



TOWN OF

Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 23 May 2023, 6:05 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

Acknowledgement of Traditional Owners

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

2 Announcements by The Presiding Person Without Discussion

Councillors

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

Officers

Mr Cameron Woods, Chief Executive Officer
Mr Luke Gibson, Director Community Planning
Mr Paul White, Director Corporate Services
Mr Phil Adams, Executive Manager Infrastructure
Ms Nicole Davey, Executive Manager Sustainability & Environment
Mr Matthew Monkhouse, Manager Governance & Strategy

Public

Approximately 34 members of the public were in attendance.

3 Attendances, Apologies and Applications for Leave of Absence

3.1 Leave of Absence

Cr Ames requested Leave of Absence from 10 June to 17 June 2023.

Council Resolution – Item 3.1

OCM-1/05/23

MOVED Cr Wilding, Seconded Cr McLennan that Cr Ames be granted Leave of Absence from 10 June to 17 June 2023.

CARRIED UNANIMOUSLY 7/0

4 Declarations of Interest

Cr Hamilton declared a Proximity Interest in Item 12.2 - Use Not Listed (Short Stay Accommodation) - 52 (Lot 1) Broadway, Bassendean.

5 Presentations or Deputations

Council Resolution – Item 5.0

OCM-2/05/23

MOVED Cr MacWilliam, Seconded Cr Wilding, that:

1. Council notes that the role of Council is to be efficient and effective in running meetings and making decisions;
2. Being mindful of the information provided during the Briefing Session held on 16 May 2023 relating to the Proposed Tavern and Use Not Listed, Council will limit each Deputation on that item, including Councillor Question time, to 10 minutes in total; and
3. Will limit each deputation on that item to one per household for the same item.

CARRIED 7/0

The following deputations were provided in relation to 12.5 - Proposed Tavern and Use Not Listed (Microbrewery)

- Mr Clayton Plug from Harley Dykstra; Spoke in support of the application:

I would like to present a deputation on this matter to provide further clarification towards the changes made to the proposal as a result of comments raised during the May 16th briefing session, and to ensure that the applicant's willingness to accommodate nearby residents is properly conveyed. I would also like to provide greater details regarding the acoustic report submitted in relation to Western Australian noise regulations and improvements to the proposed acoustic barrier. Finally, I would like to discuss the comments relating to parking and provide greater insight into the parking study submitted in support of this proposal.

- Mr John Erceg – 29 Hamilton Street, Bassendean; Spoke against the application:

Our home at 29 Hamilton Street is in a residential zone immediately adjacent to the proposed 300 capacity Tavern. An outdoor alfresco area is planned on the southern side of the development in close proximity to our house that is located within 2 metres of the common boundary.

Our bedrooms are all on that side of the house and consequently, we will be most severely impacted by the ongoing noisy and late-night activity.

I acknowledge some changes made to the proposal since the Briefing session last Tuesday that recognizes Hamilton St is residential in nature and the main access and activity should be orientated to the Old Perth Road frontage. I would

have also liked additional fencing and a gate to the rear staff parking area to prevent loitering and anti-social behaviour under our bedroom windows after closing time. Providing permanent internal toilets is far more appropriate and a positive change.

Nonetheless, there remains a number of very significant impacts and issues with the proposal.

1. Compatibility of the proposed Tavern development adjacent to residential land use?

The site is not just close to a residential area but actually immediately abuts a residence. The Officer's Report refers to an expectation of increased intensity of activity in this area in the future. We would accept that statement within reason, but I suggest a 300 capacity Tavern is an excessive intensity activity in consideration of residences immediately next door and would be expected to adversely affect the amenity in the local area.

2. Noise is still a major concern for us.

I note the addition of "an angled return" on top of the proposed noise wall and suggestion this will reduce noise impacts on our property. There is no detail or supporting information to support this claim and we remain unconvinced that noise impacts will be effectively mitigated given;

- the sound barrier height has been reduced to 3.7m*
- our bedroom windows will still be over 2m above this height*
- noise impacts will be far greater during the evenings/night when the Tavern is busiest and ambient background noise levels are at their lowest*
- the outdoor alfresco area remains uncovered.*

In addition, the waste/bin area is outside the noise wall and on the property boundary immediately below our bedroom window. This is unsatisfactory and will generate excessive noise, particularly late at night and at closing times when waste is removed from inside the premises and dumped in the bins.

The waste area needs to be in an enclosed and covered area within any noise walls to mitigate the odours.

3. Parking is grossly inadequate.

The proposal includes only 7 onsite parking bays for staff. There are zero, nil. No parking bays for patrons! The Officer's Report has included a new reference to the support provided by Council 10 years ago for the Bassendean Shopping Centre redevelopment that included a shortfall of 337 parking bays. This is a sizeable number, but it is unknown how many of these bays were forfeited to allow mature trees to be retained.

In any event, there are still 423 onsite parking bays at the Centre, even allowing 20 on top of that for Red Rooster which is generous. So, the 337 shortfall on a total 760 parking bay requirement represents a 44% concession.

The Report also outlines Council's support last year for the Bassendean Hotel redevelopment that included a 51 bay shortfall. The Hotel has provided 80 on site bays plus drop off and pick up areas. This equates to a 39% concession provided by Council.

The recommendation for the Tavern development is to accept provision of only 7 bays, a shortfall of 73 on the 80 bays required. This represents a concession of a whopping 91% on parking bays required for the Tavern which is significantly greater than the previous concessions by Council.

The table below shows a summary of the parking concessions previously provided compared to the proposed.

Development Bays Needed Bays Provided Shortfall Concession

Shopping Centre 760 423 337 44%

Bassendean Hotel 131 80 51 39%

Tavern 80 7 73 91%

If the 44% concession provided to Bassendean Shopping Centre was applied, then 45 parking bays are required for the Tavern. If the concession was increased to 75%, there would still be 20 bays required! The proponents Parking Study and the Town's parking audit suggest low parking occupancy rates, but we know these did not capture the typical busy periods in the evenings after 5pm and peak times on weekends. Our own lived experience shows nearby available parking on Old Perth Rd, in the Rossi Shopping Centre and on Hamilton Street quickly fills up during busy times for the local businesses.

Parking along Hamilton St then becomes chaotic resulting in illegal parking and dangerous traffic issues. Conflicts occur due to Hamilton St being down to only one lane and the Rossi Shopping Centre parking access is only 15m from the OPR intersection.

This will only be exacerbated by the proposed food delivery service in lieu of an on-site kitchen, adding to the existing parking and traffic problems on adjacent streets.

There is also no allowance for the potential additional future parking demand by the possible front alfresco area on OPR which could cater for up to a further 80 patrons.

4. Conclusion

I appreciate there is a strong desire to facilitate the development of this site, but it needs to be the right development, at the right location based on good sound design that doesn't disproportionately impact the adjacent neighbours and community compared to the benefits to the developer.

There remain serious noise issues and grossly inadequate parking provisions that will create local traffic and safety issues.

Council was repeatedly advised last Tuesday that it must either approve the application with conditions or refuse it with reasons.

I request that Council give serious consideration to exercise the options mentioned in the Officer's Report to either;

- refuse the application on the grounds of grossly inadequate parking or,*
- impose a condition to restrict the maximum occupancy to well below 300.*

A reduction in maximum occupancy by say 30% could alleviate parking demand whilst perhaps enabling a number of additional bays to be provided as well as allowing the waste area to be moved inside and behind a noise barrier.

- Ms Kelly Steele – 32 Hamilton Street, Bassendean; Spoke against the application:

Thank you for the opportunity to lodge my concerns.

Firstly we would like to thank the applicant of the Micro brewery for their current amendments to their submission. There are still a few issues we would like to high-light and to have taken into account;

Bin area - the current bin area is hard against the neighbouring property and not in a full enclosed area, after working in hospitality venues for years I am aware that the noise created when dumping the bins at the end of the evening and this can sometimes be louder than the music or patrons, also this normally happens at the very end of the evening which would effect all homes in the surrounding area.

Cool Rooms & Other non-listed equipment – currently there is no cool room detailed or ice machines, or any storage. All of these items create noise and need to be within the venue walls and a compressor location marked out to ensure it doesn't disturb adjoining properties.

Parking Enforcement – despite the 500+ empty bays that are across Bassendean we on Hamilton street still experience ongoing issues with incorrect and/or illegal parking on our street. This weekend there were 2 cars parked on Hamilton street in front of the proposed Microbrewery on the wrong side of the street blocking traffic for over 2 hours. If the town of Bassendean is to continue to make allowances for parking then there needs to be some level of enforcement as there is in Maylands / Mt Lawley etc to act as a deterrent.

No Stopping Hamilton Street – The applicant needs to ensure that patrons do not congregate on Hamilton Street, this needs to be taken into account when landscaping etc. Also enforced by their security team at all times.

My husband and I are both excited for this site to be developed but we need to ensure that it won't impact our ability to enjoy our home or access our street.

- Ms Angela Johnston – 30 Hamilton Street, Bassendean; Spoke against the application.

We live at 30 Hamilton St, across the road from the proposed micro-brewery. Firstly, we recognise and acknowledge the changes that have been put forward by the developer. However, we are still not satisfied that these are enough. The inclusion of gates and doors on the western elevation will make the main entrance/exit for the venue on OPR, the commercial part of Bassendean. This change recognises that fact that Hamilton St is a residential and not a commercial area.

We note, however, that there is no detail regarding the construction material of these gates and doors. In order to further minimise noise, it is essential that these be constructed from a similar styled acoustic material to that of the acoustic walls. This would further minimise noise emanating from the rear alfresco area, which is one of our significant concerns as a resident of this street.

The developer has committed in writing to signage on the Hamilton St façade, indicating that this is a no standing zone. This does not alleviate our concerns about patrons gathering on the verge to smoke etc at any time up until midnight, often with associated noise problems. Nor does it alleviate our concerns regarding parking in this area.

The shortfall of parking facilities for the microbrewery/tavern cannot be overlooked so parking remains an enormous concern for us. Last week I explained that we already experience regular problems with access to and from Hamilton Street and our property due to incorrect parking by members of the public. This will increase again as Bertie's reopens shortly.

In fact, since last week's meeting we have photographed drivers parking illegally on the incorrect side of the road, on the verge and on the footpath in Hamilton St, near the corner of OPR. This was despite the fact that there were free and readily available parking bays within 50 metres, along Hamilton St. It was so congested that cars could barely get down the street and were queuing up on OPR to turn left into Hamilton St. And this was without Bertie's or the proposed development or Old Lira or the Old Trout or Raani Palace being open for business. God forbid what it will look like at peak times for these businesses!!

Despite the TOB's recent audit of car parking which showed there are 558 publicly available bays within the area bounded by Guildford Rd, Palmerston St and West Street, it appears that people are not even prepared to walk 50m to get to their venue of choice, let alone 400m from West Road, as was suggested last week. This spells parking chaos.

There are only 7 parking bays proposed on this site, all for staff, which seems grossly inadequate given the potential for 300 patrons plus staff. As is obvious with the parking issues at the Bassendean Hotel, many patrons will not all walk or catch public transport, therefore parking spaces will be required at this proposed development.

We are also cognisant of more potential traffic problems caused by ride-share drivers and food delivery services, especially during the current busiest times in this area which is late afternoon and evening on Fridays and Saturdays, due to the large number of food businesses at the Rossi Shopping Centre. Of course, signage and bay marking could be improved by the TOB however this ignores the fact that after 7pm I have no-one at TOB to phone when I can't drive down Hamilton St or access my own driveway.

At present the developer is proposing capacity at 300 patrons, however I note that the developer is considering an alfresco area on OPR, which, and I quote "is a separate matter that required subsequent consideration". Does this mean more

*than 300 capacity in total? If so, parking will be even more of a problem.
In the TOB documents attached to the briefing meeting last week it stated
“It would be open to Council to*

- 1. refuse the application on the basis of insufficient parking or*
- 2. impose a condition restricting the maximum occupancy of the development to reduce impact on parking demand.”*

I implore you to do one or other of these.

6 Statements by Members of the Public

Ian Maluish - 3/22 Elsfield Way, Bassendean

Mr Maluish spoke on his question asked at the General Meeting of Electors held on 28 March 2023 to rescind Council’s decision to replace Australia Day with Birak and to hold a Citizenship Ceremony on Australia Day.

Darcy Reith – not in attendance

Mr Reith provided a statement expressing his disappointment on the approval of the short stay accommodation. Short stay should only be encouraged within the Town Centre and is happy to see the microbrewery application was approved.

Carol Seidel – 55 Broadway, Bassendean

Mrs Seidel spoke on the Community Bus and the dissatisfaction of some members in the community on the proposal to cease the bus service.

Anne Brinkworth – 19 Ida Street, Bassendean

Mrs Brinkworth expressed her dissatisfaction on the lack of Council being involved in the community. We had successful Committees which have been disbanded, losing popular events and now seniors finding it difficult with the ending of the verge collection and over 30 years of having a bus service. Maybe Council should amalgamate before other services are lost.

Name Withheld

It would have been nice for Council to engage with residents before terminating the bus service.

Loretta Lyons – Hyde Retirement Village – 2 James Street, Bassendean

Ms Lyons said she misses the bus service and she really needs the service reinstated as well as a lot of older people in Bassendean who did a lot for the Town and it should be kept.

Norma Karasinski – 26 Hardy Road, Ashfield and President of 55 Plus Association

Ms Karasinski said that it is very disappointing for the community that the bus service is to be ceased and hopes that Council will support us. The transition into My Aged care has been difficult and from reports is not working very well at all. The bus was a benefit for shopping trips and engaged senior volunteers now have a void in their lives. The 55 Plus Association has two buses which are ageing and is a not for profit organisation and cannot continue running these buses. The Association hopes the Council comes to a committed transport agreement to support the over 55's and wider community.

Aaron Mackay – 33 North Road, Bassendean

Mr Mackay thanked staff addressing the anti social issues at Point Reserve and thanked Councillors on their recent decision on the Point Reserve Masterplan and continue to work with residents.

7 Questions from Members of the Public

Mark Luther – 30 Kenny Street, Bassendean

Mr Luther was not in attendance but provided the following questions and responses provided:

- Q1. *Under the State underground power project, has Council reviewed the installation of solar street lighting to save ratepayers money?*
- A. Western Power does not offer solar street lighting as part of its underground power projects, although the programs do offer LED lighting solutions which uses significantly less power (carbon) at less than half the cost of our existing lights.
- Q2. *When will Bassendean see the installation of the State underground power project?*
- A. The Town continues to lobby the State Government for all areas of the Town. The final detail designs are upcoming for the underground power project in the Bassendean section north of the rail and is scheduled to be completed by December 2025.

Don Yates – 12 Thompson Road, Bassendean

Mr Yates was not in attendance but the following question and response was provided:

- A. *When does the caretaker period start in 2023 for Bassendean?*
- Q. Caretaker period commences 15 September to 21 October 2023.

Responses to his other questions will be provided to Mr Yates by email.

Mr Bill Busby – 53 Haig Street, Ashfield

- Q. *Who are the Councillors who want to reinstate the bus service?*
- A. The Mayor responded that Councillors will vote on the matter this evening.

Estelle Hogan – 15 Maidos Street, Ashfield

- Q. Ms Hogan referred to Point 2 of the Officer Recommendation in the Community Transport Service and asked if Council does not intend to fund the service?
- A. The Mayor responded that this is an Officer Recommendation only and will be open to this Council to accept or amend the recommendation.

8 Petitions

Nil.

9 Confirmation of Minutes

9.1 Confirmation of Minutes - Ordinary Council Meeting held on 26 April 2023	
Attachments	1. Ordinary Council Minutes of 26 April 2023 [9.1.1 - 15 pages]

Council Resolution/Officer Recommendation – Item 9.1 OCM-2/05/23

MOVED Cr McLennan, Seconded Cr Ames, that the minutes of the Ordinary Council meeting held on 26 April 2023, be received and confirmed as a true and correct 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
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 was for Council to note the minutes from external Committees and organisations have been received.

Council Resolution/Officer Recommendation – Item 11.1
OCM-3/05/23

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

CARRIED UNANIMOUSLY 7/0

12 Officer Reports

It was agreed that items 12.3, 12.4, 12.5 and 12.6 be removed from the en-bloc table and considered separately.

Council Resolution/Officer Recommendation – Item 12.1
OCM-4/05/23

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

Item	Report	Vote
12.7	Town Centre (Area 2) Parking Review	Simple Majority
12.8	Annual Budget 2023/24 - Proposed Differential Rates	Simple Majority
12.9	Children's Services: Daily Fee for Wind in the Willows Early Education Centres for 2023/24	Simple Majority
12.10	Contract Variation - RFQ 07/2022 Security Monitoring and Maintenance of Security Equipment	Simple Majority
12.11	RFT 02/2023 Supply and Installation of a Bore at Ashfield Reserve	Simple Majority
12.12	Draft Unreasonable Customer Conduct Policy	Simple Majority
12.13	Use of Common Seal	Simple Majority
12.14	Accounts Paid - April 2023	Simple Majority
12.15	Monthly Financial Report – April 2023	Simple Majority

CARRIED UNANIMOUSLY 7/0

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

12.2	Use Not Listed (Short Stay Accommodation) - 52 (Lot 1) Broadway, Bassendean	Simple Majority
12.3	Use Not Listed (Short Stay Accommodation) - Units 1 - 8, 63 (Lot 1) Third Avenue, Bassendean	Simple Majority
12.4	Community Transport Service	Simple Majority
12.5	Proposed Tavern and Use Not Listed (Microbrewery)	Simple Majority
12.6	Excision of a portion of Reserve 21150 (BIC Reserve)	Simple Majority

The Mayor, Cr Hamilton left the room, the time being 7.00pm and the Deputy Mayor, Cr McLennan took the Chair.

12.2 Use Not Listed (Short Stay Accommodation) - 52 (Lot 1) Broadway, Bassendean	
Property Address	52 (Lot 1) Broadway, Bassendean
Landowner/Applicant	Tristan Rogue
File Reference	2023-015
Directorate	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	<ol style="list-style-type: none"> 1. Application Cover Letter [12.2.1 - 5 pages] 2. Proposed Management Plan and Code of Conduct [12.2.2 - 13 pages] 3. Schedule of Submissions [12.2.3 - 7 pages]

Purpose

The purpose of this report was for Council to consider an application for a Use Not Listed (Short Stay Accommodation) at 52 (Lot 1) Broadway, Bassendean.

Council Resolution/Officer Recommendation – Item 12.2
OCM-5/05/23

MOVED Ames, Seconded Cr Wilding, that Council approves the application for development approval of a Use Not Listed (Short Stay Accommodation) at 52 (Lot 1) Broadway, Bassendean, subject to the following conditions:

1. The approval is valid for a period of 12 months only from the date of the approval. The applicant will be required to 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;
2. Prior to the commencement of the use, the submitted management plan is to be amended so as to include details of the management of the swimming pool, to the satisfaction of the Town;
3. The use must be undertaken in accordance with the management plan (as amended by condition 2 above) at all times, to the satisfaction of the Town;
4. No more than six persons who do not compromise a single family are permitted to be on the property between the hours of 10:00pm and 7:00am;
5. 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; and
6. The contact details of the owner/manager must be prominently displayed at the front of the property to the satisfaction of the Town.

CARRIED 5/1

Councillors Ames, Wilding, McLennan, Poliwka, McWilliam voted in favour of the motion. Cr Carter voted against the motion.

The Mayor, Cr Hamilton returned to the Chamber and took the chair, the time being 7.07pm.

12.3 Use Not Listed (Short Stay Accommodation) - Units 1 - 8, 63 (Lot 1) Third Avenue, Bassendean	
Property Address	Units 1 – 8, No. 63 Third Avenue, Bassendean
Landowner/Applicant	63 Third Avenue Bassendean PTY LTD, Khaled and Lauren Baghdadi, Kirsten Van Kwawegen and Deserted Island PTY LTD
File Reference	2022-094
Directorate	Community Planning
Previous Reports	November 2022
Authority/Discretion	<p>Quasi-Judicial</p> <p>When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences.</p>
Attachments	<ol style="list-style-type: none"> 1. Revised Management Plan [12.3.1 - 22 pages] 2. Application Justification [12.3.2 - 56 pages] 3. Schedule of Submissions [12.3.3 - 7 pages]

Purpose

The purpose of this report was for Council to reconsider its decision to refuse an application for a Use Not Listed (Short Stay Accommodation) at Units 1 – 8, No. 63 Third Avenue, Bassendean, as directed by the State Administrative Tribunal (SAT).

Council Resolution/Officer Recommendation – Item 12.3 **OCM-6/05/23**

MOVED Cr Ames, Seconded Cr MacWilliam, that Council, pursuant to Section 31(2)(c) of the *State Administrative Tribunal Act 2004* sets aside its original decision of 22 November 2022 and approves the application for development approval for a Use Not Listed (Short Stay Accommodation) at Units 1 – 8, 63 Third Avenue, Bassendean subject to the following conditions:

1. The approval is valid for a period of 12 months only from the date of approval. The applicant will be required to lodge a subsequent application to extend to the term of 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 with the previous performance, the application may not be supported.

2. Within 60 days of the approval, the submitted management plan is to be amended so as to state that unattached trailers (including camper trailers) are not permitted within the road reserve, to the satisfaction of the Town.
3. The use must be undertaken in accordance with the management plan (as amended by condition 2 above) at all times, to the satisfaction of the Town.
4. No more than four persons are permitted to be at each unit between the hours of 10:00pm and 7:00am.
5. 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.
6. The contact details of the owner/managers must be prominently displayed at the front of the property as viewed from the street to the satisfaction of the Town.

CARRIED 6/1

Councillors Ames, McWilliam, Hamilton, Wilding, McLennan, Poliwka, voted in favour of the motion. Cr Carter voted against the motion.

12.4 Community Transport Service	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COMS/REPRTNG/3
Department	Community Planning
Previous Reports	22 November 2022 13 December 2022 28 March 2023 18 April 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Letter from 55 Plus [12.4.1 - 1 page] 2. Minutes of Special Meeting of Electors of 18 April 2023 [12.4.2 - 7 pages]

Purpose

The purpose of this report was for Council to consider the future of the Community Transport Service (CTS).

Officer Recommendation – Item 12.4

That Council:

1. Receives the minutes from the Special Meeting of Electors held on 18 April 2023;
2. Confirms that it does not intend to fund the recommencement of the Community Transport Service; and
3. Notes that the Town will assist in transitional arrangements for clients and volunteers seeking alternative transport support or volunteering opportunities, respectively.

Cr Ames foreshadowed the following motion should the Officer Recommendation not be supported:

“That Council:

1. *Receives the minutes from the Special Meeting of Electors held on 18 April 2023;*
2. *Notes that the Town will assist in transitional arrangements for clients seeking alternative transport for medical appointments and for volunteers seeking alternative volunteer opportunities; and*
3. *Request the administration work with the affected users of the original service to develop a descoped service for shopping and social outings and bring a report back to Council for consideration.”*

The Officer Recommendation that reads:

“That Council:

1. *Receives the minutes from the Special Meeting of Electors held on 18 April 2023;*
2. *Confirms that it does not intend to fund the recommencement of the Community Transport Service; and*
3. *Notes that the Town will assist in transitional arrangements for clients and volunteers seeking alternative transport support or volunteering opportunities, respectively”, was put to the vote and LAPSED due to the lack of a Mover.*

Council Resolution – Item 12.4

OCM-7/05/23

The foreshadowed motion which was MOVED by Cr Ames and Seconded by Cr MacWilliam, which reads:

That Council:

1. *Receives the minutes from the Special Meeting of Electors held on 18 April 2023;*
2. *Notes that the Town will assist in transitional arrangements for clients seeking alternative transport for medical appointments and for volunteers seeking alternative volunteer opportunities; and*
3. *Request the administration work with the affected users of the original service to develop a descoped service for shopping and social outings and bring a report back to Council for consideration,*

was put to the vote and **CARRIED UNANIMOUSLY 7/0**

Reasons:

Understanding the importance that transport plays in supporting people to be connected in our community underpins this proposal offering residents opportunities to remain active and to connect with social activities and outings.

Providing social connections for residents is the backbone of community cohesion. It is a recognised fact that age-related issues frequently reduce one's ability to drive or walk distances often leading to increased isolation and loneliness.

12.5 Proposed Tavern and Use Not Listed (Microbrewery)	
Property Address	73-75 (Lot 145) Old Perth Road, Bassendean
Landowner	Lorena Rossi and Alia Nikoloski
Applicant	Harley Dykstra Planning and Survey Solutions
File Reference	2022-129 (A4307)
Directorate	Community Planning
Previous Reports	N/A
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. Application Package [12.5.1 - 99 pages] 2. Amended Site Plan (May 2023) [12.5.2 - 1 page] 3. Schedule of Submissions [12.5.3 - 109 pages]
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Purpose

The purpose of this report was for Council to consider an application for development approval for a proposed Tavern and Use Not Listed (Microbrewery) at Lot 145 (No. 73-75) Old Perth Road, Bassendean.

Cr Wilding left the room at 8.07pm and returned at 8.09pm.

Officer Recommendation – Item 9.3

MOVED Cr McLennan, that Council approves the application for development approval for the proposed Tavern and Use Not Listed (Microbrewery) at 73 – 75 (Lot 145) Old Perth Road, Bassendean, subject to the following conditions:

1. Prior to or in conjunction with an application for a Building Permit, the applicant is to submit a Landscape Plan, to the satisfaction of the Town of Bassendean. The following details are to be included:
 - (i) Landscaping of the site (including within the rear outdoor area) incorporating details of proposed trees, shrubs, ground cover, any lawn areas to be planted.
 - (ii) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months.

Prior to the occupation of the development, the landscaping and irrigation of the development site and protective barriers to the retained trees are to be installed in accordance with the approved Landscape Plan and thereafter maintained to the satisfaction of the Town of Bassendean.

2. Prior to or in conjunction with an application for a Building Permit, the applicant is to submit a Waste Management Plan, to the satisfaction of the Town of Bassendean. The Waste Management Plan shall address matters included in the Western Australian Local Government Association's Commercial Waste Guidelines, including additional information on, but not necessarily limited to, the following:
 - (i) The volume and the type of waste to be placed in the bins, including a waste generation calculation; and
 - (ii) Details of intended method of collection (by private contractor) and frequency of collection; and

- (iii) A detailed plan of the bin storage area, including the provision of a 1.8-metre-high minimum wall with a self-closing gate, a 75mm thick concrete floor (minimum) grading to a 100mm industrial floor waste, a hose cock to enable both bins and bin storage area to be washed out and internal walls that are cement rendered (solid and impervious) to enable easy cleaning.

Prior to the occupation of the development, all works are to be carried out in accordance with the Waste Management Plan to the satisfaction of the Town of Bassendean. The works are to be thereafter maintained and the Waste Management Plan implemented, for the duration of the development.

3. Prior to or in conjunction with an application for a Building Permit, the applicant is to submit details as to the treatment and finish of the public facing surfaces of the proposed noise walls, to the satisfaction of the Town of Bassendean.
4. Prior to the occupation of the development, vehicle parking, maneuvering and circulation areas (including any related fencing) shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
 - (i) Australia/New Zealand Standard AS/NZS 2890.1:2004, Parking Facilities, Part 1: Off-street car parking;
 - (ii) Town of Bassendean engineering requirements and design guidelines.

The carparking is to be maintained to the satisfaction of the Town of Bassendean for the duration of the development.

5. Prior to the occupation of the development, the existing vehicle crossovers shall be upgraded to be in accordance with the Town of Bassendean's crossover specifications. Separate approval is to be obtained from the Town of Bassendean's Asset Services for the crossovers.
6. Within 60 days from the commencement of the operation, the applicant is to submit a revised Acoustic Report, to the satisfaction of the Town of Bassendean, that demonstrates that the development is compliant with the *Environmental Protection (Noise) Regulations 1997*. The report is required to include noise monitoring from the operation (both brewing and tavern process) to confirm onsite levels.
7. Entries and window frontages facing Old Perth Road and Hamilton Street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Old Perth Road, for the duration of the development.

8. Prior to the occupation of the development, the applicant is to submit a Venue Management Plan to the satisfaction of the Town of Bassendean. The venue management plan shall include, but not necessarily be limited to the following:
- (i) Details and management of the proposed food delivery service and food trucks.
 - (ii) Management of the alfresco dining/seating within the Old Perth Road, road reserve and ensuring clear pedestrian paths are maintained.
 - (iii) Designation and control of smoking areas.
 - (iv) Management of anti-social behavior and access and egress to the property.
 - (v) The loading and/or unloading of vehicles.
 - (vi) How guests will be removed from the rear outdoor area prior to 10pm.

The venue shall operate in accordance with the approved management plan to the satisfaction of the Town of Bassendean.

9. The rear outdoor area shall not be used after 10pm and shall not accommodate music at any time.
10. Signage shall be subject of a separate application.
11. The use of the Old Perth Road road reserve as an alfresco area is the subject of a separate application under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* and the *Alfresco Dining, Public Trading and Displays Policy*.

LOST FOR WANT OF A SECONDER

Cr Poliwka moved an alternative motion as follows:

Council Resolution – Item 9.3
OCM-8/05/23

MOVED Cr Poliwka, Seconded Cr Carter, that Council refuses the application for development approval for the proposed Tavern and Use Not Listed Microbrewery at 73-75 (Lot 145) Old Perth Road, Bassendean, as the proposal does not comply with the Parking Standards set out in Local Planning Policy No. 8 - Car Parking and End of Trip Facilities and it is considered that variation will potentially:

- 1. Result in the obstruction of roads and streets;
- 2. Place an undue and disproportionate burden on publicly accessible on street parking; and
- 3. Have a detrimental impact on residential amenity of the local area.

CARRIED 6/1

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

Reasons

The application, by virtue of its lack of car parking, is considered unacceptable.

12.6 Excision of a portion of Reserve 21150 (BIC Reserve)	
Property Address	Portion of Reserve 21150 (BIC Reserve)
Landowner/Applicant	Crown land
File Reference	N/A
Department	Community Planning
Previous Reports	23 November 2021 21 December 2021 28 June 2022 26 July 2022
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 requesting that the Minister for Lands amend the boundary of Reserve 21150 (BIC Reserve).

Officer Recommendation – Item 12.6

That Council:

1. authorises a request being made to the Minister for Lands to amend the boundary of the Reserve so as to effectively excise the subject portion from BIC Reserve so as to facilitate future residential development; and
2. notes that the Town will seek to assist the Department of Health in securing an alternative facility for its Child and Adolescent Health Services function.

Council Resolution – Item 12.6
OCM-9/05/23

MOVED Cr Carter, Seconded Cr Poliwka, that Council defers consideration to authorise the amendment of the boundary of the BIC Reserve and that the matter be considered as part of the Land Asset Strategy to be considered at a future Councillors' workshop.

CARRIED 6/1

All Councillors voted in favour of the motion, except Cr McLennan who voted against the motion.

Reasons

It was considered that the boundary amendment of the BIC Reserve should be considered as part of further discussions of the Land Asset Strategy.

12.7 Town Centre (Area 2) Parking Review	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LAW/REPRTNG/3
Directorate	Community Planning
Previous Reports	23 November 2021
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	Nil

Purpose

The purpose of this report was for Council to consider the parking restrictions within the Bassendean Town Centre and surrounds (Parking Area 2).

Council Resolution/Officer Recommendation – Item 12.7
OCM-10/05/23

MOVED Cr Ames, Seconded Cr Poliwka, that Council:

1. authorises the Town to undertake targeted consultation with affected occupants and owners of properties impacted by the following proposed changes to existing parking control measures:
 - Hamilton Street – ‘No Stopping’ yellow edge lines at intersection with Old Perth Road (all corners);
 - Whitfield Street – ‘No Stopping’ yellow edge lines at intersection with Old Perth Road (all corners);
 - Whitfield Street - northwestern corner of Old Perth Road – ‘No Stopping’ yellow edge line in front of the unit complex at 80 Old Perth Road up to and including the ‘Organikids Child Care Centre’ at 30 Whitfield Street;
 - Whitfield Street - southeastern corner of Old Perth Road – ‘No Stopping’ from the corner to the end of the first tree embayment;
 - Whitfield Street - Remove the existing ‘Motorcycle Only’ bays outside 89 Old Perth Road and replace them with a street tree, so as to mirror the northern side of the crossover;
 - Old Perth Road – removal of existing signage at Senior’s Centre carpark;

2. authorises the Town to undertake targeted consultation with affected occupants and owners of properties on Kenny Street, so as to inform future decisions regarding the potential installation of timed or permit parking restrictions.

CARRIED BY EN BLOC RESOLUTION 7/0

12.8 Annual Budget 2023/24 - Proposed Differential Rates	
Property Address	Various
Landowner/Applicant	Various
File Reference	RAT&VAL/FEECHAG/3
Directorate	Corporate Services
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Statement of Objects and Reasons for 2023-24 Differential Rates [12.8.1 - 4 pages]

Purpose

The purpose of this report was for Council to consider the level at which to set and advertise differential rates in the dollar as part of the 2023/24 Budget Process.

Council Resolution/Officer Recommendation – Item 12.8 **OCM-11/05/23**

MOVED Cr Ames, Seconded Cr Poliwka, that Council:

1. Approves the Town of Bassendean 2023/24 rates in the dollar and the minimum payment to be advertised by public notice as per the following:

Rating Category	Rate in Dollar in Cents	Minimum Payment (\$)
Improved – Residential GRV	7.7400	1,183
Improved – Commercial and Industrial (GRV)	8.9010	1,183
Vacant Land – Residential, Commercial and Industrial (GRV)	11.6100	1,183

2. Approves the Town of Bassendean's Objects and Reasons for the Proposed Differential Rate Categories for the 2023/24 Financial Year, as shown in the attachment to this report.

CARRIED BY EN BLOC RESOLUTION 7/0

12.9 Children's Services: Daily Fee for Wind in the Willows Early Education Centres for 2023/24	
Property Address	28-30 Wilson St, Bassendean 2 Colstoun Road, Ashfield
Landowner/Applicant	Town of Bassendean (Management Order)
File Reference	FINM/FEECHAG/2
Directorate	Corporate Services
Previous Reports	
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 daily fee for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education for 2023/24.

Council Resolution/Officer Recommendation – Item 12.9 **OCM-12/05/23**

MOVED Cr Ames, Seconded Cr Poliwka, that Council notes that a daily fee of \$136 for Wind in the Willows Bassendean Early Childhood Education and Wind in the Willows Ashfield Early Childhood Education is to be considered for adoption as part of the 2023/24 Annual Budget.

CARRIED BY EN BLOC RESOLUTION 7/0

12.10 Contract Variation - RFQ 07/2022 Security Monitoring and Maintenance of Security Equipment	
File Reference	PLES/TENDNG/61
Directorate	Corporate Services
Previous Reports	Not Applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - RFQ 07 2022 Comparative Schedule for variation [12.10.1 - 1 page]

Purpose

The purpose of this report was for Council to consider a contract variation request for RFQ 07/2022 security monitoring and maintenance of security equipment.

Council Resolution/Officer Recommendation – Item 12.10 **OCM-13/05/23**

MOVED Cr Ames, Seconded Cr Poliwka, that Council approves the contract variation request for RFQ 07/2022 security monitoring and maintenance of security equipment submitted by CASA Security Pty Ltd and accepts the new price for the security guard callout response rates (both normal hours and after hours) effective from 1 June 2023.

CARRIED BY EN BLOC RESOLUTION 7/0

12.11 RFT 02/2023 Supply and Installation of a Bore at Ashfield Reserve	
Property Address	Colstoun Road, Ashfield
Landowner/Applicant	Town of Bassendean
File Reference	PARE/TENDNG/85
Directorate	Corporate Services
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - Evaluation Report [12.11.1 - 7 pages]

Purpose

The purpose of this report was for Council to consider a summary of tender submissions received for RFT 02/2023 Supply and Installation of a Bore at Ashfield Reserve. All offers were considered non-compliant by the tender evaluation panel, and it is recommended that Council decline all offers.

Council Resolution/Officer Recommendation – Item 12.11 **OCM-14/05/23**

MOVED Cr Ames, Seconded Cr Poliwka, that Council declines all offers for RFT 02/2023 Supply and Installation of a Bore at Ashfield Reserve.

CARRIED BY EN BLOC RESOLUTION 7/0

12.12 Draft Unreasonable Customer Conduct Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Draft Unreasonable Customer Conduct Policy [12.12.1 - 5 pages] 2. Customer Service Charter 2019 [12.12.2 - 6 pages]

Purpose

The purpose of this report was for Council to consider the adoption of the Unreasonable Customer Conduct Policy.

Council Resolution/Officer Recommendation – Item 12.12

OCM-15/05/23

MOVED Cr Ames, Seconded Cr Poliwka, that Council adopts the draft Unreasonable Customer Conduct Policy attached to this report.

CARRIED BY EN BLOC RESOLUTION 7/0

12.13 Use of Common Seal	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	INFM/INTPROP/1
Department	Office of the CEO
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 there were no documents affixed with Common Seal during the reporting period.

Council Resolution/Officer Recommendation – Item 12.13

OCM-16/05/23

MOVED Cr Ames, Seconded Cr Poliwka, that Council note there were no documents affixed with Common Seal during the reporting period.

CARRIED BY EN BLOC RESOLUTION 7/0

12.14 Accounts Paid - April 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Directorate	Corporate Services
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Accounts Paid April 2023 [12.14.1 - 14 pages]

Purpose

The purpose of this report was for Council to receive the list of payments for April 2023.

Council Resolution/Officer Recommendation – Item 12.14 **OCM-17/05/23**

MOVED Cr Ames, Seconded Cr Poliwka, that Council receives the list of payments for April 2023.

CARRIED BY EN BLOC RESOLUTION 7/0

12.15 Monthly Financial Report – April 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/AUD/1
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Review When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Attachments	1. Financial Activity Statement Report as at 30 April 2023 [12.15.1 - 12 pages]

Purpose

The purpose of this report was for Council to receive the Monthly Financial Report for April 2023 which incorporates the Statement of Financial Activity.

Council Resolution/Officer Recommendation – Item 12.15 **OCM-18/5/23**

MOVED Cr Ames, Seconded Cr Poliwka, that Council:

1. Receives the Monthly Financial Report for the period ending 30 April 2023, which incorporates the Statement of Financial Activity for April 2023.
2. Notes the Explanation of Material Variances in the Statement of Financial Activity.

CARRIED BY EN BLOC RESOLUTION 7/0

13 Motions of which Previous Notice has been given

Nil

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 June 2023, commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 27 June 2023, commencing at 6pm.

There being no further business, the Presiding Member closed the meeting at 8.45pm.