

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 27 OCTOBER 2020 AT 6.00PM

1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS

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

2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

A Special Council Meeting is scheduled for 4 November 2020, to consider endorsing the draft Local Planning Strategy and Scheme, in response to feedback from BassenDream our Future.

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 Elizabeth Kania, Manager Governance & Strategy
Mr Jeremy Maher, Manager Sustainability & Environment
Mr Brice Campbell, Coordinator Recycling & Waste
Mrs Amy Holmes, Minute Secretary

Public

Two members of the public were in attendance.

Press

Nil

4.0 DECLARATIONS OF INTEREST

Nil

5.0 PRESENTATIONS OR DEPUTATIONS

Nil

6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEM

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

7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

8.0 PETITIONS

Nil

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 29 September 2020

It was noted that an error was made in the spelling of 'Mr Grau' in Item 16.1.

Council Resolution/Officer Recommendation – Item 9.1(a)
OCM – 1/10/20

MOVED Cr Barty, Seconded Cr Hamilton, that the minutes of the Ordinary Council Meeting held on 29 September 2020, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.1(b)
OCM – 2/10/20

MOVED Cr Barty, Seconded Cr McLennan, that the minutes of the Ordinary Council Meeting held on 29 September 2020, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

11.0 EXTERNAL COMMITTEE REPORTS/UPDATES

Item No. 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Attachment No. 2	<ul style="list-style-type: none"> • EMRC – Ordinary Council Meeting – Abridged Minutes 17 September 2020 • EMRC – Ordinary Council Meeting – Delegates Report – 17 September 2020
------------------	--

Purpose

The purpose of this report was for Council to consider minutes from external Committees and organisations.

Council Resolution/Officer Recommendation – Item 11.1 **OCM – 3/10/20**

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

CARRIED UNANIMOUSLY 7/0

12.0 **REPORTS**

12.1 **Adoption of Recommendations En Bloc**

It was agreed that item 12.2 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1 **OCM – 4/10/20**

MOVED Cr Hamilton, Seconded Cr Barty, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 27 October 2020:

Item	Report
12.3	Draft Local Planning Policy – Home Based Businesses (Final Adoption)
12.4	Draft Amended Local Planning Policy No. 6 - Industrial Development (Final Adoption)
12.5	Proposed Outdoor Eating Facility (Parklet)
12.8	Accounts Paid – September 2020
12.9	Common Seal
12.10	Calendar for November 2020

CARRIED UNANIMOUSLY 7/0

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

Item	Report
12.2	Unauthorised Works – 1 (Lot 223) River Street, Bassendean
12.6	Adoption of Town of Bassendean Corporate Business Plan
12.7	Adoption of Delegations Register

13.1	Cr Wilson – Provision of a 360 Litre Recycling Bin
13.2	Cr Hamilton – Recognition of the late Tina Klein
16.1	Waiver of Rates Levied on the property - 3/335 Collier Road, Bassendean
16.2	Purchase of 27 (Lot 100) Hyland Street, Bassendean

Item No. 12.2	Unauthorised Works – 1 (Lot 223) River Street, Bassendean
Property Address (if applicable)	1 (Lot 223) River Street, Bassendean (Success Hill Lodge)
Landowner/Applicant (if applicable)	Michael John Murphy
File Ref/ROC	DABC/BDVAPPS/2011-224
Previous Council Reports (if applicable)	28 July 2020 (Res: 5/07/20)
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> 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 permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 3	Proposed Schedule of Works

Council Resolution/Officer Recommendation – Item 12.2(a)
OCM – 5/10/20

MOVED Cr McLennan, Seconded Cr Hamilton, that this item be moved to Confidential Business, to be considered behind closed doors.

CARRIED 6/1

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

Item No. 12.3	Draft Local Planning Policy – Home Based Businesses (Final Adoption)
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	LUAP/POLCY/25
Previous Council Reports (if applicable)	25 August 2020 (Res 08/08/20)
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 permits, applications for other permits/licences (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 4	Draft Local Planning Policy – Home Based Businesses

Purpose

The purpose of this report was for Council to consider adopting a new Local Planning Policy – Home Based Businesses.

Council Resolution/Officer Recommendation – Item 12.3

OCM – 6/10/20

MOVED Cr Hamilton, Seconded Cr Barty, that Council, pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Local Planning Policy – Home Based Businesses as attached.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/10/20 7/0

Item No. 12.4	Draft Amended Local Planning Policy No. 6 - Industrial Development (Final Adoption)
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	LUAP/POLCY/11
Previous Council Reports (if applicable)	25 August 2020 (Res 10/08/20)
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 permits, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 5	<ul style="list-style-type: none"> • Draft Local Planning Policy No. 6 – Industrial Development • LLP 6 - Industrial Zones Development Design Guidelines

Purpose

The purpose of this report was for Council to consider adopting draft amended Local Planning Policy No. 6 – Industrial Development.

Council Resolution/Officer Recommendation – Item 12.4 **OCM – 7/10/20**

MOVED Cr Hamilton, Seconded Cr Barty, that Council, pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the draft Local Planning Policy No. 6 – Industrial Development (as amended following advertising) as contained in the attachment.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/10/20 7/0

Item No. 12.5	Proposed Outdoor Eating Facility (Parklet)
Property Address	Old Perth Road reserve (abutting 22 (Lot 351) Old Perth Road, Bassendean)
Landowner/Applicant	Drew Mimmo
File Ref/ROC	COMDEV/POLCY/1
Previous Council Reports (if applicable)	N/A
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> 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 permits, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 6	<ul style="list-style-type: none"> • Parklet Elevation • Parklet Plan

Purpose

The purpose of this report was for Council to consider issuing a permit under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* (Local Law) for an Outdoor Eating Facility (parklet) on Old Perth Road, Bassendean, abutting 22 Old Perth Road, Bassendean (O2 Café).

Council Resolution/Officer Recommendation – Item 12.5 **OCM – 8/10/20**

MOVED Cr Hamilton, Seconded Cr Barty, that Council, pursuant to Clause 6.2 of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*, issue a permit for a parklet on Old Perth Road abutting 22 (Lot 351) Old Perth Road, Bassendean (O2 Café) subject to the following conditions:

1. This permit is issued for the use of the loading bay as denoted on the attached plan only;

2. The applicant must hold a current Public Liability Insurance Policy with indemnity of not less than \$20,000,000. The Applicant is to provide a Certificate of Currency to the Town of Bassendean prior to the construction activity commencing;
3. The applicant does not have exclusive or uninterrupted use of the area. The parklet must be publicly available at all times;
4. The road and footpath pavement areas must be kept clean and free of litter at all times;
5. The applicant must ensure that no damage or obstruction is caused to a manhole, inspection pit, fire hydrant, water, gas, electrical or communications infrastructure, drainage or other service, within the location of parklet;
6. All furniture shall be durable, waterproof, rustproof and weather resistant, be maintained in good condition and be designed so that corners and fastenings do not create potential hazards for patrons and pedestrians;
7. Umbrellas shall be maintained to a high standard and securely anchored in accordance with *Australian Standard AS1170.2-2002 – Structural Design Actions – Wind Actions* and/or any recommendations provide by the manufacturer;
8. Alcohol consumption shall only be permitted where the necessary approvals have been obtained from the Department of Racing, Gaming and Liquor; and
9. Smoking is not permitted within the facility. The permit holder is required to provide appropriate non-smoking signage to ensure compliance.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/10/20 7/0

Item No. 12.6	Adoption of Town of Bassendean Corporate Business Plan
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	CORM/PLOCY/1
Directorate	Chief Executive
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.

<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 7	Draft Corporate Business Plan 2020-2024

Cr Gangell left the meeting at 6.14pm and returned at 6.15pm.

Purpose

The purpose of this report was for Council to consider and adopt the *Town of Bassendean Corporate Business Plan 2020 – 2024 (CBP)*.

Officer Recommendation – Item 12.6

That Council adopts the *Town of Bassendean Corporate Business Plan 2020-2024* as attached.

Motion

MOVED Cr Wilson, Seconded Cr Quinton, that this Item be deferred.

LOST 3/4

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

Council Resolution – Item 12.6(a) **OCM – 9/10/20**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council adopts the *Town of Bassendean Corporate Business Plan 2020-2024*, **subject to the following amendments being made:**

Section 2.6: Support the creation of a more green and shaded Town:

Item 2.6.1: Develop longer term tree planting and biodiversity corridors program **inclusive of a reporting framework to Council on rates of survival/mortality/health.**

Section 1.2: Revise Sponsorship and Grants Policy to **to facilitate delivery of new and innovative cultural and arts projects.**

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Council Resolution – Item 12.6(b)
OCM – 10/10/20

MOVED Cr Wilson, Seconded Cr McLennan, that Council adopts the Town of Bassendean *Corporate Business Plan 2020-2024*, **subject to the following amendment being made:**

Section 4.1.1: **Review** land asset strategy.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 12.7	Adoption of Delegations Register
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref/ROC	GOVN/CCLMEET/06
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans, reports and strategies, accepting tenders, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 8	<ul style="list-style-type: none"> • Delegations Register dated October 2020 • Delegations to be revoked

Purpose

The purpose of this report was for Council to consider adoption of the reviewed and amended Delegations Register dated October 2020 and deletion of redundant delegations to meet the Town's requirements for efficient and effective decision making and to comply with the *Local Government Act 1995*.

Cr Wilson moved the officer recommendation with the addition of a Point 6, as shown in bold.

Council Resolution/Officer Recommendation – Item 12.7 **OCM – 11/10/20**

MOVED Cr Wilson, Seconded Cr McLennan, that Council:

1. NOTES completion by Council as the Delegator, of the 2020/21 annual statutory review of the Delegations Register, in accordance with s.5.18 and s. 5.46 of the *Local Government Act 1995*, s.47(2) of the *Cat Act 2011* and s.10AB of the *Dog Act 1976*;
2. REVOKES, by ABSOLUTE MAJORITY, the delegations as detailed in Attachment No.2, under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and *Graffiti Vandalism Act 2016*;
3. REVOKES delegations as detailed in Attachment No.2, under the *Building Act 2011*, *Bush Fires Act 1954*, *Food Act 2008* and *Public Health Act 2015*;
4. APPROVES, by ABSOLUTE MAJORITY, the delegations, inclusive of amendments as detailed in Attachment No.1 - Delegation Register October 2020, in accordance with s.5.17 and 5.42 of the *Local Government Act 1995*, s.44 of the *Cat Act 2011*, s.10AA of the *Dog Act 1976* and s.16 of the *Graffiti Vandalism Act 2016*;
5. APPROVES the delegations, inclusive of amendments and as detailed in Attachment No.1 -Delegation Register October 2020, in accordance with s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.118 of the *Food Act 2008* and s.21 of the *Public Health Act 2016*; and
6. **REMOVES delegation 1.2.22, Recovery of Rates Debts – Actions to Take Possession of the Land.**

CARRIED BY AN ABSOLUTE MAJORITY 5/2

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

Item No.12.8	Accounts Paid – September 2020
File Ref/ROC	FINM/CREDTS/4
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 9	List of Payments

Purpose

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

Council Resolution/Officer Recommendation – Item 12.8 **OCM – 12/10/20**

MOVED Cr Hamilton, Seconded Cr Barty, that Council receive the list of payments for September 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/10/20 7/0

Item No. 12.9	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	Not applicable
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No.	Nil

Purpose

The purpose of this report was for Council to note the documents affixed with the Common Seal during the reporting period.

Council Resolution/Officer Recommendation – Item 12.9 **OCM – 13/10/20**

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/10/20 7/0

Item No. 12.10	Calendar for November 2020
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
File Ref/ROC	INFM/INTPROP/1
Previous Council Reports (if applicable)	
Directorate	Chief Executive
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No.	Nil

Purpose

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

Council Resolution/Officer Recommendation – Item 12.10 **OCM – 14/10/20**

MOVED Cr Hamilton, Seconded Cr Barty, that Council adopt the calendar for November 2020.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/10/20 7/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Cr Wilson – Provision of a 360 Litre Recycling Bin

Council Resolution/Officer Recommendation – Item 13.1 **OCM – 15/10/20**

MOVED Cr Wilson, Seconded Cr Quinton, that the CEO prepare a report for Council outlining the cost and contractual implications for the Town providing a 360 litre recycling bin in the range of bin options provided to our community from the start of the 2020/21 financial year.

CARRIED UNANIMOUSLY 7/0

13.2 Cr Hamilton – Recognition of the late Tina Klein

Council Resolution/Officer Recommendation – Item 13.2 **OCM – 16/10/20**

MOVED Cr Hamilton, Seconded Cr Quinton, that Council formally recognises the achievements of the late Tina Klein by:

1. Authorising the CEO to investigate and implement potential planting/dedication of a tree in a prominent location to occur during the next winter planting season;
2. Requesting staff select a tree variety that has potential to grow into a stately and prominent specimen offering decades of shaded amenity for future generations; and

3. Writing to the family of the late Tina Klein to ascertain their wishes in respect to points 1 and 2 of this Motion.

CARRIED UNANIMOUSLY 7/0

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

15.0 URGENT BUSINESS

Nil

16.0 CONFIDENTIAL BUSINESS

Council Resolution – Item 16.0(a)
OCM – 17/10/20

MOVED Cr Wilson, Seconded Cr Hamilton, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 6.58pm.

CARRIED UNANIMOUSLY 7/0

Item No. 12.2	Unauthorised Works – 1 (Lot 223) River Street, Bassendean
Property Address (if applicable)	1 (Lot 223) River Street, Bassendean (Success Hill Lodge)
Landowner/Applicant (if applicable)	Michael John Murphy
File Ref/ROC	DABC/BDVAPPS/2011-224
Previous Council Reports (if applicable)	28 July 2020 (Res: 5/07/20)
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.

<input checked="" type="checkbox"/> 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 permits, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 3	Proposed Schedule of Works

Purpose

The purpose of this report was for Council to consider action relating to unauthorised works and the maintenance and conservation of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge).

Cr Hamilton moved the officer recommendation with an amendment to the date, as shown in bold.

Council Resolution/Officer Recommendation – Item 12.2 **OCM – 18/10/20**

MOVED Cr Hamilton, Seconded Cr Quinton, that Council, in accordance with Clause 13(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) a Heritage Conservation Notice requiring the landowner to do the following:

1. Carry out the following in accordance with the development approval dated 6 October 2020 (Ref: 2020-117) by **31 March 2021**:
 - Re-roofing to the main building;
 - Provide stormwater drainage away from the building; and
 - Replacement of the fascia and guttering of the main roof.
2. Obtain development approval for, and thereafter carry out, the following specified repairs to the heritage place in accordance with the Conservation Management Strategy (dated 17 May 2019) by 30 June 2021, specifically:
 - Repairs to the Dining Room west wall (internally and externally);
 - Repairs to the double hung windows to the Dining Room;
 - Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and
 - Investigation and treatment of time for terminate control.

CARRIED 4/3

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

Please note: A Notice of Motion has been received from Cr McLennan for consideration at the Ordinary Council Meeting to held on 24 November 2020, to revoke the Council Resolution above (OCM-18/10/20 refers).

Cr Wilson requested his reasons for voting against the motion be recorded in the minutes, as follows:

1. *It is open to Council not to issue a heritage conservation notice; and*
2. *I do not believe that supporting the motion would be fair and just to the owners of the property in the circumstances.*

Item No. 16.1	Waiver of Rates Levied on the property - 3/335 Collier Road, Bassendean
Property Address (if applicable)	
Landowner/Applicant (if applicable)	Cadomoon Pty Ltd
File Ref/ROC	
Previous Council Reports (if applicable)	Not applicable
Directorate	Corporate Services
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> 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.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil

Purpose

The purpose of this report was for Council to consider exercising its discretion to waive a portion of rates levied on the property situated at 3/335 Collier Rd, Bassendean.

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.

Council Resolution/Officer Recommendation – Item 16.1
OCM – 19/10/20

MOVED Cr Hamilton, Seconded Cr Wilson, that Council exercise its discretion under section 6.47 of the *Local Government Act 1995* to waive back rates of \$5,386.89 levied on the property situated at 3/335 Collier Road, Bassendean for the period 1 January 2019 to 30 June 2019.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Item No. 16.2	Purchase of 27 (Lot 100) Hyland Street, Bassendean
Property Address (if applicable)	27 (Lot 100) Hyland Street, Bassendean
Landowner/Applicant (if applicable)	Herbert Super Pty Ltd
File Ref/ROC	A2435
Previous Council Reports (if applicable)	17 December 2019
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> 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 permits, applications for other permits/licences (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment	Nil

Purpose

The purpose of this report was for Council to consider purchasing 27 (Lot 100) Hyland Street, Bassendean.

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 16.2

OCM – 20/10/20

MOVED Cr Hamilton, Seconded Cr Gangell, that Council agrees to purchase 27 (Lot 100) Hyland Street, Bassendean.

CARRIED 6/1

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

Council Resolution – Item 16.0(b)

OCM – 21/10/20

MOVED Cr Hamilton, Seconded Cr Barty, that the meeting come from behind closed doors, the time being 7.28pm.

CARRIED UNANIMOUSLY 7/0

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 17 November 2020. The next Ordinary Council Meeting will be held on Tuesday 24 November 2020.

There being no further business, the Presiding Member declared the meeting closed, the time being 7.28pm.