



TOWN OF

Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 19 December 2023, 6:03 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

Deputy Mayor, Cr Paul Poliwka declared the meeting open at 6:03pm, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

Cr Poliwka wished everyone a happy Christmas.

2 Announcements by The Presiding Person Without Discussion

Nil

3 Attendances, Apologies and Applications for Leave of Absence

Present

Councillors

Cr Kathryn Hamilton, Mayor (attendance via digital means)
Cr Paul Poliwka, Deputy Mayor
Cr Jamayne Burke
Cr Emily Wilding
Cr Ken John
Cr Jennie Carter
Cr Tallan Ames (attendance via digital means)

Officers

Mr Cameron Woods, Chief Executive Officer
Mr Luke Gibson, Director Community Planning
Mr Neil Brown, (Acting) Exec Manager Infrastructure
Mr Paul White, Director Corporate Services
Ms Nicole Davey, Exec Manager Sustainability & Environment
Mr Tristan Loney, Manager ICT
Ms Joanne Burges, Manager Governance & Strategy
Mrs Stephanie Williams, Minute Secretary

Public

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

Cr Paul Poliwka acknowledged the Mayor's attendance via electronic means and announced that he will be the Presiding member for this meeting.

Apologies

Mr Phil Adams, Exec Manager Infrastructure

Leave of Absence

Nil.

4 Declarations of Interest

Nil.

5 Presentations or Deputations

The following Deputations were provided at the Ordinary Council Meeting held 19 December 2023 and related to Item 12.2 Draft amended Local Planning Policy 4 – Heritage and Character

Council Resolution - Item 5.1 **OCM 2023-12-19/1**

MOVED Cr Polikwa, Seconded Cr Wilding, that notwithstanding the concerns as to relevance, the Deputation by Kayt Davies be heard.

CARRIED 5/2

Katharina Wolf, 4 Nursted Avenue, Bassendean

Addressed Council regarding Item 12.2

Ms Wolf stated that she believe that based on its current scope the proposal fails to meet is objective under the Local Planning Policy no.4 - Heritage and Character - as it fails to position the category 1 listed Earlsferry site within its historical and geographical context. The current proposal is limited to Lot 500 Nurstead Avenue, which contains a single heritage listed property. The limited number of other properties covered are less than 30 years old and of no particular heritage value. Failure to extend the Earlsferry Heritage Area to include Nurstead Avenue and properties on the West/opposing site of Earsferry Court will adversely affect the character significance of the heritage place. As noted in the briefing notes: 4 properties in immediate proximity and along the only access route to Earsferry House are currently included in the Heritage Survey. Further - although not included in the briefing notes -4 additional properties have been put forward by their owners for inclusion in the Heritage Survey. Together these represent an important part of Bassendean's history (a cluster of Federation era houses, originally established in what was then known as West Guildford in the early 1900s), and provide historical and geographical context for the category 1 listed Earsferry site/ lot 500 Nurstead Avenue.

Kayt Davies, 16A Nursted Avenue, Bassendean

I would like to start by thanking the council for listening.

But then to veer into letting you know that we are deeply upset by the way the issue of the zoning and development of Nursted Estate has been handled over the past few years, and that we would like you to work with us in 2024 to set it right.

Council is meeting tonight to discuss potential approval and extension of the Earlsferry House Heritage protection and we have argued here last week that it should be renamed the Nursted Estate Heritage Area and extended to include the area that was covered by the 1902 Nursted Estate land release.

Our reasoning is that we note that on page 3 of in the 2021 Masterplan, one side of the Nursted Avenue is coloured red for five story development and the other side slightly paler red for three storey development.

https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Document-Centre/Planning/Bassendean_Town_Centre_Masterplan.pdf

I know that we are not here tonight to discuss the Masterplan but we need to touch on the issue because whatever objections we raise to changes in conditions regarding Nursted Estate are being dismissed on the grounds of it.

We were apparently meant to voice our opinions then and not now, despite the fact that the consultation period coincided with peak Covid in our community.

The heritage page of the Masterplan, page 4, includes a footnote saying that heritage information was drawn from The Town of Bassendean Municipal Heritage Inventory 2017 (which lists 4 Nursted houses: 8,9,11,12) and yet it does not include the Thompson Road house or the Morton Bay Fig tree in its designated areas of significance, although these are in on the 2015 Bassendean Heritage List.

(2017: <https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Municipal-Heritage-Inventory.pdf>

2015: <https://www.bassendean.wa.gov.au/documents/1067/heritage-list>)

In the masterplan, the area where this house sits is marked as having no historical significance and it is coloured dark red for 6 storey development. This discrepancy shows that the Masterplan contains errors that need to be amended.

The opening line of the Masterplan is: "The following principles have been developed through extensive community and stakeholder engagement and underpin the development of the Masterplan."

BUT council clearly failed to communicate the scale of the proposal at the time the Masterplan was being developed, and the proof of this is that we didn't respond as we are doing now.

Perhaps it's because in mid-April 2021 (17th and 20th), when the two workshops were held, we had Covid, or were in lockdown, or were wary of attending community meetings for fear of catching it.

I have read the Survey Report based on 669 responses and would like to question some of the interpretations of the responses.

(https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Document-Centre/Planning/TOB-TCR_Draft_Masterplan_Report.pdf)

84% saying they were supportive of Heritage Retention, doesn't mean they would be happy to see heritage trashed in the way the Masterplan proposes.

Also note that according to your own data there were 101 submissions expressing concern about building heights, compared to only 12 saying that there should be increased density around train stations.

You may have consulted the community, but I am not sure you have listened to them.

We are the same people, living in the same houses and when we were notified of the change in zoning that resulted from the Masterplan we responded en masse and in unity.

Appalled, we filled this chamber - only to be told that we were too late, because the Masterplan had already been written.

This failure of council's communication strategy is probably compounded by the absence of local media that could have played a part in letting us know about council decisions.

As the journalist whose work, once led to the Wanneroo Inc enquiry, I am all too aware of the need for work to be done translating council jargon into lay terms to enable community feedback. And I am now willing to step into this role on this issue.

We have been told since the meeting that approved the zoning change – by Luke Gibson – that as long as we don't develop our properties, the change in zoning will mean nothing.

However, we question his argument: as zoning changes are specifically strategically used to bring about urban change. In this case, given the level of opposition to development from the current occupants of Nurstead Avenue, there is likely to be slow-to-minimal change on most blocks.

Except for the two owned by the state government that are likely to be ambitiously and incongruously developed. This will mean that council will have achieved what is called "sore thumb development". This something that most urban planners actively avoid.

If you google the term you will find several articles by urban planners around the world, warning against planning decisions that encourage or enable sore-thumb developments.

However, as we were told in this chamber last week that there are no current development applications for the estate before council, it is not too late for Council to act to apply the same kind of protections that it has applied to Kenny and Devon Streets to Nurstead Avenue, and to avoid facilitating "sore thumb" buildings.

In terms of changes and discrepancies between the council's various heritage lists and protection recommendations, we were told, here in this chamber that a heritage overlay in an early draft of the Local Planning Scheme had been removed at the

request of the WA Planning Commission.

We sought clarification about this from state MP Dave Kelly, who put the question to the Minister for Planning, John Carey: who categorically denied requesting removal of the heritage protections. He wrote: "It did, however, request that design provisions that largely duplicated local planning policy provisions be removed. These policy provisions continue to apply to this area irrespective of their removal from the scheme." He put it back to the Town of Bassendean to provide clarity and specifically said the local government could designate an area for protection. (We are happy to show these letters to the councillors.)

There has also been a suggestion that our opposition is a "NIMBY" response. To which we say "Rubbish! Heritage is for everyone present and future. If anything, we are making sacrifices in order to preserve something for others".

It is not too late to rectify the situation, and a failure to take action now to rectify it will lead to the destruction of one of the most iconic and beautiful parts of Bassendean and an area of importance to the whole of WA.

Actions that can be taken to support the preservation of Nurstead Estate are:

Firstly: Applying, or providing clarity about the existence of a heritage overlay for Nurstead Estate, as soon as possible.

We recognise the need for a 21 day consultation period but dispute that there is a need for a lengthy historic investigation, as that work has already been done.

The history of Nurstead estate is related in at least three books and in the Town's own local studies collection:

A History of Bassendean (1947) by Alf Thomas

Bassendean : A Social History 1829-1979 (1986) by Jennie Carter.

Bassendean : A Brief History (2012) by Jennie Carter

<https://library.bassendean.wa.gov.au/services/local-studies.aspx>

If the council needs that material collated and referenced, alongside images and texts from the Bassendean, WA (SLWA) and Federal (Trove) archives, there are academics in this room willing to do that work over the next few weeks.

Secondly, Working with us to reduce the zoning and alter the Masterplan's proposed three and five storey approvals, on the grounds of the historic significance of the area.

Ms Davies thanked the Council for their time.

Cr Jenny Carter declared an Impartiality Interest for Item 12.2 due to her written works being referenced during Ms Davies deputation.

6 Statements by Members of the Public

The following Statements were provided at the Briefing Session on 12 December 2023 and related to Item 9.1 Draft amended Local Planning Policy 4 – Heritage and Character

Kayt Davies - 16A Nurstead Ave, Bassendean

The first thing I would like to say is that heritage is not only about artifacts and architecture. It is also, perhaps more poignantly, about stories. Stories from the past that can evoke an imagination of what that past was like, in order to facilitate appreciation of the present, and preparation for the future. What we have in Nurstead Avenue is a streetscape with a story. It is a story that can, at a glance, be tied to old maps and photographs showing just a few houses, because those houses are still there.

Time has filled the space between them, but it has not obscured them. This story starts at one end of the street with a house (that is still standing), and a woman from Kent who planted a tree, (that is now iconic, and heritage listed). She subdivided the land and gave it the name of her birthplace. The 1902 posters advertising the initial release of blocks on Nurstead Estate boast that it has an orangery. There are still orange trees on Nurstead Avenue. Newspaper cuttings from 1914 show that a champion carnation grower lived in Nurstead Avenue. Carnations still grow in Nurstead Avenue.

At the other end of the street stands the beautiful Earlsferry house, the home built in 1902 by railwayman John Short. It is excellent that the council has recognised the need to protect both it and the approach to it. But we argue that the protection should be extended, along Nurstead Avenue to the house of the woman who started it and the tree she planted. The street currently faces a new peril.

We have been told, here in this room, that the state government (in a broad brush stroke) is pressuring the Town of Bassendean to increase the housing densities of the precinct, despite reasons why doing that would reduce the liveability of the area. We have been told, and believe, that the Town of Bassendean is relatively powerless to resist this pressure from the state government to rezone to allow higher density development.

But we also believe that the Town has the power to offer us some protection against rampant high rise development that could significantly change the streetscape, and the story of Nurstead Avenue.

This power rests with the council's prerogative to proclaim a heritage overlay for Nurstead Avenue.

We have spoken to some of the councillors and staff and believe that some share our view. The residents of Nurstead Avenue are engaged and keen to be involved in facilitating this protection

So we are asking you for clarity on the stages and timeline of this process, so that the story of our homes, our street and our historic estate can be retold and enjoyed by all.

Jean Anning – 4 Nurstead Avenue, Bassendean

I want to make a statement about the almost unanimous response by submissions to include Nurstead Avenue and 8 Thompson Road in the proposed Earlsferry Heritage Area. She described the historical context around the four properties currently listed on the Town of Bassendean's Heritage Survey and was unsure why other properties of the same era had not been included on the Heritage Survey. 50% of Nurstead Avenue responded to the consultation with almost unanimous support for Nurstead Avenue to be included in the Heritage precinct.

Katharina Wolf - 4 Nurstead Avenue, Bassendean

I want to make a statement about the same item 9.1 The proposed Earlsferry Heritage Area. I believe that based on its current scope the proposal fails to meet its objective under the Local Planning Policy no.4 - Heritage and Character - as it fails to position the category 1 listed Earlsferry site within its historical and geographical context. The current proposal is limited to Lot 500 Nurstead Avenue, which contains a single heritage listed property. The limited number of other properties covered are less than 30 years old and of no particular heritage value. Failure to extend the Earlsferry Heritage Area to include Nurstead Avenue and properties on the West/opposing site of Earlsferry Court will adversely affect the character significance of the heritage place. As noted in the briefing notes: 4 properties in immediate proximity and along the only access route to Earlsferry House are currently included in the Heritage Survey. Further - although not included in the briefing notes -4 additional properties have been put forward by their owners for inclusion in the Heritage Survey. Together these represent an important part of Bassendean's history (a cluster of Federation era houses, originally established in what was then known as West Guildford in the early 1900s) and provide historical and geographical context for the category 1 listed Earlsferry site/ lot 500 Nurstead Avenue.

7 Questions from Members of the Public

Katharina Wolf 4 Nurstead Avenue, Bassendean

Q. Why doesn't the proposed heritage area apply to Number 9 (Lot 2) Earlsferry Court?

A) Mr Luke Gibson stated that the proposed heritage area does cover the area south of the railway and east of Earlsberry court so it takes in Number 9 (Lot 2), and that there is an error in the report to be rectified.

Katharina Wolf 4 Nurstead Avenue, Bassendean

Q. Despite the administrative desire to move from one policy provision to another, what does the Town see as a disadvantage or risk if the decision regarding the Earlsferry Heritage area was delayed to enact option 2 under the planning development regulations 2015, which would be to proceed the policy with modifications?

A. That is not a viable option, if Council were to do anything as a result of this request, it would be advised to pursue option 3 which is to do nothing and start the process fresh. That is not the staff recommendation, the staff recommendation is to complete the process and implement this policy and undertake to address the issue as part of the broader precinct plan.

Katharina Wolf 4 Nurstead Avenue, Bassendean

Q. There have been some major staffing changes at the local Library and what are the Towns plans for the extensive work and archive created by the Local Studies Librarian going forward?

A. There have not been major staffing changes at the local library. The position of Local Studies Librarian has recently become vacant. The local studies collection remains as a corporate asset housed at the library and the collection will still be available to the public.

Kayt Davies 16A Nurstead Avenue, Bassendean

Q. Stated she did not believe Cr Carter should be excluded from voting on the item.

A. Cr Paul Poliwka acknowledged that Cr Carter would not be excluded, that an impartiality declaration does not immediately exclude Cr Carter from voting.

The following questions and answers were part of the Briefing Session on 12 December 2023.

Sharon Abbot - 2 Earlsferry Court, Bassendean

Q. I'd like to know why my house isn't part of the Heritage and what is happening with 1A Nurstead Avenue, our neighbour, is that going to be high rise there?

A. Is that the vacant block? We can not predetermine what will be built there, obviously our Planning staff assess Development Applications as they come in against the criteria of our Planning Scheme, so without a Development Application having been lodged, it would be very difficult for us to predetermine what might be there.

We don't have any Development Applications currently before us. We do have a draft Local Planning Scheme that currently the position of Council is to support that property and others to being rezoned to Residential R60, that hasn't been finalised, we are currently awaiting an outcome from the Minister, which we expect in early 2024.

Q. Is R60 three levels up?

A. Yes

Martin Jaine – 1 Earlsferry Court, Bassendean

Q. We haven't had anyone come and see us about the whole thing, we are already on the Heritage Listing and the houses at the front aren't of a Heritage precinct so we can't build anything, so I'm not really sure what this Heritage thing is all about.

A. The Heritage Survey has existed for several years, consultants along with community members and people with expertise put forward a draft list of properties that were considered to be of Heritage value. Your property is considered to be of high Heritage value, the list was fine tuned. There are property owners who may not wish to be on the Heritage List. If property owners can provide valid reasons as to why they should not be on that list sometimes they can be removed. Some people in the audience may have applied to have their property upgraded on the list. The list is regularly reviewed.

The proposal before Council is simply to move provisions from one policy to another.

We have existing Local Planning Policy 5 which relates to the Earlsferry precinct, we also have Local Planning Policy 4 which deals with Heritage and Character, given that the purpose of LPP5 is to protect the Heritage and Character of the Earlsferry precinct we thought it would be prudent to consolidate our suite of Local Planning Policies as is best practice and we simply transferred the provisions verbatim from one policy to the other.

Stuart Young – 9 Nurstead Avenue, Bassendean

Q. My question is in relation to 1 Nurstead Ave, shouldn't that be included in the Earlsferry Heritage Precinct? If your Town Planning Scheme goes through to make that R60 that's not going to stop anyone from building three stories and that is going to directly impede on the Heritage area.

A. That is a matter for Council to consider at a future time and reiterated what Council is being recommended by this item i.e. to consolidate two Local Planning Policies.

Page 11 of the Agenda sets out the options for Council to consider.

Q. What time frame would this be to complete the Precinct Structure Plan?

A. We go to market for a tender process in early 2024, which could take 12-18 months potentially to complete the precinct Plan in its entirety.

Q. Does a three story development fit in within a Heritage Precinct?

A. Not going to speculate however the State Government has identified this area as part of a District Centre and expects that it will accommodate development at a density of between R60 and R100.

Jean Anning – 4 Nurstead Avenue, Bassendean

Q. I would like some information about the options available to Council when they consider this proposal. As I read the report it says the first option is to proceed with the policy without any modification and not consider Nurstead Avenue as part of the precinct, the second option is to proceed with the policy with modification and entertain creating Nurstead Avenue precinct. Would that be a separate and distinct precinct as opposed to being part of the Earlsferry Heritage Area?

A. That would be subject to some investigation, I don't think we could definitively at this point in time say yay or nay to that.

It could be either, the Administration has no fixed position on how these things should look. If there was enough similarities in the areas you might bundle it into one Heritage Area but if they were both worthy of protection, requiring slightly different treatments, you might have them as separate areas. East of Earlsferry Court is identified as R12.5 with a possibility of R20 and west of Earlsferry Court is R60 and is yet to be determined by the Minister as R100, two precincts may be deemed more appropriate and would be considered by Council at that time.

Q. The third option was not to proceed and just maintain the status quo. When I look at the Planning and Development regulations though, there is another option that allows proceeding with the policy with modification; that is not an option that has been included in the report?

A. The report specifically says that would effectively be not an option, because we haven't prepared any policy provisions as we would be required to do. We haven't consulted on those policy provisions so if Council want to have a policy position to establish a Heritage area, it would effectively need to take Option 3 and wait until the Precinct Structure Plan is complete.

Q. You state that the Policy Provisions haven't been prepared and the associated public consultation process undertaken. That this would take is not long, so couldn't we do it more quickly?

A. We would need to write a new process, bring a report to Council for endorsement of the draft policy provisions for the purposes of advertising, we would then undertake advertising, then bring back a subsequent report to Council. Going to the Local Planning Strategy, the highest priority for Council is the future Precinct

Structure Plan for the Bassendean Town Centre so rather than starting a separate body of work that we haven't budgeted for, the suggestion from staff is to acknowledge the desires of those landowners in Nurstead Avenue and have that body of work form part of the Precinct Structure Plan.

Katharina Wolf - 4 Nurstead Avenue, Bassendean

Q. Am I correct to be under the impression that the LPS11 District Centre Plan and heritage considerations and associated policies might be connected by two different processes?

A. They are all different processes; they all exist under the same regulations. What staff is suggesting is that the preparatory work adding the Heritage value of the area could be undertaken at the same time as part of the Precinct Structure Plan for the Town Of Bassendean.

Q. I'd like to know how the Town seeks to protect its local heritage for future generations with success on the Town's website in the context of increased infill pressure and targets and how you are going to balance that?

A. We do it by having Local Planning Policy 4 Heritage and Character, we'll still have three heritage areas for protection, that will come up for review from time to time. Next week we will potentially have four, if Council pursues Option 3, we'll still have three heritage areas and Local Planning Policy 5 which is tantamount to this heritage area. In addition to that we have a heritage list which confers statutory protection on a number of properties throughout the district and we also have a Local Heritage Survey which doesn't provide statutory protection but it certainly provides an inventory of those places with at least some heritage value.

Donald Yates - 10 Thompson Rd, Bassendean

Q. It is expected that the Strategic Planning Committee of the WA have considered the draft Local Planning SCHEME 11 today, Dec 12. What are the impact or impacts of the key outcomes of today's WAPC considerations of SCHEME 11 on the proposed Local Planning Policy related to Earlsferry House and the claimed heritage precinct in particular, and the 9 precincts of the Town of Bassendean?

A. Draft LPS 11 was considered by the Statutory Planning Committee this morning, although, due to the closed confidential nature of the meeting, staff are not aware of what decision was made.

The following questions and answers were part of the Ordinary Council Meeting on 19 December 2023.

Q. Regarding Agenda item 12.5, I am requesting you to consider planting large trees along Lord Street. I live in Eden Hill, and commuting via. Bike/Scooter to the town

centre is very difficult in summer. There is hardly any tree canopy along that corridor, and it means we normally have to drive in on hot days. Smaller trees will not provide enough shade in my opinion i.e. being next to a large road radiates more heat.

Perth will be getting more hotter, for much longer (2.6–5.1°C in a high-emission scenario by the end of the century) and we need to plan for that (1).

(1) <https://www.agric.wa.gov.au/climate-change/climate-projections-western-australia>

A. Thank you for your statement regarding agenda item 12.5 of the 19 December 2023 Ordinary Council Meeting.

As per the [Street and Reserve Trees Council Policy](#), the Town's planting list is based on several criteria to ensure selection of the "Right Tree, Right Place". One of the key criteria is verge size. Selection of species suited to the verge size minimises future issues such as damage to infrastructure, root or branch encroachment and obstruction of pedestrian and vehicle sightlines. These issues may result in removal of the tree and/or a requirement for ongoing pruning, which can be detrimental to canopy cover and structure of the tree.

The verges on Lord Street have been identified as a "medium" size (8-15m wide). In some instances, the depth (distance from kerb/ footpath to private property boundary) is 3m.

Based on the available planting space, the nominated species are of medium size with a canopy spread ranging as below. As the trees are generally planted at 8m spacings, this provides canopy cover over a significant area of the verge at maturity.

- Eucalyptus torquata (Coral Gum) - canopy up to 10m wide
- Cupanopsis anacardioides (Tuckeroo) - canopy up to 8m wide.
- Eucalyptus todtiana (Coastal Blackbutt) - canopy up to 10m wide.

The above approach is consistent with best practice recommendations of the Western Australian Local Government Association and the Water Corporation's "Selecting the right tree" information sheet.

For more information on actions the Town is taking to increase canopy cover, please refer to [Tree-Canopy-Action-Plan-2023-2027.pdf \(bassendean.wa.gov.au\)](#)

8 Petitions

9 Confirmation of Minutes

Council Resolution/Officer Recommendation – Item 9.1 **OCM 2023-12-19/2**

a. That the minutes of the Ordinary Council meeting held on 28 November 2023, be received and confirmed as a true and correct record.

MOVED Cr Paul Poliwka, SECONDED, Cr Emily Wilding

CARRIED UNANIMOUSLY 7/0

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	Cameron Woods
Department	CEO'S Office
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

The purpose of this report is for Council to note that no minutes from external Committees and organisations have been received.

Council Resolution/Officer Recommendation – Item 11.1 **OCM 2023-12-19/3**

MOVED Cr Emily Wilding, Seconded Cr Jennie Carter,

That Council notes that no documents from external Committees have been received within the reporting period.

CARRIED UNANIMOUSLY 7/0

12 Officer Reports

Council Resolution/Officer Recommendation – Item 12.1 OCM 2023-12-19/4

It was agreed that items 12.8, be removed from the en-bloc table and considered separately.

MOVED Cr Ken John, SECONDED Cr Emily Wilding,

CARRIED UNANIMOUSLY 7/0

12.2 Draft amended Local Planning Policy 4 - Heritage and Character	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/POLCY/24
Department	Community Planning
Previous Reports	24 May 2022 27 June 2023
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Existing Local Planning Policy 5 - Earlsferry House Design Guidelines [12.2.1 - 2 pages] 2. Draft amended Local Planning Policy 4 - Heritage and Character (as advertised) [12.2.2 - 16 pages] 3. Schedule of Submissions [12.2.3 - 11 pages] 4. Draft amended Local Planning Policy - Heritage and Character (further amended after advertising) [12.2.4 - 16 pages]

Purpose

The purpose of this report is for Council to consider a draft amended *Local Planning Policy 4 – Heritage and Character* (LPP 4) and the revocation of *Local Planning Policy 5 – Earlsferry House Design Guidelines* (LPP 5).

Council Resolution/Officer Recommendation – Item 12.2
OCM 2023-12-19/5

MOVED Cr Ken John, Seconded Cr Emily Wilding,

That Council;

Notes the information provided in the officer report.

Amendment proposed by Cr Kathryn Hamilton (Mayor)

That Council;

1. Pursuant to Clauses 4(3)(b)(i) and 9(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, proceeds with the draft amended Local Planning Policy 4 - Heritage and Character (including the designation of the Earlsferry Heritage Area), with further minor modifications, as contained as Attachment 4.
2. Pursuant to Clause 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes existing Local Planning Policy 5 – Earlsferry House Design Guidelines.
3. Requests preparation of a report to Council on heritage and character within the Nurstead Avenue precinct, outlining possible expansion of the provisions contained in Local Planning Policy 4 - Heritage and Character that potentially identifies all or part of the Nurstead Avenue precinct as a Heritage Area.

Reason: The Regulations provide that if special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a Heritage Area, following public consultation. If the local government designates an area as a Heritage Area, the local government must adopt a local planning policy that sets out the following:

- a map showing the boundaries of the heritage area;
- a statement about the heritage significance of the area; and
- a record of places of heritage significance in the heritage area.

The proposed amendments in point **3** acknowledge some work is required prior to the potential advertising for community feedback re a Nurstead Avenue Heritage Area. As evidenced by the prior establishment of the Kenny Street Heritage Area, Old Perth Road Heritage Area, Devon Road Heritage Area, and the Earlsferry Heritage Area; assessment of Nurstead Avenue as another Heritage Area is not predicated upon completion of a future Precinct Structure Plan for the Bassendean Town Centre.

MOVED Cr Kathryn Hamilton, Seconded Cr Jennie Carter

CARRIED 6/1

Council Resolution – Item 12.2
OCM 2023-12-19/6

MOVED Cr Ken John, Seconded Cr Emily Wilding

The amendment became the substantive motion

CARRIED UNANIMOUSLY 7/0

12.3 Monthly Financial Report - October and November 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	<ol style="list-style-type: none"> 1. Monthly Financial Report (RSS) at 31 October 2023 [12.3.1 - 12 pages] 2. Monthly Financial Report (RSS) at 30 November 2023 [12.3.2 - 11 pages]

Purpose

The purpose of this report is for Council to receive the Monthly Financial Reports for October and November 2023 which incorporates the Statement of Financial Activity.

Council Resolution/Officer Recommendation – Item 12.3
OCM 2023-12-19/7

MOVED Cr Ken John, Seconded Cr Emily Wilding,

That Council:

1. Notes the Explanation of Material Variances in the Statements of Financial Activity; and

2. Receives the Monthly Financial Report for the period ending 31 October 2023, which incorporates the Statement of Financial Activity for the period to October 2023.
3. Receives the Monthly Financial Report for the period ending 30 November 2023, which incorporates the Statement of Financial Activity for the period to November 2023.

CARRIED UNANIMOUSLY 7/0

12.4 2022/23 Annual Report	
Property Address	
Landowner/Applicant	
File Reference	FINM/AUD/7
Directorate	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Draft 22 23 Annual Report v 2 [12.4.1 - 40 pages]

Purpose

The purpose of this report is for Council to consider and accept the draft Town of Bassendean Annual Report 2022/23 including the Audited Annual Financial Statements for the year ending 30 June 2023, and to set a date for the General Meeting of Electors.

Council Resolution/Officer Recommendation – Item 12.4 **OCM 2023-12-19/8**

MOVED Cr Emily Wilding, Seconded Cr Jamayne Burke

That Council:

1. Accepts the Town of Bassendean's 2022/23 Annual Report for the year ending 30 June 2023, including the Audited Annual Financial Statements for the year ended 30 June 2023;

2. Notes that the document will be amended by the insertion of a revised Mayoral / CEO foreword; and
3. Holds its General Meeting of Electors on Tuesday 13 February 2024 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

CARRIED UNANIMOUSLY 7/0

12.5 OCM 26 April 2022 Item 13.1 OCM - 19/4/2022 Trees Notice of Motion	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	ENVM/PROGM/17
Directorate	Infrastructure
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Attachment 1: Trees NoM item 1 CEO Bulletin update OPR Attachment 2: Trees NoM item 1 CEO Bulletin update attachment OPR tree locations pg1 Attachment 3: Trees NoM item 1 CEO Bulletin update attachment OPR tree locations pg 2 Attachment 4: Trees NoM item 3 CEO Bulletin update Lord Street Trees and Path Attachment 5: Trees Nom item 3 CEO Bulletin update attachment LORD STREEST path and london tree western side Attachment 6: Trees NoM item 3 CEO Bulletin update attachment LORD STREET path and tree western side Attachment 7: Trees NoM items 3 LORD STREET proposed path sheet 1 Attachment 8: Trees NoM items 3 LORD STREET proposed path sheet 2

Purpose

The purpose of this report is for Council to note the actions taken to date in respect of Resolution Item 13.1 OCM-19/04/22 and for council to adopt the revised Officers' Recommendation as outlined in the report.

Cr Jamayne Burke left the Chamber, time being 7.42pm

Cr Jamayne Burke returned to the Chamber, time being 7.45pm

Council Resolution/Officer Recommendation – Item 12.5 OCM 2023-12-19/9

MOVED Cr Jennie Carter, Seconded Cr Ken John,

That Council:

1. **Revoke**, recommendation 1; Item 13.1 OCM-19/04/22 and **Endorse** the expansion of the existing tree pits in Old Perth Road and the improved tree maintenance program, as outlined in Attachment 1, until the precinct structure plan is completed.
- 2 **Note** that no new tree planting will occur between Guildford Road and Wilson Street until completion of the precinct structure plan.
- 3 **Accept** the plans and costings for the realigned path (west side of Lord Street) and rejects moving the path due to the financial costs and adopts the proposed tree species and winter 2024 planting program as per attachment 4.
- 4 **Endorse** the planting of a large tree species at the six identified locations on Whitfield Street commencing in the winter 2024.

CARRIED UNANIMOUSLY 7/0

12.6 Audit and Governance Committee Meeting - 13 December 2023	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/18
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Town of Bassendean Financial Statements 2022-23 Signed Stamped 2 [12.6.1 - 40 pages]

	<ol style="list-style-type: none"> 2. Opinion - Town of Bassendean - 30 June 2023 [12.6.2 - 3 pages] 3. CONFIDENTIAL - Auditor's Closing Report - 30 June 2023 [12.6.3 - 16 pages] 4. CONFIDENTIAL - Management Letter 2022-23 - Financial Attachment - Management Comments [12.6.4 - 4 pages] 5. CONFIDENTIAL - Management Letter 2022-23 - ITGC Attachment - Management Comments [12.6.5 - 16 pages] 6. CONFIDENTIAL - Management Representation Letter 2022-23 [12.6.6 - 6 pages] 7. Audit and Governance Committee Meeting Minutes 13 December 2023 [12.6.7 - 7 pages]
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Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 13 December 2023.

Council Resolution/Officer Recommendation – Item 12.6 **OCM 2023-12-19/10**

MOVED Cr Ken John, Seconded Cr Emily Wilding

That Council adopts the Audited Annual Financial Statements for the year ended 30 June 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY 7/0

12.7 Arts, Culture and Events Committee Meeting - 12 December 2023	
File Reference	GOVN/CCLMEET/41
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Minutes - 12 December 2023 [12.7.1 - 7 pages]

Purpose

The purpose of this report is for Council to receive the minutes of the meeting of the Arts, Culture and Events (ACE) Committee held on 12 December 2023.

Council Resolution/Officer Recommendation – Item 12.7 **OCM 2023-12-19/11**

MOVED Cr Ken John, Seconded Cr Emily Wilding

That Council:

1. Receives the minutes of the meeting of the Arts, Culture and Events Committee held on 12 December 2023;
2. In relation to the Youth Art Project, endorses the proposed locations for the installation of Youth Art pieces as part of the current Bassendean Gallery project.
3. In relation to the Bassendean Markets, supports the current in-principle agreement between the Town and the Independent Operator and authorises the Chief Executive Officer to undertake the tasks to formalise the matter.

CARRIED UNANIMOUSLY 7/0

12.8 Calendar of meetings - 2024	
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	1. 2024 Adopted Meeting Dates to be completed following adoption [12.8.1 - 1 page]

Purpose

The purpose of this report is for Council to consider and adopt the calendar of meeting dates for 2024.

Council Resolution/Officer Recommendation – Item 12.8
OCM 2023-12-19/12

That Council;

1. Adopts the meeting Schedule for 2024 as attached to the Briefing Agenda on 12 December and subsequently forwarded to Councillors via email on 18 December subject to the attached amendments being made;
- and 2. That public notice be provided as required.

Amendments:

Audit and Governance Committee

Venue: Council Chamber, 48 Old Perth Road, Bassendean.

6 March, 12 June, 4 September, 9 December, Commencing at 5:30 pm

Bassendean Local Emergency Management Committee

Venue: Council Chamber, 48 Old Perth Road, Bassendean.

28 February, 12 June, 28 August, 6 November commencing at 3.30pm

Citizenship Ceremonies

1. To be held on the 25th January 2024 in conjunction with the Birak Celebrations;
2. To be held in May 2024 in conjunction with the Community Awards; and
3. The timing and format of future Citizenship Ceremonies to be discussed as part of the Arts, Culture and Events Committee.

Reasons provided by Council for amendments:

The Audit and Governance meeting dates proposed for the 5th of June 2024 and the 4th of December 2024 conflict with the current meeting dates proposed to be held by external committee PMAG, hence the amended dates proposed.

The Bassendean Local Emergency Management Committee meeting dates were omitted from the Briefing Document on the 12th of December and are now incorporated via this amendment.

Citizenship Ceremonies: The idea behind reducing the number of Citizenship Ceremonies from 4 events down to 3 per annum was to enable better quality events that potentially “merge” with other events, as is currently the case for both the January outdoor Australia Day/Birak Festival/Citizenship Ceremony, and the May combined Community Awards/ Citizenship ceremony.

Citizenship ceremonies have a recurring annual budget allocation, and by merging with other events these occasions are significantly enhanced providing for improved outcomes and a lasting positive impression on all who attend these inclusive occasions, as opposed to a previous suggestion that Citizenship Ceremonies be held in Council Chambers prior to Briefing Sessions. Given the Ace Committee do not meet until 5th of March it is appropriate to formalise the Citizenship Ceremonies to the end of the 2023/24 financial year.

MOVED Cr Kathryn Hamilton, Seconded Cr Jamayne Burke,

CARRIED UNANIMOUSLY 7/0

12.9 Accounts Paid - November 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. List of Payments for November 2023 [12.9.1 - 17 pages]

Purpose

The purpose of this report is for Council to receive the list of accounts paid for November 2023.

Council Resolution/Officer Recommendation – Item 12.9 OCM 2023-12-19/13

MOVED Cr Ken John, Seconded Cr Emily Wilding

That Council receives the list of accounts paid for November 2023.

CARRIED UNANIMOUSLY 7/0

12.10 Disposal of 14 (Lot 103) Iveson Place, Bassendean	
Property Address	14 (Lot 103) Iveson Place, Bassendean
Landowner/Applicant	Town of Bassendean
File Reference	TBA
Department	Community Planning
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 the sale of 14 (Lot 103) Iveson Place, Bassendean by private treaty.

Council Resolution/Officer Recommendation – Item 12.10 **OCM 2023-12-19/14**

MOVED Cr Ken John, Seconded Cr Jamayne Burke

That Council:

1. Notes that no submissions were received in response to the tender to dispose of 14 (Lot 103) Iveson Place, Bassendean.
2. Endorses the engagement of a realtor to proceed with the sale of 14 (Lot 103) Iveson Place, Bassendean by private treaty.
3. Delegates to the Chief Executive Officer the authority to accept any reasonable offer to purchase 14 (Lot 103) Iveson Place, Bassendean.

CARRIED UNANIMOUSLY 7/0

12.11 RFT 03/2023 Bassendean Oval Lighting	
File Reference	PARE/TENDNG/88
Directorate	Corporate Services
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. CONFIDENTIAL - 5. RFT 03 2023 EVALUATION REPORT SIGNED (Confidential) [12.11.1 - 7 pages]

Purpose

The purpose of this report is for Council to consider the tender received for RFT 03/2023 Bassendean Oval Lighting Upgrade.

Council Resolution/Officer Recommendation – Item 12.11
OCM 2023-12-19/15

MOVED Cr Emily Wilding, Seconded Cr Jamayne Burke

That Council declines all Offers for RFT 03/2023 Bassendean Oval Lighting Upgrade.

CARRIED UNANIMOUSLY 7/0

12.12 Additional Funding for Drainage Project (AB2401) at Jubilee Reserve	
Property Address	33 Northmoor Road, Eden Hill, WA 6054
Landowner/Applicant	Town of Bassendean
File Reference	TBA
Directorate	Infrastructure
Previous Reports	Nil
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 allocation of additional funds to address a budget shortfall to project AB240 as listed within the adopted 2023-24 Capital Works Program.

Council Resolution/Officer Recommendation – Item 12.12
OCM 2023-12-19/16

MOVED Cr Emily Wilding, Seconded Cr Jennie Carter

That Council endorse the:

1. Transfer of \$27,400 from the Asset Enhancement reserve into account AB2401.

CARRIED UNANIMOUSLY 7/0

13 Motions of which Previous Notice has been given

13.1	Exploration of Opportunities for Co-Location at 48 to 50 Old Perth Road
Councillor	Cr Hamilton
Attachments	Nil

Council Resolution/Officer Recommendation – Item 13.1 **OCM 2023-12-19/17**

MOVED Cr Kathryn Hamilton, Seconded Cr Emily Wilding

That Council:

1. Requests the CEO to engage with external parties such as the Department of Premier and Cabinet and other entities to explore opportunities for potential co-location to new Town of Bassendean Civic Facilities on the current site at 48 to 50 Old Perth Road.
2. Requests updates on those engagements be provided to councillors via the Bulletin.
3. Authorises the CEO to negotiate MOU's that may result from engagement with external parties for formal presentation to Council.

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

There being no further business, Deputy Mayor, Cr Poliwka declared the meeting closed, the time being 8.07pm.