



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Tuesday 30 April 2024 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

Cameron Woods

CHIEF EXECUTIVE OFFICER

24 April 2024

Meeting Information

Recording and Live-streaming

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

Conduct at meetings

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

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

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

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

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

Council Seating Plan



Minute Secretary



Manager Governance and Strategy
Joanne Burges



Chief Executive Officer
Cameron Woods



Mayor
Cr Kathryn Hamilton

E: crhamilton@bassendean.wa.gov.au

Director of Corporate Services
Paul White



Acting Executive Manager Infrastructure
Doug Pearson



Director Community and Place
Michelle Brennand



Executive Manager Sustainability and Environment
Nicole Davey



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Cr Jamayne Burke
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Cr Ken John
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Deputy Mayor

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, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Quasi-Judicial	When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by the State Administrative Tribunal.
Information	For the Council/Committee to note.

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

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

4 Declarations of Interest

5 Presentations or Deputations

6 Statements by Members of the Public

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

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

Online Form - Public Statement Time » Town of Bassendean

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

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

7 Questions from Members of the Public

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

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

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

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

Mr Don Yates

Question 1:

What is the Town of Bassendean actively doing, like promoting student accommodation zoning options, as part of the zoning of open land near the Cyril Jackson campus, to increase the share of the \$30 Billion overseas education business opportunity and so help support the many activities within 400m of the Ashfield Railway Station?

Question 2:

Why were such initiatives not recognised and advanced in the acceptance of the Bassendean Local Planning SCHEME 11 in mid-2023 before being forwarded to the WAPC?

Question 3:

Will the Town of Bassendean consider planting trees like all year green carob trees for a more compatible species to suit changing climate conditions, particularly as the carob tree can be used for many purposes?

8 Petitions

9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	1. CONFIDENTIAL - OCM March CONFIDENTIAL Minutes v 1 (002) (002) [9.1.1 - 30 pages]

Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on Tuesday 26 March 2024 be received and confirmed as a true and correct record.

Voting requirements: Simple Majority

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	Cameron Woods
Department	CEO and Council Support
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

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

Background

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

Comment

There have been no minutes received from external Committees and organisations.

Officer Recommendation – Item 11.1

That Council notes that no documents from external Committees have been received within the reporting period.

Voting requirements: Simple Majority

12 Officer Reports

Adoption of Recommendations En Bloc

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

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

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

Item	Report	Vote
12.1	Adoption of Recommendations En Bloc	
12.2	BIC Reserve Concept Plan	Simple Majority
12.3	Review - Audit and Governance Committee Instrument of Appointment and Delegation	Absolute Majority
12.4	Review of Delegations Register	Absolute Majority
12.5	Council Plan Reporting	Simple Majority
12.6	Ashfield Flats Master Plan	Simple Majority
12.7	RFT 01/2024 Plumbing and Gas Services and Minor Works	Simple Majority
12.8	Review of Sustainability and Environment Council Policies	Simple Majority
12.9	Single House - No. 59A First Avenue, Bassendean	Simple Majority
12.10	Accounts Paid - March 2024	Simple Majority
12.11	Removal of Three (3) Parking Bays on James Street	Simple Majority

12.12	RFT02/2024 Bassendean Oval Precinct Redevelopment - Feasibility Study and Funding Procurement	Simple Majority
12.13	Monthly Financial Report - March 2024	Simple Majority
13	Motions of which Previous Notice has been given	
13.1	Advocacy for Priority Projects	
13.2	Support for Food Organics and Garden Organics (FOGO) NGA Motion	
16	Confidential Business	

Officer Recommendation Item 12.1

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

Item	Report
11.1	External Committee Reports and Updates
12.2	BIC Reserve Concept Plan
12.5	Council Plan Reporting
12.6	Ashfield Flats Master Plan
12.8	Review of Sustainability and Environment Council Policies
12.9	Single House – No. 59A First Avenue, Bassendean
12.10	Accounts Paid – March 2024
12.11	Removal of Three (3) Parking Bays on James Street
13.1	Advocacy Funding for Priority Projects
13.2	Support for Food Organics and Garden Organics (FOGO) NGA Motion

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

12.3	Review – Audit and Governance Committee Instrument of Appointment and Delegation
12.4	Review of Delegations Register
12.7	RFT 01/2024 Plumbing and Gas Services and Minor Works
12.12	RFT02/2024 Bassendean Oval Precinct Redevelopment – Feasibility Study Project
12.13	Monthly Financial Report – March 2024

12.2 BIC Reserve Concept Plan	
Property Address	BIC Reserve (Reserve 21150)
Landowner/Applicant	N/A
File Reference	PARE/MAINT/7
Directorate	Community and Place
Previous Reports	23 November 2021 28 March 2023 26 September 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. BIC RESERVE CONCEPT PLAN A 3 Rev B [12.2.1 - 1 page]

Purpose

The purpose of this report is to seek Council adoption of the Bassendean Improvement Committee (BIC) Reserve Concept Plan.

Background

BIC Reserve is Crown reserve vested to the Town and is noted on the Town's Local Heritage Survey (Management Category 2) and Heritage List.

The Reserve is a largely grassed open space linking various elements within the landscape. The Bassendean War Memorial is accessed by concrete pathways and bordered by garden beds. The Reserve also contains tennis courts, a bowling club, 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.

In November 2021, Council resolved to adopt 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 March 2023, Council considered a draft concept plan and resolved not to endorse the draft plan and requested further discussion of a BIC Masterplan at a future workshop.

In September 2023, Council resolved to adopt the draft amended Land Asset Strategy which, as it relates to BIC Reserve, recommends that *“the draft BIC Reserve Masterplan be progressed, with a focus on the pedestrian connection / community event space between Hamilton Street, James Street and the existing tennis courts.”*

In February 2024, the Town engaged a consultant to prepare a concept plan.

Communication and Engagement

On 8 November 2022 (prior to Council’s March 2023 decision), Councillor discussions regarding the reserve master plan occurred at the workshop.

On 3 November 2023 (following Council’s March 2023 decision) the draft amended BIC Reserve Masterplan was issued to Councillors via the CEO Bulletin. No response was received.

Regular BIC Reserve stakeholders were consulted in February 2024 to discuss the needs of their respective groups. Bassendean Markets mentioned the availability of stall holder parking on the reserve, which is in the existing skatepark area. The area to the north of the tennis courts can be accessed via Hamilton Street as a resolution. Access to power and water in the centre of the reserve was also a concern.

Telethon Community Cinemas were also consulted in February 2024. The proposed future soundstage or performance area was of interest, with the ability to erect a semi-permanent screen to the structure for cinema season a desirable outcome. The remodelling of the grass embankment was also a priority to improve cinema viewing.

Strategic Implications

The BIC Reserve Concept Plan aligns with a number of strategic informing documents including the Town of Bassendean Public Health Plan and the draft Public Open Space Strategy, both of which support the following strategic outcomes.

Performance Area 1: People

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

Performance Area 3: Place

5.1 Responsible planning and development, with population growth concentrated

around the town centre, train stations and transport corridors.

6.2 Enhance public open space and community facilities

Comment

BIC Reserve Concept Plan Elements

The Town will implement the Concept Plan in stages, with the first stage primarily funded by the \$200,000 grant from the Federal Department of Infrastructure, Transport, Regional Development, Communications, and the Arts, approved in March 2024.

For the purpose of the grant conditions, evidence acceptable to the Commonwealth is that the Town has confirmed final cost estimates and final designs are due by August 1, 2024. The appointment of a contractor is due December 2, 2024. However, evidence that the project is complete is not required until January 5, 2026, meaning some Town funded elements may be financed in the 2025-26 budget.

The concept plan has defined three distinct zones within the BIC reserve. An active zone adjacent to the tennis courts which currently accommodates the markets and acts as an oval for the local St Michaels Primary school is envisaged as remaining an active programable space.

A memorial and reflection zone, accommodates the war memorial and will be enhanced by improved landscaping and street furniture to create a shaded avenue of honour.

A community zone has been identified for the hosting of cultural and arts events and activities as well as civic events. This area currently accommodates the outdoor cinemas, and in the future can be developed to include an outdoor stage to cater for community music and performance spaces.

Botanic Loop

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

The BIC Reserve Concept Plan addresses this by adding a Memorial Zone, highlighted by a shaded avenue of honour, including the planting of at least twelve mature trees. It also includes the supply and installation of at least four benches and associated landscape works, including reticulation.

Community Space

The Town Centre Masterplan anticipated a new family and community space with gazebo shelter, seating, play and BBQ facilities.

The BIC Reserve Concept Plan provides various path extensions and a consolidated community space between the James Street cul-de-sac and Hamilton Street to the east. This addresses the need first raised in September 2023. It also provides new public toilets replacing the existing that were destroyed by fire in August 2023. Whilst the toilets are not linked directly to the grant agreement, they are viewed as high priority given the decision to demolish the existing facilities following an arson incident and insurance payout.

The inclusion of park exercise equipment was endorsed by Patrick Gorman and is a key deliverable as part of the \$200,000 grant agreement. The exercise equipment was identified as a community aspiration as part of the public health plan consultation, prior to the adoption of the Public Health Plan. This element is addressed in the Active Zone as per the attached concept plan.

The supply and installation of at least two light towers fitted with energy efficient lights to meet fifty lux standards will enhance the public event space and provide lighting for social sports gatherings and the delivery of night markets.

Telethon Community Cinemas

The concept plan improves and retains the existing space for the cinemas. The grass embankment could be remodeled to better suit the audience and a new sound stage for public hire and civic use is proposed as a future concept. The structure will also provide a screening area for the Telethon Community Cinemas. These elements will require further grant funding in future years as determined by Council.

Statutory Requirements

BIC Reserve under the Metropolitan Region Scheme is zoned 'Urban'. Development approval from the Western Australian Planning Commission for the implementation of the BIC Reserve Concept Plan 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 reserve use and would be exempt from requiring development approval if they do not detract from the heritage values of the place.

Financial Considerations

There are financial implications associated with Council adopting the Concept Plan.

The following table outlines the estimated costs associated with each element of the project. Town contributions required for 2024-25 budget are required so that the grant funded elements can progress.

Table 1: Project financial breakdown of costs

Element	Estimated Cost (ex GST)	Funding Source	Budget Timeframe
Replacement of unhealthy <i>Corymbia ficifolia</i> (Red Flowering Gum) with suitable available native species – 600 Litre plus establishment labour	\$53,800	IIOC Grant	Essential for 2024-25
Bench seating (x 4) - IIOC grant condition	\$5,000	IIOC Grant	Essential for 2024-25
Two lighting towers with 50 lux fittings and associated external power supply for markets	\$61,200	IIOC Grant	Essential for 2024-25
Twelve adult exercise stations including soft fall and kerbing	\$80,000	IIOC Grant	Essential for 2024-25
Total IIOC Grant	\$200,000		
Bore shed removal	\$5,000	Municipal	Essential for 2024-25
New shed within Tennis Court compound	\$10,000	Municipal	Essential for 2024-25
Limestone retaining	\$18,000	Municipal	Essential for 2024-25
Concrete skate park removal and associated earthworks	\$25,000	Municipal	Essential for 2024-25
Contingency to allow for design changes and tender escalation @ 10% for the 2024/25 grant funded works,	\$25,800	Municipal	Essential for 2024-25
New modular toilet facility	\$130,000*	Municipal and Insurance	2025-26
Approx 200m, 2m wide exposed concrete path (\$240/m)	\$50,400	Municipal	2025-26
Total Municipal Cost	\$264,200		
Total Project Value (including contingency)	\$464,200		
Municipal Breakdown			
Municipal Subtotal 2024-25	\$83,800		

Municipal subtotal 2025-26	\$180,400		
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**Value of insurance claim yet to be confirmed and may adjust budget downwards.*

Risk Management Implications

Should Council not proceed with the grant funded works as outlined in the Department of Infrastructure, Transport, Regional Development, Communications and the Arts grant agreement, there will be reputational damage incurred for failing to meet the grant agreement requirements and a loss of the \$200,000 grant funding.

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:

1. Adopts the BIC Reserve Concept Plan as attached to this report.
2. Allocates funding of \$283,800 for infrastructure works outlined in this report as essential for 2024/25 as part of the 2024/25 Annual Budget, including grant income of \$200,000 from the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts.
2. Notes future years budget implications will be considered through the annual budget development process and incorporated into the Town of Bassendean Long Term Financial Plan.

Voting requirements: Simple Majority

12.3 Review - Audit and Governance Committee Instrument of Appointment and Delegation	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Directorate	CEO and Council Support
Previous Reports	Nil
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report is for Council to consider reduction of the number of Elected Members appointed to the Audit and Governance Committee (the Committee).

Background

Council has expressed a desire to reduce the number of Elected Members appointed to the Audit and Governance Committee.

The Instrument of Appointment and Delegation for the Committee ("Instrument") specifies membership of the Committee as:

- Four Elected Members; and
- Up to three community members.

Section 7.1A of the *Local Government Act 1995* requires at least three members, and the majority of members, to be council members.

A reduction in the number of Elected Members on the Committee could easily be achieved by changing the Instrument as follows:

- Three Elected Members; and
- Up to two community members.

The Town's current Instrument is based on an older DLGSC model.

Since adoption of the current Instrument, the Auditor General has issued guidelines for Audit Committees, including a model Committee Charter.

The Town's instrument will be updated to a Committee Charter and presented to the next meeting of the Committee.

Communication and Engagement

Feedback from Councillors was sought via the CEO Bulletin on Friday 15 March 2024 and Friday 5 April 2024.

Councillors showed support for a reduction in the number of Elected Members on the Committee.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

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

Comment

Given the desire of Council to reduce the number of Elected Members appointed to the Audit and Governance Committee and the positive response by Councillors regarding this reduction, this report seeks to amend the current Instrument as highlighted in **bold** below.

5. Membership will be amended as follows from:

5.1 The Committee will comprise of up to seven (7) members, as follows:

- (a) Four (4) Elected Members; and
- (b) Up to three (3) community members.

To:

5.1 The Committee will comprise of up to **five (5)** members, as follows:

- (a) **Three (3)** Elected members; and
- (b) Up to **two (2)** community members.

Further, to implement this changes Cr Emily Wilding has indicated a willingness to step down from the Audit and Governance Committee on adoption of the proposed Resolution of Council.

Finally, the Administration will develop a new Charter as per the guidelines provided by the Auditor General for consideration at the 12 June 2024 meeting of the Committee.

Statutory Requirements

Local Government Act 1995

Financial Considerations

N/A

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.3

That Council:

- 1.Reduce the membership of the Audit and Governance Committee to comprise of up to five (5) members, as follows:
 - a. Three (3) Elected Members; and
 - b. Up to two (2) community members.

- 2.Note the continuing Elected Members of the Committee as Cr Kathryn Hamilton, Cr Jamayne Burke and Cr Ken John.

Voting requirements: Absolute Majority

12.4 Review of Delegations Register	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/AUTHS/1
Directorate	CEO and Council Support
Previous Reports	Review conducted Annually
Authority/Discretion	<p>Executive The substantial direction setting and oversight role of the Council.</p> <p>Legislative Includes adopting local laws, local planning schemes & policies.</p>
Attachments	1. Draft Delegations Register with Tracked Changes April 2024 [12.4.1 - 161 pages]

Purpose

The purpose of this report is for Council to consider the administrative review of the Delegations Register.

Background

The *Local Government Act 1995* (the Act) requires under s. 5.46. Register of, and records relevant to, delegations to CEO and employees; (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Changes were made to the Delegations Register on three (3) occasions in the 2022/23 financial year. At the 13 December 2022 Ordinary Council Meeting (OCM) via an administrative review of the Delegations Register, the 28 February 2023 OCM via a Notice of Motion and the 27 June 2023 OCM via a recommendation of the Audit and Governance Committee due to changes to the Purchasing Policy.

The Act does not preclude the delegator, whether it be Council or the CEO, to review the Delegations Register in the same financial year, if required.

Communication and Engagement

Internal Staff were consulted, specifically the Manager Planning and Regulation, to assist with informing key changes to reflect the Gazettal of LPS11.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

The review of duties to be performed, conditions and legislation of the current delegations has been undertaken in accordance with section 5.46.(2) of the *Local Government Act 1995*. The review was undertaken to ensure:

- any changes brought about by the gazettal of Local Planning Scheme 11 (LPS 11) were included, with the following effect:
 - Deleted reference to Local Planning Scheme No. 10 and replaced it with Local Planning Scheme No. 11.
 - Modified the delegations relating to Tree Preservation Orders and replaced it with the authority to establish and maintain a Significant Tree Register (to reflect the changes for trees between Local Planning Scheme No. 10 and No. 11).
 - Included delegations to Built Strata applications to extend the delegation from the CEO to staff.
- any changes to the organisational structure and job titles were reviewed and changed where applicable, including the following:
 - Director Community Planning to Director Community and Place
 - Executive Manager Infrastructure to Director Infrastructure and Sustainability
 - Engineering Technical Coordinator to Manager Engineering and Assets
 - Manager Finance to Manager Financial Services
 - Senior Accountant to Financial Accountant
 - Manager Development and Place to Manager Planning and Regulation
 - Deleted the conditions on the sub-delegate for dealing with development approvals to the Senior Planning Officer given senior planning officers, as a minimum, have 3-4 years' experience as a planning officer and should have a strong understanding of the development assessment process and making sound recommendations on applications.
 - References to Engineering Technical Coordinator and Manager Recycling and Waste deleted (positions no longer exists), and
- the appropriateness of the delegations and whether any further delegations were necessary to the Chief Executive Officer to ensure the efficiency of decision making.

A copy of the draft amended Delegations Register has been attached to this report, with proposed amendments highlighted in red via tracked changes.

Statutory Requirements

Local Government Act 1995 – s. 5.42. - s. 5.46.

Local Government (Administration) Regulations 1996 – reg. 19

Financial Considerations

Nil

Risk Management Implications

Financial Risk

Low

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.4

That Council:

1. In accordance with Section 5.46.(2) of the *Local Government Act 1995*, confirms review of its delegations to the Audit and Governance Committee, Complaints Committee, and to the Chief Executive Officer, and
2. In accordance with Section 5.42.(1) of the *Local Government Act 1995*, adopts the amendments to the Delegations Register and any amended delegations of authority to the Chief Executive Officer as provided in the attachment to this report.

Voting requirements: Absolute Majority

12.5 Council Plan Reporting	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	CORM/POLCY/1
Directorate	CEO and Council Support
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. At A Glance Council Plan Quarterly Reporting [12.5.1 - 2 pages] 2. Council Plan Quarterly Reporting 180424 [12.5.2 - 8 pages]

Purpose

The purpose of this report is for Council to receive the Council Plan Quarterly Report for the period ending 31 March 2024.

Background

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

The Quarterly Report for the period ending 31 March 2024 is the second report for the 2023/24 financial year and provides an update on the projects/actions contained within the adopted Council Plan 2023-2033 for Quarter three (3).

As advised at the 27 February 2024 OCM, following the adoption of the Council Plan 2023-33, the Q3 report is the first against the projects and actions contained within the Council Plan 2023-33.

Communication and Engagement

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

Strategic Implications

Performance Area 5: Performance

- 9.1 Continuously improve operational performance and service delivery.
- 10.1 Effectively inform and engage the community about local services and events, and Council matters.

Comment

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

Officers have provided Status updates and Comments in the attached Quarterly Report for Q3, specifically focussing on the 2023/2024 financial year actions.

As detailed in Attachment 12.5.1, of the 42 actions / projects identified for the 2023/2024 financial year covered by this report, three (3) have been completed, twenty nine (29) are on-track, one (1) is off-track, four (4) have not started and five (5) are under Monitor / Review. Attachment 12.5.2 provides the detailed actions, status and comments.

Statutory Requirements

Nil

Financial Considerations

Where finance is required for an identified Project or action, this has been factored into the 2023 / 2024 Budget and is considered as part of the 2024 / 2025 Budget process.

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 12.5

That Council:

Receive the 1 January 2024 – 31 March 2024 Quarterly Report updating the actions set out in the Town of Bassendean Council Plan 2023-33.

Voting requirements: Simple Majority

12.6 Ashfield Flats Master Plan	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	PARE/DESCONT/6
Directorate	Sustainability and Environment
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Stakeholder engagement findings and recommendations [12.6.1 - 6 pages] 2. Ashfield Flats Master Plan Part 1 [12.6.2 - 29 pages] 3. Ashfield Flats Master Plan Part 2 [12.6.3 - 53 pages]

Purpose

The purpose of this report is for Council to consider co-endorsing the Ashfield Flats Master Plan Parts 1 and 2.

Background

The Department of Biodiversity, Conservation and Attractions (DBCA) has developed the Ashfield Flats Master Plan through collaboration with a Steering Group comprising of:

- Town of Bassendean;
- DBCA (as lead agency);
- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulation; and
- Water Corporation.

Ashfield Flats is reserved as Parks and Recreation under the Metropolitan Region Scheme, with the Master Plan area including Sandy Beach Reserve, Hamilton Street Reserve and Iveson Place Reserve.

The land ownership and management of the study area is outlined in Figure 5 of the Ashfield Flats Master Plan – Part 2 (Attachment 3). The majority is vested with the Western Australian Planning Commission (WAPC) and managed by DPLH; the two main drains are managed by the Water Corporation and the remainder is vested with

the Town of Bassendean. The Town is responsible for approximately 18% of the total area.

DBCA engaged consultants to prepare the Master Plan with guidance from the Steering Group and with extensive consultation and engagement with key stakeholders, user groups, the Whadjuk community and the broader community.

The program for preparation of the Master Plan is summarised as follows:

1	Project inception and technical review	October 2022 to December 2022
2	Stakeholder engagement	December 2022 to March 2023
3	Whadjuk engagement (2x workshops and direct engagement with Elders for document review)	December 2022 to October 2023
4	Preparation of Draft Master Plan	March 2023 to October 2023
5	Draft Master Plan tabled at Swan River Trust board meeting for noting ahead of public advertising	October 2023
6	Public advertising of Draft Master Plan	November 2023 to December 2023
7	Review of submissions and preparation of Final Plan for adoption	January 2024 to February 2024

The Swan River Trust endorsed the Ashfield Flats Master Plan Parts 1 and 2 at its board meeting on Tuesday 19 March 2024.

DBCA are now seeking co-endorsement of the final Master Plan by Steering Group partner agencies, including Town of Bassendean.

Communication and Engagement

The Ashfield Flats Master Plan Part 1 (Attachment 2) outlines inputs to development of the Master Plan, including an extensive community engagement process.

Community consultation on the draft Master Plan occurred from 10 November to 8 December 2023. Approximately 238 formal public submissions were received. Most respondents agreed with the intentions, objectives and initiatives detailed in the draft Master Plan. A summary of key issues raised during community consultation, along with amendments for the final Ashfield Flats Master Plan parts 1 and 2 can be found in Attachment 1. Highlighted and struck out text indicates additions and edits to the draft Ashfield Flats Master Plan, based on submissions from the November – December public advertising period. These changes appear in the final Ashfield Flats Master Plan

The updated and final Ashfield Flats Master Plan Parts 1 and 2, following consideration of the outcomes of community consultation, are at Attachments 2 and 3.

Once endorsed by all project partner agencies, the document will be published by DCBA. It is anticipated that this will occur by the end of this financial year.

Strategic Implications

Performance Area 2: Planet

3.1 Conserve, protect and enhance the Swan River foreshore and nature reserves.

Comment

The Master Plan will guide future planning and management of the Ashfield Flats study area with a suite of actions to achieve the following objectives:

1. Allow for the protection and adaptation of unique environmental qualities;
2. Connect people with nature and support community wellbeing;
3. Provide opportunities for knowledge sharing; and
4. Deliver sustainable and coordinated management.

The vision identified in the Master Plan is:

Ashfield Flats is the largest remaining river flat in the Perth metropolitan area, and is the home to significant and threatened flora, fauna and natural processes.

These qualities are protected and valued, creating a space where the community connects to nature and each other.

The Ashfield Flats Master Plan will be given due regard by DBCA and the Swan River Trust when facilitating rehabilitation and or management initiatives across the foreshore and when determining applications and/or providing advice to other statutory decision makers.

The Ashfield Flats Master Plan comprises of two parts;

- Part 1: Master Plan; includes vision, objectives, Master Plan area, inputs and implementation (Attachment 2); and
- Part 2: Context: includes key considerations, ownership and management, policy, environmental and social context and future approvals (Attachment 3).

The Ashfield Flats Master Plan Part 1 (Table 1) identifies a series of actions with preliminary recommendations for timing as either short (0-4 years), medium (5-10 years) or longer (10-20 years), as well as an indicative budget (low, medium or high). These are identified for each of the four objectives.

The geographic Master Plan is provided in Figure 4 of Attachment 2.

The Implementation section identifies potential opportunities for funding, with delivery of actions to be monitored by stakeholder agencies and a brief “traffic light” annual progress report, prepared by the Town of Bassendean to be shared with the community.

The Ashfield Flats Master Plan Parts 1 and 2 are being presented to Council for co-endorsement as written.

Statutory Requirements

The Master Plan has been prepared to align with the objectives and principles of the *Swan Canning Rivers Management Act 2006*, relevant *Swan Canning Planning and Development Policies, Plans and Procedures*, the *draft Lower Swan Locality Plan*, *draft State Planning Policy 2.9: Planning for Water*, and the *Swan Canning River Protection Strategy*.

Financial Considerations

In February 2024, the Town submitted a grant application for \$2 million funding through the Australian Government’s Urban Rivers and Catchment Program: Stream 1 for Ashfield Flats Master Plan Implementation, with DBCA as a project partner.

If successful, this grant will provide 100% funding (with an in-kind contribution of staff/ volunteer labour) to implement the following works from 2024/25- February 2028.

- Installing fencing to protect the Threatened Ecological Community, and particularly saltmarsh species from uncontrolled access;
- Weed control measures for 40 hectares of land;
- Conducting an integrated monitoring program to review changes to flora extent and condition, efficacy of weed control measures, and changes to soil and water quality;
- Remediation of riparian areas between the Chapman Street Drain Boardwalk, to the private property line north of Sandy Beach Reserve; and
- Installation of a new limestone path between the Chapman Street Drain Boardwalk and Sandy Beach Reserve at 0.8 AHD or higher.

Notification on the grant application outcome is expected by June 2024.

Risk Management Implications

Should Council fail to co-endorse the Master Plan, there is a risk of negative reputational impacts and uncertainty over Council's position and the decision may jeopardise the Urban Rivers and Catchment Program grant application.

Co-endorsement of the Master Plan will indicate support for proposed actions for the Ashfield Flats Study area, in alignment with the Steering Group partner agencies.

To ensure a consistent approach by the partner agencies in prioritising future works for the study area, multiple versions or amendments to the Master Plan are not recommended.

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:

1. Endorse the Ashfield Flats Master Plan – Parts 1 and 2 as attached to this report; and
2. Notes that the key stakeholder agencies (Department of Biodiversity, Conservation and Attractions, Department of Planning, Lands and Heritage, Department of Water and Environmental Regulation, Water Corporation and the Town of Bassendean) will continue to work together on implementation of the Master Plan recommendations.

Voting requirements: Simple Majority

12.7 RFT 01/2024 Plumbing and Gas Services and Minor Works	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COUP/TENDNG/114
Directorate	Corporate Services
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL - RFT 01-2024 Evaluation Report [12.7.1 - 13 pages]

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT (Request for Tender) 01/2024 Provision of Plumbing & Gas Services for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a contractor to provide Plumbing & Gas Services. The Town does not have internal resources to supply the required services and requires an appropriate external service provider.

The Town had a single contract for this service with Mackie Plumbing and Gas Services Pty Ltd, which expires on 30 April 2024.

Proposal

To appoint a contractor to provide Plumbing & Gas Services for the Town of Bassendean.

Communication and Engagement

The Request was advertised in The West Australian Newspaper and on the Town's website on Saturday 7 February 2024 and closed on Thursday 22 March 2024.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Submissions were received from the following eleven (11) Tenderers:

	COMPANY
1.	Link Plumbing and Gas Service
2.	Mackie Plumbing and Gas Pty Ltd
3.	Majestic Plumbing Pty Ltd
4.	Maxey Plumbing Pty Ltd
5.	Multiple Trades and Maintenance
6.	On Tap Services Pty Ltd
7.	PCB Contractors
8.	Plumbing Bros National Assist
9.	Routys Plumbing and Gas Pty Ltd
10.	Techworks Plumbing
11.	The Trustee for The Campbell Allsworth Family Trust T/A Snap Plumbing

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

All eleven (11) of the Tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 60% for this tender.

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

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

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

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.7

That Council appoints Mackie Plumbing and Gas Pty Ltd to provide Plumbing & Gas Services for the Town of Bassendean as specified in Tender 01/2024 for a period of Three (3) years with a further option to extend the Term of the Contract, by One (1) Year, plus a further option of One (1) Year, to commence upon Council Approval and Letter of Award.

Voting requirements: Simple Majority

12.8 Review of Sustainability and Environment Council Policies	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Sustainability and Environment
Previous Reports	12.4 OCM 25 May 2021 12.7 OCM 13 December 2022
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Celebration Trees - amended with track changes [12.8.1 - 2 pages] 2. Waste Services - amended with track changes [12.8.2 - 2 pages]

Purpose

The purpose of this report is for Council to consider two amended Council Policies: Celebration Trees and Waste Services.

Background

As outlined below, two Council Policies owned by the Sustainability and Environment Business Unit are overdue for review. A review of both policies has been undertaken, with minor changes proposed.

Policy name	Date last reviewed	Scheduled review date
Celebration Trees	May 2021	May 2023
Waste Services	December 2022	December 2023

The Celebration Trees Council Policy aims to provide consistent and effective administration in relation to requests for planting of celebration trees. The Town has received an application for a celebration/ memorial tree, to be planted in the 2024 winter planting season.

The Waste Services Council Policy aims to provide consistent and effective provision of services relating to waste collection.

Communication and Engagement

Nil.

Strategic Implications

Performance Area 2: Planet

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

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

Comment

The proposed changes to each policy are outlined in Attachments 1 and 2 (with track changes). Prior to publishing the formatting will be updated to reflect the current style guide and Corporate template.

Celebration Trees

The proposed changes include:

- Change to current requirement for planting of the tree to be undertaken by the resident, supplying their own tools. It is proposed this is amended to Town staff undertaking planting at a date/ time agreed with by the applicant, with their assistance optional.
- Inclusion of the requirement for payment of a fee, as per the Annual Fees and Charges (\$305 in 2023/24); and
- Change to policy review frequency from biennially to 3-yearly.

Waste Services

The only change proposed is to amend the policy review frequency from annually to 3-yearly.

Statutory Requirements

The *Local Government Act 1995* allows Council to determine its policies.

Financial Considerations

Nil.

Risk Management Implications

No Risks Identified. The review frequency of both policies is proposed to be amended to 3-yearly, reflecting the risk profile.

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 adopts the amended Council Policies for Celebration Trees and Waste Services, as attached to this report.

Voting requirements: Simple Majority

12.9 Single House - No. 59A First Avenue, Bassendean	
Property Address	59A (Lot 524) First Avenue, Bassendean
Landowner	NFT Enterprises Pty Ltd (<i>Directors: Bardya and Fatima Nourbehesht</i>)
File Reference	2023-131
Directorate	Community and Place
Previous Reports	Nil.
Authority/Discretion	<p>Quasi-Judicial When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building applications and applications for other permits/licenses.</p>
Attachments	<ol style="list-style-type: none"> 1. Development Plans [12.9.1 - 6 pages] 2. Schedule of submissions [12.9.2 - 4 pages]

Report summary

- An application has been received to develop a two-storey 'Single House' at No. 59A First Avenue, Bassendean.
- The land is zoned 'Residential' R20/40 under LPS ~~40~~ 11. A 'Single House' is a permitted ('P') use of the land.
- The proposal is considered to meet the design principles of the R-Codes and the Town's Local Planning Policies relating to street setback, landscaping and solar access for adjoining sites as detailed in the report.
- The owners of three nearby properties submitted objections to the proposal, citing the overshadowing and insufficient onsite parking provision as concerns.
- The number of car parking bays provided meets the deemed-to-comply criteria of the R-Codes.

It is recommended the application be approved subject to conditions.

Purpose

The purpose of this report is for Council to consider a proposal to develop a Single House at No. 59A (Lot 524) First Avenue, Bassendean. The application is referred through to Council, noting the submissions received.

In July 2024, changes to the *Planning and Development (Local Planning Scheme) Regulations 2015* will take effect that limit development approval functions of Council with respect to Single Houses. Following gazettal of amendments to the Regulations, all applications for Single Houses, with the exception of those relating to heritage places, must be determined by Town staff.

Background

The subject site is located on the corner of First Avenue and Anzac Terrace, Bassendean; approximately 50m east of Anzac Terrace Reserve and 550m north of the Bassendean Railway Station. A location plan follows.



The 493sqm property is zoned Residential R20/40 under Local Planning Scheme ~~No. 10 (LPS 10)~~ No. 11 (LPS 11) and may be subdivided/ developed as two residential lots/ dwellings. The site is currently vacant, relatively flat and void of vegetation of significance. Surrounding properties are also zoned Residential R20/40 and comprise a mix of single houses, grouped and multiple dwellings.

Proposal

The Single House comprises six-bedrooms, six-bathrooms and a double garage. The house is to be contained on the eastern (247sqm) portion of the lot. It is expected the western portion of the lot will be developed at a later date.

The proposal generally complies with the deemed-to-comply provisions of the R-Codes and applicable Local Planning Policies, including those provisions relating to building height, lot boundary setbacks and open space; however, the following aspects require consideration against the relevant design principles/ policy objectives:

- street setback
- Landscaping
- solar access for adjoining sites

The design principles/ policy objectives relevant to the above are discussed below.

Communication and Engagement

Owners No. 59 First Avenue, Bassendean were invited to comment on the proposal. In their submission, overshadowing of north facing kitchen and scullery windows and subsequent impact on access to natural sunlight and the energy efficiency of their home was cited as a concern.

The owners of two other nearby properties also made submissions on the proposal citing inadequate onsite car parking as a concern.

Strategic Implications

Performance Area 3: Place

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

Comment

Land use classification and permissibility

Approval is sought for a six-bedroom dwelling, intended to accommodate up to six people in a co-living arrangement. This arrangement falls within the definition of a “Dwelling”, which is *“a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family”* (emphasis added).

Based on the above, the proposal is correctly classified as a ‘dwelling’, and more specifically, a Single House; which is a ‘P’ (permitted) use within the Residential zone. Council cannot refuse a permitted use because of the unsuitability of the use within the zone, although it may impose conditions on the use of the land to comply with any relevant development standards or requirements.

Neither the permissibility of the use, nor the development standards applicable to this proposal ~~will be~~ **has been** impacted by gazettal of draft Local Planning Scheme No. 11.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

The R-Codes prescribe residential development standards in the form of ‘deemed-to-comply’ criteria and ‘design principles’. Residential development that does not conform to the prescribed deemed-to-comply criteria can be assessed against the relevant design principles. The following aspects of the proposal require consideration against the relevant design principles:

- street setback
- landscaping
- solar access for adjoining sites

The design principles are addressed as follows:

Street setback

- the first floor of the house is setback an average of 3.75m from the front lot boundary, in lieu of the 4m prescribed by the deemed-to-comply criteria. The ground floor is setback an average of 4m as required.

Design Principle	Comment
<p>5.1.2 Street setback</p> <p>Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape and utilities; and • allow safety clearances for easements for essential service corridors. 	<p>The setback provided, while less than that prescribed by the deemed-to-comply provisions of the R-Codes, is consistent with existing buildings adjacent to the intersection of Anzac Terrace and Third Avenue; which average 3.4m, 3.7m and 4m; reflective of concessions to building setback typically afforded to corner lots and the application of development standards applicable to the different dwelling types present on these lots.</p> <p>An articulated front elevation incorporating design elements such as varied materials, roof forms, placement and design of openings will make a positive contribution to the Anzac Terrace streetscape.</p>

	<p>Windows to habitable rooms are setback from the front lot boundary a sufficient distance to maintain a sense of privacy for occupants and the extent of site cover does not exceed the maximum permitted under the R40 density code.</p> <p>The reduced street setback does not have implications for parking, landscaping, utilities, safety clearances, or easements; which meet deemed-to-comply provisions of the R-Codes.</p>
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Landscaping

- two small trees are proposed to be planted onsite, in lieu of one medium tree required in accordance with Local Planning Policy No. 13 – Tree Retention and Provision (LPP13) – which modifies those provisions of the R-Codes pertaining to the provision trees and associated planting areas.

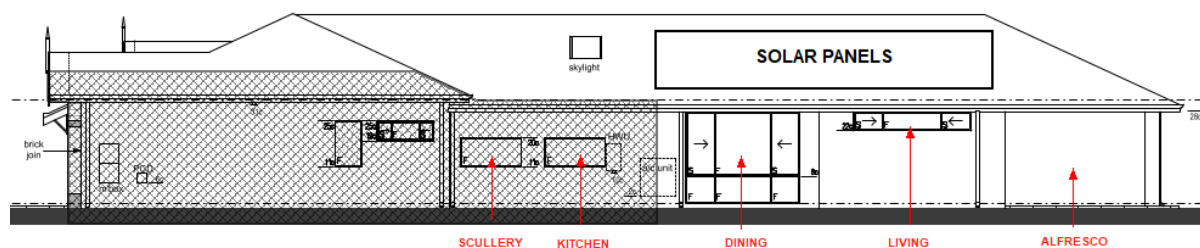
Design Principle/ Policy Objectives	Comment
LPP13	The site is currently void of trees.
<ul style="list-style-type: none"> • To retain existing trees to maintain a local sense of place. • To increase canopy coverage and shade to provide amenity, environmental and health benefits. 	<p>The onsite tree provision, which includes two 'small' trees, in addition to the retention of three street trees within the verge, will provide shade and contribute to the amenity of streetscape and the locality. The location of proposed trees does not impact on safety, security, or solar access to the subject or adjoining sites. The trees to be provided will be visible from the street and make a positive contribution to the amenity of the development for both residents and the wider community.</p>
5.3.2 - Landscaping	
<p>Landscaping of open spaces that:</p> <ul style="list-style-type: none"> • contribute to the appearance and amenity of the development for the residents; • contribute to the streetscape; • enhance security and safety for residents; • contribute to positive local microclimates, including provision of shade and solar access as appropriate; and • retains existing trees and/or provides new trees to maintain and enhance the tree canopy and local sense of place. 	<p>The tree provision proposed is consistent with changes to LPP13 contemplated by Council for the purposes of advertising at the 24 February 2024 OCM.</p>

Solar access for adjoining sites

- the proposed development will cast a shadow over 41.5% of the adjoining lot to the south (No. 59 First Avenue, Bassendean) - proportionate to the length of the (future) shared boundary and as measured at midday on 21 June. This

exceeds the 25% prescribed by the deemed-to-comply provisions of the R-Codes.

R-Code and Policy Provision	Assessment/ Comment
5.4.2 – Solar access for adjoining sites	
<p>Effective solar access for the proposed development and protection of the solar access.</p> <p>Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <ul style="list-style-type: none"> • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors. 	<p>Due to its location and orientation and location, the development has ample access to northern light.</p> <p>The shadow cast over the house (currently under construction) at No. 59 First Avenue (as measured at midday on 21 June) is depicted on the elevation plan below. The outdoor living area, solar panels and north facing floor to ceiling window to the open plan living area (comprising the kitchen, dining and living area) will not be affected.</p> <p>The only north facing window to a habitable room impacted is a small kitchen window. The kitchen forms part of an open-plan living area. The main source of northern light is a floor-to-ceiling dining room window which is not affected by overshadowing.</p> <p>The extent of overshadowing is not considered unreasonable in this urban context, and despite one, relatively small window to the internal living area being impacted, it is considered that solar access to the adjoining property is protected for reasons outlined above.</p>



Above: the shadow cast by the proposed development at 12-midday on 21 June.

Conclusion

An application has been received to develop a two-storey ‘Single House’ at No. 59A First Avenue, Bassendean. The proposal meets the design principles of the R-Codes /objectives of the Town’s Local Planning Policies relating to street setback, landscaping and solar access for adjoining sites as detailed in the report. It is therefore recommended the application be approved, subject to conditions.

Should Council form a view that the proposal does not meet the design principles of the R-Codes relating to solar access for adjoining sites, it may refuse the application

for this reason. If the applicant/ owner is aggrieved by such a decision, they may seek to have the decision reviewed by the State Administrative Tribunal.

Statutory Requirements

In accordance with Clause 77(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council may determine an application for 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 12.9

That Council approve the application for development approval for a ‘Single House’ at No. 59A First Avenue, Bassendean subject to the following conditions:

1. This approval is for a ‘ Dwelling ’ (Single House) as defined by the Town of Bassendean Local Planning Scheme No. ~~40~~ 11.
2. The dwelling shall be constructed to a 7-Star Rating under the Nationwide House Energy Rating Scheme and in accordance with NatHERS Certificate No. 0009111014-01 prepared by Sustainability WA (dated 5 December 2023).
3. Prior to the occupation of the development a minimum 3kw photovoltaic solar panel system must be installed to the satisfaction of the Town of Bassendean. The solar panel system is to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.

4. Prior to the occupation of the development a minimum 3000L capacity rainwater tank must be installed onsite and plumbed to either a toilet or laundry within the dwelling to the satisfaction of the Town of Bassendean. Alternatively, an approved grey-water reuse system that collects grey water from the laundry and bathrooms and re-directs it for garden irrigation / ground water recharge must be installed prior to the initial occupation of the development to the satisfaction of the Town of Bassendean. The system must be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
5. Prior to the occupation of the development, 3-phase power shall be installed to enable the installation of vehicle charging points and/or the capacity for electric vehicle charging points to be installed at a later date, to the satisfaction of the Town of Bassendean.
6. Prior to the occupation of the development, a rain garden with an area of no less than 2% of the area of the roof cover of the house, must be provided on site. The rain garden is to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
7. The roof structure of the dwelling shall have a maximum solar absorptance rating of 0.5. Documentation confirming this rating shall be submitted in conjunction with a building permit application, and it must be implemented and maintained on site for the life of the development to the satisfaction of the Town of Bassendean.
8. Prior to the occupation of the development, a minimum of 2 trees that have the potential to have a canopy with a diameter of at least 4m upon maturity, must be planted in the location depicted on approved plans. At the time of planting, the trees must be a minimum of 2m in height and 100-litre pot size. The trees and associated tree growth zones depicted on approved plans must be retained for the life of the development to the satisfaction of the Town of Bassendean.
9. Prior to the occupation of the development, a notification must be registered on the Certificate of Title under Section 70A of the *Transfer of Land Act 1893* advising prospective purchasers of the land that the site contains trees which are required to be retained on site in perpetuity in accordance with a condition of development approval.
10. Prior to the occupation of the development, driveway, parking and manoeuvring areas are to be sealed and drained to the satisfaction of the Town of Bassendean.
11. Stormwater must be contained and disposed of onsite. In the event ground conditions are deemed unsuitable for onsite disposal via infiltration (as verified by a geotechnical investigation), stormwater must be contained onsite prior to being disposed of into the Town's drainage network. All costs

associated with management and disposal of stormwater are to be borne by the landowner/ developer.

12. All works, including earthworks and footings, must be contained within the site boundaries.
13. The street number must be prominently displayed at the front of the development.
14. Clothes-drying areas must be screened from view from the primary and secondary streets at all times to the satisfaction of the Town of Bassendean.

Voting requirements: Simple Majority

12.10 Accounts Paid - March 2024	
Property Address	
Landowner/Applicant	
File Reference	FINM/CREDTS/4
Directorate	
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. March 2024 List of Payments [12.10.1 - 16 pages]

Purpose

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

Background

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

Proposal

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

Communication and Engagement

Nil.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

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

Statutory Requirements

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

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

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

Financial Considerations

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

Risk Management Implications

Financial Risk

Low

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

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

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.10

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

Voting requirements: Simple Majority

12.11 Removal of Three (3) Parking Bays on James Street	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	ROAD/INSPEC/1
Directorate	Infrastructure
Previous Reports	Nil
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Attachment 1_-_ Sight Distances 00 t Ko Oa-j Uy S 4 a Y Pc S 46 l Q [12.11.1 - 1 page] 2. Attachment 2_-_ Notice to Residents GCWMT Mdbv E 6 Jt Gptyft 6 CA [12.11.2 - 1 page]

Purpose

The purpose of this report is to seek Council approval for the proposal to remove three (3) parallel parking bays located on James Street and install 'No Stopping' signage.

Background

In the last five (5) years, six (6) crashes have occurred at the intersection of James Street and Palmerston Street, Bassendean. The crashes have been right angle collisions resulting in property damage with two (2) resulting in medical attention.

The Town reviewed the intersection and relevant standards and determined that the onsite car parking bays may be a contributing factor to these crashes. The location of the bays when vehicles are parked, offers a considerable obstruction to sight distances for drivers stopped on Palmerston Street and for Drivers transiting on James Street. These reduced sight distances may increase poor decision making by drivers resulting in increased crash likelihood.

Attachment 1 shows required safe sight distance (cyan) and current reduced sight distances (red).

Proposal

To improve sight distances within the intersection the Town proposes to remove three (3) parallel parking bays located on James Street and install no stopping signage as required.

Communication and Engagement

The Town contacted effected residents (lots 13 and 14 James Street) in February, providing the letter, Attachment 2 with no return correspondence received.

Strategic Implications

Performance Area 3: Place

7.1 Deliver an efficient, safe and sustainable transport network.

Comment

The intersection is identified within the Low-Cost Urban Road Safety Program, however realisation of any design works undertaken as part of the program is unlikely to be delivered within the next two (2) to three (3) years due to timeframes for project delivery and other priority areas.

The restriction of parking at this location will improve the available sight distances, thus improving safety. The cost to remove the line marking and install no stopping restrictions is minimal (<\$4000) and offers an immediate improvement with minimal outlay.

Statutory Requirements

Nil

Financial Considerations

The cost to remove the line markings by painting over and implement parking restrictions is considerable minimal (<\$4000). Municipal funding is available from AR2401 Ashfield Carpark – Haig Street. Works were completed \$9,000 under the proposed budget.

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 12.11

That Council approve the removal of three (3) parallel parking bays and implementation of parking restrictions at the intersection of James Street and Palmerston Street.

Voting requirements: Simple Majority

12.12 RFT02/2024 Bassendean Oval Precinct Redevelopment - Feasibility Study and Funding Procurement	
Property Address	
Landowner/Applicant	
File Reference	PARE/TENDNG/91
Directorate	Community and Place
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. CONFIDENTIAL - RFT 02/2024 Tender Evaluation Report [12.12.1 - 13 pages] 2. CONFIDENTIAL - East Fremantle and South Perth Referee reports [12.12.2 - 2 pages] 3. CONFIDENTIAL - RFT 02/2024 Company Offer - Paatsch Group [12.12.3 - 116 pages]

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 02/2024 Bassendean Oval Precinct Redevelopment Project – Feasibility Study and Funding Procurement and recommend appointment of the contractor considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a contractor to provide a Feasibility Study for the Bassendean Oval Precinct Redevelopment Project. The Town does not have internal resources to supply the required services and requires an appropriate external service provider.

Proposal

To appoint a contractor to provide the Bassendean Oval Precinct Redevelopment Project – Feasibility Study and Funding Procurement for the Town of Bassendean.

Communication and Engagement

The Request was advertised in The West Australian Newspaper and on the Town's website on Saturday 24 February 2024 and closed on Tuesday 26 March 2024.

Strategic Implications

Performance Area 3: Place

6.2 Enhance public open space and community facilities.

Comment

Submissions were received from the following three (3) Tenderers:

	COMPANY
1.	APP Corporation Pty Ltd t/as The APP Group
2.	Paatsch Consulting Pty Ltd t/as Paatsch Group
3.	Paxon Consulting Group Pty Ltd as trustee for the Paxon Consulting Group Trust, trading as Paxon Group

The Evaluation Panel for this tender comprised five (5) members with the appropriate technical expertise and experience, including a representative from the Swan Districts Football Club. The panel carried out the assessment of submissions in a fair and equitable manner.

All three (3) of the Tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 70% for this tender.

QUALITATIVE CRITERIA	WEIGHTING
Capacity	30%
Demonstrated Experience	40%
Demonstrated Understanding of the Requirements	30%

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

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

Statutory Requirements

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

Financial Considerations

This project is a Council-endorsed project, with an initial budget allocation during the 2023/24 mid-year budget review to facilitate project commencement, and the balance to be included in the 2024/25 Annual Budget.

The offer by the recommended Tenderer includes an additional optional step as part of the business case development. This matter was not considered at the Evaluation Panel meeting and was not included in the confidential Tender Evaluation Report. However, the Evaluation Panel members have since agreed that the optional inclusion adds value to the proposal, and accordingly recommend it for inclusion in the scope of the contract.

The optional step is detailed in section 3.5 on page 21 of the recommended Tenderer's submission, with the additional cost shown in section 6.2 on page 58.

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:

1. Appoints the recommended Tenderer as stated in section 5.1 of the confidential Tender Evaluation Report, to provide a Bassendean Oval Precinct Redevelopment Project – Feasibility Study and Funding Procurement for the Town of Bassendean as specified in Tender 02/2024, for one (1) year, with an extension option of six (6) months, to commence on Council Approval and Letter of Award.
2. Determines that the scope of work is to include the additional step outlined in section 3.5 of the Tenderer's submission.

Voting requirements: Simple Majority

12.13 Monthly Financial Report - March 2024	
Property Address	
Landowner/Applicant	
File Reference	FINM/AUD/1
Directorate	
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Monthly Financial Statements March 2024 [12.13.1 - 12 pages]

Purpose

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

Background

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

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

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

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

Proposal

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

Communication and Engagement

Nil.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

The Monthly Financial Report contains the Statement of Financial Activity, which represents the adopted 2023/2024 Mid-Term Budget Review Results and any subsequent amended estimates and actual income and expenditure amounts to the month.

Statement of Financial Activity (by nature or type)

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

Item	Current Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$m	\$m	\$m	\$m	%
Revenue (including General Rates)	24.2	22.8	22.9	0.1	0
Expenditure	28.4	20.3	20.3	0.0	0
Capital Works	5.7	4.6	1.6	(3.0)	(65)
Non-Operating Grants, Subsidies and Contributions	2.3	0.6	0.8	0.2	27

Operating Revenue

Revenue year-to-date is slightly higher than budget, primarily due to higher interest revenue and insurance reimbursements.

Fees and charges are slightly under budget, primarily due to the childcare fee income from Wind in the Willows which is considered a timing issue.

Interest income is higher than budget by \$72k due to the higher interest rates in the market and partially assisted by lower capital expenditure allowing for additional investments.

Operating Expenditure

Expenditure year-to-date is on budget. This is primarily due to employment costs. The employment cost variance is due to the aggregate result of minor variances in several business units.

Materials and Contracts are under budget by \$224k, mainly due to the timing of Sanitation expenses, offset by higher utility and insurance expenses.

All other reporting lines are within budget.

Non-Operating Grants

Non-operating grants are under budget by \$146k, due to timing for road grants.

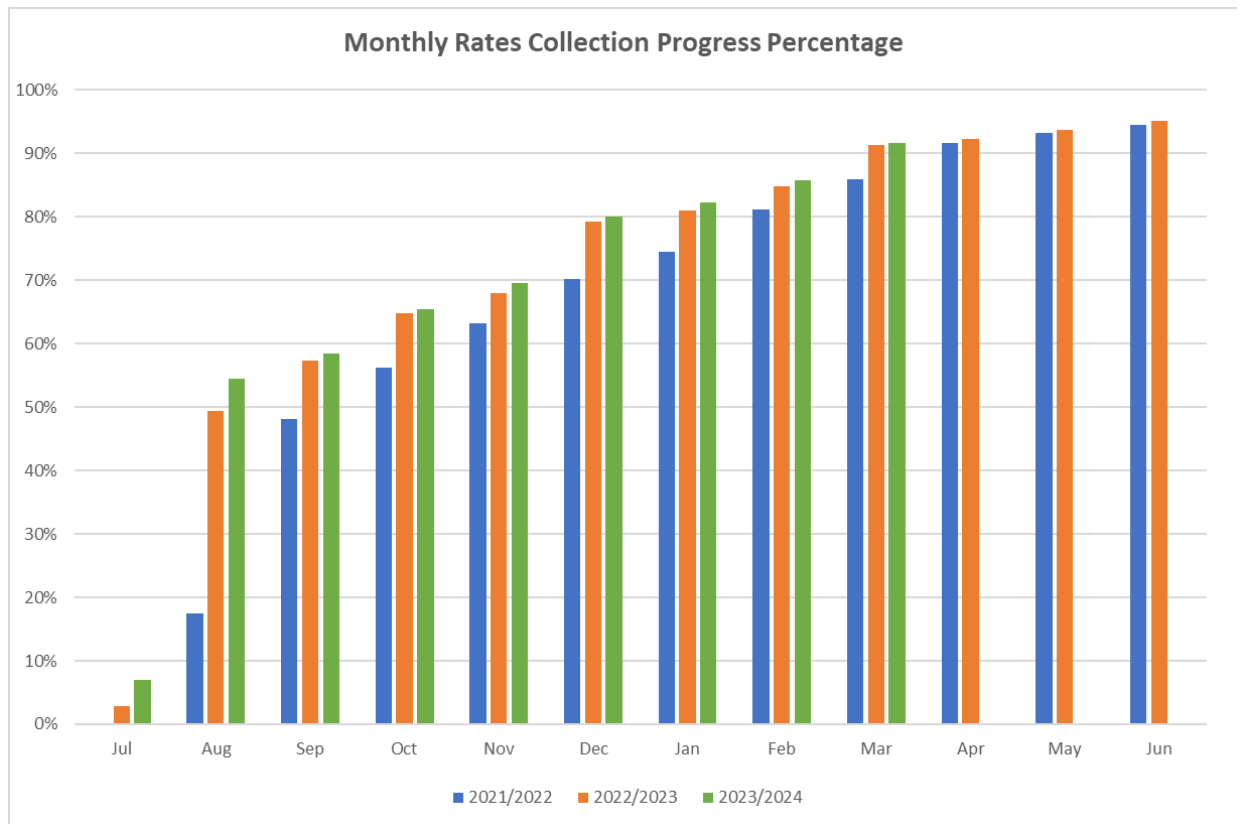
Capital Works

Actual spend totals \$1.6m, which equates to 34.6% of the current budget with a further \$1.4m (30.8%) committed with purchase orders having been raised.

Rates Collection Report

The chart below shows collection at 91.61% as at March 2024, continuing the improving trend toward earlier collection.

The final instalment was due on 12 March 2024.



Monthly Investment Report

The overall balance of the Town's investments is \$19.3m. This is comprised of municipal investments of \$9.6m (including restricted cash) and reserve investments of \$9.7m.

The administration uses *Marketforces.org.au* to assist in assessing whether financial institutions invest funds in fossil fuel related industries. The Town currently has 74% of its funds invested in non-fossil fuel ADIs.

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

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

Budget Amendments

The following budget amendments are proposed for the Monthly Financial Report for March 2024:

GL Account Code	Description	Current Budget (\$)	Amended Budget (\$)	Budget Movement (\$)
MP0066 IE237	Tree Pruning and Maintenance – Contract Services	237,247	287,247	50,000
054961	Street Tree Reserve	97,340	47,340	(50,000)

The Tree Pruning and Maintenance Budget - Contract Services is currently fully committed, with remaining essential works required to be scheduled over May and June.

To ensure this essential tree pruning and maintenance can be undertaken, transfer of funds from the Street Tree Reserve is requested. In addition, if sufficient budget is remaining this will be utilised to commence removal of more than 130 dead mature trees.

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 12.13

That Council:

1. Notes the Explanation of Material Variances in the Statements of Financial Activity; and
2. Receives the Monthly Financial Report for the period ending 31 March 2024, which incorporates the Statement of Financial Activity for the period to March 2024.
3. Approves the budget amendments shown in the Financial Considerations section of this report, to allocate \$50,000 from the Street Tree Reserve to the Tree Pruning and Maintenance – Contract Services budget.

Voting requirements: 1 and 2 Simple Majority; 3 Absolute Majority

13 Motions of which Previous Notice has been given

13.1 Advocacy for Priority Projects	
Councillor	Cr Hamilton
Attachments	1. No M Advocacy funding for Priority Projects OCM 30 April 2024 [13.1.1 - 2 pages]

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

Motion – 13.1

That Council request the Chief Executive Officer:

1. To prepare documentation for consideration at the next Council Meeting outlining potential Advocacy Priorities for 2024/25 financial year in line with the Strategic aspirations of Council;
2. Thereafter schedule a recurring annual workshop with Elected Members to review/update the Advocacy Priorities, and provide a report to Council no later than March each year (in advance of State and Federal Budget considerations) should there be recommendations to amend or expand the Town's Advocacy Priorities; and
3. Cause to have published the adopted Advocacy Priorities in formats as deemed suitable by the CEO.

Voting requirements: Simple Majority

Reasons

The publication of Council adopted Advocacy Priorities that formally identify and guide the Town's advocacy efforts for each year is one tool that can be utilised to target potential State and Federal funding.

This motion is designed to ensure that the Council takes a co-ordinated approach to the preparation of its Advocacy Priorities for 2024/25 and beyond, so that advocacy to Federal and State governments and relevant external stakeholders is able to commence prior to the budget considerations of other levels of government. In particular, the setting of future Advocacy Priorities in advance of April and May each year will assist the Town in making any budget submissions for external funding in advance of the delivery of the Federal and State Government budgets.

Officer Comment

This is a positive initiative that will aid in the delivery of strategic objectives.
The timing is also relevant noting the upcoming state and federal elections in 2025.

A report will be prepared for the May 28th Ordinary Council Meeting.

13.2 Support for Food Organics and Garden Organics (FOGO) NGA Motion	
Councillor	Cr Hamilton
Attachments	1. NGA 2024 No M FOGO co-funding advocacy (003) [13.2.1 - 4 pages]

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

Motion – 13.2

That Council:

1. endorses the attached Advocacy Motion, and
2. requests the Chief Executive Officer to advise NGA of this Council's support of said Motion.

Voting requirements: Simple Majority

Background

The National General Assembly (NGA) Conference will be held 2 – 4 July 2024.

The closing date for Motions is 30 April 2024.

This Notice of Motion supports the following NGA Advocacy Motion:

This National General Assembly;

1. 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; and
2. Requests the Australian Government investigates not only grants as a funding mechanism, but also interest free and/or low interest investment partnerships with the Local Government sector and their regional associations, to fast-track the establishment of infrastructure that improves circular waste processing within Australia.

Officer Comment

There is no objection to the proposed motion.

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

16 Confidential Business

Officer Recommendation

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

17 Closure

The next Briefing Session will be held on Tuesday 21 May 2024 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 28 May 2024 commencing at 6pm.