



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Tuesday 25 June 2024 at 6:00 pm

Notice is hereby given to Elected Members of the Ordinary Council Meeting

to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean

A handwritten signature in black ink, appearing to read 'C Woods', is positioned above the printed name.

Cameron Woods

CHIEF EXECUTIVE OFFICER

13 JUNE 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
Ana Fernandez



Manager Governance and Strategy
Joanne Burges



Chief Executive Officer
Cameron Woods



Mayor
Cr Kathryn Hamilton

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Director of Corporate Services
Paul White



Director Infrastructure and Sustainability
Shane Asmus



Director Community and Place
Michelle Brennan



Executive Manager Sustainability and Environment
Nicole Davey



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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.

8 Petitions

9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	<ol style="list-style-type: none"> 1. Ordinary Council Meeting Tuesday 28 May 2024 [9.1.1 - 38 pages] 2. Special Council Meeting Minutes 11 June 2024 [9.1.2 - 5 pages]

Officer Recommendation – Item 9.1

That the following minutes be received and confirmed as a true and correct record:

- Ordinary Council meeting held on 28 May 2024;
- Special Council meeting held 11 June 2024; and
- Special Council meeting held 18 June 2024

Voting requirements: Simple Majority

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

Nil

12 Officer Reports

Adoption of Recommendations En Bloc

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

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

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

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

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 4.0, Declarations of Interest, they should do so at this point of the agenda.
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Item	Report	Vote
12.1	Adoption of Recommendations En Bloc	Simple Majority
12.2	End of Year Closure	Simple Majority
12.3	Bassendean Local Emergency Management Committee Meeting - 12 June 2024	Simple Majority
12.4	Draft Amended Local Planning Policy No. 13 - Tree Retention and Provision	Simple Majority
12.5	Audit and Governance Committee Meeting - 12 June 2024	Simple Majority
12.6	RFT 03/2024 Bassendean Town Centre Precinct Structure Plan	Simple Majority
12.7	Accounts Paid - May 2024	Simple Majority
12.8	Monthly Financial Report - May 2024	Absolute Majority
12.9	Adoption of the 2024/25 Annual Budget	Absolute Majority
12.10	CEO Performance Review 2023-24	Absolute Majority
13	Motions of which Previous Notice has been given	
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
12.2	End of Year Closure
12.3	Bassendean Local Emergency Management Committee Meeting – 12 June 2024
12.4	Draft Amended Local Planning Policy No. 13 – Tree Retention and Provision
12.5	Audit and Governance Committee Meeting – 12 June 2024
12.6	RFT 03/2024 Bassendean Town Centre Precinct Structure Plan
12.7	Accounts Paid – May 2024

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

12.9	Adoption of the 2024/25 Annual Budget
12.9	Adoption of the 2024/25 Annual Budget
12.8	Monthly Financial Report – May 2024

12.2 End of Year Closure	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	CORM/POLCY/1
Directorate	Office of the CEO
Responsible Officer	Manager Governance and Strategy
Previous Reports	
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 the Festive Season Closure for 2024/25

Background

The current Festive Season Office (Administration) Closure Policy (the Policy) states that 'As a family-friendly Council, the Administration Office will be closed during the Festive Season (Christmas to New Year). The Chief Executive Officer is required to advise staff of the dates of the office closure by 1 July that year and ensure that the Town is able to respond to emergencies or urgent issues.'

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

The proposed festive season closure for 2024/25 includes seven ordinary working days and three public holidays. The following dates fall outside the scope of the Policy: - Monday 23 December 2024 to Tuesday 24 December 2024 and Thursday 2 January 2025 to Friday 3 January 2025.

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

Proposal

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

Monday 23 December 2024	Closed
Tuesday 24 December 2024	Closed
Wednesday 25 December 2024	Closed (Christmas Day Public Holiday)
Thursday 26 December 2024	Closed (Boxing Day Public Holiday)
Friday 27 December 2024	Closed
Monday 30 December 2024	Closed
Tuesday 31 December 2024	Closed
Wednesday 1 January 2025	Closed (New Years Day Public Holiday)
Thursday 2 January 2025	Closed
Friday 3 January 2025	Closed

The closure includes the Customer Services Centre, Administration Building, Library, Wind in the Willows Early Childhood Education (Bassendean and Ashfield) and Depot as per the proposed Festive Season period outlined below;

Customer Services Centre, Administration Building and Depot – last day Friday 20 December 2024, reopening on Monday 6 January 2025;

Wind in the Willows – last day (for children) Friday 20 December 2024, reopening Monday 6 January 2025 (first day for children);

Library – closing at 1:00pm on Saturday 21 December 2024, reopening on Monday 6 January 2025.

Communication and Engagement

Communication will be provided to all employees advising of the Festive Season closure period. In the lead up to the Festive Season, the Town will communicate the closure period and service opening times on the Website, via social media, community newspaper and flyers displayed throughout service areas.

Strategic Implications

Performance Area 5: Performance

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

Comment

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

The State Awards provide for an annual close-down, where an employer may require an employee to take annual leave as part of a close-down of its operations by giving at least 4 weeks' notice.

As part of the Town's Enterprise Agreements, employees are entitled to two additional days (in excess of their annual leave entitlements) to be taken as part of the Festive Season closure period.

Employees who commence employment at the Town after 1 July are entitled to one additional day in their first year of employment and two days thereafter. The Town's Enterprise Agreements also provide employees with the opportunity to purchase up to two weeks of additional leave per year.

This proposed festive season closure period (23 December 2024 to 3 January 2025 (inclusive)) means full-time employees would use seven days of accrued leave entitlements (which can be a mixture of annual leave, purchased leave, RDOs (Rostered Day Off), ADOs (Accrued Day Off) or time off in lieu accruals) in addition to the three paid public holiday days and two additional days, as outlined above.

Normal operations will resume on Monday 6 January 2025.

By providing employees with approximately six months' notice of the proposed festive season closure, it allows staff time to consider and make sufficient leave arrangements for the period.

Employees may negotiate and discuss options with their line manager if they do not wish to use or do not have sufficient leave entitlements for the period. Options may include the opportunity to purchase leave or if their work area is working on a skeleton roster the ability to work over the period.

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 12.2

That Council,

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

1. Approves the closing of the Customer Services Centre, Administration Building, Library, Wind in the Willows Early Childhood Education (Bassendean and Ashfield) and Depot as per the proposed Festive Season period outlined below;

Customer Services Centre, Administration Building and Depot – last day Friday 20 December 2024, reopening on Monday 6 January 2025;

Wind in the Willows – last day (for children) Friday 20 December 2024, reopening Monday 6 January 2025 (first day for children);

Library – closing at 1:00pm on Saturday 21 December 2024, reopening on Monday 6 January 2025.

2. Requests the Chief Executive Officer provides emergency contact details to the public for the Festive period; and
3. Requests the Chief Executive Officer to provide a skeleton staff during the agreed Festive Season closure period.

Voting requirements: Simple Majority

12.3 Bassendean Local Emergency Management Committee Meeting - 12 June 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/12
Directorate	Office of the CEO
Responsible Officer	Director Community and Place
Previous Reports	
Authority/Discretion	Information For the Council/Committee to note.
Attachments	1. BLEMC Minutes 120624 [12.3.1 - 6 pages]

Purpose

The purpose of this report is for Council to receive the minutes of the Bassendean Local Emergency Management Committee (BLEMC) Meeting held on 12 June 2024.

Strategic Implications

Performance Area 1: People

2.1 Create a safe town for everyone.

Comment

The Committee discussed the following items at the meeting:

- Update to the Local Emergency Management Arrangements
- Agency Member Reports (Round Table)

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 12.3

That Council

- Receives the minutes of the Bassendean Local Emergency Management Committee meeting of 12 March 2024, and
- Authorises the update to the Town's LEMA to reflect that the Local Recovery Coordinator role will be performed by the Town's Director Community and Place.

Voting requirements: Simple Majority

12.4 Draft Amended Local Planning Policy No. 13 - Tree Retention and Provision	
File Reference	TBA
Directorate	Community and Place
Responsible Officer	{use-custom-field-responsible-officer-do-not-remove}
Previous Reports	23 June 2020 27 February 2024 26 March 2024
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Existing Local Planning Policy 13_-_ Tree Retention and Provision [12.4.1 - 4 pages] 2. Draft Amended Local Planning Policy No. 13 - Tree Retention and Provision [12.4.2 - 8 pages] 3. Draft Amended Local Planning Policy No.13 - Tree Retention and Provision - Tracked Changes [12.4.3 - 9 pages]

Report Summary

- The purpose of this report is for Council to consider a draft amended Local Planning Policy No. 13 – Tree Retention and Provision (LPP 13) for the purposes of advertising.
- The draft policy, if adopted, would identify 'tree damaging activities' as 'works' or 'development' that requires approval in some circumstances.
- Provisions of the draft policy also seek to vary deemed-to-comply requirements of Residential Design Codes – Volume 1, relating to tree provision for new developments, and will require the Western Australian Planning Commission (WAPC) support.
- The proposed amendments broadly align with the Western Australia Local Government Association (WALGA) model Tree Retention Policy.
- It is recommended that Council resolve to support the draft Local Planning Policy for the purposes of advertising for a period of 30 days.

Purpose

The purpose of this report is for Council to consider a draft amended Local Planning Policy No. 13 – Tree Retention and Provision (LPP 13) for the purposes of advertising.

Background

In June 2020, the Council resolved to adopt LPP 13, which applies to all applications for development approval involving Single Houses and Grouped Dwellings, where the estimated cost of development is \$100,000 or more.

On 27 February 2024, Council resolved to support an amended draft LPP 13 for the purposes of advertising, with the draft policy having the effect (if ultimately adopted) of requiring a development approval to remove mature trees on private property in certain circumstances.

On 28 February 2024, the Department of Planning, Lands and Heritage provided clarification on requested modifications made by the Minister on the then draft LPS11, specifically that one of the modifications would exempt all tree removal from the requirement to obtain a development approval, unless the tree is included on a Significant Tree Register. The information provided by the Department effectively rendered the draft amended LPP 13 ineffective for the purposes of protecting trees on private property.

On 26 March 2024, acknowledging the above, Council resolved to revoke the motion to advertise the draft policy.

In March 2024, the Western Australian Local Government Association (WALGA) released a model Tree Retention Policy, that has the effect (if adopted as a local planning policy by a local government) of requiring development approval to remove mature trees in certain circumstances.

On 9 April 2024, the Town received confirmation from the Department of Planning, Lands and Heritage that the Minister for Planning had given the final sign off for LPS 11, subject to a further change. The change, resulted in the deletion of the previous minor modification, and removal of the provision that exempted all tree removal from the requirement to obtain development approval, unless the tree is included on the Significant Tree Register. As a result of this Council can now seek to pursue an amended local planning policy that has the effect of requiring development approval for the removal of mature trees on private property.

On 10 April 2024 the Residential Design Codes Volume 1 (R-Codes Volume 1), were amended to introduce Part B, which typically applies to 'lower density' development; and Part C to 'medium density' development.

In response to the Gazettal of LPS 11 and amendments to R-Codes Volume 1, it is appropriate for Council to review LPP 13.

This matter was presented to Council via a workshop on the 17 May 2024.

Proposal

The proposed amendments to the Policy are as follows:

- Administrative changes to reference LPS 11 rather than Local Planning Scheme No. 10.
- Identifies 'tree damaging activities' as 'works' or 'development' that requires approval under LPS 11.
- Identifies a 'regulated tree' as a tree protected from tree damaging activities.
- Identifies when a 'tree damaging activity' is exempt from the requirement to obtain development approval.
- Updates policy objectives in line with WALGA model provisions.
- Updates definitions in line with WALGA model provisions and the R-Codes.
- Stipulates application requirements in line with WALGA model provisions.
- Removal of provisions relating to Tree Preservation Orders, in recognition these orders are not provided for under LPS 11.
- Inclusion of policy provisions applicable to assessment of applications for removal of regulated trees.
- Amends existing provisions relating to tree provision including:
 - Reduction in the minimum pot size of new trees in recognition of difficulties sourcing larger pots sizes and limited species generally available.
 - Revise policy provisions prescribing conditions of planning approval, noting such provisions are inconsistent with WALGA model provisions.
 - Removal of minimum depth of 'on structure' deep soil areas to allow for on structure planters to be considered on a case-by-case basis.
- Update provisions relating to subdivision to reflect WALGA model provisions.

Strategic Implications

Performance Area 2: Planet

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

Comment

WALGA Tree Retention Model Local Planning Policy

The WALGA Tree Retention model policy aims to achieve a similar outcome to the draft amended local planning policy that Council supported for the purposes of advertising in February, albeit with slightly different language. Instead of re-adopting

the February policy, staff have amended it to align with the WALGA model. This adoption will ensure consistency with other local governments.

Tree Provision

The draft policy seeks to carry forward previous provisions within LPP 13 and augment the deemed-to-comply requirements of the R-Codes, by requiring residential development be provided with 1 medium tree per 350m² of site area. The provision seeks to:

- For Part B (low density), specifying a tree size, a tree planting ratio based on lot area and a larger deep soil area.
- For Part C (medium density), specifying a minimum size tree (i.e. medium sized tree) a larger deep soil area, and increased planting provision.

The Town's assessment is these changes to the deemed-to-comply provisions of the R-codes will result in an increased canopy cover per dwelling/per lot area. It is noted that the R-Codes do not permit the local government to modify tree planting requirements of Part B (low density) or Part C (medium density) via an LPP without the approval of the WAPC.

The Town is required to demonstrate to the WAPC that any variation to the deemed-to-comply provision:

- Is warranted due to a specific need related to that particular locality or region;
- Is consistent with the objectives and design principles of the R-Codes Volume 1; and
- Can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.

Should Council proceed to advertise the draft policy, the Town will write to the WAPC seeking formal support for the draft policy.

Enforcement

The ability for the Town to enforce LPP provisions is a relevant consideration in whether to adopt an LPP. Whilst this report recommends Council support the amended draft policy for the purposes of advertising, should Council ultimately adopt the draft policy following advertising, the provisions that detail tree removal is considered development, and would therefore become an offence under the *Planning and Development Act 2005* to remove a tree without approval having first been obtained would be difficult to enforce.

Once a tree is removed from the site, it may be difficult for the Town to prove (for the purposes of a prosecution) that the former tree met one or more of the relevant criteria of a 'regulated tree', and therefore required development approval prior to

removal. Whilst the Town could, to some degree, rely on aerial and street photography, there is no guarantee that a prosecution action would ultimately be successful.

However, pursuing the local planning policy is worth the effort as it sets a clear standard for tree protection and reinforces the Town's commitment to environmental sustainability and increasing its tree canopy coverage.

Communication

The effect of adopting the Policy is such that tree damaging activity to a regulated tree without prior development approval being obtained is an offence under the *Planning and Development Act 2005*.

The statutory advertising requirements specify a minimum of 21 days, given the implications, the Town considers that more detailed information is required to explain the implications of the draft Policy. Detailed FAQs will therefore be prepared in support of the draft Policy, and if adopted by Council, a consultation period of no less than 30 days is recommended by the Town.

Statutory Requirements

Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to advertise the amendment to the policy for a minimum of 21 days.

Financial Considerations

The cost of advertising the draft amended policy can be met from the Town's current operating budget.

Should Council pursue the draft amended policy, and ultimately adopt the policy post advertising, the Town would encourage Council to waive the development application fee for consideration of a tree damaging activity to a regulated tree. This is to encourage people to do the right thing and apply to the Town prior to undertaking the works.

Risk Management Implications

There is potential reputational risk in that the approach may not be supported by the community and/or State Government, although it must be acknowledged that at this stage, Council is only considering the draft Policy for the purposes of advertising, and the results of the consultation process will be subsequently considered by Council in the future.

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 pursuant to Clause 5(1) and 4(1) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 13 – Tree Retention and Provision for the purposes of advertising, and advertises the Policy for a period of not less than 30 days.

Voting requirements: Simple Majority

12.5 Audit and Governance Committee Meeting - 12 June 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/18
Directorate	Office of the CEO
Responsible Officer	Director Corporate Services
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Audit and Governance Committee Minutes 120624 [12.5.1 - 7 pages] 2. Updated Town of Bassendean Audit Planning Memorandum 30 June 2024 [12.5.2 - 21 pages] 3. Audit Committee Charter - Final Draft 310524 [12.5.3 - 9 pages] 4. Draft Amended Record Keeping Policy - Tracked changes [12.5.4 - 4 pages] 5. Draft Amended Record Keeping Policy - Clean [12.5.5 - 4 pages] 6. Purchasing Policy - Marked up [12.5.6 - 10 pages] 7. Draft Amended Purchasing Policy - June 2024 [12.5.7 - 8 pages] 8. Purchasing Policy - LG Comparison - Purchase thresholds [12.5.8 - 2 pages] 9. CONFIDENTIAL REDACTED - June 2024 Audit Findings Log [12.5.9 - 7 pages]

Purpose

The purpose of this report is for Council to consider the report and recommendations from the meeting of the Audit and Governance Committee held on 12 June 2024.

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 a community representative as a member of the Audit and Governance Committee and engages an independent advisor.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

The Committee considered the following items:

Audit Planning Memorandum 2023/24

The purpose of this report was to provide the Audit Planning Memorandum (APM) for the audit of the Town's Financial Report for 2023/24 to the Committee.

The primary purpose of the APM is to brief the Town on the proposed approach by RSM Australia Pty Ltd (RSM), on behalf of the Office of the Auditor General (OAG), to audit the financial report of the Town for the year ending 30 June 2024.

The Final Audit Exit Meeting with the Committee is expected to be held on 9 December 2024 and will cover the presentation and discussion of the audit closing report, which will outline any significant audit related matters concerning the financial report, management letters and improvement suggestions for future audits.

Audit and Governance Committee Charter

The purpose of this report was for Committee to consider replacing the existing Audit and Governance Committee Instrument of Appointment and Delegation with a contemporary Audit and Governance Committee Charter.

Record Keeping Policy Review

The purpose of this report was for the Committee to consider a revised draft Record Keeping Policy for the Town.

Purchasing Policy Review

The purpose of this report was for the Committee to review the Town's Purchasing Policy.

Audit Findings Log

The purpose of this report was to provide the Committee with the Town's Audit Findings Log, with updated actions since the meeting of the Committee on 6 March 2024.

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 Findings Log. 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 12.5

That Council:

1. Receives the Minutes of the Audit and Governance Committee of 12 June 2024.
2. Receives the RSM Audit Planning Memorandum for the audit of the Town's Financial Report for 2023/24, attached to this report.
3. Adopts the Audit and Governance Committee Charter for the Town of Bassendean, attached to this report.
4. Adopts the Record Keeping Policy, attached to this report.
5. Adopts the Purchasing Policy, attached to this report.
6. Receives the Audit Findings Log, attached to this report, and notes the action taken or proposed to address the recommendations.

Voting requirements: 1, 2, and 6: Simple Majority; 3, 4 and 5: Absolute Majority

12.6 RFT 03/2024 Bassendean Town Centre Precinct Structure Plan	
File Reference	LUAP/TENDNG/9
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	Nil
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - RFT 03 2024 EVALUATION REPORT - FINAL (Confidential) [12.6.1 - 13 pages]

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 03/2024 Bassendean Town Centre Precinct Structure Plan for the Town of Bassendean and recommend appointment of the consultant considered to provide the best value for money to the Town.

Background

The Town has a requirement to engage a consultant to provide a Bassendean Town Centre Precinct Structure Plan. The Town does not have the internal resources to supply the required services, and as such requires an appropriate external service provider.

The requirement to have a Bassendean Town Centre Precinct Structure Plan is in line with the agreed outcomes in the Council Plan 2023-33.

Proposal

To appoint a consultant to provide a Bassendean Town Centre Precinct Structure Plan 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 9th March 2024 and closed on Wednesday 10th April 2024.

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.

5.1.1

Prepare a Precinct Structure Plan to coordinate the redevelopment of Bassendean Town Centre.

Comment

Submissions were received from the following four (4) Tenderers:

- GHD Pty Ltd
- Hames Sharley (WA) Pty Ltd t/as Hames Sharley
- Niche Planning Studio Pty Ltd ATF The Niche Planning Studio Unit Trust
- Toddville Prospecting Pty Ltd ATF The Taylor & Burrell Unit Trust t/as Taylor Burrell Barnett.

The Evaluation Panel for this tender comprised four (4) members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

All four (4) 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 price assessment, 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 2024/25 Annual Budget and Long-Term Financial Plan.

Risk Management Implications

No Risks Identified

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 12.6

That Council appoints the recommended tenderer as per the attached confidential tender Evaluation Report to provide a Bassendean Town Centre Precinct Structure Plan for the Town of Bassendean as specified in Tender 03/2024, for two (2) years, to commence upon Council Approval and Letter of Award.

Voting requirements: Simple Majority

12.7 Accounts Paid - May 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. List of Payments for May 2024 [12.7.1 - 20 pages]

Purpose

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

Communication and Engagement

Nil.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Payments made during May 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 12.7

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

Voting requirements: Simple Majority

12.8 Monthly Financial Report - May 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	Nil

Please note: A report on this item will be circulated prior to the meeting.

12.9 Adoption of the 2024/25 Annual Budget	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/BUGTG/1
Directorate	Corporate Services
Responsible Officer	Director Corporate Services
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Please note: A report on this item will be circulated prior to the meeting.

12.10 CEO Performance Review 2023-24	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/22
Directorate	Office of the CEO
Responsible Officer	Mayor
Previous Reports	
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 resolve the outcome and recommendations from the Annual CEO Performance Review Report (Report).

This is in line with Council's adopted 'Standards for CEO Recruitment, Performance and Termination' Policy and the *Local Government Act 1995*, s5.39A. Model standards for CEO recruitment, performance and termination.

Background

Division 3 – Standards for review of performance of CEOs of the *Local Government (Administration) Regulations 1996* sets out the standards to be observed by the local government in relation to the review of the performance of CEOs.

This includes:

- Performance review process to be agreed between local government and CEO (cl.16)
- Carrying out a performance review (cl.17)
- Endorsement of performance review by local government (cl.18), and
- CEO to be notified of results of performance review (cl.19)

To assist with meeting the requirements of the legislation, Council resolved (Special Council Meeting 6.2.2024) to appoint Peter Casey, Mills Recruitment, to facilitate the 2023-24 CEO Annual Performance Review process.

Additionally, the engagement of an external and independent facilitator strengthens Council's compliance with the Act and the Town's Policy.

Proposal

The confidential Facilitator's Report (attached) contains full details of the performance review and associated recommendations. In addition to presenting a high-level summary of these recommendations, the Officer's Report provides Council with information that may be considered in the remuneration review.

Communication and Engagement

The consultant's methodology included an assessment questionnaire provided to the Chief Executive Officer and all Councillors which sought an assessment and feedback for the Key Performance Areas (KPIs) and Qualitative KPIs.

The methodology also included a 360-degree survey from the five officers directly reporting to the CEO.

The Facilitator has consolidated feedback and developed a confidential Performance Review Report which marks the conclusion of the review process.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

The *Local Government Act 1995* - s5.38 Annual review of employees' performance requires that 'a local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year', and 'a review must be conducted at least once in relation to each year of the person's employment.

Further, clause 18 of the *Local Government (Administration) Regulations 1996* requires that 'following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review'.

Additionally, 'after the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of — (a) the results of the review; and (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.'

A review of the CEO's performance has been undertaken, in addition to the attached confidential report the following is provided:

Performance Assessment

The Report recommends that Council endorse that the CEO produced a rating that aligned with “Meeting” and in some cases “Exceeding” against the adopted performance rating system in 2023/2024.

Remuneration Review

Council must review the CEO’s Total Reward Package (TRP) in accordance with Policy at Point 4 (and item 7.1 of the CEO’s contract). The Report provides comments against the criteria to be assessed when reviewing the CEO’s remuneration:

	Criteria	Comments
1	Performance and Assessment Criteria	CEO Overall Performance Rating for 2023/2024 with an average rating of 3.5 i.e. between “Meeting” and “Exceeding”
2	Any changes to the work values or responsibilities of the position	Delivery against the 2023/33 Council Plan, long-term financial plan schedule of major projects, and review of organisational service levels are considered greater than the original CEO KPI`s.
3	The hours worked, including hours in addition to normal working hours	Considered similar to previous review and as expected.
4	The condition of the market and economy generally	CPI - March quarter 2023 to March quarter 2024 is 3.5% April 2023 SAT decision increasing salary band by 3.5%, April 2024 SAT decision increasing salary band by 4%. TOB EBA increased on average 9% over the same period.
5	The experience of the CEO and the market conditions for LG CEO`s.	The CEO has 8 years' experience as a Tier 3 CEO and 32 years' experience in senior local government positions.

Comments in the Report against criteria 1 – 4 indicate that an increase in the TRP is justified. A guide to Council’s decision-making is the 5th of April 2024, Salaries and Allowances Tribunals (SAT) ‘Determination of The Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members’. The Tribunal determined that CEO remuneration Bands be increased by 4%.

The SAT considered this appropriate given the economic conditions, the wider public service framework and changes to role expectations in line with the ongoing changes to legislation.

Council may also consider the previous 2023 determination of 6th of April 2023 (for application on 1 July 2023) of 3.5% that was not considered or passed onto the CEO, as the contract was signed in January of 2023 and does not automatically apply, as per the contract terms.

The current CEO TRP was 99.3% of the Band when the contract was negotiated in January of 2023.

Key Performance Indicators (KPIs) for 2024/2025

The report recommends that:

The CEO's KPIs are determined by the Council Plan which provides guidance to Council outcomes and the deliverables expected of the CEO. Additionally, the "Leadership and Strategic Management" KPI as defined in the CEO Contract should be included to ensure the operations are achieving the vision and expectations of the Council and the Town.

Draft KPIs (attached) have been prepared by the facilitator in consultation with the CEO and Councillors for the period of 2024/25.

Statutory Requirements

- (Council Policy) Standards for CEO Recruitment, Performance and Termination
- *Local Government Act 1995* - s5.38 and s5.39
- *Local Government (Administration) Regulations 1996* – Division 3

Financial Considerations

An increase in base salary has been factored into the Town's 2024/25 Annual 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 12.10

That Council:

1. Endorses the CEO's performance for the 2023/24 period as per the attached confidential Report recommendations.
2. Endorse the CEO KPIs for the 2024/25 period as attached and included in this report.
3. Endorses the recommended 2024/25 Total Reward Package which reflects payment of 100% of the Band.

Voting requirements: Absolute Majority

13 Motions of which Previous Notice has been given

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

Nil

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.

- 12.10 - CEO Performance Review 2023-24

17 Closure

The next Ordinary Council meeting will be held on Tuesday 30 July 2024, commencing at 6pm.