



TOWN OF

Bassendean

MINUTES

Ordinary Meeting of Council

Tuesday 25 October 2022, 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, 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

Residents are encouraged to contribute to the draft Point Reserve Concept Plan which is out for community consultation. Available on the Town's website, hard copies also available from the Library, the Town's administration building, Seniors and Volunteer Centre and Wind in the Willows.

The Town is switching to skip bins on demand to replace bulk verge collections. Skips will provide a greater capacity for waste and allow residents to organise at a time that suits them. From Monday 14 November 2022 residents will be able to order one general waste skip bin, and one green waste skip bin, per financial year. The verge collections scheduled for October/November 2022 and April/May 2023 have been cancelled.

3 Attendances, Apologies and Applications for Leave of Absence

Present

Councillors

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

Officers

Mr Luke Gibson, Acting Chief Executive Officer
Ms Donna Shaw, Acting Director Community Planning
Mr Raj Malde, Acting Director Corporate Services
Mr Phil Adams, Exec Manager Infrastructure
Ms Nicole Davey, Exec Manager Sustainability & Environment
Ms Elizabeth Kania, Manager Governance & Strategy
Mrs Amy Holmes, Minute Secretary

Public

Approximately two members of the public were in attendance.

Apologies

Mr Paul White, Director Corporate Services

Leave of Absence

Council Resolution – Item 3.1 **OCM 1/10/22**

MOVED Cr Ames, Seconded Cr Wilding, that Cr McLennan be granted a leave of absence for 18 to 27 November 2022.

CARRIED UNANIMOUSLY 7/0

4 Declarations of Interest

Nil

5 Presentations or Deputations

Mr Aaron Mackay of 33 North Road, Bassendean requested permission to present a deputation on Point Reserve.

Council Resolution – Item 5.1 **OCM 2/10/22**

MOVED Cr McLennan, Seconded Cr Carter, that the request for a deputation be granted.

CARRIED UNANIMOUSLY 7/0

- 5.1** Mr Aaron Mackay of 33 North Road, Bassendean, addressed the Council on Point Reserve.

6 Statements by Members of the Public on Agenda Item

Nil

7 Questions from Members of the Public

Questions Taken on Notice

In response to the question raised (in writing) for the September 2022 OCM, from Mr Don Yates, it was noted that the Acting CEO had provided the following response:

Q1. *In the weekend press was an article about the Housing Crisis in Perth and even with the planned land releases to create 160,000 new blocks of land, it will impose serious burdens on an estimated 385,000 people with the families.*

Does the Deputy Mayor McLennan and CEO Mabbs have any regret for their actions in Oct 2018 to defer the adoption of Tony Dowling's planning efforts, at some cost to the ratepayers, that would now have Bassendean with its Ashfield and Bassendean Activity Centres, being able to support those seeking a home and also adding to the financial viability of the Town of Bassendean.

Response: It is assumed this question relates to the agenda item that came before the October 2018 OCM for a Request for Approval to Advertise Residential Density Scenarios and associated preliminary Key Design Principles, and associated Communications Plan. By way of clarification, Council unanimously deferred this Item subject to a Councillors' workshop. The matter was effectively superseded by the current review of the local planning framework.

Mr Aaron Mackay, 33 North Road, Bassendean

Does the Town look after the mowing at Point Reserve in the area shown in yellow on the plans.

Town staff responded that the Department of Planning Lands and Heritage is responsible for mowing that area.

8 Petitions

Nil

9 Confirmation of Minutes

Council Resolution/Officer Recommendation – Item 9.1(a) **OCM 3/10/22**

MOVED Cr MacWilliam, Seconded Cr Ames, that the minutes of the Ordinary Council Meeting held on 27 September 2022, be received.

CARRIED UNANIMOUSLY 7/0

Council Resolution/Officer Recommendation – Item 9.1(b) **OCM 4/10/22**

MOVED Cr MacWilliam, Seconded Cr Ames, that the minutes of the Ordinary Council Meeting held on 27 September 2022, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Department	Office of the CEO
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. EMRC Audit Committee 6 October-2022 [11.1.1 - 139 pages] 2. EMRC Legal Committee 6 October-2022 [11.1.2 - 7 pages]

Purpose

The purpose of this report was for Council to note the minutes from external Committees and organisations have been received.

Council Resolution/Officer Recommendation – Item 11.1 **OCM 5/10/22**

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

CARRIED UNANIMOUSLY 7/0

12 Officer Reports

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

Council Resolution/Officer Recommendation - Item 12.1
OCM 6/10/22

MOVED Cr Wilding, Seconded Cr Ames, that Council adopts en bloc the following Officer Recommendations contained in the Ordinary Council Meeting Agenda:

Item	Report
12.2	Heritage Conservation Notice – 1 (Lot 223) River Street, Bassendean
12.7	Accounts Paid 31 September 2022
12.8	Monthly Financial Report – August and September 2022
12.9	Use of Common Seal
12.10	Calendar October 2022

CARRIED UNANIMOUSLY 7/0

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

Item	Report
12.3	Draft Local Planning Scheme No. 11
12.4	Draft Local Planning Policy - Short Stay Accommodation
12.5	Draft Public Health Plan
12.6	Draft Council Briefing Session Policy
13.1	Flying of the Rainbow Flag

12.2 Heritage Conservation Notice – 1 (Lot 223) River Street, Bassendean	
Property Address	1 (Lot 223) River Street, Bassendean (Success Hill Lodge)
Landowner/Applicant	Jake Luke Gould
File Reference	DABC/BDVAPPS/2011-224
Department	Community Planning
Previous Reports	27 February 2018 27 October 2020 24 November 2020 24 August 2021
Authority/Discretion	Quasi-Judicial When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.
Attachments	Nil

Purpose

The purpose of this report was for Council to consider giving a heritage conservation notice (HCN) to the owner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) to ensure the maintenance and conservation of the heritage place.

Council Resolution/Officer Recommendation – Item 12.2 **OCM 7/10/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council:

1. In accordance with Clause 13(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) a Heritage Conservation Notice requiring the landowner to obtain development approval for, and thereafter carry out, reconstruction and stabilisation works to the verandah by 30 June 2023; and
2. In accordance with Clause 13(5) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the Heritage Conservation Notice dated 27 August 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/10/22 7/0

12.3 Draft Local Planning Scheme No. 11	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/PLANNG/24
Department	Community Planning
Previous Reports	4 November 2020 28 June 2022 26 July 2022 27 September 2022
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft LPS 11 - text [12.3.1 - 35 pages] 2. Draft LPS 11 - Map [12.3.2 - 1 page]

Purpose

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

Council Resolution/Officer Recommendation – Item 12.3 **OCM 8/10/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council:

1. Pursuant to Section 72(1) of the *Planning and Development Act 2005*, adopts draft Local Planning Scheme No. 11, as contained as Attachments 1 (text) and 2 (map); and
2. Notes that the draft Local Planning Scheme No. 11 will be referred to the Western Australian Planning Commission, Environmental Protection Authority and Heritage Council of Western Australia for review for the purposes of consent to advertise.

CARRIED UNANIMOUSLY 7/0

12.4 Draft Local Planning Policy - Short Stay Accommodation	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/POLCY/26
Department	Community Planning
Previous Reports	22 February 2022 26 July 2022
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Local Planning Policy - Short Stay Accommodation - amended following advertising [12.4.1 - 6 pages] 2. Schedule of Submissions [12.4.2 - 5 pages]

Purpose

The purpose of this report was for Council to consider adopting the draft Local Planning Policy – Short Stay Accommodation.

Officer Recommendation – Item 12.4

That Council, pursuant to Schedule 2, Part 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft Local Planning Policy – Short Stay Accommodation, as contained in the attachment to the report.

Cr McLennan moved the Officer Recommendation subject to an amendment to the attachment to replace the reference to 800m with “400m”

Council Resolution– Item 12.4 **OCM 9/10/22**

MOVED Cr McLennan, Seconded Cr Wilding, that Council, pursuant to Schedule 2, Part 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft Local Planning Policy – Short Stay Accommodation, as contained in the attachment to the report, subject to it being modified to replace the reference to 800m with “400m”.

CARRIED 5/2

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

Reason:

To focus such land uses around the town centre and public transport nodes.

12.5 Draft Public Health Plan	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	PUBH/SVPROVN/3
Department	Community Planning
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Draft Public Health Plan 2022 [12.5.1 - 61 pages]

Purpose

The purpose of this report was for Council to consider endorsing the draft Public Health Plan (PHP) for the purposes of advertising.

Council Resolution/Officer Recommendation – Item 12.5 **OCM 10/10/22**

MOVED Cr Poliwka, Seconded Cr Ames, that Council endorses the draft Public Health Plan for the purposes of advertising.

CARRIED UNANIMOUSLY 7/0

12.6 Draft Council Briefing Session Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Department	CEO's Office
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Draft Council Briefing Session Policy [12.6.1 - 5 pages] 2. Briefing Session Guidelines [12.6.2 - 5 pages]

Purpose

The purpose of this report was for Council to consider adopting the draft Council Briefing Session Policy and repealing the existing Council Briefings Session Guidelines.

Officer Recommendation – Item 12.6

That Council:

1. Adopts the draft Council Briefing Session Policy as contained in Attachment 1; and
2. Repeals the Council Briefing Session Guidelines as contained in Attachment 2.

Cr Hamilton moved the Officer Recommendation with amendments, as shown in bold.

Council Resolution/Officer Recommendation – Item 12.6 **OCM 11/10/22**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council:

1. Adopts the draft Council Briefing Session Policy as contained in Attachment 1, **subject to amendments being made such that clauses 5.2 to 5.4 read as follows:**
 - 5.2 Deputation requests must deal with an item on the agenda.**
 - 5.3 A person making a deputation is to request as such by:**
 - a) making a written request to the CEO before midday on the day of the Briefing Session; or**
 - b) making a request to the Presiding Member at the Briefing Session.**

5.4 Where a request is received pursuant to Clause 5.3(a), the CEO may either approve the request or refer it to the Presiding Member to decide whether or not to approve the request.

2. Repeals the Council Briefing Session Guidelines as contained in Attachment 2.
CARRIED UNANIMOUSLY 7/0

Reasons: Changes were made to more closely align and reflect the intent of Clause 6.10 Deputations under Town of Bassendean Council Meeting Procedures Local Law 2020

12.7 Accounts Paid 31 September 2022	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Department	Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	1. Payment Listing September 2022 [12.9.1 - 15 pages]

Purpose

The purpose of this report was for Council to receive the list of payments for September 2022.

Council Resolution/Officer Recommendation – Item 12.7 **OCM 12/10/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council receive the list of payments for September 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/10/22 7/0

12.8 Monthly Financial Report – August and September 2022	
Property Address	NA
Landowner/Applicant	NA
File Reference	FINM/AUD/1
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 at 31 August 2022 [12.10.1 - 12 pages] 2. Monthly Financial Report 30 September 2022 [12.10.2 - 12 pages]

Purpose

The purpose of this report was for Council to receive the Monthly Financial Report for August and September 2022 which incorporates the Statement of Financial Activity as legislatively required.

Council Resolution/Officer Recommendation – Item 12.8 **OCM 13/10/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
2. Receives the Monthly Financial Report for the period ending 31 August 2022 and 30 September 2022, which incorporates the Statement of Financial Activity for the period to August and September 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/10/22 7/0

12.9 Use of Common Seal	
Property Address	Not applicable
Landowner/Applicant	Not applicable
File Reference	INFM/INTPROP/1
Department	Office of the CEO
Previous Reports	Not applicable
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report was for Council to note the document affixed with the Common Seal during the reporting period.

Council Resolution/Officer Recommendation – Item 12.9 **OCM 14/10/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council notes the affixing of the Common Seal during the reporting period.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/10/22 7/0

12.10 Calendar October 2022	
Property Address	Not applicable
Landowner/Applicant	Not applicable
File Reference	INFM/INTPROP/1
Department	Chief Executive Office
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 was for Council to consider the calendar for November 2022.

Council Resolution/Officer Recommendation – Item 12.10 **OCM 15/10/22**

MOVED Cr Wilding, Seconded Cr Ames, that Council adopt the calendar for November 2022.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM 6/10/22 7/0

13 Motions of which Previous Notice has been given

13.1 Flying of the Rainbow Flag	
Councillor	Cr Wilding
Attachments	Nil

Council Resolution – Item 13.1 **OCM 16/10/22**

MOVED Cr Wilding, Seconded Cr McLennan, that Council:

1. Notes that diversity in our community is a strength that should be nurtured and supported; and
2. Requests the CEO to facilitate flying the rainbow flag in front of the Administration Centre, 48 Old Perth Road, Bassendean, for the duration of the month of November 2022, temporarily replacing the Municipal Flag.

CARRIED UNANIMOUSLY 7/0

14 Announcements of Notices of Motion for the next meeting

Nil

15 Urgent Business

Nil

16 Confidential Business

Nil

17 Closure

The next Briefing Session will be held on 15 November 2022, commencing at 6pm.
The next Ordinary Council Meeting will be held on 22 November 2022, commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 7.00pm.