



TOWN OF

Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 22 August 2023, 6:00 pm

in the Council Chamber,

Administration Building

48 Old Perth Road, Bassendean WA 6054

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

The Presiding Member declared the meeting open at 6:04pm, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2 Announcements by The Presiding Person Without Discussion

Nil

3 Attendances, Apologies and Applications for Leave of Absence

Present

Councillors

Cr Kathryn Hamilton, Mayor
Cr Renee McLennan, Deputy Mayor
Cr Hilary MacWilliam
Cr Emily Wilding
Cr Jennie Carter
Cr Paul Poliwka
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, Exec Manager Infrastructure
Ms Nicole Davey, Exec Manager Sustainability & Environment
Mr Matthew Monkhouse, Manager Governance & Strategy

Public

Approximately 29 members of the public were in attendance.

Apologies

Nil.

4 Declarations of Interest

Nil.

5 Presentations or Deputations

The following deputations were provided at the Briefing Session and related to item 12.2 Draft Local Planning Scheme No.11:

- Katharina Wolf, Jean Anning - Residents of Nurstead Avenue, Bassendean; Spoke against parts of the report:

We believe the concerns raised as part of the LPS No11 consultation process in regards to the re-zoning of the lower Success Hill area have not been adequately reflected in the current Briefing Session report and hence would like to use this opportunity to outline why local residents are concerned about / opposed to the proposed R100/R160 zoning.

Key issues raised will be:

- a) egress, traffic flow and health & safety - relating to the single entry/exit point at Thompson Road*
- b) the heritage value of Nurstead Avenue*

- Melissa Mykytiuk - 6/119 Hamilton Street, Bassendean; Spoke against parts of the report:

I wish to strongly oppose Proposal 9.1 Town-owned land (Hamilton Street, Bassendean) Pg 20 - 22, Briefing Session Tuesday 15th August 2023. I am expressing this view/request as a private individual and resident.

Rezoning Public Open Space (Lot 8111) to Residential R25 and the subsequent development is not in line with community values and will have detrimental environmental and social impacts.

I urge Councillors to vote against the proposal on the below grounds.

- *Rezoning Public Open Space (POS) to residential, R25 is a significant change in land use, that has not gone out for community consultation.*
- *The size of the area (2,800m²) is significant and impacts existing functional recreation space.*
- *The proposed changes were not included in the advertised version of the draft Local Planning Scheme 11, this is a significant omission.*
- *Public Open Space (POS), Access to Nature, and Liveability are key values identified by residents in the Community Strategic Plan.*
- *There will be the loss of at least 10 mature trees and many smaller trees which provide habitat, shade, oxygen, and cooling.*
- *This area is used multiple times a day by the community and dog walkers and provides a linkage to the Ashfield Flats. It has high recreational and community value.*
- *Existing residents purchased their properties near Public Open Space because they value the natural amenity and being connected to nature, which contributes to a sense of - well-being,*
- *The development may negatively impact the water quality as it is in close proximity to the drain that feeds the Ashfield Flats Wetlands, the Threatened Ecological Community and Swan River.*
- *Residents are already incurring high and rising costs to insure their properties due to flood risk.*
- *It would be irresponsible to develop an area that is likely to flood and costly or not possible to insure in the future.*

- Residents should have the opportunity to provide feedback on whether they wish to give up POS to improve the Town's financial position (which has not been quantified).

- I am fundamentally opposed to this as I value POS over any financial gain, as do I believe many residents.

I urge Councillors to vote against this proposal.

• Nik Svede - 5 Earlsferry Ct, Bassendean; Spoke against parts of the report:

Generally, submissions requesting densities that are inconsistent with the existing strategic planning framework are not supported on the basis of the following:

“Any material change could result in development outcomes beyond what the community is prepared to accept, as indicated by Bassendream our Future.”

However, this does not reflect the feedback provided to the community within the document

Here are some selected quotes:

On Improved connection/accessibility

- Overpasses (or underpasses) on Guildford Road to get to Bassendean & Success Hill stations

Better access/more pathways:

- Green route thru Success Hill

- Walkway through Success Hill

Other (please specify)

- No more INFILL in Success Hill

Improve pedestrian and cyclist access to Success Hill train station

88% of respondents (81 individuals) either strongly support or support the above potential action.

Advocate that the Public Transport Authority redesigns the Ashfield and Success Hill pedestrian bridges to make them more accessible

79% of respondents (84 individuals) either strongly support or support the above potential action.

Increased safety around hubs/stations (4)

At the moment, the train station doesn't feel safe outside of peak hour time (both Bassendean and Success Hill)

Bassendean workshop

Some State Government input to create two overpasses, one from Basso station to Park Ln and one from Success Hill station to the oval

- Focus on linking Success Hill station, the oval and the shopping centre

Concern about traffic (25)

Success Hill has only one way in/out. An access issue but also safety risk e.g. if there was a fire

Concerns about pedestrian and cycling access (6) • Success Hill station not accessible for disabled people

The various planning issues raised (traffic congestion, car parking pressures, building bulk, road/rail noise and potential loss of local character) will be appropriately considered as part of a future Precinct Structure Plan for the Bassendean Town Centre (as provided for by the adopted Local Planning Strategy) as well as site-specific development control processes, as guided by various policies including State Planning Policy 7.3 – Residential Design Codes (which addresses matters such as visual privacy, solar access, building bulk, setbacks and car parking).

Summary

I ask that the councilors gathered here today recognize these outstanding issues. That we cannot put the cart before the horse. That they need to be addressed before planning changes in this area can proceed.

Please vote

To support the draft scheme with proposed modifications to address issues raised in the submissions;

or

To not to support the draft scheme.

6 Statements by Members of the Public

The following were presented at the Briefing Session of 15 August 2023.

Mary-Joyce Archibold - Bassendean

Ms Archibold spoke about the potential rezoning and sale of Public Open Space owned by the Town. They spoke regarding the consultation results on that land and how the support was wider than the local area.

Emma Darby (Success Hill Action Group) - 18 Anzac Terrace, Bassendean

Ms Darby provided a written statement which the Mayor read out on the proposed rezoning of the Nurstead/Lamb/Thompson/Earlsferry Area. They outlined their objection to the rezoning.

Michelle Prior - 64 Hotham Street, Bayswater

Ms Prior spoke on the proposed Local Planning Scheme No.11. They outlined their concern to the lack of rezoning in the Ashfield area close to the train station.

Alan Copleston - 81 Parker Street, Bassendean

Mr Copleston spoke on their desire to keep as much Public Open Space as possible. They also acknowledged the compromise for the Community Transport Service is acceptable, though would like to see an 8km radius applied as was brought up during consultation.

Val Humphrey - 127a Whitfield Street, Bassendean

Ms Humphrey spoke on the proposed Local Planning Scheme No.11. They outlined their concern for items that were entered to the report after the consultation period and their objection to potentially selling land owned by the Town.

Carol Siedel - 55 Broadway, Bassendean

Ms Siedel spoke in support of not selling any Public Open Space owned by the Town. They also spoke in support of a partial Community Transport Service but also advocated for the 8km radius being implemented.

Brad - Aussat Drive, Eden Hill

Spoke regarding their properties proposed density being inconsistent with the neighboring Local Governments which they are directly opposite. They advocated for a change to be consistent with the neighboring Local Government.

Kate Davies - 16a Nurstead Avenue, Bassendean

Ms Davies spoke in support of the points raised by Emma Darby previously.

Michael Nobley - 18 Nurstead Avenue, Bassendean

Mr Nobley spoke in support of the previous speakers comments in objecting to the increased zoning in the Nurstead Avenue area.

The following Statements were presented at the Ordinary Council Meeting

Reegan Cake - Dynamic Planning and Developments, Acting on behalf of Jonathon and James Teasdale who own 163 to 165 Guildford Road, Bassendean

Mr Cake spoke on behalf of his clients advocating for changes to the draft LPS11 document, specifically changing the zoning of the properties to mixed use.

Alan and Anne Copleston - 81 Parker Street, Bassendean

Mr Copleston provided a statement on the TOB de-scoped Community Transport Service in writing prior to the meeting:

Without going over all the previous discussions and taking up councils' time I would like to discuss the details of the proposed de-scoped service as proposed in 9.2 of the agenda.

It is heartening to see the proposal put forward in this agenda. However, there are some further considerations. The comment section once again lists what services that are offered by other local governments, as previously stated rather than compare how other services are offered that provide less amenity for their ratepayers we should celebrate that Bassendean has created a service that meets specific needs of its local people and we should be showing other local governments what is possible rather than a minimum service. The strategic Budget Policy section puts the CTS in category “g” which is the lowest priority and is discretionary.

Up until the end of last year this service was accepted as giving a desired service level as expected by the citizens of Bassendean and had been funded for the previous 35 or so years. The reason given for stopping the service was a budget blowout up to \$98,128 from a previous budget of \$23,500. When faced with this increased cost the councillors were obviously concerned.

Community and engagement.

On 22nd June 2023 Carol and I met with the Town representatives Salvarore Silcilano and Shanel De Silver to discuss the possibility of a descoped service and what it could look like, after this meeting we received an email setting out a summary of those discussions it listed these outcomes.

- *Allow for shopping trips.*
- *Provide access for community members to attend activities at Bass 55 plus.*
- *Allow for visits to medical appointments within the Town but also including Midland, Morley and Beechboro - approximately 8km radius.*
- *Requirement for community members to be ambulant / walk unassisted.*
- *Priority of access to be determined who will use the vehicle given there is only one vehicle.*
- *Preference from the community for the Town to run the descoped service and not a community organisation. General view that the Town would still be connected and therefore liable if another group ran the service.*
- *Need to make allowances where required for moral support for community members, i.e. someone recovering from surgery who would need to use the service.*
- *Training session of volunteers in running the descoped service.*
- *A system to log time taken to travel between destinations.*

Note this is a list compiled by the Town after the 22nd of June meeting and is as such a list of discussed options and not a list of demands, but it seems like a good basis for the new service.

In the strategic budget policy section, a list of budgetary consideration is to be considered. After that list there is comment regarding a user contributes approach. The previous service required a donation of a gold coin to help recover costs. Should council decide to go forward this the new service and impose a fee structure a consideration should be given to the capacity of clients to pay as many clients would be on social security and would have limited financial means.

Potential service as proposed.

- *Would comprise of one vehicle.*
- *The service runs between two and five days per week and only for attending community group activities or medical appointments within the Town of Bassendean.*
- *It requires users to be ambulatory and confirm fitness for travel.*
- *Drivers would need to obtain a Passenger Transport Driver Authorization and provide limited manual handling.*
- *Access is limited to holders of seniors' cards and or health care cards.*

This is a very much limited service than that discussed at the meeting on 22nd of June at the library. As it doesn't allow for shopping trips of the attendance of some medical services that bulk bill, there are not any bulk billing medical services in the Town therefore we suggested the 8km radius.

Financial considerations.

The estimate for the suggested descoped VDS is \$15,150 plus a one-off cost of \$1,750 is considerably less than the estimate to carry on the old system and less than the previous system was costing according to previous budget figures. To put this into context for the Towns annual budget if there are 6,000 rateable properties the per annum cost per ratepayer would be \$2.52c. which would be subsidised somewhat by the donations of the clients.

Carol Siedel - 55 Broadway, Bassendean

Ms Siedel spoke in support of reinstatement of the full Community Transport Service.

Susan Conway - Guildford Road, Bassendean

Ms Conway spoke in support of starting the service as soon as possible even only with one bus.

Nik Svede - 5 Earlsferry Ct, Bassendean

Mr Svede spoke about the fact that they will keep fighting the increased zoning.

7 Questions from Members of the Public

The following questions and answers were part of the Briefing Session on 15 August 2023.

Rebecca Wilkinson - 14 Kenny Street, Bassendean

Ms Wilkinson was not in attendance but provided the following question and response provided:

Q. I propose a request to put limited time parking on Kenny Street. The train station end for residents that don't have driveways to gain access to their homes.

A. As per Council resolution OCM – 10/05/23 Consultation for properties of Kenny Street will be consulted later this year.

Sue Lynn Teng - 3 Padbury Place, Eden Hill

Q1. With demand outstripping supply, why is the code changed so that properties that used to be r20/r30 is now rezoned to r20? This means investors/house buyers who have purchased with the intent to build two properties can no longer do so.

A. This matter is addressed in the officer report under the heading “Reduced Residential Density (Split Residential Density Codes)”

Q2. Is there a grace period so people who have purchased with the intent to build can still do so under the old scheme bearing in mind that it takes 2 years to build.

A. Landowners are able to make application under the current coding, with any resultant approval being valid for two years.

George Christos - 1 Kathleen Street, Bassendean

Q. My questions relate to the heritage listing of my property. my questions have not been formulated as yet. One further question relates to rezoning my property R100 to compensate my losses from what I regard as an illegitimate listing of my property on the heritage list.

A. The matter of residential coding is covered in the officer report. See pages: 10, 11, 14 and 15. The information regarding the heritage listing has been previously provided.

Laszlo Dal Passo - 7 Earlsferry Court, Bassendean

Q1. What plans are in place to deal with all the cars that will line Nurstead when a game of footy is on at Bassendean oval.

A. The Town, via the Rangers Service, will continue to police parking restrictions throughout the district.

Q2. What plans are in place to deal with all the extra cars entering and exiting Thompson in the peak am and pm times?

A. Future intersection upgrades are the responsibility of Main Roads WA and will be a matter addressed as part of the future Precinct Structure Plan.

Emma Darby (Secretary, Success Hill Action Group) - 18 Anzac Terrace, Bassendean

Q1. What plans are in place to deal with all the extra cars entering and exiting Thompson Road in the peak AM and PM times

A. Future intersection upgrades are a matter for Main Roads and will be addressed as part of a future Precinct Structure Plan.

Q2. *What are the plans for the giant Moreton Bay Tree, will this or is it protected?*

A. The Tree is subject to a Tree Preservation Order

Donald Yates - 10 Thompson Road, Bassendean

Q1. *Bassendean planning within the pending/current rules*

At this time, State Planning Policy 7.3 - Volume 1 medium density gazetting has been withdrawn and delayed State Planning Policy 7.3 - Volume 2 apartments gazetting was already delayed until Sept 2023, traffic matters within Development Control Policy 1.6 as gazetted in January 2006 needs to be reconsidered, the Ashfield Precinct Plan zonings as gazetted in January 2010 are still valid and cannot be ignored, the State Planning Policy 4.2 Activity Centres & Urban Corridors as gazetted in March 2018 sets due regard zoning conditions that should be reconsidered in light of the Nov 2019 Arup Transport study - Phase 2 and State Planning Policy 7.2 Design Guidelines as gazetted in February 2021 defines how to undertake the development of precinct structure plans.

Does the draft Bassendean Local Planning SCHEME 11, as based on various already gazetted items and those just deferred, needs also to be deferred?

A. The Town interprets the question as "Given the Minister's recent decision in relation to the medium density code, does draft LPS 11 need to be deferred?".
Response: no.

Q2. *'How many, how long & how much'?*

The draft Bassendean Local Planning SCHEME 11 makes reference to the development of Precinct Strategic Plans that is yet to occur and may directly impact on the zonings defined in the SCHEME 11.

How many Precinct Strategic Plans are envisaged to be developed, more than 9, what is the estimated time to develop these Precinct Strategic plans, more than 3 years, and at what cost to the Bassendean ratepayers, more than \$2 million, particularly if external consultants and/or advisors are contracted?

A. The Town is required to prepare two "Precinct Structure Plans", one for Bassendean and one for Ashfield. Each framework could take approximately two years and cost in the order of \$500,000. The Plan for Bassendean will be progressed first, with the Plan for Ashfield to be progressed at a later time.

Melissa Mykytiuk - 6/119 Hamilton Street, Bassendean

Q1. *Regarding potential rezoning of public open space to residential, given multiple community consultations regarding this why was it not deemed necessary to consult with the community regarding this change?*

A. Staff are not recommending this approach, it is presented as an option for Council. The Officer's recommendation does not recommend this.

Stuart Young - 9 Nurstead Avenue, Bassendean

Q1. Why is all the proposed high-density zoning jammed in around Thompson, Lamb, Nurstead Avenue and not including around the Ashfield and Bassendean Train Station (North of the line)?

A. This is set out in the Council adopted Local Planning Strategy. Quote from the Strategy: Significantly increased residential densities within the 3 frame surrounding the core of Old Perth Road given the locations relative to existing railway stations and the commercial center it is anticipated that residential densities will be increased to between r60 and r160. As to why there has been little change in Ashfield, that is set out in the Officer's report. It is identified appropriate that Ashfield accommodates increased intensification at some point in the future, but that requires more detailed planning to occur pursuant to a precinct structure plan which occur following the work being done for Bassendean.

Bethanie Slater - Thompson Road, Bassendean

Q. Why in the (Thompson Road) area is it rezoned Town Centre when you have to cross Guildford Road to get to Success Hill Station?

A. In 2018 the State Government through the central sub regional framework identified Success Hill South as part of the District Centre. The Town's planning since 2018 is in relation to the State Government's decision to identify that area as part of the broader Bassendean Town Centre.

Fiona - 10 Nurstead Avenue, Bassendean

Q. Has anybody approached transperth regarding access point at Earlsferry Court, is there a possibility of that changing to the other side of the railway to stop some of the traffic management?

A. The PTA did not raise it as an issue and is not one for the scheme, but taken on notice.

Joyce Archibold - Bassendean

Q1. Why did they put the information on Anstey Road lots in the way they did. I see 90% of the submissions as supporting them being kept as Public Open Space. Why did you present it the way they did?

A. Nothing particular to it. Only capturing that the 2 submissions against were from an area beyond the immediate area. Staff have provided every submission to Councillors well in advance of this meeting so there was certainly nothing nefarious regarding the drafting of it. During the week staff can look at rewording it if that helps make it clearer.

Q2. Would I be right in assuming roughly 80% of the submissions were in fact in favour of retaining the public open space lots and rezoning the other 2 lots as open space?

A. Depends on the measure. Not 80% of all submissions received, but of the submissions received that raised this issue the vast majority was in favour of them all being open space.

Bruce Kay - 11 Earlsferry Court, Bassendean

Question was not accepted by the Mayor.

Michael Knubley - Nurstead Avenue, Bassendean

Q. Why there havent been higher density plans in other areas e.g. Bassendean Station. is the reason why there is no high density on the north of Success Hill Station because of links to First Nations people?

A. No, that is not the reason. The area north of the railway line either side of Lord Street is part of a transit corridor that's one of the precincts that the Town has to do some additional work pursuant to the Local Planning Strategy to identify what codings are appropriate in that instance. LPS10 has a split density coding and there is an attempt, as best as possible, to remove those split codes form the scheme. Upon instruction from DPLH the Town has to keep some of those split codes in place until such a time as a more thorough review of the appropriate code has been undertaken. Thats one of the specific actions identified as part of the strategy and will be done in the years to come. In the meantime, that area North of the railway line either side of Lord Street will remain r20/r40.

The following questions and answers were asked as part of the Council Meeting.

Bill Busby - 56 Haigh Street, Ashfield

Q. Is the recommendation for item 12.3 on page 36, point 2 that it does not intend to fund the Community Transport Service a decision of Council?

A. The Officer's recommendation is to start a modified service.

Resident of Bayswater

Q. Was consideration for any other site than Earlsferry Court made before choosing it for rezoning?

A. There has been discussion about this and the State Governments requirements for development around train stations. The Town does not own land in that location and is not itself seeking to develop land in the area.

8 Petitions

9 Confirmation of Minutes

Council Resolution/Officer Recommendation – Item 9.1 OCM-1/08/23

9.1 Confirmation of Minutes	
Attachments	1. Ordinary Council Meeting Tuesday 25 July Minutes [9.1.1 - 12 pages]

Officer Recommendation – Item 9.1

MOVED Cr Hilary MacWilliam, Seconded Cr Renée McLennan,

That the minutes of the Ordinary Council meeting held on 25 July 2023, be received and confirmed as a true and correct record.

CARRIED UNANIMOUSLY 7/0

10 Business Deferred from Previous Meeting

10.1 Review of Council Policies- Street and Reserve Trees and Tree Vandalism

10.1 Review of Council Policies- Street and Reserve Trees and Tree Vandalism	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COUP/POLCY/1
Directorate	Sustainability & Environment Infrastructure
Previous Reports	28 June 2022 26 July 2022
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Council Policy 1.8 Street and Reserve Trees [10.1.1 - 5 pages] 2. Council Policy 1.13 Tree Vandalism [10.1.2 - 12 pages] 3. Street and Reserve Trees Council Policy (track changes) [10.1.3 – 7 pages] 4. Amended Street and Reserve Trees Council Policy

[10.1.4 - 5 pages]

Purpose

The purpose of this report is for Council to consider an amended Council Policy 1.8 Street and Reserve Trees (CP 1.8) and revocation of Council Policy 1.13 Tree Vandalism (CP 1.13).

Cr Hamilton proposed amendments to the Officer's recommendations.

Council Resolution – Item 10.1 **OCM-2/08/23**

MOVED Cr Kathryn Hamilton, Seconded Cr Paul Poliwka,

That Council:

1. Adopts the amended Council Policy 1.8 Street and Reserve Trees as attached to this report, subject to inclusion of additional amendment as follows:

* Amend “Policy Objective” with deletion of “aspirational” to read as follows:

To provide a consistent approach to the care, control and management of trees on land vested with or managed by the Town of Bassendean, with a target to increase tree canopy cover to 30% by 2040, and an interim tree canopy target to be identified for 2030 for inclusion in the policy review, to ensure continuous progress towards a biodiverse and resilient urban forest.

2. Revokes Council Policy 1.13 Tree Vandalism, as attached to this report.

Voting requirements:

- 1. Simple Majority**
- 2. Absolute Majority**

CARRIED UNANIMOUSLY 7/0

Reasons:

The Town of Bassendean’s tree canopy coverage is estimated at 15.7% which includes all private and public realm. Given the lack of protections for trees on private property, it is imperative that the Town makes a firm commitment to increasing tree canopy on public land, hence the need for the amendment as outlined above.

Link to Benchmarking Urban Vegetation Cover: Melbourne, Perth, Sydney outlines the potential for significant loss of canopy in the Town: <https://nespurban.edu.au/wp-content/uploads/2020/09/Benchmarking-Urban-Vegetation-Cover-Melbourne-Perth->

Sydney.pdf? fbclid=IwAR2al4HlkYphs5UMwxyFqtlf6OBm8UtDDnXFRuhq-Yr7UA0fuiZ9dppqj4c.

Despite the challenges, many Local Governments are making strong commitments to increasing their percentage of tree canopy, for example ...
<https://www.bayswater.wa.gov.au/greening-our-city>.

I believe the Town of Bassendean must likewise progress increasing canopy cover as a commitment rather than an aspirational target.

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	
Department	CEO'S Office
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Nil to report

12 Officer Reports

It was agreed that items 12.2, 12.3, 12.5, and 12.7 be removed from the en-bloc table and considered separately.

Council Resolution – Item 12.1 OCM-3/08/23

MOVED Cr Tallan Ames, SECONDED Cr Emily Wilding,

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda:

Item	Report	Vote
12.7	Accounts Paid - July 2023	Simple Majority

CARRIED UNANIMOUSLY 7/0

12.2 Draft Local Planning Scheme No. 11	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/PLANNG/24
Department	Community Planning
Previous Reports	28 April 2020 4 November 2020 28 June 2022 26 July 2022 25 October 2022 28 February 2023
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Draft LPS 11 (text) - as advertised [12.2.1 - 35 pages] 2. Draft LPS 11 (map) - as advertised [12.2.2 - 1 page] 3. Schedule of community submissions [12.2.3 - 148 pages] 4. Schedule of agency submissions [12.2.4 - 6 pages] 5. Draft LPS 11 (map) - including recommended modifications [12.2.5 - 1 page]

Purpose

The purpose of this report is for Council to consider draft Local Planning Scheme No. 11 (LPS 11).

Cr Hamilton foreshadowed amendments to the Officer's recommendation (Officer's recommendation outlined below):

That Council:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports draft Local Planning Scheme No. 11 with proposed modifications, as identified below:

Scheme Text	
1.	Within Table 3 (Zoning Table), identifying the "Serviced Apartments" use as an "A" use within the Residential zone.
2.	The supplemental provisions in relation to Design Review and Significant

	Trees be referenced as 6A and 6B, respectively.
3.	Clause 26(4) is renumbered to be 26(2).
4.	Removing the proposed Supplemental Provision 61(1)(22) and replacing it with a new Supplemental Provision (under the heading Significant Tree Register) which reads: <i>“(6) No person shall cause or permit the cutting, pruning or removal of a tree, or undertake works that may damage a tree, which is included on the Significant Tree Register unless development approval has been granted in accordance with Part 8 of the Deemed Provisions.”</i>
Scheme Map (as per Attachment 5)	
5.	Zoning 2 (Lot 6) Parker Street, Bassendean and all land south of Old Perth Road (currently proposed to be Mixed Use R160) as “District Centre R-AC0”.
6.	Coding 3 (Lot 4), 5 (Lot 5), 7 (Lot 3), 9 (Lot 2) and 11 (Lot 1) Earlsferry Court, Bassendean as R12.5.
7.	Coding 1 (Lot 6) Earlsferry Court, Bassendean as R2.5.
8.	Coding the eight lots bound by West Road, Villers Street East, Broun Way and 167 West Road, Bassendean as Residential R20.
9.	Coding the 10 lots with frontage to Lamb Street, Bassendean as R160.
10.	Coding 1, 3, 5, 7, 9 & 9F Kenny Street and 4, 6 & 8 Parker Street (nine lots) as R80.
11.	Coding the area bound by Shackleton Street, Guildford Road, Chapman Street and the rear of the properties that front Geraldine Street as per the existing LPS 10.
12.	Coding the area subject to Ashfield Gardens Structure Plan as R30.
13.	Zoning 3 (Lot 177) Wilson Street as Residential R60.
14.	Zoning 19 and 21 Surrey Street, Bassendean as Residential R40.
15.	Identifying those constructed portions of Anstey Road and Hyland Street, Bassendean as Road Reserve.
16.	Zoning all of 2 (Lot 105) Clune Street, Bassendean as General Industry and removing the boundary of the easement on site
17.	Reserving the unconstructed portion of Wicks Street, Bassendean as Drainage/Waterways
18.	Reducing the extent of the District Centre zoning affecting a portion of BIC Reserve (currently occupied by the Infant Health Clinic premises) by approximately 65m ² , so as to align with the northern boundary of the abutting site, being 16 Hamilton Street.
19.	Coding 10 (Lot 256) Prowse Street as R20.

2. Notes that the Town will forward draft Local Planning Scheme No. 11 to the Western Australian Planning Commission, pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Presiding Member asked if any Councillor wanted to move the Officer's recommendation. No response was given.

The Mayor then moved their amendments to the Officer's recommendation:

Council Resolution – Item 12.2

OCM-4/08/23

MOVED Cr Kathryn Hamilton, Seconded Cr Renée McLennan,

That Council:

1. Pursuant to Regulation 25(3) of the *Planning and Development (Local Planning Schemes) Regulations* 2015, supports draft Local Planning Scheme No. 11 as advertised, with the following modifications, as identified below:

Scheme Text	
1.	Within Table 3 (Zoning Table), identifying the “Serviced Apartments” use as an “A” use within the Residential zone.
2.	The supplemental provisions in relation to Design Review and Significant Trees be referenced as 6A and 6B, respectively.
3.	Clause 26(4) is renumbered to be 26(2).
4.	Removing the proposed Supplemental Provision 61(1)(22) and replacing it with a new Supplemental Provision (under the heading Significant Tree Register) which reads: <i>“(6) No person shall cause or permit the cutting, pruning or removal of a tree, or undertake works that may damage or destroy a tree, which is included on the Significant Tree Register, or that is subject to consultation in accordance with sub-clauses 3(a) and (b) above, unless development approval has been granted in accordance with Part 8 of the Deemed Provisions.”</i>
Scheme Map (as per Attachment 5)	
5.	Coding the area bound by Guildford Road, Thompson Street, south of the rail reserve and Earlsferry Court (encompassing all of Nurstead Avenue) as R60.
6.	Coding 3 (Lot 4), 5 (Lot 5), 7 (Lot 3), 9 (Lot 2) and 11 (Lot 1) Earlsferry Court, Bassendean as R12.5.
7.	Coding 1 (Lot 6) Earlsferry Court, Bassendean as R2.5.
8.	Coding the eight lots bound by West Road, Villers Street East, Broun Way and 167 West Road, Bassendean as Residential R20.
9.	Coding the 10 lots with frontage to Lamb Street, Bassendean as R160.
10.	Coding 1, 3, 5, 7, 9 & 9F Kenny Street and 4, 6 & 8 Parker Street (nine lots) as R80.
11.	Coding the area subject to Ashfield Gardens Structure Plan as R30.
12.	Zoning 3 (Lot 177) Wilson Street as Residential R60.
13.	Zoning all of 2 (Lot 105) Clune Street, Bassendean as General Industry and removing the boundary of the easement on site
14.	Reserving the unconstructed portion of Wicks Street, Bassendean as Drainage/Waterways

15.	Reducing the extent of the District Centre zoning affecting a portion of BIC Reserve (currently occupied by the Infant Health Clinic premises) by approximately 65m ² , so as to align with the northern boundary of the abutting site, being 16 Hamilton Street.
16.	Coding 10 (Lot 256) Prowse Street as R20.
17.	Coding the 25 lots located north of Morley Drive East as R25
18.	Zoning 2 (lot 6) Parker Street, Bassendean as Mixed Use R160 as per adjoining lots facing Old Perth Road.
19.	Coding the eleven lots within the heritage area bounded by Old Perth Road, Wilson Street, Park Lane and Guildford Road as Mixed Use R160.

2. Notes that the Town will forward draft Local Planning Scheme No. 11 to the Western Australian Planning Commission, pursuant to Regulation 28(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Voting requirements: Simple Majority

CARRIED UNANIMOUSLY 7/0

Reasons

The version of Draft Local Planning Scheme 11 as approved by WAPC for advertising, outlined planning proposals for community members to base their feedback upon. Subsequent amendments or proposals that are significantly different, or that were not advertised in Draft LPS 11 generally should not be progressed at this time; however they may form part of a future Scheme Amendment where community feedback can be gathered by the advertising of such proposals. An example of such is Christie Park at 19-21 Surrey Street that was recently advertised as Public Open Space (POS) in Draft Local Planning Scheme 11, and as such the community have not been made aware of any proposal to rezone that site to R40. Under these circumstances it would be preferable to wait until a Scheme Amendment is underway where such intentions for that site can be advertised in a transparent and clear manner to our community to gather their feedback.

A reduction in the advertised density of R100 to R60 for the Nurstead Avenue area responds to feedback provided during the consultation period. This reduction in density is offset by an increase in density around Lamb Street to R160.

Zoning 2 Parker Street to Mixed Use R160 aligns with the proposed zoning of adjoining Mixed Use lots facing Old Perth Road, and maintains the long term use of that site for commercial purposes (former TAB site).

Coding the eleven heritage lots on the northern side of Old Perth Road (backing on to Park Lane) to Mixed Use R160 provides greater controls at this time including maximum building heights of around five stories. Any reduction in density is offset by the increase in density as outlined in Point 10 where the coding for 1, 3, 5, 7, 9, & 9F Kenny Street and 4, 6 & 8 Parker Street (nine lots) increases from R60 up to R80.

Increasing the density for the 25 lots north of Morley Drive East aligns with the coding of adjoining properties within the City of Bayswater, and is not a significant change from the advertised proposal of R20.

Page 21 of the agenda states, “That the Town rationalise existing density arrangements within the existing urban footprint areas by removing dual codes and applying an R20 code”. The officer recommendation to retain the LPS 10 split density coding of R20/30 for area bounded by Shackleton Street, Guildford Road, Chapman Street and Geraldine Street is not included in this amendment for the following reasons: firstly it is contrary to the desire to reduce split density coding, secondly that area is outside the 400 metre catchment to activity centres or railway stations, thirdly it is not associated with a transit corridor required to be retained as split density by WAPC, and lastly Draft LPS 11 advertised the zoning as R20 only. (Please note that in the Officer Recommendation this topic was covered in original dot-point 11).

Overall the submissions provided in response to the advertising of Draft Local Planning Scheme 11 supported stronger protections for mature trees on private property. It should be noted that Significant Tree provisions similar to those outlined in draft LPS 11 have been ineffective across various local governments in the past, and will continue to be ineffective unless there is a mechanism to prevent damage or destruction of significant trees upon nomination right through to completion of the assessment and registration of Significant Trees. The small amendment proposed herein attempts to rectify that issue. Whilst my desire is to reinsert the stronger tree protection clauses that existed in the original 2020 Draft LPS 11, subsequently required to be removed by WAPC prior to advertising to our community, I acknowledge the advice received from officers that such actions would potentially now delay gazettal of LPS 11 at a state level. The proposed amendment in Point 4 will not meet the need for stronger tree protections within our district, however the amended text may potentially prevent destruction of significant trees upon notification of proposed orders.

12.3 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 23 May 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.

Attachments	Nil
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Purpose

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

Council Resolution – Item 12.3 **OCM-5/08/23**

MOVED Cr Renée McLennan, Seconded Cr Tallan Ames,

That Council:

1. Requests the Chief Executive Officer to establish a limited-scope, local transport service.
2. Notes that the service will operate on the basis of the following:
 - Comprised of one vehicle only;
 - The service runs between Tuesdays and Fridays (depending on the availability of volunteers) and only for attending community group activities, shopping trips or medical appointments within an eight (8) km radius from the Town of Bassendean;
 - It requires users to be ambulatory and provide confirmation of fitness for travel from a medical practitioner;
 - Drivers would only be permitted to provide manual handling / practical assistance for personal belongings; and
 - Access is limited to holders of seniors cards and/or health care cards.
3. The service will be provided free of charge to users.
4. Notes that a review of the service is to be undertaken within 12 months of its commencement and the CEO is to provide an interim review after 6 months of operation, indicating the level of usage and the Town's cost to provide the service.

Voting requirements: Simple Majority

CARRIED UNANIMOUSLY 7/0

12.4 Revoking Previous Resolutions	
Property Address	N/A
Landowner/Applicant	N/A

File Reference	GOVN/CCLMEET/1
Directorate	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 is for Council to consider revoking previous Council resolutions relating to:

1. Intersection roundabouts and effective chicanes into which suitable large trees can be planted
2. Review of local law – activities on thoroughfares and trading in thoroughfares and public places local law 2010 (to be replaced)
3. Review of Streetscape Weed Management (Part 3)
4. Notice of Motion - Notice Boards
5. Booked verge collection service (Part 3), and
6. Relocation of the Town's Customer Service Centre (Part 2)

Cr Wilding proposed an amendment to the Officer's recommendation.

Council Resolution – Item 12.4 **OCM-6/08/23**

MOVED Cr Emily Wilding, Seconded Cr Tallan Ames,

That Council:

1. Revokes the Council resolutions 1, 2, 3, 5 and 6 as set out in this report.
2. Requests the CEO to review the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* according to the process set out in the *Local Government Act 1995*.

Voting requirements: Absolute Majority

CARRIED UNANIMOUSLY 7/0

Reasons:

This amendment retains the 'Notice of Motion - Notice Boards' resolution (Resolution 4 as set out in the report). While it is understood that the Town's preferred medium

for communication is digital, it is nonetheless true that there are those within our community who are not reachable through this medium, and their needs should be met through other means such as this.

Alongside this, there is value in providing information in an incidental manner to those in the community, placing it in locations they may already frequent rather than assuming that people will seek out the information themselves.

For areas outside of the town centre, for which there are few touchpoint with the administration, this is a low-cost opportunity to create awareness of things happening within the Town and increase transparency.

12.5 RFQ 05/2022 - Contract Extension and Variation - Streetscape Weed Control Services	
File Reference	PLES/TENDNG/61
Directorate	Corporate Services Sustainability & Environment
Previous Reports	22 March 2022 ordinary-council-agenda-22-march-2022.pdf (bassendean.wa.gov.au) 27 September 2022 ordinary-council-meeting-agenda-27-september-2022.pdf (bassendean.wa.gov.au)
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL REDACTED - Contract Extension Request Acceptance [12.5.1 - 2 pages] 2. CONFIDENTIAL REDACTED - Contract Performance Review Form [12.5.2 - 8 pages] 3. CONFIDENTIAL REDACTED - Contract Variation Calculation - 23.24 and Year 2 of Contract [12.5.3 - 2 pages]

Purpose

The purpose of this report is for Council to consider a contract variation and extension for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean in accordance with the terms and conditions of the Contract.

Council Resolution – Item 12.5 **OCM-7/08/23**

MOVED Cr Hilary MacWilliam, Seconded Cr Tallan Ames,

That Council:

1. Authorises the extension of Contract 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Greensteam Australia for the Streetscape Weed Control Services – Separable Portion 1: Steam Weed Control for a further one (1) year period from 3 October 2023 to 2 October 2024 in accordance with the existing terms and conditions of the Contract.
2. Authorises the extension of Contract 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Environmental Industries for the Streetscape Weed Control Services – Separable Portion 2: Chemical Weed Control for a further one (1) year period from 3 October 2023 to 2 October 2024 in accordance with the existing terms and conditions of the Contract.
3. Approves the contract variation for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Greensteam Australia for the Streetscape Weed Control Services – Separable Portion 1: Steam Weed Control, to remove the treatment of local roads, effective from 3 October 2023.
4. Approves the contract variation for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Environmental Industries for the Streetscape Weed Control Services – Separable Portion 2: Chemical Weed Control, to include the treatment of local roads, effective from 3 October 2023.

Voting requirements: Simple Majority

Cr Carter voted against the recommendation.

Debate entered into.

Following debate, the recommendation was put to the vote:

CARRIED 6/1

Crs Hamilton, McLennan, MacWilliam, Wilding, Poliwka and Ames voted for the recommendation, Cr Carter voted against.

12.6 Monthly Financial Report - July 2023	
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. MONTHLY FINANCIAL REPORT AS AT 31 JULY 2023 [12.6.1 - 12 pages]

Purpose

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

Council Resolution – Item 12.6

OCM-8/08/23

MOVED Cr Hilary MacWilliam, Seconded Cr Tallan Ames,

That Council:

- Notes the Explanation of Material Variances in the Statement of Financial Activity; and
- Receives the Monthly Financial Report for the period ending 31 July 2023, which incorporates the Statement of Financial Activity for the period to July 2023.
- Approves the budget amendments as noted below and amends the opening 2023/24 surplus position by increasing it by \$66,100.72:

GL Account Code	Description	Current Budget \$	Amended Budget \$	Budget Movement \$	Reason
AT2104	BASSENDEAN PRINCIPAL GREEN TRAIL GEN	-	6,524.17	6,524.17	Request for carry forward budget from 2022/ 2023.
AE2201	ICT STRATEGY IMPLEMENTATION GEN	-	7,567.55	7,567.55	Request for carry forward budget from 2022/ 2023.
AE2101	IT EQUIPMENT UPGRADE GEN	-	52,008.00	52,008.00	Request for carry forward budget from 2022/ 2023.
	Sub-total - Budget Re-alignments	-	66,099.72	66,099.72	
	NET CHANGE IN AMENDMENTS TO OPENING 2023/24 SURPLUS			66,099.72	CHANGE TO SURPLUS - INCREASE

CARRIED UNANIMOUSLY 7/0

12.7 Accounts Paid - July 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 - July 2023 [12.7.1 - 16 pages]

Purpose

The purpose of this report is for Council to receive the list of payments for July 2023.

Council Resolution – Item 12.7
OCM-9/08/23

MOVED Cr Tallan Ames, Seconded Cr Emily Wilding,

That Council receives the list of payments for July 2023.

Voting requirements: Simple Majority

CARRIED EN BLOC 7/0**13 Motions of which Previous Notice has been given**

13.1 Scheme Amendment - Tree Protection on Private Property	
Councillor	Cr McLennan
Attachments	1. Scheme Amendment Tree Protection on Private Property [13.1.1 - 3 pages]

Council Resolution – Item 13.1
OCM-10/08/23

MOVED Cr Renée McLennan, Seconded Cr Paul Poliwka,

That Council:

Requests the CEO to, upon gazettal of Town of Bassendean Local Planning Scheme 11, immediately initiate a Scheme Amendment to achieve tree protection on private property through the insertion of the following into Schedule A: Supplemental Provisions to the Deemed Provisions.

Clause 60A

No person shall remove a tree (which includes ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or willful destruction) on a lot zoned Residential with a density code of R30 or below that meets the following criteria unless development approval has been granted in accordance with Part 8 of the deemed provisions:

- a) Tree height of 8m or greater; or*
- b) Canopy width of 6m or greater; or*
- c) A total trunk circumference of 1.5m, and where the tree has multiple trunks average trunk circumferences of 625mm, measured at 1.4m above ground level; or*
- d) On a Significant Tree Register.*

Clause 61

Development for which approval is not required:

Column 1 Works	Column 2 Conditions
<i>The removal of a tree (which includes ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or willful destruction).</i>	<p><i>Either</i></p> <ul style="list-style-type: none"> <i>a) Tree pruning which does not remove more than 10% of the tree canopy within any 12 month period, and which does not remove a tree limb or branch with a diameter of more than 50mm, and will not damage or affect the health or structural stability of the tree; or</i> <i>b) Pruning or removal of a tree identified as a noxious weed or as a diseased tree by an authorised Government agency; or</i> <i>c) Tree pruning or removal approved by the Local Government to address a safety risk identified by a registered Arborist as part of a tree risk assessment; or</i> <i>d) Tree pruning or removal required for bushfire management in accordance with the Bush Fires Act 1954; or</i> <i>e) Tree pruning or removal to the extent required by an authorised Government service provider to achieve necessary clearances from utilities; or</i> <i>f) Tree pruning or removal in accordance with a clearing permit issued by an authorised Government Agency.</i>

Voting requirements: Simple Majority

CARRIED UNANIMOUSLY 7/0

13.2 Enter into an MOU with Swan Districts - Bassendean Oval Redevelopment	
Councillor	Cr Poliwka
Attachments	1. August 2023 No M (signed) [13.2.1 - 2 pages]

Council Resolution – Item 13.2
OCM-11/08/23

MOVED Cr Paul Poliwka, Seconded Cr Hilary MacWilliam,

That Council requests:

1. The CEO formally enters into negotiations with Swan Districts Football Club to develop a memorandum of understanding (MOU), or such other document that is deemed appropriate, to assist in scoping and delivery of agreed terms for the

potential redevelopment of the Swans District Football Club (SDFC), such negotiations should reflect the following position of Council.

- SDFC to contribute proportionally to any project feasibility, concept design and project management costs.
- SDFC to fund 100% the capital costs of the facility that is exclusively used as a football club be that directly or indirectly via a lease agreement over the term of the lease .
- All outgoings, maintenance and renewal costs of a new facility accommodating the SDFC will be recovered on a proportional basis from the SDFC as a minimum and be reflected in the lease or licence agreement.
- The Town will recover 100% of grounds maintenance costs on a proportional basis from the SDFC under a licence agreement.

2. a report to be provided to Council within 3 months.

Voting requirements: Simple Majority

CARRIED UNANIMOUSLY 7/0

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

Nil.

16 Confidential Business

Nil.

17 Closure

The next Briefing Session will be held on Tuesday 19 September 2023, commencing at 6pm. The next Ordinary Council Meeting will be held on Tuesday 26 September 2023, commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 7:45pm.