



TOWN OF
Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 28 November 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 6.06pm, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2 Announcements by The Presiding Person Without Discussion

The Mayor advised that Council was currently undertaking targeted consultation with occupants and owners of properties potentially impacted by proposed changes to existing parking control measures within the Town Centre. The Town is therefore seeking feedback on the various proposed changes impacting Hamilton Street, Whitfield Street, Old Perth Road and Kenny Street. Comments are invited by 22 December 2023 prior to being formally considered by Council in early 2024. Please check the Town's Website for further details.

I'd also like to say that friends and neighbours Staff on Saturday 2nd December, come along to our free Music on the Green outdoor concert, showcasing the talent of some amazing local performers. This will be a fun filled alcohol free event suitable for the whole family. The line up includes five piece group, The Community Chest, featuring locals Adem and Dee Kerimofski, a captivating performance of Freebird by Cindy Stevens, who is a well known local solo artist, followed by popular cover band Licence 2 Thrill with their renditions of disco, rock, and pop classics.

I would also like to acknowledge and warmly welcome Hilary MacWilliam in the gallery who served on Council from 2019 to 2023. Hilary has always quietly dedicated her time and energy to serving her community and this town. Always willing to go the extra mile to help her fellow Councillors, a quality that was evident throughout her time serving this Council. I would like to offer Hilary a small token of thanks for her service and wish her well in her travels because Hilary has already been travelling in the last few weeks seeing beautiful parts of the Country, so Hilary if you would like to come up. Ms MacWilliam responded thanking the Mayor for her kind words and took the opportunity to thank her fellow Councillors and staff.

3 Attendances, Apologies and Applications for Leave of Absence

Present

Councillors

Cr Kathryn Hamilton, Mayor
Cr Paul Poliwka, Deputy Mayor
Cr Jennie Carter
Cr Tallan Ames, joined via electronic means at 6:30pm
Cr Ken John
Cr Jamayne Burke

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
Ms Joanne Burges, Manager Governance & Strategy
Mrs Stephanie Williams, Minute Secretary

Public

Approximately six (6) members of the public were in attendance.

Apologies

Cr Emily Wilding

Leave of Absence

Cr Paul Poliwka advised he will be taking a leave of absence from 11 - 19 December 2023.

4 Declarations of Interest

Cr Jennie Carter declared an Impartiality Interest for Item 12.4.
Cr Paul Poliwka declared a Financial Interest for Item 12.6.

5 Presentations or Deputations

Reece Harley

Executive Director

Perth History Association

Mr Harley addressed Council regarding Item 12.4 Application for Development Approval - proposed Works & Change of Use - 1 Surrey Street, Bassendean providing background on the history of the matter, in particular that in 2021 Council went out to an Expression of Interest process for this site to be disposed of to a community or not for profit organisation so that it could be restored at that organisations expense and used for community purposes as a Museum. Council wanted it to be used as a community facility and open to the public. The Association progressed with that understanding with their architects and heritage consultants and put together the plans in front of you this evening. They have been endorsed by the State Heritage Council.

Mr Harley outlined the model of operation including utilising volunteers, staff on site and a training program.

Mr Harley acknowledged that the residence has not been used as such for 40 years, and noted the integral connection between the residence and the Pensioner Guard

Cottage. Restoration of the residence would support the provision of bathrooms, kitchen and support the opening of the Cottage.

The Association believes that they have acted in line with their proposal in the EOI, in line with the deed and in good faith.

The building will be protected and safe and seek Council support.

6 Statements by Members of the Public

Mr Clive Brown - 2 Surrey Street, Bassendean

Mr Brown stated that if you look at the 2021 Minutes you will see the issue of the future use was not decided, it was said very clearly at the time that if there as a change of use that would need to come before Council. There is no obligation on Council as it is currently constituted to adhere to anything allegedly said or done in 2021. It was always deferred and the agreement between the Council and the Association was one never envisaged by agreement that there would be a community use because it was not within the power for the officers to agree to such agreement because the Council had not endorsed it and the council cannot and the officers cannot enter into an agreement unless it has been approved by Council. The concern here is about the residence being utilised as an office. The application relates to the residence, not the cottage.

Ms Hilary MacWilliam - 20 Elder Parade, Bassendean

Back in 2021 when this was before the Council, I was a member of Council and I recall at the time that we were confronted by a history of expenditure on the residence which at that state had become quite a powerless state and was actually locked up so no one would use it and we were looking for opportunities that would not place a burden on the community and we were looking for an opportunity that would provide a community facility that would support the Guards Cottage as a Museum and duly from that there was a decision made to go to Expressions of Interest and the Museum of Perth and Mr Harley put in the winning application. There was an enormous amount of unrest and disagreement at the time, people from the Historical Society were very concerned but unfortunately were unable to find a way forward that did not cost the Town and ratepayers excessive amounts of money.

We were involved with a Heritage Architect and that was a very expensive exercise. In the last 12 - 18 months Council has agreed to make decisions that are financially sustainable.

7 Questions from Members of the Public

Donald Yates, 10 Thompson Road, Success Hill

Q. 1 Some 12 years ago, executive management of the Town opposed the introduction of electronic signage entry statements and similar treatments for the grade separation of pedestrians above Guildford Rd at Ashfield Station, Bassendean Station and near the Bassendean Oval with connection to the main shopping centre, that would have included electronic community notices, warnings like threatening

bushfires and advertising. Over the 12 years, system would have grossed more than half a million dollars in revenue, paying for it all.

Will the executive management of the Town of Bassendean review the past policy rejection with a view to improving community information services and connectivity and be open to similar suggestions from the community in an appropriate forum?

A. The Mayor took the question on notice.

Q. 2 The tri-annual property valuations were undertaken by Landgate some 5 months ago. What are the impacts on the indicative rates income for the Town, what will the pending Local Planning SCHEME 11 acceptance by the WAPC with zoning changes affect the rates income and in July 2023, it was proposed to down zone the south side of Old Perth Road from R-AC3 to R160... was that done to reduce the rates payable by land owners on the south side of Old Perth Road in the Town Centre?

A. The Mayor took the question on notice.

8 Petitions

9 Confirmation of Minutes

Council Resolution/Officer Recommendation – Item 9.1 **OCM-1/11/23**

MOVED Cr Jennie Carter, Seconded Cr Paul Poliwka,

- a. That the minutes of the Ordinary Council meeting held on 17 October 2023, be received and confirmed as a true and correct record.

CARRIED UNANIMOUSLY 6/0

Council Resolution/Officer Recommendation – Item 9.1 **OCM-2/11/23**

MOVED Cr Ken John, Seconded Cr Jamayne Burke,

- b. That the minutes of the Special Council meeting held on 24 October 2023, be received and confirmed as a true and correct record.

CARRIED UNANIMOUSLY 6/0

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	Cameron Woods
Department	CEO'S Office
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	1. EMRC Special Council Meeting 9 November 23 [11.1.1 - 36 pages]

Purpose

The purpose of this report is for Council to consider minutes from external Committees and organisations.

Council Resolution/Officer Recommendation – Item 11.1 OCM-3/11/23

MOVED Cr Jennie Carter, Seconded Cr Ken John,

That Council notes the attached documents from external Committee meetings held within the reporting period.

CARRIED UNANIMOUSLY 6/0

12 Officer Reports

Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of en bloc voting as is permissible under the Town's Council Meeting Procedures Local Law 2020.

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

- (1) In this clause adoption by en bloc voting means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), Council may pass an adoption by en bloc voting.

- (3) An adoption by en bloc voting may not be used for a matter –
- (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
- that is a matter on which a member wishes to move a motion that is different to the Officer recommendation.

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 4.0, Declarations of Interest, they should do so at this point of the agenda.

Officer Recommendation Item 12.1

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

Item	Report	Vote
12.8	Accounts Paid – October 2023	Simple Majority
12.9	Proposed Carport – 104 (Lot 174) Ivanhoe Street, Eden Hill	Simple Majority
12.10	Memorandum of Understanding with Swan Districts Football Club	Simple Majority
12.13	Bassendean Local Emergency Management Committee Meeting	Simple Majority

Council is now requested to consider the balance of the Officer recommendations independently.

Item	Report	Vote
12.2	Management arrangements for Hyde Retirement Village	Absolute Majority
12.3	Incentives for Trees of Significance	Simple Majority
12.4	Application for Development Approval – Proposed Works & Change of Use – 1 (Lot 50) Surrey Street, Bassendean	Simple Majority
12.5	RFT 05/2023 Provision of Aboricultural Services	Absolute Majority
12.6	Differential Rates Refund Policy Review	Simple Majority
12.7	Use of Town Facility – Reserve 21150 (BIC Reserve)	Simple Majority
12.11	Draft amended Local Planning Policy 2 – Sustainable Development	Absolute Majority

12.12	Contract Variation – RFT 04/2023 Supply and Installation of a Bore at Ashfield Reserve	Absolute Majority
16.2	EMRC Interim FOGO Supply Agreement	Simple Majority
16.3	Appointment of Members to the Audit and Governance Committee - 2023 to 2025	Absolute Majority

Council Resolution/Officer Recommendation – Item 12.1 **OCM-4/11/23**

MOVED Cr Paul Poliwka, Seconded Cr Jamayne Burke,

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

Item	Report	Vote
12.8	Accounts Paid – October 2023	Simple Majority
12.9	Proposed Carport – 104 (Lot 174) Ivanhoe Street, Eden Hill	Simple Majority
12.10	Memorandum of Understanding with Swan Districts Football Club	Simple Majority
12.13	Bassendean Local Emergency Management Committee Meeting	Simple Majority

CARRIED UNANIMOUSLY 6/0

12.2 Management arrangements for Hyde Retirement Village	
Property Address	2-10 James Street, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	COMS/SVPROVN/5
Directorate	Corporate Services / Community Planning
Previous Reports	OCM 21 December 2021
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> CONFIDENTIAL REDACTED - CVP Assessment Report - confidential [12.2.1 - 10 pages] CVP Assessment Report - public [12.2.2 - 2 pages] Existing Council Policy - Hyde Retirement Village [12.2.3 - 3 pages] Draft amended Council Policy - Hyde Retirement Village [12.2.4 - 2 pages]

Purpose

The purpose of this report is for Council to consider the future tenancy management of vacant units at Hyde Retirement Village (HRV).

Council Resolution/Officer Recommendation – Item 12.2 **OCM-5/11/23**

MOVED Cr Kathryn Hamilton, Seconded Cr Jennie Carter,

That Council:

1. Authorises the CEO to enter into a Management Agreement with Connect Victoria Park for tenancy management of vacant units at HRV, for a period of five years to operate from 28 July 2024 to 28 July 2029 (with the option of an additional three years to 28 July 2032) and the management fee being reduced to 20% commencing in July 2024 and reviewed prior to exercising any extension option.
2. Pursuant to the Local Government Act 1995, amends Council Policy – Hyde Retirement Village, as attached.

CARRIED UNANIMOUSLY 6/0

12.3 Incentives for Trees of Significance	
File Reference	TBA
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

The purpose of this report is for Council to note the information regarding potential ways of incentivising property owners who have a mature tree of significance on their private property to request them be listed on the Town's Significant Tree Register under future Local Planning Scheme No. 11 (LPS 11).

Council Resolution/Officer Recommendation – Item 12.3 **OCM-6/11/23**

MOVED Cr Kathryn Hamilton, Seconded Cr Paul Poliwka,

That Council:

Requests inclusion of possible incentives as attached for the consideration of Council during the 2024/25 budget process:

- a. Tree Maintenance grants;
- b. Potential reduction in fees associated with applications retaining mature or significant tree(s).
- c. Where such incentives only apply to trees that are listed on the Town's Significant Tree Register under LPS 11.

CARRIED UNANIMOUSLY 6/0

12.4 Application for Development Approval - Proposed Works & Change of Use - 1 (Lot 50) Surrey Street, Bassendean	
Property Address	Lot 50 (No. 1) Surrey Street, Bassendean
Landowner/Applicant	Perth Historic Association Inc.
File Reference	2023-077
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. Extract from September 2019 Development Approval [12.4.1 - 2 pages] 2. Applicant's covering letter [12.4.2 - 8 pages] 3. Development Plans [12.4.3 - 6 pages] 4. Heritage Impact Statement [12.4.4 - 8 pages] 5. Schedule of Submissions [12.4.5 - 4 pages] 6. CONFIDENTIAL REDACTED - Agreement for restoration of 1 Surrey Street, Bassendean [12.4.6 - 22 pages]

Purpose

The purpose of this report is for Council to consider an application for development approval for restoration works and a change of the use of existing buildings at Lot 50 (No. 1) Surrey Street, Bassendean.

The matter is referred to Council for determination as it is outside the authority delegated to staff due to the objections received during the consultation period.

Background

Site History

Council has considered matters relating to this site many times since it acquired the site in 1988. Below represents only a selection of the relevant milestones and is not to be taken as a complete record of the history of the site.

In 2007, the Town engaged a consultant to prepare a Conservation Management Plan for the site, which outlines the significance of the place, necessary conservation works and guides future planning of the site. The Plan was finalised in December 2007.

In September 2019, the Town granted development approval for the site, being:

- additions and alterations to both the pensioner guard cottage and the dwelling adjoining pensioner guard cottage
- change of use to community purpose;
- construction of a new building to rear of site for community purpose and consulting rooms (infant health clinic)

That approval was granted under delegated authority as Council had already endorsed the design via other, related project management and procurement decisions.

In July 2020, Council considered the appointment of a contractor in response to *Request for Tender 06/2019 - Provision of Restoration and Conservation Works to the Residency and the Pensioner Guard Cottage and Construction of a New Community Space at 1 Surrey St, Bassendean*. Council declined all tender responses given they significantly exceeded the budget for the project.

On 27 July 2021, Council considered the disposal of the Town-owned Lot 50 (No. 1) Surrey Street, Bassendean and resolved to sell it to the Perth History Association Inc. T/A Museum of Perth, subject to the following conditions that are relevant to the current application (among others):

- *The purchaser, to the satisfaction of the Town, to provide, as a minimum, community access to the Pensioner Guard Cottage on a monthly basis;*
- *The purchaser, to the satisfaction of the Town, to undertake restoration of the existing Residence over a period of up to four years (and thereafter maintain both buildings), in accordance with the staged implementation plan provided by*

the purchaser to the seller dated May 2021 and as contained in its expression of interest submission;

On 19 July 2023, the Perth History Association Inc (Museum of Perth) submitted the subject application for development approval.

Site Description and Planning Framework

The site has an area of 937m² is zoned 'Residential' under Local Planning Scheme No. 10 (LPS10) with a density code of R20. It is surrounded by existing low density residential development.

The site is located approximately 200m east of the Bassendean Oval, 75m west of Point Reserve and 770m south/east of the Success Hill Railway Station. Surrey Street accommodates marked on-street parking bays on both sides the road; providing parking for events at Bassendean Oval, predominantly on weekends.

A location plan follows.



The site comprises two main buildings, being the Pensioner Guard Cottage (constructed circa 1893) and the Residence Building (constructed circa 1952).

The smaller of the buildings on the site is the last remaining 'Pensioner Guard Cottage' within the Perth Metropolitan Area; and the oldest remaining building in the Town of Bassendean. The place has a high degree of historic significance due to its association with colonial settlement in Western Australia. At a local level, the significance of the larger Residence Building is also recognized and together, the buildings demonstrate the evolution of residential development following European settlement of the locality.

The site also contains a detached laundry room, three large trees, and simple gardens. A single width concrete driveway provides vehicular access to the site from Surrey Street.

Proposal

The applicant is seeking approval for restoration works and a change of the use of the existing buildings on site. The application is understood to involve the following:

Restoration works

Physical works proposed are limited to the Residence Building and comprise of the following, all of which are consistent with the approved 2007 Conservation Management Plan.

- Demolition of 1952 additions
- Internal works, including demolition of internal walls
- Restoration of roof and the provision of a new verandah

Use of Residence Building

- The use of the Residence Building as an office and storage space, to be occupied by the Perth History Association Inc. (Museum of Perth).
- The Museum of Perth is a not-for-profit organization that chronicles the social, cultural, political and architectural history of Perth. The Museum offers a range of services to promote the preservation and exhibition of collections of cultural historical significance for the benefit community including digitization of records, exhibition design, research and transcription.
- The building is proposed to accommodate up to 20 people at any one time, comprising staff and volunteers. The building will be used between 8am and 6pm, on weekdays only.

Use of Pensioner Guard Cottage

- The continued use of the Pensioner Guard Cottage as a Museum, to operate between 11am and 2pm on weekends supported by two volunteer staff. It is noted that the building has been informally used as a museum since 1993.
- The Pensioner Guard Cottage Museum may accommodate larger groups (such as local school groups) on weekdays, by appointment only.

Communication and Engagement

Public consultation

The application was advertised for a period of 14 days, between 7 September 2023 and 21 September 2023, in the following manner:

- Details of the proposal were made available on the Town’s website; and
- Letters were sent to the owners and occupiers of nearby properties, as below.



In response, four submissions were received; all objecting to the proposal. A schedule of submissions is attached, with the relevant planning issues being the appropriate classification of the proposed land use (Residence Building), adverse impacts on residential amenity, parking and traffic.

The submissions also provided commentary on matters not relevant to Council’s consideration of the application, including the following:

- The accuracy and reliability of information provided within the application
- Nuisance during demolition/construction works
- Precedence for establishment of similar uses in the locality
- Reduction in property values
- Lack of involvement of local residents in the operations of the landowner.

Agency referrals

The application was referred to the State Heritage Office (SHO), which provided its support for the proposal on behalf of the Heritage Council of Western Australia. In its advice, the SHO states the proposal will *“have a major positive benefit on the cultural heritage significance of the Pensioner Guard Cottage”*. It also recommended the Town impose conditions on any approval issued requiring further details of conservation works prior and the implementation of an archaeological watching brief to ensure significant material uncovered during the works is dealt with appropriately.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.2 Ensure major decision making is informed by community feedback

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

7.2 Create a community closely connected to its history and heritage

Comment

Local Planning Scheme No. 10 (LPS 10)

The application seeks approval to undertake training and administration activities (historic research, writing, exhibition design, family history research, archiving and record digitization and community workshops and training programs) as well as function as a museum with the storage and display of historical artifacts and collections. The applicant suggests that the activities align with the 'Community Purpose' and 'Exhibition Centre' land uses under LPS 10, which are defined as follows.

'Exhibition Centre' - premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery'.

'Community Purpose' - premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit'.

The subject site is zoned Residential under LPS 10 and, the Community Purpose and Exhibition Centre land uses are listed as "A" and "D" uses, respectively. Such uses are therefore discretionary uses in the residential zone.

It is acknowledged that at least some aspects of the intended use of the Residence Building involves characteristics of both the 'Community Purpose' and 'Office' land uses; with the latter being defined as "*premises used for administration, clerical, technical, professional or other like business activities*". In considering the issue, however, it is noted that the proposed activities do not involve a generic office use (such as a real estate agent or accountant), but rather, bespoke functions and activities by the Museum of Perth (a not-for-profit organisation) that are intrinsically tied to the historic value of the site; being to chronicle the social, cultural, political and architectural history of Perth.

State Planning Policy 3.5 – Historic Heritage Conservation

The policy recognizes that adaptation of heritage buildings for new uses will often be the key to conservation of a heritage place that no longer serves its original function; and in some cases, the conservation and protection of a heritage place may require

a change of use to ensure a reasonable beneficial use or return. As outlined in the Conservation Management Plan, extensive repair works are required for the Residence Building to ensure that it does not deteriorate to a point that demolition becomes necessary, nor that restoration becomes unreasonable. The proposed use of the site presents a feasible option to ensure the conservation of the place and ongoing management and maintenance necessary for its preservation.

State Planning Policy 7.3 – Residential Design Codes

Although the proposal does not involve residential development, the site is located within a residential area. The siting and design of buildings on site comply with the Residential Design Codes and are therefore consistent with the bulk, scale and siting of built form expected on the site.

Local Planning Policy 4 – Heritage and Character

Clause 7.1(a) of the Policy states that “*Development shall comply and/or conform to the requirements outlined in any Conservation Management Plan, Heritage Assessment or any other documented review of heritage value.*”

The site is subject to the 2007 Conservation Management Plan and the proposed works proposed are consistent with that plan. Although the plan does not stipulate a preferred use of the site; it does emphasize the importance of occupation by an appropriate and viable use as a matter of urgency to ensure its ongoing conservation, maintenance and viability.

Local Planning Policy 8 – Car Parking and End of Trip Facilities

Given the two land uses will operate on different days, the site generates a Policy requirement for 5 car parking bays (on the basis of one bay per four people the buildings are designed to accommodate). The existing concrete driveway can accommodate three cars in a tandem parking arrangement; therefore, the proposal involves a two bay parking shortfall.

In addition, it is noted that in order to comply with the Building Code of Australia, at least one onsite parking bay must be accessible for people with disabilities and meet the relevant Australian Standard (ie. a double-width bay). Given that an ‘accessible’ parking bay cannot be accommodated within the existing single width driveway, an alternative location is required. Whilst it could be constructed within the front setback area, such a location is considered incompatible with the heritage value of the place and would impact on the existing and proposed landscaping. As such, it is recommended that the requisite bay be provided at the rear of the Residence Building.

It is recommended that a condition be imposed requiring the submission of details of a revised onsite carparking arrangement that captures the above. It is noted that compliance with such a condition will reduce the number of onsite bays to one;

increasing the parking shortfall to four bays. This variation is supported on the basis that (i) the car parking demand (which is expected to peak during weekday office hours) can easily be accommodated by existing on-street parking bays along Surrey Street and (ii) the Town's 2019 approval provided for a 15-bay variation to the car parking standards applicable at the time.

Amenity of the Locality

Submissions received in response to advertising suggested that an office, or other non-residential use similar to that proposed, would have an adverse impact on the residential amenity of the locality. The specific concerns included additional traffic, inconvenience caused by increase in on-street parking and increased activity levels in the local area, as discussed below.

Traffic

The increase in traffic expected as a result of the operation of proposed uses is minor and can be easily accommodated by the existing local road network without compromising safety or functionality.

Activity

Submissions noted a general perception that an increase in activity on the site would adversely impact residential amenity, with the Community Purpose use of the Residence Building expected to accommodate a maximum of 20 people during business hours (8am – 6pm on weekdays).

The nature of activities described in the application are considered low-impact and unlikely to result in a level of noise in excess of what could be reasonably expected in a residential setting. Similarly, the continued operation of the Exhibition Centre is considered a low-impact activity of the site, and has not been an issue previously.

Further, Council has previously determined that the use of the site as a museum, community facility and infant health clinic was appropriate, and it is considered that that previous Council-proposal was more potentially impactful than the current application.

The above notwithstanding, it is recommended that the Community Purpose use of the Residence Building be limited to 8.30am – 5.30pm on weekdays. It is further recommended that use of the Pensioner Guard Cottage (Exhibition Centre land use) is broadened so as to be limited to 10.00am – 3.00pm, Saturday and Sunday; thereby allowing a degree of flexibility for that function.

Landscaping

Details of proposed landscaping to be retained, upgraded and installed have not been provided. If the application is approved, it is recommended that a condition be imposed requiring a landscaping plan be submitted to; and approved by the Town.

Conclusion

The proposal represents a viable option for the conservation and ongoing use and management of a place of considerable heritage value. Notwithstanding, there is a need to protect the residential amenity of the locality and conditions of approval are recommended to ensure the uses operate in a manner that is suitable within an established residential area including limitations on activities, hours of operation and capacity.

Statutory Requirements

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by:

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

If the applicant is aggrieved with the decision of the Local Government, a right of appeal may exist in accordance with Part 5 of the *Planning and Development Act 2005* with the State Administrative Tribunal.

Financial Considerations

Nil.

Risk Management Implications

Should Council refuse the application, the applicant may appeal to the State Administrative Tribunal. Further, such a refusal would represent a considerable reputational risk in that Council resolved to dispose of the property so as to facilitate the outcome being proposed by the subject application.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.4

That Council approves the application for development approval for restoration works and change of the use at Lot 50 (No. 1) Surrey Street, Bassendean, subject to the following conditions:

1. The development shall be undertaken in accordance with the approved plans and the recommendations contained within the Conservation Management Plan (Laura Gray, 2007), to the satisfaction of the Town.
2. The use of the Residence Building (Community Purpose land use) is limited to 8.30am – 5.30pm, Monday to Friday and to the undertaking of activities directly associated with local heritage, history and culture, as follows.
 - Workshops / training
 - Research
 - Exhibition design
 - Writing
 - Digitisation or records
 - Archiving
 - Storage of collections
3. The use of the Pensioner Guard Cottage (Exhibition Centre land use) is limited to 10.00am – 3.00pm, Saturday and Sunday. The 'Exhibition Centre' is permitted to operate outside the approved hours of operation and/or in excess of the approved site capacity by appointment only and up to a maximum of six times in any calendar year, unless otherwise approved in writing by the Town.
4. No more than 20 people are permitted onsite at any one time, unless authorised by the Town prior to the event.
5. Prior to the issue of a building permit, the applicant is to submit information regarding the detail and methodology of the following conservation works (including information on materials and finishes), to be approved by the Town, in consultation with the Department of Planning Lands and Heritage:
 - Repair cracks in masonry walls internally and externally
 - Repair door and window lintels
 - Repair ceiling
 - Repair and maintain timber floor
 - Repair service and re-paint windows and door frames
 - Removal of the render from exterior facades, repair the masonry after investigations

All works are to be carried out in accordance with the approved details and methodology, to the satisfaction of the Town.

6. Prior to the lodgment of a building permit, a detailed landscape and reticulation plan for the development site and adjoining road verge must be submitted to, and approved by the Town.
7. The approved landscape and reticulation plan must be implemented within 90 days of completion of conservation/restoration works and be maintained thereafter to the satisfaction of the Town.
8. Prior to the lodgment of a building permit, a schedule detailing the colour and texture of all building materials must be submitted to and approved by the Town of Bassendean in consultation with the Department of Planning, Lands and Heritage. The development must be finished, and thereafter maintained, in accordance with the approved schedule to the satisfaction of the Town.
9. Prior to the lodgment of a building permit, a car parking plan must be submitted to, and approved by the Town in consultation with the Department of Planning, Lands and Heritage. The car parking plan shall make provision for one car parking bay designed in accordance with *Australian Standard AS 2890.6-2009 Parking Facilities – Off-street parking for people with disabilities*.
10. Prior to the commencement of use, the approved car parking plan must be implemented. Driveways, parking and maneuvering areas are to be sealed, drained and line marked to the satisfaction of the Town.
11. Prior to the commencement of any works on site, an Archeological Watching Brief must be submitted to, and approved by the Town of Bassendean in consultation with the Department of Planning Lands and Heritage. The Archeological Watching Brief must be implemented to the satisfaction of the Town.
12. Prior to applying for a Building Permit, storm water disposal plans, details and calculations must be submitted, approved and thereafter implemented and maintained to the satisfaction of the Town.
13. All building works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.

Voting requirements: Simple Majority

Cr Paul Poliwka moved an Alternative Motion.

Council Resolution – Item 12.4

MOVED Cr Paul Poliwka, Seconded Cr Ken John,

That Council approves the application for development approval for restoration works, but does not approve the change of use at Lot 50 (No. 1) Surrey Street, Bassendean.

Council Resolution/Officer Recommendation – Item 12.4
OCM-7/11/23

MOVED Cr Kathryn Hamilton, Seconded Cr Tallan Ames,

That Council approves the application for development approval for restoration works and change of the use at Lot 50 (No. 1) Surrey Street, Bassendean, subject to the following conditions:

1. The development shall be undertaken in accordance with the approved plans and the recommendations contained within the Conservation Management Plan (Laura Gray, 2007), to the satisfaction of the Town.

2. The use of the Residence Building (Community Purpose land use) is limited to 8.30am – 5.30pm, Monday to Friday and to the undertaking of activities directly associated with local heritage, history and culture, as follows.

- Workshops / training
- Research
- Exhibition design
- Writing
- Digitisation or records
- Archiving
- Storage of collections

3. The use of the Pensioner Guard Cottage (Exhibition Centre land use) is limited to 10.00am – 3.00pm, Saturday and Sunday. The 'Exhibition Centre' is permitted to operate outside the approved hours of operation and/or in excess of the approved site capacity by appointment only and up to a maximum of six times in any calendar year, unless otherwise approved in writing by the Town.

4. No more than 20 people are permitted onsite at any one time, unless authorised by the Town prior to the event.

5. Prior to the issue of a building permit, the applicant is to submit information regarding the detail and methodology of the following conservation works (including information on materials and finishes), to be approved by the Town, in consultation with the Department of Planning Lands and Heritage:

- Repair cracks in masonry walls internally and externally
- Repair door and window lintels
- Repair ceiling
- Repair and maintain timber floor
- Repair service and re-paint windows and door frames

- Removal of the render from exterior facades, repair the masonry after investigations

All works are to be carried out in accordance with the approved details and methodology, to the satisfaction of the Town.

6. Prior to the lodgment of a building permit, a detailed landscape and reticulation plan for the development site and adjoining road verge must be submitted to, and approved by the Town.

7. The approved landscape and reticulation plan must be implemented within 90 days of completion of conservation/restoration works and be maintained thereafter to the satisfaction of the Town.

8. Prior to the lodgment of a building permit, a schedule detailing the colour and texture of all building materials must be submitted to and approved by the Town of Bassendean in consultation with the Department of Planning, Lands and Heritage. The development must be finished, and thereafter maintained, in accordance with the approved schedule to the satisfaction of the Town.

9. Prior to the lodgment of a building permit, a car parking plan must be submitted to, and approved by the Town in consultation with the Department of Planning, Lands and Heritage. The car parking plan shall make provision for one car parking bay designed in accordance with Australian Standard AS 2890.6-2009 Parking Facilities – Off-street parking for people with disabilities.

10. Prior to the commencement of use, the approved car parking plan must be implemented. Driveways, parking and manoeuvring areas are to be sealed, drained and line marked to the satisfaction of the Town.

11. Prior to the commencement of any works on site, an Archaeological Watching Brief must be submitted to, and approved by the Town of Bassendean in consultation with the Department of Planning Lands and Heritage. The Archaeological Watching Brief must be implemented to the satisfaction of the Town.

12. Prior to applying for a Building Permit, storm water disposal plans, details and calculations must be submitted, approved and thereafter implemented and maintained to the satisfaction of the Town.

13. All building works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.

CARRIED UNANIMOUSLY 6/0

12.5 RFT 05/2023 Provision of Arboricultural Services	
File Reference	PARE/TENDNG/90
Directorate	Corporate Services
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the

	Council.
Attachments	1. CONFIDENTIAL REDACTED - RFT 05 2023 EVALUATION REPORT [12.5.1 - 16 pages]

Purpose

The purpose of this report is for Council to consider the tender received for RFT 05/2023 Arboricultural Services and appoint the contractor.

Council Resolution/Officer Recommendation – Item 12.5 **OCM-8/11/23**

MOVED Cr Ken John, Seconded Cr Paul Poliwka,

That Council accepts the offer submitted by Beaver Tree Services Aust Pty Ltd trading as Beaver Tree Services, to provide Arboricultural Services in accordance with the Terms and Conditions as specified in RFT 05/2023 for a period of three (3) years with an option to extend the Term of the Contract by one (1) year, plus a further option of one (1) Year, at the submitted schedule of rates. The Term of the Contract (including any extensions) will not exceed five (5) years in total.

CARRIED UNANIMOUSLY 6/0

12.6 Differential Rates Refund Policy Review	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	RAT&VAL/FEECHAG/3
Directorate	Corporate Services
Previous Reports	OCM 13/9/21
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	Nil

Purpose

The purpose of this report is for Council to consider a review of the Differential Rates Refund Policy.

Council Resolution/Officer Recommendation – Item 12.6 **OCM-9/11/23**

Cr Paul Poliwka had previously declared a financial interest in Item 12.6 and left the Council Chamber at 7.42pm while this matter was considered.

MOVED Cr Jennie Carter, Seconded Cr Ken John,

That Council:

1. Note this report, thereby allowing the Differential Rates Refund Policy to expire through the effluxion of time.
2. Note that a copy of the Differential Rates Refund Policy will be provided to each of the eligible landowners, by 31 December 2023.

CARRIED UNANIMOUSLY 5/0

Cr Paul Poliwka returned to the Council Chamber at 7.43pm

12.7 Use of Town Facility - 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
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 the future of the existing building and site located on Reserve 21150 (BIC Reserve).

Council Resolution/Officer Recommendation – Item 12.7 **OCM-10/11/23**

MOVED Cr Kathryn Hamilton, Seconded Cr Paul Poliwka,

That Council:

1. Requests the CEO engages with the Department of Health to progress the

establishment of a lease for a site to house the Infant Health Clinic thereby ensuring the continually of a service valued by the community of the Town of Bassendean;

2. Notes that the Town offers to lease to the Department of Health contemporary quality facilities at the Ashfield Community Centre inclusive of a 12-month rent free period to assist with the relocation of the service from the current older building on BIC Reserve commencing July 2024;
3. As an alternative option for the Department of Health, the Town will offer a formal lease for the ongoing use of the current Child Infant Health facility on BIC Reserve, commencing immediately and expiring on December 31st 2027.
4. Requests that a progress report be presented to Council via the bulletin as required.

CARRIED UNANIMOUSLY 6/0

Reason: Acknowledging the Town's desire to offer improved facilities for the Infant Health Clinic, there have been ongoing discussions to offer a lease to the Department of Health for a space at the Ashfield Community Centre adjoining Wind in the Willows (Infants) childcare services. Those ongoing discussions with the Department of Health over the years have thus far failed to provide a way forward, and it would be disappointing to potentially lose a service that is highly valued by this community possibly due to occupation of the current building that is old. This motion seeks more clarity in an effort to move forward in good faith with leasing discussions with the Department of Health.

12.8 Accounts Paid - October 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 - October 2023 [12.8.1 - 12 pages]

Purpose

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

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

MOVED Cr Paul Poliwka, Seconded Cr Jamayne Burke,

That Council receives the list of payments for October 2023.

CARRIED BY EN BLOC RESOLUTION 6/0

12.9 Proposed Carport - 104 (Lot 174) Ivanhoe Street, Eden Hill	
Property Address	104 (Lot 174) Ivanhoe Street, Eden Hill
Landowner/Applicant	Landowner: Lee Machin and Joanne Hillier Applicant: Engineering on Demand
File Reference	2023-102
Directorate	Community Planning
Previous Reports	
Authority/Discretion	Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.
Attachments	1. Development Application Plans [12.9.1 - 3 pages]

Purpose

The purpose of this report is for Council to consider an application for development approval for a carport at 104 (Lot 174) Ivanhoe Street, Eden Hill.

The matter is being referred to Council for determination at the request of the landowner and applicant.

Council Resolution/Officer Recommendation – Item 12.9
OCM-12/11/23

MOVED Cr Paul Poliwka, Seconded Cr Jamayne Burke,

That Council refuses the application for development approval for a carport at 104 (Lot 174) Ivanhoe Street, Eden Hill, for the following reason:

1. The proposal does not comply with the setback and landscaping requirements of either State Planning Policy 7.3 – Volume 1 – Residential Design Codes or Local Planning Policy No. 12 – Residential Development and Fences and does not meet the associated design principles as it is inconsistent with the existing and desired streetscape character due to its the proposed material, roof pitch and dominance of hard spaces, and, as a result, would detrimentally impact the amenity of the locality.

CARRIED BY EN BLOC RESOLUTION 6/0

12.10 {Memorandum of Understanding with Swan Districts Football Club}	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LEGL/AGMT/8
Directorate	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	1. CONFIDENTIAL REDACTED - To B and SDFC Mo U 12.10.23 [12.10.1 - 6 pages]

Purpose

The purpose of this report is for Council to note the negotiations and ultimate Memorandum of Understanding (MOU) entered into between the Town of Bassendean and the Swan Districts Football Club (SDFC) to clearly identify the general terms and conditions of each party for a redevelopment of the SDFC.

Council Resolution/Officer Recommendation – Item 12.10 **OCM-13/11/23**

MOVED Cr Paul Poliwka, Seconded Cr Jamayne Burke,

That Council

Note the execution of a Memorandum of Understanding (MOU) between the Town of Bassendean (TOB) and the Swan Districts Football Club (SDFC).

CARRIED BY EN BLOC RESOLUTION 6/0

12.11 Draft amended Local Planning Policy 2 - Sustainable Development	
Property Address	N/A

Landowner/Applicant	N/A
File Reference	TBA
Department	Community Planning
Previous Reports	24 May 2022 27 June 2023
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Existing Local Planning Policy 2 - Sustainable Development [12.11.1 - 4 pages] 2. Draft amended Local Planning Policy 2 - Sustainable Development [12.11.2 - 5 pages]

Purpose

The purpose of this report is for Council to consider a draft amended Local Planning Policy 2 – Sustainable Development (LPP 2).

Council Resolution/Officer Recommendation – Item 12.11 **OCM-14/11/23**

MOVED Cr Paul Poliwka, Seconded Cr Jennie Carter,

That Council, pursuant to Clause 5(2) of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, provisionally adopts draft amended Local Planning Policy 2 – Sustainable Development.

CARRIED UNANIMOUSLY 6/0

9.13 Contract Variation – RFT 04/2023 Supply and Installation of a Bore at Ashfield Reserve	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	PARE/TENDNG/89
Directorate	Corporate Services
Previous Reports	Special Council Meeting 11 July 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	N/A

Purpose

The purpose of this report is for Council to consider a variation to contract 04/2023 Supply and Installation of a Bore at Ashfield Reserve.

Council Resolution/Officer Recommendation – Item 12.12 **{resolution-number}**

MOVED Cr Jamayne Burke, Seconded Cr Paul Poliwka,

That Council:

1. Approves a variation to contract 04/2023 Supply and Installation of a Bore at Ashfield Reserve to upgrade the existing switchboard at Ashfield Reserve at a cost of \$29,500.
2. Authorises the use of \$29,500 from the Asset Enhancement Reserve for the purpose of the variation of contract to upgrade the existing switchboard at Ashfield Reserve.

CARRIED UNANIMOUSLY 6/0

12.13 Bassendean Local Emergency Management Committee Meeting - 14 November 2023	
File Reference	GOVN/CCLMEET/12
Department	Community Planning
Previous Reports	Nil.
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. BLEMC Minutes - 14 November 2023 [12.13.1 - 5 pages]

Purpose

The purpose of this report is for Council to receive the minutes of the Bassendean Local Emergency Management Committee (BLEMC) Meeting held on 14 November 2023.

Council Resolution/Officer Recommendation – Item 12.13
OCM-16/11/23

MOVED Cr Paul Poliwka, Seconded Cr Jamayne Burke,

That Council receives the minutes of the Bassendean Local Emergency Management Committee meeting of 14 November 2023.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION 6/0

13 Motions of which Previous Notice has been given

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

16 Confidential Business

Council Resolution/Officer Recommendation – Item 16.0.1

MOVED Cr Jennie Carter, Seconded Cr Paul Poliwka,

that the meeting come from behind closed doors, the time being 8.34pm.

CARRIED UNANIMOUSLY 6/0

The Mayor provided the outcomes of the matters considered behind Closed Doors as follows:

1. 16.2 Interim FOGO Supply agreement

Council Resolution/Officer Recommendation – Item 16.2
OCM-17/11/23

MOVED Cr Ken John, Seconded Cr Jennie Carter, that Council:

1. endorses the Interim FOGO Supply Agreement between the Town of Bassendean and Eastern Metropolitan Regional Council, as contained as a Confidential Attachment to this report;
2. authorises the Chief Executive Officer to negotiate and approve any minor amendments to the Interim FOGO Supply Agreement;
3. authorises the Chief Executive Officer and Mayor to sign the Interim FOGO Supply Agreement under the common seal of the Town of Bassendean; and
4. requests the EMRC to undertake a review of the Agreement and/or Fees and Charges prior to the commencement of the blended FOGO gate rate, to incorporate a sliding fee scale based on contamination rates and other methods of incentivising a reduction in contamination rates.

CARRIED UNANIMOUSLY 6/0

2. 16.3 Appointment of members to the Audit and Governance Committee 2023-2025

Council Resolution/Officer Recommendation – Item 16.3

OCM-18/11/23

MOVED Cr Kathryn Hamilton, Seconded Cr Jamayne Burke, that Council:

1. Appoints Sasha Rademakers AS A community member to the Audit and Governance Committee for a two-year period, expiring on the next ordinary Local Government Election Day, unless otherwise indicated; and

2. Endorses the engagement of Mr Ron Back as an advisor to the Audit and Governance Committee for a two-year period, expiring on the next ordinary Local Government Election Day, unless otherwise indicated.

CARRIED UNANIMOUSLY 6/0

17 Closure

The next Briefing Session will be held on Tuesday 12 December 2023 commencing at 6pm.

The next Ordinary Council meeting will be held on 19 December 2023 commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 8.36pm.