

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 23 JULY 2019 AT 7.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 PRESENTATIONS

- 2.1 Michelle Prior (Department of Transport) gave a presentation on Item 10.12 - Success Hill Principal Shared Path.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Renee McLennan, Mayor
Cr Bob Brown, Deputy Mayor
Cr John Gangell
Cr Kathryn Hamilton
Cr Melissa Mykytiuk
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Paul White, Director Corporate Services
Mr Ken Cardy, Manager Parks & Environment (until 9.52pm)

Mr Phil Adams, A/Manager Infrastructure
Mr Christian Buttle, A/Manager Development Services (until 9.52pm)
Ms Mona Soliman, A/Manager Community Planning (until 9.52pm)
Ms Sharna Merritt, Senior Ranger (until 8.50pm)
Mrs Amy Holmes, Minute Secretary

Public

Approximately 25 members of the public were in attendance.

Press

Nil

Apologies

Nil

Leave of Absence

The following leaves of absence were requested:

- Cr Mykytiuk 26 July-6 August; and
- Cr Hamilton 1-8 August.

COUNCIL RESOLUTION – ITEM 3.0

OCM – 1/07/19 MOVED Cr Quinton, Seconded Cr Gangell, that the following leaves of absence be granted:

- Cr Mykytiuk 26 July-6 August; and
- Cr Hamilton 1-8 August.

CARRIED UNANIMOUSLY 7/0

4.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

4.1 Questions Taken on Notice

On 26 June 2019, the Acting Manager Development Services, Mr Christian Buttle, provided the following response to Mr Snelgar:

At the Ordinary Council Meeting held on 25 June 2019, I took on notice a question relating to the date of gazettal of Amendment No. 17 to TPS4A.

I can now advise you that notice of approval of Amendment No. 17 to TPS4A was published in the Government Gazette on 23 February 2018.

I have attached a copy of this Gazette, with the relevant section highlighted for your ease of reference (see below).

PL404

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Town of Bassendean
Local Planning Scheme No. 4a—Amendment No. 17

Ref: TPS/2134

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of Bassendean Local Planning Scheme amendment on 30 January 2018 for the purpose of—

1. Amending the Scheme Map as follows—

- (a) Removing the 'new roads and footways' annotation from the unconstructed road reserve adjacent to Lot 821 Villiers Street West (adjacent to 1 Hardy Road).
- (b) Removing the 'new roads and footways' annotation from the unconstructed road reserve known as Lot 13656 Hatton Court.
- (c) Deleting a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) from area 'A' and include the land within area 'B'.
- (d) Deleting a portion of Lot 271 Hamilton Street from area 'C' and include the land within area 'B'.

2. Amending the Scheme Text as follows—

- (a) by deleting Clause 30 under the heading of Scheme Timetable of the Scheme and substituting the following—
 - '30. The Council wishes to actively pursue the completion of the Scheme. To this end it has set a goal of completing the compulsory acquisition of properties in Area B within three years from the date of gazettal of the Scheme Amendment inserting this clause. The remaining properties to be acquired under Area B are as follows—
 - (a) Lot 211 Carnegie Street
 - (b) Pt Lot 206 Hyland Street
 - (c) Pt Lot 130 Anstey Road
 - (d) Pt Lot 113 Harcourt Street.
- (b) By deleting clause 31 of the Scheme and replacing it with the following—
 - (a) 'Other commitments of the Council within the time-frame referred to in clause 30 are the acquisition of a portion of part lots 127 Hatton Court and Lot 1003 Kenny Street, and construction of a footway'.

R. McLENNAN, Mayor.
B. JARVIS, Chief Executive Officer.

You will note that Amendment No. 17 had the effect of amending clause 30 of the TPS4A Scheme Text to incorporate replacement wording which in part reads as follows:

“30. The Council wishes to actively pursue the completion of the Scheme. To this end it has set a goal of completing the compulsory acquisition of properties in Area B within three years from the date of gazettal of the Scheme Amendment inserting this clause.”

Noting this, I can confirm that the Council has set a goal of completing required compulsory acquisition actions by 23 February 2021.

I trust that this information is of assistance.”

4.2 Public Question Time

Mr Bruce Robinson, President, Cyclist Action Group

In relation to the Success Hill Principal Shared Path (PSP), does Council think that the option four should be considered by the Department of Transport.

The Mayor responded that we are unable to answer that question right now as it needs to be considered by Council.

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

In relation to the PSP, has a study been undertaken of the road and pedestrian usage of that section of road. Are cyclists the main users of that section of road.

The Mayor responded that we don't have that specific data. The Acting Manager Infrastructure commented that the number of vehicles using that section of road is low, as is the users of the train station.

Mrs Tate, Railway Parade, Bassendean

In relation to the PSP, option four was discarded on the basis that it didn't cater for all abilities getting on and off the road. Why is this a problem when the street has very low traffic and is it worse than creating the hazard of cyclists versus pedestrians. Why aren't standard safety practices being looked at and why aren't we minimising the risk.

The Mayor thanked Mrs Tate for her questions.

Mr Don Yates, 10 Thompson Road, Bassendean

In relation to the PSP, has the Department of Transport considered separation at the north side of the train station where the PSP goes underneath as this would improve the safety dramatically. Also an increase of lighting in Railway Parade would improve safety.

The CEO advised that recent discussions with Western Power have been to incorporate Success Hill within the parameters of the underground power project. We are waiting on the scope of the project.

Mr Paul Bridges, West Road, Bassendean

With regard to the 48 properties that are to be included in category 1 & 2 of the Municipal Heritage Inventory, has this work been done. Would also like an update on work being done on the heritage incentive.

These questions were taken on notice.

Mr Robert Hodge, Anzac Terrace, Bassendean

Will the Council consider organising a meeting with residents, Councillors and the Department of Transport to review all options including option four.

The Mayor responded that this is something for Council to consider when discussing the item.

Ms Annette Darby, Anzac Terrace, Bassendean

In relation to the PSP, why don't the Department of Transport just leave it as it is, we are all happy.

COUNCIL RESOLUTION – ITEM 4.2

OCM – 2/07/19 MOVED Cr Wilson, Seconded Cr Gangell, that Council extend public question by 15 minutes.

CARRIED UNANIMOUSLY 7/0

Ms Nicola Clarke, 79 Penzance Street, Bassendean

In relation to item 10.14, how can you justify doubling the rates on vacant lots and how does increasing rates on vacant blocks encourage land owners to develop.

The Mayor advised that this is just a proposal at this point. Council is exploring how it can rate different properties throughout the Town. Rather than just putting a small advertisement in the newspaper, the Town is committed to consulting with its community and has contacted all those ratepayers of vacant blocks. There are a number of reasons and some may not apply to all vacant lots. The preferred approach to development is to incentivise people to develop their land. There is pressure from the State government to develop in the Town centre.

Mr Peter Pearson, River Street, Bassendean

The PSP is unnecessary. I walk on the road all the time. This section of road is very quiet. I feel cyclists on the PSP would be more dangerous to pedestrians.

Mrs Jill Taylor, Anzac Terrace, Bassendean

Has the Council received any complaints about the gap in the PSP and is the gap something that needs to be filled.

The Mayor responded that the Town has not received any complaints. The Department of Transport's consideration is not just about the community of Bassendean but all those who use the PSP network.

Mr Jeffrey Gier, 185 Fyfe Street, Helena Valley

Mr Gier provided the following questions:

1. I would like clarification as to what extra services the Town of Bassendean must provide to our vacant block in comparison to our immediate neighbours or other similar properties in the Town of Bassendean.
2. In answer to the topic of illegal dumping, I believe items deposited on one's property were the responsibility of the owner, but am I wrong to assume this, or does the Town of Bassendean clean up for land owners?
3. My understanding is that vacant blocks in the Town of Bassendean must meet various conditions:
 - Grass mowed during the summer months; and
 - Kept in a clean state (no old car bodies, building rubble etc).I believe that all local bodies have local by-laws in managing the above through the courts.
4. I'm at a loss as to how the Town of Bassendean deals with anti-social behaviour aside from reporting the incident to the relevant authorities.
5. As far as sand blowing onto the street with our vacant block, I've never seen sand blow onto the road. The Town of Bassendean would employ a mechanical sweeper to clean all road gutters within the Town, but I would be interested to see if our property has required any extra cleaning.

The Mayor took the questions on notice.

Mr Gier has advised the Director Corporate Services that after discussions, Mr Gier was happy with the outcome and does not require a response to his questions.

Mr Don Yates, 10 Thompson Road, Bassendean

In relation to incentivising development in this Town, a motion was passed last year that looked at narrowing Lord Street. In 2015 the Council supported the idea that there should be plans for neighbourhood community redevelopment implementation but this has not happened. If you want people to do something with their vacant blocks you need to do some of these things.

The Mayor advised that the particular proposal in relation to Lord Street came out of the Transport Study.

4.3 Address by Members of the Public

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

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 25 June 2019

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 5.1(a)**

OCM – 3/07/19 MOVED Cr Brown, Seconded Cr Mykytiuk, that the minutes of the Ordinary Council Meeting held on 25 June 2019, be received.

CARRIED UNANIMOUSLY 7/0

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 5.1(b)**

OCM – 4/07/19 MOVED Cr Gangell, Seconded Cr Brown, that the minutes of the Ordinary Council Meeting held on 25 June 2019, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

Item 10.10 - Eden Hill Underground Power, listed on the agenda has been withdrawn.

The Mayor gave recognition to a group of community members for their work on the Bassendean Festival of Local Business.

The Mayor gave recognition to Mr Ken Cardy for his service to the Town. Mr Cardy will be retiring next week.

7.0 PETITIONS

Nil

8.0 DECLARATIONS OF INTEREST

Nil

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

It was agreed that items 10.4, 10.8, 10.9, 10.11, 10.12 & 10.19 be removed from the en-bloc table and considered separately.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.1

OCM – 5/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 23 July 2019:

Item	Report
10.2	Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for 22 Multiple Dwellings – Lot 54 (No. 72) Railway Parade, Bassendean
10.3	Proposed Adoption of Amendment 11 to Local Planning Scheme No. 10

10.5	Development Application – Proposed Change of Use for – Exhibition Centre, Market, Trade Display and Reception Centre at Lot 600 (No. 174) Railway Parade, Bassendean
10.6	Town of Bassendean Dust and Building Waste Local Law 2018
10.10	Eden Hill Underground Power
10.15	Town Assets Committee Meeting held on 19 June 2019
10.16	Determinations Made by the Principal Building Surveyor
10.17	Determinations Made by Development Services
10.18	Implementation of Council Resolutions
10.20	Financial Statements – June 2019
10.21	Use of the Common Seal
10.22	Calendar for August 2019

CARRIED UNANIMOUSLY 7/0

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

Item	Report
10.4	Amended Application for Development Approval for Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean,
10.7	Adoption of Town of Bassendean Parking Local Law 2019
10.8	Parking Restrictions – Troy Street, Bassendean
10.9	European House Borer Infestation
10.11	Safe Active Street for Whitfield Street, Bassendean
10.12	Success Hill Principal Shared Path
10.13	RFT 085W 2018-19 The Supply, Assembly and Distribution of Variable Sized MGB's and Spare Parts (Separable Portion 1) and the Supply of Kitchen Caddy Bins with Compostable Liners and the Printing of Bin Lid Stickers (Separable Portion 2) for the Town of Bassendean
10.14	Implementation of Differential Rates
10.19	Accounts for Payment – June 2019

10.2 Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for 22 Multiple Dwellings – Lot 54 (No. 72) Railway Parade, Bassendean, Owner: Mark Francis Hammond and Sandra Lee Hammond. Applicant: Dynamic Planning and Developments (Ref: DABC/BDVAPPS/2019 – 077 – Christian Buttle, Acting Manager, Development Services [Planning])

APPLICATION

This report relates to a Form 2 - Joint Development Assessment Panel Application for 22 Multiple Dwellings at Lot 54 (No. 72) Railway Parade, Bassendean.

At its Ordinary Council meeting held in May 2011, Council resolved to require that all Joint Development Assessment Panel (JDAP) applications be the subject of a report to Council in order that Council can make an alternative recommendation to the Metropolitan Central JDAP, should it see fit.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.2

OCM – 6/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council endorse the Form 2 – Responsible Authority Report of the Acting Manager Development Services for the proposed 22 Multiple Dwellings at Lot 54 (No. 72) Railway Parade, Bassendean.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0

10.3 **Proposed Adoption of Amendment 11 to Local Planning Scheme No. 10 (Ref: LPS10.11 – Alex Snadden – Planning Officer)**

APPLICATION

The purpose of this report was for Council to consider final adoption of an amendment to Local Planning Scheme No. 10 (the scheme) to modify Table 1 (Zoning Table) of the Scheme to amend the use of ‘Convenience Store’ from a ‘P’ use, and the use of ‘Service Station’ from an ‘A’ use, to an ‘X’ use (a use that is not permitted) within the ‘Town Centre’ zone and ‘Local Shopping’ zone.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.3

OCM – 7/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council resolves to:

1. Support submissions No. 1 and 6, note submission No. 3 and dismiss submissions No. 2, 4 and 5 received during the public advertisement period on proposed Amendment No.11 to Local Planning Scheme No. 10;
2. Adopt Amendment No. 11 to the Town of Bassendean Local Planning Scheme No. 10 as initiated by Council at its meeting of the 26 February 2019 without modification;

3. Forward the amendment documentation and schedule of submissions to the Western Australian Planning Commission with the request that the Hon. Minister for Planning grant approval to the amendment and its gazettal without modification; and
4. Advise those that lodged a submission of Council's decision accordingly.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0

10.4 Amended Application for Development Approval for Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean, Owner: Keppel Holdings Pty Ltd, Applicant: Rowe Group (Ref: DABC/BDVAPPS/2019-018 – Alex Snadden, Planning Officer)

APPLICATION

The Town has received an amended application for development approval (DA 2019-018) for the existing concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean. The amended application seeks the deletion of conditions which restrict the operational capacity of the plant. The application seeks the deletion of:

- Condition 6, which restricts operating hours;
- Conditions 7, 9 and 10, which relate to the annual output of the facility, the average and maximum daily production capacity and reporting requirements to the Town; and
- Condition 8, which restricts access to and from the site on Sundays and Public Holidays by trucks and semi-trailers.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.4

OCM – 8/07/19

MOVED Cr Gangell, Seconded Cr Brown, that Council approves the amended application for development application for the proposed concrete batching plant at lot 105 (Nos 2-8) Clune Street, Bassendean subject to the following conditions:

1. Prior to the issue of a Building Permit, a development bond for the sum of \$10,000 being lodged with the Town of Bassendean to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works. In the event the works are not completed to a satisfactory standard, the Town may call on the bond for the purpose of completing the works.
2. All landscaped areas shall be reticulated and maintained for the life of the development in accordance with the approved landscaping plans. Landscaping along Wick Street road reserve post resumption of the unzoned portion of the lot is to be subject of a separate development application.
3. Any fencing to be setback a minimum of two (2) metres from the Clune Street frontage, behind the landscaping strip as detailed on the approved drawings. Fencing along the Wicks street road reserve post resumption of unzoned portion of the lot is to be subject of a separate development application.
4. The proposed development shall at all times operate in accordance with the approved 'Waste and Dust Management Plan' with regards to Waste Management to the satisfaction of the Town.
5. The proposed development shall at all times operate in accordance with the 'Dust Management Plan' prepared by BGC (Reference: DMP-001) with respect to Dust Management and the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* to the satisfaction of the Town.
6. The proposed development shall at all times operate in accordance with the Environmental Noise Assessment, prepared by Lloyd George Acoustics Pty Ltd, on behalf of BGC Australia (Report Reference: 18114736-01B) to the satisfaction of the Town.

7. The development shall at all times operate in accordance with the Transport Impact Statement, prepared by Shawmac Pty Ltd, on behalf of BGC Australia (Report Reference: 19011-TIS-001) to the satisfaction of the Town.
8. Standing water shall not remain on site for a period greater than 120 consecutive hours, so as to minimise the possibility of mosquito breeding.
9. All uncontaminated storm water and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells. The soakwells must deal with the entire land area and be designed to contain a 24hour storm duration and 100-year ARI. Details of storm water 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 Storm water Policy.
10. Any stored aggregate or sand outside the building is to be either wetted at all times or covered to prevent driven dust erosion.
11. Any material spills outside the material bins or waste storage bins are to be immediately wetted prior to removal of the materials.
12. Trucks must be washed down at the slump stand before leaving the site.
13. No products, good materials or waste shall be stored outside of the material bins or waste storage bins unless in a designated area that has been approved by the Town for this purpose.
14. A bin area is:
 - a. To be provided of not less than 10m²;
 - b. To be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m;
 - c. To be provided with 75mm minimum thickness concrete floors to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - d. To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
15. Bins are to be washed only in 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 storm water disposal system, or approved system, to the satisfaction of the Town of Bassendean.

16. The 19 car parking space and 18 truck parking spaces and associated access ways on the approved drawings being constructed, kerbed, marked and maintained thereafter to the Town's satisfaction.
17. Concrete mixer trucks are to be parked within an approved truck parking bays only.
18. Truck parking bays are to conform to the relevant Australian Standards. Future truck parking is subject to a future application for development upon resumption of the unzoned portion of the lot.
19. The required crossover post resumption of the unzoned portion of the land shall be constructed to Council's specifications (Note: Separate application and approval required).
20. Prior to any increase in production above 375m³ maximum daily output, the applicant/landowner is required to prepare drawings identifying the works involved within the verge in ensuring vehicles remain lane correct when entering the site; have the drawings approved by the Town and undertake the works in accordance with the approved drawings to the satisfaction of the Town.
21. The site, crossovers and immediate road reserve shall be kept clean and swept and free of sediment to the satisfaction of the Town of Bassendean.
22. No retail sales to be carried out from the premises.
23. Signage being subject to a separate application.
24. The street number being prominently displayed at the front of the development.
25. The issue of a building permit prior to the commencement of any works onsite.

CARRIED 6/1

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

10.5 Development Application – Proposed Change of Use for – Exhibition Centre, Market, Trade Display and Reception Centre at Lot 600 (No. 174) Railway Parade, Bassendean (Ref: DABC/BDVAPPS/2019-062 – Alex Snadden – Planning Officer)

APPLICATION

On 7 March 2019, the Town received an application to seek approval to retain and adaptively reuse the existing building at the corner of Jackson Street and Railway Parade for industry events which are catered for by the following land uses described within the Town's Local Planning Scheme No. 10 (LPS10):

- Exhibition Centre: which *“means premises used for the display, or display and sale of materials of an artistic, cultural, or historical nature, and includes a museum or art gallery”*;
- Market: which *“means premises used for the display and sale of goods from stalls by independent vendors”*;
- Trade Display: which *“means premises used for the display of trade goods and equipment for the purpose of advertisement”*; and
- Reception Centre: which *“means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.”*

It is expected that support of these activities will facilitate the following activities as described by the applicant to occur:

- *“Industry events/networking and trade/product launches (e.g. komatsu/caterpillar);*
- *Display space for trade goods and car/industry auctions where a grandeur scale is required (e.g. promotion or trading of new equipment);*
- *Corporate/private functions (up to 500 persons);*
- *Special market events (e.g. gourmet food products and produce);*
- *Industrial demonstrations/business workshops/ upskilling workshops/ trade seminars;*
- *Short term hires of meeting rooms for nearby industrial businesses; and*
- *Industrial setting for photography, exhibition space for local artists, photographers and cultural groups.”*

The application does not propose to change or alter the existing warehouse that is located on the eastern side of the development site, existing offices or existing lunch bar.

The application is referred to a Council meeting for determination, as it is a proposal which has the potential to have a significant effect on the Town.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.5

OCM – 9/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council approves the application for development approval for the proposed change of use for Exhibition Centre, Market, Trade Display and Reception Centre at Lot 600 (No. 174) Railway Parade, Bassendean, subject to the following conditions:

1. A Waste Management Plan shall be submitted to and approved by the Town of Bassendean prior to the commencement of the approved development. Waste collection shall be undertaken in accordance with the approved plan thereafter to the satisfaction of the Town.
2. An Event Management Plan shall be submitted to and approved by the Town of Bassendean prior to the commencement of the approved development. Event management shall be undertaken in accordance with the approved plan thereafter to the satisfaction of the Town.
3. A Parking Management Plan be submitted to and approved by the Town of Bassendean prior to the commencement of the approved development. Car parking management shall be undertaken in accordance with the approved plan thereafter to the satisfaction of the Town.
4. Amplified sound shall cease from the site by 10pm on any day, unless a subsequent Acoustic Report is prepared and provided to the Town that demonstrates to the satisfaction of the Town of Bassendean that development onsite will comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
5. The approved car bays and vehicle access areas are to be constructed, sealed and drained in accordance with the specifications set out by the Town within Local Planning Policy No. 8 – Parking Specifications.
6. Prior to the commencement of the approved development, a professionally prepared landscaping plan is required to be submitted to the Town for approval which addresses the following:

- a. The planting of a minimum of seven (7) trees on site to provide shade for the additional car parking bays that are provided as a part of this development. The species of the tree is to be approved by the Town of Bassendean and the trees shall be minimum 90L pot size and two metres in height at the time of planting;
- b. Planting of street trees along the entire length of the Railway Parade verge area forward of the development site of a number, species and size to be approved by the Town;
- c. Details of the proposed watering system to ensure the establishment of species and their survival during the hot dry, summer months.

Landscaping shall be undertaken in accordance with the approved plan prior to the occupancy of the use, and maintained in perpetuity to the satisfaction of the Town of Bassendean.

7. The premises which are the subject of this approval are limited to a maximum capacity of 500 persons at any given time. Any future proposed increase in total capacity will require lodgement of a new application for development application for approval by the Town.
8. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
9. Car parking bays and areas designated for landscaping shall not be used for the storage, display or selling of any goods or vehicles whatsoever.
10. Signage for all development which is the subject of this approval shall be subject of a separate application.
11. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Town of Bassendean.
12. The approved development shall not commence operations or continue to operate thereafter until all of the conditions of development approval have been met to the satisfaction of the Town of Bassendean.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0**

10.6 Town of Bassendean Dust and Building Waste Local Law 2018 (Ref: LAWE/LOCLWS/2 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report was for Council to consider correspondence from the Joint Standing Committee on Delegated Legislation that Council is to:

- provide an undertaking to the Committee that in its next review of the Local Law, it will make amendments to the Local Law;
- until the Local Law is amended, it will not enforce the Local Law contrary to those amendments; and
- a copy of the undertaking is made available with the local law.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.6

OCM – 10/07/19 MOVED Cr Brown, Seconded Cr Gangell, that the Council of the Town of Bassendean resolves to undertake to the Joint Standing Committee on Delegated Legislation, that the Town will:

1. When the Local Law is next reviewed or amended, amend the Local Law to:

Delete clause 4.3.

Delete item 14 in Schedule 1.

Amend clause 3.4(2)(c) by deleting the words 'the local government may'.

Amend clause 4.1(3)(c)(i) by:

iii. Inserting the words 'or to the person who has not complied' after the word 'owner'.

iv. Deleting '; or'

Delete clause 4.1(3)(c)(ii).

Make all necessary consequential amendments.

2. Until the Local Law is amended in accordance with undertaking 1:

Not enforce the Local Law in a manner contrary to undertaking 1.

Where the Local Law is made publicly available, whether in hard copy or electronic form (including on

the Town's website), ensure that it is accompanied by a copy of these undertakings.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/07/19 7/0

10.7 Adoption of Town of Bassendean Parking Local Law 2019 (Ref: LAWE/LOCLWS/2 – Sharna Merritt, Senior Ranger)

APPLICATION

The purpose of this report was for Council to finalise the *Town of Bassendean Parking Local Law 2019*.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.7

OCM – 11/07/19 MOVED Cr Quinton, Seconded Cr Brown, that Council:

1. Makes the *Town of Bassendean Parking Local Law 2019* as attached to the Ordinary Council Agenda of 23 July 2019; and
2. Instructs Officers to continue with the process leading to the implementation of the Local Law, as set out in section 3.12 of the *Local Government Act 1995*.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Cr Gangell left the meeting at 8.49pm.

10.8 Parking Restrictions – Troy Street, Bassendean (Ref: LAWE/REPRTNG/3 – Sharna Merritt – Senior Ranger)

APPLICATION

The purpose of this report was to request Council consider an installation of parking restrictions during school drop off and pick up times on Troy Street, Bassendean.

Cr Quinton moved the officer recommendation with the addition of a Point 2 and 3.

COUNCIL RESOLUTION/OFFICER RECOMMENDATIONS – ITEM 10.8

OCM – 12/07/19 MOVED Cr Quinton, Seconded Cr Hamilton, that Council:

1. Approves the installation of 'No Stopping, Monday to Friday, 8am-9am and 2.30pm-3.30pm' parking restrictions

on the eastern side of Troy Street, Bassendean, between Anzac Terrace and Elsfield Way, Bassendean;

2. **Requests that the Town's rangers initially utilise education rather than enforcement to allow parents from the primary school sufficient time to be alerted of the parking changes; and**
3. **Requests the Principal of Anzac Terrace Primary School advises the parents of the parking changes and that penalties could apply.**

CARRIED UNANIMOUSLY 6/0

The Senior Ranger left the meeting at 8.50pm and did not return.

10.9 European House Borer Infestation (Ref: COUP/MAINT/1 - Jeremy Walker, Senior Environmental Officer)

APPLICATION

The purpose of this report was to provide an update to recommend action to Council on the European House Borer Infestation at Success Hill Reserve. (OCM-10/12/17 refers.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.9

OCM – 13/07/19 MOVED Cr Hamilton, Seconded Cr Mykytiuk, that Council:

1. Receives the letter of response from DPIRD;
2. Receives the EMRC meeting notes from its meeting with DPIRD to discuss the spread of EHB on a regional scale;
3. Receive Arboricultural assessment of the Pinus Pinaster trees within Success Hill Reserve;
4. Requests that the EMRC hosts regional information sessions for member Councils to endorse a collaborated approach to manage the spread of EHB; and
5. Endorses the Officer's comments in this report for EHB at Success Hill through annual dead wooding and monitoring reports of the Pine trees within the reserve.

CARRIED UNANIMOUSLY 6/0

10.10 Eden Hill Underground Power (Ref: ESAT/CONCTN/2 – Phillip Adams, Acting Executive Manager Operations)

This item was withdrawn.

Cr Gangell returned to the meeting at 8.51pm.

10.11 Safe Active Street for Whitfield Street, Bassendean (Ref: ROAD/DESCONT/7 – David Dwyer, Engineering Technical Coordinator)

APPLICATION

The purpose of this report was to:

1. Present the design of the Whitfield Safe Active Street to Council;
2. Seek Council approval of the Whitfield Safe Active Street Community Engagement Plan; and
3. Seek Council approval of the design and commencement of the construction phase of the project.

OFFICER RECOMMENDATION — ITEM 10.11

That Council:

1. Receives and approves the design of Whitfield Safe Active Street for construction; and
2. Approves further community engagement on the Whitfield Safe Active Street as outlined in this report.

Cr McLennan moved an alternative motion.

COUNCIL RESOLUTION – ITEM 10.11

OCM – 14/07/19 MOVED Cr McLennan, Seconded Cr Quinton, that Council:

1. **Receives and approves the design of Whitfield Safe Active Street for the purpose of final consultation on the detailed designs with residents of Whitfield street, Bassendean Primary School and P&C, businesses located on Whitfield Street and any community members who provided feedback during the initial consultation;**
2. Approves further community engagement on the Whitfield Safe Active Street as outlined in this report;
3. **Requests that, where possible, deep root zones be incorporated into vegetated slow points to allow for the planting of additional shade trees;**
4. **Requests that the Town undertake street tree planting in alignment with the Town's target of 70% canopy cover of road reserves on verges along the west side of Whitfield Street during the 2020 winter planting season to further improve walkability of the safe active street;**
5. **Requests a further report be presented to Council following consultation on the detailed designs outlining any further feedback, any proposed changes and seeking approval of the design for construction;**
6. **Endorses construction take place during the school holiday period to minimise disruption to the school community.**

CARRIED UNANIMOUSLY 7/0

Cr Brown left the meeting at 9.02pm and returned at 9.03pm.

10.12 Success Hill Principal Shared Path (Ref: TRAF/PLANNING/3ROAD/ DESCONT/5 – David Dwyer, Engineering Technical Coordinator)

APPLICATION

The purpose of this report was to provide Council with information regarding the recent consultation undertaken by Department of Transport, following feedback from some members of the community concerning the loss of trees in the construction of a Principal Shared Path (PSP) on Railway Parade, Success Hill. In the latest round of consultation, a preference was expressed for Option 3 which involves reducing the road width for the length of the principal shared path, to minimise use of the verge space and impact on existing vegetation.

OFFICER RECOMMENDATION — ITEM 10.12

That Council:

1. Notes the recent consultation undertaken by Department of Transport in May 2019 since Council's earlier resolution OCM – 10/02/18;
2. Notes that following feedback from the community concerning the loss of trees, two additional alignment options that use more of the road space were prepared and provided to the community for feedback;
3. Approves the community's preference for Option 3 which involves reducing the road width for the length of the principal shared path, to minimise use of the verge space and impact on existing vegetation;
4. Notes the further opportunity for Railway Parade in Success Hill to be designated a *Green Transport Route* which is designed to be visually appealing, combining natural planting and greenery to create a more pleasant walking and riding experience by increasing natural landscaping, shade, shelter and amenity;
5. Notes that the *Green Transport Route* will be designed and maintained with the involvement of the Town and the local community to ensure it complements and adds to the area's biodiversity and character;

6. Seeks the Department of Transport to extend the scope of the Green Transport Route to include Kelly Park to achieve increased natural landscaping, shade, shelter and amenity, including lighting;
7. Approves further engagement be undertaken by the Town via Your Say and a local letterbox drop. This is to outline the purpose of the recent consultation, to advise the community of the outcome of the consultation, to allow any final feedback on the preferred option 3 in addition to providing information regarding the proposed Green Transport Route pilot; and
8. Supports a follow up report to be presented to Council at the August 2019 meeting outlining any further feedback from the community and next steps.

LAPSED FOR WANT OF A MOVER

COUNCIL RESOLUTION – ITEM 10.12(a)

OCM – 15/07/19 MOVED Cr Mykytiuk, Seconded Cr Wilson, that Council suspend Standing Orders.

CARRIED 5/2

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

COUNCIL RESOLUTION – ITEM 10.12(b)

OCM – 16/07/19 MOVED Cr Wilson, Seconded Cr Quinton, that Council resume Standing Orders.

CARRIED UNANIMOUSLY 7/0

Cr Wilson moved an alternative motion.

COUNCIL RESOLUTION – ITEM 10.12

OCM – 17/07/19 MOVED Cr Wilson, Seconded Cr Quinton, Cr Hamilton, that Council:

1. Notes the recent consultation undertaken by Department of Transport in May 2019 since Council's earlier resolution OCM – 10/02/18;

2. Notes that following feedback from the community concerning the loss of trees, two additional alignment options that use more of the road space were prepared and provided to the community for feedback;
3. **Notes the result of the survey of 76 people which indicated that 48% of those surveyed preferred option 3** which involves reducing the road width for the length of the principal shared path, to minimise use of the verge space and impact on existing vegetation;
4. **Provides in principal support of option 3 and requests the Department of Transport undertake detailed design of option 3;**
5. **Rescinds OCM – 10/02/18 that states (in part) that Council: 3. Approves in principle the revised concept plan 245215-54- SKE- 001 Rev A for the design and construction of the Railway Parade Principal Shared Path subject to: (i) any vegetation requiring removal being replaced 3:1 along the Principal Share Path through the Town of Bassendean as per the previous offer; and (ii) the Department of Transport implementing the “Green Route” pilot project to support activation of the proposed Railway Parade Principal Shared Path;**
6. **Notes the Department of Transport’s commitment to implement a “Green Route” demonstration project to support activation of the Success Hill Principal Shared Path** designed to be visually appealing, combining natural planting and greenery to create a more pleasant walking and riding experience by increasing natural landscaping, shade, shelter and amenity;
7. **Notes recent discussions with the Department of Transport confirming that, as Option 3 minimises the removal of trees along the section of the Principal Shared Path through Success Hill, the scope of the “Green Route” plantings can be extended further along the path towards Bassendean Train Station;**
8. Notes that the Green Transport Route will be designed and maintained with the involvement of the Town and the local community to ensure it complements and adds to the area’s biodiversity and character;

9. Seeks the Department of Transport to extend the scope of the Green Transport Route to include Kelly Park to achieve increased natural landscaping, shade, shelter and amenity, including lighting;
10. Approves further engagement to be undertaken by the Town via Your Say and a local letterbox drop. This is to outline the purpose of the recent consultation, to advise the community of the outcome of the consultation, to allow any feedback on the preferred option 3 in addition to providing information regarding the proposed Green Transport Route pilot; and
11. Supports a follow up report to be presented to Council at the August 2019 outlining any further feedback from the community and next steps.
12. **Writes to the Department of Transport formally seeking its response on the possibility of an option 4.**

CARRIED 6/1

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

10.13 RFT 085W 2018-19 The Supply, Assembly and Distribution of Variable Sized MGB's and Spare Parts (Separable Portion 1) and the Supply of Kitchen Caddy Bins with Compostable Liners and the Printing of Bin Lid Stickers (Separable Portion 2) for the Town of Bassendean (Ref: WSTMNGT/TENDNG/11) Ken Cardy Manager Asset Services

APPLICATION

At the March 2019 Ordinary Council Meeting (OCM – 14/03/19) the following was resolved:

“Requests Officers invite tenders for the Supply, Assembly and Delivery of Variable Sized Mobile Garbage Bins (MGBs) Spare Parts and Tender documents for the Supply, Assembly and Delivery of Variable Sized Mobile Garbage Bins (MGBs), Spare Parts, including an option for kitchen caddy bins with matching Australian Certified compostable liners.”

The purpose of this report was to appoint a successful contractor from those tender offers received for RFT 085W 2018-19 The Supply, Assembly and Delivery of Variable Sized MGB's and Spare Parts and the Supply of Kitchen Caddy Bins with Compostable Liners for the Town of Bassendean.

Cr Wilson moved the officer recommendation with the addition of a Point 4.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION
– ITEM 10.13

OCM – 18/07/19 MOVED Cr Wilson, Seconded Cr Quinton, Cr Hamilton, that Council:

1. Appoints Mastec Australia Pty Ltd, to undertake works required in RFT 085W 2018-19 for both Separable Portions part 1. (Supply, Store, Assembly and Distribution various bins) & part 2. (Supply & Delivery of Kitchen Caddies & Compostable Liners, Printing & Placing of stickers), in accordance with their offer and the RFT specification and terms and conditions;
2. Rescinds the 23 April 2019, Council resolution: OCM-11/04/19, Part 2, which reads:

“MOVED Cr McLennan, Seconded Cr Hamilton, that Council Advises the Eastern Metropolitan Regional Council that from 1 November 2019 the Town of Bassendean will commence the rollout of the Better Bins program, including the provision of the FOGO (Food Organics & Garden Organics) bins to ratepayers and request that the Red Hill Waste Management facility be in a position to receive and process FOGO waste”; and

3. Notes a further report to Council on the Better Bin implementation program, grant funding opportunities and proposed roll-out date will be forthcoming.
4. **Enters into discussion with the Eastern Metropolitan Regional Council (EMRC) regarding the establishment of a mutual understanding of the conditions precedent to a roll out and also enquires as to the EMRC's ability to assist the Town of Bassendean with the education programme.**

CARRIED BY AN ABSOLUTE MAJORITY 7/0

The Manager Parks & Environment, A/Manager Development Services and A/Manager Community Planning left the meeting at 9.52pm and did not return.

10.14 Implementation of Differential Rates (Ref: RAT &VAL/FEECHAG/3 - Paul White, Director Corporate Services)

APPLICATION

This report has been prepared to allow Council to consider submissions received as part of the advertising of the proposed differential rates.

OFFICER RECOMMENDATION – ITEM 10.14

That Council:

1. Receives the 21 written submissions, 14 community-led feedback forms and 59 completed *Your Say* website surveys outlined in the attachments included in the Ordinary Council Meeting Agenda of 23 July 2019; and
2. Selects the preferred option included in the Officer Report to implement Differential Rating.

Cr Hamilton moved an alternative motion.

COUNCIL RESOLUTION – ITEM 10.14

OCM – 19/07/19 MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Receives the 21 written submissions, 14 community-led feedback forms and 59 completed *Your Say* website surveys outlined in the attachments included in the Ordinary Council Agenda of 23 July 2019;
2. **Implements a Differential Rating for the 2019/20 financial year as follows:**
 - a) **GRV - Vacant Industrial, Vacant Commercial, Vacant Non Residential Land - Rate in the dollar of 0.145 and minimum rates of \$1,800;**
 - b) **GRV - Vacant Residential Land - Rate in the dollar of 0.08 and a minimum rates of \$1,200; and**

- 3. Requests staff provide a Differential Rating Report for consideration by Councillors each year in advance of the annual Budget Workshops.**

CARRIED BY AN ABSOLUTE MAJORITY 4/3

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

**10.15 Town Assets Committee Meeting held on 19 June 2019
(Ref: GOVNCCL/MEET/37 – Phillip Adams, A/Executive
Manager Infrastructure**

APPLICATION

The purpose of this report was for Council to receive the report on a meeting of the Town's Asset Committee held on 19 June 2019, and adopt the following recommendations from the Committee:

- TAC - 1/06/19 Street Tree Planting Program
- TAC - 2/06/19 Street Lighting Audit – Within 200m Radius of Success Hill Train Station
- TAC - 3/06/19 Implementation of FOGO.

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION
– ITEM 10.15

OCM – 20/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council:

1. Receives the report on a meeting of the Town Assets Committee held on 19 June 2019;
2. Notes that Officers are to proceed with the Street Tree Planting with the list of current residents;
3. Notes that Officers will put a second call out to residents for the remainder of the current street trees with appropriate descriptors and pictures;
4. Notes that the Thompson Rd lighting project is on hold and that further clarification is being sought from Western Power on the proposed works and that an LED upgrading program in high pedestrian areas will continue; and
5. Notes that it will continue with the EMRC to implement FOGO and accepts the communications strategy plans.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.16

OCM – 21/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.17

OCM – 22/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council notes the decisions made under delegated authority by the Manager Development Services.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0

**10.18 Implementation of Council Resolutions (Ref:
GOVN/CCLMEET/1 – Sue Perkins, Executive Assistant to
the CEO)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.18

OCM – 23/07/19 MOVED Cr Brown, Seconded Cr Gangell, that the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 25 June 2019 be deleted from the Implementation of Council Resolutions list.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/07/19 7/0

Cr Quinton left the meeting at 10.31pm and returned at 10.32pm.

Cr Mykytiuk left the meeting at 10.33pm and returned at 10.34pm.

Cr Brown left the meeting at 10.35pm and did not return.

10.19 Accounts for Payment – June 2019 (Ref: FINM/CREDTS/4 – Paul White, Director 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 – 24/07/19 MOVED Cr Gangell, Seconded Cr Wilson, that in accordance with Regulation 13(3) Local Government (Financial Management Regulations 1996), the List of Accounts paid for June 2019, be received.

CARRIED UNANIMOUSLY 6/0

10.20 Financial Statements – June 2019 (Ref: FINM/AUD/1 – Paul White, Director 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 – 25/07/19 MOVED Cr Brown, Seconded Cr Gangell, that the Financial Reports for the period ending June 2019, be received.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/07/19 7/0

10.21 Use of the Common Seal (Ref: INFM/INTPROP/1 – Yvonne Zaffino, Council Support Officer)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.21

OCM – 26/07/19 MOVED Cr Brown, Seconded Cr Gangell, that Council notes the affixing of the Common Seal to the documents, as shown in the Ordinary Council Agenda of 23 July 2019, during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/07/19 7/0

10.22 Calendar for August 2019 (Ref: Yvonne Zaffino, Council Support Officer)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.22

OCM – 27/07/19 MOVED Cr Brown, Seconded Cr Gangell, that the Calendar for August 2019 be adopted.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/07/19 7/0

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

13.0 CONFIDENTIAL BUSINESS

Nil

14.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 20 August 2019 commencing at 7.00pm. The next Ordinary Council meeting will be held on Tuesday 27 August 2019 commencing at 7.00pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 10.36pm.