



TOWN OF

**Bassendean**

## **AGENDA**

# **Briefing Session**

**Tuesday 16 August 2022**

Notice is hereby given of the Briefing Session  
to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

commencing at 6:00 pm

# Meeting Information

## About the Briefing Session

The Mayor will preside at the Briefing Session. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the Local Government Act 1995.

## Recording and Live-streaming

All participation in the meeting, except for confidential business, will be audio recorded and live-streamed on the Town's website. The live stream will be archived and made available on the Town's website after the meeting.

## Conduct at meetings

The Town is committed to ensuring our Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community. Any person attending is required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.

For any questions regarding the Briefing Session or any item presented in the agenda, please contact the Town of Bassendean at [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au).

Tune in to live streaming from the comfort of your own home by going to:  
Town of Bassendean Council - YouTube

or if you miss it live, go to:  
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

# Council Role

Each Report presented will identify what Council's Role is in the item

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Information	For the Council/Committee to note.

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## **1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer**

### **Acknowledgement of Traditional Owners**

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

### **2 Attendances and Apologies**

### **3 Declarations of Interest**

### **4 Announcements**

### **5 Petitions**

### **6 Public Question Time/Statements**

15 minutes will be allocated for questions by members of the public unless the Council, by resolution, decides otherwise on matters contained in the agenda.

Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Questions can be submitted prior to the Council meeting to:  
[www.bassendean.wa.gov.au/forms/public-question-time/36](http://www.bassendean.wa.gov.au/forms/public-question-time/36)

If a person asking a question is not present at the meeting, then the Mayor can choose to deal with it at the meeting or arrange a response by email.

### **7 Deputations**

Deputation requests can be submitted prior to the Briefing Session via the online form:  
[Online Form - Request for Deputation » Town of Bassendean](#)

Further information can be found here:  
[About Council Meetings » Town of Bassendean](#)

## 8 Reports

<b>8.1 Use Not Listed (Short Stay Accommodation) - 13A (Lot 1) Gallagher Street, Eden Hill</b>	
<b>Property Address</b>	13A (Lot 1) Gallagher Street, Eden Hill
<b>Landowner/Applicant</b>	Alyssia Strauss
<b>File Reference</b>	DABC/BDVAPP2021-147
<b>Author</b>	Luke Gibson
<b>Department</b>	Community Planning
<b>Previous Reports</b>	22 February 2022
<b>Authority/Discretion</b>	<p><b>Quasi-Judicial</b></p> <p>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Cover Letter [8.1.1 - 2 pages]</li> <li>2. Revive Wellness Company AirBnB Management Plan [8.1.2 - 61 pages]</li> <li>3. Schedule of Submissions - 13 A Gallagher Street, Eden Hill [8.1.3 - 3 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to reconsider an application for a Use Not Listed (Holiday House) at 13A Gallagher Street, Eden Hill, at the invitation of the State Administrative Tribunal (SAT).

The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a use that is not listed within the Zoning Table under Local Planning Scheme No. 10 (LPS 10). Further, Council considered the application previously.

### Background

#### Site History

- On 24 September 2021, an application for development approval was lodged for a Holiday House.
- On 22 February 2022, Council resolved to refuse the application on the basis that the applicant had failed to demonstrate how the use would be appropriately managed to ensure that there would be no accumulation of adverse impacts.

- On 28 March, 2022, the Town received notice that the owner had referred the application to the SAT for review.
- Following mediation, and the submission of further information, the Town was invited by the SAT to have Council reconsider its previous decision.

### Site Description

The subject site is a 386m<sup>2</sup> survey strata lot zoned Residential R20/R30. The site contains a single dwelling that was developed at the R30 density code and is bound by low density detached or semi-detached residential development. The site is located approximately 1.2km from the Success Hill Railway Station and 1.8km from the Bassendean Railway Station.

A location plan follows:



### **Proposal**

The applicant is seeking approval for short stay accommodation for up to four guests. Details of the amended proposal are as follows.

- The provision of three car parking spaces (one within the garage and two on the driveway).
- The proposal is now supported by a comprehensive Management Plan, which seeks to address various operational issues, including car parking, safety, noise, waste management and maintenance. This is discussed further below.

- Regarding noise issues, the application states that the AirBnB listing for the accommodation will specify that parties are not permitted, and that excessive noise will be prohibited after 10pm every night and before 7am Monday to Saturday and 9am on Sundays and public holidays. The applicant will be able to be contacted directly via mobile phone for any complaints or concerns.
- The applicant has also installed noise monitoring devices and security cameras, which will notify the landowner when a noise breach occurs. There is also a two-way speaker installed which will allow the landowner to communicate directly with guests to ensure noise issues are dealt with as quickly as possible.

The applicant has advised that remedial massage services will be available to guests of the proposed Holiday House. Whilst guests are at the premises, remedial massage services in accordance with the Home Business will not otherwise be provided from the site.

### Changes to previous Management Plan

There are several changes to the management plan of the proposed Holiday House when compared with the previous application. The changes are detailed below:

Previous Management Plan	Amended Management Plan
<p>Check in and Check out Procedure: Detailed a secure tamper resistant lock box to be located at the front of the property for guests to check in and out.</p>	<p>Details a secure smart lock which has a mobile app that enables landowners to lock and unlock the device at any time, should an issue arise. This also enables a secure pin code to be sent to guests.</p>
<p>Mitigation and Complaints Procedure: Detailed the landowner's contact details should there be any issues.</p>	<p>The amended management plan includes a secondary contact list with four additional names and phone numbers, should the landowner be unable to be contacted at the time of an issue. The management plan specifically states that the Town of Bassendean rangers or the police are not to be contacted in the first instance concerning complaints.</p>
<p>Mitigation and Complaints Procedure: Should guests fail to adhere to the house rules, the landowner, police, security, rangers or other engaged professionals may attend in-person to have the guests removed and locks changed.</p>	<p>A detailed procedure is outlined should a complaint arise concerning guests at the accommodation. This includes guests having their access code revoked and investigation of security cameras and noise monitoring devices. The amended management plan also states that private security professionals or the landowners will attend in person to have the guests removed and removes the responsibility of police and rangers as per the previous management plan.</p>



<p>Mitigation and Complaints Procedure: Noise monitoring devices may be installed.</p>	<p>The wording has been updated to ensure the devices are installed.</p>
<p>Security, Safety and Community: States that an internal intuitive decibel device named roomonitor will be installed which monitors the decibel level within the household and is customised to call the relevant guests and/or the landowner if levels peak and persist at certain pre-set decibel ranges.</p>	<p>The amended plan states that the devices have been installed and if the noise levels are breached the devices are set to SMS and call the landowners. These devices are hardwired and are located within the kitchen/entertainment room, outdoor kitchen and the pool area. The security cameras on the property have two-way speakers which will allow the landowner to speak directly to guests should noise reach an unacceptable level. A plan and photos have been provided that display the location of the noise devices and cameras.</p>
<p>Car Parking: States that the property comes with five allocated car parking bays. This included one bay in the garage, two bays on the driveway and two bays on the grass verge.</p>	<p>The amended plan states that the property has three allocated car parking bays, including one bay in the garage and two bays on the driveway. The allocation of the verge for parking was removed. The management plan states that additional parking is available at Mary Crescent Reserve and the Alf Faulkner Hall within the public carpark. An updated car parking plan displays this arrangement.</p>

## Communication and Engagement

The amended application was advertised between 24 June 2022 and 22 July 2022 in the following manner:

- A sign was erected on the subject site;
- Letters were sent to the owners and occupiers within a 200m radius of the proposed development; and
- A copy of the application was available for review on the Town’s website.

At the close of the submission period, three submissions were received; two objecting to the proposal and one submission was received in support of the proposal. A schedule of submissions is attached, with the content of the submissions further discussed below.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.2 Ensure major decision making is informed by community feedback

## Comment

### Local Planning Scheme No. 10

The subject site is zoned Residential R20/30 under LPS 10. Short Stay Accommodation is a use that is not listed within the Zoning Table under LPS 10.

Clause 3.4.2 of LPS 10 states:

*“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot be determined as falling within the type, class or genus of activity of any other use category the local government may:*

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 67 of the deemed provisions in considering an application for development approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

The objectives of the Residential Zone, as defined by LPS 10 are:

- “(a) To maintain lifelong or long-time residents as an integral component of the Bassendean community;*
- (b) To continue and increase the attraction for young families to reside and raise their families in the Bassendean community;*
- (c) To recognise the role of Bassendean as a middle metropolitan area that is well placed to contribute meaningfully to sustainable urban development for the Perth Region, and therefore facilitate the planned gradual increase in population growth in a manner that provides net environmental, social and economic benefit;*
- (d) To make provision for housing types that respond to the demands of an ageing population and declining occupancy rates;*
- (e) To limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- (f) To ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and*
- (g) To ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.”*

As the proposed use is a quasi-commercial land use that, if not appropriately managed, may result in adverse impacts on the residential amenity of the immediate area. If the site is appropriately managed it was determined that it “may” be consistent with the objectives of the zone.

## Car Parking

LPS 10 does not prescribe minimum car parking spaces for a Holiday House, nor does it contain any similar comparable use that may be applicable.

Local Planning Policy 8 – Car Parking and End-of-Trip Facilities (LPP 8) is used to guide decision making on applications which include variations to the minimum car parking standards required in LPS 10 and includes a car parking standard for every land use listed in draft LPS 11, including Holiday House.

LPP 8 requires the provision of two car parking bays, which are provided on site. The application therefore complies in this regard.

In addition to the local planning framework, the Planning and Development (Local Planning Schemes) Regulations 2015 require Council to have due regard to the adequacy of car parking arrangements. In considering the matter, the following is relevant:

- Whilst massages services will be offered to guests by the applicant, the Home Business (Remedial Massage) will not otherwise operate from the premises whilst guests are in attendance. As such, additional parking for clients is not required.
- The applicant attending the premises to provide treatments to guests will be infrequent. On occasions where this does occur, the applicant is able to park on the street for short periods of time, as per by the Town's Parking Local Law 2019.
- The management plan states that the site provides for three parking spaces (one in the garage and two cars in a tandem arrangement in the driveway). The length of the driveway is 10.3m and therefore cannot accommodate two cars.
- Whilst the Town acknowledges the submitters concerns regarding car parking and management of the Airbnb to date, the proposed number of guests and associated car parking is not beyond what would be appropriate for a residential dwelling.

Based on the above, the car parking arrangements are considered adequate, subject to the imposition of a condition requiring the management plan to be amended to state that the site only accommodates two car parking bays. The provision of two car parking bays on site is considered sufficient for up to four guests.

## Traffic

The proposal involves a maximum of four guests at any one time. Whilst the use of private vehicles by individual guests cannot be determined, the amount of traffic associated with the proposed development is likely to be within the capacity of the existing road network to accommodate and comparable to if the dwelling were to operate as a single house.

### Amenity Considerations

Clause 67 of the Regulations requires the local government to have regard to amenity considerations (including environmental, character and social impacts) as well the compatibility of the proposal with its setting.

In considering these issues, the following is relevant:

- The area is characterised by low density residential development, which is typically quiet and suburban in nature. The use of the site for a Holiday House is a quasi-commercial use that may be best suited to a commercial area or at least a residential area with a higher residential density code, and therefore less of an expectation of quiet residential amenity. This is dependent on the noise and activity generated by the land use and how it is managed.
- It is a reasonable expectation that visitors and short-term occupants are likely to use the premises, outdoor living area and pool at a greater frequency and for extended periods of time than long term residents. The noise management devices will ensure that the landowner is made aware when noise reaches an unacceptable level. The security cameras and two-way speakers will allow guests and the landowner to communicate to resolve any potential issues. This procedure is likely to alleviate possible negative amenity impacts before they can disturb neighbouring properties.
- The submitted management plan does give the landowner the ability to act on issues before impacting surrounding properties. The Town considers the amended management plan satisfactorily addresses parking, noise and anti-social behaviour concerns.

Based on the above, it is considered that the risk of amenity impacts to surrounding landowner is low, where the management plan is followed correctly. The assurance that the property will not be utilised for events and/or large gatherings would result in the dwelling not being used beyond what could be reasonably expected within a low-density residential area. The Town suggests that the performance of the accommodation is monitored for a set period of time to evaluate the effectiveness of the management plan.

### Draft Local Planning Strategy

The draft Local Planning Strategy is currently being advertised to the community and is considered a relevant document as part of the assessment of this application. It is identified (through section 4.3.3 Tourism), that the Town contains multiple attributes of tourism value and recognises the opportunity to consider increasing tourist accommodation within the Town, including short term accommodation. Tourism is also identified as a planning opportunity within the Town by including new short term accommodation land uses within the local planning scheme.

Draft Local Planning Policy – Short Stay Accommodation

The Town currently has drafted a local planning policy aiming to provide guidance for the establishment of short stay accommodation within the Town. The proposal was assessed against the draft document below.

Draft Assessment Criteria	Proposal
The site is located within a 400m walk from a centre or railway station and/or a 200m walk from a recognised high frequency bus route.	Not Compliant. The site is located 1.2km from the nearest railway station and 480m from a future centre. There are no high frequency bus routes within 200m of the property. Whilst the proposal does not comply with the locational requirements of the draft policy, the variation is not considered problematic in that, as mentioned above, the amended management plan will ensure the use is able to operate within the low-density residential location, without unduly impacting the local amenity.
The site has direct access to a constructed road that has two exit routes (ie. excluding situations where the sole access to the premises is provided from a cul-de-sac, right of way or battle-axe access leg);	Compliant.
Short stay accommodation in strata and community title developments will only be supported where:  (i) the strata company or community corporation has consented to the application; and (ii) the short stay accommodation can operate without reliance on shared facilities.	Whilst the lot is a survey-strata site, it does not share any facilities with another site.
The site is not identified as being at risk of natural hazards or alternatively, the relevant risk has been identified and appropriate mitigation measures proposed.	Compliant.
The operation of the proposed use shall minimise adverse issues, particularly amenity impacts on surrounding residential and other land use.	It is considered that, if the short stay accommodation is managed as per the provided management plan, it will be of low risk of an adverse impact on the amenity of the surrounding residential land uses. It is considered appropriate however to monitor the impact of the operation of the holiday house over a 12-month period.
All car parking associated must be contained on the same site as the short stay accommodation. Strata and community title developments must not rely on the use of visitor car parking bays.	Compliant.
The site shall be provided with adequate standard of services and infrastructure necessary to support the use.	Compliant.

As detailed above, the proposal is generally compliant with the draft policy and where it involves departures, those departures are considered acceptable.

The draft Policy does state that in approving an application for development approval, the Town may impose a condition that involves a time limitation for up to 12 months. In that instance, the applicant may lodge a subsequent application to extend to the term of the approval and in determining such an application, the Town would have regard to the performance of the accommodation over the period. If the Town is not satisfied of the previous performance, the application may not be supported. Such an approach is recommended in this case.

### Conclusion

Whilst the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents, the Town acknowledges that a detailed and extensive management plan has been proposed to mitigate these concerns relating to car parking and noise. The Town suggests a trial approval is given to allow the Town to monitor the management of the accommodation and its impacts on the surrounding landowners. This temporary approval would be for 12 months and allow the Town to gauge the performance of the accommodation over that period. After such time, the Town can determine the ongoing use of the property.

### **Statutory Requirements**

In accordance with Section 31 of the *State Administrative Tribunal Act 2004*, upon being invited by the Tribunal to reconsider the decision, the decision-maker shall:

- (a) affirm the original decision (refusal); or
- (b) vary the original decision; or
- (c) set aside the decision and substitute its new decision (approval, with or without conditions).

If Council resolves to refuse the application, the Town will take action to ensure that the use ceases.

### **Financial Considerations**

See below.

### **Risk Management Implications**

Financial Risk: Moderate

If the Council resolves to affirm the original decision (refusal), it may result in the application being considered at a SAT hearing. Given that the officer recommendation is to conditionally support the application, the Town would be required to engage an external planning consultant to defend Council's position. The cost of this to the Town is unknown, but it would be expected to cost up to \$10,000.

## Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### Officer Recommendation – Item 8.1

That Council, pursuant to Section 31(2)(c) of the *State Administrative Tribunal Act 2004* sets aside its original decision of 22 February 2022 and approves the application for development approval of a Use Not Listed (Holiday House) at 13A (Lot 1) Gallagher Street, Eden Hill, subject to the following conditions.

1. A revised management plan shall be submitted, to the satisfaction of the Town within 60 days of the date of the approval, that addresses the following matters:
  - (i) The logging of noise performance against the *Environmental Protection (Noise) Regulations 1997*;
  - (ii) The reporting of all noise breaches to Town in an agreed format;
  - (iii) The parking plan drawings are to be amended to one parking bay within the garage and one parking bay in the driveway; and
  - (iv) The management plan shall state that the site accommodates a maximum of two vehicles, and that guests are to be made aware that vehicles cannot overhang the footpath.
2. The use must be undertaken in accordance with the submitted management plan at all times to the satisfaction of the Town.
3. The street numbering is to be made larger and more prominent to guests arriving at the property within 60 days of the date of the approval, to the satisfaction of the Town.
4. The approval is valid for a period of 12 months only from the date of the approval. The applicant will be required lodge a subsequent application to extend to the term of the approval and in determining such an application, the Town would have regard to the performance of the accommodation over the previous period. If the Town is not satisfied of the previous performance, the application may not be supported.
5. The contact details of the owner/manager must be prominently displayed at the front of the property as viewed from the street to the satisfaction of the Town.
6. A register of all persons occupying the short stay accommodation is required to be kept and shall be open to inspection on demand by the Town.

7. No more than four persons are permitted to be on the property between the hours of 10:00pm and 7:00am.
8. The spa and spa pump are not to be used between the hours of 10:00pm and 7:00am unless it is demonstrated by an acoustic report that the noise of the spa and spa pump do not exceed the requirements of the *Environmental Protection (Noise) Regulations 1997*. Alternatively, the spa pump is enclosed in an acoustically rated soundproof box to the satisfaction of the Town.

**Voting requirements: Simple Majority**



<b>8.2 Proposed Outbuilding - 86 (Lot 88) Hamilton Street, Bassendean</b>	
<b>Property Address</b>	86 (Lot 88) Hamilton Street, Bassendean
<b>Landowner/Applicant</b>	Liam and Alicia Kavanagh
<b>File Reference</b>	2022-065
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning, Development and Place
<b>Previous Reports</b>	Nil
<b>Authority/Discretion</b>	<p><b>Quasi-Judicial</b></p> <p>When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Proposed Outbuilding - Development Plans [8.2.1 - 4 pages]</li> <li>Justification Letter [8.2.2 - 3 pages]</li> </ol>

**Purpose**

The purpose of this report is for Council to consider an application for development approval for a proposed outbuilding at 86 (Lot 88) Hamilton Street, Bassendean. The matter is referred to Council for determination as it is outside the authority delegated to staff due to an objection being received during the consultation period.

**Background**

The subject site is 764m<sup>2</sup> and zoned residential R20 under Local Planning Scheme No. 10 (LPS10). The site accommodates a single dwelling and two existing outbuildings (6.2m<sup>2</sup> and 23m<sup>2</sup>). A location plan follows:



## Proposal

The initial proposal involved the following:

- The construction of a 48.75m<sup>2</sup> (7.5m x 6.5m) outbuilding in the north-western rear corner of the lot.
- The proposed outbuilding has a wall height of 3.1m and a total ridge height of 3.7m.
- The outbuilding is set back 0.5m from the northern and western lot boundaries.
- Removal of the two existing outbuildings.

On 21 July (following the consultation period), the Town received an amended proposal which involved the following:

- The proposed outbuilding has a reduced wall height of 2.8m and a reduced total ridge height of 3.461m.
- The proposed setback being increased from 0.5m to 1m from the north and western lot boundaries.

## Communication and Engagement

The initial development application was referred to the adjoining owners and occupiers for a period of 14 days (being from 30 June 2022 to 15 July 2022). At the close of the submission period, two objections were received based on the wall height, the proposed setback and the current rear boundary fencing.

The applicant was invited to modify the proposal and made the amendments referenced above, and proposed replacement of the rear boundary fencing with standard 1.8m Colorbond fencing.

The amended development plans were advertised to the adjoining owners and occupiers for a period of 14 days (being from 22 August 2022 to 5 August 2022). At the close of the submission period, one objection was received, which raised the following concerns:

- *“The proposed size and position of the structure would severely restrict/overshadow light to our alfresco and living/lounge room.*
- *The scale of the structure could be used for commercial purposes either by the current owners or future occupants.*
- *The position of the structure would assume that a driveway would extend directly to the workshop with the potential for noise pollution and vehicle omissions within 1- 2 m of our outdoor eating and entertaining area.”*

These matters are discussed below.

## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community  
 1.1 Fostering a culture of collaboration and trust between the organisation and community

### Comment

#### Local Planning Scheme No. 10

The subject site is zoned Residential R20 under LPS 10. The proposed outbuilding is incidental to the Grouped Dwelling, which is a “P” use within the Residential zone, meaning the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

#### State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes) and Local Planning Policy 12 - Residential Development and Fences (LPP 12)

The R-Codes include ‘deemed-to-comply’ Criteria (prefixed by “C”) and Design Principles (prefixed by “P”). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles, which in this case is “*outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties*”. It should be noted that LPP 12 replaces the relevant ‘deemed-to-comply’ criteria contained within the R-Codes.

The proposal complies with the provisions of LPP 12 (the replaced ‘deemed-to-comply’ criteria) with the exception of the following.

LPP 12 Provision	Assessment
<b>C5.4.3 – Outbuildings – B. Large and multiple outbuildings</b>	
(iii) does not exceed a wall height of 2.4m;	The outbuilding is proposed to have a wall height of 2.8m; 40cm (0.4m) greater than the deemed to comply standard.

In considering the design principle and the submitters’ comments, the following is relevant:

- The ridge height meets the deemed to comply standard.
- Due to the lot alignment (structure is located south of the objector), solar access impacts will be confined to the subject site and therefore there are no overshadowing concerns.
- Any noise on the site would be required to conform with the *Environmental Protection (Noise) Regulations 1997*.

- Should the application be approved, the Town would recommend that a standard condition of approval is imposed that requires the structure being used for domestic purposes only. Any use of the structure for commercial purposes would be a breach of the development approval and subject to compliance and enforcement action.

It is considered that the impact of the 40cm height variation of the northern wall will not cause a detrimental impact to the amenity of the adjoining property or detract from the streetscape. Based on the above, the proposal is considered acceptable, and it is recommended that it be approved.

### Conclusion

Acknowledging the structure meets the design principles and the objectors' concerns relating to the use of the outbuilding can be conditioned, it is recommended that Council approve the proposal subject to appropriate conditions.

### **Statutory Requirements**

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by:

- “(a) *granting development approval without conditions; or*  
(b) *granting development approval with conditions; or*  
(c) *refusing to grant development approval.*”

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Should Council refuse the proposal, the applicant may seek to appeal to the State Administrative Tribunal.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

**Officer Recommendation – Item 8.2**

That Council approves the application for development approval for an outbuilding at 86 (Lot 88) Hamilton Street, Bassendean subject to the following conditions:

1. The outbuilding shall only be used for domestic purposes associated with the property and not be used for commercial purposes or human habitation.
2. All building works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
3. All stormwater being contained on site. Details of the method of stormwater disposal being submitted for approval in conjunction with the application for a Building Permit.

**Voting requirements: Simple Majority**

<b>8.3 Adoption of the Quarterly Report period ending 30 June 2022</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Peta Mabbs
<b>Department</b>	CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	Quarterly Report – period ending 30 June 2022. Council Resolutions recommended for closure.

### **Purpose**

The purpose of this report is for Council to receive the Quarterly Report for the period ending 30 June 2022.

### **Background**

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables in the 2021-2025 Corporate Business Plan, where those deliverables commence in the 2021/22 financial year.

The Quarterly Report also contains the list of Council Resolutions recommended for closure.

### **Proposal**

That Council resolves to adopt the Quarterly Report for the period ending 30 June 2022.

### **Communication and Engagement**

The draft Quarterly Report was provided to Councillors under cover of the CEO Bulletin dated 29 July 2022 for initial comment/feedback. No feedback was received.

### **Strategic Implications**

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.3 Ensure operational activities reflect the strategic focus of Council

## **Comment**

The Quarterly Report P/E 30 June 2022 is the final report for the financial year 2021/2022. The report reflects a composite of the activities that have occurred in the final quarter of the 2021/2022 financial year and provides a progress report on budget deliverables in the Corporate Business Plan. The report provides updates on the strategic priority projects and the deliverables of each priority area as contained in the SCP.

The Quarterly Report also contains the list of Council Resolutions recommended for closure. Updates on the progress of these resolutions have been made for Council's noting. Administration has reconciled the list so that closed out resolutions may now be removed from the list of outstanding resolutions.

## **Statutory Requirements**

*Local Government Act 1995.*

## **Financial Considerations**

Nil.

## **Risk Management Implications**

Financial Risk  
Low

A comprehensive and strategically aligned Quarterly Report will ensure transparency of decision-making and timeliness of service deliverables.

## **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **Officer Recommendation – Item 8.3**

That Council:

1. Receives the Quarterly Report for the quarter ending 30 June 2022; and
2. Endorses the Council Resolutions recommended for closure attached to the Quarterly Report for the period ending 30 June 2022.

**Voting requirements: Simple Majority**

<b>8.4 Proposed Rescheduling of December 2022 meetings</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	CEO
<b>Department</b>	Office of the CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	Nil

### **Purpose**

The purpose of this report is to bring forward the Briefing Session and Ordinary Council meeting and the Audit and Governance Committee meeting proposed for December 2022.

### **Background**

The Town currently conducts its Briefing Sessions on the third Tuesday of each month, and its Ordinary Council Meeting on the fourth Tuesday of each month. These meetings commence at 6.00pm and are held in the Council Chamber.

No meetings have been scheduled for January 2023, due to the practice for a number of Councillors and Officers to take leave during this time.

### **Proposal**

That the December Briefing Session and Ordinary Council meetings be scheduled one week earlier than the meeting schedule, due to the festive season. It is also proposed to reschedule the Audit and Governance Committee one week earlier from 7 December to 30 November 2022.

### **Communication and Engagement**

Once adopted, public notice will be provided in the local newspaper, the Town's website, public notice boards and social media.



## Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

### Comment

Council adopted its 2022 meeting schedule at its 2 November 2021 Ordinary meeting. In accordance with that schedule, the December Briefing Session is currently scheduled for 13 December and the Ordinary Council meeting for 20 December 2022.

At the July OCM, it was requested that consideration be made to bring forward the December round of meetings. In accordance with that request, it is proposed to hold the Briefing Session on 6 December 2022 and the Ordinary Council meeting on 13 December 2022.

It is also proposed to hold the Audit and Governance Committee meeting on 30 November 2022. This will enable the Annual Financial Statements to be received by the Committee prior to presentation to Council for adoption with the annual report. Council is required to accept the annual report for the year ended 30 June 2022, by 31 December 2022 under the section 5.53 of the *Local Government Act 1995*.

In accordance with regulation 12(3) of the *Local Government (Administration) Regulations 1996*, notification of the amendments are required to be uploaded to the Town's website.

### Statutory Requirements

*Local Government Act 1995, Section 5.25(1)(g) and Local Government (Administration) Regulation 12.*

### Financial Considerations

N/A

### Risk Management Implications

No Risks Identified

### Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

**Officer Recommendation – Item 8.4**

That Council reschedules the:

1. December Briefing Session and Ordinary Council meeting to 6 December and 13 December 2022, respectively; and
2. Audit and Governance Committee from 7 December to 30 November 2022.

**Voting requirements: Simple Majority**

<b>8.5 Accounts Paid 31 July 2022</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<b>Author</b>	Paul White
<b>Department</b>	Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	1. List of Payment July 2022 [8.5.1 - 19 pages]

### **Purpose**

The purpose of this report is for the Council to receive the list of payments for July 2022.

### **Background**

Payments made during July 2022 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

### **Proposal**

For Council to receive the list of payments for July 2022.

### **Communication and Engagement**

Nil.

### **Strategic Implications**

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

4.3 Support the local economy

### **Comment**

Nil.

## **Statutory Requirements**

The Local Government (Financial Management) Regulations 1996, Regulation 13, requires a list of accounts paid by the CEO each month to be presented to Council at the next ordinary meeting of Council after the list is prepared.

## **Financial Considerations**

All payments are authorised prior to disbursement in accordance with the Town's Purchasing Policy, Procurement Guidelines and allocated budgets.

## **Risk Management Implications**

Financial Risk  
Low

The Town has adequate controls in place to mitigate external and internal risks in accounts payable.

As an extra measure, the Town uses EftSure to independently check bank account details of key suppliers paid by the Town.

## **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **Officer Recommendation – Item 8.5**

That Council receive the list of payments for July 2022.

## **Voting requirements: Simple Majority**

## 9 Motions of which Previous Notice has been given

<b>9.1 Notice of Motion - Cr Carter: Use of Glyphosate</b>	
<b>Councillor</b>	Cr Carter
<b>Attachments</b>	Nil

### **Motion – 9.1**

That Council:

1. does not use glyphosate, or other herbicides listed under ‘scheduled poisons’ as defined in the *Poisons Act*, in or near children’s playgrounds and other public places in the Town where children congregate. Examples of such public places could include school playing grounds, childcare outdoor areas, and parks in the Town when they are scheduled to be used for occasional sports days and other school group events;
2. determines an appropriate exclusion (or buffer) zone around these areas in accordance with Western Australian Department of Health recommendations; and
3. requests the CEO to prepare a report within three months outlining alternative weed control strategies to be used in places listed in point (1) above, as well as identifying any other relevant places.

Reasons:

The use of glyphosate is banned in many places throughout the world and remains highly contentious. Latest studies indicate that there may be long term effects on bee populations, as well as risks to human health. (see for example: the 9 July 2022 article: <https://www.theguardian.com/us-news/2022/jul/09/weedkiller-glyphosate-cdc-study-urine-samples>)

While I acknowledge that the use of glyphosate is a key method of weed control in Bassendean, I believe that the Town needs to be as risk averse as possible where children’s health is concerned. My Notice of Motion is limited to areas where children, particularly small children, congregate.

### **Officer Comment:**

Not Supported.

The Town is guided by regulatory advice from the Department of Health (DOH) and the Australian Pesticides and Veterinary Medicines Authority (APVMA) in relation to the use of herbicides.

The advice of the APVMA is that products containing glyphosate are safe to use in accordance with the label instructions. The APVMA review considered the 2015 International Agency for Research on Cancer (IARC) assessment and concluded that exposure to glyphosate does not pose a carcinogenic or genotoxic risk to humans.

Further information on Glyphosate and the assessments and findings of the APVMA can be found here: [Glyphosate | Australian Pesticides and Veterinary Medicines Authority \(apvma.gov.au\)](#)

Where herbicides are required to be applied, the Town follows 'Pesticide Use and Management Policy and Operational Guidelines', with special consideration given to sensitive sites (including schools and childcare centres). For example, maintenance of the Town's parks is scheduled to avoid school sports days/ carnivals and the Town regularly communicates with schools located in close proximity to advise of planned maintenance. All pesticides used by the Town and its contractors are approved by the APVMA and are applied in accordance with the manufacturer's instructions, at the minimum volume required and by personnel who are trained in safe and proper application.

The Town currently limits the use of glyphosate and other herbicides to the minimum required and does not apply it within the immediate area of playgrounds (softfall surface or play equipment) as part of routine maintenance.

Where herbicides are required to be applied to garden beds or turf areas within or adjacent to playgrounds, signage is installed as per regulatory requirements and the playground is closed for 1 – 2 hours post completion. The timing of application also occurs when there a low level of expected use (early mornings).

Should this Notice of Motion be supported by Council, a review of how the Town's public spaces are designed and managed will be required.

This may involve the following changes, noting that the effectiveness of weed management will be reduced, resulting in a reduction in quality and useability of these spaces:

- Avoid any new hydrozoning/ecozoneing projects (replacement of turf with native plantings) near playgrounds, due to cost involved with alternative site preparation methods (soil removal to depth of turf root zone) and difficulty controlling grass weeds in new garden beds. This will impact the Palmerston Reserve 2022/23 native planting project.
- Increase frequency of Park maintenance and labour hours/ budgets to undertake hand weeding and brushcutting, noting that control of grasses in garden beds, bindi/clover in turf or suckering woody weeds through these methods may not be possible.
- Seek volunteer assistance with hand weeding in areas unable to be managed effectively, or within allocated budgets and resources.
- Install signage/ close off areas affected by weeds presenting a hazard, that are unable to be managed e.g. bindi, double gee.

- Monitor extent of weed encroachment and consider removal of existing garden beds within playgrounds (and any exclusion zones), with conversion of these areas to alternatives such as hardstand or compacted limestone that can be brushcut or steam weeded. This will affect the Sandy Beach Playspace and Mary Crescent Reserve, reducing aesthetics and biodiversity and habitat values.

## **10 Confidential Business**

## **11 Closure**

The next Briefing Session will be held on Tuesday 20 September 2022 commencing at 6pm.

The next Ordinary Council meeting will be held on 27 September 2022 commencing at 6pm.