

# TOWN OF BASSENDEAN

## MINUTES

### ORDINARY COUNCIL MEETING

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

ON TUESDAY 31 JANUARY 2017 AT 7.00PM

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

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

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

##### 2.1 Public Question Time

Ms Jane Bremmer, 47 Seventh Avenue, Bassendean

Ms Bremmer referred to Item 10.9 and asked if the Town had considered renegotiating the steam weed contract?

The Director Operational Services advised that the Town had looked at the contract and the steam frequency, however, if the steam frequency was reduced, the Town had received feedback from other local authorities that the weeds would not be effectively controlled. An estimate was provided to Council based on other local government experience and the best practice steam frequencies to effectively manage weeds.

Ms Bremmer asked whether the Town had considered other weed removal methods?

The Director Operational Services advised that the Town had been proactive in their pursuit to find an alternative to Glyphosate for broad spectrum weed control and the report presented to Council also outlined the current Town of Bassendean trials and East Metropolitan Regional Council trials that are being undertaken. In addition, \$130,000 was specifically allocated to implement steam weed management, however, the steam treatment tenders submitted were cost prohibitive and as a consequence, Council did not accept the tender.

Ms Bremmer asked why the Town did not include alternative methods in the cost analysis report?

The Director Operational Services advised that there was discussion at the Councillors' workshop on the practicalities of other non chemical methods and a number of other options were considered, such as brush cutting, which are addressed in the report. In addition, various treatments have been trialled at Success Hill Reserve, Broadway Reserve and the East Metropolitan Regional Council is currently conducting trials, with varying preliminary results.

Mr Warren Wright, 58 Margaret Street, Ashfield

Mr Wright asked the CEO if he has received a copy of the Business Case for the proposed soccer stadium at Ashfield?

The CEO advised that he contacted the Department of Sport and Recreation and its response was that the Business Case is both cabinet in confidence and commercial in confidence and will therefore not be released. *(The CEO read out the correspondence between himself and the Department of Sport and Recreation.)*

The Director Community Development clarified that one political party has come out and made an election promise – it is not a government decision.

Mr Wright asked if Council is willing to rescind its motion and force the State Government to the negotiation table?

The CEO stated that the State Government, if re-elected, has given its commitment that Council's resolution regarding the development of plans would be honoured.

Mr Wright asked if the Council is considering no longer making recordings of the meetings available to the public?

The CEO responded that it is a policy review and no decision has been made at this stage. The current recordings are not a true and correct record of the meeting. The recording is used by our Minute Clerk for minute-taking purposes. We would need to upgrade our system to get a true and accurate recording of our meetings.

Mrs Val Dreyer, 31 Naunton Crescent, Eden Hill

Mrs Dreyer commented that Mary Crescent Reserve is in poor condition and needs resurfacing.

Mrs Dreyer asked why the Australia Day fireworks signs are still up?

The CEO responded that they are yet to be collected by staff.

Mrs Dreyer commented that not all of her questions from the December meeting were recorded.

Mr Bill Dreyer, 31 Naunton Crescent, Eden Hill

Mr Dreyer asked when is the Council going to liaise with the public about the proposed soccer ground at Ashfield?

The CEO advised that Council officers were not aware that the Premier was going to make an announcement about the site. The Council was only aware that we were one of a number of sites being considered. This was a political announcement. The Department of Sport and Recreation has given a commitment that Council's issues will be addressed if the government is re-elected and the funds are allocated.

Mr Dryer asked what is the situation with the development of Bassendean Oval?

The CEO responded that as there is no longer any State Government funding for the project. Should Council wish to pursue the project, it will have to address the issue through its strategic planning and make a budget allocation.

COUNCIL RESOLUTION - ITEM 2.1

**OCM – 1/01/17**

MOVED Cr Bridges, Seconded Cr Pule, that public question time be extended by ten minutes.

CARRIED UNANIMOUSLY 5/0

Ms Angie Piantadosi

Ms Piantadosi asked when can residents expect a review of residential densities?

The Director Strategic Planning responded that Council will be looking at reviewing the residential densities through its Local Planning Strategy. Investigations and analysis will commence soon, followed by the formulation of strategies in the second half of this year.

Ms Rose Quelch, Haig Street, Ashfield

Ms Quelch expressed concern about people parking in the 'no parking' areas on Haig Street and Colstoun Road.

The Director Operational Services advised that the Rangers will address the matter.

Ms Quelch commented that the road closure for the fireworks did not happen until just a few minutes before the fireworks started and the road was immediately opened when the fireworks were finished. It was very dangerous with lots of people walking in the traffic.

The Director Community Development responded that this matter will be considered at the event debriefing.

Ms Quelch requested that soccer training move to the other side of Ashfield Oval away from the houses.

The Director Community Development advised that this issue is being addressed.

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

Ms Hamilton asked for a copy of the letter/email from the Department of Sport and Recreation, in relation to the Ashfield soccer site.

The CEO advised that he would send a copy tomorrow.

Ms Hamilton referred to the concept plan which was provided to the Council in March and asked why that concept plan was not provided with the survey?

The Director Community Development responded that advice from the DSR was that the concept plan was not to be released to the public.

Ms Hamilton asked if the concept plan was provided to all Councillors prior to the survey going out?

The Director Community Development responded that the plan was provided to all Councillors, however, he could not be sure of the timing.

Ms Hamilton expressed concern that a State Government department is able to dictate what happens to a community, in particular the inability for the Town to disseminate information and engage in appropriate consultation with the community.

Ms Hamilton referred to Item 11.2 and requested that Council engage a community group to assist with the development of that concept plan and also asked if Council workshops can include the public?

Ms Hamilton asked if there is any further information on the Strategic Community Plan workshops?

The Director Corporate Services advised that the facilitator is working on collating the comments and is to be presented to the February Council meeting.

#### Volunteer Firefighter, Ms Ivanka Radalj, Bassendean Fire & Rescue Service

Ms Radalj asked what is happening with the Bassendean Fire Brigade station.

The CEO advised that Council had previously looked at a number of options for that building, then there was a suggestion that the Brigade may move back into the building, however, this was not supported by the Department of Fire & Emergency Services. Local Member Dave Kelly has stated that he will support the return of the Bassendean Brigade to that building if elected.

## **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 Mike Lewis, Deputy Mayor  
Cr Gerry Pule  
Cr Paul Bridges  
Cr Bob Brown  
Cr Renee McLennan

#### Apologies

Cr John Gangell, Mayor

#### Officers

Mr Bob Jarvis, Chief Executive Officer  
Mr Michael Costarella, Director Corporate Services  
Mr Graeme Haggart, Director Community Development  
Mr Simon Stewert-Dawkins, Director Operational Services  
Mr Anthony Dowling, Director Strategic Planning  
Mr Christian Buttle, Acting Manager Development Services  
Mrs Amy Holmes, Minute Secretary

#### Public

Approximately 25 members of the public were in attendance.

#### Press

One member of the press was in attendance.

### **4.0 DEPUTATIONS**

- 4.1 Mr Sam Bennett, owner at Lot 9 Walter Road East, addressed Council regarding Item 10.2.
- 4.2 Ms Janet Lang, Principal at Casa Mia Montessori School, addressed Council regarding Item 10.13.
- 4.3 Mr Bruce Keay addressed Council regarding Items 10.5 and 10.6.
- 4.4 Mr Mike Smith, former Captain of Bassendean Volunteer Fire & Rescue Service, addressed Council regarding item 13.1.

## **5.0 CONFIRMATION OF MINUTES**

### **5.1 Ordinary Council Meeting held on 13 December 2016**

*Cr McLennan requested an amendment to Item 10.10 - foreshadowed motion, Point 3(b):*

*That the word 'be' be removed.*

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

**OCM – 2/01/17** MOVED Cr Bridges, Seconded Cr Pule, that the minutes of the Ordinary Council Meeting held on 13 December 2016, as amended be received.

**CARRIED UNANIMOUSLY 5/0**

#### **COMMITTEE/OFFICER RECOMMENDATION – ITEM 5.1(b)**

**OCM – 3/01/17** MOVED Cr Pule, Seconded Cr Bridges, that the minutes of the Ordinary Council Meeting held on 13 December 2016, as amended, be confirmed as a true record.

**CARRIED UNANIMOUSLY 5/0**

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

The Presiding Member commented on the funding coming into Bassendean for the potential development of sporting clubs such as the Ashfield Soccer ground and cricket at Jubilee Reserve.

## **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, 10.8 & 10.11 be removed from the en-bloc table and considered separately.

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

**OCM – 4/01/17**      MOVED Cr Pule, Seconded Cr Bridges, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 31 January 2017:

| <b>Item</b> | <b>Report</b>  |
|-------------|--|
| 10.10       | Street Tree – 1 Prowse Street, Bassendean              |
| 10.12       | Local Planning Strategy – Progress Report No.          |
| 10.14       | Quarterly Report for Quarter Ended 31 December 2016    |
| 10.15       | Determinations Made by the Principal Building Surveyor |
| 10.16       | Determinations Made by Development Services            |
| 10.17       | Use of the Common Seal                                 |
| 10.18       | Calendar for February 2017                             |
| 10.19       | Implementation of Council Resolutions                  |
| 10.20       | Accounts for Payment – December 2016                   |
| 10.21       | Financial Statements – December 2016                   |

**CARRIED UNANIMOUSLY 5/0**

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

| <b>Item</b> | <b>Report</b>   |
|-------------|---|
| 10.2        | Breach of Conditions of Development Approval at Lot 9 (Nos. 2A & 2B) Walter Road East, Bassendean                                     |
| 10.3        | Unauthorised Construction of a Side Boundary Fence at Lot 3 (Unit 4, No. 51) Devon Road, Bassendean                                   |
| 10.4        | Retrospective Development Application for a Carport and Front Fence at Lot 420 (No. 97) Second Avenue, Bassendean                     |
| 10.5        | Proposed Amendment No. 9 to Local Planning Scheme No. 10  |
| 10.6        | Proposed Amendment No. 17 to the Town Planning Scheme No 4A   |
| 10.7        | Development Assessment Panels: Local Government Nominations – Correspondence received from Director General of Department of Planning |
| 10.8        | Removal of Bus Shelter in front of the Hyde Retirement Village, 10 James Street, Bassendean   |
| 10.9        | Town of Bassendean Glyphosate Usage for Weed Management   |
| 10.11       | Notice of Motion – Cr Pule: Differential Rating of Property   |

|       |   |
|-------|---|
| 10.13 | Request by Casa Mia Montessori School to Purchase 11 Hamilton Street, Bassendean                            |
| 11.1  | Notice of Motion - Cr Pule: Chemical Free Weeding   |
| 11.2  | Notice of Motion - Cr Bridges: BIC Reserve Concept Plan   |
| 13.1  | Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean |

**10.2 Breach of Conditions of Development Approval at Lot 9 (Nos. 2A & 2B) Walter Road East, Bassendean – Property Owner: Samuel Bennett & Bruce Milligan (2A Walter Road East) and Carl Dowling (2B Walter Road East) (Ref: DABC/BDVAPPS/2016-156 - Timothy Roberts, Planning Officer)**

**APPLICATION**

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

*Cr Pule moved that on compassionate grounds, the date be changed from 14 February to 28 February 2017.*

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.2**

**OCM – 5/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council:

1. Authorises the Chief Executive Officer to initiate legal action if the conditions of development approval (2014-156) at Lot 9 (No. 2A) Walter Road East, Bassendean, are not addressed by **28 February 2017**; and
2. Authorises the Chief Executive Officer to initiate legal action if the conditions of development approval (2014-057) at Lot 9 (No. 2B) Walter Road East, Bassendean are not addressed by **28 February 2017**.

**CARRIED UNANIMOUSLY 5/0**

**10.3 Unauthorised Construction of a Side Boundary Fence at Lot 3 (Unit 4, No. 51) Devon Road, Bassendean – Property Owner: Bosiljka Nikoloska (Ref: DABC/BDVAPPS/2016-074 - Timothy Roberts, Planning Officer)**

APPLICATION

The purpose of this report was to seek Council authorisation to commence legal action to reconstruct an unauthorised side boundary fence at the above mentioned property.

OFFICER RECOMMENDATION — ITEM 10.3

That Council authorises the Chief Executive Office to initiate legal action if the unauthorised side boundary fence, at Lot 3 (Unit 4 No. 51) Devon Road, Bassendean, is not modified in line with the conditions of development approval (2016-074) by 14 February 2017.

*Cr McLennan moved an alternative recommendation to reflect the discussion held during the Councillors' site inspection, which aligns with the alternate arrangement canvassed in the officer report.*

COUNCIL RESOLUTION – ITEM 10.3

**OCM – 6/01/17** MOVED Cr McLennan, Seconded Cr Pule, that Council:

1. Instructs the owner of Lot 3 (Unit 4, No 51) Devon Road, Bassendean to reduce the height of the first fencing panel only (closest to the West Road property boundary), to a height not exceeding 1.2 metres above ground level, by 14 February 2017.
2. Does not require further modification to the fence which is the subject of this report, beyond the modification referred to in point 1 above.
3. Authorises the Chief Executive Officer to initiate formal legal action in the event that the required fence modifications are not undertaken by 14 February 2017.

CARRIED UNANIMOUSLY 5/0

**10.4 Retrospective Development Application for a Carport and Front Fence at Lot 420 (No. 97) Second Avenue, Bassendean – Property Owner: Emil Vranjes (Ref: DABC/BDVAPPS/2016-130 - Timothy Roberts, Planning Officer)**

**APPLICATION**

The purpose of this report was to seek Council authorisation to commence legal action to modify an unauthorised front screen wall and remove a shade sail carport at the above mentioned property.

**OFFICER RECOMMENDATION — ITEM 10.4**

That Council:

1. Refuses to approve the retrospective application for a carport and front fence at lot 420 (No. 97) Second Avenue, Bassendean for the following reasons:
  - a) The development would set an undesirable precedent for any similar proposals and for the intended form/development of the locality;
  - b) The refusal is consistent with previous determinations for similar proposed developments;
  - c) Non-compliance with the Town of Bassendean Local Planning Policy No. 12: Development within the Street Setback Area;
  - d) Non-compliance with the Residential Design Codes of Western Australia with respect to vehicular access and sight lines; and
2. Authorises the Chief Executive Officer to initiate legal action if the front wall at Lot 420 (No. 97) Second Avenue, Bassendean, is not modified to comply with the Deemed-to-Comply requirements of the R-Codes and the shade sail carport is not removed, by 14 February 2017.

*Cr McLennan moved an alternative recommendation as she believes the shade sail is unobtrusive and its appearance compliments the appearance of the house.*

COUNCIL RESOLUTION- ITEM 10.4

**OCM – 7/01/17** MOVED Cr McLennan, Seconded Cr Brown, that Council:

1. Grants retrospective development approval for a carport and front fence at Lot 420 (No. 97) Second Avenue, Bassendean subject to the following conditions:
  - (a) The “existing front wall” being modified to a single width brick pier (470mm x 470mm maximum dimensions) as marked in red on the revised plans date stamped received 26 July 2016 (with these drawings forming a part of the development approval) within 14 days from the date of this determination.
  - (b) An application for a Building Approval Certificate being lodged with the Town within 30 days from the date of this determination.
2. Instructs the property owner to modify the front fence in accordance with conditions of approval by 14 February 2017.
3. Authorises the Chief Executive Officer to commence legal action in the event that required modifications to the front fence are not undertaken within the specified timeframe.

CARRIED UNANIMOUSLY 5/0

**10.5 Proposed Amendment No. 9 to Local Planning Scheme No. 10 (Ref: DABC/BDVAPPS/LPS10.8 - Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report was for Council to initiate Amendment No. 9 to the Local Planning Scheme No 10.

The purpose of this amendment is to:

- Reserve additional land for Parks and Recreation, including 2 new recreation reserves that are in the process of being created (proposals 1 -10);
- Rezone one property in the industrial area from parks and recreation to light industry (proposal 11);
- Deleting an additional use that is no longer required, and updating a second additional use (proposals 12 & 13); and

- Applying a residential zoning to two discrete portions of land that are now not zoned under the Scheme as a result of Amendments to the Metropolitan Region Scheme (proposals 14 & 15).

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —  
ITEM 10.5

**OCM – 8/01/17** MOVED Cr Bridges, Seconded Cr Brown, that:

1. The Town of Bassendean, by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme No. 10 by:
  - a. Rezoning Lots 14 and 15 Surrey Street, Bassendean from “Residential with a density code of R20” to “Parks and Recreation”;
  - b. Zoning a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) “Parks and Recreation”;
  - c. Zoning a portion of the Eighth Avenue and River Street road reserves intended to become a recreation reserve (Lot 500 on Plan 069914) to “Parks and Recreation” and Rezoning Reserve 43398, Anzac Terrace Bassendean from “Residential with a density code of R20” to “Parks and Recreation”;
  - d. Rezoning Reserve 32920 Hamilton Street and the adjoining drainage reserves 178279, 29953, 29953 Reid Street from “Residential with a density code of R20” to “Parks and Recreation”;
  - e. Rezoning Reserve 47865 Watson Street from “Residential with a density code of R20” to “Parks and Recreation”;
  - f. Rezoning Lots 162 and 163 Anstey Road from “Residential with a density code of R25” to “Parks and Recreation”;
  - g. Rezoning Lots 4289, 4763, and 7102 forming Reserve 30297 Third Avenue Bassendean from “Residential with a split density code of R20/40” to “Parks and Recreation”;

- h. Rezoning Lots 268 Prospector Loop, 293 Perway Lane, forming Reserve 49929 and Lot 280 Atlantic Bend, forming Reserve 49930 from “Residential with a split density code of R20/30/60” to “Parks and Recreation”;
- i. Rezoning Lot 41 Guildford Road from “Residential with a density code of R20” to “Parks and Recreation”;
- j. Rezoning Part Lot 271 Hamilton Street from “Residential with a density code of R20 and R25” to “Parks and Recreation”;
- k. Rezoning Lot 20 Hanwell Way from “Parks and Recreation” to “Light Industry”;
- l. Removing additional use No 12 from Schedule 2 additional uses of the Local Planning Scheme.(Hotel /Tavern Lot 3 Gallagher Street Eden Hill);
- m. Deleting the numbers and words “1. Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished; and 2. And replacing “all” with “All” from additional use No 3 in Schedule 2 additional uses of the Local Planning Scheme.(Lots 1,2,3,4,5 and 6 Earlsferry Court, Bassendean);
- n. Applying a residential zoning with a density code of R10 to the unzoned portion of Lot 6 Earlsferry Court, Bassendean;
- o. Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of Lot 9 Water Road East, Bassendean;

and

- 2. Council considers the Local Planning Scheme No. 10, Amendment No. 9 to be a standard amendment, as defined by Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the amendment is:
  - (a) consistent with the objectives of the Residential Zone as laid out in clause 4.2.1, and Light Industry Zone, as laid out in clause 4.2.5, of the Local Planning Scheme No. 10;

- (b) consistent with the Town of Bassendean Local Planning Strategy which has been endorsed by the Commission;
- (c) is consistent with a region planning scheme that applies to the scheme area;
- (d) is not inconsistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) has no impact on land in the scheme area that is not the subject of the amendment;
- (f) it does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- (g) is not a complex or basic amendment.

CARRIED UNANIMOUSLY 5/0

**10.6 Proposed Amendment No. 17 to the Town Planning Scheme No 4A (Ref: DABC/BDVAPPS/TPS4A- 17 Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report was for Council to initiate Amendment No. 17 to the Town Planning Scheme No 4A.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.6

**OCM – 9/01/17** MOVED Cr Bridges, Seconded Cr Brown, that:

1. The Bassendean Town Council under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act, 2005, hereby amends the above Town Planning Scheme by:

a) Amending the Scheme Map as follows:

- i) Removing the “new roads and footways” annotation from the unconstructed road reserve adjacent to Lot 821 Villiers Street West (adjacent to 1 Hardy Road).
- ii) Removing the “new roads and footways” annotation from the unconstructed road reserve known as Lot 13656 Hatton Court.
- iii) 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’
- iv) Deleting Lots 162 and 163 Anstey Road from area ‘C’ and include the land within area ‘B’.
- v) Deleting a portion of Lot 271 Hamilton Street from area ‘C’ and include the land within area ‘B’.

b) Amending the Scheme Text as follows:

- i) 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”.

- c) By deleting clause 31 of the Scheme and replacing it with the following:

- i) "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".
2. Council considers the above proposed amendment to be a standard amendment as defined by Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the amendment:
- (a) is consistent with the objectives of the Residential Zone as laid out in clauses 4.2.1 of the Local Planning Scheme No. 10;
  - (b) is consistent with the Town of Bassendean Local Planning Strategy which has been endorsed by the Commission;
  - (e) Is consistent with a region planning scheme that applies to the scheme area;
  - (d) not inconsistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
  - (e) has no impact on land in the scheme area that is not the subject of the amendment;
  - (f) it does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - (g) is not a complex or basic amendment.

CARRIED UNANIMOUSLY 5/0

**10.7 Development Assessment Panels: Local Government Nominations – Correspondence received from Director General of Department of Planning (Ref: DABC/LIAIS/1 Christian Buttle, Senior Planning Officer)**

APPLICATION

The purpose of this report was for Council to nominate two members and two alternate members to sit on the Metropolitan Central Joint Development Assessment Panel (JDAP).

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.7

**OCM – 10/01/17** MOVED Cr Brown, Seconded Cr Bridges, that Council endorses Crs Pule and McLennan as local members and Cr Lewis as Deputy local member to sit on the Metro Central Joint Development Assessment Panel.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

**10.8 Removal of Bus Shelter in front of the Hyde Retirement Village, 10 James Street, Bassendean (Ref: TRAF/MAINT/3 – Ken Cardy, Manager Asset Services)**

APPLICATION

The purpose of this report was to present an update, feedback and a further recommendation to Council, in response to Cr Pule's Notice of Motion - OCM 35/9/16 as outlined in the report below.

OFFICER RECOMMENDATION — ITEM 10.8

That Council:

1. Receives the officer's report in response to Cr Pule's Notice of Motion regarding the removal of a bus shelter in front of the Hyde Retirement Village; and
2. Notes a new seat has been installed in James Street, Bassendean, as a result of the November 2016 consultation meeting with the residents of the Hyde Retirement Village.

COUNCIL RESOLUTION — ITEM 10.8

**OCM – 11/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council:

1. Rescinds resolution OCM-35/09/16, which reads:

*“MOVED Cr Pule, Seconded Cr McLennan, that the Town of Bassendean immediately write/contact the PTA regarding the removal of the bus shelter in front of the Hyde Retirement Village requesting that the bus shelter be reinstated and made fully compliant for Disability Standards. If, after these contacts, the PTA will not reinstate the bus shelter, then the Town of Bassendean fund and rebuild the bus shelter, given its importance in the Town Centre, to the residents of the Hyde Retirement Village and the adjacent businesses.*

CARRIED UNANIMOUSLY 5/0”;

2. Receives the officer’s report in response to Cr Pule’s Notice of Motion regarding the removal of a bus shelter in front of the Hyde Retirement Village; and
3. Notes a new seat has been installed in James Street, Bassendean, as a result of the November 2016 consultation meeting with the residents of the Hyde Retirement Village.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

**10.9 Town of Bassendean Glyphosate Usage for Weed Management (Ref: PARE/MAINT/3 - Jeremy Walker, Senior Environmental Officer and Simon Stewert-Dawkins Director Operational Services)**

*The Chief Executive Officer left the Chamber, the time being 9.00pm.*

APPLICATION

The purpose of this report was to provide information regarding the Australian Pesticides and Veterinary Medical Authority advise concerning Glyphosate and to provide a follow up report after the December 2016 Councillor Workshop (OCM-09/11/16 and OCM – 10/11/16) concerning the suspension of glyphosate on hard surfaces and potential weed management alternatives.

### OFFICER RECOMMENDATION – ITEM 10.9

That Council:

1. Notes the Australian Pesticides and Veterinary Medicines Authority (APVMA) report attached to the January 2017 Ordinary Council Meeting Agenda of 31 January 2017, and that the APVMA has completed its assessment of the IARC report and other recent assessments of Glyphosate and has concluded that Glyphosate does not pose a cancer risk to humans;
2. Notes that the Town is currently applying Glyphosate in natural areas and public open space in accordance with legislative requirements and best management practices in order to control weeds;
3. Rescinds Council resolution OCM – 12/04/16, Part 3 which reads:  
  
*“Suspends the use of Glyphosate on hard surfaces in the urban environment”;*
4. Initiates the use of the Australian Pesticides and Veterinary Medicines Authority (APVMA) registered Glyphosate products to weeds which emerge and grow over footpath edges, within expansion joints, between asphalt and kerb lines and road islands, in accordance with legislative requirements and best management practices in order to control weeds;
5. Amends Account No. 12115030 - “Steam Weeding of Roads” to “Weed Treatment within Road Reserve” and initiates the clean-up of up the weeds which have grown in the paving expansion joints, edges of all footpaths, road kerbs lines, expansion joints of road islands throughout the Town;
6. Amends Account No. 12115030 from \$130,000 to \$45,000 and the balance of \$85,000 be considered as part of the February 2017 Budget review.

### COUNCIL RESOLUTION – ITEM 10.9

**OCM – 12/01/17** MOVED Cr Lewis, Seconded Cr Bridges, that this item be deferred until receipt of a weed treatment trial report from the Eastern Metropolitan Regional Council, in May 2017.

CARRIED UNANIMOUSLY 5/0

**10.10 Street Tree – 1 Prowse Street, Bassendean (Ref: A4332, COUP/MAINT/1 – Simon Stewert-Dawkins Director Operational Services)**

APPLICATION

The purpose of this report was to present Council with the results of an arborist report commissioned for the street tree on the verge abutting 1 Prowse Street, Bassendean.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.10

**OCM – 13/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council:

1. Receives the Bowden Tree Consultancy Report for the street tree adjacent to 1 Prowse Street, Bassendean, as attached to the Ordinary Council Agenda of 31 January 2017;
2. Does not remove the street tree adjacent to 1 Prowse Street, Bassendean on the basis of the January 2017 Bowden Tree Consultancy report, and that the tree has been assessed as being structurally sound in accordance with Street Tree Pruning, Removal and Replacement Policy;
3. Implements all of the Bowden Tree Consultancy Report recommendations to undertake dead wooding and reduction pruning work, to alleviate branch end weight and loading and, to mitigate the potential for future branch failure;
4. Notes that the street tree adjacent to 1 Prowse Street, Bassendean provides many community benefits, including shade, streetscape aesthetics, mitigation of urban heat island, air quality improvement, carbon uptake and storage, minimisation of stormwater run-off and fauna habitat, all of which enhance our built and natural environment; and
5. Notes that the Town will write to the resident advising them of Council's decision, and provide a copy of the 2017 Arborist's Report.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/01/17 5/0

**10.11 Notice of Motion – Cr Pule: Differential Rating of Property (Ref: RAT&VAL/ENQS/1 - Mike Costarella, Director Corporate Services)**

APPLICATION

The purpose of this report was to provide information to Council on the implementation of differential rates where the Town provides additional services to properties of different zonings or land used for a particular purpose or other clauses contained within the Local Government Act and the regulations.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.11

**OCM – 14/01/17** MOVED Cr Pule, Seconded Cr Brown, that Council continues to impose a general rate in the dollar for all rateable properties within the Town of Bassendean.

CARRIED UNANIMOUSLY 5/0

**10.12 Local Planning Strategy – Progress Report No. 1 (Ref: LUAP/Bassendean LPS 2017-2030, Anthony Dowling, Director Strategic Planning)**

APPLICATION

Council was requested to receive and note the report attached to this agenda, on progress with the review/revision of the 2015 Local Planning Strategy (LPS).

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.12

**OCM – 15/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council receives and notes the Local Planning Strategy Progress Report No. 1

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/01/17 5/0

**10.13 Request by Casa Mia Montessori School to Purchase 11 Hamilton Street, Bassendean (Ref: A2137 – Bob Jarvis, CEO and Graeme Haggart, Director Community Development)**

*The CEO returned to the Chamber, the time being 9.06pm.*

**APPLICATION**

A request has been received for Council to review its position on the timing of selling 11 Hamilton Street to the Casa Mia Montessori Community School Inc.

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

**OCM – 16/01/17** MOVED Cr Pule, Seconded Cr McLennan, that:

1. Council advises the Casa Mia Montessori School that it is not prepared to revoke its resolution of July 2016 regarding the future of the school at 11 Hamilton Street, at this time, but;
2. The Town will negotiate with the School for some form of instrument which would ensure that the Town and its community will not be financially disadvantaged by the sale of 11 Hamilton Street to the Casa Mia Montessori School if it is unable to purchase additional land to ensure its continued occupation in its current location and it wishes at that point in time to relocate;
3. In support of (2), the CEO seeks advice from the Town's solicitors as to the most appropriate way to legally satisfy Council's wishes; and
4. The CEO endeavours to investigate and report back to Council with a solution for Council's consideration in a timely manner, so as to allow the Casa Mia Montessori School to be able to make an application for funding in April 2017.

**CARRIED UNANIMOUSLY 5/0**

**10.14 Quarterly Report for Quarter Ended 31 December 2016 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)**

APPLICATION

The purpose of this report was for Council to receive the Quarterly Report for the period ended 31 December 2016.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.14

**OCM – 17/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council receives the Quarterly Reports for the quarter ended 31 December 2016.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/01/17 5/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.15

**OCM – 18/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/01/17 5/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.16

**OCM – 19/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council notes the decisions made under delegated authority by the Manager Development Services.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/01/17 5/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.17

**OCM – 20/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 31 January 2017.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/01/17 5/0

**10.18 Calendar for February 2017 (Ref: Sue Perkins, Executive Assistant)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -  
ITEM 10.18

**OCM – 21/01/17** MOVED Cr Pule, Seconded Cr Bridges, that the Calendar for February 2017 be adopted.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/01/17 5/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.19

**OCM – 22/01/17** MOVED Cr Pule, Seconded Cr Bridges, that the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 31 January 2017 be deleted from the Implementation of Council Resolutions list.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/01/17 5/0

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

APPLICATION

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -  
ITEM 10.20

**OCM – 23/01/17** MOVED Cr Pule, Seconded Cr Bridges, that Council receives the List of Accounts paid for December 2016, as attached to the Ordinary Council Agenda of 31 January 2017.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/01/17 5/0

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

APPLICATION

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.21

**OCM – 24/01/17** MOVED Cr Pule, Seconded Cr Bridges, that the Financial Report for the period ended 31 December 2016, as attached to the Ordinary Council Agenda of 31 January 2017, be received.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/01/17 5/0

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

**11.1 Notice of Motion - Cr Pule: Chemical Free Weeding**

Cr Pule moved the following motion:

*“That a report be brought to Council on the trialling of 18 months of a chemical free weeding strategy for Success Hill based on the ERMC’s publication - The Bush is a Garden.”*

The motion lapsed for want of a Secunder.

## **11.2 Notice of Motion - Cr Bridges: BIC Reserve Concept Plan**

Cr Bridges moved the following motion:

*“That funding be considered in the 2017/18 budget to prepare a concept plan for the BIC Reserve civic gardens.”*

It was agreed that the words ‘civic gardens’ be deleted and the words ‘in consultation with a working group of interested residents’ be added.

### **COUNCIL RESOLUTION – ITEM 11.2**

**OCM – 25/01/17** MOVED Cr Bridges, Seconded Cr Pule, that funding be considered in the 2017/18 budget to prepare a concept plan for the BIC Reserve, **in consultation with a working group of interested residents.**

**CARRIED UNANIMOUSLY 5/0**

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

### **12.1 Cr Pule**

That Council invite discussion with the Montessori School and Bowling Club into whether it is desirable or feasible for the adjoining lane to become available for lease by the Montessori school.

### **12.2 Cr Pule**

That Council prepare plans and allocate funds for a traffic transport needs assessment to be conducted as part of preparing a local planning strategy for the Success Hill proposed land use intensification.

### **12.3 Cr Pule**

That Solar Photo Voltaic Panels be included and rated for Sustainable Building Design incentives and included in the Policy.

## **13.0 CONFIDENTIAL BUSINESS**

### **COUNCIL RESOLUTION – ITEM 13.0(a)**

**OCM – 26/01/17** MOVED Cr Bridges, Seconded Cr Brown, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 9.20pm.  
**CARRIED UNANIMOUSLY 5/0**

*All members of the public vacated the Chamber, the time being 9.20pm.*

### **13.1 Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean Fire Station (Ref: A4103 - Bob Jarvis, CEO)**

#### **APPLICATION**

Council's consideration of a number of options presented in a Business Case report for the purchase of 10-14 Parker Street at the Workshop held on 7 December 2016.

*This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) (c) and (d) of the Local Government Act 1995, as the Officer report discusses details of a proposed contract to be entered into.*

#### **OFFICER RECOMMENDATION – ITEM 13.1**

That:

1. Council extends its appreciation to the Department of Fire and Emergency Service (DFES) for the offer to purchase the Old Fire Station at 10-14 Parker Street, Bassendean;
2. Council advises the Department of Fire and Emergency Services that following consideration of the Business Case, the restrictive covenants and the limited financial viability of the project for the property, the Town declines the offer to purchase the property; and
3. In the event the Department of Emergency Services offers the property for sale and the offer is unsuccessful, the Town would appreciate the DFES consideration of a lease agreement with the Town for community purposes, on a peppercorn rental.

COUNCIL RESOLUTION – ITEM 13.1

- OCM – 27/01/17** MOVED Cr Bridges, Seconded Cr Brown, that Council defers any decision on the future of the fire station until the results of the State Election in March 2017 are known.  
CARRIED UNANIMOUSLY 5/0

COUNCIL RESOLUTION – ITEM 13.0(b)

- OCM – 28/01/17** MOVED Cr Bridges, Seconded Cr Brown, that the meeting proceed with open doors, the time being 9.30pm.  
CARRIED UNANIMOUSLY 5/0

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

**14.0** **CLOSURE**

The next Ordinary Council Meeting will be held on Tuesday 28 February 2017.

There being no further business, the Presiding Member declared the meeting closed, the time being 9.30pm.