

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 25 AUGUST 2020 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

This weekend marks the 10th Anniversary of the Old Perth Road Markets.

Happy Birthday to Cr Chris Barty.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

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

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Paul White, Director Corporate Services
Mr Luke Gibson, Director Community Planning
Mr Phil Adams, Executive Manager Infrastructure
Mr Jeremy Maher, Manager Sustainability & Environment
Ms Donna Shaw, Manager Development & Place
Ms Elizabeth Kania, Manager Governance & Strategy
Ms Deanie Carbon, Corporate Communications Coordinator
Mrs Amy Holmes, Minute Secretary

Public

Six members of the public were in attendance.

Press

Nil

Council Resolution – Item 3.0

OCM – 1/08/20

MOVED Cr McLennan, Seconded Cr Quinton, that Cr Hamilton be granted a leave of absence for 26 to 30 September 2020.

CARRIED UNANIMOUSLY 7/0

4.0 DECLARATIONS OF INTEREST

Cr Chris Barty declared a proximity interest for Item 12.7, as his property is located within the flood fringe and the policy may impact any future development of his property.

5.0 PRESENTATIONS OR DEPUTATIONS

Mr Craig Lucanus and Mr Brian Bethune, addressed Council on Item 12.7 - Draft Amended Local Planning Policy No. 4 – Floodplain Management and Development.

6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEMS

Nil

7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

Mr Philip Watson, 15 Parnell Parade Bassendean

Will Council accept negligence for the damage caused by the falling tree and will Council assist me in making a successful claim for damages?

The CEO responded that Officers would be happy to meet with Mr Watson to clarify the advice received from the Local Government Insurance Service (LGIS).

With all the information going out about planting trees, will the Council make the public aware of the liabilities as far as falling branches or trees go?

The Mayor responded that the Town does make an effort to maintain trees to avoid the likelihood of accidents happening.

8.0 PETITIONS

Nil

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 28 July 2020

Council Resolution/Officer Recommendation – Item 9.1(a) **OCM – 2/08/20**

MOVED Cr Wilson, Seconded Cr MacWilliam, that the minutes of the Ordinary Council Meeting held on 28 July 2020, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.1(b) **OCM – 3/08/20**

MOVED Cr Wilson, Seconded Cr Hamilton, that the minutes of the Ordinary Council Meeting held on 28 July 2020, 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 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
Ref	INFM/INTPROP/1
Directorate	Chief Executive
Decision Type	Executive
Attachment No. 2	EMRC Delegates Report – 23 July 2020

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 – 4/08/20**

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

CARRIED UNANIMOUSLY 7/0

12.0 REPORTS

12.1 Adoption of Recommendations En Bloc

It was agreed that items 12.3, & 12.7 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1 **OCM – 5/08/20**

MOVED Cr Wilson, Seconded Cr Barty, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 25 August 2020:

Item	Report
12.2	Proposed Tree Preservation Order - 10 (Lot 4) Anzac Terrace, Bassendean
12.6	Draft Local Planning Policy No. 6 - Industrial Zones Design Guidelines
12.9	Festive Season Closure 2020/21
12.10	Audit and Governance Committee Meeting held on 5 August 2020
12.11	Accounts Paid – July 2020
12.12	Monthly Financial Report – July 2020
12.13	Use of Common Seal
12.14	Calendar for September 2020

CARRIED UNANIMOUSLY 7/0

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

Item	Report
12.3	Proposed Tree Preservation Orders - 40 (Lot 2) and 42 (Lot 3) North Road, Bassendean
12.4	Draft Local Planning Policy – Home Based Businesses
12.5	Revocation of Local Planning Policy No. 18 – Landscaping with Local Plants
12.7	Draft Amended Local Planning Policy No. 4 – Floodplain Management and Development
12.8	Food and Health Inspection Fees

Item 12.2	Proposed Tree Preservation Order
Property Address (if applicable)	10 (Lot 4) Anzac Terrace, Bassendean
Landowner/Applicant (if applicable)	Bruce Armstrong & Katherine McCann
Ref	ENVM/NOTIF/1
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 3	Arboricultural Assessment

Purpose

The purpose of this report was for Council to consider making a Tree Preservation Order (TPO) for the Lemon Scented Gum (*Corymbia citriodora*) located at 10 (Lot 4) Anzac Terrace, Bassendean.

Council Resolution/Officer Recommendation – Item 12.2 **OCM – 6/08/20**

MOVED Cr Wilson, Seconded Cr Barty, that Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes a Tree Preservation Order for the Lemon Scented Gum (*Corymbia citriodora*) located at 10 (Lot 4) Anzac Terrace, Bassendean.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item 12.3	Proposed Tree Preservation Orders
Property Address	40 (Lot 2) and 42 (Lot 3) North Road, Bassendean
Landowner	Hilary Lewis
Ref	ENVM/NOTIF/1
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 4	<ul style="list-style-type: none">• Consultation Plan• Submission• Landowner Comment• Arboricultural Assessment

Purpose

The purpose of this report was for Council to consider making tree preservation orders (TPOs) for seven trees located at 40 (Lot 2) and 42 (Lot 3) North Road, Bassendean.

Officer Recommendation – Item 12.3

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No.10:

1. Makes Tree Preservation Orders for the three trees located on 40 (Lot 2) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020;
2. Makes Tree Preservation Orders for the four trees located on 42 (Lot 3) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020; and
3. Directs the landowner to undertake the maintenance of each tree in accordance with the recommendations of the submitted arboricultural assessment, within 90 days of the date of this resolution.

Cr McLennan moved the officer recommendation with the deletion of point 3.

Council Resolution – Item 12.3

OCM – 7/08/20

MOVED Cr McLennan, Seconded Cr Quinton, that Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No.10:

1. Makes Tree Preservation Orders for the three trees located on 40 (Lot 2) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020;
2. Makes Tree Preservation Orders for the four trees located on 42 (Lot 3) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020.

CARRIED UNANIMOUSLY 7/0

Reason: The Town wants to encourage the protection of mature trees and identified the trees on Lot 40 & 42 as worthy of a tree preservation order (TPO). Although the property owner is supportive of the TPO, the costs associated with the high standard of tree maintenance and remedial work recommended by the arboriculturalist is a barrier. As the outcome being sought is the protection of the trees, this desirable but not essential remedial work should not be an obstacle to the TPO being applied.

Item 12.4	Draft Local Planning Policy – Home Based Businesses
Property Address	N/A
Landowner/Applicant	N/A
Ref	
Directorate	Community Planning
Decision Type	Executive
Attachment No. 5	<ul style="list-style-type: none"> • Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations • Council Policy 3.1 – Home Based Business Policy • Draft Local Planning Policy – Home Based Businesses

Purpose

The purpose of this report was for Council to consider revoking Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations (CP 1.16) and Council Policy 3.1 - Home Based Businesses Policy (CP 3.1) and adopting a draft Local Planning Policy - Home Based Businesses for the purposes of advertising.

Council Resolution/Officer Recommendation – Item 12.4 **OCM – 8/08/20**

MOVED Cr Wilson, Seconded Cr Hamilton, that Council:

1. Revokes Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations;
2. Revokes Council Policy 3.1 – Home Based Businesses Policy; and
3. Pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy – Home Based Businesses.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item 12.5	Revocation of Local Planning Policy No. 18 – Landscaping with Local Plants
Property Address	N/A
Landowner/Applicant	N/A
Ref	LUAP/POLCY/21
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 6	<ul style="list-style-type: none"> • Local Planning Policy No.18 – Landscaping with Local Plants • Draft landscaping information sheet

Purpose

The purpose of this report was for Council to consider revoking Local Planning Policy No.18 – Landscaping with Local Plants.

Council Resolution/Officer Recommendation – Item 12.5 **OCM – 9/08/20**

MOVED Cr Hamilton, Seconded Cr MacWilliam, that Council, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes Local Planning Policy No. 18 – Landscaping with Local Plants.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item 12.6	Draft Local Planning Policy No. 6 - Industrial Zones Design Guidelines
Property Address	N/A
Landowner / Applicant	N/A
Ref	LUAP/POLCY/11
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 7	<ul style="list-style-type: none"> • Local Planning Policy No. 6 – Industrial Zones Design Guidelines • Draft Local Planning Policy No. 6 – Industrial Development

Purpose

The purpose of this report was for Council to consider amending Local Planning Policy No. 6 – Industrial Zones Design Guidelines.

Council Resolution/Officer Recommendation – Item 12.6
OCM – 10/08/20

MOVED Cr Wilson, Seconded Cr Barty, that Council, pursuant to Clause 5(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the draft Local Planning Policy No. 6 – Industrial Development.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item 12.7	Draft Amended Local Planning Policy No. 4 – Floodplain Management and Development
Property Address	N/A
Landowner/Applicant	N/A
Ref	
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 8	Existing Local Planning Policy No. 4 – Floodplain Management and Development Draft amended Local Planning Policy No. 4 – Floodplain Management and Development

Cr Barty declared a Proximity Interest and left the meeting at 6.57pm.

Purpose

The purpose of this report was for Council to consider adopting a draft amended Local Planning No. 4 – Floodplain Management and Development (LPP 4) for the purposes of advertising.

Council Resolution/Officer Recommendation – Item 12.7
OCM – 11/08/20

MOVED Cr Wilson, Seconded Cr Hamilton, that Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises for public comment, the draft amended Local Planning Policy 4 – Floodplain Management and Development.

CARRIED 5/1

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

Cr Barty returned to the meeting at 7.03pm.

Item 12.8	Food and Health Inspection Fees
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	GOVR/LREGLIA/2
Directorate	Community Planning
Decision Type	Executive
Attachments	Nil

Purpose

The purpose of this report was for Council to consider food and health inspection fees for the balance of the 2020/21 financial year.

Council Resolution/Officer Recommendation – Item 12.8 **OCM – 12/08/20**

MOVED Cr Hamilton, Seconded Cr Wilson, that Council waives the food and health inspection fees until 31 December 2020.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item 12.9	Festive Season Closure 2020/21
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	HR/LIAIS/2
Directorate	Office of the Chief Executive Officer
Decision Type	Executive
Attachment No. 9	Festive Season Office (Administration) Closure Policy

Purpose

The purpose of this report was for Council to consider closing the Administration during the Festive Season period.

Council Resolution/Officer Recommendation – Item 12.9 **OCM – 13/08/20**

MOVED Cr Wilson, Seconded Cr Barty, that, in addition to the closure dates provided by *Council 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 Chief Executive Officer to provide emergency contact details to the public for the Festive period in accordance with the policy.
3. Requests the CEO to provide a skeleton staff during the Festive Season in accordance with the policy.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item 12.10	Audit and Governance Committee Meeting held on 5 August 2020
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/CCLMEET/18
Directorate	Corporate Services
Decision Type	Executive
Attachment No. 10	Minutes of the Audit and Governance Committee meeting held on 5 August 2020
Confidential Attachment No. 1	Audit Risk Register – High Level Report Internal Network Audit – Executive Summary Report (Redacted)

Purpose

The purpose of this report was for Council to receive the report on the meeting of the Audit and Governance Committee held on 5 August 2020.

Council Resolution/Officer Recommendation – Item 12.10

OCM – 14/08/20

MOVED Cr Wilson, Seconded Cr Barty, that Council receives the report on the Audit and Governance Committee meeting held on 5 August 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item 12.11	Accounts Paid – July 2020
Ref	FINM/CREDTS/4
Directorate	Corporate Services
Decision Type	Legislative
Attachment No. 11	List of Payments - July 2020

Purpose

The purpose of this report was for Council to receive the list of payments for July 2020.

Council Resolution/Officer Recommendation – Item 12.11 **OCM – 15/08/20**

MOVED Cr Wilson, Seconded Cr Barty, that Council receive the list of payments for July 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item No. 12.12	Monthly Financial Report – July 2020
Ref	FINM/AUD/1
Directorate	Corporate Services
Decision Type	Executive
Attachment No. 12	Monthly Financial Report July 2020

Purpose

The purpose of this report was for Council to consider the monthly financial report for July 2020.

Council Resolution/Officer Recommendation – Item 12.12 **OCM – 16/08/20**

MOVED Cr Wilson, Seconded Cr Barty, that Council receive the monthly financial report for July 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item No. 12.13	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
Ref	INFM/INTPROP/1
Directorate	Chief Executive
Decision Type	Executive
Attachments	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 12.13

OCM – 17/08/20

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

Item No. 12.14	Calendar for September 2020
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
Ref	INFM/INTPROP/1
Directorate	Chief Executive
Decision Type	Executive
Attachments	Nil

Purpose

The purpose of this report was for Council to consider the calendar for September 2020.

Council Resolution/Officer Recommendation – Item 12.14

OCM – 18/08/20

MOVED Cr Wilson, Seconded Cr Barty, that Council adopt the calendar for September 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/08/20 7/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

14.1 Cr Wilson – Differential Rates and Rateable Properties on Minimum Rates

That the CEO:

1. Prepare a report for Council:
 - a) Outlining the requirements that a local government must meet in order for differential rates to be approved;
 - b) Providing an analysis of the percentage of rateable properties in all categories that are on the minimum rate; and
2. Convene a workshop for Councillors to discuss the report once it has been prepared.

15.0 URGENT BUSINESS

Nil

16.0 CONFIDENTIAL BUSINESS

Nil

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 22 September 2020. The next Ordinary Council Meeting will be held on Tuesday 29 September 2020.

There being no further business, the Presiding Member declared the meeting closed, the time being 7.06pm.