

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 25 FEBRUARY 2020 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 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

Mr Bruce Keay, 11 Earlsferry Court, Bassendean

In reference to Item 10.5 – Finalisation of Town Planning Scheme No. 4A at the last OCM (December 2019), what progress has been made on points 1-7.

The Director Community Planning responded that the lot in Hamilton Street has been created and the title has been issued. The Town is currently in negotiations over the land swap to occur in Hyland Street.

2.2 Address by Members of the Public

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

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

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Paul White, Director Corporate Services
Mr Luke Gibson, Director Community Planning
Mr Phil Adams, Executive Manager Infrastructure
Ms Donna Shaw, Manager Planning Services
Mr Bryce Campbell, Waste & Recycling Coordinator
Ms Deanie Carbon, Corporate Communications Coordinator
Mrs Amy Holmes, Minute Secretary

Public

Approximately four members of the public were in attendance.

Press

Nil

Leave of Absence

Cr Hamilton requested a Leave of Absence for 20-22 March 2020.

COUNCIL RESOLUTION – ITEM 3.0

OCM – 1/02/20 MOVED Cr Quinton, Seconded Cr Wilson, that Cr Hamilton be granted a Leave of Absence for 20-22 March 2020.
CARRIED UNANIMOUSLY 7/0

4.0 DEPUTATIONS

Nil

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 17 December 2019

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

OCM – 2/02/20 MOVED Cr Quinton, Seconded Cr Barty, that the minutes, of the Ordinary Council Meeting held on 17 December 2019 be received.

CARRIED UNANIMOUSLY 7/0

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

OCM – 3/02/20 MOVED Cr Quinton, Seconded Cr Wilson, that the minutes of the Ordinary Council Meeting held on 17 December 2019 be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

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

Nil

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 10.2, 10.3, 10.4, 10.5, 10.6, 10.10, 10.11 & 10.13 be removed from the en-bloc table and considered separately.

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

OCM – 4/02/20 MOVED Cr Quinton, Seconded Cr Barty, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 25 February 2020:

Item	Report
10.8	Determinations Made by the Principal Building Surveyor
10.9	Determinations Made by Development Services
10.12	Bassendean Local Emergency Management Committee Meeting held on 5 February 2020
10.14	Quarterly Report for Period Ended 31 December 2019
10.15	Calendar for February/ March 2020
10.16	Receipt of External Committee Minutes

CARRIED UNANIMOUSLY 7/0

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

Item	Report
10.2	Review of Local Planning Framework
10.3	Additions and Alterations to Shop (Chemist) and Medical Centre at Lot 37, (No.1B) Colstoun Road, Ashfield
10.4	Third Party Appeal Rights in Planning – WALGA Consultation with Members
10.5	Old Perth Road Markets – Future Direction
10.6	Food Organics Garden Organics Charge Modelling
10.7	Town of Bassendean Meeting Procedures Local Law 2020
10.10	Accounts Paid – December 2019 and January 2020 (
10.11	Monthly Financial Report – December 2019 and January 2020
10.13	Quarterly Report for Period Ended 31 December 2019
13.1	RFT 06/2019 Provision of Restoration and Conservation Works to the Residency and the Pensioner Guard Cottage and Construction of a New Community Space at 1 Surrey St, Bassendean
13.2	Appointment of Members to the Audit and Governance Committee – 2019 to 2021

10.2 Review of Local Planning Framework (Ref: LUAP/PLANNING/14 - Luke Gibson, Director Community Planning)

APPLICATION

The purpose of this report was to inform Council and the community as to the process in undertaking a review of the Local Planning Framework.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.2

OCM – 5/02/20 MOVED Cr Wilson, Seconded Cr Hamilton, that Council notes the information contained in the report, including that a subsequent report will be presented to Council prior to 30 June 2020.

CARRIED 6/1

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

10.3 Additions and Alterations to Shop (Chemist) and Medical Centre at Lot 37, (No.1B) Colstoun Road, Ashfield, Owner/Applicant: IQD Investments Pty Ltd (Ref: DABC/BDVAPPS/2019-169 – Cameron Hartley, Planning Officer)

APPLICATION

The purpose of this report was for Council to consider an application for development approval for additions and alterations to the existing Shop (Chemist) and a partial change of use to Medical Centre at Lot 37 (No.1B) Colstoun Road, Ashfield.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.3

OCM – 6/02/20 MOVED Cr Wilson, Seconded Cr Hamilton, that Council approves the application for development approval for the proposed additions and alterations to the existing Shop (Chemist) and partial change of use to Medical Centre at Lot 37 (No.1B) Colstoun Road, Ashfield, subject to the following conditions:

1. The 'Shop' and 'Medical Centre' operating in accordance with the approved business details received 19 December 2019 and 31 January 2020 and 19 February 2020, which forms part of this approval.
2. 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.
3. Prior to or in conjunction with the application for a building permit, the approved plans are to be modified such that the enclosed bin store area at the rear of the site:

- a. is constructed of 1.8m high masonry walls;
 - b. is provided with a non-visually permeable, self-closing gate; and
 - c. includes the installation of a floor waste to the base of the bin store area.
4. The Medical Centre use is limited to two consultants at any one time.

CARRIED UNANIMOUSLY 7/0

10.4 Third Party Appeal Rights in Planning – WALGA Consultation with Members (Ref: DABC/LEGLTN/1 Christian Buttle, Senior Planning Officer)

PURPOSE

To provide a response to the Western Australian Local Government Association (WALGA) as to whether or not the Town supports the following motion which was carried by attendees at the August 2019 WALGA Annual General Meeting (AGM):

- “1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
- 2. That there be an amendment to the Third Party Appeals process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.”*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.4

OCM – 7/02/20 MOVED Cr Wilson, Seconded Cr Quinton, that Council advises the Western Australian Local Government Association that it does not support the August 2019 motion to amend the Preferred Model for Third Party Appeal Rights in Western Australia.

CARRIED 5/2

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

Cr Hamilton requested her reasons for voting against the motion be recorded, as follows:

"I am voting against this motion because it supports an archaic system that is inconsistent with the principles of natural justice. To waiver support for Third Party Appeal Rights is to deny our community a voice. Third Party Appeal Rights exist and are administered efficiently in every state and territory of Australia except Western Australia, and it is my strongly held view that legitimate planning appeals should be permissible."

10.5 Old Perth Road Markets – Future Direction (Ref: ECOD/EVMNGT/2 - Salvatore Siciliano, Manager Recreation and Culture)

APPLICATION

The purpose of this report was for Council to consider options associated with the future of the Old Perth Road Markets (OPRM). This report does not seek to address the performance of the current parties involved in the delivery of the Old Perth Road Markets.

OFFICER RECOMMENDATION – ITEM 10.5

That Council:

1. Extends both the Management Agreement with the Rotary Club Swan Valley and the contract with the Coordinator of the Old Perth Road Markets until 30 June 2020;
2. Approves an Expression of Interest process to be conducted regarding the future staging of the Old Perth Road Markets; and
3. Notes that a report will be presented to a future Council meeting outlining the results of the Expression of Interest process.

LAPSED FOR WANT OF A MOVER

Cr Barty moved an alternative motion.

COUNCIL RESOLUTION – ITEM 10.5

OCM – 8/02/20 MOVED Cr Barty, Seconded Cr Wilson, that:

1. Council extends both the Management Agreement with the Rotary Club Swan Valley and the contract with the coordinator of the Old Perth Road Markets until 30 June 2021;
2. Prior to the conclusion of the contract 30/6/21, the Town of Bassendean will conduct an Expression of Interest review process to determine the future direction of the Old Perth Road Markets. In the event the contract extension is not accepted, Council approves an Expression of Interest process to be conducted regarding the future staging of the Old Perth Road Markets; and
3. Council notes that if required a report will be presented at a future Council meeting outlining the results of the Expression of Interest process.

CARRIED 6/1

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

10.6 Food Organics Garden Organics Charge Modelling (Ref: WSTMNGT/SVPROVN/5 Brice Campbell, Recycling and Waste Coordinator)

Cr Gangell left the meeting at 7.59pm and returned at 8.02pm.

APPLICATION

The purpose of this report was for Council to consider the different charging models prior to the introduction of the three bin Food Organics Garden Organics (FOGO) service.

OFFICER RECOMMENDATION — ITEM 10.6

That Council:

1. Notes the charging models presented in the report;
2. Selects separate 140L and 240L residential charges as the preferred charging model in the 2020/21 financial year;

3. Selects 3:1 as the preferred disposal ratio for the difference between 140L and 240L general waste bins in the 2020/21 financial year, which provides an increased cost of approximately \$81 for the option to retain a 240L general waste bin; and
4. Notes the opt out scheme will include a cost difference for retaining the 240L general waste bin.

Cr Wilson moved the officer recommendation with an amendment to point 3 as the cost at this stage is unknown.

COUNCIL RESOLUTION — ITEM 10.6

OCM – 9/02/20 MOVED Cr Wilson, Seconded Cr McLennan, that Council:

1. Notes the charging models presented in the report;
2. Selects separate 140L and 240L residential charges as the preferred charging model in the 2020/21 financial year;
3. **Selects 3:1 as the preferred disposal ratio for the difference between 140L and 240L general waste bins in the 2020/21 financial year; and**
4. Notes the opt out scheme will include a cost difference for retaining the 240L general waste bin.

CARRIED UNANIMOUSLY 7/0

10.7 Town of Bassendean Meeting Procedures Local Law 2020 (Ref: GOVR/LEGLTN/1 - Peta Mabbs, Chief Executive Officer)

APPLICATION

This report provides the new Town of Bassendean Meeting Procedures Local Law 2020.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.7

OCM – 10/02/20 MOVED Cr Wilson, Seconded Cr Quinton, that Council:

1. Repeals the Town of Bassendean Standing Orders Local Law 2011; and

2. Resolves to make the new Town of Bassendean Council Meeting Procedures Local Law 2020.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.8

- OCM – 11/02/20** MOVED Cr Quinton, Seconded Cr Barty, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/02/20 7/0

10.9 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Senior Planning Officer)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.9

- OCM – 12/02/20** MOVED Cr Quinton, Seconded Cr Barty, that Council notes the decisions made under delegated authority by the Acting Manager, Development Services.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/02/20 7/0

10.10 Accounts Paid – December 2019 and January 2020 (Ref: FINM/CREDTS/4 – Paul White, Director Corporate Services)

APPLICATION

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.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.10

- OCM – 13/02/20** MOVED Cr McLennan, Seconded Cr Barty, that Council receives the list of payments for December 2019 and January 2020.

CARRIED UNANIMOUSLY 7/0

10.11 Monthly Financial Report – December 2019 and January 2020 (Ref: FINM/AUD/1 – Paul White, Director Corporate Services)

APPLICATION

The Local Government (Financial Management) Regulations 1996, Regulation 34, requires that a statement of financial activity be prepared each month and presented to Council.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.11

OCM – 14/02/20 MOVED Cr Wilson, Seconded Cr Barty, that Council receives the monthly financial reports for December 2019 and January 2020.

CARRIED UNANIMOUSLY 7/0

10.12 Bassendean Local Emergency Management Committee Meeting held on 5 February 2020 (Ref: GOVN/CCLMEET/12 – Luke Gibson, Director Community Planning)

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Bassendean Local Emergency Management Committee held on 5 February 2020.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.12

OCM – 15/02/20 MOVED Cr Quinton, Seconded Cr Barty, that Council receives the report on a meeting of the Bassendean Local Emergency Management Committee held on 5 February 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/02/20 7/0

10.13 Quarterly Report for Period Ended 31 December 2019 (Ref: FINM/AUD/1 – Peta Mabbs, Chief Executive Officer)

APPLICATION

The purpose of this report was for Council to receive the Quarterly Report for the period ended 31 December 2019.

OFFICER RECOMMENDATION – ITEM 10.13

That Council:

1. Receives the Quarterly Report for the quarter ending 31 December 2019; and
2. Deletes the Outstanding Council Resolutions attached to the Quarterly Report for the period ending 31 December 2019, that are recommend for deletion.

Cr McLennan moved the officer recommendation with the deletion of Point 2 as an updated report was requested to be provided to Councillors.

COUNCIL RESOLUTION – ITEM 10.13

OCM – 16/02/20 MOVED Cr McLennan, Seconded Cr Wilson, that Council receives the Quarterly Report for the quarter ending 31 December 2019.

CARRIED UNANIMOUSLY 7/0

10.14 Common Seal (Ref: INFM/INTPROP/1 – Elizabeth Nicholls, Executive and Research Officer to CEO)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.14

OCM – 17/02/20 MOVED Cr Quinton, Seconded Cr Barty, that Council notes the affixing of the Common Seal during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/02/20 7/0

10.15 Calendar for February/ March 2020 (Ref: Elizabeth Nicholls, Executive and Research Officer to CEO)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.15

OCM – 18/02/20 MOVED Cr Quinton, Seconded Cr Barty, that the Calendar for February/March 2020 be adopted, **with the addition of the Audit and Governance Committee on 11 March 2020, commencing at 5.30pm.**

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/02/20 7/0

10.16 Receipt of External Committee Minutes (Ref: INFM/INTPROP/1 – Elizabeth Nicholls, Executive and Research Officer to CEO)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.16

OCM – 19/02/20 MOVED Cr Quinton, Seconded Cr Barty, that Council notes the attached minutes from external Committee meetings held within the reporting period.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/02/20 7/0

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

12.1 Notice of Motion - Cr John Gangell – Construction of a Town Centre Piazza

“That Council receives a report outlining potential sites, timeframes and associated costs for commencing the planning process for the construction of a multifaceted Town Centre Piazza for consideration in the 2020/2021 draft budget that could potentially, dependant on budget and space constraints, incorporate the following elements:

- 1. A community space that is suitable for a variety of different functions including but not limited to markets, concerts, festivals, rallies, civic functions and other events;*
- 2. A dedicated space for an outdoor functional fitness space that would include but not be limited to climbing, swinging, pushing, pulling and strength and conditioning that would be suitable for all ages.”*

12.2 Notice of Motion - Cr John Gangell – Creation of a Tourism and Marketing Strategy

“That Council receives a report on creating a tourism and marketing strategy in-house for the Town with a focus on creating the Town of Bassendean as a destination location.”

13.0 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION – ITEM 13.0(a)

OCM – 20/02/20 MOVED Cr MacWilliam, Seconded Cr Wilson, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 8.25pm.

CARRIED UNANIMOUSLY 7/0

Cr Gangell left the meeting at 8.28pm and did not return.

13.1 **RFT 06/2019 Provision of Restoration and Conservation Works to the Residency and the Pensioner Guard Cottage and Construction of a New Community Space at 1 Surrey St, Bassendean (PARE/TENDNG/79), Paul White, Director Corporate Services**

This matter was considered with members of the public excluded from the Chambers under Clause 5.23 (2) (c) of the Local Government Act 1995, as the report discusses a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 13.1

OCM – 21/02/20 MOVED Cr McLennan, Seconded Cr Quinton, that Council receives and notes the Officer Recommendation as shown in the Confidential Attachment to the Ordinary Council Minutes of 25 February 2020.

CARRIED UNANIMOUSLY 6/0

13.2 **Appointment of Members to the Audit and Governance Committee – 2019 to 2021**

This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.

OFFICER RECOMMENDATION – ITEM 13.2

MOVED Cr Quinton, Seconded Cr Wilson, that Council appoints those nominees as shown in the Confidential Report attached to the Ordinary Council Agenda of 25 February 2020; to the Audit and Governance Committee for a two year period, expiring on the next ordinary Local Government Election Day, unless otherwise indicated.

LOST 0/6

After further discussion all Councillors voted against the recommendation, including the Mover and Seconder of the motion.

Cr Hamilton moved an alternative motion.

COUNCIL RESOLUTION – ITEM 13.2

OCM – 22/02/20 MOVED Cr Hamilton, Seconded Cr Quinton, that Council:

1. Amends the Instrument of Appointment and Delegation for the Audit and Governance Committee to include membership of four Councillors and up to three community members;
2. Appoints Cr Barty as a member of the Audit and Governance Committee for the 2019/21 term;
3. Appoints the following community members to the Audit and Governance Committee for a two year period, expiring on the next ordinary local government election day, unless otherwise indicated:
 - Mr Tom Klaassen;
 - Mr Martin Le Tessier;
 - Mr Elliott Brannan; and
4. Endorses the engagement of Mr Ron Back as an advisor to the Audit and Governance Committee for a two year period, expiring on the next ordinary local government election day, unless otherwise indicated.

CARRIED UNANIMOUSLY 6/0

COUNCIL RESOLUTION – ITEM 13.0(b)

OCM – 23/02/20 MOVED Cr Wilson, Seconded Cr Barty, that the meeting come from behind closed doors, the time being 9.03pm.

CARRIED UNANIMOUSLY 6/0

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

14.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 17 March 2020. The next Ordinary Council Meeting will be held on Tuesday 24 March 2020 commencing at 7.00pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 9.03pm.