



TOWN OF
Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 23 August 2022, 6:00 pm

in the Council Chamber,

Administration Building

48 Old Perth Road, Bassendean WA 6054

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

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 Announcements by The Presiding Person Without Discussion

Nil

3 Attendances, Apologies and Applications for Leave of Absence

Present

Councillors

Cr Kathryn Hamilton, Mayor
Cr Renee McLennan, Deputy Mayor
Cr Hilary MacWilliam
Cr Emily Wilding
Cr Jennie Carter
Cr Tallan Ames

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Luke Gibson, Director Community Planning
Mr Paul White, Director Corporate Services
Mr David Dwyer, Acting Exec Manager Infrastructure
Ms Nicole Davey, Exec Manager Sustainability & Environment
Ms Elizabeth Kania, Manager Governance & Strategy
Mrs Amy Holmes, Minute Secretary

Public

Two members of the public were in attendance.

Apologies

Cr Paul Poliwka

Leave of Absence

Council Resolution – Item 3.1(a) **OCM 1/8/22**

MOVED Cr Hamilton, Seconded Cr Wilding, that Cr Poliwka be granted a Leave of Absence until 5 September 2022.

CARRIED UNANIMOUSLY 6/0

Council Resolution – Item 3.1(b)
OCM 2/8/22

MOVED Cr McLennan, Seconded Cr Ames, that Cr Hamilton be granted a Leave of Absence for 3-5 September 2022.

CARRIED UNANIMOUSLY 6/0

4 Declarations of Interest

Nil.

5 Presentations or Deputations

Ms Jane Bremmer of 47 Seventh Avenue, Bassendean addressed the Council on Item 13.1, Use of Glyphosate.

6 Statements by Members of the Public on Agenda Item

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

As a Bassendean resident actively involved in volunteer bushcare, and a keen gardener I find the Town's "reliance" on Glyphosate based herbicides to be unreasonable and fully support Cr Jennie Carter's Notice of Motion to reduce the use of this toxic product. It is inevitable that this product will be banned for use in urban areas and the Town needs to be proactively engaging alternative methods of weed treatment (such as steam), and also improving some management practises - in particular the method, frequency & timing of mowing within the Town needs to be reviewed with a focus on minimising the spread of weeds through seed dispersal and the creation of "scalped turf" and bare patches of ground which enable weeds to colonise.

7 Questions from Members of the Public

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

What product does the Town of Bassendean currently used to control Bindii and other prickles in turf areas.

Officer Response

Selective herbicides are used to control broadleaf weeds (including bindii). This involves use of MCPA and Dicamba. The specific product the Town uses is "Spearhead Selective Herbicide" or "Jolt Selective Herbicide".

Mr Don Yates, 10 Thompson Road, Success Hill

How many of the Town of Bassendean's administration (Exec staff, labourers and councillors) are 'contractors'.

Should confidential conditions, KPI's and related employment terms, conditions and examinations of performance etc be made 'non-confidential', in other words, published on the Town's website so all the ratepayers have an appreciation of the costs and conditions for all people being paid for by the ratepayers, government contracts and the like.

Whatever happened with these 2015 Council motions to defer. See information below.

What planning progress and budget support have resulted from the original motions. See information below.

Reference - Ordinary Council Meeting (Minutes 24/02/15)

10.10 South West Native Title Settlement Agreement – Lot 3003 Lord Street - “Pyrton Site” and Lot 1000 Lord Street - “Bennett Brook Reserve” – Land Base Consultation

APPLICATION

The purpose of this report was for Council to provide comment on a proposal to include Lot 3003 Lord Street, Eden Hill (Reserve 47783, known as Pyrton site) and “Freehold” Lot 1000 Lord Street, Caversham (known as Bennett Brook Reserve) which are proposed to be included into Noongar Land Base negotiations.

OFFICER RECOMMENDATION – ITEM 10.10

That Council:

- 1. Acknowledges the Wadjuk people and their cultural, mythological and heritage connections to the land;*
- 2. Notes the 2012 - 2016 Reconciliation Action Plan proposal to develop a cultural centre to show case aboriginal history, culture and heritage for “Korndin Kulluch place of reconciliation” known as the Pyrton site;*
- 2. Advises the South West Settlement Department of Lands that the proposal to include Lot 3003 Lord Street, Eden Hill; formally known as the Pyrton site and Lot 1000 Lord Street, Caversham; known as Bennett Brook Reserve, is endorsed for consideration into the Noongar Land Base negotiations;*
- 3. Highlights to the South West Settlement Department of Lands that it would be prudent for Lot 22 Lord Street, Eden Hill, if it is not required by the State, to be assessed for consideration into the Noongar Land Base negotiations;*
- 4. Requests that as part of the Noongar Land Base negotiation agreement, that a comprehensive, financial and environmental sustainable land use and servicing plan be developed for Lot 3003 Lord Street, Eden Hill; and Lot 1000 Lord Street, Caversham that includes but not limited to:*
 - a) allocating sufficient financial resources for the environmental management, natural area rehabilitation and on-going land management programs; and*

*b) assurances of on-going public access to the subject land; and
5. Requests the South West Settlement Department of Lands provides to the Town of Bassendean, the draft financial and environmental sustainable land use and servicing plan for comment, prior to being formally adopted.*

It was agreed to defer this item until the history and significance of this area is provided.

COUNCIL RESOLUTION – ITEM 10.10

OCM – 17/02/15 MOVED Cr Carter, Seconded Cr Bridges, that this item be deferred until a deputation can be given on the history and significance of this area and the current action from Noongar people.

CARRIED UNANIMOUSLY 6/0

Officer Response

Questions 1 to 4 are taken on notice. Mr Yates will be provided with a written response to these questions.

Mr Aaron Mackay, 33 North Road, Bassendean

Why does Council want to take on more land at Point Reserve as it is going to cost ratepayers more money to maintain that section of land. The current Point Reserve maintenance is average so why would you take on more responsibility.

No response given.

8 Petitions

Nil.

9 Confirmation of Minutes

9.1 Confirmation of Minutes - 26 July 2022	
Attachments	1. Ordinary Council Minutes 26 July 2022 [9.1.1 - 25 pages]

Council Resolution/Officer Recommendation – Item 9.1(a)

OCM 3/8/22

MOVED Cr Ames, Seconded Cr Wilding, that the minutes of the Ordinary Council meeting held 26 July 2022, be received.

CARRIED UNANIMOUSLY 6/0

Council Resolution/Officer Recommendation – Item 9.1(b)
OCM 4/8/22

MOVED Cr Wilding, Seconded Cr Ames, that the minutes of the Ordinary Council meeting held on 26 July 2022, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	Natasha Dowson
Department	CEO'S Office
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

The purpose of this report is for Council to note that no minutes from external Committees and organisations have been received.

Council Resolution/Officer Recommendation – Item 11.1
OCM 5/8/22

MOVED Cr Wilding, Seconded Cr McLennan, that Council notes that no documents from external Committees have been received within the reporting period.

CARRIED UNANIMOUSLY 6/0

12 Officer Reports

It was agreed that items 12.2 & 12.3 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1
OCM 6/8/22

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda:

Item	Report
12.4	Proposed Rescheduling of December 2022 meetings
12.5	Adoption of the Quarterly Report period ending 30 June 2022
12.6	Accounts Paid 31 July 2022
12.7	Monthly Financial Report – July 2022
12.8	Use of Common Seal
12.9	Calendar September 2022

CARRIED UNANIMOUSLY 6/0

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

Item	Report
12.2	Use Not Listed (Short Stay Accommodation) - 13A (Lot 1) Gallagher Street, Eden Hill
12.3	Proposed Outbuilding - 86 (Lot 88) Hamilton Street, Bassendean

12.2 Use Not Listed (Short Stay Accommodation) - 13A (Lot 1) Gallagher Street, Eden Hill	
Property Address	13A (Lot 1) Gallagher Street, Eden Hill
Landowner/Applicant	Alyssia Strauss
File Reference	DABC/BDVAPP2021-147
Author	Luke Gibson
Department	Community Planning
Previous Reports	22 February 2022
Authority/Discretion	<p>Quasi-Judicial</p> <p>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
Attachments	1. Cover Letter [12.2.1 - 2 pages]

	<p>2. Revive Wellness Company AirBnB Management Plan [12.2.2 - 61 pages]</p> <p>3. Schedule of Submissions - 13 A Gallagher Street, Eden Hill [12.2.3 - 3 pages]</p>
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Purpose

The purpose of this report was for Council to reconsider an application for a Use Not Listed (Holiday House) at 13A Gallagher Street, Eden Hill, at the invitation of the State Administrative Tribunal (SAT). The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a use that is not listed within the Zoning Table under Local Planning Scheme No. 10 (LPS 10). Further, Council considered the application previously.

Council Resolution/Officer Recommendation – Item 12.2 **OCM 7/8/22**

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

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

5. The contact details of the owner/manager must be prominently displayed at the front of the property as viewed from the street to the satisfaction of the Town.
6. A register of all persons occupying the short stay accommodation is required to be kept and shall be open to inspection on demand by the Town.
7. No more than four persons are permitted to be on the property between the hours of 10:00pm and 7:00am.
8. The spa and spa pump are not to be used between the hours of 10:00pm and 7:00am unless it is demonstrated by an acoustic report that the noise of the spa and spa pump do not exceed the requirements of the *Environmental Protection (Noise) Regulations 1997*. Alternatively, the spa pump is enclosed in an acoustically rated soundproof box to the satisfaction of the Town.

CARRIED UNANIMOUSLY 6/0

12.3 Proposed Outbuilding - 86 (Lot 88) Hamilton Street, Bassendean	
Property Address	86 (Lot 88) Hamilton Street, Bassendean
Landowner/Applicant	Liam and Alicia Kavanagh
File Reference	2022-065
Author	Director Community Planning
Department	Community Planning, Development and Place
Previous Reports	Nil
Authority/Discretion	<p>Quasi-Judicial</p> <p>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
Attachments	<ol style="list-style-type: none"> 1. Proposed Outbuilding - Development Plans [12.3.1 - 4 pages] 2. Justification Letter [12.3.2 - 3 pages]

Purpose

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

Council Resolution/Officer Recommendation – Item 12.3
OCM 8/8/22

MOVED Cr McLennan, Seconded Cr Wilding, that Council approves the application for development approval for an outbuilding at 86 (Lot 88) Hamilton Street, Bassendean subject to the following conditions:

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

CARRIED 5/1

*Crs McLennan, Wilding, Hamilton, MacWilliam & Ames voted in favour of the motion.
Cr Carter voted against the motion.*

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

Purpose

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

Council Resolution/Officer Recommendation – Item 12.4
OCM 9/8/22

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council reschedules the:

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/8/22 6/0

12.5 Adoption of the Quarterly Report period ending 30 June 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Author	Peta Mabbs
Department	CEO
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Quarterly Report p/e 30 June 2022 [12.5.1 - 25 pages] 2. Outstanding Resolutions - Recommend Closure [12.5.2 - 14 pages]

Purpose

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

Council Resolution/Officer Recommendation – Item 12.5
OCM 10/8/22

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council:

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/8/22 6/0

12.6 Accounts Paid 31 July 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Author	Paul White
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	1. List of Payment July 2022 [12.6.1 - 19 pages]

Purpose

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

Council Resolution/Officer Recommendation – Item 2.6 **OCM 11/8/22**

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council receive the list of payments for July 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/8/22 6/0

12.7 Monthly Financial Report – July 2022	
Property Address	NA
Landowner/Applicant	NA
File Reference	FINM/AUD/1
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Financial Activity Statement at 31 July 2022 [12.7.1 - 12 pages]

Purpose

The purpose of this report was for Council to receive the Monthly Financial Report for July 2022 which incorporates the Statement of Financial Activity as legislatively required.

Council Resolution/Officer Recommendation – Item 2.7 **OCM 12/8/22**

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
2. Receives the Monthly Financial Report for the period ending 30 July 2022, which incorporates the Statement of Financial Activity for the period to July 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/8/22 6/0

12.8 Use of Common Seal	
Property Address	Not applicable
Landowner/Applicant	Not applicable
File Reference	INFM/INTPROP/1
Author	Natasha Dowson
Department	Chief Executive
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

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

Council Resolution/Officer Recommendation – Item 12.8 **OCM 13/8/22**

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/8/22 6/0

12.9 Calendar September 2022	
Property Address	Not applicable
Landowner/Applicant	Not applicable
File Reference	INFM/INTPROP/1
Author	Natasha Dowson
Department	Chief Executive
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report was for Council to consider the calendar for September 2022.

Council Resolution/Officer Recommendation – Item 12.9 **OCM 14/8/22**

MOVED Cr McLennan, Seconded Cr MacWilliam, that Council adopt the calendar for September 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/8/22 6/0

13 Motions of which Previous Notice has been given

13.1 Notice of Motion - Cr Carter: Use of Glyphosate	
Councillor	Cr Carter
Attachments	Nil

Council Resolution – Item 13.1 **OCM 15/8/22**

MOVED Cr Carter, Seconded Cr Wilding, that Council requests the CEO prepare a report within three months, outlining alternative weed control strategies so as to reduce or where possible eliminate the use of glyphosate or other herbicides in or near children's playgrounds.

CARRIED 4/2

Crs Carter, Wilding, Hamilton & McLennan voted in favour of the motion.

Crs MacWilliam & Ames voted against the motion.

14 Announcements of Notices of Motion for the next meeting

Nil.

15 Urgent Business

Nil.

16 Confidential Business

Nil

17 Closure

The next Briefing Session will be held on Tuesday 20 September 2022, commencing at 6pm. The next Ordinary Council Meeting will be held on Tuesday 27 September 2022 commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 7.35pm.