

# TOWN OF BASSENDEAN

## MINUTES

### ORDINARY COUNCIL MEETING

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

ON TUESDAY 25 OCTOBER 2016 AT 7.00PM

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#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Mayor 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 being held.

The Mayor presented the Sport Achievement Awards to those successful recipients.

#### 2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

##### 2.1 Public Question Time

Ms Noni Jekabsons, 6 Barton Parade, Bassendean

Ms Jekabsons asked what the Town is doing to address the problem of foxes.

The CEO advised that staff will contact the relevant State Government department and report the problem, as it is not something that the Town Rangers can deal with.

Ms Jekabsons referred to Item 9.1 and asked how compliance will be monitored and does the Town have authority to inspect the site.

The Manager Development Services advised that the majority of issues will be covered by the DEC. Town officers can inspect the site at any time.

Ms Kathryn Hamilton

Ms Hamilton referred to Item 9.1 and asked how the Town will ascertain that the information it has been given is accurate.

The Manager Development Services responded that we will need to take the company at face value in terms of the information provided.

Ms Hamilton asked whether Christie Park has ever been offered to LandCorp as part of the development negotiations and the Mayor responded that it had not.

Ms Hamilton asked whether the Mayor had met with LandCorp in the past month and the Mayor responded that no, he had not.

Ms Hamilton asked whether the Mayor had met with Ministers recently and the Mayor advised that he has met with Hon Terry Redman, Minister for Regional Development and Hon Donna Faragher, Minister for Planning.

Ms Hamilton asked whether the Councillors were aware of the meeting and had they been briefed on the meeting. The Mayor responded that yes, the Councillors were aware and that no, the Councillors have not been briefed as yet.

Mr Don Yates, 10 Thompson Road, Bassendean

Mr Yates asked if the Town is considering introducing the option of differential rates.

The Director Corporate Services responded that the Town does not have differential rates as all services in the Town are equal.

Mr Yates asked when will lighting be improved in and around Success Hill railway station and the Director Operational Services responded that the lights in Thompson Rd have been installed as per Western Power standards.

Mr Yates questioned why the Council's committee agendas, namely the Audit and Risk Management Committee, do not have public question time.

The CEO advised that the committees do not have delegated authority for public question time.

Mr Yates commented that the Town should not be conducting its Annual Meeting of Electors until Item 8.2 of the Audit and Risk Management Committee is addressed.

The CEO responded that the Annual Meeting of Electors deals with the finances of the last financial year, and that the Audit Report for that year has been received.

Mrs Fran Phelan, 15 River Street, Bassendean

Mrs Phelan asked for an update on what is happening with the bus shelter outside the Hyde Retirement Village.

The Director Community Development advised that the Town is creating an area off the footpath for the residents to sit and wait for the bus.

Ms Carol Seidel

Ms Seidel commented on the number of bus shelters that are being removed and asked why the Town is not making sure those bus shelters are being reinstated.

The CEO advised that Council passed a resolution which supported the PTA doing its rationalisation of bus shelters based on the number of boardings per day.

Mrs Val Dreyer, 31 Naunton Crescent, Eden Hill

Mrs Dreyer commented on the graffiti opposite the Bassendean railway station and asked why the fence has not been painted.

The Director Operational Services advised that the Town wrote to the owner of the fence and brought the matter to their attention. There is no compulsion for the Town to insist they remove the graffiti.

Ms Dreyer commented on graffiti along the Railway Parade bike path and the Director Operational Services advised that the Town can only remove graffiti on Council land.

Mrs Dreyer commented that the Bassendean Art Exhibition needs to go back to being held at Cyril Jackson.

The Mayor responded that he would take that feedback on board, however, he had received positive feedback on the event being held in the Bassendean Community Hall.

Ms Fran Phelan, 15 River Street, Bassendean

Mrs Phelan asked what the Town is doing about the mosquitoes and the Manager Development Services advised that the Town has commenced its mosquito programme but will need to check where it is at with the Health Officer.

Mr Graeme King, 15 North Road, Bassendean

Mr King asked whether any other Council owned land was considered in negotiations with LandCorp and whether Christie Park and the Council Chambers were put up for consideration to be handed over to LandCorp for a peppercorn fee.

The CEO and Mayor responded that they did not recall that. There were discussions about various parcels of land, but it was not supported by Council. It was ruled out that Town land would be part of the concept.

**2.2 Address by Members of the Public**

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

**3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

Present

Councillors

Cr John Gangell, Mayor  
Cr Mike Lewis, Deputy Mayor  
Cr Gerry Pule  
Cr Paul Bridges  
Cr Bob Brown

Leave of Absence

Cr Renee McLennan

Officers

Mr Bob Jarvis, Chief Executive Officer  
Mr Michael Costarella, Director Corporate Services  
Mr Graeme Haggart, Director Community Development  
Mr Simon Stewert-Dawkins, Director Operational Services  
Mr Anthony Dowling, Director Strategic Planning

Mr Brian Reed, Manager Development Services  
Mrs Amy Holmes, Minute Secretary

Public

Approximately 21 members of the public were in attendance.

Press

One member of the press was in attendance.

**4.0 DEPUTATIONS**

- 4.1 Mr Henry Dykstra from Harley Dykstra addressed Council on Item 10.3.

COUNCIL RESOLUTION – ITEM 4.0

- OCM – 1/10/16** MOVED Cr Bob Brown, Seconded Cr Paul Bridges, that Mr Don Yates be offered the opportunity to address Council on a number of items.

CARRIED UNANIMOUSLY 5/0

*Mr Yates declined the offer to give a deputation.*

**5.0 CONFIRMATION OF MINUTES**

- 5.1 **Ordinary Council Meeting held on 27 September 2016**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 5.1(a)

- OCM – 2/10/16** MOVED Cr Pule, Seconded Cr Lewis, that the minutes of the Ordinary Council Meeting held on 27 September 2016, be received.

CARRIED UNANIMOUSLY 5/0

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 5.1(b)

- OCM – 3/10/16** MOVED Cr Bridges, Seconded Cr Pule, that the minutes of the Ordinary Council Meeting held on 27 September 2016, be confirmed as a true record.

CARRIED UNANIMOUSLY 5/0

## **6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION**

The Mayor advised that since Council voted to make modifications to the LandCorp proposal, feedback has been received from Minister Redman that the proposal is now less viable and at this stage, it would not likely be a priority project for the government. Council is waiting on official confirmation from LandCorp on the impact of the proposed changes and anticipates it will have more of an idea by next month.

The Mayor gave congratulations to Cr Renee McLennan on the birth of her son.

## **7.0 PETITIONS**

Nil

## **8.0 DECLARATIONS OF INTEREST**

The CEO declared an Impartiality Interest for Item 9.1 as his brother-in-law is an employee of the Rowe Group.

## **9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

### **9.1 Reconsideration of Proposed Mobile Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean, Owner: Keppel Holdings Pty Ltd, Applicant: Hotchkin Hanly Lawyers (Ref: DABC/BDVAPPS/DA2015-246 - Timothy Roberts, Planning Officer & Brian Reed, Manager Development Services)**

*The CEO declared an Impartiality Interest as his brother-in-law is an employee of the Rowe Group, and left the Chamber, the time being 7.40pm.*

#### **Additional Information**

This application was deferred at the September 2016 Ordinary Council meeting, until the November 2016 meeting.

The matter was considered through a direction hearing on Friday 30 September 2016 before Senior Member Spillane where firstly, the final hearing dates of 5 and 6 December 2016 were kept in place.

The following orders were also made:

1. Town to provide its statement of issues by 14 October 2016;
2. Applicant to provide its reply to the statement of issues by 21 October 2016;
3. Town to provide its witness statements by 11 November 2016;
4. Applicant to provide its witness statements by 23 November 2016; and
5. Witnesses within the same discipline are to confer and produce a joint witness statement by 30 November 2016.

#### OFFICER RECOMMENDATION — ITEM 9.1

That, in response to the s31 invitation made by the State Administrative Tribunal, Council approves the development application for the proposed mobile concrete batching plant at Lot 105 (Nos 2-8) Clune Street, Bassendean, with the following conditions imposed:

1. Prior to the issue of a building permit, a development bond for the sum of \$10,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works;
2. A detailed landscaping plan being submitted for approval prior to or in conjunction with the application for a Building Permit which demonstrates compliance with the following requirements:
  - a. Provision of a minimum 6 shade trees for car parking spaces on site;
  - b. Shade trees being a minimum height of 2m at the time of planting;
  - c. Eucalyptus Leucoxylon Rosea to be planted with a minimum pot size at the time of planting of 100L;
  - d. All landscaped areas being reticulated;
  - e. A focus on the use of local species as specified within the Town's adopted Local Planning Policy – Landscaping with Local Plants;
3. All landscaped areas shall be reticulated and maintained for the life of the development in accordance with the approved plans;
4. Any fencing to be set back a minimum of 2 metres from the Clune Street frontage, behind the landscaping strip as marked in red on the approved drawings. Fencing is not permitted to be constructed along the alignment of the Clune Street property boundary. Fencing along the Wicks Street road reserve post resumption of the unzoned portion of the lot is to be subject of a separate planning application.

Details of fencing to be submitted for the approval of the Town in conjunction with or prior to the issue of the Building Permit;

5. The proposed development is, at all times, to operate in accordance with the Waste and Dust Management Plan and the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998;
6. Operating hours are to be restricted to 6:00am to 6:00pm Monday to Saturday (public holidays excluded), however no front end loader may operate prior to 7:00am.
7. The annual output (1 January to 31 December) of the facility is limited to 105,300 cubic metres of concrete.
8. There is to be no access to the site by trucks and semi-trailers on Sundays or public holidays.
9. Average daily production of the plant not exceeding 350 cubic meters per working day with a maximum production capacity of 375 cubic meters on any given day without the further approval of the Town first having been obtained;
10. The amount of concrete batched on-site is to be provided quarterly to the Town by no more than 30 days after the end of each quarter ending 31 March, 30 June, 30 September and 31 December on any given year. The quarterly summary must identify and highlight for each working day the date and time that the maximum output was reached being:
  - a) 350m<sup>3</sup> as a daily average; and
  - b) 375m<sup>3</sup> as a daily maximum
11. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells, approved by the Town. The soakwells must deal with the entire land area and be designed to contain a 24hr storm duration and 100-year ARI.
12. A copy of an approval issued by the Department of Environment Regulation – Licensing Section for the operation of the facility shall be submitted to the Town prior to operations commencing.
13. Any stored aggregate or sand outside the building is to be either wetted at all times or covered to prevent wind driven dust erosion.
14. Any material spills outside the buildings are to be immediately wetted prior to removal of the materials.



15. A truck wash-down area is to be provided in accordance with the requirements of the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* and in a location approved by the Town of Bassendean. Trucks may only be washed down in the approved wash down area.
16. No products, goods, materials or waste shall be stored outside of the building unless in a designated area that has been approved by the Town for this purpose;
17. A bin area is:
  - To be provided of not less than 10m<sup>2</sup>;
  - To be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m;
  - To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
  - To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;
18. Bins are to be washed only in an approved wash down facility within the bin area, drained to a silt trap and disposal of via the Water Corporation sewer system or if this is not available, a leach drain soakwell system which is separate to the stormwater disposal system, or approved system, to the satisfaction of the Town of Bassendean;
19. The 19 car parking space and 18 truck parking spaces and associated access ways shown on the approved drawings being constructed, kerbed, marked and maintained thereafter to the Town's satisfaction;
20. Car parking bays being setback 2 metre minimum from the existing corner truncation as marked in red on the approved plans;
21. Concrete mixer trucks are to be parked within an approved truck parking bay only;
22. Truck parking bays are to conform to the relevant Australian Standards. Future truck parking as marked on the approved plans are not approved as part of this planning application and subject to a future application for development upon resumption of the unzoned portion of the lot;

23. The required crossover post resumption of the unzoned portion of land shall be constructed to Council's specifications. (Note: Separate application and approval required);
24. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition;
25. No retail sales to be carried out from the premises;
26. Signage being subject to a separate application;
27. The street number being prominently displayed at the front of the development; and
28. The issue of a Building Permit prior to the commencement of any on site works.

#### Footnotes

- a) Suitable arrangements are to be made with the City of Bayswater for the provision of the vehicle crossover to service the lot from Clune Street and will be subject to the City's crossover specifications and standards.
- b) The applicant is advised that the development is to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 at all times.
- c) The applicant is advised that the development is to demonstrate compliance with the Environmental Protection (Unauthorised Discharge) Regulations 2004 at all times.
- d) The applicant is advised that the development is to demonstrate compliance with the Town of Bassendean Health Local Law 2001 with respect to the disposal of liquid waste and liquid refuse at all times.
- e) The applicant is advised that the development is to demonstrate compliance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 at all times.
- f) The location of the existing septic system is to be confirmed in order to ensure that it is not located in a trafficable area.
- g) Settling Ponds are to be constructed and maintained so as to prevent breeding of mosquitoes.

*Cr Pule moved the officer recommendation. The motion lapsed for want of a seconder.*

**COUNCIL RESOLUTION – ITEM 9.1**

**OCM – 4/10/16** MOVED Cr Bridges, Seconded Cr Pule, that the application be rejected on the grounds that Council is not satisfied with the disposal of the water from the site which is required to remediate the dust.

**CARRIED UNANIMOUSLY 5/0**

*The CEO returned to the Chamber, the time being 7.55pm.*

**10.0                    REPORTS**

**10.1            Adoption of Recommendations En Bloc**

It was agreed that items 10.3, 10.4, 10.13, 10.17, 10.19, & 10.22 be removed from the en-bloc table and considered separately.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.1**

**OCM – 5/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 25 October 2016:

<b>Item</b>	<b>Report</b>
10.2	Reconsideration for Proposed Commercial Vehicle Parking of Lot 679; No. 72 Walkington Way, Bassendean
10.6	Carparking at Hyde Retirement Village
10.7	(Draft) Perth Transport Plan for 3.5 Million People and Beyond
10.14	Bassendean Youth Advisory Council Meeting held on 26 August 2016
10.15	Bassendean Local Studies Collection Management Committee Meeting held on 6 October 2016
10.16	Liveable Town Advisory Committee (LTAC) 11 October 2016
10.18	Hyde Retirement Village - Annual General Meeting held on 14 October 2016
10.21	Determinations Made by the Principal Building Surveyor
10.23	Use of the Common Seal
10.24	Calendar for November 2016
10.25	Implementation of Council Resolutions

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

Item	Report
10.3	Section 31 – Reconsideration for Proposed Eight Multiple Dwellings on Lot 106; (No. 70) Second Avenue, Bassendean
10.4	Proposed Prosecution Proceedings for Non Compliance at Lot 67 (No. 14) Clune Street, Bassendean
10.5	Proposed Omnibus Amendment to the Local Planning Scheme No. 10
10.8	RFT CO 059 2016-17 Australia Day Fireworks for the Town of Bassendean
10.9	RFT CO 055 Street Sweeping 2016-17 - Provision of Street Sweeping Services for the Town of Bassendean
10.10	Review of Delegation to a Committee
10.11	Review of Delegations to the Chief Executive Officer & Other Officers
10.12	Annual Report for the Year Ended 30 June 2016
10.13	Quarterly Reports for Quarter Ended 30 September 2016
10.17	Audit & Risk Management Committee Meeting held on 12 October 2016
10.19	Accounts for Payment – September 2016
10.20	Financial Statements – September 2016
10.22	Determinations Made by Development Services
11.1	Cr Bridges – 100 Year Flood Height Markers
11.2	Cr Bridges – Council Forms
11.3	Cr McLennan - Water Corp Drainage for Liveability Projects
13.1	Council Street Trees – 87 Anzac Terrace, Bassendean
13.2	Prosecution Matter
13.3	Sports Achievement Awards

**10.2 Reconsideration for Proposed Commercial Vehicle Parking of Lot 679; No. 72 Walkington Way, Bassendean, Owner/Applicant: BR & KJ Minson (Ref: DABC/BDVAPPS/2010-116 - Dylan Stokes, Planning Officer)**

**APPLICATION**

The Town, by virtue of an order made by the State Administrative Tribunal, has been invited to reconsider its decision to refuse development approval for proposed commercial vehicle parking at Lot 679 (No. 72) Walkington Way, Eden Hill.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —  
ITEM 10.2

**OCM – 6/10/16**

MOVED Cr Pule, Seconded Cr Brown, that in response to the invitation given by the State Administrative tribunal in its order dated 25 August 2016 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants development approval for the proposed parking of a commercial vehicle at Lot 679 (No. 72) Walkington Way, Eden Hill, subject to the following conditions:

1. The commercial vehicle shall only be stored/parked in the designated location shown on the approved plan;
2. Only one commercial vehicle shall be parked on the site;
3. The approval shall be personal to the applicant and vehicle make and model which is the subject of this application and shall not be transferred to any other person or vehicle make and model;
4. The approval is limited to the subject site only and no other property within the Town of Bassendean;
5. The Town retains the ability to revoke the approval where:
  - (a) The applicant is not complying with the conditions of approval;
  - (b) A nuisance or annoyance has been verified; and
  - (c) The applicant has not rectified the source of nuisance, annoyance or non compliance within seven (7) days of written notification being issued by the Town,after which no person shall park a commercial vehicle upon that land without the further approval of the Town first having been obtained;
6. The commercial vehicle shall not operate to and from the site between the hours of 11:00pm and 6:30am on any day;
7. The vehicle shall not be fitted with refrigeration units and the loading and unloading of the commercial vehicle shall be prohibited on the site; and
8. Servicing, repairs or washing down of the commercial vehicle shall be prohibited on the site.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.3 Section 31 – Reconsideration for Proposed Eight Multiple Dwellings on Lot 106; (No. 70) Second Avenue, Bassendean, Owner: Spagnolo Property No. 1 Pty Ltd, Applicant: Harley Dykstra (Ref: DABC/BDVAPPS/2015-213 Timothy Roberts, Planning Officer)**

APPLICATION

Council, by virtue of an Order made by the State Administrative Tribunal, has been invited to reconsider its refusal to grant planning approval for the proposed development of 8 multiple dwellings at Lot 106 (No. 70) Second Avenue, Bassendean, having regard to amended plans submitted by the applicant.

The application which is now before Council proposes 8 multiple dwellings which include variations to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to plot ratio, lot boundary setback, outdoor living areas and overshadowing. The proposal is also inconsistent with Local Planning Policy No. 8: Parking Specifications.

The aspects of the development, which do not meet the Deemed-to-comply provisions of the R-Codes, require assessment and determination against the 'Design Principles'.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.3

**OCM – 7/10/16**

MOVED Cr Pule, Seconded Cr Brown, that in response to the invitation given by the State Administrative Tribunal in its Order dated 26 August 2016 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants planning approval for the proposed eight (8) multiple dwellings at Lot 106 (No. 70) Second Avenue, Bassendean, subject to the following conditions:

1. A detailed and professionally prepared landscaping plan being submitted prior to or with the application for a Building Permit for the Town's approval which addresses the following;
  - (a) Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
  - (b) Low water use;
  - (c) Landscaping of the verge area adjacent to the development site, including the provision of substantial streets trees in accordance with the Town's adopted Street Tree Master Plan; and
  - (d) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months.

2. Balconies for unit 7 and 8 being increased in size to 10 square metres minimum with minimum internal dimensions of 2.4 metres.
3. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, constructed at a level which is flush with the level of the main vehicular driveway on site. The colour of the pedestrian paths shall be clearly distinguishable from the colour of the main vehicular driveway;
4. Provision of lighting to pathways and car parking areas, with details to be provided for approval of the Town prior to, or in conjunction with the application for a building permit;
5. The existing crossover on the Second Avenue frontage of the development site being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
6. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Second Avenue frontage of the development site and this crossover being constructed in accordance with that approval;
7. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
8. The on-site car parking spaces and associated access ways being constructed using pervious paving materials and maintained thereafter to the Town's satisfaction;
9. Each dwelling being provided with one (1) car parking space. Such arrangement shall be reflected on any subsequent strata plan
10. Visitor parking spaces being clearly marked for "Visitor's Only" and used as such;
11. A minimum of three (3) and one (1) bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located in the area identified on the approved drawings and shall be constructed in accordance with the provisions of AS 2890.3 (as amended);

12. Details of stormwater disposal being submitted for the approval of the Town in conjunction with or prior to the issue of a Building Permit, in accordance with Local Planning Policy No. 14 – On-Site Stormwater Policy;
13. Prior to the issue of a Building Permit a development bond for the sum of \$4,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;
14. The incorporation of public art in the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
15. The street number being prominently displayed at the front of the development;
16. The unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling;
17. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height. Where the ground levels vary on either side of the fence, the required 1.8 metre height shall be measured above the higher ground level;
18. A separate application and approval being obtained for any proposed fencing within the street setback area;
19. The provision of letterboxes in materials to complement the development to the satisfaction of the Town;
20. Each dwelling to be provided with an effective clothes drying facility;
21. External clothes drying facilities shall be screened from view of the street or any other public place at all times. No drying of clothes from upper floor balconies (units 5, 6, 7 & 8) or ground floor outdoor living areas (units 1, 2, 3 & 4) is permitted;



22. Air-conditioning units and external fittings shall be incorporated into the building or screened from view. Details of the treatment of such external fittings to the building being submitted prior to the issue of a building permit to the satisfaction of the Town;
23. A Waste Management Plan (WMP) is to be submitted for the Town's approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
  - (a) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the on site separation of materials for recycling and the expectations of owners and/or tenants;
  - (b) Site Plan showing the location and size of the on-site rubbish disposal area, including the number of general rubbish and recycling bins to be provided for the development, including sharing arrangements where the number of bins is less than the number of dwellings;
  - (c) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
  - (d) Details of intended method of collection (private contractor or Council contractor);
  - (e) Details of arrangements for transferring bins from the bin storage area to the verge for collection and subsequently from the verge back to the bin storage area, including timeframes at each stage;
  - (f) Details of where the bins would be located when waiting collection;
  - (g) Details of advice to be provided to owners and occupiers regarding the WMP; and
  - (h) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development;
24. The bin storage area is;
  - (a) To be provided with a self closing gate;
  - (b) To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial waste floor, with a hose cock to enable both the bins and bin storage area to be washed out; and
  - (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;

25. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles;
26. The surface finish of the boundary wall shall be finished to the satisfaction of the adjoining land owner or in the case of a dispute to the satisfaction of the Town;
27. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;
28. The building hereby approved shall not be occupied until all of the conditions of planning consent have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into a legal agreement with Council to comply with those conditions within a specified period; and
29. The issue of a building permit prior to the commencement of any on-site works.

CARRIED 4/1

*Crs Gangell, Lewis, Pule and Brown voted in favour of the motion. Cr Bridges voted against the motion.*

**10.4 Proposed Prosecution Proceedings for Non Compliance at Lot 67 (No. 14) Clune Street, Bassendean, Owner: Automotive Recyclers Pty Ltd (Ref: DABC/BDVAPPS/2015-090 - Timothy Roberts, Planning Officer)**

APPLICATION

The purpose of this report was to seek Council's authorisation to commence legal action for breach of conditions of development approval at the abovementioned property.

*It was agreed that the word 'authorises' be changed to 'directs', as shown in bold below.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.4

**OCM – 8/10/16**

MOVED Cr Bridges, Seconded Cr Brown, that Council **directs** the Chief Executive Officer to initiate legal action if the conditions of development approval at Lot 67 (No. 14) Clune Street, Bassendean, are not addressed by 20 January 2017.

CARRIED UNANIMOUSLY 5/0

**10.5 Proposed Omnibus Amendment to the Local Planning Scheme No. 10 (Ref: LUAP/PLANNG/1 Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report was to firm up on the proposals to be included and to ascertain whether Council is prepared to accept additional items included in the forthcoming omnibus amendment to the Local Planning scheme No 10.

OFFICER RECOMMENDATION — ITEM 10.5

That Council:

1a) Endorses Christie Park being reserved for recreation in the forthcoming omnibus amendment to the Local Planning Scheme No. 10;

**Or**

1b) Does not endorse Christie Park being reserved for recreation in the forthcoming omnibus amendment to the Local Planning Scheme No. 10; and

2. Endorses the following proposal being included in the forthcoming omnibus amendment to the Local Planning Scheme No. 10:

a) Reserving the following land for Parks and Recreation

- i. That part of the Bridson Street road reserve intended to be created as a recreation reserve.
- ii. Reserve 32920 Hamilton Street and the adjoining drainage reserves
- iii. 42 Watson Street
- iv. Kelly Park
- v. 17 and 19 Anstey Road
- vi. Part lot 271 Hamilton Street
- vii. 46, 48 and 50 Third Avenue Bassendean
- viii. The recreation reserves within the Park Estate

b) Amending the zoning of 33 Hanwell Way to Light Industry;

c) Removing the additional use for a Tavern from 260 Morley drive;

- d) Removing condition 1 additional uses for Earlsferry that requires “Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished”;
- e) Applying a residential zoning with a density code of R10 to the unzoned portion of Earlsferry;
- f) Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of No 2 Water Road East;
- g) Applying a residential zoning with a density code of R25 to part Lot 272 Hamilton Street; and
- h) Decreasing the density code of the properties located substantially in the floodway of the Swan River to R2, including house numbers 180,182,183,184,186,187, 193, and 195 West Road and 155 Whitfield Street, Bassendean

*Cr Bridges moved that Point 2(a) be amended to include ‘179 Guildford Road’.*

COUNCIL RESOLUTION – ITEM 10.5(a)

**OCM – 9/10/16** MOVED Cr Bridges, Seconded Cr Brown, that Council endorses the following proposal being included in the forthcoming omnibus amendment to the Local Planning Scheme No. 10:

- a) Reserving the following land for Parks and Recreation:
  - i. That part of the Bridson Street road reserve intended to be created as a recreation reserve.
  - ii. Reserve 32920 Hamilton Street and the adjoining drainage reserves
  - iii. 42 Watson Street
  - iv. Kelly Park
  - v. 17 and 19 Anstey Road
  - vi. Part lot 271 Hamilton Street
  - vii. 46, 48 and 50 Third Avenue Bassendean
  - viii. The recreation reserves within the Park Estate
  - ix. **179 Guildford Road**

CARRIED UNANIMOUSLY 5/0

*Cr Bridges moved that Point 2(a) be amended to include 'The civic gardens in front of the Council Offices at 48 Old Perth Road'.*

**COUNCIL RESOLUTION – ITEM 10.5(b)**

**OCM – 10/10/16** The substantive motion which was MOVED by Cr Bridges and Seconded Cr Brown, that Council endorses the following proposal being included in the forthcoming omnibus amendment to the Local Planning Scheme No. 10:

- a) Reserving the following land for Parks and Recreation:
- i. That part of the Bridson Street road reserve intended to be created as a recreation reserve.
  - ii. Reserve 32920 Hamilton Street and the adjoining drainage reserves
  - iii. 42 Watson Street
  - iv. Kelly Park
  - v. 17 and 19 Anstey Road
  - vi. Part lot 271 Hamilton Street
  - vii. 46, 48 and 50 Third Avenue Bassendean
  - viii. The recreation reserves within the Park Estate
  - ix. 179 Guildford Road**
  - x. The civic gardens in front of the Council offices at 48 Old Perth Road,**

was put to the vote and LOST 2/3.

*Crs Bridges & Brown voted in favour of the motion. Crs Gangell, Lewis & Pule voted against the motion.*

*Cr Bridges moved the following amendments:*

- *Recommendation 1(b) be deleted*
- *2(a)(vi) – add the words 'as per the attached plan'*
- *2(g) – add the words 'as per the attached plan'*
- *2(h) – add the words 'as per the attached plan'*
- *2(h) – include '199 West Road'*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —  
ITEM 10.5 (c)

**OCM – 11/10/16** The substantive motion which was MOVED by Cr Bridges, and Seconded by Cr Brown, that Council:

1. Endorses Christie Park being reserved for recreation in the forthcoming omnibus amendment to the Local Planning Scheme No. 10; and
2. Endorses the following proposal being included in the forthcoming omnibus amendment to the Local Planning Scheme No. 10:
  - a) Reserving the following land for Parks and Recreation
    - i. That part of the Bridson Street road reserve intended to be created as a recreation reserve.
    - ii. Reserve 32920 Hamilton Street and the adjoining drainage reserves
    - iii. 42 Watson Street
    - iv. Kelly Park
    - v. 17 and 19 Anstey Road
    - vi. Part lot 271 Hamilton Street, **as per the attached plan**
    - vii. 46, 48 and 50 Third Avenue Bassendean
    - viii. The recreation reserves within the Park Estate
    - ix. **179 Guildford Road**
  - b) Amending the zoning of 33 Hanwell Way to Light Industry;
  - c) Removing the additional use for a Tavern from 260 Morley drive;
  - d) Removing condition 1 additional uses for Earlsferry that requires “Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished”;
  - e) Applying a residential zoning with a density code of R10 to the unzoned portion of Earlsferry;
  - f) Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of No 2 Water Road East;

- g) Applying a residential zoning with a density code of R25 to part Lot 272 Hamilton Street, **as per the attached plan**; and
- h) Decreasing the density code of the properties located substantially in the floodway of the Swan River to R2, including house numbers 180,182,183,184,186,187, 193, 195 and **199** West Road and 155 Whitfield Street, Bassendean, **as per the attached plan**.

was put to the vote and CARRIED UNANIMOUSLY 5/0.

**10.6 Carparking at Hyde Retirement Village (Ref: COUP/MAINT/9 - Graeme Haggart, Director Community Development)**

APPLICATION

Council was requested to determine what action to take in response to requests for improved carparking facilities within the Hyde Retirement Village.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.6

**OCM – 12/10/16** MOVED Cr Pule, Seconded Cr Brown, that in accordance with the wishes of the residents of Hyde Retirement Village, Council:

1. Acknowledges the two emergency service vehicle parking bays have been reallocated as additional bays for resident parking; and
2. Takes no further action in relation to increasing the number of off-street bays for residents at Hyde Retirement Village at this time.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/10/16 5/0

**10.7 (Draft) Perth Transport Plan for 3.5 Million People and Beyond (Ref: GOVR/LREGLIA/4 - Anthony Dowling, Director Strategic Planning)**

APPLICATION

The State Government, through the Department of Transport (DoT), the Public Transport Authority (PTA), and Main Roads Western Australia (MRWA), recently released for public

comment the aforementioned draft plan that applies to the Perth – Peel metropolitan region.

The draft plan is open for comment/feedback until 3.00pm, Friday 28 October 2016.

Council may wish to consider making a submission on the draft plan if it identifies that the draft plan is likely to impact upon the Town's functions and services in respect to its movement network.

This report identifies (broad) likely impacts and recommendations in respect to the draft plan for Council's consideration.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION —  
ITEM 10.7**

**OCM – 13/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council submits to the Department of Transport the following comments in respect to the draft *Perth Transport Plan for 3.5 Million People and Beyond*:

That:

1. Whilst the proposals for a bus or light rail transit system have merit as an idea or concept, the draft plan lacks detail in respect to the proposed Ellenbrook – Bassendean Train Station BRT/LRT link, especially in relation to:
  - (i) Physical requirements (eg. road reserve and pavement widenings, land acquisition etc) to implement the system along the proposed route;
  - (ii) Responsibility for designing, constructing and maintaining the system along the proposed route;
  - (iii) The estimated cost to implement the system along the proposed route and who will fund it;
  - (iv) The rationale for the proposed route, especially given that Lord Street is presently not operating to capacity and that it might be more appropriate (and less costly) to provide a BRT/LRT link between Ellenbrook and the Morley Activity Centre, particularly as an interim measure until the proposed public rail link between Ellenbrook and the Morley Activity Centre is implemented;
2. The aforementioned concerns be suitably addressed by the DoT, with the Town being consulted accordingly, prior



to the draft *Perth Transport Plan for 3.5 Million People and Beyond* being finalized and endorsed or approved by the State;

3. The rapid transit link between the Bassendean Train Station and the Morley Activity Centre proposed in the *Public Transport Plan for Perth 2031* be reflected in the finalized *Perth Transport Plan for 3.5 Million People and Beyond*, and that it be slated for implementation before or by 2020;
4. If the proposed Ellenbrook – Bassendean Train Station BRT/LRT link is to be retained in the finalized *Perth Transport Plan for 3.5 Million People and Beyond*, the WAPC be requested to designate this link as an ‘Activity Corridor’ in the finalised *Perth and Peel @ 3.5 Million* plan; and
5. Section 5 - Future Trends in the draft *Perth Transport Plan for 3.5 Million People and Beyond* be expanded to include identification and discussion of further developing transport technologies and modes (such as the SkyTran proposal reported on) that have a reasonable or optimistic chance of alleviating or reducing car-dependent travel across metropolitan-wide and urban transport networks.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.8 RFT CO 059 2016-17 Australia Day Fireworks for the Town of Bassendean (RECC/TENDNG/4 – Mandy Godfrey, Contracts Support Officer & Ken Cardy, Manager Asset Services)**

APPLICATION

The purpose of this report was to present to Council a summary of tenders received against Request for Tender RFT CO 059 2016-17 - Provision of Australia Day Fireworks for the Town of Bassendean, and to appoint the most appropriate contractor.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.8

**OCM – 14/10/16** MOVED Cr Pule, Seconded Cr Bridges, that Council appoints Cardile International Fireworks to undertake the work as required in RFT CO 059 2016-17 - Provision of Australia Day Fireworks for the Town of Bassendean in accordance with the specifications and terms and conditions for a period commencing 1<sup>st</sup> November 2016 through to 1<sup>st</sup> February 2020

and will be subject to Council's Budget approval each financial year.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

**10.9 RFT CO 055 Street Sweeping 2016-17 - Provision of Street Sweeping Services for the Town of Bassendean (ROAD/TENDNG/38 – Mandy Godfrey Contracts Support Officer)**

APPLICATION

The purpose of this report was to present to Council a summary of tenders received against Request for Tender (RFT) CO 055 2016-17 - Provision of Street Sweeping for the Town of Bassendean and appoint the most appropriate contractor.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.9

**OCM – 15/10/16** MOVED Cr Pule, Seconded Cr Bridges, that Council appoints Kalamunda Sweeping to undertake the work as required in RFT CO 055 2016-17 Provision of Street Sweeping Services for the Town of Bassendean in accordance with the specifications, which are shown in the confidential attachment, and terms and conditions for a 5 year period commencing 1<sup>st</sup> November 2016.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

**10.10 Review of Delegation to a Committee (Ref: GOVN/CCLMEET/6 – Sue Perkins, Executive Assistant)**

APPLICATION

The purpose of this report was for Council to review the current delegation made to a Committee under the Local Government Act 1995.

It is a requirement of Section 5.18 of the Local Government Act 1995 that the delegations made by the Council to Committees are reviewed at least once every financial year.

Currently, Council delegates limited powers to just one committee.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.10**

**OCM – 16/10/16** MOVED Cr Pule, Seconded Cr Bridges, that Council, having reviewed the delegation currently in place, delegates to the Committee of Council listed in the table below the following delegation:

<b>Delegation No</b>	<b>Committee</b>	<b>Delegation</b>
9.3	Local Studies Collection Management Committee	The Management Committee shall be responsible for the management, operation and policy of the Collection. The designated officer shall submit a financial report to each ordinary meeting of the Committee. Minutes of the meeting shall be considered by Council with copies provided to the Bassendean Historical Society (Inc).

**CARRIED BY AN ABSOLUTE MAJORITY 5/0**

**10.11 Review of Delegations to the Chief Executive Officer & Other Officers (Ref: GOVN/CCLMEET/6 – Sue Perkins, Executive Assistant)**

**APPLICATION**

The purpose of this report was for Council to review the delegations made to the Chief Executive Officer and to other officers under the Local Government Act 1995 or other Acts.

It is a statutory requirement that the exercise of powers and discharge of duties delegated by the Council be reviewed annually.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.11**

**OCM – 17/10/16** MOVED Cr Pule, Seconded Cr Brown, that, having reviewed the delegations currently in place:

1. That Council delegates to the Chief Executive Officer:

No	Title	Legislative Power	Delegation
<b>ADMINISTRATION</b>			
1.1	Inconsistency with Street Amenity	Local Gov Act 1995, s5.42	The authority to issue notices under Section 3.25 of the Local Government Act 1995 when a property is deemed to be inconsistent with the amenity of the street in accordance with Schedule 3.1, Division 1 of the Act. <i>(Note: This delegation relates to a range of requirements, including containing run-off on private property, house numbering, unsightly appearance of land and storage of disused materials, etc.)</i>
1.2	Failure to comply with a notice	Local Gov Act 1995, s5.42	The authority to exercise the additional powers contained within Section 3.26 of the Local Government Act 1995 when notice is given, where the person to whom the notice is given under Section 3.25, as contained in delegation 1.1, fails to comply.
1.3	Permission to Extend Leased Buildings	Local Gov Act 1995, s5.42	The authority to extend leased buildings in the following circumstances:  <ol style="list-style-type: none"> <li>1. The works comply with the Local Planning Scheme and planning approval;</li> <li>2. The works do not involve any expenditure to Council unless that expenditure is budgeted; and</li> <li>3. The value of the asset will not be diminished as a result of the works.</li> </ol> <p>Unless otherwise provided for in the lease, the terms shall be increased to take account of the extension.</p>
1.4	Granting of Liquor Licences for Special Occasions and for liquor licence applications generally.	Local Gov Act 1995, s5.42	The authority to deal with applications from clubs seeking approval for liquor licences for special occasions on Council owned or vested land.  The authority to deal with applications for section 39 certificates (certificate of local health authority) and section 40 certificates (certificate of local planning authority).
1.5	Reimbursement of Travel Expenses	Local Gov Act 1995 & Local Government Administration Regulations (32)	The authority to approve reimbursements of travel expenses in accordance with Section 5.98(2)(b) and (3) of the Local Government Act 1995 and Regulation 32 of the Local Government Administration Regulations.
1.6	Approval of future requests for donations from the WA Special Children's Christmas Party Appeal	Local Gov Act 1995, s5.42	The authority to approve future requests for donations from the WA Special Children's Christmas Party Appeal in liaison with the Mayor.
1.7	Circuses without Exotic Animals	Local Gov Act 1995, s5.42	The authority to approve the hire of a reserve or facility within the Town for the purpose of conducting a circus without exotic animals.

1.8	Unauthorised Signs located within street thoroughfares	Local Gov Act 1995, s5.42	The authority to take legal action to enforce infringement notices issued where proprietors fail to adhere to the Town's instructions to remove unauthorised advertising signs located within thoroughfares, including the impounding of such signs and/or serving of infringement notices where required.
1.9	Donations – Financial Assistance	Local Gov Act 1995, s5.42	The authority to assess and approve donations in accordance with Policy 6.13 – Donations & Financial Assistance - and to refuse applications for donations and financial assistance where they do not meet the requirements set down in this policy.
<b>'ONE-OFF' DELEGATIONS</b>			
2.2	Occupation of Land – State Emergency Service	Local Gov Act 1995, s5.42	The authority to enter into an agreement with the Bassendean State Emergency Service to allow the organisation to occupy portion of the land at Reserve 26417 Scaddan Street.
2.46	Extension of Contract – Old Perth Road Markets Management Agreement	Local Gov Act 1995, s5.42	The authority to award the future options extending the Rotary Club of Swan Valley's contract to run the Old Perth Road Markets on their satisfactorily fulfilling their responsibilities as set out in the Agreement.
2.52	Extension of Contract – Annual Bulk Rubbish Collection	Local Gov Act 1995, s5.42	The authority to exercise the option under the Annual Bulk Rubbish Collection Contract (RFT C0 011 2011-12) to negotiate for a one year extension of the contract beyond the nominal expiry date of 4 November 2016.  This contract was extended to 31 December 2016 by letter to Alvito Pty Ltd dated 16 June 2016.
2.61	Extension of Contract – Building & General Electrical Services	Local Gov Act 1995, s5.42	The authority to exercise the option under contract RFT CO 022 2013-14, Building & General Electrical Services, to negotiate for a one year extension of the contract beyond the nominal expiry date of 30 March 2017.
2.64	Telecommunications Facility Feasibility Investigation	Local Gov Act 1995, s5.42	The CEO was delegated the authority to enter into further discussions with Visionstream regarding the feasibility of establishing a new telecommunication infrastructure site on Jubilee Reserve, Mary Crescent Reserve, or any other alternative sites, that can accommodate all carriers and includes some aesthetic treatments to minimise the visual impact.
2.66	Lease Agreement – Bassendean Men's Shed Association (Inc)	Local Gov Act 1995, s5.42	The CEO was delegated the authority to: 1. Execute the Deed of Agreement as attached to the October 2015 Ordinary Council Meeting Agenda; 2. Have registered easements for access to the Bassendean Men's Shed site over Reserve 49216 and Reserve 49217, being the TADWA and St. John Ambulance Association properties; 3. Execute the Lease Agreement, subject to confirmation that the conditions of the Deed have been met; and 4. Negotiate lease option renewals in-line with the covenants in the Lease.
2.67	Unauthorised Parking at 93 Kenny Street, Bassendean	Local Gov Act 1995, s5.42	The CEO, or a delegate on his behalf, was delegated the authority to commence formal prosecution action if the property at 93 Kenny Street, Bassendean, continues to be used for commercial vehicle parking in contravention of Local Planning Scheme No 10.

2.68	Unauthorised Non-Residential Storage at 107 Kenny Street, Bassendean	Local Gov Act 1995, s5.42	The CEO, or a delegate on his behalf, was delegated the authority to commence formal prosecution action if the property at 107 Kenny Street, Bassendean, continues to be used for storage purposes, or if the verge is not reinstated or gates continue to have the capacity to open outwards into the road reserve, in advance of 24 December 2015.
2.69	Extension of Contract – Supply Cart & Install Asphalt – Minor & Major Works	Local Gov Act 1995, s5.42	The CEO was delegated the authority to exercise the option under contract RFT CO 041 2015-16, Supply, Cart & Install Asphalt, Minor & Major Works, to negotiate for a one year extension of the contract beyond the nominal expiry date of 28 February 2019.
2.70	Extension of Contract – Provision of Cleaning Services for Council Facilities	Local Gov Act 1995, s5.42	The CEO was delegated the authority to exercise the option under contract RFT CO 039 2015-16, Supply, Provision of Cleaning Services for Council Facilities, to negotiate for a one year extension of the contract beyond the nominal expiry date of 1 May 2018.
2.71	Unauthorised Construction – Lot 20; 63 Ivanhoe Street, Bassendean	Local Gov Act 1995, s5.42	The CEO was delegated the authority to initiate legal action if the unauthorised front wall at Lot 20; 63 Ivanhoe Street, Bassendean, is not modified to comply with the Deemed-to-Comply requirements of the R-Codes by 13 June 2016.
2.72	Extension of Contract – Provision of Plumbing & Gas Services	Local Gov Act 1995, s5.42	The CEO was delegated the authority to exercise the option under Contract RFT CO 046 2015-16, Provision of Plumbing and Gas Services, to negotiate for a one year extension of the contract beyond the nominal expiry date of 10 June 2019.
2.74	Extension of Contract – Provision of Turf Maintenance at Bassendean Oval Ashfield Reserve & Jubilee Reserve	Local Gov Act 1995, s5.42	The CEO was delegated the authority to exercise the option under Contract RFT CO 043 2015-16, Provision of Turf Maintenance at Bassendean Oval, Ashfield Reserve and Jubilee Reserve, to negotiate for a one year extension of the contract beyond the nominal expiry date of 30 June 2019.
2.76	Extension of Contract – Provision of Tree Maintenance for the Town of Bassendean	Local Gov Act 1995, s5.42	The CEO was delegated the authority to exercise the option under Contract RFT CO 038 2015-16, Provision of Tree Maintenance for the Town of Bassendean, to negotiate for a one year extension of the contract beyond the nominal expiry date of 30 June 2018.
<b>CORPORATE SERVICES</b>			
3.1	The Power to Make Payments	Local Gov Act 1995, s5.42	The power to make payment from the Municipal Fund, the Trust Fund, the Reserve Fund and any other fund which the Council may operate from time-to-time.
3.2	Special Arrangements for Financial Hardship	Local Gov Act 1995, s5.42, s6.49	The power to enter into special arrangements for the payment of rates and services charges with ratepayers who demonstrate cases of financial hardship.
3.3	Approval of Credit Cards	Local Gov Act 1995, s5.42	The authority to approve the issue of Council credit cards.
3.5	Contracts and Tenders Approval	Local Gov Act 1995, s5.42	The authority to enter into contracts for the supply of goods, services and programs identified within the approved budget up to the value of \$150,000, exclusive of GST, and for the inviting of tenders for the supply of contracts over the value of \$150,000 without further reference to Council, unless expressly identified and itemised by resolution of the Council.
3.6	Disposal of Property Listed in the Annual Budget	Local Gov Act 1995 s5.42	The authority to dispose of local government property listed in the Annual Budget to a value not exceeding \$100,000.

3.8	Local Government Master Lending Agreement	Local Gov Act 1995, s5.42	The authority to sign schedule documents under the Local Government Master Lending Agreement, and to give instructions thereunder on behalf of the Town of Bassendean.
3.9	Investment of Surplus Funds	Local Gov Act 1995, s5.42	The authority to invest surplus funds in accordance with Council's Investment Policy.
<b>PLANNING SERVICES</b>			
4.1	Advice to the Western Australian Planning Commission	Local Gov Act 1995, s5.42	The authority to give advice to the Western Australian Planning Commission on applications to amalgamate and subdivide land under s142 of the Planning & Development Act 2005, provided the advice is consistent with the requirements of Local Planning Scheme No. 10, subject to all applications for subdivision or amalgamation being presented to the Development Control Unit.
4.4	Delegation of Powers under Local Planning Scheme No 10	Planning and Development (Local Planning Schemes) Regulations 2015	<p>1. The power to determine applications under Clause 68.(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, with the exception of the following classes of development:</p> <ul style="list-style-type: none"> <li>a) Where, in the opinion of the Chief Executive Officer, the proposal involves a major commercial or residential development, which in the opinion of the delegate is likely to have a significant effect on the Town or on local amenity;</li> <li>b) Where, in the opinion of the Chief Executive Officer, the proposal represents a significant departure from the Local Planning Scheme, the Residential Design Codes or Local Planning Policies and nevertheless, the Chief Executive Officer, if he was to decide, the matter would grant approval;</li> <li>c) Where, in the opinion of the Chief Executive Officer, the proposal involves the modification of Restrictive Covenants where there are valid objections on planning grounds; and</li> <li>d) The proposal has been subjected to neighbour or community consultation and has attracted objections which, in the opinion of the Chief Executive Officer, should not be resolved by Officers.</li> </ul> <p>2 The authority to prepare responses to the State Administrative Tribunal for applications for review lodged against Council's decisions and notices, and decisions issued under delegated authority, and responses be circulated to Councillors for information.</p> <p>The CEO has on-delegated these powers to the Town Planner (Manager Development Services), pursuant to Clause 83 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to all applications for approval to commence development being presented to the Development Control Unit in order to provide professional advice and information to the Town Planner (Manager Development Services) under clause 68.(2) of the Planning and Development (Local Planning Schemes) Regulations 2015</p>
4.5	Power to make comment on Department of Housing & Works' Planning Proposals	Local Gov Act 1995, s5.42	The power to make comments to the Department of Housing & Works on public housing proposals, subject to Council being advised of such applications upon lodgement.

4.6	Dealing with requests from owners of land to pay in lieu of setting aside land for open space onsite (Cash-in-lieu payments)	Local Gov Act 1995, s5.42	The authority to deal with requests from landowners to pay in lieu of setting aside land for open space under section 153 of the Planning and Development Act 2005, provided that: <ol style="list-style-type: none"> <li>1. It would be inappropriate, in his opinion for the open space to be provided on site;</li> <li>2. The request is not made in an area to be considered deficient in open space;</li> <li>3. The owner pays to the Town of Bassendean the value of providing the open space onsite; and</li> <li>4. All money received is to be paid into a separate cash-in-lieu fund and to be reported to Council through the quarterly report.</li> </ol>
4.7	Strata Titles	Strata Titles Act 1985	The authority to endorse 'Built Strata' Form 24 and Form 26 documentation in accordance with the Strata Titles Act 1985.
<b>BUILDING SERVICES</b>			
5.1	Occupancy Permits & Building Approval Certificates	Building Act 2011	The authority to endorse Occupancy Permits-Strata and Building Approval Certificates-Strata in accordance with the Building Act 2011.
5.16	Appoint authorised persons for the purposes of the Building Act 2011	Building Act 2011, s96	The authority to designate authorised persons in accordance with Section 96 of the Building Act 2011.
5.17	Issue Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s110	The authority to issue Building Orders in accordance with Section 110 of the Building Act 2011.
5.18	Withdraw Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s117	The authority to revoke Building Orders in accordance with Section 117 of the Building Act 2011.
5.20	Prosecution for Offences committed under the Building Act 2011	Building Act 2011, s133(1)	The authority to commence prosecution for offences committed under the Building Act 2011.
<b>HEALTH SERVICES</b>			
6.1	Functions under the Health Act 1911 (As amended)	Health Act 1911 (As amended)	Delegates to the Chief Executive Officer, or the person acting in that position, as its deputies, for the purposes of discharging its functions under the Health Act 1911 (As amended).



6.2	Authorised Officers under the Food Act 2008	Food Act 2008, Division 3, s122	<p>That pursuant to the provisions of Section 122 of Division 3 of the Food Act 2008, Council:</p> <ol style="list-style-type: none"> <li>1. Appoints the Senior Environmental Health Officer employed with the Town as an 'Authorised Officer' for the purposes of the Food Act 2008 under provisions of Sections 38 and 122(b);</li> <li>2. Appoints the Town's food safety risk assessment contractor as an 'Authorised Officer' under provisions of Section 122(a) of the Food Act 2008, subject to the limitation that such officer cannot undertake any enforcement activity under the Food Act 2008 on behalf of the Town, except for the issuing of an 'improvement notice';</li> <li>3. Designates the Town's 'Authorised Officers' to be 'designated officers' for the purposes of issuing 'infringement notices' under provisions of Section 126(2) and (3) of the Food Act 2008;</li> <li>4. Delegates the authority to the Senior Environmental Health Officer/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008;</li> <li>5. Designates the Chief Executive Officer responsible for authorised officers, to be a 'designated officer' to extend and revoke 'infringement notices' under provisions of Section 126(6) and (7) of the Food Act 2008; and</li> <li>6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).</li> </ol>
6.3	Authorised Officers under section 11 of the Caravan Parks and Camping Grounds Regulations 1997	Local Gov Act 1995, s5.42	Delegates to the Chief Executive Officer the power to issue a written approval for a person(s) to camp on land for a period of longer than 3 nights but less than 3 months in any period of 12 months.
<b>RANGER SERVICES</b>			
7.1	Powers Under the Dog Act 1976, Dog Regulations 2013 & the Dogs' Local Law	Dog Act 1976 Dog Regulations 2013	The authority to exercise any of the powers of the Council or discharge any of its duties under the Dog Act 1976, Dog Regulations 2013, and the Dogs' Local Law.
7.2	Applications to keep more than two dogs on a property	Dog Act 1976	The authority to approve or refuse applications to keep more than two dogs on a property in accordance with Section 26(3) of the Dog Act 1976.
7.3	Powers Under the Cat Act 2011	Cat Act 2011 Cat Regulations 2012 & Cat (Uniform Local Provisions) Regulations 2013	The authority to exercise any of the powers of the Council or discharge any of its duties under the Cat Act 2011, Cat Regulations 2012, and the Cat (Uniform Local Provisions) Regulations 2013
7.4	Powers Under the Graffiti Vandalism Act 2016	Graffiti Vandalism Act 2016	The authority to exercise any of the powers of the Council or discharge any of its duties under the Graffiti Vandalism Act 2016

<b>LOCAL LAWS</b>			
8.1	Powers under the Local Laws	Local Gov Act 1995, s5.42	<p>The authority to exercise any of the powers of the Council or discharge any of its duties in connection with the following local laws made under the Local Government Act 1995, the Health Act 1911 (As amended) the Dog Act 1976 and the Cat Act 2011:</p> <ul style="list-style-type: none"> <li>* Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010;</li> <li>* Bee Keeping Local Law 2001;</li> <li>* Dogs Local Law 2001;</li> <li>* Fencing Local Law 2013;</li> <li>* Health Local Law 2001;</li> <li>* Parking and Parking Facilities Local Law 2010;</li> <li>* Property Local Law 2001; and</li> <li>* Responsible Cat Ownership Local Law 2005.</li> </ul> <p>The CEO has on-delegated the authority to exercise any of the powers of the Council or discharge any of its duties in connection with the above local laws made under the Local Government Act 1995, the Health Act 1911 (As amended), the Dog Act 1976 and the Cat Act 2011 to certain officers.</p>
<b>MAYORAL DELEGATIONS</b>			
13.1	Speaking on Behalf of the Council	Local Gov Act 1995, s5.41(f)	The authority to speak on and represent the view of the Council of the Town of Bassendean to the media and other third parties when the Mayor is not available. Valid until 21/10/2017.

2. That Council delegates to the Mayor and Chief Executive Officer:

No	Title	Legislative Power	Delegation
1.10	Use of the Common Seal	Local Gov Act 1995, s5.42	The responsibility of affixing the Common Seal to documents requiring signing and sealing, and reports the exercise of that delegation to the next available Ordinary Meeting of the Council.

3. That Council delegates to the Principal Building Surveyor:

No	Title	Legislative Power	Delegation
5.5	Compliances of Privately Owned Swimming Pools	Building Act 2011, and Division 2 of the Building Regulations 2012	The authority as an Authorised Officer to administer the provisions of Division 2 of the Building Regulations 2012 with respect to the compliance of privately owned swimming pools.
5.11	Approve or Refuse Building Permits	Building Act 2011, s20	The authority to approve or refuse applications for Building Permits in accordance with Section 20 of the Building Act 2011.
5.12	Approve or Refuse Demolition Permits	Building Act 2011, s21	The authority to approve or refuse applications for Demolition Permits in accordance with Section 21 of the Building Act 2011.
5.13	Refuse Building or Demolition Permits where there appears to be an error in the documents or information provided in the applications	Building Act 2011, s22	The authority to refuse applications for Building Permits or Demolition Permits in accordance with Section 22 of the Building Act 2011.
5.14	Approve, modify or refuse Occupancy Permits or Building Approval Certificates	Building Act 2011, s58	The authority to approve, modify or refuse Occupancy Permits or Building Approval Certificates in accordance with Section 58 of the Building Act 2011.

5.15	Approve or refuse an application to extend the validity of an occupancy permit or building approval certificate	Building Act 2011, s65	The authority to approve or refuse an application to extend the validity of an occupancy permit or building approval certificate in accordance with Section 65 of the Building Act 2011.
5.17	Issue Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s110	The authority to issue Building Orders in accordance with Section 110 of the Building Act 2011.
5.18	Withdraw Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s117	The authority to revoke Building Orders in accordance with Section 117 of the Building Act 2011.

4. That, pursuant to the provisions of Section 26 of the Health Act 1911 (as amended), Council:

No	Title	Legislative Power	Delegation
6.1	Functions under the Health Act 1911 (As amended)	Health Act 1911 (As amended)	Delegates to the Senior Environmental Health Officer, or the person acting in that position, as its deputies, for the purposes of discharging its functions under the Health Act 1911 (as amended).

5. That, pursuant to the provisions of Section 122 of Division 3 of the Food Act 2008, Council:

No	Title	Legislative Power	Delegation
6.2	Authorised Officers under the Food Act 2008	Food Act 2008, Division 3, Section 122	<ol style="list-style-type: none"> <li>1. Appoints the Senior Environmental Health Officer employed with the Town as an 'Authorised Officer' for the purposes of the Food Act 2008 under provisions of Sections 38 and 122(b);</li> <li>2. Appoints the Town's food safety risk assessment contractor as an 'Authorised Officer' under provisions of Section 122(a) of the Food Act 2008, subject to the limitation that such officer cannot undertake any enforcement activity under the Food Act 2008 on behalf of the Town, except for the issuing of an 'improvement notice';</li> <li>3. Designates the Town's 'Authorised Officers' to be 'designated officers' for the purposes of issuing 'infringement notices' under provisions of Section 126(2) and (3) of the Food Act 2008;</li> <li>4. Delegates the authority to the Senior Environmental Health Officer/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008;</li> <li>5. Designates the Chief Executive Officer responsible for authorised officers, to be a 'designated officer' to extend and revoke 'infringement notices' under provisions of Section 126(6) and (7) of the Food Act 2008; and</li> <li>6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).</li> </ol>

6. That Council notes the following exercises of delegated authority:

No	Title	Legislative Power	Delegation
10.153	Notice under section 17A(2)(c) of the Dog Act 1976	Dog Act 1976	The CEO exercised his delegated authority given under Delegation Number 7.1, Powers Under the Dog Act 1976, on 27 October 2015 when he signed a Notice issued under section 17A(2)(c) of the Dog Act 1976 on the owner of three dogs at 19 Mons Street, Ashfield, as the Town is not satisfied that the dogs are being effectively confined at the premises.

10.154	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 30 November 2015 when he approved an application to keep three dogs at 62 Freeland Way, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.
10.155	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 30 November 2015 when he approved an application to keep three dogs at 121 Old Perth Road, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.
10.156	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 21 December 2015 when he approved an application to keep three dogs at 4 Padbury Place, Eden Hill, in accordance with Section 26 (3) of the Dog Act 1976.
10.157	Approval to keep more than two cats	Cat Act 2011 & Responsible Cat Ownership Local Law	The Chief Executive Officer exercised his delegated authority on 23 December 2015 when he approved an application to keep more than two cats at 99 Whitfield Street, Bassendean, in accordance with Section 26 (3) of the Responsible Cat Ownership Local Law.
10.158	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 11 April 2016 when he approved an application to keep three dogs at 42a James Street, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.
10.159	Notice under Bee Keeping Local Law	Local Gov Act 1995, s5.42	The Manager Development Services exercised his delegated authority on 25 May 2016 when he served a Notice on the owners of 19 Walkington Way, Eden Hill, to remove all bees and bee hives from the property by 6 June 2016.
10.160	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 17 June 2016 when he approved an application to keep three dogs at 134 West Road, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.
10.161	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 17 June 2016 when he approved an application to keep three dogs at 22 Mary Crescent, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.
10.162	Extension of Contract – Annual Green Waste Collection	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority, given under Delegation Number 2.53, on 16 June 2016 when he signed a letter extending contract RFT CO 012 2011-12, Annual Green Waste Collection, from 5 May 2016 for a period of 8 weeks to 30 June 2017.
10.163	Extension of Contract – Annual Bulk Rubbish Collection	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority, given under Delegation Number 2.73, on 16 June 2016 when he signed a letter extending contract RFT CO 011 2011-12, Annual Bulk Rubbish Collection, from 4 November 2016 for a period of 8 weeks to 31 December 2016.
10.164	Approval to keep three cats	Cat Act 2011 & Cat Regulations 2012 & Responsible Cat Ownership Amendment Local Law 2006	The Chief Executive Officer exercised his delegated authority on 30 June 2016 when he approved an application to keep three cats at 96b Whitfield Street, Bassendean, in accordance with the Cat Act 2011, the Cat Regulations 2012 and the Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006.
10.165	Approval to keep three dogs	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 15 August 2016 when he approved an application to keep three dogs at 13 James Street, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.

10.166	Lease & Licence Renewal – Sparx Early Learning Centre	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority on 24 July 2016 when he signed the new lease and licence renewals for the Ivanhoe Child Care Centre and the Alf Faulkner Hall for Out of School Care with Funtrain Enterprises Pty Ltd and Funtrain Early Learning Centre Pty Ltd.
10.167	Pursuit of Naming Rights for Bassendean Oval – Swan Districts Football Club	Local Gov Act 1995, s5.42	The Chief Executive Officer's delegated authority was exercised when a report was presented to the September 2016 Ordinary Meeting of Council where the officer recommendation was approved by Council (OCM-00/09/16).

7. That Council notes that the following delegations are no longer required:

No	Title	Delegation No	Delegation
11.77	Extension of Contract – Annual Green Waste Collection	2.53	This delegation is no longer required as the CEO exercised his delegated authority, given under Delegation Number 2.53, on 16 June 2016 when he signed a letter extending contract RFT CO 012 2011-12, Annual Green Waste Collection, from 5 May 2016 for a period of 8 weeks to 30 June 2017.
11.78	Extension of Contract – Annual Bulk Rubbish Collection	2.73	This delegation is no longer required as the CEO exercised his delegated authority, given under Delegation Number 2.73, on 16 June 2016 when he signed a letter extending contract RFT CO 011 2011-12, Annual Bulk Rubbish Collection, from 4 November 2016 for a period of 8 weeks to 31 December 2016.
11.79	Lease & Licence Renewal – Sparx Early Learning Centre	2.37	This delegation is no longer required as the CEO exercised his delegated authority on 24 July 2016 when he signed the new lease and licence renewals for the Ivanhoe Child Care Centre and the Alf Faulkner Hall for Out of School Care with Funtrain Enterprises Pty Ltd and Funtrain Early Learning Centre Pty Ltd.
11.80	Pursuit of Naming Rights for Bassendean Oval – Swan Districts Football Club	2.75	The Chief Executive Officer's delegated authority was exercised when a report was presented to the September 2016 Ordinary Meeting of Council where the officer recommendation was approved by Council (OCM-00/09/16).
11.81	Approval/Refusal to store materials on a verge	5.19	This delegation is no longer required as approval of verge permits has been deleted from the Building Act.

8. That Council adopts Form 4 and Form 6 for use under sections 22 and 29 of the Graffiti Vandalism Act 2016.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

**10.12 Annual Report for the Year Ended 30 June 2016 (Ref: FINM/AUD/7 – Bob Jarvis, Chief Executive Officer)**

APPLICATION

The purpose of this report was to:

- Adopt the 2015/16 Annual Report that includes the Annual Financial Statements for the year ended 30 June 2016; and
- Set a date for the General Meeting of Electors.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.12**

**OCM – 18/10/16** MOVED Cr Pule, Seconded Cr Bridges, that Council:

1. Accepts the Town of Bassendean's 2015/16 Annual Report for the year ended 30 June 2016; and
2. Holds its General Meeting of Electors on Wednesday 23 November 2016, in the Bassendean Community Hall commencing at 7.00pm.

**CARRIED BY AN ABSOLUTE MAJORITY 5/0**

**10.13 Quarterly Reports for Quarter Ended 30 September 2016  
(Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)**

**APPLICATION**

The purpose of this report was for Council to receive the Quarterly Reports for the period ended 30 September 2016.

*Cr Bridges questioned the letter of support received from the Bassendean Historical Society as he does not believe it is correct. It was agreed that reference to the Bassendean Historical Society would be removed from the report, if it is not correct.*

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.13**

**OCM – 19/10/16** MOVED Cr Pule, Seconded Cr Bridges, that Council receives the Quarterly Reports for the quarter ended 30 September 2016.

**CARRIED UNANIMOUSLY 5/0**

**10.14 Bassendean Youth Advisory Council Meeting held on 26  
August 2016 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie  
– Youth Development Officer)**

**APPLICATION**

The purpose of the report was for Council to receive the minutes of the Youth Advisory Council (YAC) meeting held in August 2016.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —  
ITEM 10.14

- OCM – 20/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council receive the report on the meeting of the Youth Advisory Council meetings held on the 26 August 2016.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.15 Bassendean Local Studies Collection Management Committee Meeting held on 6 October 2016 (Renata Pietracatella - Manager Library and Information Services)**

APPLICATION

The purpose of this report was for Council to receive the report on a meeting of the Local Studies Collection management Committee held on 6 October 2016.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.15

- OCM – 21/10/16** MOVED Cr Pule, Seconded Cr Brown, that the report on a meeting of the Bassendean Local Studies Collection Management Committee held on 6 October 2016, be received.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.16 Liveable Town Advisory Committee (LTAC) 11 October 2016 (Ref: GOVN/CCL/MEET/34 – Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Liveable Town Advisory Committee held on Tuesday 11 October 2016.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.16

- OCM – 22/10/16** MOVED Cr Pule, Seconded Cr Brown, that:

1. Council notes that the Town has been included on the one application for funding lodged by the City of Bayswater to the Club Development Officer Scheme on Friday 7 October 2016 as part of the club development collective with the Cities of Bayswater and Swan;

2. Council provides sponsorship under the Community Events Sponsorship Program of \$1,000 to the Bassendean Primary School to showcase the School's digital art installation;
3. Council provides sponsorship under the Community Events Sponsorship Program of \$470 to the Success Hill Action Group to assist with the staging of their annual Children's Christmas Party in the Park event;
4. Council waives the hire fee of \$130 to the Success Hill Action Group for the use of Success Hill Reserve for the staging of its annual Children's Christmas Party in the Park event;
5. Council approves the installation of a Little Free Library on the verge at 23 Kenny Street, Bassendean, provided plans acceptable to the Town are first submitted that demonstrates how inherent risks to the Town are to be managed;
6. Subject to the ArtsHouse Community Garden Subcommittee becoming incorporated, Council approves a one-off donation of \$1,000 from the Donations account (account number 391392) to assist with the costs associated with the incorporation process for the ArtsHouse Community Garden, including meeting the first annual insurance premiums; and
7. Council receives the report of the meeting of the Liveable Town Advisory Committee held on 11 October 2016.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

COUNCIL RESOLUTION – ITEM 10.17(a)

**OCM – 23/10/16** MOVED Cr Gangell, Seconded Cr Pule, that Item 10.17 be removed from the en-bloc table and considered separately.

**10.17 Audit & Risk Management Committee Meeting held on 12 October 2016 (Ref: GOVNCCL/MEET/3, Michael Costarella, Director Corporate Services)**

APPLICATION

The purpose of this report was for Council to receive the report on a meeting of the Audit & Risk Management Committee held on 12 October 2016 and adopt the recommendations from the Committee.



**COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION  
– ITEM 10.17(b)**

**OCM – 24/10/16** MOVED Cr Pule, Seconded Cr Lewis, that Council:

1. Receives the audited 2015/16 Annual Financial Statements and draft Audit Report and Completion Report, as attached to the Audit and Risk Management Committee Agenda of 12 October 2016;
2. Defers the item relating to the amendment to the Opening Surplus, to the next Audit and Risk Management Committee meeting, to allow for a report to be prepared outlining the potential options of expenditure in order to increase the opening surplus;
3. The Trustees of the Morley Baptist Church Inc. be granted a rate exemption on 33 Hanwell Way, Bassendean, for the 2016/17 financial year in accordance with Section 6.26 (2)(d) of the Local Government Act.

**CARRIED BY AN ABSOLUTE MAJORITY 5/0**

**10.18 Hyde Retirement Village - Annual General Meeting held on 14 October 2016 (Ref: COMS/MEETS/2 – Graeme Haggart, Director Community Development)**

**APPLICATION**

Council was requested to receive the report on the Hyde Retirement Village Annual General meeting held on 14 October 2016.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.18**

**OCM – 25/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council:

1. Acknowledges the two emergency service vehicle bays have been remarked for tenant parking and takes no further action to increase on-site parking; and
2. Receives the report on a meeting of the Hyde Retirement Village Annual General held on 14 October 2016.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0**

**10.19 Accounts for Payment – September 2016 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)**

APPLICATION

The purpose of this report was for Council to receive the Accounts for Payment in accordance with Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.19

**OCM – 26/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council receives the List of Accounts paid for September 2016, as attached to the Ordinary Council Agenda of 25 October 2016.

CARRIED UNANIMOUSLY 5/0

**10.20 Financial Statements – September 2016 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

APPLICATION

The Local Government Financial Management Regulations, Clause 34(1) requires that a monthly financial report be presented to Council. A Local Government is to prepare each month a statement of financial activity that clearly shows a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.20

**OCM – 27/10/16** MOVED Cr Pule, Seconded Cr Lewis, that the:

1. Financial Report for the period ending 30 September 2016, as attached to the Ordinary Council Agenda of 25 October 2016, be received; and
2. Budget amendments listed for adoption in the Financial Statements as attached to the Ordinary Council Agenda of 25 October 2016, be approved.

CARRIED BY AN ABSOLUTE MAJORITY 4/1

*Crs Gangell, Lewis, Pule and Brown voted in favour of the motion. Cr Bridges voted against the motion.*

**10.21 Determinations Made by the Principal Building Surveyor (Ref: LUAP/PROCED/1 – Kallan Short, Principal Building Surveyor)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.21

**OCM – 28/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.22 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Development Services)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.22

**OCM – 29/10/16** MOVED Cr Pule, Seconded Cr Gangell, that Council notes the decisions made under delegated authority by the Manager Development Services.  
  
CARRIED 4/1  
*Crs Gangell, Lewis, Pule and Brown voted in favour of the motion. Cr Bridges voted against the motion.*

**10.23 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins, Executive Assistant)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.23

**OCM – 30/10/16** MOVED Cr Pule, Seconded Cr Brown, that Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 25 October 2016.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.24 Calendar for November 2016 (Ref: Sue Perkins, Executive Assistant)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -  
ITEM 10.24

**OCM – 31/10/16** MOVED Cr Pule, Seconded Cr Brown, that the Calendar for November 2016 be adopted.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-5/10/16 5/0

**10.25 Implementation of Council Resolutions (Ref: Sue Perkins, Executive Assistant)**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.25**

**OCM – 32/10/16** MOVED Cr Pule, Seconded Cr Brown, that the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 25 October 2016 be deleted from the Implementation of Council Resolutions list.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/10/16 5/0**

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 Cr Bridges – 100 Year Flood Height Markers**

**COUNCIL RESOLUTION – ITEM 11.1**

**OCM – 33/10/16** MOVED Cr Bridges, Seconded Cr Brown, that the temporary 100 year flood height vinyl stickers recently attached to power poles be replaced with non-corroding metal bands with the same message and where this is impractical due to the presence of reinforced supports a white band be painted around the pole and supports and the 25 and 100 year flood zone bands be removed to avoid confusion where not adjacent to the flood information signs. Should this require a further financial contribution then this be addressed in the forthcoming budget review.

**CARRIED 4/1**

*Crs Gangell, Lewis, Bridges and Brown voted in favour of the motion. Cr Pule voted against the motion.*

**11.2 Cr Bridges – Council Forms**

**COUNCIL RESOLUTION – ITEM 11.2**

**OCM – 34/10/16** MOVED Cr Bridges, Seconded Cr Brown, that Council forms provided by the Town of Bassendean that request 'Christian Name' and 'Surname' be amended to read 'Given Name' and 'Family Name'.

**CARRIED UNANIMOUSLY 5/0**

**11.3 Cr McLennan - Water Corp Drainage for Liveability Projects**

**COUNCIL RESOLUTION – ITEM 11.3**

**OCM – 35/10/16** MOVED Cr Bridges, Seconded Cr Brown, that Council:

1. Seeks input from community members/groups and officers for innovative ideas on how to take advantage of the existing green spaces next to Water Corporation stormwater drains in the Town for the purpose of submitting an application/s for the Water Corp Drainage for Liveability Project;
2. Requests that officers collate submissions received and, based on these, prepare a draft application for the Drainage for Liveability Project for consideration by Council.

**CARRIED UNANIMOUSLY 5/0**

**12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**13.0 CONFIDENTIAL BUSINESS**

**COUNCIL RESOLUTION – ITEM 13.0(a)**

**OCM – 36/10/16** MOVED Cr Bridges, Seconded Cr Pule, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 8.35pm.

**CARRIED UNANIMOUSLY 6/0**

*All members of the public vacated the Chamber, the time being 8.35pm.*

**13.1 Council Street Trees – 87 Anzac Terrace, Bassendean (Ref: ILET-10975816 – Ken Cardy, Manager Asset Services)**

*This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) of the Local Government Act 1995, as the Officer report discusses legal advice.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 13.1

**OCM – 37/10/16** MOVED Cr Bridges, Seconded Cr Pule, that Council:

1. Does not authorise the removal of the Eucalyptus globulus (Tasmanian Blue Gum) at this stage that is located on Council verge at the side of 87 ANZAC Terrace, Bassendean;
2. Notes the approved plans for the 87 ANZAC Terrace, Bassendean development indicate that approximately a 5 metre length of the existing wall needs to be removed at the applicants cost; and the wall needs to comply with Council's open fence policy;
3. Approves the engagement of structural engineer or similar to inspect the brick wall and to provide estimated costs to modify the existing wall in accordance to Arborist report; and
4. A further report be provided to Council for consideration.

CARRIED UNANIMOUSLY 5/0

**13.2** Prosecution Matter - (Ref: DABC/BDVAPPS/2015-138 -  
Timothy Roberts, Planning Officer)

*Cr Pule declared an impartiality interest, as he has known the owner of the property for many years, and left the Chamber, the time being 8.40pm.*

*This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) of the Local Government Act 1995, as the Officer report discusses legal advice.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 13.2

**OCM – 38/10/16** MOVED Cr Bridges, Seconded Cr Brown, that the Officer Recommendation shown in the Confidential Report attached to the Ordinary Council Agenda of 25 October 2016, be endorsed.

CARRIED UNANIMOUSLY 4/0

*Cr Pule returned to the Chamber, the time being 8.45pm.*

**13.3 Sports Achievement Awards (Ref: COMR/AWADP/4 –Tim Dayman, Recreation Development Officer)**

*This report was discussed with members of the public excluded under Section 5.23 (2) (b) of the Local Government Act in order to maintain the confidentiality of the names of the nominees.*

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 13.3**

**OCM – 39/10/16** MOVED Cr Bridges, Seconded Cr Lewis, that Council:

1. Awards the Town of Bassendean Sports Achievement Award to (name of recipient withheld);
2. Council presents the Sports Achievement Award at a future Ordinary Council Meeting; and
3. The report and name of the recipient of the Award remain confidential until after the Award is presented.

**CARRIED UNANIMOUSLY 5/0**

**COUNCIL RESOLUTION – ITEM 13.0(b)**

**OCM – 40/10/16** MOVED Cr Pule, Seconded Cr Lewis, that the meeting proceed with open doors, the time being 8.46pm.

**CARRIED UNANIMOUSLY 6/0**

*As no members of the public returned to the Chamber, the reading aloud of the motions passed behind closed doors was dispensed with.*

**14.0 CLOSURE**

The next Ordinary Council Meeting will be held on Tuesday 22 November 2016.

There being no further business the Presiding Member declared the meeting closed, the time being 8.46pm.