



TOWN OF

**Bassendean**

## **AGENDA**

### **Ordinary Meeting of Council**

**Tuesday 28 March 2023 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



Luke Gibson  
**CHIEF EXECUTIVE OFFICER (INTERIM)**

24 March 2023

# Meeting Information

## Recording and Live-streaming

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

## Conduct at meetings

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

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

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

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

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

# Council Seating Plan

Minute Secretary  
Matthew Morkhouse

Manager Governance and Strategy  
Matthew Morkhouse



Chief Executive Officer (Interim)  
Luke Gibson



Mayor  
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Director Corporate Services  
Paul White



A/Director Community Planning  
Donna Shaw



Executive Manager Infrastructure  
Phillip Adams



Executive Manager Sustainability and Environment  
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Cr Jennie Carter  
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Cr Paul Poliwka  
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# 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

Cr Carter – Leave of Absence

## **4 Declarations of Interest**

## **5 Presentations or Deputations**

## **6 Statements by Members of the Public**

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

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

Online Form - Public Statement Time » Town of Bassendean

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

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

## 7 Questions from Members of the Public

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

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

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

<b>9.1 Confirmation of Minutes - Ordinary Council Minutes of 28 February 2023</b>	
<b>Attachments</b>	1. Ordinary Council Minutes of 28 February 2023 [9.1.1 - 33 pages]

### Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on 28 February 2023, be received and confirmed as a true and correct record.

<b>9.2 Confirmation of Minutes - Special Council Minutes of 7 March 2023</b>	
<b>Attachments</b>	1. Special Council Meeting Minutes of 7 March 2023 [9.2.1 - 6 pages]

### Officer Recommendation – Item 9.2

That the minutes of the Ordinary Council meeting held on 28 February 2023, be received and confirmed as a true and correct record.

## 10 Business Deferred from Previous Meeting

Nil



## 11 External Committee Reports and Updates

<b>11.1 External Committee Reports and Updates</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Office of the CEO
<b>Department</b>	Office of the CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. EMRC Audit Comm 2-March-2023-unconfirmed [11.1.1 - 55 pages]</li> <li>2. EMRC OCM Abridged Minutes - 23022023 [11.1.2 - 19 pages]</li> <li>3. WALGA Minutes East Metropolitan Zone ( ID 562162) 20230216 [11.1.3 - 8 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to consider minutes from external Committees and organisations for February and March 2023.

### Background

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

### Comment

<b>Meeting</b>	<b>Date Held</b>
WALGA East Metropolitan Zone Meeting – Minutes	16 February 2023
EMRC Ordinary Council Meeting Abridged Minutes	23 February 2023
EMRC Audit Committee Minutes	2 March 2023

### Officer Recommendation – Item 11.1

That Council notes the attached documents from external Committee meetings held within the reporting for February and March 2023.

### 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	Australian Local Government Association 2023 National General Assembly Motion
12.3	Amendment to Development Approval - Single House - 17 (Lot 16) Surrey Street, Bassendean
12.4	Proposed Tree Preservation Order - 5 (Lot 119) Harcourt Street, Bassendean
12.5	Proposed Tree Preservation Order - 75 (Lot 21) Kenny Street, Bassendean
12.6	BIC Reserve Masterplan
12.9	Fuel Efficiency Standards Joint Advocacy Statement
12.11	2023 Community Awards
12.12	Bassendean Local Emergency Management Committee Meeting held on 1 March 2023
12.13	Arts, Culture and Events Committee Meeting of 7 March 2023
12.15	Accounts Paid - February 2023
12.17	Use of Common Seal

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

Item	Report
12.7	Draft Public Health Plan - Final Adoption
12.8	Contract Variation - RFT 02/2019 Provision of Cleaning Services for Council Facilities
12.10	Local Government Elections October 2023 - Appointment of Electoral Commissioner
12.14	Audit and Governance Committee Meeting of 8 March 2023
12.16	Monthly Financial Report – February 2023

<b>12.2 Australian Local Government Association 2023 National General Assembly Motion</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	WSTMNGT/SVPROVN/3
<b>Directorate</b>	Sustainability & Environment
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. 2023 National General Assembly Discussion Paper- Call for Motions [12.2.1 - 20 pages]</li> <li>2. 2023 National General Assembly Draft Motion [12.2.2 - 2 pages]</li> </ol>

### **Purpose**

The purpose of this report is for Council to consider a draft motion for the Australian Local Government Association's (ALGA) 2023 National General Assembly (NGA), as proposed by Mayor Hamilton.

### **Background**

ALGA is the national voice of local government, representing 537 councils across the country. ALGA convenes the NGA annually providing a unique opportunity for Local Government to engage directly with the Australian Government, to develop national policy and to influence the future direction of councils and communities. The NGA will be held from 13 – 16 June 2023 in Canberra. Local Governments can submit Motions to be considered at the NGA. Motions must be submitted by Friday 24 March 2023 and are required to be endorsed by the Local Government submitting the Motion. ALGA has also advised that motions can be provided in tentative drafts, pending formal Council consideration.

ALGA has developed a Discussion Paper for the 2023 NGA, to guide councils considering submitting motions (Attachment 1). This includes amended criteria for 2023, with a view to improving the quality and relevance of motions included in the Business Papers.

A notice of motion to this year's NGA is required to either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build communities; or
- New program ideas that would help the local government sector to deliver national objectives.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

This year's call for motions focuses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters;
- Housing.

## Proposal

Mayor Hamilton has prepared a draft motion (and associated supporting information – Attachment 2), as follows:

*“This National General Assembly calls on the Australian Government to commit to appropriate funding mechanisms for the establishment of Food Organics and Garden Organics (FOGO) processing facilities, nationally; as an undertaking to co-partner with local governments and their regional associations to reduce greenhouse gas emissions from landfills, closing the loop on a priority waste stream and progressing healthy soils initiatives.”*

The draft motion relates to the ALGA Priority Area of “Climate Change and Renewable Energy”.

## Communication and Engagement

The Town has advised the Shire of Mundaring and Cities of Bayswater, Kalamunda and Swan (being the other member councils of the Eastern Metropolitan Regional Council) of this matter; seeking that those local governments either (i) progress the same motion in their own right or (ii) formally support the Mayor’s motion.

## Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.1 Demonstrate strong leadership in waste reduction and carbon neutrality

## Comment

Officers have reviewed the draft motion and agree with its intent. In addition to the benefits outlined in Attachment 2, the provision of funding for FOGO processing facilities will assist in achieving the following targets of the *National Waste Policy Action Plan 2019*:

- Target 3: 80% average resource recovery rate from all waste streams, following the waste hierarchy, by 2030; and
- Target 6: Halve the amount organic waste sent to landfill for disposal by 2030.

Local governments are at the forefront of the push to reduce waste disposed of to landfill and increasing the recovery of organic waste. Municipal Solid Waste (MSW) accounts for one third of the total waste stream and FOGO accounts for approximately 50% of MSW. If Australia is to meet its national targets and increase circularity, it will be imperative that FOGO material is diverted from landfill and processed for use as soil conditioner/compost.

Many local governments have announced plans to introduce a third bin for the collection of FOGO. However, many of these local governments have had difficulty in finding suitable processing facilities to accept the quantity of material required. Construction of FOGO processing facilities is required to ensure that Targets 3 and 6 can be met.

Critical to constructing a FOGO facility is funding, without significant funding from the federal and state Governments, local government and private investors are unlikely to be able to fully finance FOGO processing facilities. Facilities funded by local governments are also unlikely to include recovery of energy as the capital outlay to include these systems may be problematic. Funding from the Australian Government will make it more likely that FOGO processing facilities will include energy recovery.

The energy produced from more advanced FOGO processing facilities can assist in the Australia's transition from energy generated from fossil fuels to clean renewable energy. FOGO processing facilities can generate clean renewable energy while producing compost and/or soil improver.

Australia has some of the poorest soils globally with low levels of stored carbon. Compost from FOGO facilities can be applied to Australian sands to convert them into soils. This will increase crop yields and reduce reliance on mined and imported fertilisers.

By closing the loop and applying FOGO products to farming land, there will be an increase the circularity of food production systems. Food will be grown from FOGO derived products, sold to consumers, eaten or disposed on into FOGO systems, then processed into FOGO derived products and then applied to land used to grow food thereby closing the loop.

### **Statutory Requirements**

Nil

### **Financial Considerations**

If Council supports the draft motion, there is an expectation that the proponent (in this case, Mayor Hamilton) will deliver the motion at the NGA in Canberra. Those costs can be met from the Councillor conferences and training budget (GL 391394).

### **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 12.2**

That Council endorses Mayor Hamilton’s draft motion to the Australian Local Government Association’s 2023 National General Assembly, as attached.

**Voting requirements: Simple Majority**



<b>12.3 Amendment to Development Approval - Single House - 17 (Lot 16) Surrey Street, Bassendean</b>	
<b>Property Address</b>	17 (Lot 16) Surrey Street, Bassendean
<b>Landowner/Applicant</b>	Howard and Barbara King
<b>File Reference</b>	2022-121/1
<b>Directorate</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<p><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.</p>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Colour Swatch with Solar Ratings [<b>12.3.1</b> - 1 page]</li> <li>2. Applicants Cover Letter [<b>12.3.2</b> - 2 pages]</li> <li>3. Notice of Determination - 23 December 2022 [<b>12.3.3</b> - 5 pages]</li> <li>4. Approved Drawings 23 December 2022 [<b>12.3.4</b> - 5 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to consider an amendment to an existing development approval for a single house at 17 (Lot 16) Surrey Street, Bassendean. The application is being presented to Council at the request of the applicant.

### Background

On the 21 October 2022, the Town received an application for a single house at 17 (Lot 16) Surrey Street, Bassendean, which was approved on 23 December 2022, subject to a number of conditions, including the following:

*“10. The roof structure of the dwelling shall have a maximum solar absorptance rating of 0.5, to the satisfaction of the Town of Bassendean. Details confirming the solar absorptance rating shall be provided to the Town prior to or in conjunction with an application for a Building Permit.”*

The condition was imposed to ensure compliance with clause 6.2(d)(ii) of Local Planning Policy No. 2 – Sustainable Development (LPP 2) which requires pitched roof structures to have a maximum solar absorptance ratings of 0.5, unless otherwise required by Local Planning Policy – Heritage and Character, a Conservation Management Plan and/or a Heritage Assessment. Condition No. 10 was imposed to ensure the development satisfies this requirement.

On 22 February 2023, the Town received an application to amend the above condition of the development approval.

## Proposal

The applicant is seeking to amend Condition No. 10 to enable a roof colour with a solar absorption rating of 0.67 (Colorbond Basalt). No further amendments or modifications are proposed.

## Strategic Implications

Priority Area 2: Leading Environmental Sustainability  
2.2 Be innovative in responses to sustainability challenges

## Comment

Colorbond Basalt (a colour swatch is attached to the report) has a solar absorptance rating of 0.67, exceeding the 0.5 rating required by LPP 2. In considering the matter, the following is relevant:

- The 2010 edition of the Building Code of Australia (BCA) provides the option to use the Nationwide House Energy Rating Scheme (option 1), or compliance with all energy provisions of the BCA (option 2) for solar absorptance. Given the National Construction Code (NCC) was under review at the time of preparing LPP 2, the Town included provisions related to solar absorptance into the Policy. The energy efficiency provisions of the current NCC contemplate roof colour and associated impacts on the energy efficiency of dwellings. For example, if a lighter roof colour is proposed, less insulation within the roof space is required. Conversely, if a darker roof is proposed greater insulation is required to be installed in the dwellings roof space. These requirements offset potential energy efficiency impacts associated with the roof colour. Given this option is still available, a greater level of insulation can be provided to ensure the energy efficiency of the dwelling is still maintained, with this information required to be provided in conjunction with the application for a Building Permit.
- The development will still meet the intent of LPP 2 by including sustainable built form design elements, such as the installation of a 3,000L rainwater tank and a 3kW photovoltaic solar panel system. These are also required through conditions of development approval.
- It is noted that LPP 2 is only applicable as the applicant had proposed minor variations to the deemed-to-comply criteria of State Planning Policy 7.3 – Residential Design Codes (R-Codes) related to setbacks, open space, street surveillance and site works. A deemed-to-comply single house would otherwise be exempt from requiring development approval, and LPP 2 would not be applied. There are no requirements for roof colours or maximum solar absorption ratings in the R-Codes.

It is acknowledged that the cumulative impact of increases the urban heat island effect, with roofs with high solar absorptance levels having a greater impact. Different materials and surfaces have different properties and reflect and store the sun's heat energy in different ways, which can impact the amount of urban heat.

Roof colour is only one aspect that needs to be considered, as roof material, insulation in ceilings, lining underneath roofing material, roof pitch and cavity space all impact the sustainability and energy efficiency of the dwelling.

The use of materials that have a low thermal mass will absorb and re-radiate less heat and the use of more reflective materials for roofs, roads, and other surfaces will reflect heat energy. Dark coloured roofs, in general, absorb more heat energy than light coloured roofs, however, it is important to note the actual rating rather than colour alone.

Dark coloured roofs are considered to be those with a solar absorptance rating of 0.7-1.0. It should be noted that this does not only include grey or black coloured roofs, as terracotta tiles and other coloured roofs also have a solar absorptance rating of 0.75 or greater. The solar absorptance rating of the proposed roof colour is 0.67, which is within the medium impact range (0.475-0.7).

Based on the above, the Town considers that the variation to the solar absorptance rating is likely to have a limited impact on the energy efficiency and energy consumption of the proposed dwelling for and that a minor variation to the solar absorptance rating is acceptable. As such it is recommended that Condition No. 10 is amended to provide for a solar absorptance rating of 0.67 to cater for the proposed roof colour, noting the applicant will be required to provide greater levels of insulation at the Building Permit stage.

### **Statutory Requirements**

In accordance with Clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council may determine an application for an amendment to a development approval by:

- (a) Approving the application without conditions; or
- (b) Approving the application with conditions; or
- (c) Refusing the application.

### **Financial Considerations**

Nil.

## **Risk Management Implications**

Low. Should Council refuse the application, the applicant may seek to have the application reviewed by 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 12.3**

That Council approves the application to amend Condition No.10 of the development approval issued on 23 December 2022 (2022-121), so as to read as follows:

*“10. The roof structure of the dwelling shall have a maximum solar absorptance rating of 0.67, to the satisfaction of the Town of Bassendean. Details confirming the solar absorptance rating shall be provided to the Town of Bassendean prior to or in conjunction with an application for a Building Permit.”*

**Voting requirements: Simple Majority**

<b>12.4 Proposed Tree Preservation Order - 5 (Lot 119) Harcourt Street, Bassendean</b>	
<b>Property Address</b>	5 (Lot 119) Harcourt Street, Bassendean
<b>Landowner/Applicant</b>	Cameron Paul Prosser
<b>File Reference</b>	TPO/2022/002
<b>Directorate</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<p><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.</p>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Tree Image 1 [<b>12.4.1</b> - 1 page]</li> <li>2. Tree Image 2 [<b>12.4.2</b> - 1 page]</li> <li>3. Tree Image 3 [<b>12.4.3</b> - 1 page]</li> <li>4. Arboricultural Report - 5 Harcourt Street Bassendean [<b>12.4.4</b> - 13 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider making a Tree Preservation Order (TPO) for a Jacaranda tree (*Jacaranda mimosifolia*) located at 5 (Lot 119) Harcourt Street, Bassendean.

## Background

On 16 November 2022, a TPO nomination was received from a nearby landowner for a Jacaranda tree located on the subject site on the basis of the tree's visual and aesthetic significance, and to ensure the tree would be retained should the site be subdivided/ redeveloped in future.

The subject site is currently listed for sale.

## Communication and Engagement

In accordance with Clause 4.7.7.3 of Local Planning Scheme No. 10 (LPS 10), the Town gave written notice to the current landowner the subject site of the nomination. In response, the landowner lodged an objection to the proposed TPO based on the following:

- The tree fails to satisfy the requirements of Clause 4.7.7.29(i) of LPS 10, specifically, that the tree's maturity and large canopy poses a safety hazard;

- The nominated tree is non-native, non-European tree indigenous to South America;
- The tree has limited visibility from the street and is located less than two meters from the dwelling;
- Aerial imagery indicates that over 100 mature Jacaranda trees are within the suburb of Bassendean, the nearest less than 20 meters on an adjacent property; and
- No birds or land animal species are nesting or roosting regularly in the tree.

These matters are further discussed in this report.

### **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 4.7.7.2(i) of LPS 10 provides the local government the ability to order the preservation and maintenance of a tree via a TPO. Where a local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

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

#### Arboricultural assessment

Given the landowner did not nominate the tree for a TPO, the Town engaged an arborist to undertake an independent assessment of the tree.

The arboricultural report identified that the tree was in a fair structural condition and the health of the tree is high, with a useful life expectancy of 40+ years. No urgent remedial pruning or other arboricultural works were recommended at present. Consideration could be given however to removal of the minor silky oak tree located in close proximity on the southwest side within the short term.

### Safety Hazard

The tree has a height of 16.8m and a spread ranging between 15m and 17m. A portion of the tree overhangs the dwelling and a portion of the adjacent site.

The arborist report provides assessment of the tree, including information on the health status, which has been assessed as fair. The Town does not consider the tree to have immediate potential danger as determined by the arborist.

The TPO will not prevent the pruning of the tree in future, but will simply require the Town's approval prior to pruning being undertaken.

As with all trees on private property (either the subject of a TPO or not), damage caused by trees is a civil matter between the neighbouring landowners, although the Town can, on request, provide advice on the health of the tree and the extent of any pruning required.

### Non-native Species

It is noted that *Jacaranda mimosifolia* are not native to Western Australia. Whilst the trees are not endemic to Western Australia, the tree is considered to meet the Clause 4.7.7.2 criteria based on its aesthetic quality and other significance (i.e., habitat source and mitigating urban heat island effects).

### Visibility

The tree, despite being an introduced species, does have aesthetic quality due to its size and canopy coverage. It is recognised that the tree will provide benefits to the urban environment. The large canopy provides shade to the subject site and adjoining landowners and is visible to the public and neighboring properties.

### Rarity

The tree is not considered as rare given the common nature of the introduced species throughout Bassendean and the Perth Metropolitan region.

### Habitat

The arborist report notes mature, large Jacaranda trees benefit the natural environment with greenhouse gas reduction, improvement of water quality, fauna habitat and food source. In general, they enhance the natural environment.

### Subdivision/ Development Potential

The subject site is zoned Residential R20 under LPS 10 and has an area of 1,012m<sup>2</sup>, meaning it has subdivision/ development potential for two lots/dwellings. Should an application be made for subdivision approval in future, the Town can recommend retention of the tree via model subdivision conditions, however, should Council make the TPO, the tree will have statutory protection.

### Conclusion

Given the tree is considered to have aesthetic and other value, and is in fair condition and healthy, it is recommended that the tree be protected via a TPO.

### **Statutory Requirements**

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

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Low, Should Council make the TPO, the applicant may seek to appeal to the State Administrative Tribunal.

In the absence of a TPO, trees on private property can be removed without the need for prior approval.

### **Officer Recommendation – Item 12.4**

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes a Tree Preservation Order for the Jacaranda tree (*Jacaranda mimosifolia*) located at 5 (Lot 119) Harcourt Street, Bassendean.

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



<b>12.5 Proposed Tree Preservation Order - 75 (Lot 21) Kenny Street, Bassendean</b>	
<b>Property Address</b>	75 (Lot 21) Kenny Street, Bassendean
<b>Landowner/Applicant</b>	Milton and Christine Pogose
<b>File Reference</b>	TPO/2022/001
<b>Directorate</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<p><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.</p>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Arboricultural Report - 75 Kenny Street, Bassendean [12.5.1 - 13 pages]</li> <li>2. TPO Submission - 79 Kenny Street, Bassendean [12.5.2 - 2 pages]</li> <li>3. Photograph of the Tree - 75 Kenny Street, Bassendean [12.5.3 - 1 page]</li> </ol>

### Purpose

The purpose of this report is for Council to consider making a Tree Preservation Order (TPO) for a Jacaranda tree (*Jacaranda mimosifolia*) located at 75 (Lot 21) Kenny Street, Bassendean.

### Background

On 17 November 2022, the landowner submitted a TPO nomination for the Jacaranda tree at 75 (Lot 21) Kenny Street, Bassendean based on its historical association, rarity and visual aesthetic value.

### Communication and Engagement

In accordance with Clause 4.7.7.3 of Local Planning Scheme No. 10 (LPS 10), the proposal was advertised to the adjoining landowners at 71 (Lot 150) Kenny Street, Bassendean (a vacant lot), as the tree overhangs this property.

In response, the adjoining landowners lodged an objection to the proposed TPO based on the following:

- The tree does not offer any public aesthetic benefit;
- The tree is an exotic, non-rare species; and

- The tree does not offer any other significance.

These matters are further discussed in this report.

## **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 4.7.7.2(i) of LPS 10 provides the local government the ability to order the preservation and maintenance of a tree via a TPO. Where a local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

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

### Arboricultural assessment

Given the adjoining landowners objected to the TPO, the Town engaged an arborist to assess the tree independently.

The arboricultural report identified that the exotic tree provides a range of benefits to the urban environment, however, ongoing remedial works will be required to restore the structure and maintain clearance from the current and proposed residential properties.

Given that the tree is located on the nominator's property, there is no imminent threat of it being removed.

If a tree from a neighbouring property has branches and/or roots that encroach into adjacent properties, in the absence of a TPO, the adjacent landowner is entitled to remove the material up to the boundary of the property without the prior approval of the adjacent landowner or the Town.

### Historical Association

The dwelling at 75 (Lot 21) Kenny Street, Bassendean is on the Town's Local Heritage Survey (LHS) as a Category 3 listing, and historic aerial imaging suggests that the tree may have been planted in the 1950s.

The Statement of Significance within the LHS does not, however, include any information regarding the surrounding gardens.

### Rarity

The tree is not considered rare, given the common nature of the species throughout Bassendean and the Perth Metropolitan region.

### Non-native Species

It is noted that *Jacaranda Mimosifolia* are not native to Western Australia. Whilst the trees are not endemic to Western Australia, the tree is considered to meet the Clause 4.7.7.2 criteria based on its aesthetic quality and other significance (i.e., habitat and food source, as well as mitigating urban heat island effects).

### Aesthetic Quality

Despite being an introduced species, the tree does have aesthetic quality due to its size and canopy coverage. The Town recognises that the tree does provide benefits to the natural and urban environment. This includes shading for the subject site and adjoining property, cooler air temperatures, fauna habitat and food source.

### Development Potential

The Town does not consider the portion of overhanging tree will impact the ability to develop 71 (Lot 150) Kenny Street, Bassendean in the future. If pruning is required in the future, it will not impact the aesthetic quality of the tree.

### Conclusion

Based on the arboricultural assessment, and the tree being a common species throughout Perth with no historical associations, it was not considered to have any outstanding significance worthy of a TPO being made. As such, it is recommended that Council does not make the TPO in this instance.

### **Statutory Requirements**

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

### **Financial Considerations**

Nil.

## **Risk Management Implications**

Low, Should Council make the TPO, the applicant may seek to appeal to the State Administrative Tribunal.

In the absence of a TPO, trees on private property can be removed without the need for prior approval.

## **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 does not make a Tree Preservation Order pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10 for the Jacaranda tree (*Jacaranda mimosifolia*) located at 75 (Lot 21) Kenny Street, Bassendean.

**Voting requirements: Simple Majority**

<b>12.6 BIC Reserve Masterplan</b>	
<b>Property Address</b>	Cnr Wilson Street and Guildford Road (Reserve 21150)
<b>Landowner/Applicant</b>	State of WA and Town of Bassendean
<b>File Reference</b>	PARE/MAINT/7
<b>Directorate</b>	Community Planning
<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. BIC 2023 March Final [12.6.1 - 1 page]

### **Purpose**

The purpose of this report is for Council to consider adopting the draft Bassendean Improvement Committee (BIC) Reserve Masterplan.

### **Background**

BIC Reserve is a Crown reserve vested to the Town **with the management order prescribing the purpose of the reserve as “recreation and community purposes”**. It is included on the Town’s Local Heritage Survey (Management Category 2) and on the Heritage List.

The Reserve is largely a grassed open space linking various elements within the landscaped space. The Bassendean War Memorial is featured within the former oval and is accessed by concrete pathways and bordered with garden beds. Within the Reserve are tennis courts, bowling club, a grassed playing field and a concrete area used for skateboarding/handball. An easement for Water Corporation sewerage purposes also traverses a portion of the Reserve.

On 23 March 2021, Cr Hamilton announced the following Notice of Motion for the following meeting.

*“That Council:*

1. *Receives information on the estimated costing, inclusive of consultancy fees and potential funding opportunities, to develop a BIC Reserve Concept Plan to guide a future detailed landscape vision and enhancement of our most prominent central green-space; and*
2. *Requests information be provided for consideration in the 2021/22 draft budget process.”*

In response, the Town advised that it was currently progressing a masterplan for the Town Centre, and that once completed, Council could consider a “BIC Reserve Masterplan” project as part of a future review of the Corporate Business Plan. It is considered that the understood scope of works could be completed in-house using existing staff resources.

On 27 April 2021, Cr Hamilton presented the following Notice of Motion, which was endorsed by Council.

1. *Council requests staff develop a BIC Reserve Concept Plan to guide future detailed landscaping and overall enhancement of our most prominent central green-space;*
2. *This body of work be completed in the 2021/22 financial year.*

At its November 2021 Ordinary Meeting, Council adopted the Bassendean Town Centre Masterplan, which included the following elements for BIC Reserve:

- A ‘botanic loop’ around the Reserve with accessible path bordered by endemic, indigenous and sensory species;
- Existing theatre space retained for outdoor events;
- New family and community space with gazebo shelter, seating, play and BBQ facilities. Toilets revitalised and upgraded; and
- Existing tennis and bowls club facilities retaining, with the fence line adjusted to allow for pedestrian access between sites.

In April 2022, Patrick Gorman MP announced an election commitment of \$200,000 for a playground at BIC Reserve. Advice since received from Federal Government is that the Town is not guaranteed any such funding and would be required to apply for it.

## **Communication and Engagement**

At a workshop on 8 November 2022, Councillors were presented with a draft concept plan for BIC Reserve, accompanied by a cost estimate of approximately \$516,000.

During the discussion, various comments were made regarding the design, broadly as follows:

- There was a desire to reduce the width of the path, potentially down to 1.8m wide. This would potentially reduce the cost by 40%, from \$73,440 to \$48,960. It should be noted however that the existing path from Wilson Street and arc around to Guildford Road is 3m wide whilst the path from the James Street cul-de-sac to the war memorial is 2.5m wide. The existing brick paved path around the James Street cul-de-sac is 1.8m wide.

- The estimate in the presentation at the workshop only catered for \$21,600 to undertake basic trees and garden bed plantings. A more significant offering would clearly require additional funding, up to a maximum of \$75,000.
- The existing James Street ablution block is not on BIC Reserve but on the 46-50 Old Perth Road site. The provision of a more user-friendly ablution facility on the Reserve should be considered in light of (i) the future redevelopment of 48-50 Old Perth Road and (ii) the current state of the James Street ablutions.

Councillors were advised that significant improvements to BIC Reserve can be appropriately considered as part of the future review of the Corporate Business Plan and annual budgeting processes.

Following queries from Councillors at the 21 March 2023 Briefing Session, the draft BIC Reserve Masterplan has been updated to outline the boundary of the reserve, as well as note that the current tree species on the path adjacent the War Memorial (*Corymbia ficifolia* - Red Flowering Gum) is proposed to be replaced with *Erythrina indica* (Coral Tree).

## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.5 Supporting healthy lifestyles throughout our Town

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

### BIC Reserve Masterplan Elements

The draft BIC Reserve Masterplan has been prepared based on the elements included in the adopted Masterplan as further discussed below. All other existing elements within the reserve are proposed to be retained.

#### *Botanic Loop*

The Masterplan included a 'botanic loop' around the Reserve with accessible path bordered by endemic, indigenous and sensory species.

The existing concrete poured aggregate path is proposed to be extended around the reserve in the indicative locations provided on the draft BIC Reserve Masterplan. Given level differences towards Hamilton Street, retaining is likely required to support the path.

Whilst the existing path infrastructure is proposed to be extended to provide a complete path around the reserve, the location of the endemic, indigenous and sensory species is proposed to be limited to a new garden area where the existing skatepark is located for the following reasons:

- The concrete area used for skateboarding/handball is underutilized and does not include the typical elements of a skatepark (bowl, ledges, rails etc.). The expansive area of concrete is otherwise considered a blight on the reserve.
- One location for the garden will provide a point of destination in addition to the other existing elements within the reserve, and would be a central location should community groups seek to participate in management of the garden.

In respect to community use, the Bassendean Montessori School has expressed an interest in establishing a community garden. Should implementation occurring via the Masterplan, the Town will liaise with the school as to ongoing maintenance arrangements.

It is noted that there are also existing endemic plantings throughout the reserve that will be retained which would ensure the intent of the 'botanic loop' is still fulfilled. As previously advised, additional funding would be required for the full 'botanic loop'.

#### *Telethon Community Cinemas*

The draft plan provides for the existing space for the cinemas and outdoor to be retained. Proposed elements of the BIC Reserve Masterplan will not encroach into this area.

#### *Community Space*

The Masterplan anticipated a new family and community space with gazebo shelter, seating, play and BBQ facilities. Whilst there are various playground elements that could be included, given a variety of playground equipment is being provided in nearby Sandy Beach and Palmerston Reserves aimed and younger users, the Town is proposing to include a large rope fort only aimed at older children. The cost of such equipment can range between \$25,000-\$60,000 depending on the scale.

#### Cost Implications

The following table outlines the estimated costs associated with each element of the proposal. Estimated costs have been based on recently completed projects such as upgrades to Palmerston and Mary Crescent Reserves, as well as cost estimates from suppliers (excluding GST).



Element	Estimated Cost
<b>Path extension</b>	
Grey concrete path (\$90/m <sup>2</sup> )	\$1,080
Exposed concrete path (\$120/m <sup>2</sup> )	\$122,400
Lighting	\$80,000
Limestone retaining	\$9,075
Concrete skate park removal	\$6,880
Bore shed removal	\$5,000
<b>TOTAL – Path extension</b>	<b>\$224,435</b>
<b>Gardens/Plantings</b>	
Garden beds	\$8,822
Plants (endemic, indigenous and sensory species)	\$3,168
Removal of 18 existing <i>Corymbia ficifolia</i> (Red Flowering Gum) abutting War memorial path and stump grinding.	\$4,970
Replacement of 18 existing <i>Corymbia ficifolia</i> (Red Flowering Gum) with <i>Erythrina indica</i> (Coral Tree)	\$4,680
<b>TOTAL – Gardens/Plantings</b>	<b>\$21,640 - \$75,000</b>
<b>Community Space</b>	
BBQ facilities	\$12,000
Bench seating (x 2)	\$2,500
Gazebo	\$30,000
Playground (climbing structure)	\$60,000
<b>TOTAL – Community Space</b>	<b>\$104,500</b>
<b>TOTAL – ALL ELEMENTS</b>	<b>\$350,575 - \$403,935</b>
Less Federal Election commitment	\$200,000
<b>NET TOTAL – ALL ELEMENTS</b>	<b>\$150,575 - \$203,935</b>

Other elements of the plan will requiring funding through subsequent budget processes as detailed in the Financial Considerations section of this report.

### Statutory Requirements

Given BIC Reserve is zoned 'Urban' under the Metropolitan Region Scheme, development approval from the Western Australian Planning Commission for the implementation of the BIC Reserve Masterplan is not required.

BIC Reserve forms part of the Town's Heritage List and therefore development approval would typically be required, however, local governments are entitled to an exemption to obtaining development approval on local reserves where the proposed works are considered 'public works' under the *Planning and Development Act 2005*.

The proposed works are consistent with the use of the reserve and would therefore be exempt from requiring development approval, as long as the works do not detract from the heritage values of the place.

### **Financial Considerations**

There are no financial implications associated with Council adopting the Masterplan.

There is currently no budget allocated for the implementation of the Masterplan. Should Council adopt the BIC Reserve Masterplan, all elements could be included in the 2023/24 budget or alternatively, elements could be phased over subsequent budgets.

### **Risk Management Implications**

Should Council not proceed to adopt the Masterplan, there is a risk of reputational damage associated with failing to adopt a plan that was specifically requested by Council.

**The lack of plan may (but not necessarily) compromise the Town's ability to secure the \$200,000 grant from the federal government.**

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

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

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

That Council, pursuant to its resolution made on 27 April 2021, endorses the BIC Reserve Masterplan.

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

<b>12.7 Draft Public Health Plan - Final Adoption</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	PUBH/SVPROVN/3
<b>Department</b>	Community Planning
<b>Previous Reports</b>	25 October 2022 (12.5)
<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. Schedule of Submissions [12.7.1 - 15 pages]</li> <li>2. Draft Public Health Plan 2023 - March (Final tracked changes) [12.7.2 - 62 pages]</li> <li>3. Draft Public Health Plan 2023 - March Final [12.7.3 - 59 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to consider the draft Public Health Plan (PHP) for final adoption and to revoke Council Policies relating to Active Ageing and Disability Access and Inclusion.

### Background

Public health planning is about taking a proactive approach to public health, with the focus being on achieving long-term public health outcomes through the planning process. Public health planning enables governments to:

- Regularly assess the public health needs of the community;
- Articulate the public health vision, objectives, and policy priorities for the community;
- Allocate resources to achieve public health priorities; and
- Monitor and report progress.

On 25 October 2022, Council resolved to endorse the draft PHP for the purposes of advertising.

On 28 February 2023 (and following the consultation period as set out below) Council considered this item and resolved to defer it to enable Councillors to further consider the financial implications of the plan.

## Communication and Engagement

The Town has consulted with the community, staff and relevant stakeholders within the Town as well as used data and research to prepare a draft PHP for the community, the details of which form the basis of this report.

In June 2021, the Town undertook preliminary consultation to capture public health perceptions and concerns to assist in the preparation of the draft PHP.

In accordance with Council's October 2022 decision, the draft PHP was advertised for public comment between 1 December 2022 and 16 January 2023 (46 days) in the following manner:

- Community survey, available on the website, customer service centre, library and youth services;
- A display at the library;
- Information on the Town's website and social media;
- Email banner on all internal and outgoing correspondence;
- Thrive; and
- On advertising boards located at railway stations in the district as well as Hawaiian's Bassendean Shopping Village; and

In response, the Town received 16 submissions providing comment, with the key themes being:

- Providing more shade and trees throughout the Town;
- Increased walking trails and walking routes, including upgrades to the existing pedestrian footpath network; and
- Provision of exercise equipment.

A copy of the Schedule of Submissions, including the Town's responses to these matters, is attached to this report and further discussed below.

On 10 February 2023, a copy of the costings associated with the draft PHP were provided to Councillors, in advance of the February 2023 round of meetings.

No queries were received following Council's 28 February 2023 deferral.

On 14 March 2023, staff presented the matter at Councillor workshop.

## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.1 Fostering a culture of collaboration and trust between the organisation and community

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

- 1.3 Treating people equitably with access to programs and services, regardless of advantage or ability
- 1.4 Creating an environment where people feel welcome and safe
- 1.5 Supporting healthy lifestyles throughout our Town
- 1.6 Creating a resilient and adaptable community
- 1.7 Facilitating community connection

Priority Area 2: Leading Environmental Sustainability

- 2.6 Support the creation of a more green and shaded Town

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.2 Ensure major decision making is informed by community feedback
- 6.3 Ensure operational activities reflect the strategic focus of Council

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

- 7.1 Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people
- 7.2 Create a community closely connected to its history and heritage
- 7.3 Engage the community in arts and culture

## **Comment**

### Submissions and Amendments

The following section discusses key themes raised during the consultation period and amendments to the draft PHP.

#### *Community Transport*

Proposed action 10.2.11 (draft has since been renumbered) was to provide a community transport service that meets the needs of an ageing population. In light of the recent discontinuation of this service (as explained in the report presented to Council's 13 December 2022 meeting) this action has been deleted. Should Council provide funding for a community transport service in future, this can be reinstated into the PHP as part of a future review.

#### *Trees and Shade*

It was evident from submissions that planting of trees and provision of shade was important to respondents. Priority Area 9.4 of the draft PHP includes actions for planting trees and providing shade structures throughout the district. Whilst funding is already provided for the Town's street tree planting program, no specific funding is allocated to shade structures in reserves and as such, the draft PHP identifies this action as a new program that will require funding. Funding has been identified for every year of the PHP, however, specific funding for shade structures in addition to the normal street tree planting program will need to be included in subsequent budget processes.

### *Footpaths and Drink Fountains*

Actions 9.4.3 and 9.4.4 of the draft PHP provides for the implementation of connected footpaths and cycleways throughout the Town ensuring adequate seating, shade, lighting, drinking fountains and bins are provided.

Whilst footpaths are included in asset management, provision of associated structures such as seating, shade, drinking fountains and bins have not been included in previous budgets and as such, the draft PHP identifies this action as a new program that will require funding. Similar to shade structures, incidental infrastructure associated with the path network will require funding through subsequent budget processes and has been identified in every year of the PHP.

### *Exercise Equipment*

The provision of outdoor exercise equipment in parks was a top response in the preliminary consultation for the draft PHP and was also identified in the recent submissions.

There is no specific action in the draft PHP regarding the provision of outdoor exercise equipment and it is therefore recommended that the draft PHP be amended to include this action as a new program. The Town is currently developing a BIC Reserve Masterplan and is able to include elements such as play and exercise equipment as part of that process.

### *Social Activities*

Submissions made comments regarding increased variety in the sporting and social programs offered by the Town, including the opportunity for social meet-ups at local venues.

The Town intends to review the RElax program in 2023 with respect to the type of activities offered and the delivery methods, to cater for community members more broadly, and consider liaising with local venues and providers to promote external activities.

The Town can also review how it communicates events and activations occurring within the district, to promote social inclusion.

### Subsequent amendments

Following Council's deferral of the matter and having regard to the Town's current and short-term financial position, the draft PHP has been amended to reduce the number (and by extension, the cost) of new projects. The amended PHP is contained as Attachments 2 and 3.

## Reporting

Each Local governments is required to provide reports to the Chief Health Officer on its performance of functions under the *Public Health Act 2016*. Should Council adopt the draft PHP, the Town will be required to report on the effectiveness of the actions contained within the PHP. Review and evaluation of the PHP will also occur as required by the Act.

## Related Council Policies for Revocation

The draft PHP provides strategic direction for health-related matters within the Town. As part of its ongoing review of Policies, the Town has identified two existing Council Policies that will effectively be replaced by the actions and strategic direction provided by the draft PHP as detailed below.

### *Council Policy – Active Ageing*

This policy was first adopted in 2003 and last reviewed in 2014. The purpose of the Policy is to effectively outline that Council supports mature residents having access to appropriate services and to outline that Council will advocate and/or work in partnership to ensure services and facilities are available for seniors.

The Policy is intended to provide a strategic framework for decision making through the identification of strategic direction and monitoring performance as it relates to services for seniors. Given the draft PHP provides a range of actions related to seniors and now provides such strategic direction, it is recommended that the policy be revoked to remove duplication.

### *Council Policy – Disability Access and Inclusion*

This policy was adopted in 2013 and recognises that people with a disability have the same rights to services and facilities. The Policy seeks to form the basis of implementation of a Disability Access and Inclusion Plan (DAIP); most recently adopted by Council in 2019. Given (i) a range of related actions are included in the draft PHP and (ii) a Council Policy is not required to facilitate the preparation and implementation of a DAIP, it is recommended that the Policy be revoked.

## Conclusion

The draft PHP is based on evidence-based research, preliminary community feedback and alignment with the State Public Health Plan. It is recommended that Council endorses the draft (amended) PHP for final adoption, and revokes Council Policies Active Ageing and Disability Access and Inclusion.

## **Statutory Requirements**

Part 5 of the *Public Health Act 2016* provides for public health planning and will not come into effect until stage 5 of implementation. Once Part 5 is in effect (which will potentially be within the next two years), each local government has two years to produce a PHP.

Section 45 (4) of the *Public Health Act 2016* sets out the elements to must be incorporated into a local public health plan.

### **Financial Considerations**

The draft PHP contains a series of actions which, if adopted, will need to be funded and implemented. The cost of delivering the (amended) draft PHP in the 2022/23 financial year is \$1,522,710; of which approximately \$24,000 is for new programs (that is, beyond the existing programs which are already funded in the adopted budget. It is noted that there is \$30,000 available in the current annual budget for PHP implementation.

The total cost of implementing the (amended) PHP over the four-year lifespan is \$7,086,520, with the cost of implementing proposed new programs being approximately \$493,510. Whilst a number of actions are already funded as existing programs, Council will be required to consider funding new programs in each financial year as identified by the PHP.

As set out earlier in the report, the draft PHP has been amended to reduce the number (and by extension, the cost) of new projects. The amended PHP is considered a baseline document that appropriately addresses the following key areas:

- Overweight and obesity
- Mental health and wellbeing
- Nutrition
- Physical inactivity
- Environmental health protection
- Community safety
- Alcohol and drug use

It is recommended that Council adopt the amended plan as presented, noting that should there be sufficient financial capacity in the future, it is open to Council to fund additional actions and initiatives via the annual budget process.

### **Risk Management Implications**

Upon commencement of stage five of the *Public Health Act 2016*, all local governments will be required to produce a local PHP that is consistent with the State PHP for Western Australia. If Council does not adopt a PHP, there is a risk in failing to comply with legislated requirements.

In addition to the above risk, there is reputational risk in the instance that Council adopts the draft PHP and associated actions, without providing funding in subsequent years to implement them. This risk is mitigated by the draft PHP being amended to reduce the number (and by extension, the cost) of new projects. This represents a baseline document that effectively sets out Council's minimum commitment to public health.



## **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:

1. Adopts the draft Public Health Plan;
2. Revokes Council Policy – Active Ageing and Council Policy - Disability Access and Inclusion

### **Voting requirements:**

**Point 1 – Simple majority**

**Point 2 – Absolute Majority**

<b>12.8 Contract Variation - RFT 02/2019 Provision of Cleaning Services for Council Facilities</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	COUP/TENDNG/77
<b>Directorate</b>	Corporate Services
<b>Previous Reports</b>	OCM 17 December 2019
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. RFT 02 2019 - Price Variation Request - Intelife [12.8.1 - 1 page]

### **Purpose**

The purpose of this report is for Council to consider a price variation to contract 02/2019 Provision of Cleaning Services for Council facilities.

### **Background**

In December 2019, Council resolved to approve Tender 02/2019 Provision of Cleaning Services for Council Facilities and appoint Intelife Group Limited (Intelife) for a period of three years with an option to extend for a further two years.

In seeking the two-year extension, Intelife has applied for a contract price increase of 6% and has indicated it will only accept the contract extension once the price increase is awarded.

While the CEO has delegated authority to approve minor contract variations and the contract extension itself, Council is required to approve any proposed variation over 5% of the original estimated contract price.

### **Strategic Implications**

Priority Area 4: Driving Financial Suitability

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

### **Comment**

The initial three-year period of the contract with Intelife expired on 2 February 2023. The services are currently being procured by short-term engagements, pending review by Council of the proposed contract variation.

In January 2023, Intelife applied for a price increase of 6% effective 1 July 2022 due to the annual wage review for cleaners (as per Cleaning Services Award 2010 by Fairwork Australia) providing a 4.6% wage increase, and the increase in Superannuation Guarantee from 10% to 10.5% from 1 July 2022.

Importantly, the cleaning award increased by 1.75% and 2.5% in 2019/20 and 2020/21 respectively, but Intelife did not request a price variation to the contract.

Since commencement of the contract with Intelife on 3 February 2020, four contract variations have been approved under delegated authority, for the supply of consumables, a change in cleaning times for public toilets, removing the Seniors and Disability Services Centre from the cleaning list and adding new public toilets at Sandy Beach Reserve.

The Town has conducted a contract review and determined that Intelife has provided a satisfactory level of services to the Town.

### **Statutory Requirements**

A Local Government may vary a contract for the supply of goods or services if the variation is necessary for the goods or services to be supplied and does not change the scope of the contract, pursuant to Regulation 21A of the *Local Government (Functions and General) Regulations*.

### **Financial Considerations**

The costs associated with this variation of contract will be included in the Town's operational budgets for each remaining year of the contract.

### **Risk Management Implications**

Should Council refuse to grant the price increase, there is a risk that Intelife will decline the contract extension. Should that occur, the Town will be without a cleaning contractor and will need to engage a short-term contract with a service provider pending another tender process. Such a short-term contract is likely to come at higher cost to 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 12.8**

That Council approves a variation to contract 02/2019 Provision of Cleaning Services for Council Facilities, to provide for a 6% price increase, effective 1 July 2022.

**Voting requirements: Absolute Majority**

<b>12.9 Fuel Efficiency Standards Joint Advocacy Statement</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	EVM/PROGM/11
<b>Directorate</b>	Sustainability and Environment
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<b>Attachments</b>	1. Fuel Efficiency Standards Joint Statement [12.9.1 - 1 page]

### **Purpose**

The purpose of this report is for Council to consider supporting a joint advocacy statement convened by the Cities Power Partnership.

### **Background**

The Cities Power Partnership (CPP), of which the Town is a member, is a network of Australian local governments aiming for a zero emissions future. The program connects local governments with shared emissions reduction project interests across the pledge areas of renewable energy, energy efficiency, sustainable transport and community advocacy.

The CPP has developed a joint advocacy statement calling on the Australian Government to implement fuel efficiency standards as a mechanism to bring more low and zero emissions vehicles to Australia (Attachment 1). It aims to release the statement to national media in April 2023.

### **Communication and Engagement**

Nil

### **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.1 Demonstrate strong leadership in waste reduction and carbon neutrality

## **Comment**

Australia does not currently have fuel efficiency standards, which regulate average carbon dioxide (CO<sub>2</sub>) emission levels from new vehicles supplied annually from a manufacturer, to reduce greenhouse gas emissions. They cover 80% of the global car market, and Australia is one of the only developed countries without them, alongside Russia, Indonesia and Turkey.

Fuel efficiency standards provide incentives for car makers to supply low and zero emissions vehicles to a country and penalise them for failing to do so. The introduction of fuel efficiency standards is a mechanism to increase the availability of low and zero emissions vehicles in Australia, as well as reducing their cost. The lack of fit-for-purpose, affordable Battery Electric Vehicles (BEV) is a current limitation in transition of local government fleets to lower emissions alternatives.

Increasing the availability of affordable low and zero emissions vehicles will assist the Town to achieve its goal for carbon neutrality by 2030, as outlined in the Strategic Community Plan and Corporate Emissions Reduction Strategy, as well as benefit the local community.

## **Statutory Requirements**

Nil

## **Financial Considerations**

Nil

## **Risk Management Implications**

No Risks Identified

## **Declaration of Conflicts of Interest**

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

## **Officer Recommendation – Item 12.9**

That Council **supports** the Cities Power Partnership Fuel Efficiency Standards Joint Advocacy Statement, as attached to this report.

## **Voting requirements: Simple Majority**

<b>12.10 Local Government Elections October 2023 - Appointment of Electoral Commissioner</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/ELECT/2
<b>Directorate</b>	Office of the CEO
<b>Previous Reports</b>	May 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. Letter Election Transition Arrangements Sep 2022 [12.10.1 - 2 pages]</li> <li>2. Memo to Local Government CEO's [12.10.2 - 2 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider declaring the Western Australian Electoral Commissioner (WAEC) be responsible for the Town of Bassendean Local Government election to be held on 21 October 2023, and for the election to be conducted as a postal election.

## Background

Local Government ordinary elections are held every two years, with the last election held on 16 October 2021.

In February 2023, the Electoral Commissioner wrote to the Town advising of the estimated cost to conduct the 2023 Local Government ordinary election. The letter also constitutes the written agreement by the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary election for the Town of Bassendean in accordance with s. 4.20(4) of the *Local Government Act 1995*, subject to the election being conducted as a postal election.

Under section 4.20 of the Act, before the Electoral Commissioner can conduct the October 2023 election, it is a requirement that the Town appoint the Electoral Commissioner and confirm that the election is to be conducted by the postal method.

## Local Government Reforms

In July 2022, the Minister for Local Government announced a comprehensive package of local government reforms. Part of the reforms are designed to strengthen local democracy and increase community engagement, and include:

- Optional preferential voting (**Local Governments are required to introduce preferential voting for their individual elections, with it being optional for each person casting a vote**);
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Council numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

In September 2022, the Minister wrote to the Town to advise that the Department of Local Government, Sport and Cultural Industries had completed an initial review, and identified that the reform proposals do not require the Town to make any specific change to the size or structure of its Council.

Since that time, the *Local Government Amendment Bill 2023* has been introduced into Parliament and on 23 February 2023, was read a second time. Once enacted, it is expected regulations will be introduced to detail requirements for implementation of the reforms.

Council may wish to consider whether it wishes to introduce optional preferential voting and/or a directly-elected Mayor, for the 2023 local government elections or a subsequent election.

## **Communication and Engagement**

Nil.

## **Strategic Implications**

Priority Area 1: Strengthening and Connecting our Community

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

## **Comment**

The Town has traditionally appointed the Electoral Commissioner to be responsible for its ordinary local government elections, with the elections being conducted as postal elections.

Postal elections conducted by the Electoral Commissioner for the Town have generally resulted in higher-than-average voter participation rates. Indeed, the *2021 Local Government Ordinary Elections - Election Report* for the Town showed the Town's participation rate of 33.67% was higher than the State average participation rate for local governments using the postal method of 30.2%.

Further, appointment of the Electoral Commissioner brings independence and expertise to the election process.



Given voting in local government elections is not compulsory, conducting the election through the postal method may facilitate higher voter participation rates than might otherwise result if the election were held as an in-person election.

Importantly, the Town is not presently resourced to conduct the elections itself, which would involve the CEO being the returning officer pursuant to section 4.20 of the Act.

It is therefore recommended that Council agree to the Electoral Commissioner conducting the Town of Bassendean 2023 local government election and that the election be held as a postal election.

## **Statutory Requirements**

### **4.20. CEO to be returning officer unless other arrangements made**

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint\* a person other than the CEO to be the returning officer of the local government for —*
  - (a) *an election; or*
  - (b) *all elections held while the appointment of the person subsists.*
- (3) *An appointment under subsection (2) —*
  - (a) *is to specify the term of the person's appointment; and*
  - (b) *has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

### **4.61. Choice of methods of conducting election**

- (1) *The election can be conducted as a — postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*

(2) *The local government may decide\* to conduct the election as a postal election.*

*\* Absolute majority required.*

### **Financial Considerations**

The WAEC has provided the Town with a written quotation of \$68,000 including GST to conduct the 2023 ordinary election as a postal election. This cost represents an increase of \$14,000 (or 26%), when compared with the 2021 election.

The WAEC quote is based on the Town's election being conducted without optional preferential voting or a directly-elected Mayor. Should Council decide to introduce optional preferential voting or a directly-elected Mayor, additional costs will be involved, with the WAEC likely to issue an amended quotation.

The cost for the 2023 election, including additional costs for employee administrative support, and non-statutory advertising, will be included in the 2023-2024 annual budget.

### **Risk Management Implications**

It is assessed that the risk of an election being conducted by the WAEC and encountering significant problems is 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 12.10**

That Council:

1. In accordance with Section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2023 ordinary election; and
2. In accordance with Section 4.61(2) of the *Local Government Act 1995*, declares that the method of conducting the election will be as a postal election.

**Voting requirements: Absolute Majority**

<b>12.11 2023 Community Awards</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	COMR/AWADP/2
<b>Directorate</b>	Community Planning
<b>Previous Reports</b>	22 March 2022
<b>Authority/Discretion</b>	Executive
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Community Awards Nominations - Confidential [12.11.1 - 17 pages]</li> <li>2. CONFIDENTIAL - Award Recipients [12.11.2 - 1 page]</li> </ol>

### **Purpose**

The purpose of this report is for Council to determine the recipients of the 2023 Town of Bassendean Community Awards.

### **Background**

In November 2020, Council resolved to adopt an amended *Council Policy 5.2 – Community Awards*, which was further amended in August 2021 and currently provides the framework for facilitating community awards in the Town of Bassendean.

### **Communication and Engagement**

The Town sought nominations for the Community Awards from 24 October 2022 to 31 January 2023, and promoted the awards through the Town's website, Facebook page, and through various networks such as community groups, sporting clubs and direct contact with community members.

In response, 12 people / organisations / properties were nominated across the five categories, as follows.

Community Leadership Award	4 people / organisations
Lifetime Contribution to Volunteering	3 people
Youth Achievement Award	2 people
Best Verge Award	2 properties
"Bassendean means Business" Award	1 business

## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

- 1.1 Fostering a culture of collaboration and trust between the organisation and community
- 1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging
- 1.7 Facilitating community connection

## Comment

### Assessment

In accordance with *Policy 5.2 Community Awards*, the CEO approved an assessment panel comprising a cross section of staff. The panel assessed the eligibility of each nomination and individually assessed each nomination against the criteria for each category.

Based on the panel’s assessment, it is recommended that Council consider nominations for each category and issues awards for the following categories. It is also open to Council to approve other recipients for each award category.

Category	Description
Community Leadership Award	For groups or individuals that have made a significant contribution to the local community. They will have enhanced community life, have been involved in a significant initiative which has brought about positive change and/or significantly contributed to achieving connections and inclusion within the community
Lifetime Contribution to Volunteering	This award will be presented in honour of a senior individual (65+ years) who has made an exemplary life-long contribution to volunteering and who through their volunteering has contributed to the betterment of the Town of Bassendean community.
Bassendean means Business Award	Presented to a business operating within the district that has made a positive community impact, shown significant business agility, provided outstanding customer service, or proactively contributed to environmental sustainability in their business practices and/or in the community.
Youth Achievement Award	Presented in celebration of an individual aged 12 – 25 years who has made an outstanding voluntary commitment, has been an exceptional role model, or has made significant achievements in the arts, sporting, or academic fields.
Best Verge Award	Presented in recognition of an outstanding verge garden (or a collection of verge gardens on the same street) within the district, taking into account edible or native plants, water-wise design, and safe access.

Nomination forms of recommended award recipients have been included as a confidential attachment.

### Presentation

The Town's Community Awards will be presented as part of the Citizenship Ceremony on Saturday 20 May 2023 at Swan Districts Football Club. An afternoon tea with invited guests (Award recipients and Conferees) will be held from 2pm – 4pm to celebrate National Volunteer Week 2023.

### **Statutory Requirements**

*Local Government Act 1995*  
Council Policy - Community Awards

### **Financial Considerations**

Nil

### **Risk Management Implications**

Low. Whilst the Town is not required to grant community awards, there are benefits in Council recognising the efforts and achievements of community members making a significant contribution.

### **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. Notes the nominations for the community awards;
2. Approves the granting of the Community Awards listed in the Confidential Attachment to this report; and
3. Notes that the details of the award recipients will be embargoed until the awards are issued on Saturday 20 May 2023.

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

<b>12.12 Bassendean Local Emergency Management Committee Meeting held on 1 March 2023</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/12
<b>Directorate</b>	Community Planning
<b>Previous Reports</b>	Nil.
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. DFES DA Report 1 March 2023 [12.12.1 - 4 pages] 2. BLEMC Minutes 1 March 2023 [12.12.2 - 6 pages]

### Purpose

The purpose of this report is for Council to receive the report of the Bassendean Local Emergency Management Committee (BLEMC) Meeting held on 1 March 2023.

### Strategic Implications

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

### Comment

The Committee discussed the following items:

- Preparedness, Prevention, Response and Recovery Issues
- Post Incident Report and Post Exercise Reports
- Contact details and key holders.
- Emergency Management Agency Reports
- BLEMC Management Review

### Statutory Requirements

Under sections 38 - 40 of the *Emergency Management Act 2005*, local governments are required to establish and carry out the functions of a Local Emergency Management Committee, which includes coordinating the development and submission of documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of Local Emergency Management Arrangements.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

No Risks Identified

## **Declaration of Conflicts of Interest**

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

## **Officer Recommendation – Item 12.12**

That Council receives the report of the Bassendean Local Emergency Management Committee meeting held on 1 March 2023.

**Voting requirements: Simple Majority**

<b>12.13 Arts, Culture and Events Committee Meeting of 7 March 2023</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/.41
<b>Directorate</b>	Community Planning
<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. Arts Culture and Events Committee Minutes 7 March 2023 [<b>12.13.1</b> - 9 pages]</li> <li>2. Draft ACE Strategy - Final Version [<b>12.13.2</b> - 16 pages]</li> <li>3. Art Collection Review [<b>12.13.3</b> - 6 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to receive the report on the meeting of the Arts, Culture and Events (ACE) Committee held on 7 March 2023.

### Background

The ACE Committee meets at least four times each year in carrying out its functions, with the scope of the Committee being to undertake the following:

- Provide high-level strategic direction regarding matters relating to the community arts, culture and/or events that assist fostering strong community expression, identity and pride;
- Provide advice on the formulation and adoption of the annual budget, as it relates to matters of arts, culture and/or events;
- Review and provide feedback on any proposed strategies, plans or policies that relate to matters of arts, culture and/or events;
- Provide advice on the acquisition and decommissioning of art works under Council's Art Acquisition, Management and Decommissioning Policy; and
- Review and provide feedback on the procurement of public art, either under Local Planning Policy 15 – Public Art or via municipal funding.



## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

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

6.2 Ensure major decision making is informed by community feedback

6.3 Ensure operational activities reflect the strategic focus of Council

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

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

7.2 Create a community closely connected to its history and heritage

7.3 Engage the community in arts and culture

## Comment

The minutes of the meeting are attached to this report. In summary, the Committee considered the following items:

### Draft Arts, Culture and Events Strategy (Adoption)

The purpose of this item is to consider a draft Arts, Culture and Events Strategy (ACE Strategy) for the purposes of adoption.

### Decommissioning of Artworks

The purpose of this item is to consider decommissioning of artworks in accordance with Council Policy 4.2 - Art Acquisition, Management and Decommissioning.

### Use of Demountable Building for Artists

The purpose of this item is to consider the use of the demountable owned by the Town currently located at BIC Reserve adjacent the tennis courts.

### Garage Sale Trail

The purpose of this item is to consider whether the Town will continue to participate in the Garage Sale Trail.

## National Aborigines and Islanders Day Observance Committee (NAIDOC) Week Events

The purpose of this item is to consider a Notice of Motion for a joint NAIDOC Week event between the Town and Swan Districts Football Club.

### **Statutory Requirements**

Council's *Meeting Procedures Local Law 2020* states that a committee is to report on its activities when, and to the extent, required by the Council.

### **Financial Considerations**

The disposal of artworks and/or the demountable building currently located within BIC Reserve will generate revenue for the Town. The hosting of events and/or the provision of sponsorship will require Council to provide appropriate funding.

### **Risk Management Implications**

There may be reputational risks associated with not funding various arts, cultural and events initiatives.

### **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.

### **Committee Recommendation – Item 12.13**

That Council:

1. Receives the report on the meeting of the Arts, Culture and Events Committee held on 7 March 2023;
2. Adopts the draft Arts, Culture and Events Strategy, subject to it being amended as follows:
  - Action 5.1.2 Outcome being modified to 'Support an art exhibition to showcase and celebrate local artists';
  - Delete Action 5.1.3 – Bassendean Gallery Mural as this project is completed;
  - Deletion Action 8.1.8 – Bassendean Green Trail as this project is completed;
  - Delete the word 'public' in action 5.1.9;

- Insert new Action 5.1.1 – Coordinate regular arts and crafts workshops and associated details;
  - Modify the Outcome for Action 5.2.5 to promote the Bassendean Local Studies Collection independent of Ancestry.com;
  - Modify Action 5.2.8 to remove reference to the Community Awards Policy;
  - Insert new Action 5.2.9 – Coordinate regular historical and cultural workshops within the Town and associated details;
  - Insert new Action 5.2.10 – Delivery Community Awards and associated details;
  - Insert Sustainability and Environment as the lead/responsibility in Action 5.3.7 and include the timeframe over all financial years’;
  - Modify Action 5.3.5 to replace Australia Day with ‘Birak’
  - Modify Action 5.3.6 to insert the words ‘in association with other events where possible’;
  - Modify Action 5.3.8 – Telethon Community Cinemas timeframe until 2023-24 only; and
  - Insert new Action 5.3.18 – Regular series of local-scale live music events across the Town of Bassendean and associated detail.
3. Supports the one-year extension to the licence agreement for the staging of the Telethon Community Cinemas for 2023/24 budget process;
  4. Authorises the disposal of artworks as detailed in the attachment in accordance with Council Policy 4.2 - Art Acquisition, Management and Decommissioning;
  5. Notes that the Town will dispose of the building in accordance with Administrative Policy – Disposal of Surplus Property under \$20,000;
  6. Notes that the Town will write to landowners on Old Perth Road, Bassendean, seeking expressions of interest for the use of tenancies for artists in residence;
  7. Notes that further subscription to the Garage Sale Trail is not proposed beyond the 2022/23 financial year, and that the Town will continue to promote the Garage Sale Trail via the Town’s communication channels;
  8. Notes that the Town will engage with Swan Districts Football Club to facilitate a joint NAIDOC week event in July 2023;

9. Following agreement with Swan Districts Football Club to facilitate a joint NAIDOC week event in July 2023, notes that the Town will:
  - (i) promote the event via the Town's media channels; and
  - (ii) ensure the Town is acknowledged as a co-sponsor of the event on related promotional material.
  
10. Allocates up to a maximum of \$10,000 from the Events and Culture Reserve (formerly the Bus Shelter Reserve) towards this purpose in the 2023/24 annual budget.

**Voting requirements: Simple Majority**

<b>12.14 Audit and Governance Committee Meeting of 8 March 2023</b>	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	GOVN/CCLMEET/18
<b>Directorate</b>	Corporate Services
<b>Previous Reports</b>	
<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 of 8 March 2023 [12.14.1 - 21 pages]</li> <li>2. Compliance Audit Return 2022 [12.14.2 - 11 pages]</li> <li>3. CONFIDENTIAL - Internal Audit - Records Management Report - FINAL Report [12.14.3 - 27 pages]</li> <li>4. CONFIDENTIAL - Internal Audit - Library Services - FINAL report [12.14.4 - 27 pages]</li> <li>5. CONFIDENTIAL - Top 10 Outstanding Rates Balances [12.14.5 - 1 page]</li> <li>6. CONFIDENTIAL - Audit Risk Register - Mar 2023 [12.14.6 - 8 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 March 2023.

### **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.

### **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:

### Compliance Annual Return 2022

The purpose of this report was for the Audit and Governance Committee to consider the Local Government 2022 Compliance Audit Return (CAR) for the Town of Bassendean for the period 1 January 2022 to 31 December 2022.

In the current reporting period, there was one instance of non-compliance, being question three of the Finance section; asking whether the auditor's report for the 2021/22 financial year was received by the local government by 31 December 2022. The auditor's report for the Town's annual financial statements for 2021/22 was not received by 31 December 2022, with the delay in finalising the financial statements mainly related to the Asset Revaluation exercise, as reported to the Committee on 30 November 2022.

### Internal Audit – Records Management

The purpose of this report was for the Committee to receive the Records Management Internal Audit Report completed by the Town's internal auditors, William Buck, and to consider the recommendations therein and the management action proposed by the Town.

William Buck identified seven key findings and made seven recommendations to address the risks highlighted by those findings. Three findings were rated as high risk, two as medium risk and two as low risk.

The Town accepts five of the seven findings and partially accepts the remaining two (findings 4 and 5). It largely accepts the recommendations made to address the risks posed by these key findings, as detailed in the report.

### Internal Audit – Library Services

The purpose of this report was for the Committee to receive the Library Services Internal Audit Report and to consider the recommendations therein and the management action proposed by the Town.

William Buck identified five key findings and made 21 recommendations to address the risks highlighted by those findings. Two findings were rated as high risk, and three findings were rated as medium risk.

The Town accepts all five key findings and the recommendations made to address the risks posed by these key findings, as detailed in the report.

### Long-Term Rates Debts Due and Payable to the Town

The purpose of this report was for the Committee to review the Town's long-term outstanding rates and service charge debts and recommend that Council authorises the Town to take possession of the land in respect to two properties for which long-term rates and service charge debts are owed to the Town.

It is proposed for Council to authorise the Town to take possession of two parcels of land and sell them, pursuant to section 6.64 of the *Local Government Act 1995*.

While Council taking possession of land is a last resort to secure payment of outstanding debts, it is nevertheless an important option to have available when all else has failed. Property owners have a responsibility to pay local government rates as and when they fall due for payment, contributing to the local community by funding local governments to provide a range of statutory and discretionary services to their communities. Rates-setting is designed to be fair and equitable, through triennial property valuations by the State (Landgate) combined with Council setting the rate in the dollar and minimum payments for GRV-rated properties to produce the revenue it needs to fund its services. Council provides different payment options through the annual budget process and Council has adopted a Financial Hardship Policy to assist those where necessary.

While the overwhelming majority of property owners within the Town of Bassendean pay their rates and services charges as and when they fall due under their chosen payment option, and many others contact the Town's administration to make other payment arrangements or make application under the Financial Hardship Policy, some property owners as demonstrated by this report consistently and repeatedly fail in their obligation to pay rates and service charges.

For A42864, three payments have been made in almost seven years: \$300 on 25 May 2017, \$1,000 on 14 December 2022, and \$250 on 10 February 2023; the latter two payments made following the Bailiff attending the property. For A63075, the last payment received by the Town was \$300 seven years ago. Annual Rates Notices, Final Notices, Letters of Demand, phone calls, PSSO and the Bailiff have had no effect, aside from a one-off payment of \$1,000 in respect of A42864.

The last remaining option for the Town to attempt to collect the outstanding debts in respect of these two properties is for Council to take possession of the land and sell it. Otherwise, the debts will continue to escalate, with the addition of further annual rates and service charges, interest on the outstanding debt and legal fees.

### Audit Risk Register

The purpose of this report is to provide the Audit and Governance Committee with the Town's Audit Risk Register, with revised actions since the last update delivered at the Committee meeting on 30 November 2022.

### **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 Audit and Governance Committee considered risks captured in the Town's Audit Risk Register. If improvement opportunities relating to the identified risks are not progressed, the risks may not be adequately mitigated.

### **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:

1. Adopts the Local Government 2022 Compliance Audit Return for the Town of Bassendean for the period 1 January 2022 to 31 December 2022, as attached to this report;
2. Receives the Records Management Internal Audit Report and notes the findings and recommendations, and the management action to be taken to address the identified risks;
3. Receives the Library Services Internal Audit Report and notes the findings and recommendations, and the management action to be taken to address the identified risks;
4. Receives the Audit Risk Register and notes the action taken or proposed to be taken, to address the identified risks;
5. Authorises the Town to take possession of the land the subject of assessment number A42864 and sell the land, pursuant to section 6.64 of the Local Government Act 1995; and 2; and
6. Authorises the Town to take possession of the land the subject of assessment number A63075 and sell the land, pursuant to section 6.64 of the Local Government Act 1995.

**Voting requirements:**

**1 to 4 - Simple Majority;**

**5 and 6 - Absolute Majority**

<b>12.15 Accounts Paid - February 2023</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<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. February 2023 Consolidated Payments Report [12.15.1 - 13 pages]

### **Purpose**

The purpose of this report is for Council to receive the list of payments for February 2023.

### **Background**

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

### **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**

Payments made during February 2023 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

## **Statutory Requirements**

*Local Government (Financial Management) Regulations 1996*

## **Financial Considerations**

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

## **Risk Management Implications**

Financial Risk

Low

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

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

## **Declaration of Conflicts of Interest**

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

## **Officer Recommendation – Item 12.15**

That Council receives the list of payments for February 2023.

**Voting requirements: Simple Majority**

<b>12.16 Monthly Financial Report – February 2023</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/AUD/1
<b>Department</b>	Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Review</b> When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<b>Attachments</b>	1. Financial Activity Statement as at 28 February 2023 [12.16.1 - 12 pages]

### **Purpose**

The purpose of this report is for Council to receive the Monthly Financial Report for February 2023 which incorporates the Statement of Financial Activity.

### **Background**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, 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 incorporates the statutory mid-year review which was adopted on the 28 February 2023 for the financial year, 2022/23.

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 \$15,000 or 10% whichever is higher, as part of its 2022/23 Annual Budget.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 4: Driving Financial Suitability

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

### Comment

The Monthly Financial Report contains the Statement of Financial Activity, which represents the adopted 2022/23 Annual Budget and subsequent amended estimates and actual income and expenditure amounts for February 2023. The opening surplus position is the audited closing position for 2021/22 adopted Financial Statements.

### 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 January 2023 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)	22.7	21.2	21.0	0.2	1
Expenditure	(26.8)	(17.5)	(17.1)	0.4	2
Capital Works	(2.8)	(1.4)	(1.3)	0.1	7
Non-Operating Grants, Subsidies and Contributions	1.0	0.8	0.7	0.1	16

### Operating Revenue

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

Operating Grants and Subsidies are under budget due to timing differences with amounts due for Financial Assistance Grants \$52K, Environmental Grants \$40K and Bassendean Youth Service \$45K.

Fees and Charges revenue is on target with year-to-date budget.

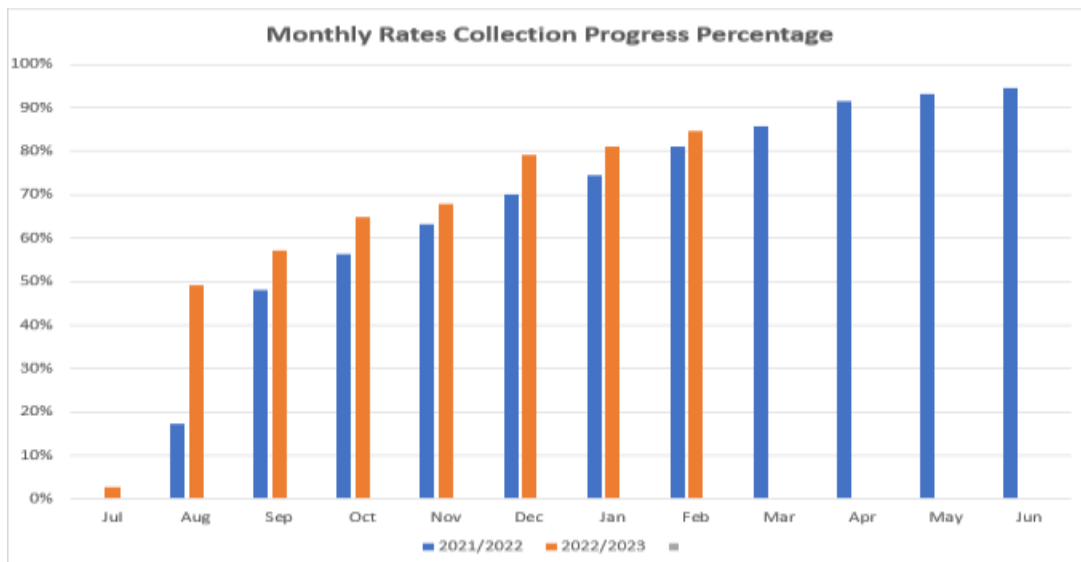
Interest earnings have increased significantly with the rapid increases in the Reserve Bank of Australia Cash Rates which was 3.35% in February, an increase of 25-basis points from the previous month, assisted by improved cashflow.

Other revenue is above budget with timing variances from multiple service areas.

The early adoption of the Budget allowed the Town to issue rates notices on the 22 July 2022. As seen from the chart below, by the end of February, 85% of the annual budgeted rates revenue had been collected as 81% last year.

Take up of eRates is at 9% and improving as more ratepayers convert to electronic receipt of rates notices, saving the Town costs in printing, postage and stationery. The Town will continue to promote eRates via Town communication channels.

The Town will shortly be contacting property owners with outstanding rates balances, with a view to collecting the outstanding amount, or entering into a suitable payment agreement. Property owners who continue to default will be referred to the Town's collection agent for further action.



### *Operating Expenditure*

Expenditure year-to-date is 2% under budget.

Employment costs are on target with costs from the use of contractors to fill critical vacant positions resulting in the slight adverse variance reported.

Materials and contracts are under budget by \$0.4m due to timing of IT Expenses (\$64K), Sanitation (\$39K) and lower expenses in Reserve, new trees and bushland maintenance (\$317K) due to seasonal factors, timing of projects, and various infrastructure maintenance services. Details are set out in the attachment.

All other expenses were within the reporting threshold.

### *Non-Operating Grants*

The \$132K adverse variance relates to Local Roads and Community Infrastructure Grant which is due to timing.

### *Capital Works*

The Capital budget was reduced to \$2.7M with an amount of \$1.3M determined as a carry forward as part of the 2022/23 statutory mid-year budget deliberations. A reconciliation has been undertaken and adjustments were brought to Council, with potential other changes such as the works required for the Ashfield Reserve bore which will be out for tender before year end.

Actual spending is 47% of the current amended budget with the bulk of the spending on road infrastructure. A further 13% has been committed so far and RFQ's are issued for heavy plant with the panel to sit in March to select the preferred supplier.

### Monthly Investment Report

The overall balance of the Town's investments is \$16.7M. This is comprised of municipal investments of \$7.4M (including restricted cash) and reserve investments of \$8.7M.

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 65% of its funds invested in non-fossil fuel ADIs.

In relation to portfolio exposure, the Town is within limits with 39% in A2 banks against a threshold of 60% and 61% with A1 banks against a threshold of 100%.

The Reserve Bank of Australia raised the cash rate by 0.25% in February 2023, to 3.35%. Further rate increases are expected in the coming months albeit at a slower pace, which provides for an improved investment earnings outlook for 2022/23 as already noted above with higher returns than the year-to-date budget so far.

### Proposed Budget Amendments

As per the attachment, note 6, page 10, an amount of \$48,500 is requested to be re-allocated for Ashfield Reserve Maintenance (code MP0040) from the Capital Works Budget for the Ashfield Reserve Bore 1AP2314, as it has been determined that the temporary works undertaken to connect the scheme water cannot be capitalised under the Australian Accounting Standard AASB 116.

## **Statutory Requirements**

*Local Government (Financial Management) Regulations 1996.*

## **Financial Considerations**

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

## **Risk Management Implications**

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 12.16**

That Council:

1. Receives the Monthly Financial Reports for the period ending February 2023, which incorporates the Statement of Financial Activity for the periods to February 2023;
2. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
3. Approves the budget re-allocation from 1AP2314 to MP0040 of \$48,500 for the temporary pump and tank fittings at Ashfield Reserve.

### **Voting requirements:**

**Point 1 and 2 – Simple Majority**

**Point 3 - Absolute Majority**



<b>12.17 Use of Common Seal</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	INFM/INTPROP/1
<b>Department</b>	Office of the CEO
<b>Previous Reports</b>	Not applicable
<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 note that the Common Seal was not affixed to any documents for the reporting period.

### **Background**

Under Council's Execution of Documents Policy, the Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing.

### **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**

No documents were received in this period that required the Common Seal.

### **Statutory Requirements**

Affixing of the Common Seal is done in accordance with section 9.49A of the *Local Government Act 1995* and Council's Execution of Documents Policy.

### **Financial Considerations**

Not applicable.

### **Risk Management Implications**

No Risks Identified

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

Not applicable

### **Officer Recommendation – Item 12.17**

That Council notes there were no items requiring affixing of the Common Seal during the reporting period.

**Voting requirements: Simple Majority**

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

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

### **15 Urgent Business**

### **16 Confidential Business**

### **17 Closure**

The next Briefing Session will be held on Tuesday 18 April 2023 commencing at 6pm.

The next Ordinary Council meeting will be held on Wednesday, 26 April 2023 commencing at 6pm.