

# TOWN OF BASSENDEAN

## MINUTES

### SPECIAL COUNCIL MEETING

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

ON WEDNESDAY 4 NOVEMBER 2020 AT 7.00PM

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

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

#### 2.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEMS

Nil

#### 3.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

#### 4.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

##### Present

##### Councillors

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

##### Officers

Ms Peta Mabbs, Chief Executive Officer  
Mr Paul White, Director Corporate Services

Mr Luke Gibson, Director Community Planning  
Mr Phil Adams, Executive Manager Infrastructure  
Ms Donna Shaw, Manager Development and Place  
Ms Elizabeth Kania, Manager Governance and Strategy  
Mr Jeremy Maher, Manager Sustainability and Environment  
Mr Alex Snadden, Planning Officer  
Mrs Amy Holmes, Minute Secretary

Public

Two members of the public were in attendance.

Press

Nil

Leave of Absence

Council Resolution – Item 4.0  
SCM-1/11/20

MOVED Cr McLennan, Seconded Cr Wilson, that Cr Hamilton be granted a leave of absence for 5-12 November 2020.

CARRIED UNANIMOUSLY 7/0

**5.0 DECLARATIONS OF INTEREST**

Nil

**6.0 REPORTS**

<b>Item No. 6.1</b>	<b>Draft Local Planning Strategy and Local Planning Scheme – Consent to Advertise</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Ref/ROC</b>	LUAP/PLANNG/24
<b>Previous Council Reports (if applicable)</b>	28 April 2020 (Res:11/04/20)
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.

<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No.</b>	1 – Report of Review 2 – WAPC Report of Review Support 3 – Draft Local Planning Strategy 4 – Draft Local Planning Scheme 11 5 – Draft Local Planning Scheme Map

## **Purpose**

The purpose of this report was for Council to consider endorsing the draft amended Local Planning Strategy and draft Local Planning Scheme No. 11 (LPS 11) for the purposes of advertising.

## **Officer Recommendation – Item 6.1**

That Council:

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.

## **Amending Motion – Item 6.1**

MOVED Cr Wilson, Seconded Cr Quinton, that the following modification be made:

- Coding the land bound by the Railway Line, Thompson Road, Guildford Road and Earlsferry Court, Bassendean as R20 and R25 and excluding it from the proposed Special Control Area, in accordance with existing Local Planning Scheme No. 10.

LOST 3/4

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

**Council Resolution – Item 6.1(a)**  
**SCM-2/11/20**

MOVED Cr Wilson, Seconded Cr Gangell, that the following modification be made:

- Coding 38 (Lot 100) Maidos Street, Ashfield R100 rather than R60.

**CARRIED 5/2**

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

**Council Resolution – Item 6.1(b)**  
**SCM-3/11/20**

MOVED Cr Wilson, Seconded Cr Gangell, that the following modification be made:

- Zoning 6 (Lot 4) and 8 (Lot 5) Ivanhoe Street, Bassendean Residential R100, rather than “Private Clubs, Institutions and Place of Worship”.

**CARRIED 5/2**

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

**Council Resolution – Item 6.1(c)**  
**SCM-4/11/20**

MOVED Cr Wilson, Seconded Cr McLennan, that the following modifications be made:

- Zoning 2 Broadway, Bassendean Mixed Use rather than Residential R60.
- 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*”.
- Zoning 4 Broadway, Bassendean Residential R100 rather than Residential R60.

**CARRIED UNANIMOUSLY 7/0**

*Cr Gangell left the meeting at 8.28pm and returned at 8.30pm.*

*The officer recommendation, with amendments, was put.*

**Council Resolution/Officer Recommendation – Item 6.1 (d)**  
**SCM-5/11/20**

MOVED Cr Gangell, Seconded Cr Hamilton, that Council:

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.**

CARRIED UNANIMOUSLY 7/0

**6.0 CLOSURE**

There being no further business, the Presiding Member declared the meeting closed, the time being 8.41pm.