

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 27 JULY 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

August will focus on the future of the town centre. The Town will be holding open days and static displays and we encourage everyone to provide feedback on the future of the town centre.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

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

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 Brice Campbell, Coordinator Recycling & Waste
Ms Elizabeth Kania, Manager Governance & Strategy
Mrs Amy Holmes, Minute Secretary

Public

Approximately 15 members of the public were in attendance.

Press

One member of the press was in attendance.

Leave of Absence

Council Resolution – Item 3.0 OCM – 1/7/21

MOVED Cr Wilson, Seconded Cr Hamilton, that Cr MacWilliam be granted a leave of absence for 28 July to 6 August.

CARRIED UNANIMOUSLY 7/0

4.0 DECLARATIONS OF INTEREST

Cr Renee McLennan declared an Impartiality Interest for Item 12.2 as she has a remote family connection with a board member.

5.0 PRESENTATIONS OR DEPUTATIONS

Nil

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

Mr Ross McDonald

Can we send the proposed contract (for 1 Surrey Street) to an appropriate lawyer, at the Museum of Perth's expense, for advice before the Town continues negotiations.

The Chief Executive Officer advised that there have been some discussions with lawyers as part of this process. As part of finalising negotiations, the Town will engage a lawyer to complete the paperwork.

Will you delay any decision until you get that legal advice and let people know the outcome of that legal advice.

The Mayor advised that it is a matter for Council to consider at tonight's meeting.

Mr Mark Johnston, Ida Street, Bassendean

How does the sale of 1 Surrey Street benefit the ratepayers, the residents and the community.

The Mayor commented that the Expression of Interest provided by the Museum of Perth has included provision for the art groups and the Bassendean History Society and it is keen to include those groups in the continued use of the building.

How is the Council going to address the ambiguity of the Museum of Perth being the preferred tenderer when they are unable to hold land and are actually the Perth Museum not the Museum of Perth.

The Mayor attempted to respond to Mr Johnston's questions, but due to interruption from Mr Johnston and disruption from the public gallery, the Mayor requested Mr Johnston return to his seat.

The Mayor later provided the following response for inclusion in the Minutes:

- The historical buildings are being restored and preserved by a reputable Perth organisation with experience and expertise in heritage sites.
- Enhanced opportunity to share and celebrate our history with plans for local history research being undertaken by staff and volunteers and exhibitions.
- Community continuing to have access and potentially significantly more access than at present, to the site.
- BHS & BAC being offered office / storage space.

- Minimal financial imposition on our small base of ratepayers.

Mrs Jennie Carter, 8 Hyland Street, Bassendean

The Museum of Perth will need access to the local history collection. This may be against the intentions of the people of Bassendean who have donated items to the collection. People may wish to remove items. Have Councillors considered issues of copyright and the intellectual property in this collection. What extra duties will be expected of the Local Studies Librarian in servicing the information needs for this private organisation. If the Museum of Perth can't have access to the local history information, it's not going to work.

The Director Community Planning advised that depending on the outcome of this item at tonight's meeting, this may be a matter that needs to be considered.

Mr Brown

Is the Council aware that the Perth History Association is a registered organisation under the ACNC legislation.

The Mayor responded that yes we are aware.

Is the Council aware that under that legislation, the Perth History Association are required to carry out proper audits of its books and have those audits published within six months of the end of the financial year. Has the Perth History Association carried that out according to its website.

Is the Council aware that the latest published reports on the Perth History Association website are for 2019 and those reports show a deficit for trading and a deficit for assets.

The Mayor responded that yes we are aware. Council has been provided with those statements and we are aware that the audited statements of 2019 are on its website.

To what extent does the Council have to exercise due diligence to enter into an arrangement like this to ensure that there is minimal risk and a capacity within the organisation to meet all the benchmarks required in the arrangement.

The Mayor responded that it is incumbent upon the local government to complete its due diligence. Staff have been working with the preferred tenderer. The financials have been provided to Councillors and they can decide whether the organisation has the ability to deliver on the proposal.

Mrs Jennie Carter, 8 Hyland Street, Bassendean

Why have 20 submissions been refused by the Town of Bassendean. There was nothing on the website to indicate that only ratepayers were permitted to make a submission. All submissions should be provided.

The Mayor advised that Councillors have been provided with all submissions, including those from outside the Town.

The CEO commented that all submissions have been included, however some have been redacted so as not to include names and addresses of submitters or any defamatory comments.

I did not request to remain anonymous however my name has been removed from my submission. Please identify those people and organisations unless they have requested otherwise.

The CEO responded that we can arrange for those submissions to be updated.

Mr Paul Poliwka – 193 Weast Road, Bassendean

Of the submissions received from outside the district, do we have a record of those who were for and against.

The Director Community Planning advised that there were 61 objections in total. Of the 20 that originated outside the district, all were objections.

Council Resolution – Item 7.0
OCM – 2/7/21

MOVED Cr Quinton, Seconded Cr MacWilliam, that Public Question Time be extended for a further five minutes.

CARRIED UNANIMOUSLY 7/0

Mr Paul Bridges, 150 West Road, Bassendean

In the draft Town Centre Master Plan, in the public open space document it fails to identify the 341sqm of Council owned park adjacent to the RSL Hall. Why has it been left out.

The Director Community Planning commented that under the draft LPS11 the RSL site is proposed to be rezoned to a developmental site rather than public open space. This proposal is reflected in the draft Master Plan.

The Mayor advised that Council has not yet endorsed the plan. We need to hear feedback if there is community concern.

When will the community get the opportunity to comment on LPS11.

The Director Community Planning advised that LPS11 was considered by Council in November last year and submitted to the Planning Commission for review. There were a few issues so the Town prepared some revised documents which were again submitted to the Department.

After almost ten weeks with the Department, the documents have come back to the Town in the last day or two. Staff are viewing the comments from the Department. It is intended to submit a report to Council in August 2021 to provide an update.

The Mayor commented that once the Town receives permission we can advertise the document and give the community the opportunity to comment.

The draft plan put forward as the preferred option reduces the size of the oval and gives extra development space. Bassendean Oval is state heritage listed. Why has this been ignored and the size of the oval reduced.

The Director Community Planning responded that the Bassendean Oval is heritage listed. Given the possibility of reducing the oval as part of the initial consultation process, staff enquired with the Department of Lands and Heritage and it did not raise any concerns. Any changes will need to go through a process.

8.0 PETITIONS

Nil

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 22 June 2021

Council Resolution/Officer Recommendation – Item 9.1(a) **OCM – 3/7/21**

MOVED Cr MacWilliam, Seconded Cr Quinton, that the minutes of the Ordinary Council meeting held 22 June 2021, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.1(b)
OCM – 4/7/21

MOVED Cr McLennan, Seconded Cr Wilson, that the minutes of the Ordinary Council meeting held on 22 June 2021, be confirmed as a true record, subject to the following amendment being made to Item 16.1 - Variation to Contract (OCM-23/6/21 refers) to delete the resolution that states:

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.”

The record is amended to state that the matter was not dealt with in accordance with the *Council Meeting Procedures Local Law 2020* and no vote was taken.

CARRIED UNANIMOUSLY 7/0

9.2 Special Council Meeting held on 29 June 2021

Council Resolution/Officer Recommendation – Item 9.2(a)
OCM – 5/7/21

MOVED Cr Quinton, Seconded Cr MacWilliam, that the minutes of the Special Council meeting held 29 June 2021, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.2(b)
OCM – 6/7/21

MOVED Cr Quinton, Seconded Cr McLennan, that the minutes of the Special Council meeting held on 29 June 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. 3	WALGA East Metropolitan Zone Meeting – Meeting Notes 24 June 2021 EMRC Ordinary Council Meeting – Abridged Minutes 24 June 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 – 7/7/21**

MOVED Cr Wilson, Seconded Cr Hamilton, 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 12.2, 12.3, 12.5, 12.9, and 12.13 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1 OCM – 8/7/21

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

Item	Report
12.4	Joint Development Assessment Panel Application - Tavern (Additions and Alterations to Bassendean Hotel) - Amendment
12.8	Fencing Local Law 2013 – Periodic Review
12.11	Draft amended Local Planning Policy No. 12 – Developments within the Street Setback Area
12.15	Audit and Governance Committee Meeting held on 9 June 2021
12.16	Accounts Paid – May and June 2021
12.17	Monthly Financial Report – May and June 2021
12.18	Use of Common Seal
12.19	Calendar for August 2021

CARRIED UNANIMOUSLY 7/0

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

Item	Report
12.2	Disposal of Town property – 1 (Lot 50) Surrey Street, Bassendean
12.3	Proposed Tree Preservation Order
12.5	Existing Carport and Patio - 50 (Lot 585) Faulkner Way, Eden Hill
12.6	Purchase of Lot 304 Kenny Street
12.7	Proposed Change of Use to Use Not Listed (Function Centre & Creative Space)
12.9	Draft Local Heritage Survey
12.10	Licence Agreement - Telethon Community Cinemas
12.12	FOGO in Schools
12.13	Traffic Management Request for Railway Parade
12.14	Review of Delegations Register
16.1	Verge Collection and Baywaste
16.2	CEO Performance Review Report

Item No. 12.2	Disposal of Town property – 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	
Previous Council Reports (if applicable)	25 May 2021 24 November 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.
<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. 4	Museum of Perth proposal Submissions (redacted)

Purpose

The purpose of this report was for Council to consider the potential disposal of 1 (Lot 50) Surrey Street, Bassendean, which is currently owned by the Town.

Council Resolution/Officer Recommendation – Item 12.2 **OCM – 9/7/21**

MOVED Cr Wilson, Seconded Cr MacWilliam, that Council:

1. Agrees to sell 1 (Lot 50) Surrey Street, Bassendean to the Perth History Association Inc. t/a Museum of Perth on the following basis:
 - Sale price: \$1 (one dollar); and
 - Condition of sale: The purchaser shall enter into a formal contract of sale with the Town of Bassendean, with terms relating to the following, and secured by an absolute caveat; registered upon the Certificate of Title at settlement:

- the purchaser, to the satisfaction of the Town, to provide, as a minimum, community access to the Pensioner Guard Cottage on a monthly basis;
 - the purchaser, to the satisfaction of the Town, to undertake restoration of the existing Residence over a period of up to four years (and thereafter maintain both buildings), in accordance with the staged implementation plan provided by the purchaser to the seller dated May 2021 and as contained in its expression of interest submission;
 - if the restoration is not completed within four years (or such other time as is agreed with Council), the Town is able to purchase back the site for \$1 (one dollar);
 - the site is not permitted to be subdivided; and
2. Requests the Chief Executive Officer undertake the actions required to finalise the disposal.

CARRIED BY AN ABSOLUTE MAJORITY 6/1

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

Item No. 12.3	Proposed Tree Preservation Order
Property Address	19 (Lot 43) Nurstead Avenue, Bassendean
Landowner/Applicant	Kayt Davies – Applicant Department of Communities - Landowner
Ref	TPO/2021/5
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.
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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 Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment	Nil.

Purpose

The purpose of this report was for Council to consider a nomination for a tree preservation order (TPO) for an Australian umbrella tree (*Schefflera actinophylla*) at 19 (Lot 43) Nurstead Avenue, Bassendean. The matter is required to be determined by Council as the landowner has objected to the proposed TPO.

Cr Barty left the meeting at 7.18pm and returned at 7.20pm.

Council Resolution/Officer Recommendation – Item 12.3 **OCM – 10/7/21**

MOVED Cr Quinton, Seconded Cr McLennan, that Council makes a Tree Preservation Order for an Australian umbrella tree (*Schefflera actinophylla*) at 19 (Lot 43) Nurstead Avenue, Bassendean.

CARRIED 6/1

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

Item No. 12.4	Joint Development Assessment Panel Application - Tavern (Additions and Alterations to Bassendean Hotel) - Amendment
Property Address	Lot 5 (No.17) & Lot 6 (No. 23) Old Perth Road, Bassendean
Landowner/Applicant	Bassendean Hotel Holdings Pty Ltd
Ref	DABC/DBVAPPS/2021-022/1
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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 5	Responsible Authority Report

Purpose

The purpose of this report was for Council to provide a recommendation to the Metro Inner-North Joint Development Assessment Panel (JDAP) for a proposed amendment to the existing development approval for a Tavern (Additions and Alterations to Bassendean Hotel).

Council Resolution/Officer Recommendation – Item 12.4 **OCM – 11/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council endorses the Officer Recommendation contained within the attached Responsible Authority Report on the basis that the proposed development is consistent with LPS 10 and relevant local planning policies, with the exception of those requirements that have previously been adequately addressed via conditions.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

Item No. 12.5	Existing Carport and Patio - 50 (Lot 585) Faulkner Way, Eden Hill
Property Address	50 (Lot 585) Faulkner Way, Eden Hill
Landowner/Applicant	Landowner: Jarryd Antcliff and Hayley Sluchniak Applicant: Paramount Patios
File Ref	DABC/BDVAPP/2021-088
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. 6	Development Plans and Photographs of Structures

Purpose

The purpose of this report was for Council to consider an application for development approval for an existing carport and patio at 50 (Lot 585) Faulkner Way, Eden Hill. 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, and as the applicant has elected the matter be determined by Council.

Council Resolution/Officer Recommendation – Item 12.5 **OCM – 12/7/21**

MOVED Cr Hamilton, Seconded Cr Wilson, that Council refuses the application for development approval for an existing carport and patio at 50 (Lot 585) Faulkner Way, Eden Hill, for the following reasons:

1. The proposal does not comply with State Planning Policy 7.3 – Residential Design Codes, with respect to secondary street setback and lot boundary setback requirements;
2. The proposal does not comply with Local Planning Policy No. 12 – Developments within the Street Setback Area, as the design, colours, material and roof pitch of the development is inconsistent with the dwelling; and
3. The proposal detrimentally impacts the amenity of the locality as it is inconsistent with the character of the existing and desired streetscape, as prescribed within the Town of Bassendean Built Form and Character Study.

CARRIED UNANIMOUSLY 7/0

Item No. 12.6	Purchase of Lot 304 Kenny Street
Property Address (if applicable)	Lot 304 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.
<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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<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment	Nil.

Purpose

That Council considers purchasing Lot 304 Kenny Street, Bassendean.

Council Resolution/Officer Recommendation – Item 12.6 **OCM – 13/7/21**

MOVED Cr Wilson, Seconded Cr Hamilton, that Council:

1. Purchases Lot 304 Kenny Street, Bassendean, on Deposited Plan 417198 for \$2,400; and
2. Waives rates for Lot 304 Kenny Street, Bassendean, on Deposited Plan 417198, for the 2021/22 financial year, in accordance with Section 6.47 of the *Local Government Act 1995*.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.7	Proposed Change of Use to Use Not Listed (Function Centre & Creative Space)
Property Address (if applicable)	Lot 7 (Unit 7, No. 15) Dyer Road, Bassendean
Landowner/Applicant (if applicable)	Quincunx Pty Ltd/Blank Canvas Quarter
Ref	2021-083
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	Location Plan Development Plans Applicant's Cover Letter

Purpose

The purpose of this report was for Council to consider an application for development approval for a change of use to a Use Not Listed (Function Centre & Creative Space) within Lot 7 (Unit 7, No. 15) Dyer Road, Bassendean.

The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a Use Not Listed under Local Planning Scheme No. 10 (LPS 10).

Council Resolution/Officer Recommendation – Item 12.7 **OCM – 14/7/21**

MOVED Cr Quinton, Seconded Cr Barty, that Council approves the application for development approval for the proposed change of use for a Use Not Listed (Function Centre and Creative Space) at lot 7 (Unit 7, No. 15) Dyer Road, Bassendean, subject to the following conditions:

1. Prior to the commencement of the development, a Waste Management Plan is to be submitted and approved to the satisfaction of the Town of Bassendean. The Waste Management Plan shall address matters included in the Western Australian Local Government Association's Commercial Waste Guidelines, including additional information on, but not necessarily limited to, the following:
 - (i) Measures to be implemented for the purpose of minimizing the delivery of waste to landfill, including the onsite separation of materials for recycling;
 - (ii) A detailed plan of the bin storage area;
 - (iii) the volume and the type of waste to be placed in the bins, including a waste generation calculation; and
 - (iv) Details of intended method of collection, including arrangements for a private contractor.

The development must be carried out in accordance with the approved Waste Management Plan and maintained at all times, for the duration of development.

2. Prior to the commencement of the development, an Event Management Plan is to be submitted and approved to the satisfaction of the Town of Bassendean. The Event Management Plan shall address matters including but not necessarily limited to, the following:
 - (i) A telephone number or numbers and an email address or addresses to be maintained through which a complaint concerning the development may be made at any time;
 - (ii) Details as to how complaints will be responded to and addressed;
 - (iii) Details as to how patrons will be made aware of and comply with relevant legislative requirements, including the requirements of the *Liquor Control Act 1988*, *Food Act 2008* and Environmental Protection (Noise) Regulations 1997; and
 - (iv) Incident management, including emergency management and first aid.

The development must be carried out in accordance with the approved Event Management Plan at all times, to the satisfaction of the Town of Bassendean.

3. Prior to the commencement of the development, a Parking Management Plan is to be submitted and approved to the satisfaction of the Town of Bassendean. Car parking management shall be undertaken in accordance with the approved Parking Management Plan at all times to the satisfaction of the Town of Bassendean.
4. Unless otherwise demonstrated by a suitability qualified Acoustic Consultant that the development on-site will comply with the *Environmental Protection (Noise) Regulations 1997* at all times, amplified sound shall cease from the site by 10:00pm.
5. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
6. Car parking bays and areas designated for landscaping shall not be used for the storage, display or selling of any goods or vehicles.

CARRIED UNANIMOUSLY 7/0

Item No. 12.8	Fencing Local Law 2013 – Periodic Review
Property Address	N/A
Landowner/Applicant	N/A
File Ref	LAW/LOCLWS/2
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.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 8	Fencing Local Law 2013

Purpose

The purpose of this report was for Council to note the periodic review of the *Fencing Local Law 2013* following public consultation.

Council Resolution/Officer Recommendation – Item 12.8 **OCM – 15/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council approves the review of the Fencing Local Law, with the next review to be scheduled for 2029.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

Item No. 12.9	Draft Local Heritage Survey
Property Address	N/A
Landowner/Applicant	N/A
File Ref	LUAP/REGSTN/3
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes 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. 9	Draft Local Heritage Survey

Purpose

The purpose of this report was for Council to consider endorsing the draft Local Heritage Survey (LHS) for the purposes of advertising.

Officer Recommendation – Item 12.9

That Council endorses the draft Local Heritage Survey, as contained as an attachment to this report, for the purpose of advertising for public comment.

Cr Hamilton moved a motion to defer the item.

Council Resolution – Item 12.9
OCM – 16/7/21

MOVED Cr Hamilton, Seconded Cr Wilson, that the item be deferred pending further work on the thematic history section.

CARRIED UNANIMOUSLY 7/0

Item No. 12.10	Licence Agreement - Telethon Community Cinemas
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	LEGL/AGMT/161
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 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.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 10	Licence Agreement P/E 21 March 2021

Purpose

The purpose of this report was for Council to consider approving a new licence agreement for Movies by Burswood Inc. for the staging of the Telethon Community Cinemas at BIC Reserve, Bassendean.

Council Resolution/Officer Recommendation – Item 12.10
OCM – 17/7/21

MOVED Cr Wilson, Seconded Cr Barty, that subject to the Minister for Lands granting consent to the Agreement, Council authorises the Town enter into a new Licence Agreement for Movies by Burswood Bassendean, based on the previous licence but with the following additional terms:

1. The licence be for a two year period, commencing 1 December 2021 and expiring 31 March 2023 with a mutual option for a further 12 months;

2. A mutual non-disparagement clause to ensure good conduct between both parties; and
3. A formalised requirement for the Town to be acknowledged in all communications and promotions.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.11	Draft amended Local Planning Policy No. 12 – Developments within the Street Setback Area
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	LUAP/POLCY/17
Directorate	N/A
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	Existing Local Planning Policy 12 – Development within the Street Setback Area Draft Local Planning Policy 12 – Residential Development and Fences

Purpose

The purpose of this report was for Council to consider amending Local Planning Policy No. 12 – Development within the Street Setback Area (LPP 12), for the purposes of advertising.

Council Resolution/Officer Recommendation – Item 12.11

OCM – 18/7/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises the draft amended Local Planning Policy No. 12 – Residential Development and Fences.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

Item No. 12.12	FOGO in Schools
Directorate	Environment and Sustainability
File Ref	WSTMNGT/SVPROVN/3
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	Nil

Purpose

For Council to consider providing FOGO services to schools within the Town at no charge.

Council Resolution/Officer Recommendation – Item 12.12 **OCM – 19/7/21**

MOVED Cr Hamilton, Seconded Cr Quinton, that Council delegates to the CEO, the authority to waive \$6,720 to provide up to six FOGO service charges for the 2021/22 period.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.13	Traffic Management Request for Railway Parade
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	ROAD/STMNGT/1
Previous Council Reports (if applicable)	N/A
Directorate	Infrastructure
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. 12	Policy No. 1.2 - Traffic Management Treatment Policy & Guidelines Option 1 – Rubber Speed Cushions Option 2 - Asphalt Speed Plateau

Purpose

The purpose of this report was for Council to consider undertaking community consultation (consistent with Policy No. 1.2 – Traffic Management Treatment Policy & Guidelines), for the implementation of local area traffic management treatment on Railway Parade between Lord Street and Second Avenue, Bassendean.

Officer Recommendation – Item 12.13

That Council:

1. Endorses the commencement of consultation with the affected property owners on Option 1 to install Rubber Speed Cushions on Railway Parade between Lord Street and Second Avenue, Bassendean; and
2. Notes that based on favourable results of the consultation with affected property owners, rubber speed cushions be installed in Railway Parade, Bassendean.

Cr Hamilton moved an alternative motion.

Council Resolution – Item 12.13 **OCM – 20/7/21**

MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Requests staff update the Traffic Management Treatment Policy and Guidelines for the consideration of Council by December 2021; and
2. Requests staff explore alternative traffic calming solutions including any potential to reduce the total proposed number of asphalt speed plateaus.

CARRIED UNANIMOUSLY 7/0

Item No. 12.14	Review of Delegations Register
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOV/CCLMEET/06
Previous Council Reports (if applicable)	27 October 2020
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. 13	Delegations Register

Purpose

The purpose of this report was for Council to review the delegations to the Audit and Governance Committee, the Complaints Committee, and to the Chief Executive Officer under s. 5.46(2) of the *Local Government Act 1995*.

Officer Recommendation – Item 12.14

That Council:

1. in accordance with Section 5.46(2) of the Local Government Act 1995, reviews its delegations to the Audit and Governance Committee, Complaints Committee, and those delegations to the Chief Executive Officer; and
2. in accordance with Section 5.42(1) of the Local Government Act 1995, adopts the amended delegations of authority to the Chief Executive Officer as provided in the attachment to this report.

Cr Hamilton moved a motion to defer the item.

Council Resolution – Item 12.14
OCM – 21/7/21

MOVED Cr Hamilton, Seconded Cr Wilson that this Item be deferred to the August Ordinary Council Meeting.

CARRIED UNANIMOUSLY 7/0

Item No. 12.15	Audit and Governance Committee Meeting held on 9 June 2021
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/CCLMEET/18
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 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. 14	Minutes of the Audit and Governance Committee meeting held on 9 June 2021
Confidential Attachment No. 1	Audit Risk Register Report on Settlement of Legal Dispute

Purpose

The purpose of this report was for Council to receive the report on the meeting of the Audit and Governance Committee held on 9 June 2021.

Council Resolution/Officer Recommendation – Item 12.15
OCM – 22/7/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council receives the report on the Audit and Governance Committee meeting held on 9 June 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

Item No. 12.16	Accounts Paid – May and June 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. 15	List of Payments May 2021 and June 2021

Purpose

The purpose of this report was for Council to receive the list of payments for May 2021 and June 2021.

Council Resolution/Officer Recommendation – Item 12.16
OCM – 23/7/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council receive the list of payments for May 2021 and June 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

Item No. 12.17	Monthly Financial Report – May and June 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. 16	Monthly Financial Report – May and June 2021

Purpose

The purpose of this report was for Council to receive the monthly financial report for May and June 2021.

Council Resolution/Officer Recommendation – Item 12.17 **OCM – 24/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council receive the monthly financial report for May and June 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 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 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 12.18

OCM – 25/7/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council notes that the Common Seal was not affixed to any documents during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

Item No. 12.19	Calendar for August 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 August 2021.

Council Resolution/Officer Recommendation – Item 12.19 **OCM – 26/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council adopt the calendar for August 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 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 – 27/7/21**

MOVED Cr Hamilton, 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 7.58pm.

CARRIED UNANIMOUSLY 7/0

Item No. 16.1	Verge Collection and Baywaste
Directorate	Environment and Sustainability
File Ref	WSTMNGT/SVPROVN/3
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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<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.
Confidential Attachment No. 2	SUEZ On Demand Bulk Waste Proposal

Purpose

For Council to consider how residents dispose of bulky items with scheduled collections and tip passes.

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.

Council Resolution/Officer Recommendation – Item 16.1 **OCM – 28/7/21**

MOVED Cr Gangell, Seconded Cr Hamilton, that Council endorse Option 1 – Not Accept Both Proposals as there is no increased cost in the 2021/22 financial year for this option and that the cost of tip passes through Baywaste will be included in the 2022/23 Budget.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 16.2	CEO Performance Review Report
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/POLCY/2
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 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</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachment No. 3	Standards for CEO Recruitment, Performance and Termination Policy Draft Annual CEO Performance Review Report

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.

The Chief Executive Officer, Director Community Planning, Executive Manager Infrastructure, Coordinator Recycling & Waste, Manager Governance & Strategy and the Minute Secretary left the meeting at 8.10pm and did not return. The Director Corporate Services and all Councillors remained.

Purpose

Council was requested to resolve the outcome and recommendations from the (Final) Annual CEO Performance Review Report provided by Anthony Quahe, Civic Legal. This is in line with Council's adopted 'Standards for CEO Recruitment, Performance and Termination' Policy (OCM 25.5.2021) and the *Local Government Act 1995*.

Officer Recommendation – Item 16.2

That Council:

1. Endorse the performance of the CEO, Peta Mabbs, for the 2020/2021 period, in accordance with results identified in this Annual CEO Performance Review Report;
2. Approve a 1% increase of the salary (cash component) of the CEO Remuneration Package, effective 1 July 2021;
3. Supports future decisions of the CEO in selecting suitable professional development opportunities throughout the 2021/2022 financial year in accordance with her contractual allowance (\$3,000 per annum); and
4. Notes that the CEO's KPIs for the 2021/2022 period require further discussion in a meeting with the CEO ahead of the August Ordinary Council Meeting.

Cr Wilson moved the officer recommendation, with point two deleted.

Alternative Motion/Officer Recommendation – Item 16.2

MOVED Cr Wilson, Seconded Cr Gangell, that Council:

1. Endorse the performance of the CEO, Peta Mabbs, for the 2020/2021 period, in accordance with results identified in this Annual CEO Performance Review Report;
2. Supports future decisions of the CEO in selecting suitable professional development opportunities throughout the 2021/2022 financial year in accordance with her contractual allowance (\$3,000 per annum); and
3. Notes that the CEO's KPIs for the 2021/2022 period require further discussion in a meeting with the CEO ahead of the August Ordinary Council Meeting.

LOST 3/4

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

REASON: Consistent with the determination of the Salaries and Wages Tribunal on Local Government Chief Executive Officers and Elected Members.

Point 2 of the officer recommendation was considered separately.

Council Resolution – Item 16.2(a)
OCM – 29/7/21

MOVED Cr Quinton, Seconded Cr MacWilliam, that Council:

2. Approve a 1% increase of the salary (cash component) of the CEO Remuneration Package, effective 1 July 2021;

CARRIED 4/3

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

Council Resolution/Officer Recommendation – Item 16.2(b)
OCM – 30/7/21

MOVED Cr Quinton, Seconded Cr MacWilliam, that Council:

1. Endorse the performance of the CEO, Peta Mabbs, for the 2020/2021 period, in accordance with results identified in this Annual CEO Performance Review Report;
2. Approve a 1% increase of the salary (cash component) of the CEO Remuneration Package, effective 1 July 2021;
3. Supports future decisions of the CEO in selecting suitable professional development opportunities throughout the 2021/2022 financial year in accordance with her contractual allowance (\$3,000 per annum); and
4. Notes that the CEO's KPIs for the 2021/2022 period require further discussion in a meeting with the CEO ahead of the August Ordinary Council Meeting.

CARRIED 6/1

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

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 17 August 2021, commencing at 6pm. The next Ordinary Council Meeting will be held on Tuesday 24 August 2021, commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 8.30pm.