

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday 15 February 2022 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

The Mayor will preside at the Briefing Session. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

The Town is committed to ensuring Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community.

Participants are 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.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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.

2.0 ATTENDANCES AND APOLOGIES

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 PETITIONS

6.0 PUBLIC QUESTION TIME/STATEMENTS

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda.

Public Question Time

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 Briefing Session to:
www.bassendean.wa.gov.au/forms/public-question-time/36.

Statements

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

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

7.0 DEPUTATIONS

8.0 REPORTS

Under each report, Officers will provide a brief outline of the report. Councillors will be given the opportunity to ask any questions that they may have.

Item No. 8.1	Use Not Listed (Holiday House)
Property Address	13A (Lot 1) Gallagher Street, Eden Hill
Landowner/Applicant	Alyssia Strauss
Ref	DABC/BDVAPP/2021-147
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 1	A. Development Plans B. Management Plan C. Schedule of Submissions

Purpose

The purpose of this report is for Council to consider an application for development approval for a Use Not Listed (Holiday House) at 13A (Lot 1) Gallagher Street, Bassendean.

The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a use that is not listed within the Zoning Table under Local Planning Scheme No. 10 (LPS 10).

Background

Site History

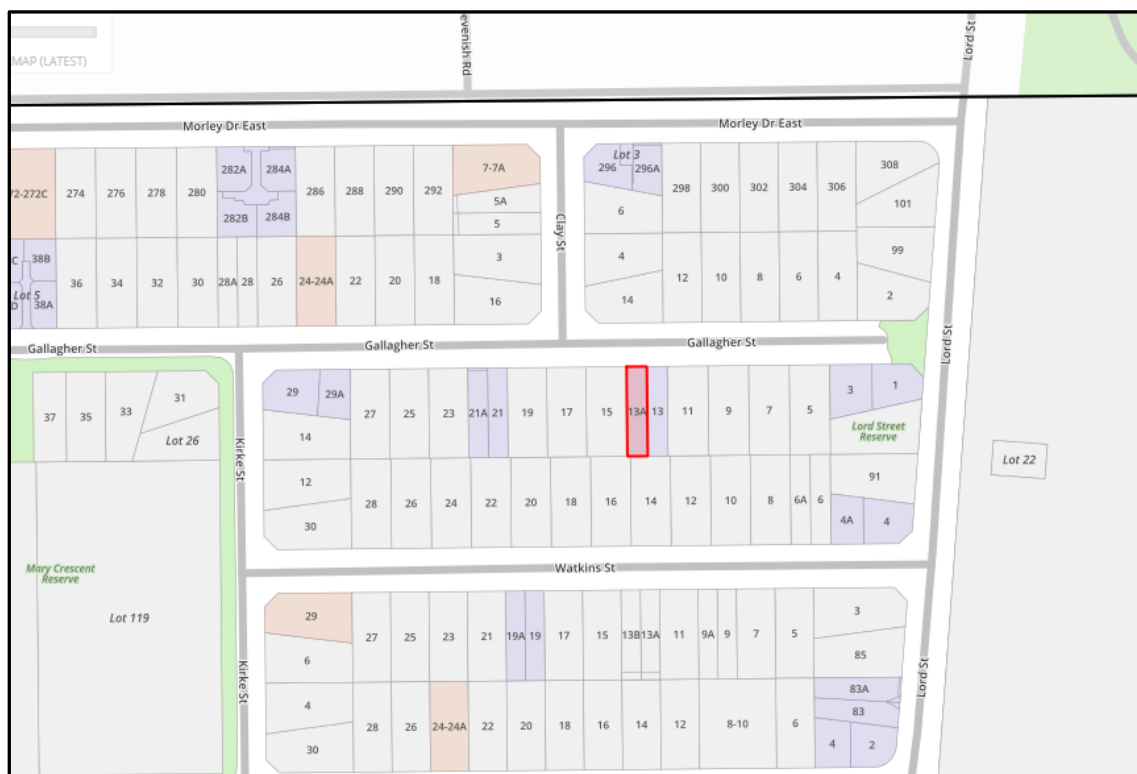
- On 15 October 2020, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, the Town reconsidered its earlier refusal of an application for a proposed Home Business (Remedial Massage) at the subject site, and approved the application.

- In August 2021, a complaint was received regarding car parking issues associated with an Airbnb operating from the subject site.
- On 3 September 2021, the Town wrote to the landowner advising that the use of the premises for a Holiday House is not permitted without the prior approval of the local government, and in the absence of approval for the use, the business was to cease operating from the subject site.
- On the 24 September 2021, an application for development approval was lodged for a Holiday House.
- On the 14 December 2021, the matter was withdrawn from the December 2021 agenda at the request of the applicant in order to allow time to prepare a comprehensive management plan. The Town accepted this request on the basis that the applicant agreed to remove the listing from AirBnB and any other similar platforms.
- Over the Christmas period, the Town continued to receive complaints from nearby residents, in relation to noise issues and tenants at the property parking across the footpath.

Site Description

The subject site is a 386m² survey strata lot zoned Residential R20/R30. The site contains a single dwelling that was developed at the R30 density code, and is bound by low density detached or semi-detached residential development. The site is located approximately 1.2km from the Success Hill Railway Station and 1.8km from the Bassendean Railway Station.

A location plan follows:



Proposal

The applicant is seeking approval for a Holiday House for up to four guests. Details of the proposal are as follows:

- The provision of two car parking spaces (one within the garage and one on the driveway), with additional parking on the grassed area for the landowner where required.
- The proposal is now supported by a Management Plan, which seeks to address various operational issues, including car parking, safety, waste management and maintenance.
- With regard to noise issues, the application states that the AirBnB listing for the business will specify that parties are not permitted and that excessive noise will be prohibited after 10pm every night and before 7am Monday to Saturday and 9am on Sundays and public holidays. The applicant will be able to be contacted directly via mobile phone for any complaints or concerns.
- The management plan refers to the possible installation of noise monitoring devices which could aid in logging noise breaches during the above-mentioned times yet does not state this will be completed as part of the application.
- The applicant has advised that the remedial massage services will be available to guests of the proposed Holiday House. Whilst guests are at the premises, remedial massages services in accordance with the Home Business will not otherwise be provided from the site.

Communication and Engagement

The application was advertised between 3 November 2021 and 1 December 2021 in the following manner:

- A sign was erected on the subject site;
- Letters were sent to owners and occupiers within a 200m radius of the proposed development; and
- A copy of the application was available for review on the Town’s website.

At the close of the submission period, six submissions were received objecting to the proposal. A schedule of submissions is attached, with the content of the submissions further discussed below.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Ensure major decision making is informed by community feedback	<ul style="list-style-type: none"> • Ensure community engagement processes are implemented in major strategic projects 	<ul style="list-style-type: none"> • Ensure community engagement processes are implemented in major strategic projects

Comment

Local Planning Scheme No. 10

The subject site is zoned Residential R20/30 under LPS 10. Holiday House is a use that is not listed within the Zoning Table under LPS 10.

Clause 3.4.2 of LPS 10 states:

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

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

The objectives of the Residential Zone, as defined by LPS 10 are:

- “(a) To maintain lifelong or long-time residents as an integral component of the Bassendean community;*
- (b) To continue and increase the attraction for young families to reside and raise their families in the Bassendean community;*
- (c) To recognise the role of Bassendean as a middle metropolitan area that is well placed to contribute meaningfully to sustainable urban development for the Perth Region, and therefore facilitate the planned gradual increase in population growth in a manner that provides net environmental, social and economic benefit;*
- (d) To make provision for housing types that respond to the demands of an ageing population and declining occupancy rates;*
- (e) To limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- (f) To ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and*
- (g) To ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.”*

As the proposed use is a quasi-commercial land use that, if not appropriately managed, may result in adverse impacts on the residential amenity of the immediate area, it was determined that it “may” be consistent with the objectives of the zone.

Car Parking

LPS 10 does not prescribe minimum car parking spaces for a Holiday House nor does it contain any similar comparable use that may be applicable.

Local Planning Policy 8 – Car Parking and End-of-Trip Facilities (LPP 8) is used to guide decision making on applications which include variations to the minimum car parking standards required in LPS 10, and includes a car parking standard for every land use listed in draft LPS 11, including Holiday House.

LPP 8 requires the provision of two car parking bays, which are provided on site. The application therefore complies in this regard.

In addition to the local planning framework, the *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard to the adequacy of car parking arrangements. In considering the matter, the following is relevant:

- Whilst massages services will be offered to guests by the applicant, the Home Business (Remedial Massage) will not otherwise operate from the premises whilst guests are in attendance. As such, additional parking for clients is not required.
- The applicant attending the premises to provide treatments to guests will be infrequent. On occasions where this does occur, the applicant is able to park on the street for short periods of time, as per by the Town’s *Parking Local Law 2019*.
- The provision of two car parking bays on site is considered sufficient for the use of guests given shared use of vehicles is expected. Should the application be approved, a condition restricting the number of guests to four is recommended.
- Whilst the Town acknowledges the submitters concerns regarding car parking and management of the Airbnb to date, the proposed number of guests and associated car parking is not beyond what would reasonably be appropriate for a residential dwelling.

Based on the above, the car parking arrangements are considered adequate.

Traffic

The proposal involves a maximum of four guests at any one time. Whilst the use of private vehicles by individual guests cannot be determined, the amount of traffic associated with the proposed development is likely to be within the capacity of the existing road network to accommodate.

Amenity considerations and compatibility with surrounding area

Clause 67 of the Regulations requires the local government to have regard to amenity considerations (including environmental, character and social impacts) as well the compatibility of the proposal with its setting.

In considering these issues, the following is relevant:

- The area is characterised by low density residential development, which is typically quiet and suburban in nature. The use of the site for a Holiday House is a quasi-commercial use that may be best suited to a commercial area or at least a residential area with a higher residential density code, and therefore less of an expectation of quiet residential amenity.
- It is a reasonable expectation that visitors and short-term occupants are likely to use the premises, outdoor living area and pool at a greater frequency and for extended periods of time than long term residents. This may result in unacceptable levels of noise and/or a higher intensity of land use than would be expected when dwellings are being used on a permanent basis by owners or tenants.
- During the advertisement period, submitters raised concerns with respect to the noise and amenity impacts associated with the land use activity, and the inability to appropriately manage the activity to prevent or reasonably deal with these impacts.
- Despite the management plan provided, there is limited ability for issues to be identified or acted upon before impacting surrounding properties and the Town would be solely relying on the proprietor to mitigate the impacts of the land use on the surrounding properties. Whilst the applicant has advised that they can be contacted directly via mobile phone or email for any complaints or concerns, given the accommodation is un-hosted, the management of anti-social behaviour and noise breaches is placed on neighbouring residents and in turn, the Town's Rangers and the police.

Based on the above, it is considered that the risk of amenity impacts to surrounding landowners is high, regardless of measures in place to respond to complaints. The development is not considered to be compatible with the surrounding locality and may result in amenity impacts beyond what could be reasonable expected within a low-density residential area.

Draft Position Statement – Planning for Tourism

In December 2021, the Department of Planning, Lands and Heritage released a position statement to help guide the appropriate location and management of tourism land uses via the planning framework. It recognises that there is variation amongst local government in approaches taken, from broad acceptance of short-term rental accommodation in all residential areas, through to consideration in selective locations and/or prohibiting in others.

In seeking to guide the location of short-term rental accommodation, it offers the various considerations, which may be relevant to the local government. Those matters are considered below.

Locational Consideration	Proposal
Provision of and access to tourist amenity proximity to social, cultural, and leisure attractions, and accessibility to transport routes and public transport services.	The subject site is not located in close proximity to significant social, cultural or leisure attractions and is located 1.2km from the nearest train station.
Adequate standard of services and infrastructure necessary, for example reticulated or drinking water supply and service, capacity of on-site solutions.	The proposed site provides for adequate standards of services and infrastructure.
Locations to minimise adverse interface issues, particularly amenity impacts on surrounding residential and other land uses (for example rural).	The proposed site is located within a low-density residential area, which is typically quiet and suburban in nature. As such, there would be a genuine and reasonable expectation of quiet residential amenity.
Risk of natural hazards and the extent of measures which may need to be in place to address the level of risk.	The location is considered low risk of natural hazards.

The position statement categorises short term accommodation as either “hosted” (permanent resident is present) or “unhosted” (guests have exclusive use of the accommodation). The subject proposal constitutes “unhosted” short term accommodation.

As per the position statement, the regulatory measures required for an unhosted short term accommodation use should be proportional to the significance of the issues likely to arise. Due to the high number of complaints about this particular unhosted accommodation use, it is considered that meaningful regulation would be required for the accommodation to be appropriate in the locational context.

With regards to applications for development approval of unhosted accommodation, it states that *“if appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.”* Such an approach is an option for Council.

Conclusion

Whilst it is acknowledged that much of the assessment of the proposal is somewhat speculative (and would be the function of how the use is managed day to day by the applicant), it has the potential to result in an accumulation of adverse amenity impacts at a scale likely to be detrimental to nearby residents.

Ultimately, the proposed location is considered unsuitable for the purposes of a Holiday House. It is therefore recommended that the application is refused.

If Council is not inclined to refuse the application, it is open to it to effectively grant a trial (time limited) approval in which the Town can monitor the management of the accommodation and impacts on the surrounding landowners.

A temporary, six-month approval would allow the Town to gauge the performance of the accommodation over that period, after which, it could determine the ongoing use of the property. It is recommended that such a determination be accompanied by the following conditions:

1. Prior to the commencement of the use, the applicant is to, to the Town's satisfaction, amend the submitted management plan so as to provide for the (i) installation of real-time noise monitoring device(s) (ii) logging of noise performance against the *Environmental Protection (Noise) Regulations 1997* and (iii) reporting of all noise breaches to Town in an agreed format.
2. The use must be undertaken in accordance with the submitted management plan, at all times.
3. The approval is valid for a period of six months only.

Statutory Requirements

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

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

If Council resolves to refuse the application, the Town will take action to ensure that the use ceases to continue.

Financial Considerations

Nil.

Risk Management Implications

Should Council refuse the application, the applicant may seek to appeal to the State Administrative Tribunal.

Should Council approve the application, there is a risk that the low-density residential amenity of the area will be compromised by the proposed use.

Officer Recommendation – Item 8.1

That Council refuses the application for development approval of a Use Not Listed (Holiday House) at 13A (Lot 1) Gallagher Street, Eden Hill for the following reasons:

1. The proposed use is likely to result in an accumulation of adverse impacts at a scale that may detrimentally affect the amenity of the local area in a manner that would not reasonably be expected in an existing low-density, residential context; and

2. The applicant has failed to demonstrate how the use would be managed so as to ensure that there would not be an accumulation of adverse impacts at a scale that may detrimentally affect the amenity of the local area.

Voting requirements: Simple majority

Item No. 8.2	Review of Council Policy 4.2 – Art Acquisition & Management
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	COMDEV/POLCY/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 2	A. Existing Council Policy 4.2 - Art Acquisition & Management B. Draft Council Policy – Art Acquisition, Management and Decommissioning

Purpose

The purpose of this report is for Council to consider amending Council Policy 4.2 – Art Acquisition & Management (CP 4.2).

Background

CP 4.2 was adopted in 2002 and has been last reviewed in 2014. The stated objectives of the Policy are as follows:

- “1. *To acquire a collection of artworks by acquisition, purchase, donation or bequest.*
2. *To continually develop the collection to reflect the spirit, environment and development of the Town of Bassendean, as well as the nature of contemporary art in Western Australia.*
3. *To continually develop the collection to be an enjoyable, educative and valuable asset for the Town of Bassendean's residents.*
4. *To monitor and maintain the collection to ensure accessibility to the public and conservation of all artworks contained therein.”*

The Town currently has a collection of over 50 pieces, with the most recent piece acquired in 2019.

Communication and Engagement

Broad input was sought from Councillors via the 19 November 2021 CEO Bulletin, with one response being received; requesting that the Town not continue to collect art works and seeking that the Town investigate options for the decommissioning of the current collection of artworks.

The draft amended policy was subsequently distributed to Councillors via the 28 January 2022 CEO Bulletin, with no comments received.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> Ensure clear communication and flow of information from decision makers to operational staff Implement a framework on decision making that identifies delegated authority for different levels of decision 	SHORT TERM <ul style="list-style-type: none"> Efficient and effective Council meetings Outcomes-focused decision making (not process-focused) More delegated authority to CEO on appropriate items to enable Council to focus on strategy

The Town's Corporate Business Plan 2020-2024 contains the following action:

“Review Art Acquisition and Management Policy”

Comment

As required by the Corporate Business Plan, staff have undertaken a review of CP 4.2 to determine the need for the policy and if required, any amendments to it. The review concluded that:

- as the Town currently owns a series of artworks, there is some value in having a policy position about the management and potential decommissioning of those artworks. This was supported by comments from a Councillor which advocated for the rationalisation of the Town's collection.
- If the policy was going to be retained in some form, it would be prudent to incorporate criteria for any new acquisitions, so as to inform the decision on the suitability of such acquisitions. Such an approach is not intended to commit the Town to acquiring artworks, as the current policy does, but rather, provide an appropriate framework on which to guide any future decisions.

Based on the above, staff have prepared the attached draft policy, which provides guidance on the above matters, as well as the management and maintenance of the current collection.

It is recommended that Council amend the policy, as proposed.

Statutory Requirements

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

Financial Considerations

Nil.

Risk Management Implications

Low.

Officer Recommendation – Item 8.2

That Council amends existing Council Policy 4.2 - Art Acquisition & Management, as contained as Attachment 2 to this report.

Voting requirements: Simple majority

Item No. 8.3	Local Planning Policy No. 15 – Percent for Art Policy
Property Address	N/A
Landowner/Applicant	N/A
Ref	LUAP/POLCY/19
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 3	A. Local Planning Policy No. 15 – Percent for Public Art B. Draft Local Planning Policy No. 15 – Public Art

Purpose

The purpose of this report is for Council to consider an amended Local Planning Policy No. 15 – Percent for Art Policy (LPP 15) and its future application.

Background

On 21 December 2021, Council considered a draft amended LPP 15 and resolved to advertise draft policy, subject to minor changes being made to the document.

Communication and Engagement

Following Council's resolution on the matter, LPP 15 was advertised for public comment in the following manner:

- Advertised on the Town's website for a period of 24 days, being from 14 January 2022 to 7 February 2022;
- The Town's social media; and
- Copies of the draft policy were also made available at the Customer Service Centre and Library.

At the close of the public consultation period, no submissions were received.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Fostering a culture of collaboration and trust between the organisation and community	<ul style="list-style-type: none"> Provide opportunity to listen and involve our community in decisions that affect them 	<ul style="list-style-type: none"> Greater community support for decision making

Priority Area 3: Creating a Vibrant Town and Precincts

Direction	Potential Strategies	What Success Looks Like
Support the town centre to thrive	<ul style="list-style-type: none"> Advocate for economic growth of our Bassendean town centre Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean 	<p>LONG TERM</p> <ul style="list-style-type: none"> Increased number of developments within the town centre Increased population within the Town Improved retention of existing businesses Increased number and retention of new businesses Increased local employment
Increase the residential population close to centres and train stations	<ul style="list-style-type: none"> Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations 	<p>LONG TERM</p> <ul style="list-style-type: none"> Meet obligations under State population targets Appropriately located development Increased dwelling numbers and diversity of dwelling types Enhanced quality of development outcomes

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

Direction	Potential Strategies	What Success Looks Like
Engage the community in arts and culture	<ul style="list-style-type: none"> Implement arts and cultural programs and activities that reflect the unique history of the Town of Bassendean and are relevant to its community 	<p>SHORT AND LONG TERM</p> <ul style="list-style-type: none"> Community participation in arts and cultural programs and activities

Comment

Draft Amended Local Planning Policy

The draft policy maintains the requirement for a public art contribution from developers as part of built form developments. The draft policy also establishes:

- A requirement for proposals involving residential, commercial and mixed use development, where the estimated cost of development exceeds \$2 million, to make a contribution to public art to the value of 1% of the estimated cost of the development, up to a maximum contribution of \$250,000;
- The contribution requirement being satisfied by providing public art on the development site and/or making a cash-in-lieu contribution towards future public art installations in the near vicinity;
- Design criteria for public art; and
- Information, assessment and installation requirements of public art proposed on a development site.

If Council wishes to maintain the requirement for developers to make public art contributions, it is recommended that Council seek to amend the existing Local Planning Policy.

Application of Local Planning Policy No. 15 – Public Art

In November 2021, Council adopted the Bassendean Town Centre Masterplan with a view to facilitating investment and development in the Town Centre.

Whilst the Town is satisfied that the public art contribution model has a clear planning purpose, provides community benefit, and can support and enhance built form and cultural heritage, the requirement for developers to contribute public art needs to be balanced against economic growth and development of the district, particularly within the Town Centre.

Council's Strategic Community Plan 2020-2030 (in Priority Area 3 – Creating a Vibrant Town and Precincts) seeks to increase the number of developments within the Town Centre, advocate for economic growth of the Bassendean Town Centre and to engage with development partners to realise opportunities within the Town.

Whilst public art is desirable and contributes towards a sense of place, the Town considers that the need for activation via increased population and development, particularly within the Bassendean Town Centre, is more critical at this point in time.

Providing a regulatory environment that is attractive to private investors and developers is paramount in stimulating development activity within the Town. Removing any additional costs associated with such activity, including contributions towards public art, will assist the Town's pursuit of a competitive advantage over other nearby local governments. Applying the requirements of LPP 15, noting the limited development to date in the Town Centre, may act as a barrier, rather than a catalyst, for development.

Whilst it is recommended that Council proceed with amending LPP 15 to ensure it is a contemporary policy, it is recommended that should the revised policy be adopted, it is not applied for a four-year period. This timeframe is recommended as current exemptions from planning requirements during the declared State of Emergency have exempted the need to substantially commence development within the two-year timeframe which approvals are typically valid. As such, the deadline for substantial commencement of development for determinations during the State of Emergency is extended by a further period of two years. A four-year period would also enable prospective applicants to prepare, lodge and have applications determined, whilst still enabling a period to commence development within the four-year period, without the financial obligation of a public art contribution.

Conclusion

The Town considers that removing additional costs towards development will contribute towards the development activation of the Town, particularly the Bassendean Town Centre, consistent with the vision contained with the Strategic Community Plan 2020-2030. For this reason, whilst it is recommended that Council adopt the amended LPP 15, the policy should not be applied for a four-year period.

Statutory Requirements

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline the procedure that the local government must follow after the consultation period which is to:

- “(a) *Review the proposed policy in light of any submissions made; and*
- (b) *resolve to:*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not proceed with the policy.”*

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council seek to retain LPP 15 yet not adopt the draft amended policy, the Town will revert back to the existing policy. Whilst the existing provisions are sufficient to warrant the application of a condition on development approvals requiring a public art contribution, the contribution amount would be open to challenge given it is inconsistent with the Western Australian State Government Percent for Art Scheme Guidelines. Further, the existing provisions do not provide sufficient guidance on the form of public art to be provided, and the ongoing maintenance requirements.

Officer Recommendation – Item 8.3

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves draft amended Local Planning Policy No. 15 – Public Art, as contained in the attachment to this report.
2. Suspends application of Local Planning Policy No. 15 – Public Art, until close of business, Friday 20 February 2026, with the policy to be applied from Monday 23 February 2026.

Voting requirements: Simple majority

Item No. 8.4	Review of various Council Policies
Property Address	N/A
Landowner/Applicant	N/A
File Ref/ROC	LUAP/POLCY/19
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
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Attachment No. 4	A. Council Policy 5.1 – Town of Bassendean Volunteer Policy B. Council Policy 5.18 - Food Safe / Catering C. Council Policy 5.19 - Alcohol and Other Drugs D. Council Policy 5.20 - Sun Protection Policy E. Council Policy 5.21 – Mental Health

Purpose

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

- Council Policy 5.1 – Town of Bassendean Volunteer Policy (CP 5.1)
- Council Policy 5.18 - Food Safe / Catering (CP 5.18)
- Council Policy 5.19 - Alcohol and Other Drugs (CP 5.19)
- Council Policy 5.20 - Sun Protection Policy (CP 5.20)
- Council Policy 5.21 – Mental Health (CP 5.21)

Background

As part of the ongoing review of Council's policies, the Town has undertaken a review of the above policies.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> • Build understanding and support for the vision and Strategic Community Plan • Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations • Create an organisational culture of performance, innovation and excellence • Develop shared values between Council, administration and the community 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Openness and transparency of decision making • Enhanced staff morale • Staff have appropriate strategic direction • Agreement on the link between projects and Strategic Community Plan • General alignment regarding values

Comment

Council Policy 5.1 – Town of Bassendean Volunteer Policy (CP 5.1)

CP 5.1 was last reviewed in March 2010. The objective of the Policy is to “*provide a principle statement and guidelines for the management of registered volunteers working on behalf of the Town of Bassendean*”. The policy sets out a series of detailed operational provisions relating to the management of volunteers.

As suggested in the stated objective, the Policy is effectively a procedural guideline for Town staff and can be more appropriately captured in an internal operating procedure. Such a transition will have no material impact on the continued operations and functions of the Town’s Volunteer Service.

It is therefore recommended that Council revoke CP 5.1.

Council Policy 5.18 - Food Safe / Catering (CP 5.18)

CP 5.18 was first adopted in September 2007 and last reviewed in March 2014. The objective of this Policy is to “*encourage the provision of good nutrition options at Town-conducted events and activities to maintain and improve the health of the community*”. CP 5.18 requires the Town to offer healthy food and beverage options and where food vendors are required, for the Town to source vendors that provide healthy food and beverage options.

The sourcing of food for Town-conducted events is an operational matter and is guided by consideration of a number of factors, including the target audience, the type and size of the event, the time of day and the capacity, experience and availability of food vendors.

Based on the above, it is not considered that a formal policy position is required, but rather, the Town's continued role in educating the community on making healthy eating choices. This is a role that will be reinforced as part of the future Public Health Plan.

It therefore recommended that Council revoke CP 5.18.

Council Policy 5.19 - Alcohol and Other Drugs (CP 5.19)

CP 5.19 was first adopted in September 2007 and last reviewed in March 2014. The objective of CP 5.19 is to minimise harm from alcohol and other drug use and outlines a number of strategies to achieve the objective, being:

- *“The Town encourages the responsible consumption of alcohol, and excessive or rapid consumption of alcohol will be discouraged.*
- *Water will be made available for free or low cost at public events.*
- *If events include a licensed area, alcohol will be served in accordance with the requirements set out in the Liquor Control Act 1988. This includes no alcohol being served to patrons under the age of 18 years or to intoxicated patrons.*
- *The use of illicit and performance enhancing drugs will not be allowed at any activities or events under the control of the Town.*
- *Participants and performers known to be intoxicated due to alcohol and/or other drugs will not be permitted to participate or perform.*
- *Food will be offered when alcohol is served.*
- *The irresponsible use of alcohol or use of illicit and/or performance enhancing drugs will not be glamorised or promoted.*
- *Where alcohol is available, lower strength and non-alcoholic beverage options will be available.*
- *Alcohol will not be used as prizes or awards.*
- *The availability of alcohol will be restricted to suitable and appropriate occasions as determined by the Town.”*

The management and serving of alcohol at Town-conducted events is an operational matter and is guided by the *Liquor Control Act 1988* (which regulates the responsible sale, supply and consumption of alcohol) and if necessary, is undertaken in consultation with the Department of Racing, Gaming and Liquor. Further, the *Misuse of Drugs Act 1981*, prohibits the promotion of psychoactive substances.

As the objective and strategies of the policy are operational and are comprehensively covered by the aforementioned State legislation, it is recommended CP 5.19 be revoked.

Council Policy 5.20 - Sun Protection Policy (CP 5.20)

CP 5.20 was first adopted in September 2007 and last reviewed in March 2014. CP 5.20 identifies a number of strategies to minimise exposure to ultraviolet radiation for staff and the community and outlines a number of strategies to achieve the objective, being:

- *“The Town strongly recommends and supports sun safe practices for all activities.*
- *Activities will be conducted outside of the hours 10.00am to 3.00pm when UVR is at its peak, whenever possible.*
- *Natural shade will be utilised to protect participants and spectators, wherever available.*
- *Staff and members representing the organisation will always act as positive role models by adopting sun protection behaviours such as wearing long sleeved shirts, broad brim hats, extra length shorts, sunglasses and applying sunscreen.*
- *When natural shade is not available, the Town will supply and erect portable shade structures, wherever possible.*
- *Sunscreen (SPF 30+, broad spectrum water resistant) will be made available to participants and spectators. However when this is not possible these parties will be encouraged to bring their own.”*

In considering the value of the Policy, the following is relevant:

- The timing of events and provision of shade and free sunscreen at Town-conducted events is an operational matter.
- The Town has an obligation under occupational health and safety legislation to ensure staff are provided with a safe working environment. The Town has existing procedures relating to extreme/adverse weather and the use of personal protective equipment and the legislation requires that employees cooperate with any related directions; and
- The Town will continue to provide education on sun protection and sun safe practices.

In light of the legislative requirements for staff and resources available to assist with educating the community, it is recommended that Council revoke CP 5.20.

Council Policy 5.21 – Mental Health (CP 5.21)

CP 5.21 was first adopted in September 2007 and last reviewed in March 2014. CP 5.21 identifies a number of strategies to proactively support positive mental health promotion in individuals and the community, being:

- *“Provide opportunities for individuals to be mentally, physically and socially active (ACT).*
- *Encourage individuals to join and actively participate in the Town’s activities and those of partner organisations (BELONG).*
- *Encourage individuals to become a volunteer in the Town, to set personal goals for achievement in the activities of the organisation, and to be more broadly involved in other community events and environments (COMMIT).”*

In considering the value of the Policy, the following is relevant:

- The Policy does not provide any decision-making guidance.
- The Town, as a business-as-usual activity, runs the Bassendean Volunteer Centre, which provides a referral service to enquiring volunteers, promotion of volunteering opportunities and the benefits of volunteering, training and information sharing opportunities for community organisations and support for community groups to recruit, manage and retain volunteers.
- The issue of mental health will be more appropriately addressed as part of the future Public Health Plan.

Based on the above, it is recommended that the CP 5.21 be revoked.

Conclusion

These above policies are advisory and/or administrative in nature, and there are either no discretionary decisions available for which the policies would otherwise provide guidance on or are matters which the Town manages procedurally.

It is recommended that the policies be revoked.

Statutory Requirements

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

Financial Considerations

Nil.

Risk Management Implications

Low. It is open to Council to retain the Policies but it may represent a reputational risk associated with Council’s policy suite containing unnecessary policies.

Officer Recommendation – Item 8.4

That Council, pursuant to the *Local Government Act 1995*, revokes the following Council Policies:

- Council Policy 5.1 – Town of Bassendean Volunteer Policy;
- Council Policy 5.18 - Food Safe / Catering;
- Council Policy 5.19 - Alcohol and Other Drugs;
- Council Policy 5.20 - Sun Protection Policy; and
- Council Policy 5.21 – Mental Health.

Voting requirements: Absolute majority

Item No. 8.5	Parking Designation – Bassendean Oval
Property Address	West Road, Bassendean
Landowner/Applicant	Crown (Management order to Town of Bassendean)
Ref	LAWE/REPRTNG/3
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment	Nil.

Purpose

The purpose of this report is for Council to consider designating a car parking bay(s) at Bassendean Oval for specific classes of persons.

Background

Site History

On 23 November 2021, Council considered the review of various parking restrictions around Bassendean Oval and with the exception of Devon Road, resolved to modify various parking restrictions. It also resolved that it:

- “3. *Requests that within three months, the Chief Executive Officer prepare a report for Council to enable it to designate at least one car parking bay within the Bassendean Oval parking area (in the north-eastern corner of the Reserve) as a bay for the specific use of parents with prams and/or pregnant people, pursuant to the Town's Parking Local Law.*”

The above resolution has prompted this report.

Site Description

The parking area referred to in Council's resolution is located in the north-eastern corner of the Bassendean Oval reserve, with vehicle access via Old Perth Road. A location plan follows:



Communication and Engagement

The sought comment from the Swan Districts Football Club, which advised that it had no objection to the proposal, and suggested any such bay could be located next to the existing ACROD bay.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Treating people equitably with access to programs and services, regardless of advantage or ability	<ul style="list-style-type: none"> • Ensure access and inclusion to spaces and places throughout our Town for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people • Enable programs and services that cater for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people 	<ul style="list-style-type: none"> • Alignment between services delivered and community needs • Diversity (in terms of demographic, ability, culture, background) of community members accessing spaces, places, programs and services is reflective of community structure

Comment

Clause 2.1(1)(e) of the *Parking Local Law 2019* states that Council may resolve to determine “permitted classes of persons who may park in specified parking stalls or parking stations”. If it does so, the Local Law requires the Town to erect signs to give effect to the determination. The provision of that signage would enliven Clause 3.1(a)(b) which states that “a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station, if by a sign it is set apart for the parking of vehicles by persons of a different class”. The modified penalty for parking a vehicle where a sign otherwise provides for parking of vehicles by persons of a different class is \$75.

In considering the merits of the proposal, the following is relevant:

- Whilst the above clause is a standard clause within the model local government parking local law, the Town is not aware of any local government that has exercised the use of this clause.
- The Town has not received any requests from the community for such a bay.
- The Swan District Football Club has no objection to the proposal.
- Enforcement of the restriction may be problematic, as it would require Town staff to determine if the driver (who may not be present) is pregnant and/or has a pram. If the driver was present at the vehicle and did not have a pram, it is considered inappropriate for Town staff to ask the driver if they are pregnant.
- There are concerns as to whether the Town could successfully defend an infringement in court, as there would be limited evidence to substantiate that the driver of the vehicle did not have a pram.

Based on the above, it is recommended that Council does not designate any car parking bays for this particular purpose. It is, however, open to Council to designate any or all of the car parking bays as being for a particular class of people.

Statutory Requirements

Parking Local Law 2019.

Financial Considerations

The cost to create and install one sign would be approximately \$300.

Risk Management Implications

Should Council resolve to designate the parking for this purpose, there is a risk that the Town would be unable to enforce the proposed restriction.

Officer Recommendation – Item 8.5

That Council does not proceed to designate at least one car parking bay within the Bassendean Oval parking area (in the north-eastern corner of the Reserve) as a bay for the specific use of parents with prams and/or pregnant people.

Voting requirements: Simple majority

Item No. 8.6	Sandy Beach Reserve Foreshore Restoration Plan
Property Address (if applicable)	201 West Road & 3093 Loc West Road, Bassendean (Assess No. A5441 & A45989)
Landowner/Applicant (if applicable)	N/A
Ref	ENVM/TENDNG/9
Directorate	Environment and Sustainability
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment	Nil

Purpose

The purpose of this report is for Council to consider allocation of \$39,720 (GST exclusive) funding in the 2022/23 draft annual budget, to enable engagement of a consultant to develop a Foreshore Restoration Plan for Sandy Beach Reserve.

Background

Sandy Beach Reserve is a 2.8 ha parkland area adjacent to the river, with approximately 160 linear metres of foreshore managed by the Town. The adjacent areas of shoreline are managed by the Department of Planning, Lands and Heritage.

Existing shoreline features include timber walling, rock headlands, vegetated foreshore, sandy beaches and a Department of Biodiversity, Conservation & Attractions' public jetty. The timber walling on either side of the jetty (approximately 40 linear metres) is degraded and despite regular maintenance efforts, washouts and loss of sediment is occurring. This will eventually lead to failure of the walling.

The Town submitted a 2021-22 Riverbank Funding EOI for development of a Foreshore Restoration Plan for Sandy Beach Reserve, and has been successful in receiving a conditional funding allocation of \$30,640 (GST exclusive). The balance of the project (estimated at the time of EOI submission as \$36,410), is required to be funded by the Town.

Proposal

Quotes have recently been sought through a formal Request for Quotation process, and a preferred consultant has been identified. The implementation schedule involves development of the Foreshore Restoration Plan over two financial years (2021/22 – 2022/23).

The extent of the project area is outlined below (260 linear metres total). The Town will seek a contribution from the Department of Planning, Lands and Heritage for inclusion of the State Government managed foreshore, which is a minimal cost difference.

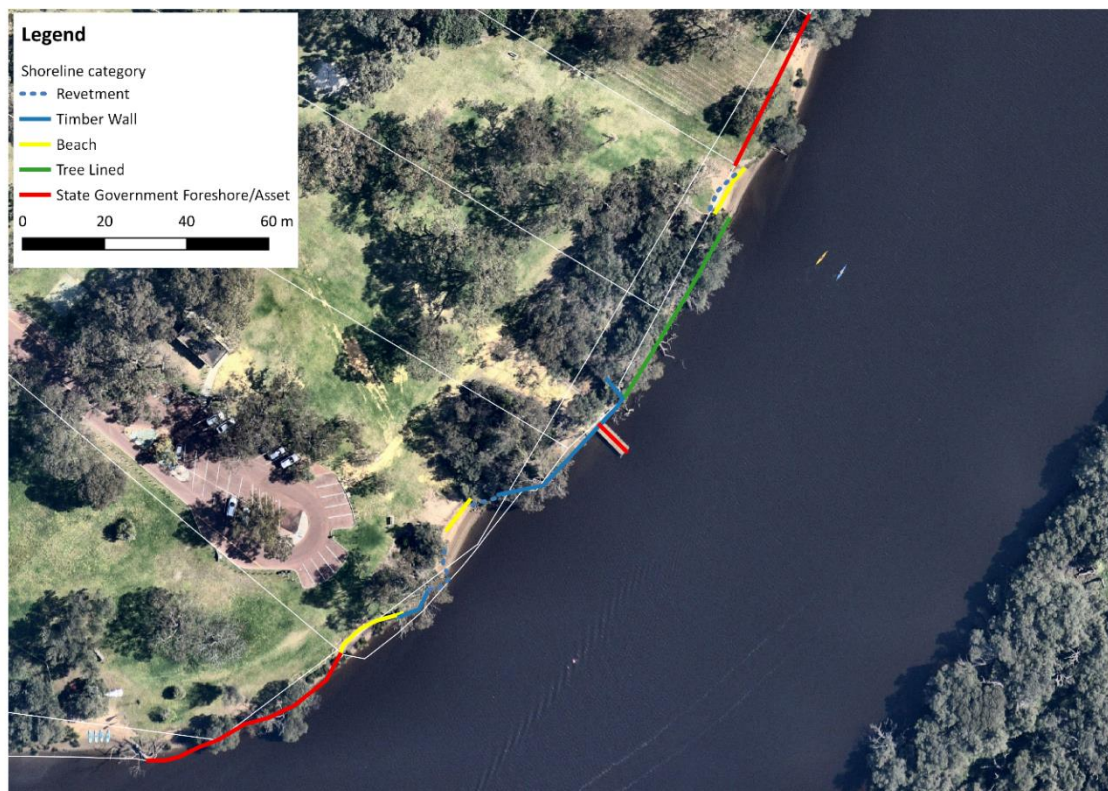


Figure 1: Sandy Beach Foreshore Restoration Plan Extent

The scope of works includes:

- Desktop review, gap analysis and further investigations
- Site assessment and Best Management Practices application
- Exploration of options for replacement of the failing timber wall
- Determination of actions to improve foreshore resilience and amenity across the wider area
- Liaison and approvals
- Preparation of a Foreshore Restoration Plan, including a concept design for the purpose of community consultation, preliminary cost estimates (construction and maintenance) and identification of possible works staging.

Communication and Engagement

Stakeholder and community engagement will be essential in development of the Foreshore Restoration Plan and will involve a minimum of three stakeholder meetings with State Government agencies, as well as consultation with Councillors and the community.

A detailed consultation plan will be developed, however will include:

- Advertising at the commencement of the project to notify the wider community of the project and the intended final product;
- Presentation at a Councillor workshop; and
- Community consultation after the preparation of the draft Foreshore Restoration Plan to allow community members to comment on the proposed design options prior to finalisation.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> • Conserve, enhance and repair natural and urban areas • Facilitate management of reserves by Friends groups 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> • Restoration and revegetation measures improve
Value and conserve and protect our water resources and waterways	<ul style="list-style-type: none"> • Implement waterwise initiatives and policies for residents, businesses and other organisations • Convert drains into living streams 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Gold Waterwise Council status is retained • Quality of water flows into Swan River improves • Stream restoration measures improve

Comment

Development of the Sandy Beach Reserve Foreshore Restoration Plan will enable the Town to plan for future protection of the foreshore environment and amenities.

This will become increasingly important following completion of the new nature play space construction, which is anticipated to result in an increased community use of the area.

Protection of the foreshore considering a precinct approach will have a positive effect on the community, including improved opportunity and encouragement for leisure and recreation, integration of recreation opportunity with the culturally significant Swan River and improved amenity and safety of public facilities.

Development of the Foreshore Restoration Plan will complement the Ashfield Flats Master Planning Process, which will be undertaken over a similar time period.

Statutory Requirements

Under s6.2 of the *Local Government Act 1995* and (Financial Management) Regulations 1996.

Financial Considerations

The value of the works is \$70,360 (GST exclusive), and the current 2021/22 budget allocation (including the Riverbank Grant) is \$30,640.

An additional \$39,720 municipal funding will be required in the 2022/23 annual budget.

A Council resolution is required prior to awarding the works, due to the timing involving expenditure of funds in a future financial year.

Risk Management Implications

If a Foreshore Restoration Plan is not developed, risks include:

- Progressive deterioration of the timber walling and continued loss of sediment from behind the log walling. This poses a safety hazard to users of the area and may lead to issues with access to the jetty
- Further erosion along the foreshore in areas lacking riparian vegetation
- Potential impact on the carpark in the medium/long term
- Negative reputational impact associated with inability to expend Riverbank Grant funds/ meet commitments of Riverbank Grant EOI.

Officer Recommendation – Item 8.6

That Council considers allocating \$39,720 municipal funding as part of the 2022/23 draft budget process for development of the Sandy Beach Reserve Foreshore Restoration Plan, in addition to the \$30,640 grant funding allocated in the 2021/22 annual budget.

Year	Cost (Ex GST)	Comments
2021/22	30,640	Riverbank Grant
2022/23	39,720	Council Contribution
Total	70,360	

Voting requirements: Absolute majority

Item No. 8.7	Adoption of the Town of Bassendean Communications Policy and amendment of Council Protocols Policy and Repeal of Associated Policy
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/CCLMEET/1
Directorate	Chief Executive
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 5	A. Draft Communications Policy B. Communication between Elected Members and Administration Policy C. Council Protocols Policy

Purpose

The purpose of this report is for Council to consider –

1. the draft Communications Policy;
2. proposed amendments to the Town of Bassendean's Council Protocols Policy; and
3. repeal of the Communication between the Elected Members and Administration Policy.

Background

The Town has undertaken a review of its strategic communications framework. As part of the implementation of the review, it was considered that a more robust communications policy was required that sought to include the existing communications protocols in place between Elected Members and the Administration but also sought to consolidate other important provisions featured throughout the Act and Regulations as they pertain to communications.

Proposal

That Council –

1. Adopts the draft Town of Bassendean Communications Policy;
2. Repeals the Communication between the Elected Members and Administration Policy; and
3. Amends the Council Protocols Policy by deleting the following paragraph –

“Media Releases and Comments on behalf of Council

The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the Mayor, or the Chief Executive Officer if the Mayor agrees.

The Mayor, or the Chief Executive Officer if the Mayor agrees, may respond to questions from journalists but media releases should only be issued with the prior approval of the Mayor or the Chief Executive Officer. If the Chief Executive Officer is authorised to speak on behalf of the Town by the Mayor, the Chief Executive Officer may on-delegate this power to other staff members as required by the situation.

The Presiding Member and members of Council committees are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Mayor.”

Communication and Engagement

The draft Communications Policy was reviewed by the Administration. The Corporate Executive considered the draft Communications Policy and provided feedback. Final modifications were incorporated and Councillors were provided with a copy of the draft policy under cover of the CEO Bulletin dated 3 December for feedback. No feedback was received.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> • Ensure clear communication and flow of information from decision makers to operational staff • Implement a framework on decision making that identifies delegated authority for different levels of decision 	SHORT TERM <ul style="list-style-type: none"> • Efficient and effective Council meetings • Outcomes-focused decision making (not process-focused) • More delegated authority to CEO on appropriate items to enable Council to focus on strategy

Comment

1. Draft Town of Bassendean Communications Policy

The draft Communications Policy aims to consolidate information that relates to communications in one policy. This prevents duplication and repetition of information across a number of policies. It is inefficient for individuals to be required to reference multiple policies in order to piece together the legislative framework surrounding Council communications. Consolidation of Council policies that relate to the same information will ensure ease of access.

2. Repeal of the Communication between the Elected Members and Administration Policy

Should Council adopt the draft Town of Bassendean Communications Policy, the Communication between the Elected Members and Administration Policy will no longer be required, and as a consequence, the current policy would need to be repealed.

The current policy was adopted in November 2019, as an interim measure to deal with Council and Administration communication channels. In reviewing the current policy, it was noted that the policy would have required significant amendment to ensure that it was up to date and met the needs of the Town. For example, the current policy refers to repealed legislation, the *Local Government (Rules of Conduct) Regulations 2007* and the repealed Code of Conduct. It was therefore deemed appropriate to consolidate the Council policies that relate to communication in one policy rather than amend the current policy. To ensure that the salient information contained in the current policy was retained, it was incorporated into the draft Communications policy.

3. Amendment to the Council Protocols Policy

As the draft policy aims to consolidate information and remove duplication in the area relating to Council communication, the paragraph on media releases and comments on behalf of Council as contained in the Council Protocols Policy is no longer required. The following paragraph should be deleted from the policy –

“Media Releases and Comments on behalf of Council

The Local Government Act 1995 places responsibility for speaking on behalf of Council with the Mayor, or the Chief Executive Officer if the Mayor agrees.

The Mayor, or the Chief Executive Officer if the Mayor agrees, may respond to questions from journalists but media releases should only be issued with the prior approval of the Mayor or the Chief Executive Officer. If the Chief Executive Officer is authorised to speak on behalf of the Town by the Mayor, the Chief Executive Officer may on-delegate this power to other staff members as required by the situation.

The Presiding Member and members of Council committees are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Mayor.”

Statutory Requirements

Local Government Act 1995 section 2.7 – Role of Council.

Financial Considerations

There are no direct costs associated with the adoption of the draft Town of Bassendean Communications Policy.

Risk Management Implications

Robust communication protocols are essential for the Town to ensure that it is responsive to the needs of its customers, whether they be internal or external to the local government. The draft Communications Policy promotes good governance and aims to consolidate key policies associated with communication to ensure efficiency of regulation.

Officer Recommendation – Item 8.7

That Council:

1. Adopts the draft Town of Bassendean Communications Policy;
2. Revokes the Communication between the Elected Members and Administration Policy; and
3. Amends the Council Protocols Policy by deleting the following paragraph –

“Media Releases and Comments on behalf of Council

The Local Government Act 1995 places responsibility for speaking on behalf of Council with the Mayor, or the Chief Executive Officer if the Mayor agrees.

The Mayor, or the Chief Executive Officer if the Mayor agrees, may respond to questions from journalists but media releases should only be issued with the prior approval of the Mayor or the Chief Executive Officer. If the Chief Executive Officer is authorised to speak on behalf of the Town by the Mayor, the Chief Executive Officer may on-delegate this power to other staff members as required by the situation.

The Presiding Member and members of Council committees are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Mayor.”

Voting requirements: Simple majority

Item No. 8.9	Asset Management Policy
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	
Directorate	Infrastructure
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 6	A. Asset Management Policy B. Draft Asset Management Policy

Purpose

The purpose of this report is for Council to consider an updated Asset Management Policy.

Background

The Town is currently updating its policies to ensure that all Council policies are relevant, useful, and contemporary. Council policies are designed to assist with the efficient running of the local government and to address and provide guidance on matters within the district. The Asset Management policy should be reviewed on a regular basis to ensure that it is consistent with legislation and that it remains relevant to the needs to the local government and is congruent with the Town's Strategic Community Plan.

The Town has recently gone through a process of assessing its asset management position and the framework it applies to the Town's asset portfolio.

The Town applies the WA state government's recommended Integrated Asset Management Framework (IAMF), figure below, to its own asset management practices and processes.

This includes the application of an Asset Management Policy which provides the overarching guiding document and direction for the asset management strategy, plans and ultimately services to the community, via the renewal and maintenance of assets.

The format of the framework remains valid and conforms not only to legislative requirements, but also to relevant industry guides such as the International Infrastructure Management Manual (IIMM).

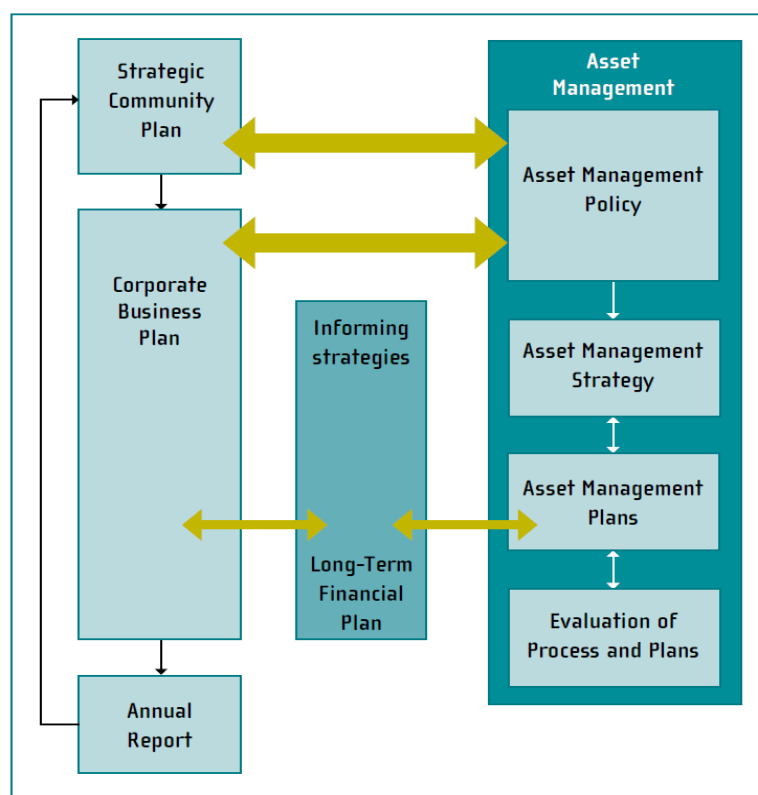


Figure 1: The WA Asset Management Framework (Source: WA DLGC)

Comment

The Town has reviewed the Asset Management Policy in line with its strategic objectives and against contemporary asset management practices. Relevant updates have now been applied.

The objective of the Asset Management Policy is to ensure that services delivered by the Town are provided in a sustainable manner through the requisite management of its assets/infrastructure. The policy guides the asset management principles and framework that the Town will apply to ensure:

- Asset management practices and decisions align with the outcomes of the Strategic Community Plan and other Council objectives;
- Assets are maintained and are performing at a service level desired by the community; and
- Assets are appropriately planned, acquired and managed considering whole of life costs.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise Ensure financial planning has a long term outlook and a focus on land asset rationalisation 	<p>SHORT TERM</p> <ul style="list-style-type: none"> All Town-owned buildings increased in their utilisation Defined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none"> Consolidated infrastructure footprint Enhanced sustainability footprint Clear indications of whole-of-life costs
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities) <ul style="list-style-type: none"> Leasing, Licensing and Hiring Strategy 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Increased use of facilities Increased shared use of spaces/diversity of use

Statutory Requirements

N/A

Financial Considerations

There are no costs associated with updating the policy. Allocation is made via the annual budget process to address costs associated with asset management activities.

Risk Management Implications

Failure to ensure that policies are updated on a regular basis may lead to the Town being in breach of legislation and policies being outdated or inconsistent with legislation. Should Council not make the amendment, there is the risk that policies will not align and the possibility that outdated policies may be referred to by mistake.

Officer Recommendation – Item 8.9

That Council adopts the draft Asset Management Policy as attached to this report.

Voting requirements: Simple majority

Item No. 8.10	Adoption of Quarterly Report period ending 31 December 2021
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 7	Quarterly Report – period ending 31 December 2021, including Outstanding Council Resolutions for Deletion

Purpose

The purpose of this report is for Council to receive the Quarterly Report for the period ending 31 December 2021.

Background

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables in the 2020-2024 Corporate Business Plan, where those deliverables commence in the current financial year.

The Quarterly Report also contains an appended list of Outstanding Council Resolutions recommended for deletion.

Proposal

That Council resolves to adopt the Quarterly Report for the period ending 31 December 2021.

Communication and Engagement

The draft Quarterly Report was provided to Councillors under cover of the CEO Bulletin dated 28 January 2022 for feedback. No comment was received.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

<p>Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community</p>	<ul style="list-style-type: none"> • Build understanding and support for the vision and Strategic Community Plan • Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations • Create an organisational culture of performance, innovation and excellence • Develop shared values between Council, administration and the community 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Openness and transparency of decision making • Enhanced staff morale • Staff have appropriate strategic direction • Agreement on the link between projects and Strategic Community Plan • General alignment regarding values
<p>Foster an environment of innovation and leadership</p>	<ul style="list-style-type: none"> • Foster an environment of innovation, where people are encouraged to contribute • Foster leadership: harness the talent of individuals • Recognise and reward innovation and leadership 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Councillors and staff feel empowered to make appropriate decisions • Professional development for staff and councillors • Inductions to professional networks <p>LONG TERM</p> <ul style="list-style-type: none"> • Recognition of excellence by other organisations

Comment

The Quarterly Report P/E 31 December 2021 is the second report for the financial year 2021/2022. The report reflects a composite of the activities that have occurred in the second quarter of the 2021/2022 financial year and provides a progress report on budget deliverables in the Corporate Business Plan. The report provides updates on the strategic priority projects and the deliverables of each priority area as contained in the SCP.

The Quarterly Report also contains the list of Outstanding Council Resolutions recommended for deletion. Administration has reconciled the list so that closed out resolutions may now be deleted.

Statutory Requirements

Local Government Act 1995.

Financial Considerations

Nil.

Risk Management Implications

A comprehensive and strategically aligned Quarterly Report will ensure transparency of decision-making and timeliness of service deliverables.

Officer Recommendation – Item 8.10

That Council –

1. Receives the Quarterly Report for the quarter ending 31 December 2021; and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report for the period ending 31 December 2021, that are marked for deletion.

Voting requirements: Simple majority

Item No. 8.11	Mid-Year Budget Review - Annual Budget 2021/22
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
File Ref/ROC	
Previous Council Reports (if applicable)	
Directorate	Corporate Services
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 8	Mid-Year Budget Review, consisting of: <ul style="list-style-type: none"> ▪ Rate Setting Statement ▪ Capital Projects – Proposed Budget Amendments ▪ Operating Projects – Proposed Budget Amendments

Purpose

The purpose of this report is to present the Mid-Year review to the Annual Budget 2021/22 for adoption (the Statutory Budget Review).

Background

The *Local Government Act 1995* and Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

This year, the Town carried out a review of the annual budget after the first six months of the financial year (1 July to 31 December 2021). The review was conducted by the administration in January 2022.

The Statutory Budget Review must be submitted to the Department of Local Government, Sport and Cultural Industries (the Department) within 30 days after Council has made its determination.

Proposal

That Council adopt the Statutory Budget Review.

Communication and Engagement

The Chief Executive Officer, Directors, Managers and relevant staff were consulted about current and future projects and cost pressures and changes attributed to their functional area of responsibility.

The draft Statutory Budget Review was distributed to Councillors in the CEO Bulletin on 4 February 2022 and a workshop was held on 8 February 2022. Based on these discussions, minor adjustments were made taking into consideration comments made by the Councillors.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> • Build understanding and support for the vision and Strategic Community Plan • Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations • Create an organisational culture of performance, innovation and excellence • Develop shared values between Council, administration and the community 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Openness and transparency of decision making • Enhanced staff morale • Staff have appropriate strategic direction • Agreement on the link between projects and Strategic Community Plan • General alignment regarding values

Comment

The Statutory Budget Review reflects actual year to date income and expenditure to 31 December 2021 and considered the following areas:

- Budget re-alignments and corrections;
- Review of variances to identify if they were timing adjustments (for example, a budgeted activity yet to occur), or structural in nature (for example, status of the seniors divestment);
- New Items – Grants, Projects and New Council directions; and
- Review of Reserve Transfers considering the concluded 2020/21 financial position, following completion of the external audit by the Office of the Auditor General in December 2021.

The proposed amended 2021/22 Annual Budget is presented as the Rate Setting Statement. The statement shows:

- The Current Budget 2021/22 (the full year budget adopted by Council in July 2021 and any subsequent amendments to December 2021);
- The Proposed Annual Budget 2021/22; and
- The variance between the two reflected in \$ and %.

The current annual budget forecast net result of a deficit of \$254,781 has been maintained by transferring the surplus to Reserves, as detailed below.

The detailed review of the budget and consultation with business units required numerous adjustments, as detailed in the list of proposed budget amendments included in the Statutory Budget Review.

The following is a summary of the key variations and recommended budget amendments:

Amounts Attributable to Operating Activities

Operating Revenue

Operating revenue is \$237,090 higher than budget. The following factors contributed to this:

- Higher Operating Grants of \$254,447 represented by increased client activity on the Home Care Packages Grant by approximately \$180,000 and a further increase in the Commonwealth Home Support Programme by \$48,000;
- Reduction in anticipated revenue in various operating revenue areas by \$118,371, with the main area affected being Waste Services, with reduced sale of 360 litre bins resulting in an estimated adjustment of \$140,000; and
- Other Revenue has increased by \$101,014 with the main contributor coming from the 2020/21 dividend received in August 2021 from the distribution of surplus funds by the Eastern Metropolitan Regional Council of \$110,975. The amount received has been transferred to the Natural Area Reserve.

Operating Expenditure

Operating expenditure is \$95,769 less than budget primarily due to:

- Salary changes identified during the Salaries Review. The review adjusted the budget for staff movements and vacancies - \$271,833 coming mainly from two areas: Children's Services \$140,000 and Engineering Design \$80,000;

Service areas have faced a challenging period in the recruitment for vacancies and the retention of existing staff, as reflected in the recently released unemployment rate for WA for Q4 2021 being only 3.4%. This has been further exacerbated by the closure of the border, restricting international and intra-state migration.

- Materials and Contracts is reflecting a net reduction of \$113,686 made up of mainly the reduction in purchase cost for the Waste Services 360 litre bins saving \$188,000, offset by new items added detailed below for Operational Projects totalling \$40,000 and re-classification of the ICT Strategy Costs at \$56,000;
- Utility Charges are lower with savings identified in Telephone costs of \$23,160;
- Other Expenditure is down by \$66,090 due to savings identified in various projects with the main one being the decision to undertake Phase 1 of the Long-Term Financial Plan in-house, following the Town's recent recruitment of senior staff within the Finance team, saving \$37,000; and
- A loss on Asset Disposal being an adjustment to reflect the land component of the sale of 1 Surrey Street. The building component being the Learning and Sharing Centre and the Pensioner Guard Cottage was recognised in the 2020/21 Financials as part of the impairment adjustments, worth \$125,844. The direction to recognise the loss for the land component on the sale (in December 2021) was agreed with the external auditor, the Office of the Auditor's General. Being a non-cash movement, as part of the determination of the true cash surplus/deficit position for the Town, the amount is excluded to arrive at a surplus from Operating Activities amounting to \$711,859.

Investing Activities

Investing Activities is proposed to increase by \$199,580, primarily due to:

Capital Revenue greater than budget by \$143,298. The main changes are:

- Recognition of the grant from the Local Roads and Community Infrastructure Programme (LRCIP) Phase 3, to be allocated to the Living Stream project of \$200,000;
- Recognition of the return of excess grants due to Main Roads of \$89,465 as result of project savings for completed projects. The project cost/budget for roads under the Main Roads Regional Group roads programme is made up of a 2/3rd contribution from Main Roads and the balance from the Town. In line with programme guidelines, if a project is completed below budget, the savings are required to be returned to the agency and are unable to be re-allocated for other road projects that the Town may identify; and
- Contribution of \$22,500 from the Bassendean Tennis Club for fencing and court re-surfacing.

The Capital Expenditure budget is proposed to fall by \$56,282, primarily due to:

- Budget re-alignments and savings resulting in a net positive surplus change of \$102,516, including savings in the purchase of plant and equipment of \$18,465 and the Success Hill Jetty refurbishment project of \$51,657;

- Reclassification of the Information System Review project from Capital to Operating of \$59,065; and
- New projects for which there is available capacity to complete this year, totaling \$105,282, funded as follows:
 - External club contributions \$22,500;
 - Transfer from Reserves \$25,000; and
 - Bassendean Tennis Club contributions \$5,000.

Operational Priority Projects

The budget for Operational Priority Projects is proposed to fall by \$33,702, primarily due to the following:

- Savings and re-classifications as described above worth \$73,702 offset by the addition of two new projects, being:
 - Valuations for 122 Hamilton Street - \$20,000; and
 - Demolition costs for 27 Hyland Street - \$20,000.

Transfer to Reserves

The following is recommended for transfer to Reserves:

- Waste Management Reserve \$250,000, being the surplus from 2020/21 waste operations;
- Wind in the Willows Child Care Reserve \$140,000, being an interim surplus from savings in staff costs;
- Employee Entitlements Reserve \$130,000, to increase the cash backed component of the Town's provision for long service leave and annual leave, which is currently in excess of \$2 million;
- Transfers to the following asset-based reserves:
 - Plant and Equipment Reserve \$100,000;
 - Information Technology Reserve \$50,000; and
 - Future Projects Reserve \$50,000.
- Street Tree Reserve \$100,000; and
- Land and Buildings Infrastructure Reserve \$116,439.

Transfer from Reserves

The following transfer from reserves are proposed:

- Wind in Willows Child Care Reserve – \$25,000 to fund installation of a new kitchen to replace the current aged kitchen at the Wind in the Willows Early Education Centre in Bassendean.

Statutory Requirements

**Absolute majority required.*

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
 - (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
 - (b) Consider the local government's financial position as at the date of the review; and
 - (c) Review the outcomes for the end of that financial year that is forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Financial Considerations

Amendment of the current 2021/22 Budget in accordance with the recommended adjustments, as contained in this report and attachments, results in no change to the budgeted closing surplus.

Risk Management Implications

Should Council resolve not to adopt the Statutory Budget Review, further amendments can be made in accordance with Council's direction and the Statutory Budget Review re-submitted for the March 2022 Ordinary Council meeting. While that will comply with the Town's statutory obligations, it will delay progress by the Financial team in developing the 2022/23 Annual Budget and phase one of the Long-Term Financial Plan.

Officer Recommendation – Item 8.11

That Council adopts the Statutory Budget Review, as outlined in this report and detailed in the attached list of proposed Budget amendments.

Voting requirements: Absolute majority

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.0 CONFIDENTIAL BUSINESS

11.0 CLOSURE

The next Briefings Session will be held on Tuesday 15 March 2022, commencing at 6.00pm.