

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 28 JUNE 2022 AT 6.02PM

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

The Presiding Member acknowledged and thanked volunteers for this winter's planting season at the Town's various reserves and wetlands.

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 Paul Poliwka
Cr Tallan Ames

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Luke Gibson, Director Community Planning
Mr Raj Malde, Acting Director Corporate Services
Mr Phil Adams, Exec Manager Infrastructure

Ms Nicole Davey, Exec Manager Sustainability & Environment
Mr Markus Stone, System & Network Administrator
Mrs Amy Holmes, Minute Secretary

Public

One member of the public was in attendance.

Apologies

Mr Paul White, Director Corporate Services
Mrs Libby Kania, Manager Governance & Strategy

Leave of Absence

Council Resolution – Item 3.1 OCM 1/6/22

MOVED Cr Ames, Seconded Cr Wilding, that Cr McLennan be granted a leave of absence for 8-14 July 2022.

CARRIED UNANIMOUSLY 7/0

4 Declarations of Interest

Cr Carter declared a Pecuniary Interest for Item 12.4 as she has been contracted by the Ark Group to provide historical research services.

Cr Hamilton declared a Speculative Interest for Item 12.6 as she has expressed an interest in potentially making an offer on the land parcel in Hamilton Street.

5 Presentations or Deputations

Nil

6 Statements by Members of the Public on Agenda Item

Melissa Mykytiuk, 6/119 Hamilton Street, Bassendean
(Submitted in writing)

Other names reference in Ms Mykytiuk's email include:

Name withheld

Ashleigh and Michael Bertrand, 2/119 Hamilton Street, Bassendean

Katryna & Bohdan Mykytiuk, 31 Kenny Street, Bassendean

We would urge Council to not dispose of Lot 8111 as this would result in development outside the existing footprint of the built environment, an encroachment on the natural environment, and a reduction in the visual and natural amenity for both residents of Hamilton Street and those that visit the area.

In the Community Strategic Plan 2020 - 2030, and numerous consultations residents have expressed that conserving, protecting, and enhancing the natural environment and biodiversity is a key priority and that green natural spaces, and the river corridor are key reasons residents choose to live in the Town.

The majority of this lot is zoned as public open space, it provides a corridor to access the river for birds and other animals, residents and dog walkers. It is part of an area that is undergoing revegetation. The disposal and ultimate development of Lot 8111 would conflict with the key values held by residents of the Town of Bassendean and does not recognise that residents value the natural environment and public open space more than any modest financial gain the Council may receive from the sale of the block.

Nonie Jekabsons (Submitted in writing)

Regarding Item 12.5, TPO 001, this is a good example of a Tree Preservation Order in action, as it has encouraged discussion & collaboration between neighbours regarding tree maintenance, as well as an assurance that any works undertaken will comply with AS 4373 - "Pruning of amenity Trees" and be done by a suitably qualified & insured contractor. I agree with Donna's suggestion that unless proposed maintenance works are in dispute or controversial that the approval may be granted by delegated authority.

It's possible that so many of the Bottlebrushes have been declining & dying due to a fungus because they have had line clearance pruning over many years, which weakens them and also has the potential to spread pathogens via pruning tools - infecting them directly via the pruning injury.

Regarding TPS 11, note : "Subdivision and development of lots within flood affected areas is limited and not proposed to change under this Strategy, consistent with the presumption against any further intensification as is broadly provided for by draft State Planning Policy 2.9 – Planning for Water." It would be disappointing, or rather, unacceptable if there was any intention to develop or sell off green space within Bindaring Park.

Electric lawn mowing - hopefully this will be the way forward. Some States in the US have already banned petrol powered gardening equipment for environmental and OH&S reasons. It would also be a great improvement if the mowing equipment could have adjustable height blades and a catcher to help prevent weed seeds spreading.

Val Humphrey, 127A Whitfield St, Bassendean

Ms Humphrey addressed the Council in relation to Item 14.1 and stated that Tree Preservation Orders are not the best mechanism in protecting trees. The best mechanism to protect significant trees is to preserve the land around them.

Ms Humphrey expressed concern at the proposed developments which will impact Bindaring Park especially the development of a road reserve and the sale of the two lots.

7 Questions from Members of the Public

Nil

8 Petitions

Nil

9 Confirmation of Minutes

Council Resolution/Officer Recommendation – Item 9.1(a) **OCM 2/6/22**

MOVED Cr Wilding, Seconded Cr Hamilton, that the minutes of the Ordinary Council Meeting held 24 May 2022, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.1(b) **OCM 3/6/22**

MOVED Cr McLennan, Seconded Cr Ames, that the minutes of the Ordinary Council Meeting held on 24 May 2022, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

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	Peta Mabbs
Department	CEO'S Office

Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. EMRC OCM Minutes 26 May 2022 [11.1.1 - 156 pages] 2. PAMG Ordinary General Meeting Agenda 1 June 2022 [11.1.2 - 10 pages] 3. EMRC Audit Committee Minutes 2 June 2022 [11.1.3 - 178 pages]

Purpose

The purpose of this report was for Council to note that minutes from external Committees and organisations have been received.

Council Resolution/Officer Recommendation – Item 11.1 **OCM 4/6/22**

MOVED Cr Wilding, Seconded Cr McLennan, that Council notes the documents from external Committees have been received within the reporting period.

CARRIED UNANIMOUSLY 7/0

12 Officer Reports

It was agreed that items 12.4, 12.6, 12.9, 12.11, 12.13, 14.1, 14.2 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1 **OCM 5/6/22**

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

Item	Report
12.2	Proposal to enter into a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch
12.3	Proposed Change of Use - 'Warehouse' to 'Use Not Listed (Veterinary Centre)' - 184 Railway Parade, Bassendean
12.7	Draft Local Planning Policy - Rights of Way
12.12	End of Year Closure
12.14	Accounts Paid 31 May 2022
12.15	Monthly Financial Report – May 2022
12.16	Use of Common Seal
12.17	Calendar June 2022

CARRIED UNANIMOUSLY 7/0

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

Item	Report
12.4	Additions and Alterations to existing Tavern (Bassendean Hotel)
12.5	Proposed Tree Pruning - 6 (Lot 2) Barton Parade, Bassendean
12.6	Disposal of Town-owned land
12.8	Draft Local Planning Strategy
12.9	Street and Reserve Trees Policy
12.10	Fleet and Plant - Four Year Programme and Funding Options
12.11	Relocation of the Town's Administration Centre
12.13	Audit and Governance Committee Meeting held on 8 June 2022
14.1	Notice of Motion - Cr McLennan: Trees - Lots 17, 19, 21 & 23 Anstey Road, Bassendean
14.2	Notice of Motion - Cr McLennan: Joint Standing Committee Cats Local Law

12.2 Proposal to enter into a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch

Property Address	179 (Lot 41) Guildford Road, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	N/A
Author	Director Community Planning
Department	Community Planning
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Community Leasing Framework [12.2.1 - 14 pages]

Purpose

The purpose of this report was for Council to consider entering into a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch in relation to 179 (Lot 41) Guildford Road, Bassendean.

Council Resolution/Officer Recommendation – Item 12.2
OCM 6/6/22

MOVED Cr MacWilliam, Seconded Cr McLennan, that Council agrees to enter a lease agreement with the Returned & Services League of Australia WA - Eastern Regional Bassendean Sub-Branch in relation to 179 (Lot 41) Guildford Road, Bassendean, on the basis of the following:

- Lease term: three years; and
- Lease premium: \$1,500 per annum.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.3 Proposed Change of Use - 'Warehouse' to 'Use Not Listed (Veterinary Centre)' - 184 Railway Parade, Bassendean	
Property Address	Unit 19, 184 (Lot 4) Railway Parade, Bassendean
Landowner/Applicant	Tora Capital Pty Ltd Peter Webb and Associates
File Reference	2022-045
Author	Director Community Planning
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	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.
Attachments	1. Applicant Submission (including plans) [12.3.1 - 11 pages]

Purpose

The purpose of this report was for Council to consider an application for development approval for a Use Not Listed (Veterinary Centre) at Unit 19, 184 (Lot 4) Railway Parade, Bassendean. 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 Not Listed under Local Planning Scheme No. 10 (LPS 10).

Council Resolution/Officer Recommendation – Item 12.3
OCM 7/6/22

MOVED Cr MacWilliam, Seconded Cr McLennan, that Council approves the application for development approval for a change of use from ‘Warehouse’ to a ‘Use Not Listed (Veterinary Centre)’ at Unit 19, 184 (Lot 4) Railway Parade Bassendean, subject to the following conditions:

1. The Veterinary Centre shall operate in accordance with the cover letter dated 12 April 2022 to the satisfaction of the Town of Bassendean;
2. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees;
3. Car parking bays and areas designated for landscaping shall not be used for the storage display or selling of any goods whatsoever; and
4. No retail or wholesale sales is to be carried out from the premises unless the sales are incidental and ancillary to the approved use of the premises.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.4 Additions and Alterations to existing Tavern (Bassendean Hotel)	
Property Address	17 (Lot 5) Old Perth Road, Bassendean
Landowner/Applicant	Bassendean Hotel Tradings Pty Ltd (Adam Kapinkoff)
File Reference	2022-063
Author	Director Community Planning
Department	Community Planning
Previous Reports	OCM 23 March 2021 OCM 27 July 2021
Authority/Discretion	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.
Attachments	<ol style="list-style-type: none"> 1. Development Plans [12.4.1 - 12 pages] 2. Noise Management Plan - Addendum [12.4.2 - 7 pages] 3. Revised Waste Management Plan [12.4.3 - 6 pages]

Purpose

The purpose of this report was for the Council to consider an application for development approval for additions and alterations to the existing Tavern (Bassendean Hotel) at 17 (Lot 5) Old Perth Road, Bassendean.

Cr Carter declared a Pecuniary Interest and left the meeting at 6.17pm.

Council Resolution/Officer Recommendation – Item 12.4 **OCM 8/6/22**

MOVED Cr McLennan, Seconded Cr Wilding, that Council approves the development application for the proposed additions and alterations to the Bassendean Hotel at 17 (Lot 5) Old Perth Road, Bassendean subject to the following conditions:

1. Visually impermeable roller shutters (external and internal), doors, grilles and security bars shall not be installed on any part of the frontage of the development facing Old Perth Road or Parker Street.
2. Entries and windows frontages facing Old Perth Road must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar, (except where that is to an ablution facility), to ensure that a commercial interactive frontage to the development from Old Perth Road, for the duration of the development.
3. The subject premises shall operate and implement noise mitigation measures, in accordance with the Acoustic Report prepared by Stantec dated 3 December 2020 and the technical addendum dated 27 May 2022, to the satisfaction of the Town of Bassendean.

CARRIED UNANIMOUSLY 6/0

Cr Carter returned to the meeting at 6.18pm.

12.5 Proposed Tree Pruning - 6 (Lot 2) Barton Parade, Bassendean	
Property Address	6 (Lot 2) Barton Parade, Bassendean
Landowner/Applicant	Nonie Jekabsons and Moss Johnson of 6 Barton Parade, Bassendean Nikki Rogers of 103 West Road, Bassendean
File Reference	ENVM/NOTIF/1
Author	Director Community Planning
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	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.
Attachments	1. Application [12.5.1 - 4 pages]

Purpose

The purpose of this report was for Council to consider approving a request to prune a tree located at 6 (Lot 2) Barton Parade, Bassendean, that is subject to a Tree Preservation Order (TPO). The matter is presented to Council as it is outside the authority delegated to staff.

Council Resolution/Officer Recommendation – Item 12.5 **OCM 9/6/22**

MOVED Cr MacWilliam, Seconded Cr Carter, that Council:

1. Approves the application for the minor pruning of the *Eucalyptus Camaldulensis* located at 6 (Lot 2) Barton Parade, Bassendean; and
2. Delegates to the CEO the ability to approve applications to cut/prune trees subject to Tree Preservation Orders, in accordance with 4.7.7.5 of Local Planning Scheme No. 10, where there is no dispute and the application is signed by all owners on the land in which the tree is located.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.6 Disposal of Town-owned land	
Property Address	122 (Lot 110) and Lot 8111 Hamilton Street, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	N/A
Author	Director Community Planning
Department	Community Planning
Previous Reports	22 June 2021 23 November 2021
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - Confidential Attachment - Valuation Report [12.6.1 - 41 pages] 2. CONFIDENTIAL REDACTED - Confidential Attachment - Comparison of options [12.6.2 - 1 page]

Purpose

The purpose of this report was for Council to consider the disposal of 122 (Lot 110) and Lot 8111 Hamilton Street, Bassendean.

*Cr Hamilton declared a Speculative Interest and left the meeting at 6.18pm.
Cr McLennan took the Chair as Presiding Member.*

Council Resolution/Officer Recommendation – Item 12.6 **OCM 10/6/22**

MOVED Cr Poliwka, Seconded Cr McLennan, that Council authorises staff to undertake the tasks necessary to facilitate the outcome provided for by Valuation 4 and allocates the funds from the proceeds of any sale to the Natural Areas Reserve account.

CARRIED UNANIMOUSLY 6/0

Cr Hamilton returned to the meeting at 6.24pm and resumed the Chair as Presiding Member.

12.7 Draft Local Planning Policy - Rights of Way	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/POLCY/27
Author	Director Community Planning
Department	Community Planning
Previous Reports	22 March 2022
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Local Planning Policy - Rights of Way [12.7.1 - 3 pages]

Purpose

The purpose of this report was for Council to consider a draft local planning policy – Rights of Way for public consultation.

Council Resolution/Officer Recommendation – Item 12.7

OCM 11/6/22

MOVED Cr MacWilliam, Seconded Cr McLennan, that Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy - Rights of Way as contained in the attachment to this report.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.8 Draft Local Planning Strategy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/PLANNG/24
Author	Director Community Planning
Department	Community Planning
Previous Reports	4 November 2020
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Local Planning Strategy - November 2020 [12.8.1 - 44 pages]

	<ul style="list-style-type: none"> 2. Draft Local Planning Scheme No. 11 Map - November 2020 [12.8.2 - 1 page] 3. Draft Local Planning Strategy (Part 1) - June 2022 [12.8.3 - 27 pages] 4. Draft Local Planning Strategy (Part 2) - June 2022 [12.8.4 - 59 pages] 5. Draft Local Planning Strategy Map - June 2022 [12.8.5 - 1 page]
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Purpose

The purpose of this report was for Council to formally note the revised draft Local Planning Strategy, as certified by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC).

Officer Recommendation – Item 12.8

That Council:

1. Rescinds Resolution OCM1 – 3/0310 from 9 March 2010, which reads:
 1. *That the Town accepts that part of Ashfield Precinct Plan of January 2020 related to the changes to the R codes and commences the process to amend Town Planning Scheme 10 to align with this R code rezoning, subject to Local Planning Policies, to be development with community workshop consultation and accepted by Council; and*
 2. *The above amendments, community workshop, and consideration of the applicable Local Planning Policies are to be finalised on or before September 2010;*

2. Rescinds Resolution SCM-5/11/20 from 4 November 2020, which reads:
 1. *Pursuant to Regulation 11(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the draft amended Local Planning Strategy for the purposes of advertising, as contained in Attachment 3.*
 2. *Pursuant to Section 72(1) of the Planning and Development Act 2005, adopts for the purposes of advertising, the draft Local Planning Scheme No. 11 consisting of the Scheme Text and Scheme Maps, as contained as Attachment 4 and 5, respectively, subject to the following modifications being made to the satisfaction of the Chief Executive Officer:*
 - (a) *Coding 38 (Lot 100) Maidos Street, Ashfield R100 rather than R60.*
 - (b) *Zoning 6 (Lot 4) and 8 (Lot 5) Ivanhoe Street, Bassendean Residential R100, rather than “Private Clubs, Institutions and Place of Worship”.*
 - (c) *Zoning 2 Broadway, Bassendean Mixed Use rather than Residential R60.*

- (d) *Introducing a new provision within table 5 of the scheme text, to state as follows: “Notwithstanding 5(1) above, for 2 Broadway and 72 and 76 Railway Parade, Bassendean, the local government may, at its discretion, permit residential density to a maximum density of R160”.*
 - (e) *Zoning 4 Broadway, Bassendean Residential R100 rather than Residential R60.*
 3. Notes that, on 31 May 2022, the Statutory Planning Committee of the Western Australian Planning Commission resolved to certify the draft Local Planning Strategy, as contained in Attachments 3 to 5, complies with Regulation 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Cr McLennan moved the Officer Recommendation with the deletion of Point 2 and a minor amendment to Point 3.

Council Resolution/Officer Recommendation – Item 12.8
OCM 12/6/22

MOVED Cr McLennan, Seconded Cr Wilding, that Council:

1. Rescinds Resolution OCM1 – 3/0310 from 9 March 2010, which reads:
 1. *That the Town accepts that part of Ashfield Precinct Plan of January 2020 related to the changes to the R codes and commences the process to amend Town Planning Scheme 10 to align with this R code rezoning, subject to Local Planning Policies, to be development with community workshop consultation and accepted by Council;*
 2. *The above amendments, community workshop, and consideration of the applicable Local Planning Policies are to be finalised on or before September 2010; and*
2. Notes that, on 31 May 2022, the Statutory Planning Committee of the Western Australian Planning Commission resolved to certify the draft Local Planning Strategy, as contained in Attachments 3 to 5, complies with Regulation 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* **for the purpose of advertising.**

CARRIED UNANIMOUSLY 7/0

Reason: To ensure the community is aware of Council’s previous endorsement of the draft Local Planning Strategy and Scheme and how it differs from the West Australian Planning Commission’s endorsed strategy.

12.9 Street and Reserve Trees Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COUP/POLCY/1
Author	Phil Adams
Department	Executive Manager Infrastructure
Previous Reports	OCM-9/07/20 Proposed Council Policy – Street Trees and Revocation of Various Council Policies Relating to Street Trees
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Street Trees Policy - Current [12.9.1 - 5 pages] 2. Draft Council Policy - Street and Reserve Trees Policy [12.9.2 - 5 pages]

Purpose

The purpose of this report was for Council to consider amending Council Policy 1.8 - Street and Reserve Trees.

Cr Hamilton moved the Officer Recommendation with an amendment as shown in bold.

Council Resolution/Officer Recommendation – Item 12.9 **OCM 13/6/22**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council adopts the draft amended Street and Reserve Trees Policy as attached to this report, **with the review date amended to March 2023.**

CARRIED UNANIMOUSLY 7/0

12.10 Fleet and Plant - Four Year Programme and Funding Options	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A

Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - Fleet and Plant Replacement Programme [12.10.1 - 4 pages]

Purpose

The purpose of this report was to present to Council the proposed Fleet and Plant Replacement Programme for the next 4 years. Council endorsement of the Fleet and Plant Replacement Programme will provide direction on the development of the Annual Budget 2022/23 and the review of the Long-Term Financial Plan.

Officer Recommendation – Item 12.10

That Council:

1. Endorses Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1;
2. Endorses option 5 as recommended in this report;
3. Approves for inclusion in the 2022/23 proposed Annual Budget:
 - a. Year one (2022-23) of the Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1, as part of the Town’s Capital Works Programme;
 - b. Change in the name of the Plant and Equipment Reserve to the Fleet and Plant Reserve;
 - c. Change in the purpose of the Fleet and Plant Reserve to “*To accrue funds for the purpose of replacement of fleet, plant and equipment*”;
 - d. Funding of year one of the fleet items forming part of the Fleet and Plant Replacement Program, as presented in Confidential Attachment 1, from the Fleet and Plant Reserve; and
 - e. Borrowing up to \$1.42m for a revolving credit facility with an Australian Prudential Regulation Authority approved financial institution.

Cr McLennan moved the Officer Recommendation with the addition of a Point 4 and Point 5.

Amendment/Officer Recommendation

MOVED Cr McLennan, Seconded Cr Ames, that Council:

1. Endorses Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1;
2. Endorses option 5 as recommended in this report;
3. Approves for inclusion in the 2022/23 proposed Annual Budget:
 - a. Year one (2022-23) of the Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1, as part of the Town's Capital Works Programme;
 - b. Change in the name of the Plant and Equipment Reserve to the Fleet and Plant Reserve;
 - c. Change in the purpose of the Fleet and Plant Reserve to "*To accrue funds for the purpose of replacement of fleet, plant and equipment*";
 - d. Funding of year one of the fleet items forming part of the Fleet and Plant Replacement Program, as presented in Confidential Attachment 1, from the Fleet and Plant Reserve; and
 - e. Borrowing up to \$1.42m for a revolving credit facility with an Australian Prudential Regulation Authority approved financial institution.
4. **Requests the CEO conduct an annual assessment for transition of the Town's light passenger and commercial vehicle fleet to alternative 'fit for purpose' Battery Electric Vehicles (BEVs) and/or hybrid vehicles, and investigate electric/hybrid options for plant; and**
5. **Requests the CEO provide cost estimates on the infrastructures that would be required in order to charge electric plant and fleet vehicles, for Council's consideration as part of the next 2023/24 budget.**

LOST 4/3

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

Crs Hamilton, MacWilliam, Carter & Poliwka voted against the motion.

Cr Hamilton moved an Alternative Motion.

Council Resolution/Alternative Motion
OCM 14/6/22

MOVED Cr Hamilton, Seconded Cr Carter, that Council:

1. **Notes the** Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1;
2. Approves for inclusion in the 2022/23 proposed Annual Budget:
 - a. **Partial funding of \$625,000 for** Year one (2022-23) of the Fleet and Plant Replacement Programme, as presented in Confidential Attachment 1, as part of the Town's Capital Works Programme;
 - b. Change in the name of the Plant and Equipment Reserve to the Fleet and Plant Reserve;
 - c. Change in the purpose of the Fleet and Plant Reserve to "To accrue funds for the purpose of replacement of fleet, plant and equipment";
 - d. **That partial** funding for Year One (2022-23) of the Fleet and Plant Replacement Program will come from the Fleet and Plant Reserve **(\$468,618) and the balance (\$156,382) from Municipal Funding;** and
 - e. **Defers consideration of** borrowing up to \$1.42m for a revolving credit facility together with the balance of the Year One Fleet and Plant Replacement Program **subject to provision of reports as outlined in Point 3;**
3. **Requests the CEO have the following reports presented to Council no later than December 2022:**
 - a. **Draft Policy and report outlining strategies for transitioning to a modern, efficient, and economical Council Plant & Vehicle fleet, inclusive of the following:**
 - **Program of rationalisation including downsizing of number and/or size of Vehicles and Plant where operationally possible;**
 - **Optimising Vehicle and Plant replacement to ensure Council's services are provided in both an economical and sustainable manner whilst having regard for evolving technologies;**
 - **Management of Plant and Fleet replacement so as to not place an unreasonable burden on the Council Budget in any one financial year or on Council forward budgets; and**

- b. **Report outlining the anticipated schedule of annual repayments including proposed end date for the Revolving Credit Facility, line of credit establishment fees and annual running costs plus estimated interest costs for the life of the proposed Revolving Credit Facility.**

CARRIED 4/3

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

Peta Mabbs left the meeting at 7.27pm and returned at 7.28pm.

12.11 Relocation of the Town's Administration Centre	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	CORM/PLANNG/2
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - Relocation of Administration Project Plan Summary [12.11.1 - 5 pages]

Purpose

The purpose of this report was for Council to consider a proposal to relocate the Town's administration staff to vacate the Town's premises at 35 Old Perth Rd, Bassendean to free the site for other potential uses.

Officer Recommendation – Item 12.11

That Council:

1. Endorses the Project Plan Summary for Relocation of the Administration, as attached to this report as Confidential Attachment 1, subject to satisfactory advice of compliance by the independent building certifier; and
2. Approves for inclusion in the 2022/23 Proposed Annual Budget release of the sum of \$220,000 from the Future Projects Reserve for project implementation.

Cr Hamilton moved an Alternative Motion.

Cr McLennan foreshadowed an amendment to the Officer Recommendation, should Cr Hamilton's motion be lost:

That Council:

- 1. Endorses the Project Plan Summary for Relocation of the Administration, as attached to this report as Confidential Attachment 1, subject to satisfactory advice of compliance by the independent building certifier;*
- 2. Approves for inclusion in the 2022/23 Proposed Annual Budget release of the sum of \$220,000 from the Future Projects Reserve for project implementation; and*
- 3. **Requests the CEO progress an Expression of Interest process for the redevelopment of 35 Old Perth Road, including liaising with the neighbouring property owner with a view to potentially progressing a joint process incorporating adjacent properties (#39 & 41).***

Cr Hamilton's Alternative Motion was Seconded by Cr Carter.

Council Resolution/Alternative Motion – Item 12.11
OCM 15/6/22

MOVED Cr Hamilton, Seconded Cr Carter, that Council:

- 1. Does not** endorse the Project Plan Summary for Relocation of the Administration, as attached to this report as Confidential Attachment 1;
- 2. Requests the CEO progress an Expression of Interest process for the redevelopment of 35 Old Perth Road; and**
- 3. Requests the CEO write to Minister Cary to canvas the State's interest for that site.**

CARRIED 4/3

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

Crs McLennan, MacWilliam & Ames voted against the motion.

12.12 End of Year Closure	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	HR/LIAIS/2
Author	Kathleen Stewart
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 for Council to consider the Festive Season Closure for 2022/23.

Council Resolution/Officer Recommendation – Item 12.12 **OCM 16/6/22**

MOVED Cr MacWilliam, Seconded Cr McLennan, that Council, in addition to and in alignment with the Festive Season Office (Administration) Closure Council Policy:

1. Approves the closing of the Customer Services Centre, Administration Building, Library, Wind in the Willows Early Childhood Education (Bassendean and Ashfield), Youth Services and Depot as per the proposed Festive Season period outlined above;
2. Requests the Chief Executive Officer provides emergency contact details to the public for the Festive period; and
3. Requests the Chief Executive Officer to provide a skeleton staff during the agreed Festive Season closure period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.13 Audit and Governance Committee Meeting held on 8 June 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/18
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Audit and Governance Committee Minutes 8 June 2022 [12.13.1 - 22 pages] 2. Audit Planning Memorandum 2021-22 [12.13.2 - 29 pages] 3. CONFIDENTIAL REDACTED - General Finance Control Report [12.13.3 - 17 pages] 4. CONFIDENTIAL REDACTED - Regulation 17 Report [12.13.4 - 13 pages] 5. Internal Audit Schedule - 2021-2023 [12.13.5 - 1 page] 6. Internal Audit Schedule 2021 - 2023 - Revised Nov 21 [12.13.6 - 1 page] 7. Draft Annual Internal Audit Plan 2022-23 [12.13.7 - 7 pages] 8. CONFIDENTIAL REDACTED - Rates Write off small balances [12.13.8 - 84 pages] 9. CONFIDENTIAL REDACTED - 20220608 - Audit Risk Register [12.13.9 - 6 pages]

Purpose

The purpose of this report was for Council to receive the report on the meeting of the Audit and Governance Committee held on 8 June 2022.

Cr Ames left the meeting at 8.12pm and returned at 8.13pm.

Cr Wilding left the meeting at 8.14pm.

Cr McLennan left the meeting at 8.14pm.

Council Resolution/Officer Recommendation – Item 12.13
OCM 17/6/22

MOVED Cr Poliwka Seconded Cr MacWilliam, that Council:

1. Receives the General Finance Control Review Report, being Confidential Attachment 1, and notes the findings and recommendations, and the management action taken or proposed to be taken to address the identified risks;
2. Receives the Internal Audit Report of Regulation 17, being Confidential Attachment 2, and notes the findings and recommendations, and the management action to be taken to address the identified risks;
3. Adopts the draft Internal Audit Plan for 2022/23, being Attachment 4 to this report;
4. Writes off the outstanding small balances listed in Confidential Attachment 3 to this report, in accordance with section 6.12(1)(c) of the *Local Government Act 1995*;
5. Amends the Town’s Delegation Register, ‘Delegation 1.2.15 Defer payment, Grant discounts, Waive fees or Write-off Debts’ to delegate to the CEO the authority to write off small rates balances up to a maximum of \$10 per property per annum;
6. Notes that the CEO intends to sub-delegate that authority to the Director Corporate Services and Manager Finance; and
7. Includes a condition on the delegation that exercise of the delegation be reported to Council.

CARRIED BY AN ABSOLUTE MAJORITY 5/0

Cr Wilding and Cr McLennan returned to the meeting at 8.17pm.

12.14 Accounts Paid 31 May 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	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Consolidated Warrant of Payments 31 May 2022 [12.14.1 - 19 pages]

Purpose

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

Council Resolution/Officer Recommendation – Item 12.14 **OCM 18/6/22**

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.15 Monthly Financial Report – May 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 as at 31 May 2022 [12.15.1 - 12 pages]

Purpose

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

Council Resolution/Officer Recommendation – Item 12.15

OCM 19/6/22

MOVED Cr MacWilliam, Seconded Cr McLennan, 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 31 May 2022, which incorporates the Statement of Financial Activity for the period to May 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.16 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 documents affixed with the Common Seal during the reporting period.

Council Resolution/Officer Recommendation – Item 12.16

OCM 20/6/22

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

12.17 Calendar June 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 July 2022.

Council Resolution/Officer Recommendation

OCM 21/6/22

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

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 5/6/22 7/0

13 Motions of which Previous Notice has been given

13.1 Notice of Motion - Cr Hamilton: Briefing Session	
Councillor	Cr Hamilton
Attachments	Nil

Cr Hamilton advised that the notice of motion is withdrawn and a new proposed notice of motion is provided for consideration under Item 14.0.

13.2 Notice of Motion - Cr McLennan - Gas Connections

Councillor	Cr McLennan
Attachments	Nil

Council Resolution – Item 13.2

OCM 22/6/22

MOVED Cr McLennan, Seconded Cr Carter, that in light of the climate crisis and the need to minimise committed emissions in combination with the absence of existing mechanisms for local governments to prohibit new gas connections, Council requests that:

1. The Mayor write to the Minister for Mines and Petroleum, Energy, Corrective Services and Industrial Relations (Hon Bill Johnston MLA), the Minister for the Environment and Climate Action (Hon Reece Whitby) and the Member for Bassendean (Hon Dave Kelly MLA) requesting that the action necessary to prohibit gas connections from new residential developments across Western Australia be taken; and
2. Authorises the Mayor to write to the mayors of all Western Australian local governments seeking their support of the prohibition of gas connections from new residential developments, and requests that their respective Councils pass a formal resolution supporting such a stance.

CARRIED UNANIMOUSLY 7/0

14 Announcements of Notices of Motion for the next meeting

14.1 Notice of Motion - Cr McLennan: Trees - 17, 19, 21 & 23 Anstey Road, Bassendean	
Councillor	Cr McLennan
Attachments	Nil

Motion

That Council requests the Chief Executive Officer to assess the mature trees located on Town of Bassendean owned sites 17, 19, 21 & 23 Anstey Road, Bassendean and prepare a report for Council with recommendations on which trees meet the criteria to warrant a Tree Preservation Order.

Reason

Sites 17, 19, 21 & 23 Anstey Road are owned freehold by the Town of Bassendean. A number of mature trees that add ecological and amenity value to the area are located across these lots. Under Local Planning Scheme 10, lots 21 & 23 are zoned residential and lots 17 & 19 are reserved for parks and recreation.

The Town is currently updating its Local Planning Scheme and developing a Public Open Space Strategy. In light of this and the possibility of future rezoning or development that may occur at these sites, it is prudent for Council to consider mechanisms to protect the existing trees in advance.

14.2 Notice of Motion - Cr McLennan: Joint Standing Committee Cats Local Law	
Councillor	Cr McLennan
Attachments	Nil

Motion

That Council:

1. *Advocates to the Joint Standing Committee on Delegated Legislation that it apply the provisions of the Cat Act 2011 such that it allows the making of Local Laws that:

 - *ban cats from all public areas;*
 - *place conditions on when a cat may be permitted in a public area; and/or*
 - *restrict all cats in the district to their owner's premises; and**
2. *Through the East Metro Zone, seeks WALGA's support to advocate to the Joint Standing Committee as above; and*
3. *Authorises the Mayor to write to the Minister for Local Government requesting support for local governments to be able to make local laws that deliver the outcomes outlined in Point 1.*

Reason

The Town recently undertook a review of our Cat Local Law and sought to introduce a number of new provisions seeking to minimize the impact of cats on wildlife and address nuisance issues. These provisions reflected community feedback and recommendations made to government through a recent parliamentary inquiry, the findings of which were presented in December 2020.

While supportive of some of the Town's proposed provisions, the Joint Standing Committee on Delegated Legislation (JSCDL) was not supportive of the following clause that sought to restrict cats in places that are not public.

Cats in places that are not public:

A cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier.

In responding to the Town's proposed clause, the JSCDL asserted that it was inconsistent with the Cat Act 2011, and that the mention of cats being in public places within the Act implied that cats were entitled to be in such places by way of Clause 6(1) which states:

"The owner of a registered cat must ensure that when the cat is in a public place the cat is wearing its registration tag".

Multiple other local governments have also sought to introduce local law provisions in that restrict a cat's ability to roam in order to reduce the negative impact that roaming can have on native wildlife, neighbours and the cat's own health. Different local governments have approached the issue in variety of ways. For example, the City of Fremantle sought to restrict cats from any City controlled land. However, to date the JSCDL has not been supportive of the various attempts to restrict cats' ability to roam from their owner's properties.

The fact that the Cat Act 2011 refers to "when the cat is in a public place" does not necessitate cats being permitted in public places. Therefore, this motion seeks to challenge this interpretation of the Act and request the JSCDL and the Minister support local laws that reflect community sentiment and recommendations made to parliament and that allow for the restriction of cats' ability to roam as outlined in the motion.

Parliamentary Inquiry Report:

Tackling the feral cat pandemic: a plan to save Australian wildlife (2020)

[www.aph.gov.au/Parliamentary_Business/Committees/House/Environment and Energy/Feralanddomesticcats/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Environment_and_Energy/Feralanddomesticcats/Report)

Statutory review of the Cat Act 2011 and Dog Amendment Act 2013

<https://www.dlgsc.wa.gov.au/department/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013>

"Keep pet cats indoors, say researchers who found they kill 230m native Australian animals each year"

<https://www.theguardian.com/environment/2020/may/15/keep-pet-cats-indoors-say-researchers-who-found-they-kill-230m-native-australian-animals-each-year>

14.3 Notice of Motion - Cr Hamilton: Briefing Session	
Councillor	Cr Hamilton
Attachments	Nil

Motion

That Council requests the CEO provide a Briefing Documents Policy for consideration by Council prior to August that includes the following:

1. *Briefing Agenda documents to be provided to councillors one day earlier i.e. on a Wednesday, rather than the current schedule of a Thursday; and*
2. *That Briefing Agendas are to include all items proposed to be considered by Council at the subsequent OCM, with exceptions for items of an Urgent Nature that may be included in the OCM agenda under clause 5.5 of Meeting procedures Local Law 2020.*

3. Reason

Provision of the Briefing Documents one day earlier on a Wednesday facilitates an improved process for councillors whereby irrespective of public holidays, a minimum of one full business day is available for councillors to contact the administration regarding any issues with the agenda and/or attachments. Inclusion of all items on the Briefing agenda facilitates an improved process to assist councillors in their research, questions, community engagement and evaluation of items leading up to decision making on those items at the subsequent OCM.

14.4 Notice of Motion - Cr Hamilton: Arts, Culture & Events Committee	
Councillor	Cr Hamilton
Attachments	Nil

Motion

That Council requests the CEO:

1. *Facilitate the establishment of a formal committee of council titled Arts, Culture and Events Committee the membership of which comprises nominated elected members supported by relevant staff; and*
2. *Coordinate the first meeting of the Arts, Culture and Events Committee to occur within 60 days from a resolution of council endorsing this motion.*

Purpose and Reasons:

The purpose of the Arts Culture and Events Committee is to provide information/advice about current and emerging arts and events related matters to the Town of Bassendean Council to assist in forward planning and decision making about potential cultural activities for the 2023/24 financial year and beyond. Events and Art contribute to overall community cohesion and well-being, improved livability and economic activity in our Town. Incorporating forward planning for arts and events provides an opportunity to deliver a cohesive vision that not only celebrates the Town's diversity and history but also promotes contemporary Arts in varied formats with the aim to enhance and augment cultural activities in the district. It is envisaged that the ACEC will not have delegated authority, but will provide advice on engagement with the Arts community, event and grant opportunities, and may also advise Council on matters regarding planning, integration and implementation of cultural elements into Town initiatives.

The Arts, Culture and Events Committee will help identify much of the work required in the development of recommendations to Council to enable informed decision-making.

Draft Objectives and Scope:

- *Reference and build on the vision for the Town to provide a cohesive creative direction and appropriate themes for all planning and development initiatives that are in line with the Town's Arts and Culture Plan
https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL_Cult_Plan_First_pages_V2.pdf*
- *Review the Town's Cultural Outcomes Mapping and make recommendations that draw on the Town's Strategy and best contemporary practices
https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL_A3_Cultural_Outcome_Maps_V3.pdf*
- *Review current initiatives, identify and advise on opportunities in the Town's provision of arts activities and events.*
- *Provide advice to Council to guide the development and implementation of the Town's Policies relating to Arts, Events, Sponsorships and Grants.*
- *Provide advice on forums and other opportunities for sharing and receiving information from the arts community.*
- *Provide advice that ensures community expectations and relevant policies are aligned to promote Arts and Events.*
- *Identify Arts and Events related collaborations and strategies to maximise participation by the community and opportunities to create and engage with diverse Arts and Events activities.*
- *Ensure the effectiveness of the Committee's work and achievement of best value for the community is supported by strong ongoing communications between the Committee and the Town.*
- *Initiate and consider potential proposals for public artworks to be referred to Council for consideration.*
- *Consider external proposals for public artworks to be donated to the Town.*

About: The Arts, Culture and Events Committee is initially to be made up of a minimum of three nominated elected members and relevant staff. It is envisioned the Committee will operate under the Council's Standing Orders Local Law with meetings to be held quarterly or as required. With the prior approval of Council the ACEC may establish project specific Working Groups or Reference Groups in collaboration with community volunteers. Appointment to the committee and duration of membership is to align with the Local Government election cycle.

15 Urgent Business

Nil

16 Confidential Business

Nil

17 Closure

The next Briefing Session will be held on Tuesday 19 July 2022, commencing at 6pm. The next Ordinary Council Meeting will be held on Tuesday 26 July 2022, commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 8.39pm.