



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Tuesday 26 March 2024 at 6:00 pm

Notice is hereby given to elected members of the Ordinary Council Meeting

to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

Cameron Woods

CHIEF EXECUTIVE OFFICER

DATE 14/03/2024

Meeting Information

Recording and Live-streaming

All participation in the meeting, except for confidential business, will be audio recorded and live-streamed on the Town's website. The live stream will be archived and made available on the Town's website after the meeting.

Conduct at meetings

The Town is committed to ensuring our Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community. Any person attending is required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.

For any questions regarding the Ordinary Council meeting or any item presented in the agenda, please contact the Town of Bassendean at:
mail@bassendean.wa.gov.au.

Tune in to live streaming from the comfort of your own home by going to:
Town of Bassendean Council - YouTube

or if you miss it live, go to:
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

Council Seating Plan



Minute Secretary



Manager Governance and Strategy

Joanne Burges



Chief Executive Officer

Cameron Woods



Mayor

Cr Kathryn Hamilton

E: crhamilton@bassendean.wa.gov.au

Director of Corporate Services
Paul White



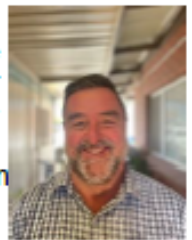
Director Community Planning

Luke Gibson



Acting Executive Manager Infrastructure

Doug Pearson



Executive Manager Sustainability and Environment

Nicole Davey



Cr Jennie Carter
E: crcarter@bassendean.wa.gov.au



Cr Emily Wilding
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Cr Tallan Ames
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Cr Jamayne Burke
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Cr Ken John
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Cr Paul Poliwka
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Council Role

Each Report presented will identify what Council's Role is in the item

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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 development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by the State Administrative Tribunal.
Information	For the Council/Committee to note.

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

Acknowledgement of Traditional Owners

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

2 Announcements by The Presiding Person Without Discussion

3 Attendances, Apologies and Applications for Leave of Absence

4 Declarations of Interest

5 Presentations or Deputations

6 Statements by Members of the Public

Public statement time will be limited to two minutes per person.

Members of the public are encouraged to submit their statements in advance by completing the relevant form:

Online Form - Public Statement Time » Town of Bassendean

Please complete this form and submit it to the Town's Chief Executive Officer by no later than 12noon on the day of the meeting.

It should be noted that comments are recorded and live streamed via YouTube, and that there is no protection from legal action being taken against you, should it arise from your comments delivered at the meeting.

7 Questions from Members of the Public

15 minutes will be allocated for questions by members of the public any question that relates to the district.

Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Questions can be submitted prior to the Council meeting to:
www.bassendean.wa.gov.au/forms/public-question-time/36

If a person asking a question is not present at the meeting, then the Mayor can choose to deal with it at the meeting or arrange a response by email.

8 Petitions

9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	Nil

Officer Recommendation – Item 9.1

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

Voting requirements: Simple Majority

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Department	CEO and Council Support
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	<ol style="list-style-type: none"> 1. East Metro Zone WALGA Minutes 15 February 2024 [11.1.1 - 14 pages] 2. EMRC Ordinary Meeting of Council Minutes 22 February 2024 [11.1.2 - 185 pages]

Purpose

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

Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

Comment

Minutes received from external Committees and organisations are attached for Council's noting.

Officer Recommendation – Item 11.1

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

Voting requirements: Simple Majority

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.
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Officer Recommendation Item 12.1

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

Item	Report
12.3	Proposed Outbuilding – 137 (Lot 385) Walter Road East
12.4	Audit and Governance Committee Meeting – 6 March 2024
12.5	Bassendean Local Emergency Management Committee Meeting – 27 February 2024
12.6	Accounts Paid – February 2024
12.7	Monthly Financial Report – December 2023 and January 2024

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

12.2	General Electors Meeting – Consideration of Motions
12.8	Draft Amended Land Asset Strategy
12.9	Administrative review of existing Local Planning Policies
12.10	Draft amended Local Planning Policy 13 – Tree Retention and Provision

12.2 General Electors Meeting - Consideration of Motions	
Property Address	
Landowner/Applicant	
File Reference	GOVN/CCLMEET/1
Directorate	
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. MINUTES General Meeting of Electors_ [12.2.1 - 20 pages]

Purpose

The purpose of this report is for Council to consider the Motions that were Carried at the General Electors Meeting held on 13 February 2024.

Background

On 13 February 2024, seven (7) motions were considered and voted upon by the electors present, of which six (6) were carried and one (1) was lost. It should be noted that electors 'may' vote at an Electors meeting however they are not compelled to.

Further, a Special Council Meeting was held on Monday 11 March 2024 to consider Motion 3 regarding boundary adjustment discussions with the City of Swan, specifically to formally advise of the Town's interest in pursuing discussions.

The following table outlines the Motions, provides comments from Town Officers and offers recommendations for Council consideration:

General Electors' Meeting 2024 Motions				
Motion No.	Notice of Motion	Responsible Officer	Comment	Recommendation
1.	<p>MOVED Alex McKellar, SECONDED Peter Markham</p> <p>That the Town of Bassendean urgently updates Local Planning Policy 13 (Tree Retention & Provision) with the aim of limiting the unnecessary removal of significant trees on private property by</p> <p>(ii) identifying that the removal of a significant tree constitutes 'works'</p>		Completed as per Resolution 12.9 of the 27 February 2024 OCM	Notes the actions taken at the Ordinary Council Meeting held on 27 February 2024

	<p>that require development approval; and</p> <p>(iii) including provisions that specify exemptions. CARRIED 9/1</p>			
2.	<p>MOVED Hilary MacWilliam, SECONDED Val Humphrey</p> <p>1. That the Town of Bassendean explore all avenues to convert Hamilton Reserve into an Urban Forest/Living Stream and/or Regenerated Wetlands to expand our urban tree canopy and vegetation; and</p> <p>2. The Town of Bassendean seek out collaborative partnerships and potential funding opportunities to accelerate nature based solutions for development of an Urban Forest at Hamilton Reserve, noting that reforestation and wetlands regeneration assists in carbon capture, development of thriving ecosystems and enhanced public health benefits. CARRIED 12/0</p>	Nicole Davey	<p>The draft Ashfield Flats Master Plan identifies Hamilton Street Reserve for 'parkland tree planting' which will result in an increase in urban tree canopy.</p> <p>With regards to a living stream, the draft Master Plan includes an action to develop a concept to modify the western bank of the Chapman St drain north of the TEC, to create a living stream. The eastern bank (Hamilton St Reserve) is not included due to the presence of uncontrolled fill and mature trees, likely to be impacted with any excavation.</p>	<p>That Council:</p> <p>Notes that in relation to Motion 2, the Ashfield Flats Master Plan will guide future works at Hamilton Street Reserve, which includes an increase in urban tree canopy, and does not propose a living stream on the eastern bank of Chapman St Drain (North).</p> <p>A Council report on this matter is not considered necessary.</p>
3.	<p>MOVED Hilary MacWilliam, SECONDED Peter Markham</p> <p>That the Town of Bassendean Council writes to the City of Swan to express willingness to engage in a collaborative process to review a potential boundary realignment exploring whether there are synergies for some or all of those adjoining urban communities to be represented by the Town of Bassendean, and</p> <p>2. Notes that the Local Government Advisory Board can assess the merits or otherwise of any boundary realignment proposal either formally or informally and should the City of Swan and Town of Bassendean councils wish to proceed with a proposal, the Local</p>	Cameron Woods	<p>This NOM was developed in response to a NOM at the City of Swan Annual Electors Meeting on February 5th.</p> <p>Motion 17: Marilena Stimpfl, South Guildford</p> <p>Noting that the Local Government Advisory Board established by the Local Government Act 1995 evaluates proposals for changes to local government boundaries; and can accept proposals for change from the Minister for Local Government, local governments themselves, or from electors; the eligible electors at this Annual Meeting of Electors of the City of Swan hereby request this Council to progress the following;</p> <p>1. That the City of Swan</p>	<p>A Special Council Meeting was held on Monday 11 March 2024 with the following Resolution:</p> <p>Moved Cr Ames, Seconded Cr Poliwka</p> <p>That Council:</p> <p>Request the CEO immediately inform the City of Swan that the Town of Bassendean is a willing partner in boundary adjustment discussions.</p> <p style="text-align: right;">Carried 6/0</p>

	<p>Government Advisory Board will undertake targeted consultation with affected communities and stakeholders for due consideration prior to making any recommendation to the Minister. CARRIED 13/4</p>		<p>Council, in the interests of good governance, reviews the south-western boundaries and suburbs of the district to consider whether there are synergies for some or all those urban communities to be represented by adjoining Local Authority, the Town of Bassendean; and</p> <p>2. That the City of Swan engage with the Town of Bassendean Council to ascertain receptiveness for collaboration with the City to develop a joint proposal in relation to potential boundary changes for consideration by the Local Government Advisory Board; and</p> <p>3. Notes that the Local Government Advisory Board can assess the merits or otherwise of any boundary realignment proposal either formally or informally; and should the City of Swan and Town of Bassendean councils wish to proceed, the Local Government Advisory Board will undertake targeted consultation with affected communities and stakeholders for due consideration prior to making any recommendations to the Minister.</p> <p>The City of Swan will consider this NOM at the Ordinary Council Meeting on March 13th with the following recommendation:</p> <p>A proposal may be made to the Advisory Board by:</p> <ul style="list-style-type: none"> a) The Minister; or b) An affected local government; or c) 2 or more affected local governments, jointly; or d) Affected electors who – <ul style="list-style-type: none"> a. Are at least 250 in number; or b. Are at least 10% of the total number of affected electors. <p>It is open to community</p>	
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			<p>members to initiate the provisions of point (d)a. above, however, in the absence of demonstrated community support for this proposal, no further action is recommended.</p> <p>A Special Council Meeting was held on Monday 11 March 2024 to deal specifically with this matter.</p>	
4.	<p>MOVED Peter Markham, SECONDED Hilary MacWilliam</p> <p>That the Town of Bassendean mandates street trees on residential verges in all areas of the Town, as is practicable, in order to:</p> <p style="padding-left: 40px;">Achieve near continuous tree canopy cover as priority over resident's objection to accommodate street trees, as outlined in the Town of Bassendean's Street and Reserve Trees policy, section 1.c.</p> <p style="padding-left: 40px;">Remain on track for 30% tree canopy within the Town by 2040.</p> <p>CARRIED 12/0</p>	Nicole Davey	<p>2024 street tree planting letters have recently been issued to property owners and residents, requesting feedback by the 22 March. By this time, an indication of objection rates and reasons will be better understood.</p> <p>There is currently in excess of 1800 potential street tree locations identified, with at least 500 street trees planted annually. While there is a surplus of potential planting locations, it is recommended that rather than mandating street trees, the Town liaises with residents with concerns and attempts to change their position. In future, when limited planting locations exist, mandatory street tree planting can be considered.</p>	<p>That Council: Does not support Motion 4, relating to mandating street tree planting at this time, noting this will be considered annually during review of the Street and Reserve Trees Council Policy.</p>
5.	<p><i>(Submitted by Joyce Tasma- not in attendance)</i></p> <p>MOVED Alex McKellar, SECONDED Peter Markham</p> <p>That the Town of Bassendean Council amend the Town's Delegation Register so as to require all decisions pertaining to the removal of street trees be made by the Council instead of under delegated authority, with the exception of those trees that have been identified by a suitably qualified independent arboriculture consultant as posing an immediate safety hazard.</p> <p>LOST 7/9</p>		<p>The Motion was <u>LOST</u>. No further action.</p>	
6.	<p>MOVED Robert Brown, SECONDED Donald Yates</p> <p>That the Town of</p>	Doug Pearson	<p>The issue of traffic movements into and out of Coulston Road, at Guildford Road, has been raised by the local community over a</p>	<p>That Council: 1.Request the CEO to contact the Local Members' Office and</p>

	<p>Bassendean Council approach the main roads department to have traffic control lights installed at the junction of Coulston road and Guildford Road and lobby to return advisory signage on Guildford Road to advise the location of the shopping centre. CARRIED 15/0</p>		<p>considerable timeframe. A review of the Town's records indicates that the provision of traffic signals at the intersection of Coulston Road and Guildford Rd has been pursued previously (2013) by Ashfield CAN and the Local Member and the Town in 2018. Road safety investigations have also been previously undertaken at the site, with various safety recommendations, including the investigation of traffic signals, proposed, however, the proposals have not progressed. To date it appears that no formal response has been received by the Town from its meetings and correspondence in 2018. It is likely that the proposed traffic signals have not been supported by MRWA due to the potential traffic flow impacts on Guildford Road. The administration will contact the Local Members' Office and request a formal response to the previous request from MRWA in 2018. A separate Council report on this matter is not necessary until this information has been received and considered.</p> <p>With respect to the proposed advisory signage on Guildford Rd, MRWA guidelines are aimed at restricting the proliferation of signage on roads under their control, to avoid potential driver distraction/confusion and the associated safety issues. As a result, it is highly likely that the proposed signage would not be supported. The request for signage is prefaced on the assumption that local business operators will benefit from directional signage and on this basis, it is a justified request. Noting the MRWA guidelines are aimed at restricting signage and the fact that we have previously advocated for traffic signals due to the</p>	<p>request a formal response to the previous request from MRWA in 2018 in relation to traffic signals at this intersection.</p> <p>A separate Council report on this matter is not necessary until this information has been received and considered.</p> <p>2. Do not support the request for the Town to advocate for advisory signage at the intersection of Guildford and Coulston Roads.</p>
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			safety concerns at this intersection, the request for the Town to advocate for advisory signage is not supported.	
7.	<p>MOVED Robert Brown, SECONDED Donald Yates</p> <p>That the Town of Bassendean Council approves and installs security lighting and cameras opposite to or at Ashfield shopping precinct. CARRIED 17/0</p>	Luke Gibson	<p>Based on information from the WA Police Force, the suburb of Ashfield does not have a demonstrable issue with crime, in comparison to other suburbs in the region. In any event, it is open to the relevant landowner to install CCTV systems to assist with potentially determining criminal and anti-social behaviour.</p> <p>Ultimately though, this matter can be considered by Council as part of the 2024/25 budget.</p>	<p>That Council:</p> <p>Do not support Motion 7.</p>

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

Comment

Comments from responsible Officers of the Town are included in the Table.

Statutory Requirements

Local Government Act 1995 Section 5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Financial Considerations

Should Council support Motion 7, the Administration will present a report as part of the 2024/25 budget following a determination of likely cost.

Risk Management Implications

Financial Risk

Low

Failure to consider the motions carried by the electors at the General Electors Meeting held on 13 February 2024 will place the Council in breach of s.5.33 of the Local Government Act 1995. Breach of statutory obligation would place the Council at risk of reputational damage and possible censure from the Department.

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 12.2

That Council:

- 1.Receives the Minutes of the General Electors Meeting held on 13 February 2024;
- 2.Notes the six (6) motions carried at the General Electors Meeting held on 13 February 2024;
- 3.Notes the actions taken at the Ordinary Council Meeting held on 27 February 2024 to address Motion 1;
- 4.Notes the outcome of Special Council Meeting held on 11 March 2024 regarding Motion 3;
- 5.Supports Part 1. of Motion 6;
- 6.Does not support Part 2. of Motion 6; and
- 7.Does not support motions 2, 4, or 7 of the General Electors Meeting.

Voting requirements: Simple Majority

12.3 Proposed Outbuilding - 137 (Lot 385) Walter Road East	
Property Address	137 (Lot 835) Walter Road East, Bassendean
Landowner/Applicant	Oscar Holt Shepherd
File Reference	2023-146
Directorate	Community Planning
Previous Reports	24 May 2022
Authority/Discretion	<p>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 permits, applications for other permits/licences.</p>
Attachments	<ol style="list-style-type: none"> 1. Previously Approved Plans (2022-028) [12.3.1 - 2 pages] 2. Current Development Plans [12.3.2 - 2 pages] 3. Submission [12.3.3 - 1 page]

Purpose

The purpose of this report is for Council to consider an application for development approval for an outbuilding at 137 (Lot 835) Walter Road East, Bassendean. The matter is being referred to Council as it is outside the authority delegated to staff due to an objection being received during the consultation period.

Background

Site History

On 24 May 2022, Council resolved to approve an application for an outbuilding located at the rear of the property. The outbuilding involved a wall height of 2.52m and an overall height of 3.5m. A copy of the previously approved plan is attached.

Site Description and Planning Framework

The subject site is a 764m² lot zoned Residential R20 under Local Planning Scheme No. 10 (LPS 10). The site contains an existing single house. A location plan follows.



Proposal

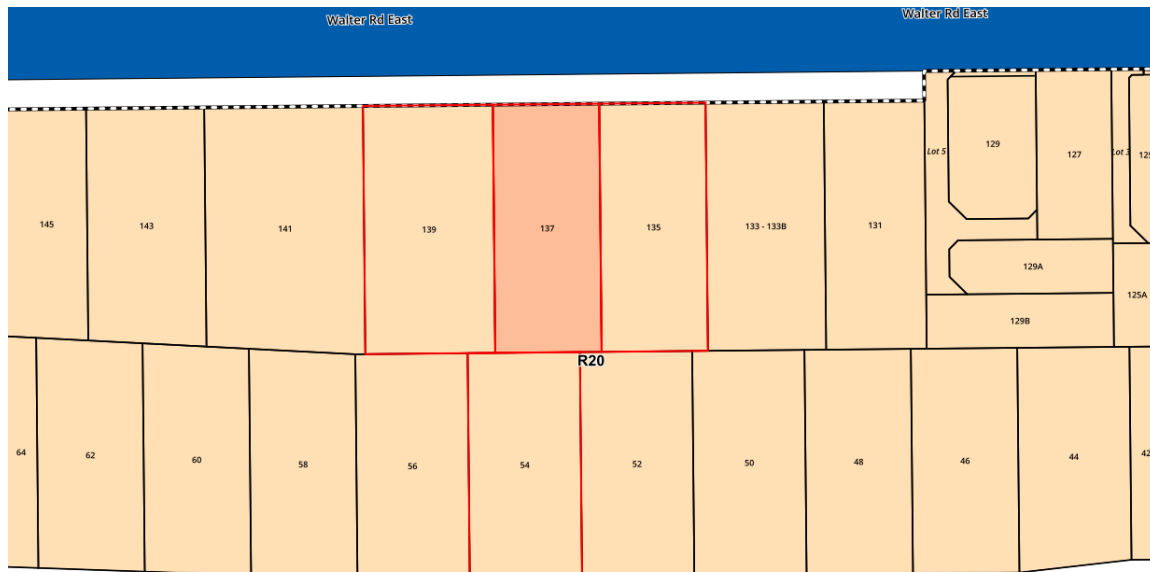
The proposal involves the following:

- The construction of a 96m² (12m x 8m) outbuilding located in the rear portion of the site. The outbuilding will be finished in painted weatherboard (on the front and side elevations) and metal sheeting (on the roof and rear elevation).
- The proposed outbuilding has a skillion roof with a wall height of 3m and overall height of 3.85m. The applicant has proposed this wall height to be able to park a boat and cars.
- The proposed outbuilding will be setback 1.5m from the southern and western boundaries and 4.6m from the eastern boundary.

A copy of the development plans is attached.

Communication and Engagement

The development application was referred to the owners and occupiers of affected properties (a total of four recipients across three properties) for a period of 14 days (being from 31 January to 14 February 2024). A consultation plan follows:



At the close of the submission period, one objection was received; based on the proposed size of the outbuilding and perceived impacts on amenity. A copy of the submission is attached.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.1 Fostering a culture of collaboration and trust between the organisation and community

Comment

Local Planning Scheme No. 10 (LPS 10)

The subject site is zoned Residential R20 under LPS 10. The proposed outbuilding is incidental to the single dwelling, which is a “P” use within the Residential zone, meaning the use is permitted by the scheme providing the use complies with the relevant development standards and the requirements of the scheme.

State Planning Policy 7.3 – Residential Design Codes Volume 1 and Local Planning Policy No. 12 – Residential Development and Fences (LPP 12)

The R-Codes include ‘deemed-to-comply’ criteria (prefixed by “C”) and design principles (prefixed by “P”). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The following table outlines the aspects of the proposal that do not meet the deemed-to-comply criteria and provides an assessment against the sole design principle, being *“outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”*

LPP 12 Provision	Assessment and Comment
C5.4.3 – Outbuildings – B. Large and multiple outbuildings	
<p>(i) collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser (in this instance 60m²);</p>	<p>The total area of the proposed outbuilding is 96m², which was previously considered acceptable to Council. Notwithstanding, when considering the design principle, the following is relevant:</p> <ul style="list-style-type: none"> • The outbuilding will be screened from view from the street due to the dwelling on-site. • The materials proposed align with the Town's Built Form and Character Study for the Walter Road East Character Area and are typical of a domestic outbuilding. • The extent of overshadowing complies with the relevant deemed-to-comply standard of the R-codes. • The dimensions of the outbuilding adjoining the neighbouring properties are not considered to be excessive. • The outbuilding has compliant setbacks, open space and outdoor living area indicating the site is not overdeveloped, and it is not considered to have a negative impact on the adjoining properties.
<p>(ii) does not exceed a wall height of 2.4m;</p>	<p>The outbuilding has a maximum wall height of 3.85m. In considering the design principle, the following is relevant:</p> <ul style="list-style-type: none"> • The outbuilding will be screened from view from the street due to the dwelling on-site. • The primary impact of building bulk is on the on-site dwelling, helping minimise any adverse effects on neighbouring properties. • The setbacks and extent of overshadowing complies with the relevant deemed-to-comply standards of the R-codes. • The wall height affecting 54 Mickleton Terrace is 0.6m greater than the deemed-to-comply standard of the R-codes. • The overall ridge height (3.85m) is compliant with the deemed-to-comply standard of the R-codes (4.2m). • The materials proposed align with the Town's Built Form and Character Study for the Walter Road East Character Area and are typical of a domestic outbuilding.

In considering the design principle assessment, and the submission received, the following is relevant:

- All other deemed-to-comply provisions of the R-Codes comply, other than wall height and floor area of the proposed outbuilding;
- Any noise on the site would be required to conform with the *Environmental Protection (Noise) Regulations 1997*.
- The Town recommends that, should the application be approved, a condition is imposed which requires the structure is used for domestic purposes only. Any use of the structure for commercial purposes would be a breach of development approval and subject to compliance and enforcement action.

Conclusion

It is considered that the impact of the proposed outbuilding will not have a detrimental impact on the amenity on the streetscape or the adjoining properties. Concerns relating to the use of the outbuilding can be conditioned. Based on the above, the proposal is supported.

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.”*

Financial Considerations

Nil.

Risk Management Implications

Should Council refuse the proposal, the applicant may seek to appeal to the State Administrative Tribunal to have the decision reviewed.

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 12.3

That Council approves the application for development approval for the proposed outbuilding at 137 (Lot 835) Walter Road East, Bassendean, subject to the following conditions:

1. The outbuilding shall only be used for domestic purposes associated with the property and not be used for commercial purposes or human habitation.
2. 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.
3. All stormwater being contained and disposed of onsite.

Voting requirements: Simple Majority

12.4 Audit and Governance Committee Meeting - 6 March 2024	
Property Address	
Landowner/Applicant	
File Reference	GOVN/CCLMEET/18
Directorate	
Previous Reports	
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. Compliance Audit Return 2023 [12.4.1 - 12 pages] 2. CONFIDENTIAL REDACTED - March 2024 Audit Findings Log [12.4.2 - 13 pages] 3. Audit and Governance Committee [12.4.3 - 6 pages]

Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 6 March 2024.

Background

The Town's Audit and Governance Committee meets at least four times each year in carrying out its functions under the Instrument of Appointment and Delegation (the Instrument). The Instrument specifies the authority, objectives and responsibilities of the Committee and governs its membership and meeting requirements.

Communication and Engagement

To ensure openness, accountability and integrity, Council has appointed one (1) community representative as a member of the Audit and Governance Committee and engages an independent advisor.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

Comment

The Committee considered the following items:

Compliance Annual Return 2023

The purpose of this report was for the Audit and Governance Committee to consider the Compliance Audit Return 2023 (CAR) for the Town of Bassendean for the period 1 January 2023 to 31 December 2023.

In the current reporting period, there were no instances of non-compliance.

Audit Findings Log

The purpose of this report was to provide the Audit and Governance Committee with the Town's Audit Findings Log, with updated actions since the meeting of the Committee on 13 December 2023.

The findings and recommendations from the 2022/23 Financial Audit and the Information Technology General Control Audit completed by the Auditor General and tabled at the December 2023 meeting of the Committee have been incorporated into the Audit Findings Log.

Statutory Requirements

Section 7.1A of the Local Government Act 1995 requires a local government to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it. The local government appoints the members of the audit committee and at least three of the members, and the majority of the members, are to be council members. Regulation 16 of the Local Government (Audit) Regulations 1996 specifies the functions of the audit committee.

Financial Considerations

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Guidelines will govern any required engagements.

Risk Management Implications

Financial Risk
High

The Audit and Governance Committee considered risks captured in the Town's Audit Risk Register. If improvement opportunities relating to the identified risks are not progressed, the risks may not be adequately mitigated.

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:

1. Receives the Minutes of the Audit and Governance Committee of 6 March 2024;
2. Adopts the Compliance Audit Return 2023 for the Town of Bassendean for the period 1 January 2023 to 31 December 2023, as attached to this report; and
3. Receives the Audit Findings Log (confidential attachment)

Voting requirements: Simple Majority

12.5 Bassendean Local Emergency Management Committee Meeting - 27 February 2024	
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	<ol style="list-style-type: none"> 1. BLEMC minutes - 27 February 2024 [12.5.1 - 5 pages] 2. DFES Report [12.5.2 - 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 27 February 2024.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
6.3 Ensure operational activities reflect the strategic focus of Council

Comment

The Committee discussed the following items at the meeting.

- Updated to Local Emergency Management Arrangements
- Agency Member Reports (Round Table)

Statutory Requirements

Under sections 38 - 40 of the *Emergency Management Act 2005*, local governments are required to establish and carry out the functions of a Local Emergency Management Committee, which includes coordinating the development and submission of documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of Local Emergency Management Arrangements.

Financial Considerations

Nil.

Risk Management Implications

With the impending departure of the Town's current Director Community Planning, there is a risk that the Town will not have an appointed Local Recovery Coordinator.

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.

Committee Recommendation – Item 12.5

That Council:

1. receives the minutes of the Bassendean Local Emergency Management Committee meeting of 27 February 2024;
2. authorises the update to the Town's LEMA to reflect that the Local Recovery Coordinator role will be performed by the Town's Manager Governance and Strategy.

Voting requirements: Simple Majority

12.6 Accounts Paid - February 2024	
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 February 2024 [12.6.1 - 16 pages]

Purpose

The purpose of this report is for Council to receive the list of accounts paid for February 2024.

Background

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, requires a list of accounts paid by the CEO each month to be presented to Council at the next ordinary meeting of Council after the list is prepared.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

4.3 Support the local economy

Comment

Payments made during February 2024 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Statutory Requirements

Local Government (Financial Management) Regulations 1996

Financial Considerations

All payments are authorised prior to disbursement in accordance with the Town's Purchasing Policy, Procurement Guidelines and allocated budgets.

Risk Management Implications

Financial Risk
Low

The Town has adequate controls in place to mitigate external and internal risks in accounts payable.

As an extra measure, the Town uses EftSure to independently check bank account details of suppliers paid by the Town.

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 12.6

That Council receives the list of accounts paid for February 2024.

Voting requirements: Simple Majority

12.8 Draft Amended Land Asset Strategy	
Property Address	Various
Landowner/Applicant	Town of Bassendean
File Reference	
Directorate	Community Planning
Previous Reports	June 2020 December 2021 September 2023
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> CONFIDENTIAL REDACTED - Adopted Land Asset Strategy (September 2023) [12.8.1 - 27 pages] CONFIDENTIAL REDACTED - Draft amended Land Asset Strategy (March 2024) [12.8.2 - 26 pages]

Purpose

The purpose of this report is for Council to consider adopting the draft amended Land Asset Strategy (LAS).

Background

The Town owns a number of freehold lots within the Town and also has care and control of a number of Crown land parcels that are vested with the Town. There is a clear need to have good asset management practices, so as to ensure the Town's land assets are managed so as to deliver suitable returns (social, environmental and economic). If any economic potential exists, this should be maximised to reduce the Town's reliance on rates revenue.

In September 2023, Council considered a draft amended LAS and resolved that it be adopted.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Sustainability

4.1 Ensure there is sufficient, effective and sustainable use of assets

4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.2 Ensure major decision making is informed by community feedback

6.3 Ensure operational activities reflect the strategic focus of Council

Comment

The LAS is intended to provide a high-level overview of the Town's land assets and how each of them should be managed so as to deliver maximum benefit for the community. It should be noted that all Public Open Space (POS) lots within the district are incorporated into the draft POS Strategy.

The current review of the LAS simply seeks to align the strategy with a number of committed actions and approaches, particularly in relation to the Town's civic facilities at 35 and 46-50 Old Perth Road, Bassendean.

It is recommended that Council adopt the draft amended LAS and that it remain confidential (that is, not accessible to the public) as it contains market sensitive information that if made available, may place the Town in a financially disadvantaged position.

Statutory Requirements

Nil.

Financial Considerations

Whilst there is no financial implication associated with the adoption of the LAS, the implications of some of the strategic recommendations will likely have a significant financial impact.

Risk Management Implications

Not having a contemporary strategy will compromise Council's ability to make decisions on matters relating to its land assets.

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 12.8

That Council

1. adopts the draft amended Land Asset Strategy, as contained as a Confidential Attachment to this report; and
2. notes that the Land Asset Strategy is to remain a confidential document.

Voting requirements: Simple Majority

12.9 Administrative review of existing Local Planning Policies	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	LUAP/PLANNG
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	Nil

Purpose

The purpose of this report is for Council to consider necessary administrative changes to the Town's suite of 18 Local Planning Policies (LPP).

Background

The Department of Planning, Lands and Heritage recently advised that the Minister for Planning is prepared to approve draft Local Planning Scheme No. 11 (LPS 11), subject to minor modifications. It is therefore expected that the Scheme will be gazetted in the very near future.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
6.3 Ensure operational activities reflect the strategic focus of Council

Comment

To ensure the Town's suite of local planning policies is consistent with LPS 11 (upon gazettal), the following changes are required:

- Replacing references to Local Planning Scheme No. 10 (LPS 10) with reference to 'the operative local planning scheme'
- Updating references to zones, land use definitions and land use permissibility provided for under LPS 11

- Replacing references to provisions of LPS 10 with equivalent provisions of LPS 11.
- Deleting references to provisions of LPS 10 where equivalent provisions are not provided for under LPS 11.
- Updating the policy format to reflect the Town's current corporate style guide.
- Rectifying minor spelling and grammatical errors.

A comprehensive review of each individual policy will be presented to Council for consideration at a later date.

It is acknowledged that Council recently resolved to adopt Local Planning Policy 8 – Car Parking and End of Trip Facilities, for the purpose of advertising. That process will continue irrespective of any Council decision regarding administrative updates.

Statutory Requirements

The *Planning and Development (Local Planning Schemes) Regulations 2015* provides that a local government is able to amend an existing Local Planning Policy. They also provide that minor amendments to local planning policies are not required to be advertised for public comment.

Financial Considerations

Nil.

Risk Management Implications

Low

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 12.9

That Council, pursuant to Clause 5 of the Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, amends its 18 existing Local Planning Policies, to the extent required to reflect the new Local Planning Scheme No. 11 and to rectify minor spelling and grammatical errors, with the modifications to take effect upon gazettal of Local Planning Scheme No. 11.

Voting requirements: Absolute Majority

12.10 Revocation of previous Council decisions - Tree Retention and Provision	
File Reference	TBA
Department	Community Planning
Previous Reports	22 August 2023 17 October 2023 28 November 2023 27 February 2024
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	Nil

Purpose

The purpose of this report is for the Council to consider two previous decisions regarding trees on private property.

Background

On 22 August 2023, Council considered draft Local Planning Scheme No. 11 (LPS 11) and resolved to support it, subject to various modifications.

Also on 22 August 2023, Council (in response to a Notice of Motion) resolved to request the CEO to “upon gazettal of Town of Bassendean Local Planning Scheme 11, immediately initiate a Scheme Amendment to achieve tree protection on private property through the insertion of the following into Schedule A: Supplemental Provisions to the Deemed Provisions.

Clause 60A

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

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

Clause 61

Development for which approval is not required:

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

On 17 October 2023, Council (in response to a Notice of Motion) resolved to request the CEO to:

- “1. Develop and release a request for quote (RFQ) to conduct an audit of mature trees on private property within the boundaries of the Bassendean Town Centre, for trees that meet the requirements of being classified as Significant Trees on the Town’s Significant Tree Register; and*
- 2. Present the cost and the process for the conducting of the audit with an officers recommendation, to the 2024/25 budget workshop for council consideration.”*

In early November 2023, the Department of Planning, Lands and Heritage (DPLH) provided the Town a draft schedule of modifications to the Council-endorsed version of draft LPS 11. That draft schedule contained minor amendments to the Significant Tree Register provisions, but nothing that materially altered the operation of the clauses.

On 28 November 2023, Council (in response to a previous Notice of Motion) considered a report on incentives to encourage the retention of significant trees and resolved that it *“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.”*

On 12 December 2023, draft LPS 11 was considered by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC). The matter was considered as a confidential item and the Town had no access to the agenda or the meeting. Following the meeting, draft LPS 11 was forwarded to the Minister for determination, although the Town was not privy to the SPC’s recommendation.

On 27 February 2024, the DPLH advised that the Minister requires various modifications to draft LPS 11, prior to it being approved.

Also on 27 February 2024, Council resolved to adopt a draft amended Local Planning Policy 13 – Tree Retention and Provision (LPP 13) for the purposes of public consultation, with the draft Policy having the effect (if ultimately adopted) of requiring a development approval to remove mature trees on private property throughout the district. At that stage, it was not considered necessary to withdraw or defer the item, as it was expected that the DPLH’s intent, via the abovementioned modification, was only to require a DA for the removal of a Significant Tree; which, by itself, would not have compromised the effect of the draft Policy.

On 28 February 2024, the DPLH clarified its previous advice on the Minister’s required modifications; specifically, that one of the modifications should exempt all tree removal from the requirement to obtain a development approval, unless the tree is included on a Significant Tree Register.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.6 Support the creation of a more green and shaded Town

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

Comment

The 28 February 2024 information from the DPLH effectively renders draft amended LPP 13 ineffective for the purposes of protecting trees on private property. In addition, it is considered that the updated information has rendered the intent of Council's August 2023, October 2023 and November 2023 resolutions relating to trees on private land ineffective.

As such, it is considered appropriate for Council to revoke these recent decisions regarding tree protection and preservation on private land.

Statutory Requirements

Regulation 10 of the *Local Government (Administration) Regulations 1996* provides that a decision made at a council or committee meeting, may be revoked or changed by a subsequent decision.

Financial Considerations

Nil.

Risk Management Implications

If Council does not revoke its previous decision, there is a risk of reputational damage related to advertising a draft policy that cannot be implemented.

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 12.10

That Council pursuant to Regulation 10 of the *Local Government (Administration) Regulations 1996* revokes the following resolutions:

1. the resolution made for Item 13.1 at the Ordinary Council Meeting of 22 August 2023, as follows.

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

Clause 60A

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

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

Clause 61

Development for which approval is not required:

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

2. the resolution made for Item 13.1 at the Ordinary Council Meeting of 17 October 2023, as follows.

“In an effort to, where practicable, support retention of mature trees to complement the delivery of quality development outcomes in the Bassendean Town Centre, Council requests the CEO to:

1. *Develop and release a request for quote (RFQ) to conduct an audit of mature trees on private property within the boundaries of the Bassendean Town Centre, for trees that meet the requirements of being classified as Significant Trees on the Town’s Significant Tree Register; and*
 2. *Present the cost and the process for the conducting of the audit with an officers recommendation, to the 2024/25 budget workshop for council consideration.”*
3. the resolution made for Item 12.2 at the Ordinary Council Meeting of 28 November 2023, as follows.

“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.”*
4. the resolution made for Item 12.9 at the Ordinary Council Meeting of 27 February 2024, as follows.

“That Council, pursuant to Clause 5(1) and 4(1) of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts draft amended Local Planning Policy 13 – Tree Retention and Provision, as contained as Attachment 3, for the purposes of advertising.”

Voting requirements: Absolute Majority

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

17 Closure

The next Briefing Session will be held on Tuesday 23 April 2024 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 30 April 2024 commencing at 6pm.