

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 22 JUNE 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

Expressions of Interest were called for the property at 1 Surrey Street for parties willing and able to undertake restoration of the site. The Museum of Perth is the preferred party. Community consultation on this proposal is now open.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Renee McLennan, Mayor
Cr Kathryn Hamilton, Deputy Mayor
Cr Hilary MacWilliam
Cr Sarah Quinton
Cr Jai Wilson

Apologies

Cr John Gangell
Cr Chris Barty

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Paul White, Director Corporate Services
Mr Luke Gibson, Director Community Planning
Mr Phil Adams, Exec Manager Infrastructure
Mr Jeremy Maher, Exec Manager Sustainability & Environment
Ms Elizabeth Kania, Manager Governance & Strategy
Mrs Amy Holmes, Minute Secretary

Public

Approximately 12 members of the public were in attendance.

Press

1 member of the press was in attendance.

Leave of Absence

Council Resolution – Item 3.0

OCM – 1/6/21

MOVED Cr Quinton, Seconded Cr MacWilliam, that the following leaves of absence be granted:

- Cr Quinton: 2-12 July
- Cr MacWilliam: 29 July - 6 August
- Cr Hamilton: 1-8 July
- Cr McLennan: 3-7 July

CARRIED UNANIMOUSLY 5/0

4.0 DECLARATIONS OF INTEREST

Cr MacWilliam declared an Impartiality Interest for Item 12.6.

5.0 PRESENTATIONS OR DEPUTATIONS

Mr Terry Blanchard addressed the Council on Item 12.6.

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

John Blampey, 5 Daylesford Road, Bassendean

- Q. In relation to the Museum of Perth and 1 Surrey Street, does the Town have a copy of their balance sheet? What are their assets and liabilities, cash on hand, money in the bank, shareholders? Who are their Directors?

The Mayor advised that the Museum of Perth is a not for profit organisation. Their Directors are listed on their website.

The Director Corporate Services advised that expressions of interest were called and the Museum of Perth is the preferred respondent. It is now open for public comment.

The Director Community Planning commented that the Council has not yet made a decision on whether to dispose of this facility. There are processes and approvals that need to occur. The Town is currently seeking public comment before a decision is made.

The Mayor invited Mr Blampey to put in a formal submission to the Town as part of the public consultation process.

8.0 PETITIONS

Nil

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 25 May 2021

Council Resolution/Officer Recommendation – Item 9.1(a) **OCM – 2/6/21**

MOVED Cr MacWilliam, Seconded Cr Hamilton, that the minutes of the Ordinary Council Meeting held on 25 May 2021, be received.

CARRIED UNANIMOUSLY 5/0

Council Resolution/Officer Recommendation – Item 9.1(b)
OCM – 3/6/21

MOVED Cr Wilson, Seconded Cr MacWilliam, that the minutes of the Ordinary Council Meeting held on 25 May 2021, be confirmed as a true record.

CARRIED UNANIMOUSLY 5/0

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.
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Attachment No. 2	EMRC Unconfirmed Ordinary Council Meeting Minutes – 27 May 2021 EMRC Ordinary Council Meeting – Delegates Report – 27 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 – 4/6/21

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

CARRIED UNANIMOUSLY 5/0

12.0 REPORTS

12.1 Adoption of Recommendations En Bloc

It was agreed that items 12.3, 12.4, 12.12 & 12.17 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1

OCM – 5/6/21

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

Item	Report
12.2	Food Truck Event
12.10	Draft Amended Local Planning Policy No. 16 – Control of Advertisements Under Local Planning Scheme No. 10 (Final Adoption)
12.11	Council Policies – Debt Recovery, Financial Hardship and Rates Exemption
12.15	Bassendean Local Emergency Management Committee Meetings held on 17 February, 3 March and 5 May 2021
12.16	Use of Common Seal

CARRIED UNANIMOUSLY 5/0

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

Item	Report
12.3	Amendment to existing Development Approval for Additions to Small Bar - Patio and Café Blinds (Patio Wall - Cork and Bottle)
12.4	Proposed Single House - 31 (Strata Lot 1) Ashfield Parade, Ashfield
12.5	Proposed Tree Preservation Order
12.6	Review of Various Parking Restrictions – Bassendean Oval
12.7	Disposal of 122 (Lot 110) Hamilton Street, Bassendean
12.8	Review of existing Council Policy 5.5 - Disused Vehicles

12.9	Revocation of existing Council Policy 5.22 – Reserve Sponsorship Signage
12.12	Behaviour Complaints Policy – Code of Conduct Council Members, Committee Members and Candidates
12.13	Complaints Committee
12.14	Festive Season Closure Period (2021/2022)
12.17	Calendar for July 2021
12.18	Workforce Plan (2021-2025) and Workforce Plan Minor Review
16.1	Variation of Contract - Town Centre Masterplan

Item No. 12.2	Food Truck Event
Property Address (if applicable)	Ashfield Reserve, Ashfield
Landowner/Applicant (if applicable)	MiLi Markets (applicant)
Ref	RECC/EVMNGT/9
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.
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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 3	Proposal from MiLi Markets

Purpose

The purpose of this report was for Council to consider an application to stage a fortnightly food truck event on Ashfield Reserve.

Council Resolution/Officer Recommendation – Item 12.2 **OCM – 6/6/21**

MOVED Cr Wilson, Seconded Cr Hamilton, that Council approves the application for a permit to stage fortnightly food truck events on Ashfield Reserve (Colstoun Road end) subject to the following conditions, as well as any other considered appropriate, in the opinion of the Chief Executive Officer:

1. Signage must not be placed on the west side of Colstoun Road in close vicinity to established food premises, nor be placed more than one hour before the commencement of the food truck event nor use the term “Bassendean”;
2. The applicant shall be responsible for the cleanliness of the public toilets on Ashfield Reserve during the operating times of the event;
3. The markets are to comply with Council Policy 2.15 – Single Use Plastics and Balloons; and
4. The markets are not to accommodate Parked Mobile Food Vendors that sell pizzas, kebabs or other products that in the opinion of the Town is materially similar to those foods.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/6/21 5/0

Item No. 12.3	Amendment to existing Development Approval for Additions to Small Bar - Patio and Café Blinds (Patio Wall - Cork and Bottle)
Property Address	Road reserve abutting 77-83 (Lot 144) Old Perth Road, Bassendean
Landowner/Applicant	Landowner - Town of Bassendean Applicant - Robert & Lorraine Hyde
File Ref	DABC/BDVAPP/2020-152/1
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 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. 4	Development Plans Photo of development

Purpose

The purpose of this report was for Council to consider an amendment to the existing development approval for Patio and Café Blinds (Cork and Bottle) in the road reserve abutting 77-83 (Lot 144) Old Perth Road, Bassendean. The matter is referred to Council for determination as Council considered the original application.

Council Resolution/Officer Recommendation – Item 12.3

OCM – 7/6/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council:

1. Approves the amendment to the existing application for development approval for Additions to Small Bar - Patio and Café Blinds (Patio Wall) abutting 77-83 (Lot 144) Old Perth Road, Bassendean so as to include 1.1m walls as marked on the submitted plans and to include a new condition as follows:

If the patio structure is removed, the applicant is to make good the limestone garden bed at its cost and to the Town's satisfaction; and

2. Notes that all previously imposed conditions continue to apply.

CARRIED 4/1

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

Item No. 12.4	Proposed Single House - 31 (Strata Lot 1) Ashfield Parade, Ashfield
Property Address (if applicable)	31 (Strata Lot 1) Ashfield Parade, Ashfield
Landowner/Applicant (if applicable)	Landowner - Anita Petronella Busacca Applicant – Melissa Taylor
Ref	DABC/BDVAPP/2021-038
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. 5	Development Plans Letter of Objection

Purpose

The purpose of this report was for Council to consider an application for a Single House at 31 (Strata Lot 1) Ashfield Parade, Ashfield. The matter is referred to Council for determination as it is outside the authority delegated to staff due to an objection being received during the consultation period.

Council Resolution/Officer Recommendation – Item 12.4 **OCM – 8/6/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council approves the application for development approval for a Single House at 31 (Strata Lot 1) Ashfield Parade, Ashfield, subject to the following conditions:

1. All building works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
2. All stormwater being contained on site. Details of the method of storm water disposal being submitted for approval in conjunction with the application for a Building Permit.
3. Prior to the occupation of the development, a minimum of one medium tree is required to be planted on site in accordance with Local Planning Policy No. 13 – Tree Retention and Provision. The tree must be a minimum of 2m high and 100-litre pot size at the time of planting and both the tree and the tree growth zone must be retained for the life of the development.
4. A notification is to be registered on the Certificate of Title under Section 70A of the *Transfer of Land Act 1893* advising prospective purchasers that the site contains a tree(s) which is required, by a condition of development approval, to be retained to the satisfaction of the Town of Bassendean.
5. The standard finish to the wall built up to boundary must be to the satisfaction of the adjoining owner(s) or in case of a dispute, to the satisfaction of the Town of Bassendean.
6. Provision of side and rear boundary fencing (behind the building line) of 1.8 metres in height. Where the ground levels differ on either side of the fence, the required height shall be measured above the higher ground level.

7. External fixtures, including but not limited to air-conditioning units, clothes drying facilities, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street.
8. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed and thereafter maintained to the satisfaction of the Town of Bassendean.
9. The existing street tree within the street verge adjacent to the development site being protected from damage with barricades during construction in accordance with Council Policy 1.8 – Street Trees.
10. The proponent shall ensure that appropriate on-site measures are implemented to prevent sediment from entering the stormwater system and river during construction, to the satisfaction of the Town of Bassendean, on the advice of the Department of Biodiversity, Conservation and Attractions.
11. The proposed crossover shall be constructed in accordance with the Town of Bassendean’s crossover specifications. Separate approval is to be obtained from the Town of Bassendean’s Asset Services for the proposed crossover, and the crossover being constructed in accordance with that approval.
12. Prior to the occupation of the development, the redundant vehicle crossover is to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town of Bassendean.

CARRIED 4/1

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

Item No. 12.5	Proposed Tree Preservation Order
Property Address	47 (Lot 126) Seventh Avenue, Bassendean
Landowner/Applicant	Jane Marie Bremmer
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.
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<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 <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	TPO nomination and photograph Photographs of tree Letter of Support

Purpose

The purpose of this report was for Council to consider making a Tree Preservation Order (TPO) for a Flooded Gum Tree (*Eucalyptus Rudis*) located at 47 (Lot 126) Seventh Avenue, Bassendean.

Officer Recommendation – Item 12.5

That Council:

1. Does not make a Tree Preservation Order for the Flooded Gum Tree (*Eucalyptus Rudis*) located at 47 (Lot 126) Seventh Avenue, Bassendean; and
2. Delegates to the CEO the ability to make Tree Preservation Orders in accordance with Clause 4.7.7.2 of Local Planning Scheme No. 10 where consent is received from the owner(s) and occupier(s) of the land on which the tree is located, which, for the purpose of this delegation, includes all lots where a tree may overhang.

Cr McLennan moved an alternative motion.

Council Resolution – Item 12.5 **OCM – 9/6/21**

MOVED Cr McLennan, Seconded Cr Wilson, that Council:

1. Makes a Tree Preservation Order for the Flooded Gum Tree (*Eucalyptus Rudis*) located at 47 (Lot 126) Seventh Avenue, Bassendean;
2. Requests that the Chief Executive Officer provide a report to Council in December 2021 so as to enable Council to reconsider the Tree Preservation Order in the event that the tree does not survive;
3. Delegates to the CEO the ability to make Tree Preservation Orders in accordance with Clause 4.7.7.2 of Local Planning Scheme No. 10 where consent is received from the owner(s) and occupier(s) of the land on which the tree is located, which, for the purpose of this delegation, includes all lots where a tree may overhang;

4. Delegates to the CEO the ability to make Tree Preservation Orders in accordance with Clause 4.7.7.3(ii) of Local Planning Scheme No. 10, without notice to the owner(s) and/or occupier(s) of the land on which the tree is located, where there is a risk of imminent damage to the tree requiring an order to be made as a matter of urgency; and
5. Notes that where consent is not received from the owner(s) and occupier(s) of the land on which the tree is located and/or staff do not consider it appropriate to make an order, the matter will be referred to Council for determination.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

REASON: The purpose of a tree preservation order is to ensure that a tree of significance is protected. In this instance, although the tree is currently in poor health and its survival at risk, it has the potential to recover if the remaining healthy branches are not removed. In order to give the tree the best possible chance of survival, a tree preservation order is warranted.

Item No. 12.6	Review of Various Parking Restrictions – Bassendean Oval
Property Address	N/A
Landowner/Applicant	N/A
Ref	LAW/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 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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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 7	Schedule of Submissions Map of proposed restrictions Devon Road Schedule of Submissions Submission 13 Example of Yellow Line Restrictions

Purpose

The purpose of this report was for Council to consider modifying existing football-related parking restrictions in the vicinity of Bassendean Oval.

Officer Recommendation – Item 12.6

That Council, pursuant to Clause 1.9 of the *Parking Local Law 2019*, makes the following modifications to parking restrictions:

1. Removing the existing 'No Parking – 8am to 6pm, Saturday, March to August' restrictions and replacing them with 'No Stopping' yellow edge lines at the following locations:
 - Briggs Street (east side);
 - Brook Street (south side);
 - Calnon Street (east side);
 - Lamb Street (south side - 4 Thompson Street to 11a Lamb Street);
 - Lamb Street (east side - 13 to 21 Lamb Street);
 - Lamb Street (west side - opposite 11 and 11a Lamb Street);
 - North Road (west side - 309 Guildford Road to 26 North Road);
 - Prowse Street (south side);
 - Railway Parade (north side - 28 to 40 Railway Parade);
 - Rosetta Street (east side);
 - Thompson Road (east side); and
 - West Road (east side - Old Perth Road to Devon Road).
2. Installing 'No Stopping' yellow edge lines:
 - from 1 North Road to 19 North Road, Bassendean;
 - in the cul-de-sac (including the entrance and exit of) at Lamb Street (northern end near 21 and 21b Lamb Street);
 - in the cul-de-sac (including the entrance and exit of) at Lamb Street (southern end near 11 Lamb Street); and
 - in the cul-de-sac (including the entrance and exit of) at Rosetta Street.
3. Amending the existing signed restrictions on Devon Road (north) from 'No Parking – 8am to 6pm, Saturday, March to August' to 'No Parking – Saturdays and Sundays'.

Cr Hamilton moved an alternative motion.

Council Resolution – Item 12.6 **OCM – 10/6/21**

MOVED Cr Hamilton, Seconded Cr MacWilliam, that Council defers this item requesting the administration to further investigate the following:

1. Signage to encourage greater utilisation of existing parking spaces currently marked "Drop Off Zone" on the west side of West Road adjoining Bassendean Primary School;

2. Identify opportunities to create additional parking in and around those streets listed in the current report to assist in addressing the loss of street parking created by a transition to “No Stopping” zones;
3. Identify opportunities to potentially increase parking and/or chicanes, median strips etc that may accommodate additional tree planting and reduce the speed of vehicles entering and exiting North Road via Guildford Road with a view to improve overall street amenity and functionality; and
4. Requests a new report outlining the aforementioned investigations and any other means to improve parking functionality in the subject area be provided to Council within six months.

CARRIED UNANIMOUSLY 5/0

REASON: The greatest pressures on parking exist during the football season, which concludes in several weeks. As such there is no immediate pressure to address the parking in the surrounding streets. This allows time to further investigate additional solutions that can mitigate loss of parking if “No Standing” measures are introduced before the 2022 SDFC season.

Item No. 12.7	Disposal of 122 (Lot 110) Hamilton Street, Bassendean
Property Address	122 (Lot 110) Hamilton Street, Bassendean
Landowner/Applicant	Town of Bassendean
File Ref	A81778
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.
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Attachment No. 8	Plan of Subdivision

Purpose

The purpose of this report was for Council to consider disposal of 122 (Lot 110) Hamilton Street, Bassendean.

Officer Recommendation – Item 12.7

That Council authorises the Chief Executive Officer to:

1. Take the necessary steps to create a new 1,843m² Residential zoned lot, located at 122 Hamilton Street, Bassendean; and
2. Seek to dispose of that lot (once it is created) by public tender and notes that the matter will be presented to Council for final determination, following the tender process.

Cr Wilson moved an alternative motion.

Council Resolution – Item 12.7

OCM – 11/6/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council defers consideration of this item and requests that the CEO prepares a confidential report on the range of options for disposal, including consideration of valuations and the merits of the options, including:

- a) disposal of the amalgamated block; and
- b) disposal of the two blocks as currently defined.

CARRIED UNANIMOUSLY 5/0

Item No. 12.8	Review of existing Council Policy 5.5 - Disused Vehicles
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.
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	other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 9	Current Council Policy 5.5 – Disused Vehicle Policy Draft amended Council Policy – Disused Materials

Purpose

The purpose of this report was for Council to consider adopting an amended Council Policy - Disused Materials.

Council Resolution/Officer Recommendation – Item 12.8 **OCM – 12/6/21**

MOVED Cr MacWilliam, Seconded Cr Hamilton, that Council amends Council Policy – Disused Vehicle by adopting draft amended Council Policy – Disused Materials, as attached to this report.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

Item No. 12.9	Revocation of existing Council Policy 5.22 – Reserve Sponsorship Signage
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.
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Attachment No. 10	Council Policy 5.22 – Reserve Sponsorship Signage

Purpose

The purpose of this report was for Council to consider revoking Council Policy 5.22 - Reserve Sponsorship Signage (CP 5.22).

Council Resolution/Officer Recommendation – Item 12.9
OCM – 13/6/21

MOVED Cr Quinton, Seconded Cr MacWilliam, that Council revokes Council Policy 5.22 – Reserve Sponsorship Signage.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

Item No. 12.10	Draft Amended Local Planning Policy No. 16 – Control of Advertisements Under Local Planning Scheme No. 10 (Final Adoption)
File Ref	LUAP/POLCY/16
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. 11	Current LPP No. 16 – Control of Advertisements Under the Local Planning Scheme No. 10 Draft LPP No. 16 – Advertising and Signage

Purpose

The purpose of this report was for Council to consider adopting draft amended Local Planning Policy No. 16 – Advertising and Signage.

Council Resolution/Officer Recommendation – Item 12.10
OCM – 14/6/21

MOVED Cr Wilson, Seconded Cr Hamilton, that Council, pursuant to Clause 4(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (amended), adopts the draft amended Local Planning Policy No. 16 – Advertising and Signage, as contained in the attachment to this report.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/6/21 5/0

Item No. 12.11	Council Policies – Debt Recovery, Financial Hardship and Rates Exemption
Property Address (if applicable)	Various
Landowner/Applicant (if applicable)	Various
File Ref/ROC	RAT&VAL/POLCY2 and RAT&VAL/POLCY1
Previous Council Reports (if applicable)	26 May 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 No. 12	Policy 6.28 – Amended Recovery of Rates and Service Charges

Purpose

The purpose of this report was for Council to review the operation and effectiveness of Council's policies for debt recovery, financial hardship and rates exemption.

Council Resolution/Officer Recommendation – Item 12.11 **OCM – 15/6/21**

MOVED Cr Wilson, Seconded Cr Hamilton, that Council:

1. Receive this report on implementation of the following Council policies:
 - Recovery of Rates and Service Charges Policy;
 - Recovery of Sundry Debts Policy;
 - Financial Hardship Policy; and
 - Rates Exemption Policy.

2. Adopts the amended Council's Recovery of Rates and Service Charges Policy, which includes deleting "(currently 5.5% per annum)" and "(currently 10% per annum)" in Section 1.1 (a) Interest; and

3. Set the next review date for the policies listed at (1) above to 30 June 2023.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/6/21 5/0

Item No. 12.12	Behaviour Complaints Policy – Code of Conduct Council Members, Committee Members and Candidates
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVR/POLCY/1
Previous Council Reports (if applicable)	OCM 27 April 2021 Item 12.8.
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, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 13	Behaviour Complaints Policy – Code of Conduct Council Members, Committee Members and Candidates.

Purpose

The purpose of this report was for Council to consider the adoption of the Behaviour Complaints Policy – Code of Conduct Council Members, Committee Members and Candidates.

Council Resolution/Officer Recommendation – Item 12.12 **OCM – 16/6/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council:

1. Adopts the draft Behaviour Complaints Policy – Code of Conduct Council Members, Committee Members and Candidates; and

2. Directs the CEO to write to the Minister for Local Government advising that the Town of Bassendean –
- (a) does not support the inclusion of local level complaints about alleged behavioural breaches and local governments dealing with complaints provisions in Division 3, clauses 10 and 11; and
- (b) supports an external oversight body to manage local level complaints involving council members as prefaced in the Local Government Review Panel Report, City of Perth, Inquiry Report and Select Committee into Local Government Report.

CARRIED UNANIMOUSLY 5/0

Item No. 12.13	Complaints Committee
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVR/POLCY/1
Previous Council Reports (if applicable)	OCM 27 April 2021 Item 12.8.
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. 14	Draft Delegation of Authority to Complaints Committee

Purpose

The purpose of this report was for Council to consider the establishment of a Complaints Committee pursuant to section 5.8 of the *Local Government Act 1995* (Act), the adoption of the Committee's terms of reference, an instrument of delegation to the Committee, and the appointment of members to the Committee in accordance with s. 5.10 and s. 5.11A of the Act.

Council Resolution/Officer Recommendation – Item 12.13
OCM – 17/6/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council:

1. Pursuant to section 5.8 of the *Local Government Act 1995*, establishes the Complaints Committee, for the purpose of dealing with complaints made under Division 3 of the *Town of Bassendean's Code of Conduct for Council Members, Committee Members and Candidates*;
2. Adopts the Complaints Committee Terms of Reference as attached to this report;
3. Delegates authority to the Complaints Committee as follows:
 - 3.1 Authority to make a finding as to whether an alleged breach, the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].
 - 3.2 Where a finding is made that a breach has occurred, authority to:
 - a. take no further action [MCC.cl.12(4(a)); or
 - b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].
 - 3.3 Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)], subject to the following conditions:
 - a. The Committee will make decisions in accordance with the principles and specified requirements established in Code of Conduct Complaints Management Policy;
 - b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act;
 - c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item;
 - d. In the event of (c) above, the Committee member is to recuse themselves from attendance at the meeting. Should this result in loss of a quorum at the meeting, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a quorum of members is present; and

4. Appoints all Councillors to be members of the Complaints Committee for the 2019/21 Term.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

Item No. 12.14	Festive Season Closure Period (2021/2022)
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVR/POLCY/1
Decision Type	Council
Directorate	Office of the Chief Executive Officer
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. 15	Festive Season Office (Administration) Closure Policy

Purpose

The purpose of this report was to seek Council's agreement to close the Administration from 12noon to 5pm on Friday, 17 December 2021 (End of Year Function) and from Friday, 24 December 2021 to Friday, 7 January 2022 (Festive Season Closure Period).

Council Resolution/Officer Recommendation – Item 12.14 **OCM – 18/6/21**

MOVED Cr Hamilton, Seconded Cr MacWilliam, that in addition to Policy 6.12 - Festive Season Office (Administration) Closure, Council:

1. Approves the closing of the Customer Services Centre, Administration Building, Library, Seniors and Disability Services Office, Wind in the Willows Child Care Centre (Bassendean and Ashfield), Youth Services and Council Depot as per the proposed Festive Season period outlined above;

2. Requests the CEO provides emergency contact details to the public for the Festive period in accordance with Policy 6.12; and
3. Requests the CEO to provide a skeleton staff during the Festive Season in accordance with Policy 6.12.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

Item No. 12.15	Bassendean Local Emergency Management Committee Meetings held on 17 February, 3 March and 5 May 2021
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
File Ref/ROC	GOVN/CCLMEET/12
Previous Council Reports (if applicable)	Nil.
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.
<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. 16	Bassendean Local Emergency Management Committee Minutes - 17 February, 3 March and 5 May 2021.

Purpose

The purpose of this report was for Council to receive the minutes of the Bassendean Local Emergency Management Committee meetings held on 17 February, 3 March and 5 May 2021.

Council Resolution/Officer Recommendation – Item 12.15
OCM – 19/6/21

MOVED Cr Wilson, Seconded Cr Hamilton, that Council receives the Bassendean Local Emergency Management Committee minutes of 17 February, 3 March and 5 May 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/6/21 5/0

Item No. 12.16	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.
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Attachment No.	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 12.16
OCM – 20/6/21

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/6/21 5/0

Item No. 12.17	Calendar for July 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.
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Attachment	Nil

Purpose

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

Council Resolution/Officer Recommendation – Item 12.17 **OCM – 21/6/21**

MOVED Cr McLennan, Seconded Cr Wilson, that Council adopt the calendar for July 2021, **with the start time of the Tuesday 20 July 2021 Briefing Session being amended to 7.00pm.**

CARRIED UNANIMOUSLY 5/0

Item 12.18	Workforce Plan (2021-2025)
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	
Directorate	Office of the Chief Executive Officer
Decision Type	Council
Attachment No. 6	<ul style="list-style-type: none">• Workforce Plan (2021-2025)• Workforce Plan Minor Review (Update as of May 2021)

This Item was withdrawn on request of the CEO.

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 – 22/6/21**

MOVED Cr McLennan, Seconded Cr Quinton, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 7.10pm.

CARRIED 3/2

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

Item No. 16.1	Variation of Contract - Town Centre Masterplan
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 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	Nil.

This matter was considered with members of the public excluded from the Chambers under Clause 5.23 (2) (c) of the Local Government Act 1995, as the report discusses a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Council Resolution/Officer Recommendation – Item 16.1
OCM – 23/6/21

MOVED Cr MacWilliam, Seconded Cr McLennan, that Council approves the increase in funding for the contract with Creating Communities Australia for the preparation of a Masterplan for the Bassendean Town Centre from \$100,000 to \$120,000, with the increase sourced from Municipal Funds, which are effectively available by virtue of forfeited development bonds.

LOST AS AN ABSOLUTE MAJORITY VOTE WAS NOT ACHIEVED 3/2

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

Council Resolution – Item 16.0(b)
OCM – 24/6/21

MOVED Cr Wilson, Seconded Cr McLennan, that the meeting come from behind closed doors, the time being 7.35pm.

CARRIED UNANIMOUSLY 5/0

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 20 July 2021.
The next Ordinary Council Meeting will be held on Tuesday 27 July 2021.

There being no further business, the Presiding Member declared the meeting closed, the time being 7.35pm.