

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 25 MAY 2021 AT 6.00PM

1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Renee McLennan, Mayor
Cr Kathryn Hamilton, Deputy Mayor
Cr Chris Barty
Cr John Gangell
Cr Hilary MacWilliam
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Paul White, Director Corporate Services
Mr Luke Gibson, Director Community Planning

Mr Phil Adams, Executive Manager Infrastructure
Mr Jeremy Maher, Executive Manager Sustainability &
Environment
Mrs Renae Maher, Manager Human Resources and
Organisational Development
Ms Elizabeth Kania, Manager Governance & Strategy
Mrs Amy Holmes, Minute Secretary

Public

Approximately ten members of the public were in attendance.

Press

Nil

4.0 DECLARATIONS OF INTEREST

The CEO, Ms Peta Mabbs has provided written declarations pursuant to Section 5.60A and Section 5.70 of the Local Government Act 1995, for the following items:

Item 12.3 - Standards for CEO Recruitment, Performance and Termination Policy – Financial and Impartiality Interests;

Item 6.1 - Amendments to CEO Employment Contract - Financial and Impartiality Interests; and

Item 16.2 0 CEO Annual Performance Review Facilitation (Consultant Recommendation) - Impartiality Interest.

5.0 PRESENTATIONS OR DEPUTATIONS

Mr Jeff Dennis, CEO Swan Districts Football Club was in attendance and provided a deputation relating to Item 12.2 – Bassendean Oval Lighting.

6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEM

It should be noted that public statements are not recorded in the minutes.

7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

8.0 PETITIONS

Nil.

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 27 April 2021

Council Resolution/Officer Recommendation – Item 9.1(a) **OCM – 1/5/21**

MOVED Cr Barty, Seconded Cr MacWilliam, that the minutes of the Ordinary Council Meeting held on 27 April 2021, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.1(b) **OCM – 2/5/21**

MOVED Cr MacWilliam, Seconded Cr Barty, that the minutes of the Ordinary Council Meeting held on 27 April 2021, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

11.0 EXTERNAL COMMITTEE REPORTS/UPDATES

Item No. 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not 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 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</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 2	<ul style="list-style-type: none"> • WALGA East Metropolitan Zone – Minutes 22 April 2021 • WALGA State Council Meeting – Summary Minutes 5 May 2021

Purpose

The purpose of this report was for Council to consider minutes from external Committees and organisations.

Council Resolution/Officer Recommendation – Item 11.1 **OCM – 3/5/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council notes the attached minutes from external Committee meetings held within the reporting period.

CARRIED UNANIMOUSLY 7/0

12.0 **REPORTS**

12.1 **Adoption of Recommendations En Bloc**

It was agreed that items 12.3, 12.6 & 12.14 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1 **OCM – 4/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda:

Item	Report
12.5	Proposed Tree Preservation Orders
12.7	Draft Local Planning Policy No. 8 – Car Parking and End of Trip Facilities
12.8	Use of Youth Services Centre
12.9	Eden Hill Network Renewal Underground Program Pilot (NRUPP) – Deferral of Service Charge
12.15	Accounts Paid – April 2021
12.16	Monthly Financial Report – April 2021
12.17	Calendar for June 2021
12.18	Use of Common Seal

CARRIED UNANIMOUSLY 7/0

Council was then requested to consider the balance of the Officer recommendations independently.

Item	Report
12.2	Bassendean Oval Lighting
12.3	Expression of Interest – 1 (Lot 50) Surrey Street, Bassendean
12.4	Draft Policies - Purchase and Placement of Memorials and Celebration Trees
12.6	Road Closure – Portions of Extension Road and West Road, Bassendean
12.10	Children’s Services – Fees for Wind in the Willows Early Education Centres for 2021/22
12.11	Waiver of Rates – Lot 304 Kenny Street (Deposited Plan 417198)
12.12	Town of Bassendean Local Government Ordinary Election 2021
12.13	Standards for CEO Recruitment, Performance and Termination Policy
12.14	Quarterly Report for Period Ended 31 March 2021
16.1	Amendments to CEO Employment Contract
16.2	CEO Annual Performance Review Facilitation (Consultant Recommendation)

Item No. 12.2	Bassendean Oval Lighting
Property Address	1 West Road, Bassendean
Landowner/Applicant	Crown land vested with Town of Bassendean
File Ref	A673
Directorate	Community Planning
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 and policies.
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Attachment No. 3	Deputation from SDFC
Confidential Attachment No. 1	Bassendean Oval Licence

Purpose

The purpose of this report was for Council to consider contributing to the funding of new lights at Bassendean Oval.

Officer Recommendation – Item 12.2

That Council:

1. Advises whether or not it wishes to fund one third of the cost of providing improved lighting at Bassendean Oval as part of its 2021/22 annual budget, up to \$260,000; and
2. Requests that the Chief Executive Officer continue to liaise with the Swan Districts Football Club regarding a revised agreement for the Club's use of Bassendean Oval.

Cr Hamilton moved an alternative motion.

Alternative Motion

MOVED Cr Hamilton, Seconded Cr Quinton, that Council:

1. Includes an allocation of \$30,000 in the draft 2021/2022 budget to fund up to 50% of the cost of designing upgraded lighting at the Bassendean Oval;
2. Encourages Swan Districts Football Club and the Western Australian Football Commission to explore other funding options to upgrade the lighting at the Bassendean Oval so as to reduce the reliance on the Town's ratepayers to part fund the requested upgrades;
3. Defers any consideration of a budget allocation to fund the provision of upgraded lighting at the Bassendean Oval until the 2022/23 budget; and
4. Requests that the Chief Executive Officer continue to liaise with the Swan Districts Football Club regarding a revised agreement for the Club's use of Bassendean Oval.

LOST 3/4

Crs Hamilton, Quinton & MacWilliam, voted in favour of the motion. Crs McLennan, Barty, Gangell & Wilson voted against the motion.

Cr Wilson moved an alternative motion.

Council Resolution/Alternative Motion- Item 12.2
OCM – 5/5/21

MOVED Cr Wilson, Seconded Cr MacWilliam, that Council:

1. Defers any consideration of a budget allocation to contribute to funding the design or capital works for upgraded lighting at the Bassendean Oval until the 2022/23 budget, following the completion of the Town Centre Masterplan and the potential oval realignment has been finalised;
2. Encourages Swan Districts Football Club and the Western Australian Football Commission to explore other funding options to upgrade the lighting at the Bassendean Oval so as to reduce the reliance on the Town's ratepayers to part fund the requested upgrades; and
3. Requests that the Chief Executive Officer continue to liaise with the Swan Districts Football Club regarding a revised agreement for the Club's use of Bassendean Oval.

CARRIED 4/3

Crs Wilson, MacWilliam, McLennan & Quinton, voted in favour of the motion. Crs Barty, Hamilton & Gangell voted against the motion.

Item No. 12.3	Expression of Interest – 1 (Lot 50) Surrey Street, Bassendean
Property Address (if applicable)	1 (Lot 50) Surrey Street, Bassendean
Landowner/Applicant (if applicable)	Town of Bassendean
File Ref/ROC	A673
Previous Council Reports (if applicable)	24 November 2020 28 July 2020
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 and policies.
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<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, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 2	<ul style="list-style-type: none"> • Evaluation Report • EOI • Two Submissions Received

Purpose

The purpose of this report was for Council to consider the outcomes of a recent Expression of Interest (EOI) process undertaken in relation to the potential disposal of 1 (Lot 50) Surrey Street, Bassendean, which is currently owned by the Town.

Council Resolution/Officer Recommendation – Item 12.3 **OCM – 6/5/21**

MOVED Cr Quinton, Seconded Cr Wilson, that Council requests the Chief Executive Officer proceed to advertise the intended disposal to the organisation (the party identified in the Confidential Evaluation Report attached to this report), as required under the Local Government Act 1995.

CARRIED 6/1

Crs Quinton, Wilson, McLennan, Hamilton, Barty & MacWilliam voted in favour of the motion. Cr Gangell voted against the motion.

Item No. 12.4	Draft Policies - Purchase and Placement of Memorials and Celebration Trees
Directorate	Environment and Sustainability
File Ref	COMR/MEMLS/1
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/licenses (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Attachment No. 4	<p>Draft Policies:</p> <ul style="list-style-type: none"> • Purchase and Placement of Memorial Seats and other Infrastructure. • Celebration Trees.
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Purpose

For Council to consider two policies relating to requests for memorials and celebration trees in parks and reserves.

Council Resolution/Officer Recommendation – Item 12.4 **OCM – 7/5/21**

MOVED Cr Quinton, Seconded Cr Wilson, that Council:

1. Adopt the Purchase and Placement of Memorial Seats and Other Infrastructure Policy as attached to this report;
2. Adopt the ‘Celebration Trees’ policy as attached to this report; and
3. Notes that the service fees and charges will be considered as part of the 2021/22 draft budget and will incorporate a charge of an administration fee only to be paid at the time that the Celebration Tree Application form is submitted, noting the tree will be provided free of charge (thereby representing a partial cost recovery model).

CARRIED BY AN ABSOLUTE MAJORITY 6/1

Crs Quinton, Wilson, McLennan, Hamilton, Barty & MacWilliam voted in favour of the motion. Cr Gangell voted against the motion

Item No. 12.5	Proposed Tree Preservation Orders
Property Address	17 (Lot 5) and 23 (Lot 6) Old Perth Road, Bassendean
Landowner	Bassendean Hotel Holdings Pty Ltd
File Ref	ENVM/NOTIF/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 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 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 permit, 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. 5	<ul style="list-style-type: none"> • Arboricultural Impact Assessment • TPO Nominations • Landowner Submission

Purpose

The purpose of this report was for Council to consider nominations for tree preservation orders (TPOs) for seven trees located at 17 (Lot 5) and 23 (Lot 6) Perth Road, Bassendean (Bassendean Hotel site).

Council Resolution/Officer Recommendation – Item 12.5 **OCM – 8/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes TPOs for the eastern most Lemon Scented Gum (*Corymbia citriodora*) and two Hill's Weeping Fig Trees located at Lot 6 (No. 23) Old Perth Road, Bassendean.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.6	Road Closure – Portions of Extension Road and West Road, Bassendean
Property Address (if applicable)	Extension Road and a portion of West Road adjacent Bassendean Shopping Centre
Landowner/Applicant (if applicable)	State of Western Australia
File Ref	ROAD/RDCLRS/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 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. 6	Road Closure Sketch Plan Submission
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Purpose

The purpose of this report was for Council to consider the closure of portions of Extension Road and West Road, Bassendean.

Officer Recommendation – Item 12.6

That Council authorises a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of portions of Extension Road and West Road road reserves as identified by hatching on the Location Plan attached to this report, to enable the land to be amalgamated into Lot 2 West Road, Bassendean (Bassendean Shopping Centre).

Cr McLennan moved an alternative motion.

Council Resolution – Item 12.6

OCM – 9/5/21

MOVED Cr McLennan, Seconded Cr Hamilton, that Council:

- Does not** authorise a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of portions of Extension Road and West Road road reserves as identified by hatching on the Location Plan attached to this report, to enable the land to be amalgamated into Lot 2 West Road, Bassendean (Bassendean Shopping Centre); and
- Defers any further consideration of this matter until after the completion of the Town Centre Masterplan.**

CARRIED UNANIMOUSLY 7/0

Item No. 12.7	Draft Local Planning Policy No. 8 – Car Parking and End of Trip Facilities
Property Address	N/A
Landowner/Applicant	N/A
File Ref/ROC	LUAP/POLCY13
Previous Council Reports (if applicable)	N/A
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, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 7	<ul style="list-style-type: none">• Local Planning Policy No. 8 – Parking Specifications• Draft Local Planning Policy No. 8 – Car Parking and End of Trip Facilities• Draft Local Planning Policy No. 17 – Home Based Businesses

Purpose

The purpose of this report was for Council to consider adopting draft amended Local Planning Policy No. 8 – Car Parking and End of Trip Facilities and making a minor amendment to Local Planning Policy No. 17 – Home Based Businesses, as it relates to car parking.

Council Resolution/Officer Recommendation – Item 12.7 **OCM – 10/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council:

1. Pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 8 – Car Parking & End of Trip Facilities as contained in the attachment to this report; and
2. Pursuant to Clause 5(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy No. 17 – Home Based Businesses as contained in the attachment to this report.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.8	Use of Youth Services Centre
Property Address	1 West Road, Bassendean
Landowner/Applicant	Crown land vested with Town of Bassendean
File Ref	A3180
Directorate	Community Planning
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 and policies.
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Attachment	Nil.

Purpose

The purpose of this report was for Council to consider allowing Scouts WA to use the Bassendean Youth Services Centre (Dudley Robinson Youth Centre) as the base of operations for the Bassendean Scout Group.

Council Resolution/Officer Recommendation – Item 12.8 **OCM – 11/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council approves the use of the Bassendean Youth Services Centre (Dudley Robinson Youth Centre), West Road, Bassendean, by Scouts WA for a period of three years and notes that the Chief Executive Officer will enter into an agreement with Scouts WA that addresses the following:

1. The roles and responsibilities associated with using the facility;
2. The need for insurances indemnifying the Town of any costs in the event of negligent damage;
3. A non-disparagement clause and provisions relating to dispute resolution;
4. The suitable, routine acknowledgement that Scouts WA is supported by the Town of Bassendean; and
5. Any other matters considered necessary.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.9	Eden Hill Network Renewal Underground Program Pilot (NRUPP) – Deferral of Service Charge
Property Address (if applicable)	Various
Landowner/Applicant (if applicable)	Various
File Ref/ROC	ESAT/CONCTN/1
Previous Council Reports (if applicable)	23 June 2020
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 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.
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Attachment	Nil.

Purpose

The purpose of this report was for Council to consider deferral of the service charge to recoup the cost of underground power consumer mains connection from property owners.

Council Resolution/Officer Recommendation – Item 12.9 **OCM – 12/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council defer levying the service charge to recoup the cost of underground power consumer mains connection from property owners in connection with the Eden Hill Network Renewal Underground Program Pilot until rates are levied for 2022/23.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.10	Children's Services – Fees for Wind in the Willows Early Education Centres for 2021/22
Property Address (if applicable)	
Landowner/Applicant (if applicable)	
File Ref/ROC	FINM/AUD/1
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.
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Attachment	Nil.

Purpose

The purpose of this report was for Council to adopt the fees for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education for 2021/22.

Council Resolution/Officer Recommendation – Item 12.10 **OCM – 13/5/21**

MOVED Cr Wilson, Seconded Cr MacWilliam, that Council adopt a daily fee of \$123 for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education for 2021/22.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.11	Waiver of Rates – Lot 304 Kenny Street (Deposited Plan 417198)
Property Address (if applicable)	Lot 1003 (No.97) Kenny Street, Bassendean
Landowner/Applicant (if applicable)	Lorraine Jean & Wade Lance Burton
File Ref	DABC/BDVAPPS/345-20
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.
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Attachment No. 8	Plan of Subdivision (WAPC 345-20) Deposited Plan 417198

Purpose

That Council considers a waiver of rates for Lot 304 Kenny Street on Deposited Plan 417198, in accordance with Section 6.47 of the *Local Government Act 1995*.

Council Resolution/Officer Recommendation – Item 12.11 **OCM – 14/5/21**

MOVED Cr McLennan, Seconded Cr Barty, that Council waives rates for Lot 304 Kenny Street, Bassendean, on Deposited Plan 417198, for the period from 1 April 2021 to 30 June 2021, in accordance with Section 6.47 of the *Local Government Act 1995*.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.12	Town of Bassendean Local Government Ordinary Election 2021
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/ELECT/2
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. 9	Letter from the WAEC dated 16 December 2020.

Purpose

The purpose of this report was for Council to consider the appointment of the Western Australian Electoral Commissioner to be responsible for the election and for the election to be conducted as a postal vote.

Council Resolution/Officer Recommendation – Item 12.12 **OCM – 15/5/21**

MOVED Cr MacWilliam, Seconded Cr Barty, that Council by absolute majority decision, in accordance with:

1. Section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2021 Ordinary Elections; and
2. Section 4.61(2) of the *Local Government Act 1995*, declares that the method of conducting the elections will be as a postal election.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item 12.13	Standards for CEO Recruitment, Performance and Termination Policy
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/POLCY/2
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Attachment No. 10	<ul style="list-style-type: none"> • Updated Standards for CEO Recruitment, Performance and Termination Policy (21 May 2021) • Annual Performance Review – Chief Executive Officer Policy • Department of Local Government, Sport and Cultural Industries ‘Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

Purpose

The purpose of this report was to seek Council's adoption to replace the Town's current 'Annual Performance Review – Chief Executive Officer' Policy with the recommended 'Standards for CEO Recruitment, Performance and Termination' Policy. The recommended Policy ensures the Town aligns with the new *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

Cr Hamilton moved the officer recommendation with amendments as shown in bold.

Council Resolution/Officer Recommendation – Item 12.13 **OCM – 16/5/21**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council:

1. Revoke the current Annual Performance Review – Chief Executive Officer Policy; and
2. Adopt the recommended Standards for CEO Recruitment, Performance and Termination Policy, as attached to this report, **subject to the following amendments being made:**

Section 2.7 Review Panel:

- **Delete 'the' and add 's' to read as follows:**

“The selection of facilitators will be in consultation and negotiation with the CEO”;

- Add ‘two or more’ and ‘of an absolute majority’ to read as follows:

***“The Mayor as the representative of Council, and the CEO, shall agree upon a shortlist of two or more candidates for the position of a facilitator. The shortlist of candidates will be presented to Council for its consideration. Council is to appoint by resolution of an absolute majority the independent facilitator from the shortlisted candidates provided”*; and**

- Amend point (g) to read as follows:

“Encouraged to attend a WA Local Government Association (WALGA) CEO Performance Appraisal training session”.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.14	Quarterly Report for Period Ended 31 March 2021
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/CCLMEET/1
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, reports and strategies, accepting tenders, 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. 11	<ul style="list-style-type: none"> • Quarterly Report • Outstanding Resolutions for Deletion

Cr Gangell left the meeting at 7.55pm and returned at 7.57pm.

Purpose

The purpose of this report was for Council to receive the Quarterly Report for the period ended 31 March 2021.

Council Resolution/Officer Recommendation – Item 12.14 **OCM – 17/5/21**

MOVED Cr Hamilton, Seconded Cr Quinton, that Council:

1. Receives the Quarterly Report for the quarter ended 31 March 2021; and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report that are marked for deletion, **excluding item ROC19/69640.**

CARRIED UNANIMOUSLY 7/0

Item 12.15	Accounts Paid – April 2021
File Ref/ROC	FINM/CREDTS/4
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input 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 (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 12	List of Payments - April 2021

Purpose

The purpose of this report was for Council to receive the list of payments for April 2021.

Council Resolution/Officer Recommendation – Item 12.15 **OCM – 18/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council receive the List of Payments for April 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.16	Monthly Financial Report – April 2021
File Ref/ROC	FINM/AUD/1
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input 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. 13	Monthly Financial Report, containing the Statement of Financial Activity, for April 2021

Purpose

The purpose of this report was for Council to receive the monthly financial report for April 2021.

Council Resolution/Officer Recommendation – Item 12.16 **OCM – 19/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council receive the monthly Financial Report for April 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.17	Calendar for June 2021
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
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	Nil

Purpose

The purpose of this report was for Council to consider the calendar for June 2021.

Council Resolution/Officer Recommendation – Item 12.17 **OCM – 20/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council adopt the calendar for June 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

Item No. 12.18	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not 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	Nil

Purpose

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

Council Resolution/Officer Recommendation – Item 12.18 **OCM – 21/5/21**

MOVED Cr Wilson, Seconded Cr Barty, that Council notes the affixing of the Common Seal during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/5/21 7/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

15.0 URGENT BUSINESS

Nil

16.0 CONFIDENTIAL BUSINESS

Council Resolution – Item 16.0(a) **OCM – 22/5/21**

MOVED Cr Wilson, Seconded Cr MacWilliam, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 8.03pm.

CARRIED UNANIMOUSLY 7/0

Mr Paul White, Director Corporate Services, Mr Luke Gibson, Director Community Planning, Mr Phil Adams, Executive Manager Infrastructure, Mr Jeremy Maher, Executive Manager Sustainability & Environment and Ms Elizabeth Kania, Manager Governance & Strategy left the meeting at 8.03pm and did not return.

Item 16.1	Amendments to CEO Employment Contract
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	HR/PER-FIL/2424
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Confidential Attachment 3	Employment Contract - Peta Mabbs

Purpose

The purpose of this report was to seek Council's agreement to amend the CEO's current employment contract to align with the new *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

This matter was considered with members of the public excluded from the Chambers under Clause 5.23 (2) (e) (iii) of the Local Government Act 1995, as the report discusses the financial affairs of a person, which relates to a matter to be discussed at the meeting.

Council Resolution/Officer Recommendation – Item 16.1 **OCM – 23/5/21**

MOVED Cr McLennan, Seconded Cr Barty, that Council approve the amended CEO Employment Contract, as attached to this Confidential Report.

CARRIED BY AN ABSOLUTE MAJORITY 4/3

Crs McLennan, Barty, MacWilliam & Quinton voted in favour of the motion. Crs Hamilton, Gangell & Wilson voted against the motion.

Item 16.2	CEO Annual Performance Review Facilitation (Consultant Recommendation)
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/CCLMEET/22
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Confidential Attachment No. 4	<ul style="list-style-type: none"> • Civic Legal Quotation • Brainbox Quotation

Purpose

The purpose of this report was for Council to resolve the engagement of an independent external person to facilitate the annual performance review of the Chief Executive Officer. This is in line with Council's current 'Annual Performance Review – CEO' Policy and proposed updated 'Standards for CEO Recruitment, Performance and Termination Policy' along with the *Local Government Act 1995*. This also ensures the Town aligns with the new *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

This matter was considered with members of the public excluded from the Chambers under Clause 5.23 (2) (e) (iii) of the Local Government Act 1995, as the report discusses the financial affairs of a person, which relates to a matter to be discussed at the meeting.

Council Resolution/Officer Recommendation – Item 16.2 **OCM – 24/5/21**

MOVED Cr MacWilliam, Seconded Cr Wilson, that Council resolve to appoint the preferred facilitator, Civic Legal (Anthony Quahe) to facilitate the 2021 CEO Annual Performance Review process as attached to this Confidential Report.

CARRIED BY AN ABSOLUTE MAJORITY 5/2

*Crs MacWilliam, Wilson, McLennan, Barty & Quinton voted in favour of the motion.
Crs Gangell & Hamilton voted against the motion.*

Council Resolution – Item 16.0(b) **OCM – 25/5/21**

MOVED Cr Wilson, Seconded Cr McLennan, that the meeting come from behind closed doors, the time being 8.41pm.

CARRIED UNANIMOUSLY 7/0

17.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 15 June 2021.
The next Ordinary Council Meeting will be held on Tuesday 22 June 2021.

There being no further business, the Presiding Member declared the meeting closed, the time being 8.41pm.