Presiding Person Without Discussion**

## **3 Attendances, Apologies and Applications for Leave of Absence**

### **Apologies**

Paul White, Director Corporate Services

## **4 Declarations of Interest**

## **5 Presentations or Deputations**

## **6 Statements by Members of the Public on Agenda Item**

The public statement session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise on matters contained in the agenda.

Each person is restricted to one statement of up to two minutes unless the Council, by decision, determines that they may speak for no more than a further two minutes.

Statements can be submitted prior to the Council meeting to:  
[www.bassendean.wa.gov.au/forms/public-statement-time/37](http://www.bassendean.wa.gov.au/forms/public-statement-time/37)

*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 unless the Council, by resolution, decides otherwise on matters contained in the agenda.

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

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

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

## 8 Petitions

## 9 Confirmation of Minutes

9.1 Confirmation of Minutes - 24 May 2022	
Attachments	1. Ordinary Council Minutes 24 May 2022 [9.1.1 - 23 pages]

### **Officer Recommendation – Item 9.1(a)**

That the minutes of the Ordinary Council meeting held 24 May 2022, be received.

### **Officer Recommendation – Item 9.1(b)**

That the minutes of the Ordinary Council meeting held on 24 May 2022, be confirmed as a true record.

## 10 Business Deferred from Previous Meeting

Nil



## 11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	Peta Mabbs
Department	CEO'S Office
Previous Reports	N/A
Authority/Discretion	<b>Information</b> For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> <li>1. EMRC OCM Minutes 26 May 2022 [11.1.1 - 156 pages]</li> <li>2. PAMG Ordinary General Meeting Agenda 1 June 2022 [11.1.2 - 10 pages]</li> <li>3. EMRC Audit Committee Minutes 2 June 2022 [11.1.3 - 178 pages]</li> </ol>

### Purpose

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

### Background

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

### Comment

### Officer Recommendation – Item 11.1

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

### Voting requirements: Simple Majority

## 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.

### **Officer Recommendation - Item 12.1**

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

Item	Report
12.2	Proposal to enter into a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch
12.3	Proposed Change of Use - 'Warehouse' to 'Use Not Listed (Veterinary Centre)' - 184 Railway Parade, Bassendean
12.4	Additions and Alterations to existing Tavern (Bassendean Hotel)
12.7	Draft Local Planning Policy - Rights of Way
12.9	Street and Reserve Trees Policy
12.11	Relocation of the Town's Administration Centre
12.12	End of Year Closure
12.14	Accounts Paid 31 May 2022
12.15	Monthly Financial Report – May 2022
12.16	Use of Common Seal
12.17	Calendar June 2022
14.1	Notice of Motion - Cr McLennan: Trees - Lots 17, 19, 21 & 23 Anstey Road, Bassendean
14.2	Notice of Motion - Cr McLennan: Joint Standing Committee Cats Local Law

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

Item	Report
12.5	Proposed Tree Pruning - 6 (Lot 2) Barton Parade, Bassendean
12.6	Disposal of Town-owned land
12.8	Draft Local Planning Strategy
12.10	Fleet and Plant - Four Year Programme and Funding Options
12.13	Audit and Governance Committee Meeting held on 8 June 2022

<b>12.2 Proposal to enter into a lease agreement with the Returned &amp; Services League of Australia WA - Eastern Regional Bassendean Sub-Branch</b>	
<b>Property Address</b>	179 (Lot 41) Guildford Road, Bassendean
<b>Landowner/Applicant</b>	Town of Bassendean
<b>File Reference</b>	N/A
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. Community Leasing Framework [12.2.1 - 14 pages]

## Purpose

The purpose of this report is for Council to consider entering into a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch in relation to 179 (Lot 41) Guildford Road, Bassendean.

## Background

### Site History

In April 2004, Council resolved to enter into a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch in relation to 179 (Lot 41) Guildford Road, Bassendean. The lease was for a 10-year period and was on a peppercorn basis. The formal lease operated from 1 July 2004 to 30 June 2014.

On 23 November 2021, Council resolved to adopt the Town Centre Masterplan, which identifies the subject site as being appropriate for residential development purposes.

On 21 December 2021, Council resolved to adopt the Land Asset Strategy, with regard to the subject site recommends the following:

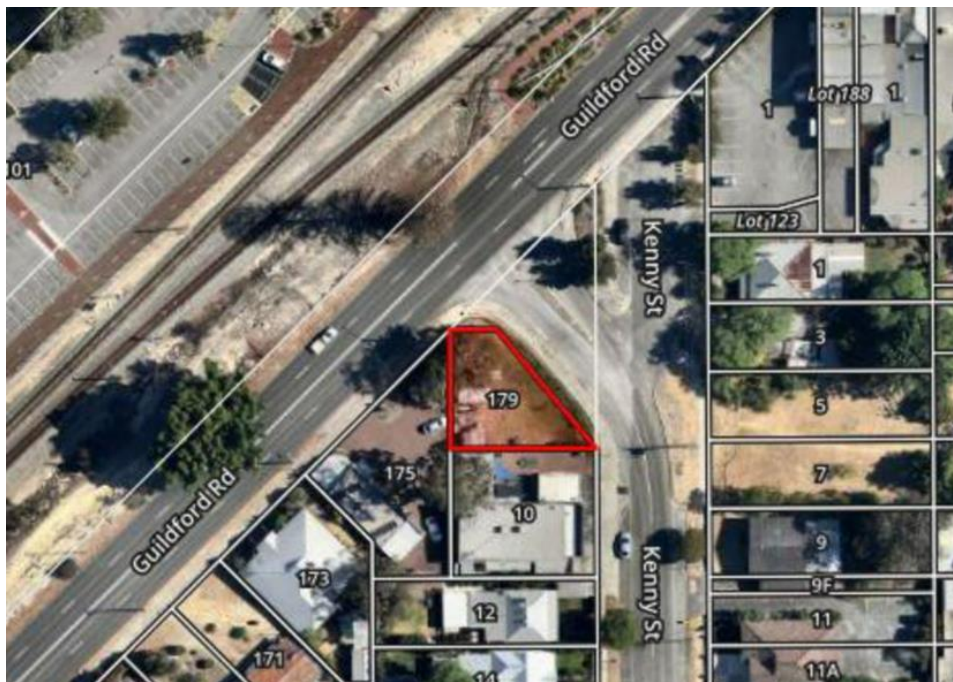
*“The Town seek to formalise a lease arrangement with the RSL for the use of the site for a period not exceeding three years.”*

This report seeks to implement the recommendation of the Strategy.

### Site Description

The subject site is a 371m<sup>2</sup> freehold lot reserved as Parks and Recreation under Local Planning Scheme No. 11. The site is vacant and abuts 10 Kenny Street, which accommodates the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch.

A location plan follows:



### **Proposal**

The Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch wishes to lease the subject site on a peppercorn basis.

### **Communication and Engagement**

The Town has liaised with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch.

### **Strategic Implications**

Priority Area 4: Driving Financial Suitability

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

## **Comment**

### **Community Leasing Framework**

The proposal is consistent with Council's adopted Community Leasing Framework, with the exception of the tenancy; with the RSL seeking a peppercorn arrangement in lieu of 10% of the gross rental value (annual lease premium of \$1,500).

In considering the matter, it is noted that the land is unimproved and is unlikely to be useable for any other purpose at this time.

Whilst it is open to Council to provide a concession to the RSL, it is recommended that Council apply the adopted Framework.

## **Statutory Requirements**

Disposal (including leasing) of Town-owned land must generally occur in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*.

Under the *Local Government (Functions and General) Regulations 1996*, a disposition of land is an exempt disposition if (i) the land is disposed of to an owner of adjoining land (ii) its market value is less than \$5,000 and (iii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.

## **Financial Considerations**

If Council waives the annual lease premium, it will forgo \$4,500 over three years.

## **Risk Management Implications**

There may be some reputational risk associated with Council not granting a financial concession, however, there may also be some reputational risk associated with Council granting a concession, primarily from other community groups that have been required to pay a lease premium.

## **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 agrees to enter a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch in relation to 179 (Lot 41) Guildford Road, Bassendean, on the basis of the following:

- Lease term: three years; and
- Lease premium: \$1,500 per annum.

**Voting requirements: Simple Majority**

<b>12.3 Proposed Change of Use - 'Warehouse' to 'Use Not Listed (Veterinary Centre)' - 184 Railway Parade, Bassendean</b>	
<b>Property Address</b>	Unit 19, 184 (Lot 4) Railway Parade, Bassendean
<b>Landowner/Applicant</b>	Tora Capital Pty Ltd Peter Webb and Associates
<b>File Reference</b>	2022-045
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Quasi-Judicial</b> 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.
<b>Attachments</b>	1. Applicant Submission (including plans) [12.3.1 - 11 pages]

## Purpose

The purpose of this report is for Council to consider an application for development approval for a Use Not Listed (Veterinary Centre) at Unit 19, 184 (Lot 4) Railway Parade, Bassendean.

The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a Use Not Listed under Local Planning Scheme No. 10 (LPS 10).

## Background

On the 6 August 2021, the Town granted development approval for 19 Warehouse Units (Ref: 2021-107) at 184 (Lot 4) Railway Parade, Bassendean, which is currently under construction. This application pertains specifically to Unit 19.

The subject premises has direct access to Railway Parade and is in close proximity to the Ashfield Railway Station. A location plan follows:





## Proposal

The proposal is for a change of use from 'Warehouse' to 'Use Not Listed – Veterinary Centre'. Details of the application follows:

- *The operation of an Animal Dermatology Clinic which will facilitate the specialised treatment of animals (predominantly dogs and cats);*
- *The clinic will operate as a consultancy and day treatment only, with animals not being accommodated overnight;*
- *The proposed hours of operation are between 8:00am and 5:30pm, Monday to Friday (the business is not intended to be open on weekends);*
- *There will be three staff members on site, including one veterinary practitioner and two support staff; and*
- *The business will operate by appointment only.*

## Communication and Engagement

The proposal was advertised for public comment from 28 April 2022 until 26 May 2022 (28 days), by way of a sign on site and letters to landowners and occupiers within 200m of the subject premises.

At the close of the advertising period, no submissions were received.

## Strategic Implications

Priority Area 4: Driving Financial Suitability  
4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## Comment

### Local Planning Scheme No. 10

The subject site is zoned General Industry under LPS 10.

LPS 10 defines a 'Veterinary Centre' as *"premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders."*

Whilst LPS 10 defines the use, the use itself is not listed within the zoning table.

Clause 3.4.2 of LPS 10 states:

*"If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot be reasonably determined as falling within the type, class or genus of activity any other use category the local government may:*

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 67 of the deemed provisions in considering an application for development approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

The objectives of the General Industry Zone, as defined by LPS 10, are summarised as follows:

- To provide for a broad range of industrial uses (excluding noxious or hazardous industry);
- To accommodate a range of manufacturing and associated activities which will not detrimentally affect the amenity of nearby land;
- To achieve safety and efficiency in traffic circulation;
- To provide for appropriate car parking and landscaping;
- To preclude the storage of unsightly goods from public view; and
- To ensure that the development conforms with the Local Planning Strategy and relevant Local Planning Policy.

Whilst the proposed land use activity is not industrial in nature, nor associated with industrial activities, there are aspects of the proposal where the use could be considered consistent with the objectives of the general industry zone, such as:

- The activity will not detrimentally affect the amenity of the adjoining properties or compromise the industrial nature of the activities carried out on site;
- The activities will not involve the storage of unsightly goods;
- Traffic associated with the proposed development will not have an adverse impact on the surrounding road network, traffic safety or traffic circulation; and
- Car parking associated with the site is considered to be acceptable (details with respect to car parking are provided further in this report).

Based on the above, it was considered that the use “may” be consistent (or at least not inconsistent) with the objectives of the zone and was advertised accordingly.

#### Local Planning Policy No. 8 - Car Parking and End of Trip Facilities (LPP 8)

Given the communal nature of the parking on site, the car parking assessment under LPP 8 was undertaken accordingly, as follows:

Use	LPP 8 Requirement	Number of Bays Required
Warehouse (Units 1 – 18)	1 bay per 100m <sup>2</sup> of NLA	40
Veterinary Centre (Unit 19 - Proposed)	4 bays per veterinary practitioner	4 (based on 1 proposed practitioner)
Total Bays Required		44 bays
Total Bays Provided		70 bays (26 bay surplus)

Based on the above, the site will remain compliant with the parking requirements of LPP 8.

#### Conclusion

Whilst the land use is not industrial in nature, it is not considered to compromise the functionality of nearby existing industrial activities, and is compatible with the future surrounding Warehouse units. The proposed development provides for appropriate car parking and does not involve storage of unsightly goods, and can therefore be considered to be broadly consistent with the objectives of the zone. It is therefore recommended that the application be conditionally approved.

#### **Statutory Requirements**

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by:

- granting development approval without conditions; or
- granting development approval with conditions; or
- refusing to grant development approval.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

Should Council refuse the proposal, the applicant may seek to appeal to the State Administrative Tribunal to have the decision reviewed.

## **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 approves the application for development approval for a change of use from 'Warehouse' to a 'Use Not Listed (Veterinary Centre)' at Unit 19, 184 (Lot 4) Railway Parade Bassendean, subject to the following conditions:

1. The Veterinary Centre shall operate in accordance with the cover letter dated 12 April 2022 to the satisfaction of the Town of Bassendean;
2. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees;
3. Car parking bays and areas designated for landscaping shall not be used for the storage display or selling of any goods whatsoever; and
4. No retail or wholesale sales is to be carried out from the premises unless the sales are incidental and ancillary to the approved use of the premises.

## **Voting requirements: Simple Majority**

<b>12.4 Additions and Alterations to existing Tavern (Bassendean Hotel)</b>	
<b>Property Address</b>	17 (Lot 5) Old Perth Road, Bassendean
<b>Landowner/Applicant</b>	Bassendean Hotel Tradings Pty Ltd (Adam Kapinkoff)
<b>File Reference</b>	2022-063
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	OCM 23 March 2021 OCM 27 July 2021
<b>Authority/Discretion</b>	<b>Quasi-Judicial</b> 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.
<b>Attachments</b>	1. Development Plans [12.4.1 - 12 pages] 2. Noise Management Plan - Addendum [12.4.2 - 7 pages] 3. Revised Waste Management Plan [12.4.3 - 6 pages]

## Purpose

The purpose of this report is for the Council to consider an application for development approval for additions and alterations to the existing Tavern (Bassendean Hotel) at 17 (Lot 5) Old Perth Road, Bassendean.

## Background

### Site History

On 13 April 2021, the Metro Inner-North Joint Development Assessment Panel (JDAP) approved an application for a Tavern (Additions and Alterations to Bassendean Hotel) (reference: 2021/022), which included substantial modifications to the façade and internal layout of the existing Bassendean Hotel, and works such as car park re-surfacing and landscaping across the site.

On 6 August 2021, the Metro Inner-North JDAP approved an application (reference: 2021-022/01) to amend its 13 April 2021 development approval by:

- Amending the area of the tree protection zones and construction methods of the proposed tree protection barriers; and
- Increasing the number of car parking bays provided onsite from 75 to 81.

Whilst the original approval (and subsequent amendment thereto) included restoration works to the first-floor verandah, they did not include internal modifications to the first floor.

### Site Description and Planning Framework

The subject site is one of two lots that comprise the Bassendean Hotel site, located on the corners of Park Street, Old Perth Road and Wilson Street, Bassendean. The subject site is zoned 'Town Centre' under the Town's Local Planning Scheme No. 10 (LPS 10). The site is surrounded by commercial, community and civic land uses, with residential development on the periphery of the Town Centre to the south of the subject site.

### **Proposal**

The application seeks approval for additions and alterations to the first floor of the Bassendean Hotel. The proposed development includes the following:

- Installation of an additional bar to service patrons on the first-floor verandah;
- Replacement of an external door and window with operable awning windows to facilitate the verandah bar service area;
- Installation of a new door to the verandah area to improve circulation of the upper floor;
- New upper floor ablution facilities;
- Installation of a lift and lobby area; and
- Refurbishment and activation of the existing first floor function room and speakeasy bar. The alterations will result in an additional 253m<sup>2</sup> of 'front of house' area.

### **Communication and Engagement**

Nil, as discussed below. It should be noted that the two objections to the previous application related to tree retention, traffic and on-street parking. There is no modification to landscaping as part of this application, and traffic and parking are discussed further in this report.

### **Strategic Implications**

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive



## Comment

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

The proposed development falls within the definition of the 'Tavern' land use. That use is an 'A' use within the Town Centre zone, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.

The Tavern land use has previously been approved on the site and the current proposal involves only additions and alterations to that existing use. In addition, it is understood, from both assessment of the proposal and review of the previous consultation, that the key issues for consideration will be traffic and parking. These are discussed in the report.

### Local Planning Policy No. 1- Town Centre Strategy and Guidelines (LPP 1)

The purpose of LPP 1 is to provide a vision and objectives for development within the Bassendean Town Centre. The proposed additions and alterations satisfy the requirements of LPP1 with the exception of the following:

Requirement	Comment
A town centre public realm contribution of 2% of development cost will be payable to Council as a condition of development approval. This contribution will be used to enhance the public realm in the vicinity of the development site and will include public art, street furniture, planting, paving and amenities such as bicycle racks, bins, shade structures, signage, etc.	Consistent with previous JDAP determinations within the Town Centre, it is not appropriate to administer a cost sharing arrangement via a Local Planning Policy, with the State Planning Policy 3.6 clearly setting out the requisite head of power for such contributions

### Local Planning Policy No. 4 – Heritage and Character (LPP 4)

The Bassendean Hotel is Place No. 31 on the Town's Heritage List and is a Category 2 listing, meaning it has considerable-significant heritage value to the local area and is very important to the heritage of the locality. The site is also within the 'Old Perth Road' Heritage Area. The site is not on the State Register of Heritage Places and therefore no referral to the State Heritage Office is required.

The proposed minor modifications to the exterior of the Bassendean Hotel has been assessed against the requirements of LPP 4 and it is considered that the modifications are proportionally related to the previously approved arrangements and will remain compatible with previous approved development with respect to materials and finishes.

The Town is satisfied that the proposed modifications to the façade of the building and activation of the first floor do not detract from the heritage value of the place, but rather, enhanced activation and use of the building as a provides for the ongoing social value of the place.

#### Local Planning Policy No. 8 - Car Parking and End-of-Trip Facilities (LPP 8)

Whilst the proposal represents a 258 variation to the minimum car parking standards required by LPS 10, LPP 8 guides decision making on applications which involve variations to those standards.

LPP states that car parking is to be provided in accordance with Table 1 of the Policy, which in this case, generates a requirement for 132 bays. Given the site involves the provision of 81 bays, the application represents a 51-bay shortfall.

In considering this matter, the following is relevant:

- There is no ability to provide additional bays on site, and as such, Council has the option of (i) approving the proposal with no additional bays (ii) refusing the proposal on the basis of the insufficient provision of car parking or (iii) approving the application but imposing a condition that seeks to limits patron numbers at the site;
- Refusal of the application would simply result in the existing first floor space being unutilised, contrary to Council's stated desire for a vibrant town centre precinct;
- The number of bays provided will adequately cater for staff;
- Given the Tavern land use and sale of alcohol, limiting the supply of available car parking bays to encourage the use of public transport and ride sharing options is appropriate;
- The site is located within close proximity (110m) to the Bassendean Railway Station;
- Existing on-street parking is available along Old Perth Road and side streets abutting the subject site;
- Whilst LPS 10 provides the ability for the local government to accept a cash payment in lieu of the provision of car parking spaces, the Town has no plan to provide additional car parking nearby; and

Based on the above, the proposed car parking provision is considered acceptable.

#### Local Planning Policy No. 9 – Design Review Panel

The previous additions and alterations to the subject premises, including restoration works to the verandah, were considered by the Design Review Panel (DRP) on 15 December 2020.



Given the works the subject of this application predominantly relate to internal modifications to the first floor, and the external facing bar is the only alteration to the façade previously considered by the DRP, the Town did not consider further review by the DRP necessary.

#### Local Planning Policy No. 15 – Percent for Art Policy (LPP 15)

The estimated cost of the development does not meet the \$2 million threshold and as such, LPP 15 does not apply.

#### Traffic

Comment was made on the original JDAP application with respect to the likely increased use of Wilson and Parker Streets for on-street parking. The inclusion of the upper floor as part of the overall development will increase the venue capacity to approximately 950 which will in turn likely result in increased traffic movements in and around the site.

In considering this matter, the following is relevant:

- The local road network consists of access roads capable of carrying up to 3,000 vehicles per day. The traffic associated with the proposed development is within the carrying capacity of the road.
- The side street of Wilson and Parker Street currently accommodate low density residential development, characterised by single houses on large lots.
- In accordance with the Council adopted Town Centre Masterplan and draft Local Planning Strategy, the properties on those side streets will have far greater development potential in future, resulting in more intensive residential built form and an associated reduction in the expectation of quiet residential amenity.
- The Town intends on undertaking a review of car parking within and around the Town Centre in the 2022/23 financial year, and if required, can seek to introduce parking restrictions (such as time limited parking) in areas of high car parking demand.

Based on the above, the likely traffic impacts of the proposal are considered acceptable.

#### Noise

Whilst the Town notes that the premises is already approved as a Tavern, the proposed use of the first floor verandah has the potential to result in increased noise impact to nearby sensitive land uses.

The applicant has provided an addendum to the existing Acoustic Report for the site, which provides that any outdoor music shall be at a 'conversational' level only and not audible at nearby noise sensitive receivers.

Should the area be operated in accordance with the Acoustic Report and addendum, the Town is satisfied the Tavern will maintain compliance with the Noise Regulations.

An advice note regarding ongoing compliance with the *Environmental Protection (Noise) Regulations 1997* is recommended, which captures operational noise and construction activities.

### Waste Management

The applicant submitted a revised Waste Management Plan in support of the proposal. The applicant proposes waste to be handled by a third-party operator, with waste collection from the rear of the building and access for waste vehicles via a separate crossover/access way, the same route as delivery vehicles. The Town is satisfied that the Waste Management Plan can be appropriately implemented.

The applicant has previously been advised to consider the implementation of the Food Organics Garden Organics system and Container Deposit Scheme collection.

### Conclusion

The application, involving additions and alterations to the first floor, will further support the creation of an active, vibrant Town Centre. Whilst traffic and noise are genuine planning considerations, the proposal is considered acceptable in those respects, and it is recommended that the application be approved.

### **Statutory Requirements**

#### *Planning and Development (Development Assessment Panel) Regulations 2011*

The Town determined that the application did not constitute an amendment to the original Metro Inner-North JDAP approval under Section 17 of the DAP Regulations as the applicant is not seeking to modify the enacted approval issued by the JDAP.

The works are separate, additional alterations to the Tavern, with the proposed works component less than the optional monetary threshold of \$2 million for a DAP application.

#### *Planning and Development (Local Planning Schemes) Regulations 2015*

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by either:

- “(a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.”

### **Financial Considerations**

Nil.

## **Risk Management Implications**

Low, however, should Council refuse the application, the applicant may appeal to the State Administrative Tribunal.

## **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 approves the development application for the proposed additions and alterations to the Bassendean Hotel at 17 (Lot 5) Old Perth Road, Bassendean subject to the following conditions:

1. Visually impermeable roller shutters (external and internal), doors, grilles and security bars shall not be installed on any part of the frontage of the development facing Old Perth Road or Parker Street.
2. Entries and windows frontages facing Old Perth Road must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar, (except where that is to an ablution facility), to ensure that a commercial interactive frontage to the development from Old Perth Road, for the duration of the development.
3. The subject premises shall operate and implement noise mitigation measures, in accordance with the Acoustic Report prepared by Stantec dated 3 December 2020 and the technical addendum dated 27 May 2022, to the satisfaction of the Town of Bassendean.

## **Voting requirements: Simple Majority**

<b>12.5 Proposed Tree Pruning - 6 (Lot 2) Barton Parade, Bassendean</b>	
<b>Property Address</b>	6 (Lot 2) Barton Parade, Bassendean
<b>Landowner/Applicant</b>	Nonie Jekabsons and Moss Johnson of 6 Barton Parade, Bassendean Nikki Rogers of 103 West Road, Bassendean
<b>File Reference</b>	ENVM/NOTIF/1
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Quasi-Judicial</b> 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.
<b>Attachments</b>	1. Application [ <b>12.5.1</b> - 4 pages]

### Purpose

The purpose of this report is for Council to consider approving a request to prune a tree located at 6 (Lot 2) Barton Parade, Bassendean, that is subject to a Tree Preservation Order (TPO). The matter is presented to Council as it is outside the authority delegated to staff.

### Background

On 27 March 2012, Council resolved to make a TPO for the *Eucalyptus Camaldulensis* on the subject site.

On 10 May 2022, the Town received a written request from the owner of the site for consent to prune the tree. This followed discussions with the (rear) property owner at 103 (Lot 124) West Road, Bassendean.

### Proposal

The proposal involves minor pruning of the tree to prevent branches rubbing against the outbuilding and railway carriage located to the rear of 103 (Lot 124) West Road, Bassendean. It is proposed that the works be undertaken by a suitably qualified and insured contractor that has been engaged by the landowners.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

2.6 Support the creation of a more green and shaded Town

## Comment

### Local Planning Scheme No. 10

Clause 4.7.7.4 of LPS 10 states that, except with prior written consent of the local government, a person shall not:

- (i) cut, remove or otherwise destroy; or
- (ii) cause or permit to be cut, removed or otherwise destroyed a tree which is the subject of an order, or an amended order, or where the owner has been given notice of a proposed order, under this section.

The proposal involves only minor pruning which is unlikely to compromise the health of the tree. As such, it is not considered necessary to require the submission of a specialist report and it is recommended that Council approve the request.

### Delegation

The Town notes that in many instances, matters relating to TPOs are supported by both the landowners and adjoining owners/occupiers. For the purposes of Clause 4.7.7.3 – Notice of a Tree Preservation Order, owners and occupiers are taken to include any owners/occupiers of land which the tree overhangs.

In these instances, and where the tree meets the criteria contained in LPS 10, it is considered appropriate to delegate to the CEO the ability to approve requests to cut/prune trees the subject of TPO. This has been included as a separate recommendation.

## Statutory Requirements

In accordance with clause 4.7.7.5(v) of LPS 10, a consent given by the local government under this Section is:

- i. to be in writing;
- ii. to specify the tree to which the consent relates;
- iii. to specify the works authorized by the consent; and
- iv. to specify the conditions, if any, to which the consent is subject.

## Financial Considerations

Nil.

## Risk Management Implications

Financial Risk  
Low

## Declaration of Conflicts of Interest

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

## Officer Recommendation – Item 12.5

That Council:

1. Approves the application for the minor pruning of the *Eucalyptus Camaldulensis* located at 6 (Lot 2) Barton Parade, Bassendean; and
2. Delegates to the CEO the ability to approve applications to cut/prune trees subject to Tree Preservation Orders, in accordance with 4.7.7.5 of Local Planning Scheme No. 10, where there is no dispute and the application is signed by all owners on the land in which the tree is located.

## Voting requirements:

Point 1 - Simple Majority

Point 2 - Absolute Majority

<b>12.6 Disposal of Town-owned land</b>	
<b>Property Address</b>	122 (Lot 110) and Lot 8111 Hamilton Street, Bassendean
<b>Landowner/Applicant</b>	Town of Bassendean
<b>File Reference</b>	N/A
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	22 June 2021 23 November 2021
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Confidential Attachment - Valuation Report [12.6.1 - 41 pages]</li> <li>2. CONFIDENTIAL - Confidential Attachment - Comparison of options [12.6.2 - 1 page]</li> </ol>

### Purpose

The purpose of this report is for Council to consider the disposal of 122 (Lot 110) and Lot 8111 Hamilton Street, Bassendean.

### Background

#### Subject site

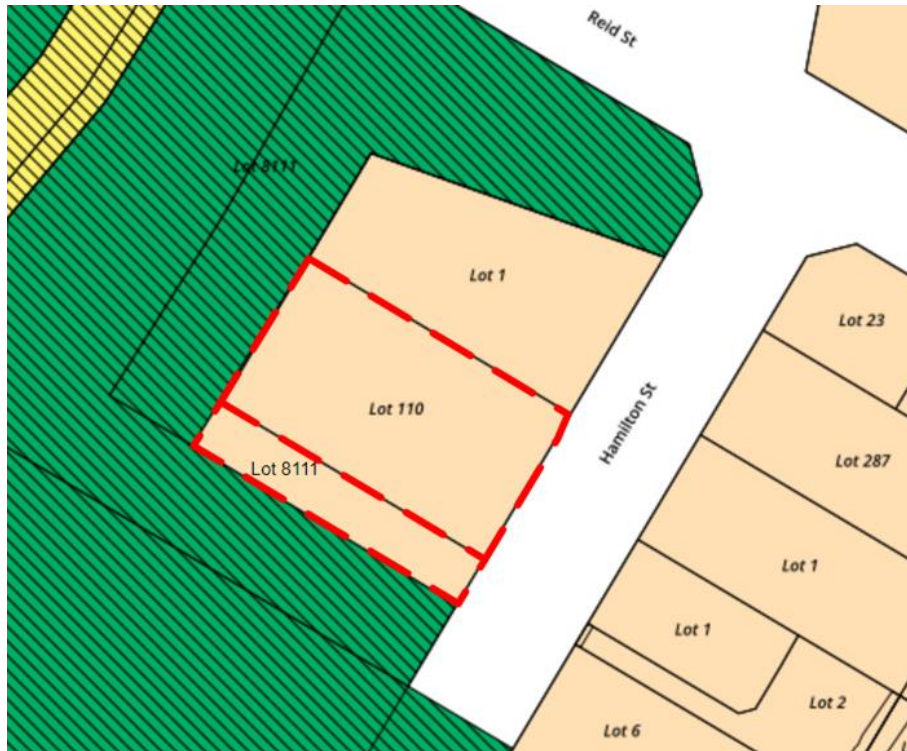
The Town owns 122 (Lot 110) Hamilton Street, Bassendean as well as the adjacent Lot 8111 Hamilton Street (Hamilton Street Reserve). The lots have areas of 1,400m<sup>2</sup> and 6,731m<sup>2</sup>, respectively.

Lot 110 has been prepared for development with retaining, fill and extension of essential utility services, while Lot 8111 remains undeveloped.

All of Lot 110 and a 443m<sup>2</sup> portion of Lot 8111 are zoned Residential R25 under Local Planning Scheme No. 10 (LPS 10).



A location plan follows.



In August 2020, the Town was granted approval (WAPC Ref 159239) to subdivide off the 443m<sup>2</sup> residential portion of Lot 8111. That approval has not been implemented.

In August 2021, the Town was granted approval (WAPC Ref: 160768) to amalgamate the 443m<sup>2</sup> residential portion of Lot 8111 with 122 (Lot 110) Hamilton Street, so as to create a consolidated 1,843m<sup>2</sup> Residential zoned lot. That approval has not been implemented.

#### Previous Council Decisions

On 22 June 2021, Council considered the disposal of the subject site and resolved to defer the matter to enable the preparation of a report on *“the range of options for disposal, including consideration of valuations and the merits of the options, including:*

- (a) disposal of the amalgamated block; and*
- (b) disposal of the two blocks as currently defined.”*

After that time, the Department of Communities launched its Social Housing Economic Recovery Package (SHERP) grant program.

On 23 November 2021, Council considered the development of the subject site for the purposes of social housing and resolved to not support the grant due to:



*“The lack of certainty in the details for the proposal. The movement away from the plans of the Hamilton Street lot recognising there is an outstanding Council resolution. Concerns about the suitability of site for social housing given the distance from town centre amenities.”*

In determining the matter, Council did not provide any other resolution about the subject site and as such, Council’s June 2021 decision on the matter is still applicable.

This report seeks to address that June 2021 decision.

## **Communication and Engagement**

Nil.

## **Strategic Implications**

Priority Area 4: Driving Financial Suitability

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

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

## **Comment**

### Valuations

In accordance with Council’s resolution, the Town engaged the services of a licensed valuer to prepare valuations for four scenarios. A copy of the valuation report and a summary of the valuations are attached.

In considering the matter, the following is relevant:

- Lot 110 Hamilton Street, Bassendean is a vacant parcel of land currently serving no community benefit. The Town is required to maintain the land in accordance with the annual bushfire notice, which represents an ongoing cost, albeit minimal, to the community.
- The option represented by Valuation 3 would require a budget allocation of \$70,000 to undertake the requisite civil works and \$10,000 for the associated administrative tasks. It could be implemented using current staff resources.
- The option represented by Valuations 1 and 2 would first require the subdivision approval (WAPC 159239) to be implemented, including civil works, administrative costs and the provision of essential utilities (estimated at \$40,000). Further, additional project management resources (including associated funding) would be

required, whether they be staff resources or a consultancy specialising in such subdivisions.

- The option represented by Valuation 4 would require a new application for subdivision approval to be lodged with the WAPC, civil works and the construction of a common property driveway. In addition to the costs cited above (for Valuation 3), the construction of a common property driveway is estimated to cost approximately \$20,000. Further, additional project management resources would be required (including associated funding), whether they be staff resources or a consultancy specialising in such subdivisions.

### **Statutory Requirements**

Disposal of Town-owned land must generally occur in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*; typically by public auction or public tender.

### **Financial Considerations**

The proceeds from any disposal of the lots will be set aside in a reserve account. The future subdivision/development of the land in private ownership will be a source of rate revenue.

### **Risk Management Implications**

High. Failure to dispose of the land will be contrary to the Strategic Community Plan 2020-2030, which seeks to ensure there is sufficient, effective and sustainable use of assets. Further, there is potential reputational risk associated with leaving the land vacant while seeking to implement differential rates on vacant land.

### **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.

Should a Councillor wish to declare an interest, they are to describe the name and extent of their interest pursuant to Section 5.60A, 5.60B and 5.61 of the Local Government Act 1995 and pursuant to Regulations and clause 22 of the Code of Conduct for Council Members.

### **Officer Recommendation – Item 12.6**

That Council advises its preferred approach in relation to the 1,843m<sup>2</sup> of Town-owned land located at 122 Hamilton Street, Bassendean (*note: this text will need to be removed and replaced with Council's preferred approach*)

### **Voting requirements: Simple Majority**

12.7 Draft Local Planning Policy - Rights of Way	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/POLCY/27
Author	Director Community Planning
Department	Community Planning
Previous Reports	22 March 2022
Authority/Discretion	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Local Planning Policy - Rights of Way [12.7.1 - 3 pages]

### Purpose

The purpose of this report is for Council to consider a draft local planning policy – Rights of Way for public consultation.

### Background

On 22 March 2022, Council resolved to adopt the draft Rights of Way Strategy. One of the recommended actions in that strategy is to “*Prepare a ROW-specific local planning policy to guide subdivision/development abutting ROWs as well as to providing a means of collecting contributions towards ROW upgrades at the subdivision/development stage.*”

A copy of the draft local planning policy is contained as an attachment. Details of the draft policy are discussed in the following sections.

### Communication and Engagement

The draft Policy was circulated to Councillors on 30 May 2022 via the CEO Bulletin.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.2 Ensure major decision making is informed by community feedback

## **Comment**

### Draft Policy Provisions

The draft policy provisions seeks to:

- Provide development standards for all development abutting ROWs, in addition to specific development requirements for either grouped or multiple dwellings; and
- Ensure that the requirements of the draft policy are captured at the subdivision stage, either by the requirement for a development application consistent with policy requirements prior to support being provided for the subdivision, or by making prospective purchasers aware of the policy requirements.

In respect to the specific design requirements, the draft policy seeks to ensure pedestrian access is available to the ROWs, and buildings are appropriately setback with major openings for passive surveillance.

### Conclusion

The draft policy will provide design requirements where subdivision/development occurs abutting ROWs, therefore ensuring a higher standard of built form and design and providing a coordinated approach to development. It is therefore recommended Council advertises the draft policy.

## **Statutory Requirements**

If the local government resolves to amend a local planning policy the local government must advertise the proposed policy. If Council resolves to proceed, the draft amended policy will be made available on the Town's website and in the Town's library and Customer Services Centre. The Town will also write to the landowners of sites directly abutting ROWs to be retained.

Further to the above, should Council endorse the draft policy for advertising, the Town will consult the DPLH, in accordance with the WAPC's Planning Bulletin 22/2017 – Rights of Way or Laneways in Established Areas.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

Low. Should Council not adopt the draft local planning policy, no provisions are available to guide the subdivision and development of land abutting ROWs, and will defer back to the development standards contained within State Planning Policy 7.3 – Residential Design Codes.

## **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 12.7**

That Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy - Rights of Way as contained in the attachment to this report.

## **Voting requirements: Simple Majority**

<b>12.8 Draft Local Planning Strategy</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/PLANNG/24
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	4 November 2020
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Local Planning Strategy - November 2020 [12.8.1 - 44 pages]</li> <li>2. Draft Local Planning Scheme No. 11 Map - November 2020 [12.8.2 - 1 page]</li> <li>3. Draft Local Planning Strategy (Part 1) - June 2022 [12.8.3 - 27 pages]</li> <li>4. Draft Local Planning Strategy (Part 2) - June 2022 [12.8.4 - 59 pages]</li> <li>5. Draft Local Planning Strategy Map - June 2022 [12.8.5 - 1 page]</li> </ol>

## Purpose

The purpose of this report is for Council to formally note the revised draft Local Planning Strategy, as certified by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC).

## Background

There is extensive background relating to the preparation of the draft local planning frameworks for certification to advertise. A chronological explanation of the project is detailed below.

- The current Local Planning Scheme No. 10 (LPS 10) was originally approved by the Minister for Planning and gazetted on 24 June 2008. The existing Strategy came into effect in June 2008 and was updated in February 2015 (endorsed by the WAPC on 9 December 2014).
- On 28 April 2020, Council resolved to endorse the Report of Review, which recommended that LPS 10 be repealed and a new Scheme prepared in its place, and that the Strategy for the Scheme should be reviewed.
- The WAPC considered the Report of Review, and on 19 June 2020 advised that it accepted the recommendations within the Report.

- On 23 June 2020, Council resolved to prepare a masterplan for the Bassendean Town Centre.
- On 4 November 2020, Council resolved to adopt the draft Strategy and draft LPS 11 for the purposes of advertising, subject to various modifications being made to the draft Scheme.
- The Town amended the draft documents and draft Scheme map in accordance with the above resolution, and on 18 November 2020, submitted the documentation to the Department of Planning, Lands and Heritage (DPLH).
- In accordance with Regulation 21(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the WAPC was required to examine the documents and advise the local government if the Commission considers that any modification to the documents are required prior to advertising within 90 days (18 February 2021). No response was received by this date.
- On 11 March 2021, the DPLH met with the Town to discuss the draft documents.
- At its 30 March 2021 meeting, the SPC considered the draft Strategy and draft LPS 11 for Certificate to Advertise, and resolved as follows:

*“That the Statutory Planning Committee resolves to:*

1. *Note the content of the Town of Bassendean Draft Local Planning Strategy (draft Strategy) and Draft Local Planning Scheme (draft Scheme);*
2. *Advise the Town of Bassendean that the aspirations set out in the draft Strategy appear to align with the direction of the Central Perth Sub-regional Planning Framework. However, the draft Strategy does not include sufficient detail to allow for consideration by the WAPC or to support the assessment of the draft Scheme.*
3. *Request that the Town of Bassendean continue to work on the content of the draft Strategy and draft Scheme in collaboration with the Department of Planning, Lands and Heritage to;*
  - a. *Align the draft Strategy with the Local Planning Strategy Guidelines released for consultation by the Department of Planning, Lands and Heritage in February 2021. Including, providing a strategy map or maps;*
  - b. *Provide information and analysis to demonstrate that the Town can meet its minimum dwelling infill target under the Central Sub-Regional Planning Framework;*
  - c. *Provide information demonstrating alignment with the Central Sub-Regional Planning Framework with respect to areas for urban consolidation (centres and urban corridors) and the urban consolidation principles. A map or maps linked to text in the draft Strategy will assist with this;*
  - d. *Clearly articulate the planning directions in the Bassendean Town Centre and the Success Hill station precinct, particularly;*
    - i. *The extent of the area constituting the Bassendean Town Centre, inclusive of Success Hill; and*
    - ii. *Desired future land use and development in these areas and planning framework required to facilitate that development.*



- e. *Provide further information and rationale in relation to the purpose of proposed Special Control Areas for heritage and character protection.*
  4. *Request that that the Town review and resubmit revised draft Strategy and Scheme as a matter of priority for the Town."*
- On 7 April 2021, the Town amended the documents in accordance with the SPC resolution and forwarded the documents to the DPLH for comments.
  - On 23 April 2021, the Town met with the DPLH to discuss any outstanding issues, and again resubmitted the documents on 4 May 2021.
  - On 23 April 2021, the Town met with DPLH staff to discuss any outstanding issues. Town staff summarised the main points raised and provided them to the Department to ensure a shared understanding of what was required going forward and to enable the Town to confidently progress with further changes to the draft documents. The Department confirmed that the summary was correct and accurate and did not identify any further information that would be required.
  - In late April 2021 and early May 2021, there were a series of subsequent discussions between the Town and the DPLH. As part of these discussions, the Town requested that the Department provide frank, specific and detailed comments to ensure that the draft documents would be amended to the Department's satisfaction.
  - On 12 May 2021, the Town provided a further amended draft Strategy to the DPLH for informal review (amended to address comments previously provided by DPLH staff).
  - On 12 July 2021, the Mayor and Town staff met with the Director General of the DPLH to discuss the project, and concerns with the delays experienced in obtaining feedback from DPLH.
  - On 22 July 2021, the Town received broad feedback and comments from DPLH staff. Many of the comments raised new issues or matters that were outside the scope of the SPC's March 2021 decision and were issues and matters that would have been appropriate to raise as part of the discussions in late 2019 and the first half of 2020.
  - Notwithstanding the above, on 2 August 2021, the Town provided a further amended draft Strategy to the DPLH for informal review (amended to address the SPC requirements and the additional comments provided by DPLH staff on 22 July 2021).
  - On 10 August 2021, DPLH, through the Director General, committed to provide a response to the Town by 12 August 2021, in advance of the meeting scheduled for 19 August 2021.
  - On 18 August 2021, the Town received a brief response from DPLH staff.
  - On 19 August 2021, the Town met with DPLH staff to discuss various matters and broadly agreed on a suite of modifications to the draft Strategy document.
  - As a result of the August 2021 meeting, on 22 September 2021, the Town provided the amended documents to the DPLH for review, and requested a response by 27 October 2021 so as to enable the matter to be considered by Council before the end of the year.



- On 14 October 2021, the DPLH advised that it in would prepare a series of changes on behalf of the Town, with a view to more stringently aligning the Strategy with the State Government's Sub-Regional Planning Framework, particularly in relation to the identification of "Urban Corridors" along Guildford Road, Lord Street and Ivanhoe Street.
- On 23 November 2021, the DPLH provided the Town a copy of the draft amended Part 1 of the Strategy.
- On 1 February 2022, the Strategy was again considered by the SPC, which resolved as follows:

*"That the Statutory Planning Committee resolves to:*

- 1. Certify that Part 1 – Revised Local Planning Strategy (Attachment 5) is consistent with Regulation 2(11) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
  - 2. require modifications to Part 2 of the Council adopted Local Planning Strategy in accordance with the Schedule of Modifications (Attachment 6);*
  - 3. subject to the above modifications being satisfactorily undertaken, certify that the local planning strategy is consistent with regulation 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
  - 4. Authorise the Director of Schemes, Amendments and Administration to review the modifications to ensure they have been satisfactorily undertaken prior to the advertising of the local planning strategy; and*
  - 5. Advise Council that:*
    - (a) the local planning strategy, upon completion of the modifications, is to be advertised in accordance with Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
    - (b) prior to submitting a draft local planning scheme to the WAPC for consent to advertise the local government is recommended to consider or review actions within Part 1 of the local planning strategy, including those actions identified to be implemented in the immediate term, which will have implications for the local planning scheme. This includes but may not be limited to investigations pertaining to Planning Areas G, H and I."*
- It should be noted that the operative component of the SPC resolution relates to the draft Strategy only, and not draft LPS 11.
  - On 25 February 2022, the Town provided a draft amended Part 2 of the draft Strategy.
  - On 2 May 2022, the DPLH provided a draft amended Strategy to the Town, for its consideration. The DPLH also advised that the matter would be presented to the SPC for determination, rather than being actioned by DPLH staff in accordance with the authorisation provided.
  - On 31 May 2022, the SPC considered the draft amended Strategy and resolved to certify the draft Strategy as appropriate for public consultation. A copy of the draft Strategy, as endorsed by the SPC, is contained as Attachments 3-5.

## Communication and Engagement

In addition to workshops formulating the original draft frameworks, a Councillor workshop was held on 7 December 2021 to provide an update on the status of the project, where Councillors broadly supported the approach of allowing the matter to proceed to the SPC without formal consideration.

On 4 February 2022, a further update was provided to Councillors via the CEO Bulletin, **with a further workshop being held on 14 June 2022.**

## Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

## Comment

### Local Planning Strategy

Since Council's previous (November 2020) consideration, the draft Strategy has been significantly amended so as to align with the subsequently released Guidelines and evolving feedback and direction from the DPLH.

These main amendments are further explained below.

### *Planning Areas*

In September 2021, the DPLH directed that the draft Strategy was to identify a series of Planning Areas, as follows and as identified on the draft Strategy map.

Planning Area	Description
Planning Area A – Bassendean District Activity Centre	Planning Area A proposes the redevelopment and land use intensification of the Bassendean District Activity Centre area with a focus on optimising employment opportunities, land use diversity and accommodating residential outcomes.
Planning Area B – Ashfield District Activity Centre	Planning Area B proposes land use intensification within the Ashfield District Activity Centre with a focus on optimising employment opportunities, land use diversity and accommodating residential outcomes.
Planning Area C – Guildford Road Urban Corridor	Area C proposes to facilitate land use intensification, land use mix and housing diversity within proximity to centres and/or and high frequency public transport, consistent with the principles of urban consolidation.
Planning Area D – Ivanhoe Street Urban Corridor – South	Planning Area D proposes to facilitate land use intensification, land use mix and housing diversity within proximity to centres and/or and high frequency public transport, consistent with the principles of urban consolidation.
Planning Area E – Ivanhoe Street Urban Corridor – North	Planning Area E proposes to facilitate land use intensification, land use mix and housing diversity within proximity to centres and/or and high frequency public transport, consistent with the principles of urban consolidation.

Planning Area F – Lord Street Urban Corridor	Planning Area F proposes to facilitate land use intensification, land use mix and housing diversity within proximity to centres and/or and high frequency public transport, consistent with the principles of urban consolidation.
Planning Area G – Bassendean / Eden Hill Coding Review	Planning Area G proposes to investigate recoding sites from R20/30 and R20/40 to R20.
Planning Area H – Bassendean / Ashfield Coding Review	Planning Area H proposes to investigate normalising various split coding arrangements to a single density code where build out has occurred.
Planning Area I – Eden Hill Coding Review	Planning Area Planning Area I proposes to investigate normalising various split coding arrangements to a single density code where build out has occurred.

### *Split Density Codes*

In preliminary discussions with the DPLH in preparing the draft Strategy and LPS 11, the DPLH advised that it would not support split density codings on the basis that densities should be provided with regard to established, appropriate locational criteria.

With the introduction of the various Planning Areas, the DPLH has advised that it would not support the removal of the split density codings in Planning Areas C, D, E, F and G until relevant investigations have been completed, so as to determine the most appropriate future coding of this land. As such, draft LPS 11 continues to provide for split codings in those precincts.

### *Recommended Actions*

A number of actions contained in the November 2020 draft Strategy have since been completed by the Town, and have therefore been removed from the draft Strategy. These actions relate to the following:

- Revocation of Local Planning Policy 4 – Floodplain Management and Development.
- Preparation of a local planning policy for parking to replace the Town's 2011 plan.
- Preparation of a local planning policy (or policies) for specific design elements related to character conservation and front boundary fencing.
- Preparation of a local planning policy (or policies) to guide built form outcomes for character and heritage within planning areas.
- Undertaking a review of the Town's Municipal Heritage Inventory (Local Heritage Survey).
- Investigation of the potential of establishing Heritage Areas over the Devon Road, the Old Perth Road and the Kenny Street Heritage Precincts.
- Preparation of a new local planning policy for the purposes of encouraging sustainable building practices that reduce carbon emissions via standards.

Given the draft Strategy has already been certified as acceptable for advertising, there is no need for it to be formally adopted by Council at this time. It is therefore recommended that Council simply notes that the document will be released for public consultation in the near future.

#### Draft Local Planning Scheme No. 11

A draft amended Local Planning Scheme No. 11 is expected to be presented to Council's July 2022 meeting.

#### Ashfield Precinct Plan

On 9 March 2010, Council considered a Councillor Notice of Motion regarding the implementation of the (former) WAPC's Ashfield Precinct Plan and resolved as follows:

- "1. That the Town accepts that part of Ashfield Precinct Plan of January 2010 related to the changes to the R codes and commences the process to amend Town Planning Scheme 10 to align with this R code rezoning, subject to Local Planning Policies, to be development with community workshop consultation and accepted by Council; and*
- 2. The above amendments, community workshop, and consideration of the applicable Local Planning Policies are to be finalised on or before September 2010".*

As part of the preparation of the draft Strategy, the Department has confirmed that the Ashfield Precinct Plan is no longer applicable. In addition, given that the Ashfield District Activity Centre is identified as Planning Area B, the resolution is redundant. It is therefore recommended that it be rescinded.

#### **Statutory Requirements**

Given the SPC has endorsed this version of the draft Strategy for the purposes of advertising, the Town is required, under the Regulations, to commence public consultation.

It is expected that this will occur in July and August 2022.

#### **Financial Considerations**

The cost of advertising the draft Strategy will be met via the 2022/23 operational budget.

#### **Risk Management Implications**

High. If Council resolves to make further modifications to the document, it may result in the SPC refusing to certify the revised draft Strategy, thus further delaying the project.

## 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. Rescinds Resolution OCM1 – 3/0310 from 9 March 2010, which reads:

- “1. That the Town accepts that part of Ashfield Precinct Plan of January 2020 related to the changes to the R codes and commences the process to amend Town Planning Scheme 10 to align with this R code rezoning, subject to Local Planning Policies, to be development with community workshop consultation and accepted by Council; and*
- 2. The above amendments, community workshop, and consideration of the applicable Local Planning Policies are to be finalised on or before September 2010”;*

2. Rescinds Resolution SCM-5/11/20 from 4 November 2020, which reads:

- “1. Pursuant to Regulation 11(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the draft amended Local Planning Strategy for the purposes of advertising, as contained in Attachment 3.*
- 2. Pursuant to Section 72(1) of the Planning and Development Act 2005, adopts for the purposes of advertising, the draft Local Planning Scheme No. 11 consisting of the Scheme Text and Scheme Maps, as contained as Attachment 4 and 5, respectively, subject to the following modifications being made to the satisfaction of the Chief Executive Officer:*
  - (a) Coding 38 (Lot 100) Maidos Street, Ashfield R100 rather than R60.*
  - (b) Zoning 6 (Lot 4) and 8 (Lot 5) Ivanhoe Street, Bassendean Residential R100, rather than “Private Clubs, Institutions and Place of Worship”.*
  - (c) Zoning 2 Broadway, Bassendean Mixed Use rather than Residential R60.*

- (d) *Introducing a new provision within table 5 of the scheme text, to state as follows: “Notwithstanding 5(1) above, for 2 Broadway and 72 and 76 Railway Parade, Bassendean, the local government may, at its discretion, permit residential density to a maximum density of R160”.*
  - (e) *Zoning 4 Broadway, Bassendean Residential R100 rather than Residential R60.”*
3. Notes that, on 31 May 2022, the Statutory Planning Committee of the Western Australian Planning Commission resolved to certify the draft Local Planning Strategy, as contained in Attachments 3 to 5, complies with Regulation 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Voting requirements: Points 1 and 2 - Absolute Majority**

**Point 3 - Simple Majority**

<b>12.9 Street and Reserve Trees Policy</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	COUP/POLCY/1
<b>Author</b>	Phil Adams
<b>Department</b>	Executive Manager Infrastructure
<b>Previous Reports</b>	OCM-9/07/20 Proposed Council Policy – Street Trees and Revocation of Various Council Policies Relating to Street Trees
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Street Trees Policy - Current [<b>12.9.1</b> - 5 pages]</li> <li>2. Draft Council Policy - Street and Reserve Trees Policy [<b>12.9.2</b> - 5 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to consider amending Council Policy 1.8 - Street and Reserve Trees.

### Background

On 28 July 2020, Council resolved to adopt Council Policy 1.8 – Street Trees Policy and revoke the following Council policies:

Council Policy 1.8 - Significant Tree Policy  
 Council Policy 1.10 - Street Tree Protection  
 Council Policy 1.11 - Street Tree Pruning, Removal and Replacement Policy  
 Council Policy 1.12 - Amenity Tree Evaluation  
 Council Policy 1.14 - Dangerous Trees on Private Property

Council Policy 1.13- Tree Vandalism Policy remained in effect, with both Council Policies due for review by 2022. A review has subsequently been undertaken, with consideration given to the Town's approach to communication / consultation on the annual Winter Street Tree Planting Program.

Since 2020, the Town has notified adjacent residents and property owners in writing of the intention to plant a tree/s on the verge adjacent to their property in the following winter planting season. Residents are advised of the tree species selected for their verge, however, are given the opportunity to select a different species from a list provided<sup>[1]</sup>.

<sup>[1]</sup> The list of species considers a number of factors including the different soil types, whether there is underground or overhead power, opportunities to maximise canopy cover etc



The Town has previously accommodated all requests from residents to opt out of the planting program, whether received in response to the notification letter or during the planting season. Advice is however provided that the verge adjacent to their property may be considered for planting in future years. This approach has resulted in an opt out rate of 14% for the 2020 winter planting program, and 32% for the 2021 program, and 3.5% for 2022 as summarised below. Sufficient alternative planting locations were available for these trees.

Planting year	Suburbs	Notification letters issued	Requests to opt out received	Objections received during planting	Opt out rate
2020	Ashfield & Eden Hill	355	44	5	14%
2021	Eden Hill	179	55	2	32%
2022	Ashfield, Bassendean & Eden Hill	421	15	N/A	3.5%

In 2022, residents who requested to opt out were asked to provide a reason. The requested opt out rate for the 2022 planting year is 3.5%. The lower percentage in comparison to 2020 and 2021 is most likely due to the nature of the planting sites, which included verges with new underground power, residents that have requested a street tree and/or the replacement of trees that are in poor health. As a result, fewer locations involved highly manicured or grassed verges that are more likely to object to a street tree being planted.

## Proposal

Council's current Policy 1.8 Street Trees is proposed to be expanded to encompass trees on all land vested with or managed by the Town, and subsequently renamed to Council Policy 1.8 Street and Reserve Trees.

It is proposed to include a new street tree planting section within the policy which states *“tree planting to achieve a continuous tree canopy will take priority over a residents’ refusal to accommodate street trees”*. This is intended to clarify a shift in the approach that will be taken in order to put the public good<sup>[2]</sup> ahead of the private interests of an individual. The Town, however will take into consideration the resident’s feedback in order to accommodate, where practical, any valid concerns.

<sup>[2]</sup> i.e. the overall net benefit or well-being of the public versus the private interests of an individual

## Communication and Engagement

Although prior approval of residents is not required, it is considered desirable to gain the support of residents in planting trees on verges adjacent to their properties.

The Town will work towards this objective with the use of an improved marketing and engagement strategy to be used prior to every annual winter tree planting program primarily focusing on promoting the benefits of trees.

## **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.6 Support the creation of a more green and shaded Town

## **Comment**

### Street Tree Planting Program

The *Land Administration Act 1997* provides that the local government has the care, control and management of the road, including all assets within the road reserve. Therefore, the Town is not required to seek the prior approval of residents to plant trees on the verge adjacent to their property.

The implementation of the Town's Street Tree Planting program is an operational matter involving the scheduled replacement of street trees and the planting of new trees. It is however, considered appropriate to have criteria for the tree planting program to provide clear guidance to the administration and the community.

A Street Tree Planting section has subsequently been included in the Draft Council Policy 1.8 – Street and Reserve Trees.

### Draft Council Policy 1.8 - Street and Reserve Trees

Key changes include:

- Reference under Policy Objective to an overarching aim to achieve a continuous tree canopy with planting of biodiversity corridors;
- Policy scope to apply to all trees on land vested with or managed by the Town;
- Inclusion of new sections: Definitions, Street Tree Planting, Street and Reserve Tree Criteria;
- Inclusion of bus stops and public transport, pedestrian, cycle and school routes as priority areas for street tree planting;
- Removal of section: Street Tree Repair and Replacement;
- Amendments throughout to include reserve trees;
- Amendments to enable tree pruning/ removal to be considered under the following circumstances:

- o mitigate unacceptable risk of harm or damage to infrastructure;
  - o public liability risk determined by a recognised Tree Risk Assessment; and
  - o where medical evidence is provided of ongoing detrimental health issues attributed solely to a particular tree without any alternatives for management.
- Clarification that street trees will not be permitted to be removed to accommodate proposed crossovers or development;
- The Tree Protection/Removal/Replacement Application form will be amended to cater for trees that do not contribute to improving the canopy due to size and/or species;
- Items such as inter-tree planting, canopy monitoring and measurement, watering of trees by property owners and trees being planted where underground power is recently implemented will be covered within the Implementation Plan; and
- Reference to Street and Reserve Tree Planting list as a relevant operational document.

### **Statutory Requirements**

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

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Although there is little to no Financial Risk in the adoption of this Policy, if the draft Policy is adopted there may be an increased risk of complaints and tree vandalism due to residents not accepting the planting of a tree on the verge adjacent to their property. This will be managed pro-actively through gaining residents support with improved marketing and education. In the event trees are damaged, the Town's Tree Vandalism Policy will apply.

If the draft Policy is not adopted, the Town's ability to achieve a continuous tree canopy will be limited, along with the associated benefits.

### **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 12.9**

That Council adopts the draft amended Street and Reserve Trees Policy as attached to this report.

**Voting requirements: Simple Majority**

<b>12.10 Fleet and Plant - Four Year Programme and Funding Options</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/AUD/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. CONFIDENTIAL - Fleet and Plant Replacement Programme [12.10.1 - 4 pages]

### Purpose

The purpose of this report is to present to Council the proposed Fleet and Plant Replacement Programme for the next 4 years. Council endorsement of the Fleet and Plant Replacement Programme will provide direction on the development of the Annual Budget 2022/23 and the review of the Long-Term Financial Plan.

### Background

The Town's fleet is generally made up of light passenger and utility vehicles. The Town's plant is made up of heavy plant such as tractors, loaders, trucks and hoists, and various items of equipment such as mowers and trailers.

The Town either owns or leases its light fleet, with items owned being older. The Town owns its plant and equipment.

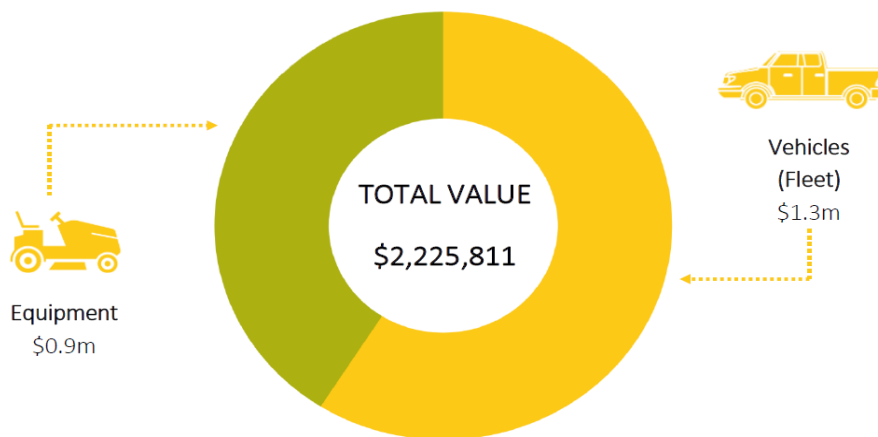
The Town utilises its fleet and plant portfolio to provide core operations works services for the community, including parks and gardens, engineering works, facilities maintenance and project delivery. The Town also utilises a small number of fleet vehicles to provide other services, including Rangers, Environmental Health, Building Compliance, Youth, Community Transport, and Governance and Administration.

Council adopted a new Asset Management Policy in May 2022 (OCM – 11/5/22) to ensure that physical assets owned by Town are managed in a financially sustainable and appropriate manner. The policy guides the Asset Management principles and framework that the Town applies to ensure:

- Asset management practices and decisions align with the priorities of the Strategic Community Plan;
- Assets are performing at service levels desired by our Community; and

- Assets are sustainably planned, acquired and managed.

The Asset Management Policy is supported by asset management plans for the various classes of assets. The Town's Fleet and Equipment Asset Management Plan March 2021 shows the Town had a total of 98 individual assets within its fleet and plant portfolio, with 56 items being fleet and 42 items being plant and equipment. These items had a fair value of \$1m and a replacement value of \$2,225,811, as at March 2021, with fleet representing \$1.3m of replacement value and plant and equipment \$0.9 m of replacement value. This is presented in the following diagram.



*Total Current Replacement Cost of Fleet and Equipment*

*Source: Fleet and Equipment Asset Management Plan March 2021*

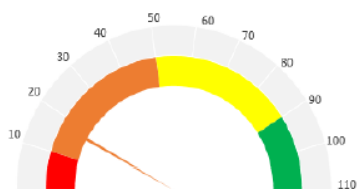
The current state of the Town's fleet and plant presents a number of key issues for the Town, including:

- Heavy plant is aged, often lacks functionality, is sometimes no longer fit for purpose and is of poor appearance;
- Rising maintenance costs and difficulty sourcing parts, resulting in unnecessary down time;
- Utilisation is often low in hours, but the items are used in the Town's daily activities, rendering hire arrangements unsuitable and cost-prohibitive in most cases;
- Some items of fleet and plant do not meet the current operational requirements, and as such, require replacement with alternative options to enable staff to work more effectively;
- The current fleet and plant safety ratings are well below current standards and would not be acceptable in similar contemporary settings;
- Modern technology which is more fuel-efficient, and continued uptake of hybrid options and future uptake of electric items will assist the Town meet its sustainability objectives; and
- The Asset Ratios extracted from the Fleet and Equipment Asset Management Plan below were below target. The final ratio is shown as nil due to the current uncertainty in funding the Fleet and Plant Replacement Programme.

Past - Sustainability Ratio (ASR)

17%

(below target)

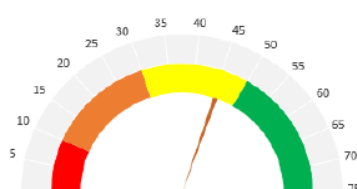


This ratio indicates whether a local government is replacing or renewing existing non-financial assets at the same rate that its overall asset base is wearing out. The ratio compares the average actual expenditure on asset renewal to the annual depreciation expense.

Present - Consumption Ratio

45%

(below target)

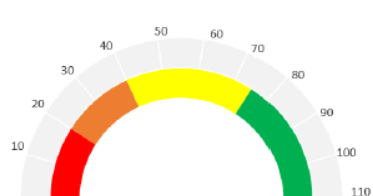


This ratio seeks to highlight the aged condition of a local government's physical assets by comparing their fair value (worth in current state) to their replacement cost (worth in as new state).

Future - Renewal Funding Ratio

0%

(Unknown)



This ratio indicates whether the local government has the financial capacity to fund asset renewal as required, and can continue to provide existing levels of service in the future. The ratio compares the available asset renewal expenditure in the Long Term Financial Plan to the required asset renewal expenditure in the Asset Management Plan.

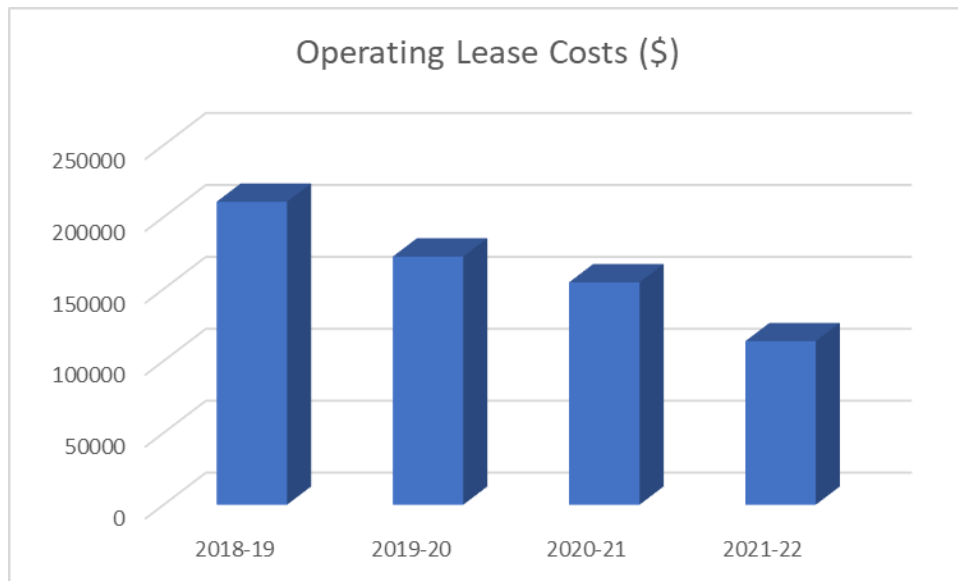
Source: Fleet and Equipment Asset Management Plan March 2021

The Town has generally replaced items of fleet with operating leases in recent years, with 22 vehicles currently under lease. The current lease terms range from 6 months (whereby a short-term extension has been arranged) to 48 months, with an outstanding lease cost of \$113,685 as of 30 June 2022. Operating leases require payment of a monthly lease premium by the Town, with the Town responsible for all operating and maintenance costs. On return of the vehicle, the Town simply relinquishes the vehicle, sometimes with additional payment for damage deemed to be beyond normal wear and tear.

The Town has significantly reduced its administrative fleet over recent years, through the provision of an allowance in lieu of a vehicle as part of all new senior appointments that would otherwise have attracted a vehicle, and through encouraging staff with an existing vehicle entitlement to relinquish that vehicle and elect to receive the allowance. As a consequence, the Town's administrative fleet has reduced to 3 hybrid vehicles that are also used as pool vehicles during operational hours. In addition to reducing the Town's fleet and associated carbon footprint, the Town has reduced its FBT liability by \$35,247, with a further saving expected next year of \$24,500.

The Town's operating lease costs have also reduced, as shown in the following chart (note this includes all of the Town's operating leases for fleet, not just the remaining three administrative vehicles):





Source: Operating Lease fleet provider data

Should the approach recommended in this report be adopted, operating lease costs will continue to reduce over time. The amount “saved” would then be used to replenish the Plant and Equipment Reserve.

In previous annual budgets, individual items of fleet and plant have been proposed from the highest priority items determined from the Plant and Equipment Asset Management Plans as they existed from time-to-time. These items were presented to Council as individual line items in capital projects for consideration as part of the annual budget in conjunction with all other proposed capital projects. While some items received funding, they tended to be lower cost items of equipment, resulting in ageing of the Town’s plant.

A different approach is proposed for the 2022/23 Annual Budget (**the Budget**). Each item of fleet and plant has been assessed and a 4-year replacement program developed that is appropriate to the operational needs of the Town. The assessment was based on various factors including operational requirements, age and condition, utilisation, and maintenance requirements. While most items of fleet and plant are well overdue for replacement, the assessment process included prioritisation and scheduling over a four-year period.

In conjunction with development of the 4-year replacement program, funding options have been considered, which are hereby presented to Council to provide direction to inform the Budget. The recommended funding option provides for use of the Plant and Equipment Reserve to fund the replacement of light fleet and a new revolving credit facility to fund the replacement of plant and equipment.

This is considered a financially sustainable solution which will enable the much-needed replacement of aged heavy plant and a change in management of fleet from an operating lease model to a more cost-effective ownership model.

Councillors have expressed a strong desire on various occasions when discussing the fleet replacement program, for a move to electric vehicles (EVs) as far as practicable. While EVs suitable for the Town's operational areas are not currently available in Australia, the administration will monitor developments in this industry for opportunities to utilise EVs. Indeed, the Town's Corporate Management Committee approved the Corporate Emissions Reduction Strategy for 2022-24 at its meeting on 20 June 2022, which includes the following as action item 1.7:

*“Conduct annual assessment for transition of the Town's light passenger and commercial vehicle fleet to alternative ‘fit for purpose’ Battery Electric Vehicles (BEVs), and investigate electric options for plant.”*

## **Proposal**

For Council to endorse the recommended funding option for the 4-year Fleet and Plant Replacement Program to provide direction on the development of the Budget and review of the Long-Term Financial Plan.

This will require the Council to, as part of the adoption of the Budget, authorise an appropriate credit facility to support the debt financing component of the programme, and to change the reserve as follows:

Plant and Equipment Reserve: *To accrue funds for the purpose of replacement of major plant items.*

Fleet and Plant Reserve: *To accrue funds for the purpose of replacement of fleet, plant and equipment.*

## **Communication and Engagement**

The Town has discussed the Fleet and Plant Replacement Programme (Year 1) and the proposal to fund the program through debt financing in general terms with Councillors in several Budget workshops between February and May 2022. This paper serves to provide a more detailed proposal and the funding options available.

It may be of value for Councilors to visit the Town's Depot and visually inspect the state of some of the items of fleet and plant proposed for replacement. Arrangements can be made via the Executive Manager Infrastructure.

The Town's Infrastructure and Finance teams have liaised closely in the formulation of this proposal and the Finance team has held discussions and/or meetings with the Town's commercial banker, the current fleet lease provider, and the West Australian Treasury Corporation (WATC). This paper is informed by those discussions and the information provided to the Town as a result.

## Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.1 Demonstrate strong leadership in waste reduction and carbon neutrality

Priority Area 4: Driving Financial Suitability

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

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.3 Ensure operational activities reflect the strategic focus of Council

6.5 Foster an environment of innovation and leadership

## Comment

### Overview and breakdown of the 4-year Fleet and Plant Replacement Programme

As per the Fleet and Plant Replacement Programme (**Confidential Attachment 1**) for the period 2022/23 to 2025/26, a total of \$2.15m is required over the four years. In summary:

- The first two years comprise the bulk of the programme, making up \$1.69m or 78% of the total cost;
- Plant makes up \$1.42m or \$66% of the total cost; and
- Most of the heavy plant is proposed to be replaced over the first three years of the programme as these are considered critical and in dire need of replacement considering their age and condition, with most items in excess of 15 years of age.

Year	\$ Replacement Cost	\$ Proceeds from sale of replaced equipment	\$ Net Amount required to be funded	Heavy Plant (net amount required)	Light Fleet and Plant (net amount required)
2022/2023	1,202,000	142,000	1,060,000	625,000	435,000
2023/2024	682,000	52,000	630,000	590,000	40,000
2024/2025	367,000	17,000	350,000	205,000	145,000
2025/2026	117,000	7,000	110,000	0	110,000
<b>Total</b>	<b>2,368,000</b>	<b>218,000</b>	<b>2,150,000</b>	<b>1,420,000</b>	<b>730,000</b>

## Funding models

1. Continue the status quo: replace fleet through operating leases and plant and equipment through capital projects to be considered as part of annual budgets

This option is likely to result in the continued use of operating leases, which are more costly than the proposed ownership model, and continued ageing of plant and equipment due to the inability or unwillingness to fund to the required level as part of annual budget processes.

Other consequences include:

- Increased breakdowns of plant and equipment;
- Reduced serviceability of the Town's infrastructure and poor amenity to the community;
- Ineffective use of the Infrastructure Operations teams;
- Continued costs incurred resulting from strict wear and tear clauses in operating leases;
- Restrictions in operating leases in terms of kilometers or hours of operation, which, if exceeded, require payment of penalty rates (more relevant for fleet than plant due to higher utilisation); and
- Higher costs of operations both in terms of maintenance (due to aged fleet and plant) and lease costs.

2. Utilise the Plant and Equipment Reserve

The Town has funds available in the Plant and Equipment Reserve, totaling \$468,618. Those funds could be used to fund close to half of the first-year requirements of the Fleet and Plant Replacement Program, or around 25% of the total four-year programme. Then, the program would revert to Option 1 above.

The consequences are the same as for Option 1, albeit slightly reduced, and will also extinguish the Reserve.

3. Raise additional rates to fund each year of the programme

Rates revenue generated to fund the proposed Fleet and Plant Replacement Program would need to be additional to the rates revenue required to fund the Town's other operations.

The additional rates revenue required to fund year one of the program would require an increase of 8.6%, in addition to the proposed increase of 4%. For year two, the required rates increase would be 4.9% in addition to any other required increase to fund the Town's operations.

This option is not considered financially viable from a rates perspective. Further, it is inequitable as only the current ratepayer pays for the cost of the program which is expected to deliver ongoing benefits for the Town for many years.

4. Utilise a loan facility to finance the programme

The Town could obtain a revolving credit facility whereby funds are released when payments for items of fleet or plant are due, meaning interest is only incurred on funds that have been drawn down. As amounts borrowed are repaid over time, this would create funds available for future fleet and plant replacement.

The minimum draw for this facility is currently \$75,000 and soon to be reduced to \$50,000. In this sense, the facility is more effective for the replacement of plant than fleet, unless two or more items of fleet are required concurrently.

It should be noted that the WATC does not offer a revolving credit facility and the Town would be required to obtain the facility from a commercial bank.

WATC does offer traditional fixed loan facilities, however that is not considered appropriate for the proposed purpose as significant funds would be idle prior to utilisation, but still attract interest charges.

5. Combination of Reserve and Loan funds **(Recommended)**

Use the Plant and Equipment Reserve for fleet and the revolving credit facility for plant.

The current balance of the Plant and Equipment Reserve is \$468,618. This is sufficient to meet the first year of the fleet replacement program. Savings in operating lease costs would be placed into this reserve annually and used to fund fleet replacement required in subsequent years.

The plant replacement program would be funded through a revolving credit facility of \$1.42m, to be drawn down as the Town is required to make payment for items of plant and equipment. Repayments on the loan will be partially offset by reduced maintenance costs. The overall demand for the loan facility is expected to diminish over time once the immediate plant renewals are completed under the proposed 4-year programme.

This option is considered to provide optimal use of the Town's own source funds and ensure inter-generational equity by funding longer-term assets via the revolving credit facility and is recommended.

**Examples of Fleet and Plant Replacement**

The following examples have been prepared to provide comparisons of the cost of replacement through an operating lease or revolving credit facility.

## 1. VOLVO L50D LOADER



- Plant purchased on 10/04/2002 and has 4,986hrs of usage;
- Maintenance costs of \$28,890.34 over the last five financial years;
- Fair condition, but appearance is poor;
- Due to its age, difficulty sourcing parts and frequent replacement of parts, such as hoses;
- History of breakdown during the works at Mary Crescent Reserve and Ashfield Lookout. This resulted in contractors being employed to carry out the works and increased the cost of the projects. The downtime of breakdowns is usually long waiting for parts; and
- Utilisation - used for footpaths, carparks, drainage, roads, and kerbing and assist Parks team with reticulation, playground sand and moving logs in nature playground, removal of play equipment, street signs, gates at parks and the installation of leach drains. Used frequently at the Depot to load and unload vehicles and plant.

Estimated replacement cost is \$228,000 and the life of the vehicle is 15 years.

Lease over 5 years with a residual of \$82,500, and a maximum usage of 2,500 hours for the term: Lease Rental of \$3,568 per month, with a total cost to the Town over the term of **\$214,080**.

Revolving credit facility on the same terms, but with no maximum usage. Cost is \$4,358 per month which equates to \$261,480 over the 5 years less residual of \$82,500 = **\$178,980**.

Saving to the Town is **\$35,100**.



## 2. MITSUBISHI FM65 8 TONNE TIP TRUCK



- Purchased on 1/10/2004 and driven over 55,000km;
- The vehicle condition is old and does not visually present well;
- Used daily by Infrastructure staff;
- High maintenance costs and regular breakdowns, with difficulty sourcing parts;
- Downtime for staff during breakdowns and waiting for repairs; and
- Potential vehicle safety issues for staff.

Estimated replacement costs is \$166,000 and the life of the vehicle is 10-15 years.

Lease over 5 years with a residual of \$86,363 and maximum usage of 25,000 km for the term: Lease Rental is \$2,179 per month, with a total cost to the Town over the term of **\$130,740**.

Revolving credit facility on the same terms, but with no maximum usage: Cost is \$2,971 per month which equates to \$178,260 over the 5 years less residual of \$86,363 = **\$91,897**.

Saving to the Town is **\$38,843**.



### 3. UTILITY 4 X 2 AUTO EXTRA CAB TRAY REPLACES FORD RANGER UTILITY - PLANT #PP7186



- Purchased 14/10/2008 and driven 138,199 km;
- The vehicle is old and does not present well;
- Used daily by Infrastructure staff;
- The vehicle has a 3-star ANCAP safety rating, while new vehicles typically have a 4- or 5-star rating; and
- High maintenance costs and regular breakdowns, with difficulty sourcing parts (usually second hand).

Estimated replacement costs is \$34,334 and the life of the vehicle is 5-10 years.

Lease over 4 years with a residual of \$25,000 (conservative estimate using red book and carsales.com.au as sources). Maximum usage is 120,000 km for the term: Lease Rental is \$459 per month, with a total cost to the Town over the term of **\$22,032**.

Revolving credit facility on the same term as the operating lease, but with no maximum usage: Cost is \$830 per month which equates to \$39,840 over 4 years less residual of \$25,000 = **\$14,840**.

Saving to the Town is **\$7,192**.

### 4. HYUNDAI IONIQ ELECTRIC VEHICLE

The vehicle has been selected to reflect the desire by Council to move towards zero emissions vehicles for future replacements. Suitable vehicles are presently only available for the Town's administrative fleet, with utility vehicles suitable for the operational fleet not yet available in Australia. Estimated replacement costs is \$49,024 and the life of the vehicle is 5-10 years.

Lease is considered over 4 years with a residual of \$35,000 (conservative estimate using red book and carsales.com.au as sources). Maximum usage is 60,000 km for the term: Lease Rental is \$699 per month, with a total cost to the Town over the term of **\$33,552**.

Revolving credit facility on the same terms as the operating lease, but with no maximum usage: Cost is \$1,074 per month which equates to \$51,552 over the 4 years less residual of \$35,000 = **\$16,552**.

Saving to the Town is **\$17,000**.

It can be seen from the examples above that the revolving credit facility is more cost effective than leasing for the Town's fleet and plant. The above four examples are estimated to result in total savings to the Town of \$98,135, with savings being higher for more costly items of plant.

### **Statutory Requirements**

Excerpts from the *Local Government Act 1995* pertaining to the report:

#### **6.20. Power to borrow**

(1) Subject to this Act, a local government may —

- (a) borrow or re-borrow money; or
- (b) obtain credit; or
- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —

- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

### **Financial Considerations**

Financial considerations have been discussed throughout this report. Debt financing fleet and plant is clearly superior from a cost perspective than operating leases. The Town can best utilise its existing funds and minimise the required credit facility by utilising the Plant and Equipment Reserve to fund the fleet replacement program, together with operational lease savings. Debt financing can be used for plant replacement. Should option 5 be endorsed by Council, the Town would require a revolving credit facility of \$1.42m to fund the four-year programme.

The Town's potential debt capacity as calculated using the WATC approved Debt Calculator which has been sanctioned by the Department of Local Government, Sport and Cultural Industries is \$15.3m as at 30 June 2022. However, this will reduce to approximately \$13.86m, following expected borrowing for the current Underground Power Project. The debt capacity is an estimate and is impacted by future revenue, expenditure, unrestricted cash and projected interest rates, which has been set at 3.8% based on the WATC quote on the underground power loan. The Town's Debt Service Ratio was estimated at 11.7, well in excess of the benchmark of 3.

The Town has capacity to borrow for the revolving credit facility to fund the fleet and plant programme which, under option 5, is not expected to exceed \$1.42m.

### **Risk Management Implications**

#### **Financial Risk**

##### **High**

The risks of not proceeding with the proposed Fleet and Plant Replacement Program have been discussed throughout this report, but can be summarised as:

- Higher maintenance costs;
- Lower utilisation of the Town's operational staff as affected by downtime or lack of appropriate equipment;
- Potential impact on the safety of staff as they deal with obsolete plant and equipment;
- Lower amenity to the community as serviceability is reduced; and
- Continuing high costs of operating lease costs.

More broadly, the Town has a responsibility under its Asset Management Policy to ensure that assets are managed in a financially sustainable and appropriate manner.

Council through its decision-making role in adopting the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget, provide the strategic guidance and funding to guide the planning, acquisition, operation and maintenance, renewal and disposal of assets.

The Town is required to report on its effectiveness in managing its assets through the ratios set out in Regulation 50 of the Local Government (Financial Management) Regulations 1996, which includes the Asset Sustainability Ratio (ASR). The ASR indicates whether existing assets are being renewed or replaced at the same rate that the overall stock of assets is wearing out. The Department of Local Government, Sport and Cultural Industries has prescribed a basic standard of between 0.4 and 0.6. The Town reported an ASR of 0.15 in its financial report for 2020/21.

The Town's Asset Management Policy provides that the "*Town will aim to renew its assets at appropriate times, at the same rate it is depreciating and target an ASR between 0.9 and 1.1*". The Town's Asset Management Policy also states, in discussion of the Asset Consumption Ratio, that it "*will aim to responsibly maintain, renew/replace assets in accordance with the Asset Management Plan*". The proposed Fleet and Plant Replacement Program is included in the Town's Asset Management Plans and the most viable proposal for the Town to fund that program is through option 5, as recommended in this report.

### **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 12.10**

That Council:

1. Endorses Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1;
2. Endorses option 5 as recommended in this report;
3. Approves for inclusion in the 2022/23 proposed Annual Budget:
  - a. Year one (2022-23) of the Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1, as part of the Town's Capital Works Programme;
  - b. Change in the name of the Plant and Equipment Reserve to the Fleet and Plant Reserve;
  - c. Change in the purpose of the Fleet and Plant Reserve to "*To accrue funds for the purpose of replacement of fleet, plant and equipment*";
  - d. Funding of year one of the fleet items forming part of the Fleet and Plant Replacement Program, as presented in Confidential Attachment 1, from the Fleet and Plant Reserve; and
  - e. Borrowing up to \$1.42m for a revolving credit facility with an Australian Prudential Regulation Authority approved financial institution.

**Voting requirements: Simple Majority**

<b>12.11 Relocation of the Town's Administration Centre</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	CORM/PLANNG/2
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. CONFIDENTIAL - Relocation of Administration Project Plan Summary [ <b>12.11.1</b> - 5 pages]

### Purpose

The purpose of this report is for Council to consider a proposal to relocate the Town's administration staff to vacate the Town's premises at 35 Old Perth Rd, Bassendean to free the site for other potential uses.

### Background

The site at 35 Old Perth Rd, Bassendean is owned freehold by the Town. The site is identified in the Town Centre Masterplan as suitable for mixed use development of up to five stories, yielding up to ten multiple dwellings/apartments. The Town's Land Asset Strategy adopted by Council in December 2021 recommends:

*"That the Town seek to accommodate existing staff at other locations, including 48 Old Perth Road, the Library and the Seniors and Disability Services site in Ashfield.*

*Once that has occurred, it is recommended that the Town seek to redevelop the site, generally in accordance with the current zoning and the adopted Town Centre Masterplan."*

The Town's Corporate Business Plan (adopted by Council) includes a project for 2021/22 to develop a plan for colocation of the Administration (Objective 4.1).

When seeking adoption of the 2021/22 Annual Budget, the administration sought a budget of \$250,000 to facilitate co-location of the Town's administration staff. At the Special Council meeting held on 29 July 2021 to consider the budget, Council resolved as follows:

*“Office Relocation be removed from the Capital Budget and allocated \$30,000 from the Operational Project Budget for preparation of a detailed project plan including project costs for consideration by Council and allocation of \$220,000 to the Future Projects Reserve to provide funds for the project should Council endorse the project plan.”*

In seeking the budget for the project, the report to Council stated the following in the Background section (Page 11):

*“The proposed budget allocates funds to facilitate co-location of the Town’s administration staff, currently spread across two buildings, within the civic building at 48 Old Perth Road. Creating a consolidated workspace will deliver a number of benefits including improved collaboration and communication. It will also assist in the effective and sustainable use of the Town’s assets by vacating 35 Old Perth Road, improving vibrancy by allowing the facility to be used for other purposes, while reducing costs and generating income for the Town. Coupled with the co-location, it is proposed to invest in much-needed ICT improvements as defined in the Town’s ICT strategy. The co-location and ICT improvements are designed to deliver efficiencies over time and improve the way the Town delivers its services.”*

Further, under Operational projects (Page 22):

*“Co-location of the Town’s administration into single premises at 48 Old Perth Road. The Town’s administration currently occupies premises at 35 and 48 Old Perth Road. The Town owns the premises at 35 Old Perth Road freehold and the land is considered a key asset for potential future development. Creating a co-located workspace will deliver a number of benefits including improved collaboration and communication. The premises at 48 Old Perth Road require urgent expenditure on roofing, carpet, wiring and air conditioning and there are efficiencies to be gained by incorporating those works with a co-location. In addition, co-location should turn 35 Old Perth Road into a new income stream for the Town and avoid annual maintenance and running costs associated with occupying the building. In the longer term, the site is a potential development site.”*

Two significant changes have occurred since that time.

Firstly, Council adopted the project plans for the divestment of Seniors and Disability Services by 30 June 2022, meaning the Town’s current administration offices at 2 Colstoun Road, Ashfield will be available for use from 1 July 2022.

Secondly, the Town has begun to explore development of the 35 Old Perth Rd site, either as a stand-alone site or in conjunction with adjacent sites, as an immediate priority.



When the 2021/22 Annual Budget report was submitted to Council in July 2021, it was envisaged that the 35 Old Perth Rd premises may be leased for a period before potential development.

Developing the site as soon as possible is now seen as the priority as it presents a perfect opportunity to deliver on key objectives of the Town Centre Masterplan by stimulating development within the Town Centre, with Council leading by example.

## **Proposal**

That Council endorse the Project Plan Summary for Relocation of the Administration, attached to this report as **Confidential Attachment 1**, subject to satisfactory advice of compliance by the independent building certifier, and approves for inclusion in the 2022/23 Proposed Annual Budget release of the sum of \$220,000 from the Future Projects Reserve for project implementation.

## **Communication and Engagement**

The Town engaged the services of an independent building certifier and has communicated regularly with the certifier to inform development of the project plan. The plan as presented to Council via this report was submitted to the independent building certifier on 19 May 2022 and the Town is awaiting a response.

Should the proposal be endorsed by Council, a comprehensive communication plan will be developed to ensure the community is kept informed about how and where to continue to access the Town's services.

## **Strategic Implications**

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

Priority Area 4: Driving Financial Suitability

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

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.3 Ensure operational activities reflect the strategic focus of Council

## **Comment**

In developing the proposal for the three locations, the administration has considered a range of factors, including:

- Provision of community services
- The available office spaces
- Minimising the cost of the project



- Requirements of the *Building Act 2011*, Building Regulations 2012 and the National Construction Code (NCC).
- Improving or at least maintaining colocation of personnel within business units
- Colocating business units who collaborate more frequently
- The potential for further synergies to be realised through closer working relationships and colocation of certain functions
- The opportunity to improve the Town's service delivery model and customer response
- The current poor staff amenity provided by the Town's administration offices and the opportunity to improve the standard of office accommodation for staff.

The principal limitations under the NCC, so far as they relate to this proposal, are:

- Limitation by floor space, being a general requirement for a minimum of 10m<sup>2</sup> per person, excluding corridors, hallways, lobbies and the like. The independent building certifier has recommended a maximum of 31 staff at 48 OPR; and
- Limitation by facilities - Facilities must be provided on the basis that the building they serve will be occupied by equal numbers of males and females, which limits the occupancy of 48 OPR to 20 males and 20 females.

The proposed relocation of business units is as follows:

- Ashfield
  - o Relocate the Director Community Planning and the Development and Place team to the (soon to be former) Ashfield Community Centre at 2 Colstoun Road, Ashfield
  - o This will involve the Planning, Building, Environmental Health and Rangers teams, being 13 staff in total
  - o The reception/foyer will be set up as a customer interface/service area, with appropriate ICT capabilities to improve customer service.
- 48 Old Perth Rd
  - o To create an open plan environment by removing the offices on the Old Perth Rd side of the building and internal walls between the ICT office and a vacant office in front of the current security entrance
  - o Relocate the current security entrance to the North side of the currently vacant office
  - o Retain the current offices on the BIC Reserve side of the building
  - o Removing the walls within the CEO area to accommodate an open plan office space
  - o Relocate the CEO's office to the space currently occupied by Environment and Sustainability
  - o Relocate Environment and Sustainability to the open plan office space to the Southern end of the building
  - o Relocate the Director Corporate Services and the Finance and Records teams to the open plan office space at the Southern end of 48 Old Perth Rd.

- Library
  - o Redesign the Library entrance and foyer to provide two service areas, for the Library and Customer Services.
  - o Rationalise the current office space within the secure area of the Library premises to accommodate Customer Services staff taking phone enquiries
  - o Relocate Customer Services staff from 35 Old Perth Rd to the Library premises.

The relocation project is expected to be completed over 12 months in five phases:

- Phase 1: Preparation and Planning (July to September 2022)
- Phase 2: Relocation of the Director Community Planning and the Development and Place Team to Ashfield (August and September 2022)
- Phase 3: Relocation of the Finance and Records teams to 48 Old Perth Rd (October 2022 to May 2023)
- Phase 4: Relocation of Customer Services to the Library (November 2022 to May 2023)
- Phase 5: Decommissioning and Finalisation (June 2023)

More detail is included in the Project Plan Summary (**Confidential Attachment 1**).

### Statutory Requirements

The Town has engaged an independent Building Certifier to advise on compliance with the *Building Act 2011*, *Building Regulations 2012* and the National Construction Code (NCC).

### Financial Considerations

The total budget for the project is \$300,000, including:

- Independent Building Certifier;
- 48 OPR works;
- Library counter interface;
- Office furniture, fixtures and fittings; and
- Project Management.

The budget for the relocation submitted last year was for \$250,000, with Council allocating \$30,000 in 2021/22 to develop the plan and placing the remaining \$220,000 in the Future Projects Reserve, pending Council endorsement of the plan. Rather than spend \$30,000 to develop a detailed project plan, it was decided to prepare a high level plan internally and seek advice from an independent building certifier. Consequently, the Town will spend less than \$10,000 in 2021/22.

What is proposed for 2022/23 is a carry forward of the balance of \$20,000 unused this year plus release of the \$220,000 from the Future Projects Reserve, plus an additional \$50,000 for project management.

Switchboard works at 48 Old Perth Road and Ashfield have been incorporated into the Project Plan. These works are required irrespective of the proposed relocation and were included in the 2021/22 Annual budget. The works are proposed to be carried forward to 2022/23 to be completed in conjunction with the relocation project.

While the operating costs associated with 48 Old Perth Rd and Ashfield ought not increase materially as a result of the relocation project, the Town will ultimately cease to incur running costs associated with 35 Old Perth Rd of approximately \$35,000 per annum.

### **Risk Management Implications**

Financial Risk – Medium

Reputational Risk – Medium

The operational risks to the project, as outlined in the attached Project Plan Summary, are:

- That the project cannot be completed within budget or within the scheduled timeframe; and
- Unanticipated complications, for example problems that may arise with 48 OPR relating to building infrastructure, electrical or other services.

More broadly, the Town faces reputational risk should Council decide not to proceed with the proposed relocation, in that failure to implement the project is contrary to the Council-adopted Land Asset Strategy and will prevent the Town achieving a key strategic priority under the Town Centre Masterplan.

Further, the Town has no other purpose for the administration portion of the Ashfield Community Centre post 30 June 2022 and that portion of the site is likely to remain vacant. The land is Crown Land with a Management Order to the Town for use for Community Purposes and the Town currently has no power to lease the site. While an amendment to the Management Order can be sought to provide the Town with power to lease, any power to lease granted to the Town may not be unfettered and may not include a commercial lease.

Financial risks associated with not proceeding with the project include:

- The Town will be unable to unlock the potential of the 35 Old Perth Road site;
- Building operating and holding costs will continue to be incurred across 35 Old Perth Road and the Ashfield Community Centre, a portion of which will be vacant; and

- The Town will be unable to realise any potential performance and service delivery improvements in the future by having Customer Services and Library Services operating from the same premises.

### **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 12.11**

That Council:

1. Endorses the Project Plan Summary for Relocation of the Administration, as attached to this report as Confidential Attachment 1, subject to satisfactory advice of compliance by the independent building certifier; and
2. Approves for inclusion in the 2022/23 Proposed Annual Budget release of the sum of \$220,000 from the Future Projects Reserve for project implementation.

**Voting requirements: Simple Majority**

<b>12.12 End of Year Closure</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	HR/LIAIS/2
<b>Author</b>	Kathleen Stewart
<b>Department</b>	Office of the CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	Nil

### Purpose

The purpose of this report is for Council to consider the Festive Season Closure for 2022/23.

### Background

The Festive Season Office (Administration) Closure Council Policy provides that the Administration is closed during the Festive Season (Christmas to New Year) and that the Chief Executive Officer will notify staff of the dates of the office closure by 1 July that year.

Each year the closure period varies depending on when the public holidays (Christmas Day, Boxing Day and New Year's Day) fall within the festive season.

The proposed festive season closure for 2022/23 includes seven ordinary working days and three public holidays. The following dates fall outside the scope of the Policy:

- Tuesday 3 January 2023 to Friday 6 January 2023

Generally, there is little or no customer interaction during this period. Emergency contacts are available during the Festive Season period, as well as Ranger Services and a skeleton staff roster in some services.

## Proposal

It is proposed the closure occurs for the Festive Season period as outlined below:

Monday 26 December 2022	Closed (Boxing Day Public Holiday)
Tuesday 27 December 2022	Closed (Christmas Day Public Holiday)
Wednesday 28 December 2022	Closed
Thursday 29 December 2022	Closed
Friday 30 December 2022	Closed
Monday 2 January 2023	Closed (New Year's Day Public Holiday)
Tuesday 3 January 2023	Closed
Wednesday 4 January 2023	Closed
Thursday 5 January 2023	Closed
Friday 6 January 2023	Closed

The Town's services will operate the following hours during the Festive Season:

- **Youth Services** – last day Friday 16 December 2022, reopening on Tuesday 10 January 2023;
- **Wind in the Willows** – last day (for children) Thursday 22 December 2022, reopening Wednesday 4 January 2023 (first day for children);
- **Library** – closing at 5.30pm on Friday 23 December 2022, reopening on Monday 9 January 2023.

## Communication and Engagement

Communication will be provided to all employees advising of the Festive Season closure period.

In the lead up to the Festive Season, the Town will communicate the closure period and service opening times via social media, community newspaper and flyers displayed throughout service areas.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.3 Ensure operational activities reflect the strategic focus of Council

## **Comment**

An extended closure period provides an opportunity for employees to use Annual Leave or other appropriate entitlements. This reduces the Leave Liability to the Town and payment of higher duties along with supporting a family friendly work environment for employees to enjoy the festive season.

The Local Government Industry Award 2020 (clause 23.5) provides for an annual close-down, where an employer may require an employee to take annual leave as part of a close-down of its operations by giving at least 4 weeks' notice.

As part of the Town's Enterprise Agreements, employees are entitled to two additional days (in excess of their annual leave entitlements) to be taken as part of the Festive Season closure period. Employees who commence employment at the Town after the 1 July are entitled to one additional day in their first year of employment and two days thereafter. The Town's Enterprise Agreements also provide employees with the opportunity to purchase up to two weeks of additional leave per year.

This proposed festive season closure period (26 December 2022 to 6 January 2023) means full-time employees would use five days of accrued leave entitlements (which can be a mixture of annual leave, purchased leave, RDOs (Rostered Day Off), ADOs (Accrued Day Off) or time off in lieu accruals) in addition to the three paid public holiday days and two additional days, as outlined above.

By providing employees with approximately six months' notice of the proposed festive season closure, it allows staff time to consider and make sufficient leave arrangements for the period. Employees may negotiate and discuss options with their line manager if they do not wish to use or do not have sufficient leave entitlements for the period. Options may include the opportunity to purchase leave or if their work area is working on a skeleton roster the ability to work over the period.

It is also noted that the Town intends to host its end-of year function for Staff and Elected Members from 12pm to 5pm on Friday 16 December 2022. It is expected that the administration and services, with the exception of Children's Services, will close at 12pm that day.

## **Statutory Requirements**

The Festive Season Office (Administration) Closure Council Policy provides the Administration Office will be closed during the Festive Season (Christmas to New Year).



Town of Bassendean employees are covered by either the 'Town of Bassendean Enterprise Agreement 2020' or 'Town of Bassendean Asset Services Agreement 2020'. As per the agreement provisions, employees have an entitlement of two additional days off (conditions apply) to be taken as part of the Festive Season closure period between Christmas and New Year.

### **Financial Considerations**

This closure period will reduce the employee leave liability for the Town and decrease Higher Duties payments usually paid in the first week of January to back fill leave requirements.

### **Risk Management Implications**

No Risks Identified

### **Declaration of Conflicts of Interest**

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

### **Officer Recommendation – Item 12.12**

That Council, in addition to and in alignment with the Festive Season Office (Administration) Closure Council Policy:

1. Approves the closing of the Customer Services Centre, Administration Building, Library, Wind in the Willows Early Childhood Education (Bassendean and Ashfield), Youth Services and Depot as per the proposed Festive Season period outlined above;
2. Requests the Chief Executive Officer provides emergency contact details to the public for the Festive period; and
3. Requests the Chief Executive Officer to provide a skeleton staff during the agreed Festive Season closure period.

### **Voting requirements: Simple Majority**

<b>12.13      Audit and Governance Committee Meeting held on 8 June 2022</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/18
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Audit and Governance Committee Minutes 8 June 2022 [<b>12.13.1</b> - 22 pages]</li> <li>2. Audit Planning Memorandum 2021-22 [<b>12.13.2</b> - 29 pages]</li> <li>3. CONFIDENTIAL - General Finance Control Report [<b>12.13.3</b> - 17 pages]</li> <li>4. CONFIDENTIAL - Regulation 17 Report [<b>12.13.4</b> - 13 pages]</li> <li>5. Internal Audit Schedule - 2021-2023 [<b>12.13.5</b> - 1 page]</li> <li>6. Internal Audit Schedule 2021 - 2023 - Revised Nov 21 [<b>12.13.6</b> - 1 page]</li> <li>7. Draft Annual Internal Audit Plan 2022-23 [<b>12.13.7</b> - 7 pages]</li> <li>8. CONFIDENTIAL - Rates Write off small balances [<b>12.13.8</b> - 84 pages]</li> <li>9. CONFIDENTIAL - 20220608 - Audit Risk Register [<b>12.13.9</b> - 6 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 8 June 2022.

## Background

The Town's Audit and Governance Committee meets at least four times each year in carrying out its functions under the Instrument of Appointment and Delegation (the Instrument). The Instrument specifies the authority, objectives and responsibilities of the Committee and governs its membership and meeting requirements.

## Proposal

For Council to receive the report on the meeting of the Audit and Governance Committee held on 8 June 2022.

## Communication and Engagement

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

## Strategic Implications

Priority Area 5: Facilitating People-Centred Services

5.2 Deliver efficient and well-connected internet and computer technology systems

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## Comment

The Committee considered the following items:

### Annual Audit of the Financial Report for 2021/22 - Audit Planning Memorandum

The purpose of this report was to provide the Committee with the Audit Planning Memorandum (**APM**) for the audit of the Town's Financial Report for 2021/22 (**Attachment 1**).

The primary purpose of the APM is to brief the Town on the proposed approach by RSM Australia (**RSM**), on behalf of the Office of the Auditor General (**OAG**), to audit the financial report of the Town for the year ending 30 June 2022.

The Final Audit Exit Meeting with the Committee is expected to be held on 7 December 2022 and will cover the presentation and discussion of the audit closing report, which will outline any significant audit related matters concerning the financial report, management letters and improvement suggestions for future audits.

The Committee resolved to receive the RSM Audit Planning Memorandum.

### General Finance Control Review

In accordance with the Town's three-year Internal Audit Plan for 2020/21 to 2022/23, adopted by Council in June 2020, the Town's internal auditors William Buck Consulting (WA) Pty Ltd (**William Buck**) conducted an internal audit on the key financial controls and procedures during the 2021/22 financial year.

The General Finance Control Review Report outlines the scope of the audit, details key findings and recommendations, and suggests a process improvement opportunity (**Confidential Attachment 1**).

The Committee recommended that Council receives the General Finance Control Review Report and notes the findings and recommendations, and the management action taken or proposed to be taken to address the identified risks.

### Internal Audit Report of Regulation 17

In accordance with the Town's three-year Internal Audit Plan for 2020/21 to 2022/23, adopted by Council in June 2020, William Buck conducted an internal audit on the current controls implemented in respect of Regulation 17 of the *Local Government (Audit) Regulations 1996* (**Regulation 17**).

The Internal Audit Report of Regulation 17 outlines the scope of the audit, and details key findings and recommendations (**Confidential Attachment 2**).

The Committee recommended that Council receives the Internal Audit Report of Regulation 17 and notes the findings and recommendations, and the management action to be taken to address the identified risks.

### Internal Audit Plan 2022/23

The purpose of this report was for Council to consider an amended draft Internal Audit Plan for 2022/23, showing the key areas to be covered by William Buck.

The Town has a requirement for Internal Auditing Services, to ensure compliance with the *Local Government Act 1995* (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). Council adopted the internal audit schedule for 2020/21 to 2022/23 at its ordinary council meeting on 23 June 2020. (**Attachment 2**).

The Internal Audit Schedule was revised in November 2021 to consolidate the schedule into two years as no internal audit activity was undertaken in 2020/21 due to a delay in appointing the new internal auditor following an RFQ process, and changes to the Town's Manager Finance and other key Finance personnel. The Revised Internal Audit Schedule for 2020/21 to 2022/23 is shown in **Attachment 3**.

The key internal audits for 2021/22, being the Internal Audit of Regulation 17 and the General Financial Controls audit, have been completed by William Buck, as noted above.

Following completion of those audits and a revision of priorities, Town staff and William Buck have revised the audit plan and proposed a new draft Internal Audit Plan for 2022/23 (**Attachment 4**).

The Committee endorsed the draft Internal Audit Plan for 2022/23 and recommended to Council that it adopt the plan.

#### Rates – Small Balance Write Off

The purpose of this report was to provide the Committee with details of small rates balances currently recorded as debts owed to the Town and for the Committee to recommend to Council that it write off the debts in accordance with section 6.12(1)(c) of the *Local Government Act 1995*.

The Town's rates database shows 809 properties with outstanding balances of less than \$10, totaling \$2,039.48, as at 1 June 2022 (**Confidential Attachment 3**).

In all cases, one of the following two points applies:

- The outstanding balance is not a debt due and payable to the Town as it arose from the application of interest by the system to the period between receipt and processing of the payment; and
- The outstanding balance is due and payable to the Town, but the cost of collection would exceed the amount outstanding.

To assist the administration in the efficient management and collection of rates, a delegation to the CEO was sought, to write off small rates balances up to a maximum of \$10 per property per annum. The administration proposes to report all instances of exercise of the delegation to Council, through the Committee.

In summary, the Committee recommended that Council writes off the outstanding small rates balances and provides the requested delegation to the CEO, subject to reporting to Council on exercise of that delegation.

#### Audit Risk Register

The purpose of this report was to provide the Committee with the Town's Audit Risk Register, with updated actions since the meeting of the Committee on 9 March 2022 (**Confidential Attachment 4**).

The Audit Risk Register presents a summary of the audit risks and recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken or proposed to address the identified risks.

The recommendations and actions taken or proposed to be taken from the two internal audits completed by William Buck will be incorporated into the Audit Risk Register for the next meeting of the Committee.

The Committee resolved to receive the Audit Risk Register and note the action taken or proposed to address the identified risks.

### **Statutory Requirements**

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

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

### **Financial Considerations**

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required.

The Town's Purchasing Policy and Procurement Guidelines will govern any required engagements.

### **Risk Management Implications**

Financial Risk  
High

The annual audit of the Town's Financial Report is an important part of the Town's approach to identifying, assessing and treating risks. While audits are not an absolute guarantee of the accuracy or reliability of the Town's information and may not identify all matters of significance, the audit is likely to highlight any significant risks and weaknesses in controls for risk mitigation by the Town.

The use of independent internal audit has several important benefits to the Town, including:

- Independent assurance for management and Council that internal controls in place are working effectively
- Provision of advisory information on areas that may need further strengthening
- Independent review of the efficiency and effectiveness of financial and non-financial controls
- Independent review the Town's compliance with legislative requirements.

## **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 12.13**

That Council:

1. Receives the General Finance Control Review Report, being Confidential Attachment 1, and notes the findings and recommendations, and the management action taken or proposed to be taken to address the identified risks;
2. Receives the Internal Audit Report of Regulation 17, being Confidential Attachment 2, and notes the findings and recommendations, and the management action to be taken to address the identified risks;
3. Adopts the draft Internal Audit Plan for 2022/23, being Attachment 4 to this report;
4. Writes off the outstanding small balances listed in Confidential Attachment 3 to this report, in accordance with section 6.12(1)(c) of the *Local Government Act 1995*;
5. Amends the Town's Delegation Register, 'Delegation 1.2.15 Defer payment, Grant discounts, Waive fees or Write-off Debts' to delegate to the CEO the authority to write off small rates balances up to a maximum of \$10 per property per annum;
6. Notes that the CEO intends to sub-delegate that authority to the Director Corporate Services and Manager Finance; and
7. Includes a condition on the delegation that exercise of the delegation be reported to Council.

### **Voting requirements:**

**4, 5 and 7 – Absolute Majority**

**1, 2, 3 and 6 - Simple Majority**



<b>12.14 Accounts Paid 31 May 2022</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<b>Author</b>	Paul White
<b>Department</b>	Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Consolidated Warrant of Payments 31 May 2022 [12.14.1 - 19 pages]

### Purpose

The purpose of this report is for the Council to receive the list of payments for May 2022.

### Background

Payments made during May 2022 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

### Proposal

For Council to receive the list of payments for May 2022.

### Communication and Engagement

Nil.

### Strategic Implications

Priority Area 4: Driving Financial Suitability

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

4.3 Support the local economy

### Comment

Nil.

## **Statutory Requirements**

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

## **Financial Considerations**

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

## **Risk Management Implications**

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 key 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 12.14**

That Council receive the list of payments for May 2022.

**Voting requirements: Simple Majority**

<b>12.15 Monthly Financial Report – May 2022</b>	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	FINM/AUD/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Financial Activity Statement as at 31 May 2022 [12.15.1 - 12 pages]

### Purpose

The purpose of this report is for Council to receive the Monthly Financial Report for May 2022 which incorporates the Statement of Financial Activity as legislatively required.

### Background

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

The Statement of Financial Activity is to show a comparison of the budget estimates with the actual revenue and expenditure figures for the year-to-date and can be presented by nature and type classification, program or business unit. The Statement of Financial Activity hereby presented to Council is by nature and type classification.

The Statement of Financial Activity and accompanying documents must be presented to Council within two months after the end of the month to which the statement relates. The variance report compares to the current budget which considers the mid-year review, adopted by Council on 22 February 2022.

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted \$5,000 or 10% whichever is higher, as part of its 2021/22 Annual Budget.

### Proposal

For Council to receive the Monthly Financial Report for May 2022.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 4: Driving Financial Suitability

- 4.1 Ensure there is sufficient, effective and sustainable use of assets
- 4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members
- 4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.5 Foster an environment of innovation and leadership

## Comment

The Monthly Financial Report contains the Statement of Financial Activity, which represents the adopted 2021/22 Annual Budget and subsequent amended estimates and actual income and expenditure amounts to the month, May 2022. The opening surplus position has now been amended in line with the adopted 2020/21 end-of-year Financial Statements. As noted above, the variance report considers the mid-year review, adopted by Council in February 2022.

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

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on year-to-date basis. The accompanying notes provide a detailed breakdown of the amounts and commentary is based on the May 2022 year-to-date figures.

Item	Current Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$m	\$m	\$m	\$m	%
Revenue (including General Rates)	24.0	23.5	24.4	0.9	4
Expenditure	27.6	24.6	23.1	1.5	6
Capital Works	4.6	4.3	2.6	1.7	38
Non-Operating Grants, Subsidies and Contributions	1.6	0.8	0.6	0.2	27

## Operating Revenue

Revenue year-to-date is 4.0% above budget based on the Statement of Comprehensive Income.

Operating grants, subsidies and contributions are above budget due to earlier receipt of the 2022/23 Federal Assistance General Grants and 3<sup>rd</sup> quarter Seniors Commonwealth Home Support Programme Grant.

Other revenue is above budget due to a dividend of \$110,000 received in August 2021 from Eastern Metropolitan Regional Council which was not adjusted at mid-year review and higher revenue from Planning fees, Waste Charges and Seniors Services.

#### Operating Expenditure

Expenditure year-to-date is 6% under budget. Identified savings were released when the mid-year review was conducted after considering adjustments for year-end provisions.

Materials and contracts are under budget by \$1.1M, due to timing of IT projects expenditure, purchase of FOGO bins and liners, green waste verge collection, contract services and public events which is deemed to be a timing matter.

Utility charges are under the year-to-date budget by \$24K with lower charges reported across several of the Town locations and street lighting.

Depreciation is under by \$228K due to lower capitalisations. These are planned to be captured in June 2022 as projects get finalised.

Loss on asset disposal is under budget by \$44K with delays in the disposal of plant and equipment.

#### Non-Operating Grants

The variance of \$208K is due to timing of State Government grant payments.

#### Capital Works

##### Key Points to Note:

- Actual spend is 57% of the current budget with a further 12% committed to date. Expenditure is expected to pick up in the final month due to project phasing with a target completion rate of 71% expected by the end of the year.
- Carry Forwards have been identified as part of the 2022/23 Annual Budget deliberations worth approximately 1.3M.
- Sandy Beach Playground tender was awarded in October 2021, with works well underway and finalisation expected in July 2022. Similarly, the ablution works foundation has been laid with building works to commence shortly and planned completion expected by August 2022.
- The Request for Quote has been finalised for the replacement of the Hino Truck, however, the expected delivery will be in later part of 2022, with current delays experienced by fleet providers.
- The Toro Mower has arrived, 9 months after it was ordered.

- The Agenda Preparation and Minutes software Doc Assembler and Docs on Tap has been implemented.
- In relation to other ICT Implementation projects, an RFQ has issued for upgrade to the Town's disaster recovery environment.
- All roads projects are now complete with a total spending of \$828K for the year.

### **Monthly Investment Report**

The overall balance of the Town's investments is \$16.5 million. This is comprised of municipal investments of \$7.1 million (including restricted cash), reserve investments of \$8.6 million and trust investments (public open space) of \$0.8 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 33% of its funds invested in non-fossil fuel ADIs. This percentage is unusually low, due to half of the Town's invested funds being held in the Town's Commonwealth Bank online saver account, due to poor short-term interest rates available elsewhere.

The Reserve Bank of Australia raised the cash rate to 0.35% in their May 2022 meeting and further rate hikes are expected in the coming months which provides for an improved investment earnings outlook for 2022/23.

### **Statutory Requirements**

Local Government (Financial Management) Regulations 1996.

### **Financial Considerations**

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

#### Budget Amendments

No budget amendments are proposed in the Monthly Financial Report for May 2022.

### **Risk Management Implications**

Financial Risk  
Low

## **Declaration of Conflicts of Interest**

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

## **Officer Recommendation – Item 12.15**

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 31 May 2022, which incorporates the Statement of Financial Activity for the period to May 2022.

**Voting requirements: Simple Majority**



12.16 Use of Common Seal	
Property Address	Not applicable
Landowner/Applicant	Not applicable
File Reference	INFM/INTPROP/1
Author	Natasha Dowson
Department	Chief Executive
Previous Reports	Not applicable
Authority/Discretion	<b>Executive</b> The substantial direction setting and oversight role of the Council.
Attachments	Nil

### Purpose

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

### Background

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

### Proposal

Not applicable.

### Communication and Engagement

Not applicable.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.3 Ensure operational activities reflect the strategic focus of Council

### Comment

Document Sealed	Date Sealed
S129BA Restrictive Covenant No.93 Lord Street EDEN HILL	10 June 2022

## **Statutory Requirements**

Affixing of the Common Seal is done in accordance with section 9.49A of the *Local Government Act 1995*

## **Financial Considerations**

Not applicable.

## **Risk Management Implications**

No Risks Identified

## **Declaration of Conflicts of Interest**

Not applicable

## **Officer Recommendation – Item 12.16**

That Council notes the affixing of the Common Seal during the reporting period.

**Voting requirements: Simple Majority**

12.17 Calendar June 2022	
<b>Property Address</b>	Not applicable
<b>Landowner/Applicant</b>	Not applicable
<b>File Reference</b>	INFM/INTPROP/1
<b>Author</b>	Natasha Dowson
<b>Department</b>	Chief Executive
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	Nil

### Purpose

The purpose of this report is for Council to consider the calendar for July 2022.

### Comment

Calendar for July 2022

Tuesday 5 July	6.00pm	Council Chamber	All Councillors Executive Team	Special Council Meeting Draft Budget 22/23
Tuesday 19 July	6.00pm	Council Chamber	All Councillors Executive Staff	Briefing Session
Tuesday 26 July	6.00pm	Council Chamber	All Councillors Executive Staff	Ordinary Council Meeting
Thursday 28 July	6.00pm	EMRC	Appointed Councillors	EMRC Ordinary Council Meeting

### Officer Recommendation

That Council adopt the calendar for July 2022.

**Voting requirements: Simple Majority**

### 13 Motions of which Previous Notice has been given

13.1 Notice of Motion - Cr Hamilton: Briefing Session	
Councillor	Cr Hamilton
Attachments	Nil

#### Motion

"That Council requests the CEO implement the following ongoing schedule commencing from July 2022;

1. Briefing Agenda documents are to be provided to Councillors one day earlier i.e. on a Wednesday, rather than the current schedule of a Thursday; and
2. Briefing Agendas are to include all items proposed to be considered by Council at the subsequent OCM, with exceptions for items of an Urgent Nature that may be included in the OCM agenda under clause 5.5 of Meeting Procedures Local Law 2020. "

*Reason: Provision of the Briefing Documents one day earlier on a Wednesday facilitates an improved process for Councillors whereby irrespective of public holidays, a minimum of one full business day is available for Councillors to contact the administration regarding any issues with the agenda and/or attachments. Inclusion of all items on the Briefing agenda facilitates an improved process to assist councillors in their research, questions, community engagement and evaluation of items leading up to decision making on those items at the subsequent OCM.*

#### OFFICER COMMENT

The substance of the Notice of Motion (NOM) is not a matter for Council decision-making.

The development and distribution of the agenda is a function of the CEO and therefore it is recommended that the NOM be withdrawn

**13.2 Notice of Motion - Cr McLennan - Gas Connections**

<b>Councillor</b>	Cr McLennan
<b>Attachments</b>	Nil

**Motion**

*“That, in light of the climate crisis and the need to minimise committed emissions, Council requests the Chief Executive Officer to:*

1. *Investigate and prepare a report for Council on -*
  - a. *any mechanisms that are available to Western Australian local governments to prohibit the installation of gas connections in new residential developments; and*
  - b. *on policy options to incentivise new residential developments to exclude a gas connection to the dwelling/s; and*
2. *In the absence of existing mechanisms for local governments to prohibit new gas connections, write to the Minister for Mines and Petroleum, Energy, Corrective Services and Industrial Relations (Hon Bill Johnston MLA), the Minister for the Environment and Climate Action (Hon Reece Whitby) and the Member for Bassendean (Hon Dave Kelly MLA) requesting that the action necessary to prohibit gas connections from new residential developments across Western Australia be taken; and*
3. *Authorises the Mayor to write to the mayors of all Western Australian local governments seeking their support of the prohibition of gas connections from new residential developments, and requests that their respective Councils pass a formal resolution supporting such a stance.*

**Background – Cr McLennan**

The Town of Bassendean has a history of leadership on climate action and emission reduction. From 2000-2009 the Town participated in the Cities for Climate Protection Program (CPP). Following the Australian Government’s defunding of the CPP program in June 2009, the Town joined the Eastern Metropolitan Regional Council’s “Achieving Carbon Emission Reduction” (ACER) program in 2009 which continues and builds upon the work done under CPP. The Town is a signatory to the Western Australian Local Government Association Climate Change Declaration, is an active member of the Cities Power Partnership and has adopted the One Planet Living Principles to guide all decisions. Reflecting this commitment, the Town’s vision is to be a community and local government that take environmentally sustainable actions for our town, state, country and planet.

The Town acknowledges the scientific evidence reported by the Intergovernmental Panel on Climate Change that communicates the climate emergency we are in. The third and final report from the IPCC focuses on climate change mitigation and what action needs to be taken immediately to reduce greenhouse gas emissions to alleviate the impacts of climate change. The IPCC report clearly articulates that the situation requires urgent action by all levels of government. ([IPCC 2022](#)).

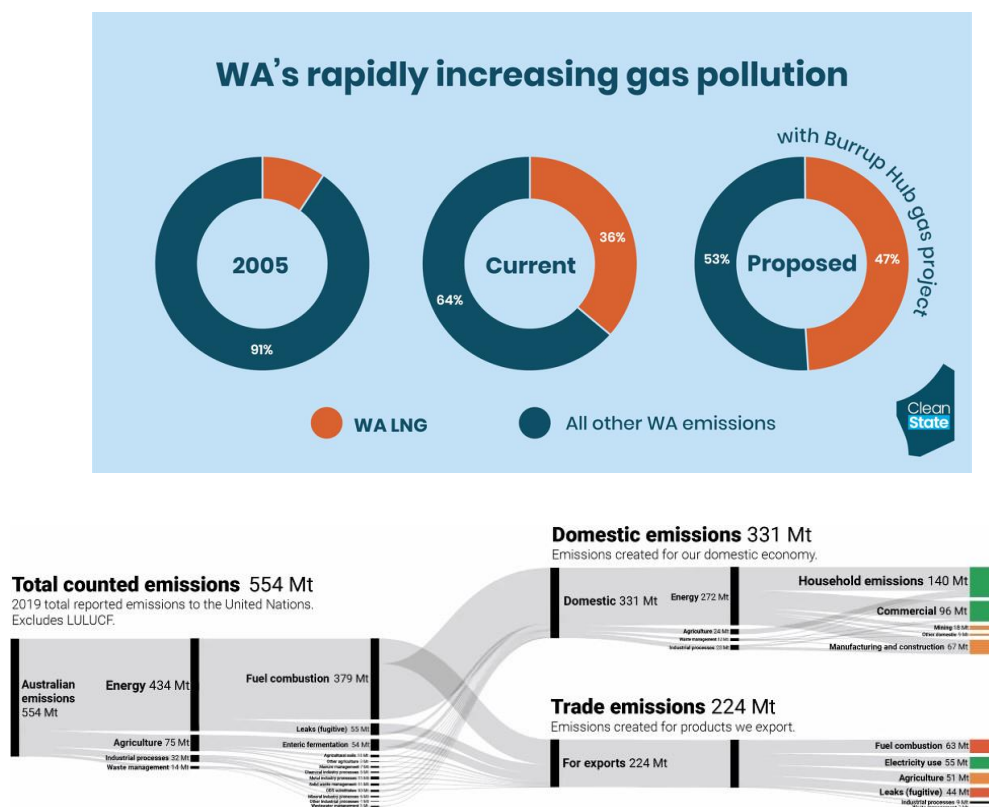
Climate science has unequivocally demonstrated that climate change is being driven by the burning of fossil fuels including natural gas. Despite claims that gas is a transition fuel, gas is mostly made up of methane which is 26 times more potent than carbon dioxide and using gas for energy is therefore a key contributor to climate change.

The Climate Council states that “Emissions from the extraction, processing and export of gas have been the main driver behind Australia’s official emissions staying so high. The official figures for emissions from gas are likely significantly underestimated.” ([Climate Council N.D.](#))

Climate Analytics state: “The domestic emissions from full exploitation of Western Australia’s conventional gas reserves for both domestic use and LNG exports present major challenges for the State to comply with a Paris Agreement-compatible carbon budget. Under the Paris Agreement, Western Australia will need to move from gas to renewable energy sources by 2050 for its domestic energy needs and as well make very large emission reductions in all phases of LNG production and processing.” ([Climate Analytics N.D.](#))

Therefore, a transition away from all fossil fuels, including gas, is urgently required. Unfortunately, the opposite is what is actually occurring. WA is the only state with rapidly rising greenhouse gas emissions, due to uncontrolled carbon pollution from liquid natural gas production growth, undermining the entire country's efforts to tackle climate change. ([Clean State 2019](#)).

At present, 42% (140Mt) of Australia’s annual domestic emissions (331Mt) are from our households. Therefore, by reducing the use of energy from gas for heating, cooling and cooking in our homes, we are able to collectively have a significant impact on reducing emissions and limiting the effects of climate change.



Unlike some other states, Western Australia does not have a requirement for new developments to install a gas connection. Despite this, at present, the majority of Western Australian homes are connected to gas. This continues to be standard practice for new developments despite the known environmental impacts and the cost savings associated with the use of renewable energy. Therefore, to change this practice, policies need to be introduced that will either prohibit new gas connections or incentivise new developments to exclude gas connections to the dwellings.

Every new gas appliance installed in households today can be expected to have a useful life of 10-15 years. This equates to over a decade of committed emissions that could otherwise have been avoided. The pathway to climate success is to electrify everything, cease the installation of any new devices that are not powered by renewable energy and to replace the main origins of our emissions (gas and oil powered machines) with cleanly powered electric appliances as they retire, including our water heater, space heaters, cooking appliances and vehicles. Electrifying households is the only credible path to decarbonising home energy use.

Around the world action is being taken to eliminate or discourage the use of gas in households. For example, the Dutch government has eliminated new gas connections for residential dwellings and the [New York City Council voted in December 2021 to ban the use of gas in new buildings](#), following in the footsteps of dozens of smaller U.S. cities.

The Victorian government is considering the future of gas through its consultation on a Natural Gas Substitution Roadmap. [Many local councils and community groups](#) have made submissions calling to electrify households and to enable local governments to ban new gas connections. The main arguments cited are emission reductions and reducing costs to residents.

Similarly, the ACT government is considering legislation to prevent new gas mains network connections to future residential developments and has supported gas free residential property developments.

Although it would be ideal for the prohibition of new gas connections to be driven at a state or federal level, this is unlikely to occur. In the absence of this, local governments have a responsibility to drive the change that is needed through their own planning policies. In Western Australia, the City of Fremantle Council is also anticipated to present and consider a motion similar to this notice of motion in the near future.

It is acknowledged that the Town of Bassendean's recently adopted "Local Planning Policy, Sustainable Development" incentivises the use of renewable energy by requiring all new residential developments to install a minimum 3kW photovoltaic system. However, additional policy initiatives that support the transition from gas to renewables in households are also necessary to fully realise the significant climate, cost and other benefits.

### OFFICER COMMENT

There is no objection to this Notice of Motion.



<b>13.3 Notice of Motion - Cr Hamilton: Arts, Culture and Events Committee</b>	
<b>Councillor</b>	Cr Hamilton
<b>Attachments</b>	Nil

### **Motion**

*“That Council:*

- 1. Requests the CEO to facilitate the establishment of a formal committee of Council titled “Arts, Culture and Events Committee” the membership of which comprises nominated elected members and relevant staff; and*
- 2. Coordinate the first meeting of the Arts, Culture and Events Committee to occur within 60 days from a resolution of council endorsing this motion.”*

### **Purpose and Reasons – Cr Hamilton:**

The purpose of the Arts Culture and Events Committee is to provide information/advice about current and emerging arts and events related matters to the Town of Bassendean Council to assist in forward planning and decision making about potential cultural activities for the 2023/24 financial year and beyond.

Events and Art contribute to overall community cohesion and well-being, improved livability and economic activity in our Town. Incorporating forward planning for arts and events provides an opportunity to deliver a cohesive vision that not only celebrates the Town’s diversity and history but also promotes contemporary Arts in varied formats with the aim to enhance and augment cultural activities in the district.

It is envisaged that the ACEC will not have delegated authority, but will provide advice on engagement with the Arts community, event and grant opportunities, and may also advise Council on matters regarding planning, integration and implementation of cultural elements into Town initiatives.

The Arts, Culture and Events Committee will help identify much of the work required in the development of recommendations to Council to enable informed decision-making.

### **Draft Objectives and Scope:**

- Reference and build on the vision for the Town to provide a cohesive creative direction and appropriate themes for all planning and development initiatives that are in line with the Town’s Arts and Culture Plan  
[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL\\_Cult\\_Plan\\_First\\_pages\\_V2.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL_Cult_Plan_First_pages_V2.pdf)
- Review the Town’s Cultural Outcomes Mapping and make recommendations that draw on the Town’s Strategy and best contemporary practices  
[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL\\_A3\\_Cultural\\_Outcome\\_Maps\\_V3.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL_A3_Cultural_Outcome_Maps_V3.pdf)

- Review current initiatives, identify and advise on opportunities in the Town's provision of arts activities and events.
- Provide advice to Council to guide the development and implementation of the Town's Policies relating to Arts, Events, Sponsorships and Grants.
- Provide advice on forums and other opportunities for sharing and receiving information from the arts community.
- Provide advice that ensures community expectations and relevant policies are aligned to promote Arts and Events.
- Identify Arts and Events related collaborations and strategies to maximise participation by the community and opportunities to create and engage with diverse Arts and Events activities.
- Ensure the effectiveness of the Committee's work and achievement of best value for the community is supported by strong ongoing communications between the Committee and the Town.
- Initiate and consider potential proposals for public artworks to be referred to Council for consideration.
- Consider external proposals for public artworks to be donated to the Town.

About:

The Arts, Culture and Events Committee is initially to be made up of a minimum of three nominated elected members and relevant staff. It is envisioned the Committee will operate under the Council's Standing Orders Local Law with meetings to be held quarterly or as required. With the prior approval of Council the ACEC may establish project specific Working Groups or Reference Groups in collaboration with community volunteers.

Appointment to the Committee and duration of membership is to align with the Local Government election cycle.

Other documents:

<https://www.bassendean.wa.gov.au/council-meetings/people-services-committee/people-services-committee/290/documents/people-services-committee-plan-att.pptx>

<https://www.bassendean.wa.gov.au/council-meetings/people-services-committee/people-services-committee/366/documents/psc-agenda-and-atts-6-march-2019.pdf>

**Officer Response:**

This Notice of Motion is not supported.

Whilst the establishment of a Committee is provided for under the Local Government Act; the purpose, reasons, objectives and scope (as outlined in the Notice of Motion) are problematic for the following reasons:

- The Committee will impinge upon the role of the Administration; and
- It represents an ineffective use of resources.

The CEO has advised Cr Hamilton of the issues with the Notice of Motion. In order to achieve the desires of the Councillor, the following alternative is proposed for consideration. This alternative seeks to mitigate the above objections to the Notice of Motion:

***“That Council:***

***Request the CEO to arrange a dedicated workshop ahead of the budget planning process for 2023/2024 for Councillors to discuss their ideas and put forward any feedback they may have that may be considered and incorporated, where appropriate, into the draft budget for 2023/2024.”***

### **Further Background:**

#### **Separation of Powers**

*“The Local Government Act recognises the importance of the demarcation between a local government’s Council and Administration,,,*

*Each of these groups of people which comprise a local government, the Council and the Administration, have different skills, mandates, powers and functions. Their roles are different and should not be confused.”*

*(Report of the Inquiry into the City of Perth, 30 June 2020)*

Council’s primary role in arts, culture and events is to approve: the strategic direction via the Strategic Community Plan; annual budget; and related Council policies.

It is not by way of example, to: *“provide advice on engagement with the Arts community, event and grant opportunities, and may also advise Council on matters regarding planning, integration and implementation of cultural elements into Town initiatives.”*

#### **Ineffective Use of Resources**

The Administration has recently completed numerous workshops with Councillors between February and June seeking their input and priorities for the 2022/2023 budget. In regards to arts, culture and events there were no suggestions or feedback offered by Councillors. With this in mind, establishing a Committee of Council to focus on arts, culture and events is considered unwarranted and represents an ineffective use of resources. The opportunity cost for the Administration in supporting a committee via participation at meetings, the preparation of agendas, reports, minutes, actioning requests etc would significantly impact the effective operations of the local government by redirecting resources from Council priorities. The proposal for a committee (and potential working groups or subgroups) is considered a disproportionate response. It is also unclear what the issue is to be addressed via the Committee or the outcome to be achieved and whether a committee is the appropriate vehicle in this regard.

The Town in recent years has had a number of Committees of Council which have subsequently been decommissioned with one of the primary reasons being a lack of material outcomes for the investment of resources, particularly noting alternative avenues for garnering input.

It is deemed that a Councillor Workshop focusing on arts, culture and events provides a cost effective alternative to the creation of a dedicated committee.

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

<b>14.1 Notice of Motion - Cr McLennan: Trees - Lots 17, 19, 21 &amp; 23 Anstey Road, Bassendean</b>	
<b>Councillor</b>	Cr McLennan
<b>Attachments</b>	Nil

### Motion

*“That Council requests the Chief Executive Officer to assess the mature trees located on Town of Bassendean owned Lots 17, 19, 21 & 23 Anstey Road, Bassendean and prepare a report for Council with recommendations on which trees meet the criteria to warrant a Tree Preservation Order.”*

### Reason:

Lots 17,19, 21 & 23 Anstey Road are owned freehold by the Town of Bassendean. A number of mature trees that add ecological and amenity value to the area are located across these lots. Under Local Planning Scheme 10, lots 21 & 23 are zoned residential and lots 17 & 19 are reserved for parks and recreation. The Town is currently updating its Local Planning Scheme and developing a Public Open Space Strategy. In light of this and the possibility of future rezoning or development that may occur at these sites, it is prudent for Council to consider mechanisms to protect the existing trees in advance

### OFFICER COMMENT

There is no objection to this Notice of Motion.

14.2 Notice of Motion - Cr McLennan: Joint Standing Committee Cats Local Law	
Councillor	Cr McLennan
Attachments	Nil

### **Motion**

*That Council:*

1. *Advocates to the Joint Standing Committee on Delegated Legislation that it apply the provisions of the Cat Act 2011 such that it allows the making of Local Laws that:*
  - *ban cats from all public areas;*
  - *place conditions on when a cat may be permitted in a public area; and/or*
  - *restrict all cats in the district to their owner's premises; and*
2. *Through the East Metro Zone, seeks WALGA's support to advocate to the Joint Standing Committee as above; and*
3. *Authorises the Mayor to write to the Minister for Local Government requesting support for local governments to be able to make local laws that deliver the outcomes outlined in Point 1.*

### **Reasons:**

The Town recently undertook a review of our Cat Local Law and sought to introduce a number of new provisions seeking to minimize the impact of cats on wildlife and address nuisance issues. These provisions reflected community feedback and recommendations made to government through a recent parliamentary inquiry, the findings of which were presented in December 2020.

While supportive of some of the Town's proposed provisions, the Joint Standing Committee on Delegated Legislation (JSCDL) was not supportive of the following clause that sought to restrict cats in places that are not public.

#### ***Cats in places that are not public:***

*A cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier.*

In responding to the Town's proposed clause, the JSCDL asserted that it was inconsistent with the Cat Act 2011, and that the mention of cats being in public places within the Act implied that cats were entitled to be in such places by way of Clause 6(1) which states:

*"The owner of a registered cat must ensure that when the cat is in a public place the cat is wearing its registration tag".*

Multiple other local governments have also sought to introduce local law provisions in that restrict a cat's ability to roam in order to reduce the negative impact that roaming can have on native wildlife, neighbours and the cat's own health. Different local governments have approached the issue in variety of ways. For example, the City of Fremantle sought to restrict cats from any City controlled land. However, to date the JSCDL has not been supportive of the various attempts to restrict cats' ability to roam from their owner's properties.

The fact that the Cat Act 2011 refers to "when the cat is in a public place" does not necessitate cats being permitted in public places. Therefore, this motion seeks to challenge this interpretation of the Act and request the JSCDL and the Minister support local laws that reflect community sentiment and recommendations made to parliament and that allow for the restriction of cats' ability to roam as outlined in the motion.

**Parliamentary Inquiry Report:**

Tackling the feral cat pandemic: a plan to save Australian wildlife (2020)

[www.apf.gov.au/Parliamentary\\_Business/Committees/House/Environment\\_and\\_Energy/Feralanddomesticcats/Report](http://www.apf.gov.au/Parliamentary_Business/Committees/House/Environment_and_Energy/Feralanddomesticcats/Report)

**Statutory review of the Cat Act 2011 and Dog Amendment Act 2013**

<https://www.dlgsc.wa.gov.au/departments/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013>

**"Keep pet cats indoors, say researchers who found they kill 230m native Australian animals each year"**

<https://www.theguardian.com/environment/2020/may/15/keep-pet-cats-indoors-say-researchers-who-found-they-kill-230m-native-australian-animals-each-year>

## **15 Urgent Business**

## **16 Confidential Business**

## **17 Closure**

The next Briefing Session will be held on Tuesday 19 July 2022 commencing at 6pm.

The next Ordinary Council meeting will be held on 26 July 2022 commencing at 6pm.