



TOWN OF

**Bassendean**

## **AGENDA**

# **Briefing Session**

**Tuesday 20 September 2022**

Notice is hereby given of the Briefing Session  
to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

commencing at 6:00 pm

# Meeting Information

## About the Briefing Session

The Mayor will preside at the Briefing Session. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the Local Government Act 1995.

## 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 Briefing Sessions

The Town is committed to ensuring our Briefing Sessions 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 Briefing Session or any item presented in the agenda, please contact the Town of Bassendean at [mail@bassendean.wa.gov.au](mailto: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 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, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town 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 right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Information	For the Council/Committee to note.

<b>1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer</b>	<b>5</b>
<b>2 Attendances and Apologies</b>	<b>5</b>
<b>3 Declarations of Interest</b>	<b>5</b>
<b>4 Announcements</b>	<b>5</b>
<b>5 Petitions</b>	<b>5</b>
<b>6 Public Question Time/Statements</b>	<b>5</b>
<b>7 Deputations</b>	<b>5</b>
<b>8 Reports</b>	<b>6</b>
8.1 Draft Local Planning Strategy	6
8.2 Draft Local Planning Policy - Rights of Way	18
8.3 Relinquishment of Management Order - Reserve 37441	22
8.4 Alternative Weed Control Strategies - Children's Playgrounds	26
8.5 RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean	34
8.6 Parking Restrictions – Harcourt Street and Lovelock Place	39
8.7 Review of the Town of Bassendean Corporate Business Plan	47
8.8 Adoption of Draft Council Briefing Session Policy	50
8.9 Audit and Governance Committee Meeting, 7 September 2022	52
8.10 Proposed Terms of Reference - Arts, Culture and Events Committee	57
8.11 Accounts Paid 31 August 2022	60
<b>9 Motions of which Previous Notice has been given</b>	<b>62</b>
<b>10 Confidential Business</b>	<b>62</b>
<b>11 Closure</b>	<b>62</b>

## **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 Attendances and Apologies**

### **3 Declarations of Interest**

### **4 Announcements**

### **5 Petitions**

### **6 Public Question Time/Statements**

15 minutes will be allocated for questions by members of the public unless the Council, by resolution, decides otherwise on matters contained in the agenda.

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](http://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.

### **7 Deputations**

Deputation requests can be submitted prior to the Briefing Session via the online form: [Online Form - Request for Deputation » Town of Bassendean](#)

Further information can be found here:  
[About Council Meetings » Town of Bassendean](#)

## 8 Reports

<b>8.1 Draft Local Planning Strategy</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/PLANNG/24
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	4 November 2020 28 June 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Draft Local Planning Strategy - as advertised [8.1.1 - 84 pages] 2. Schedule of Submissions [8.1.2 - 16 pages]

### Purpose

The purpose of this report is for Council to consider the revised draft Local Planning Strategy, for final adoption.

### Background

There is extensive background relating to the preparation of the draft local planning frameworks for certification to advertise. A chronological explanation of the project is contained in previous reports.

On 31 May 2022, the SPC considered the draft amended Strategy and resolved to certify the draft Strategy as appropriate for public consultation. A copy of the draft Strategy, as endorsed by the SPC, is contained as Attachments 3-5.

On 28 June 2022, Council resolved to note that the 31 May 2022 Statutory Planning Committee decision.

## Communication and Engagement

The draft Strategy (as contained as Attachment 1) was advertised for public comment from 22 July 2022 to 22 August 2022, by way of the following:

- Postcards to each household in the district
- Roadside signage
- Displays on the Town's website and promotion on social media
- Mayoral announcement at various briefing sessions and Ordinary Council Meetings.
- Letters to services authorities and the Cities of Swan and Bayswater
- Drop in stand (with staff attendance) at Hawaiian Shopping Centre
- Drop in stand (with staff attendance) at the Bassendean Markets
- Copies of the documents were made publicly available at the Town's Customer Services Centre, Library and both Wind in the Willows facilities.

At the close of the submission period, a total of 35 community submissions were received; eight supporting the proposal, eight objecting and 19 providing comment. A schedule of submissions is contained as Attachment 2, with the main issues raised being as follows:

- The zoning and reservation of land in the vicinity of Bindaring Park
- Split Density Codes
- Bassendean Industrial Area

These matters are discussed further in the report.

In addition to the above, one service agency submission was received from ATCO Gas. This submission raised a minor issue regarding operation of the network (addressed later in the report) but otherwise only stated that some parts of the district *"fall within the WAPC Draft Development Control 4.3 Trigger Distance for ATCO infrastructure. Any sensitive land use or high density community use developments within this Trigger Distance of a High Pressure Gas Pipeline requires further consultation with ATCO prior to preliminary designs being finalised. Please consider the WAPC's draft DC4.3 and also the site; PlanWA for development planning."*

Following the consultation period, the matter was discussed at the 6 September 2022 Councillor workshop.

## Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

**Comment**

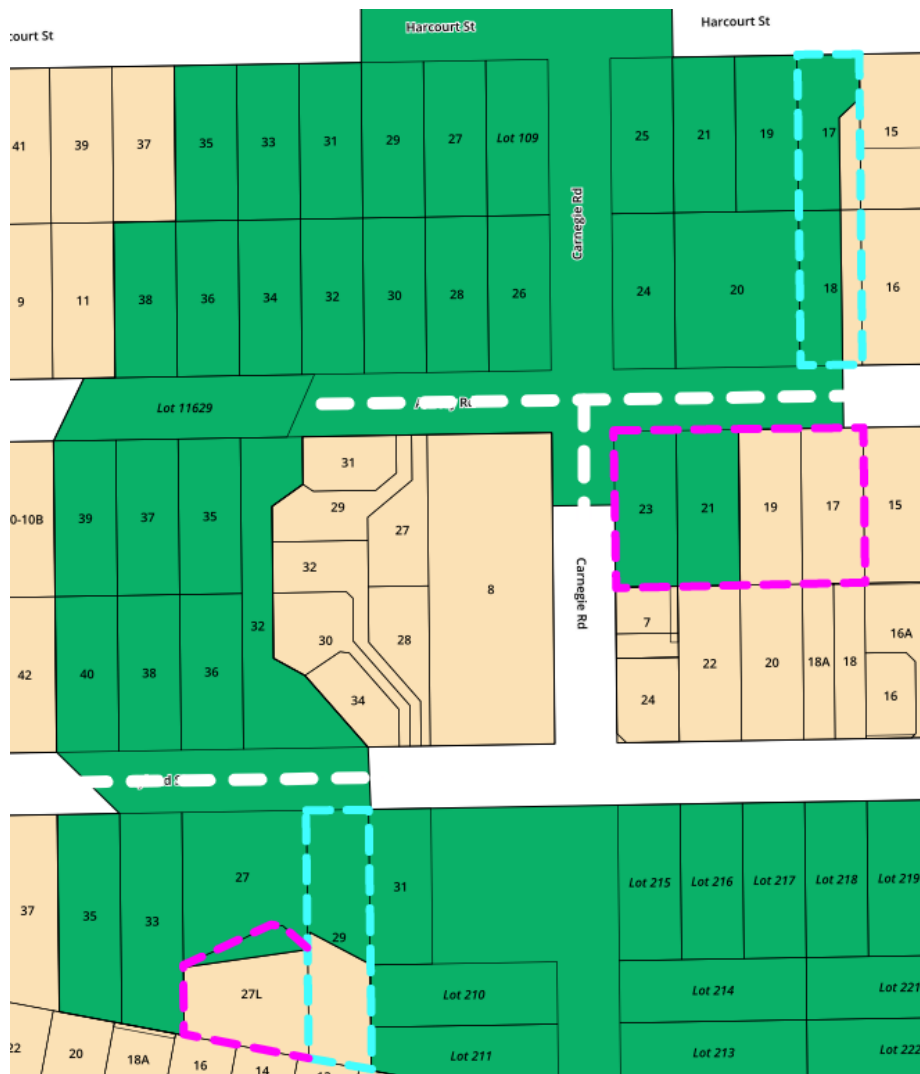
Bindaring Park

Section 4.4.1 (Natural Areas) of the draft Strategy makes reference to investigating “the rationalisation of the proposed local open space reservations as recognised by TPS 4A under the local planning scheme”. It prescribes the relevant actions as:

- “reserving 27 Hyland Street as Public Open Space”; and
- “removing the open space reservation from 17 Harcourt Street and 18 Anstey Road”.

A number of submissions objected to these actions, suggesting that the existing zones and reservations that apply to the sites should remain unchanged; that is, the majority of 27 Hyland Street should remain as residential and portions of 17 Harcourt Street and 18 Anstey Road should remain as local open space.

In reviewing the matter, Council should consider the future use of those lots, as well as the privately-owned 29 Hyland Street and the Town-owned 17, 19, 21 and 23 Anstey Road, all identified below.





Details of the lots are as follows.

	<b>17 Harcourt Street and 18 Anstey Road</b>	<b>27 (Lot 100) Hyland Street (ie. ex Lot 101)</b>	<b>17, 19, 21 and 23 Anstey Road</b>
<b>Ownership</b>	Privately-owned and if reserved as POS, would be required to be acquired by the Town.	Town-owned.	Town-owned.
<b>Vegetation</b>	Some native vegetation.	Limited native vegetation.	Some native vegetation.
<b>Bushfire Risk</b>	Likely.	Likely.	Likely.
<b>Flood Risk</b>	The sites are located in the Floodplain. Development may occur provided that it achieves a habitable floor level that is 0.5m above the expected 1% annual exceedance probability flood event.	Small portion is within the Floodplain.	The sites are located in the Floodplain. Development may occur provided that it achieves a habitable floor level that is 0.5m above the expected 1% annual exceedance probability flood event.
<b>Road Access</b>	Access to two constructed roads.	No typical road access. Access to the former dwelling was via the abutting POS.	Access to two constructed roads.
<b>Distance from Wetlands</b>	20m from a Multiple Use Wetland and 150m from a Conservation Category Wetland, with the former separated by a constructed road and existing dwellings.	25m from a Conservation Category Wetland.	50m from Multiple Use Wetland and 90m from a Conservation Category Wetland, although separated by a constructed road and/or existing dwellings.
<b>Environmentally Sensitive Area</b>	No.	Eastern half of lot is within an ESA.	No.
<b>Contamination</b>	No.	No.	Potentially for 17 and 19 Anstey Road. Detailed site investigation required.
<b>Relationship with Bindaring Park</b>	The sites directly abut Bindaring Park and if reserved as POS, would provide an extension of that park.	The site directly abut Bindaring Park and if reserved as POS, would provide an extension of that park.	The sites do not abut Bindaring Park and if reserved as POS, would effectively be a separate park.

In considering the future use of the lots, Council must have regard to the environmental value of the lots, the financial value of the lots, the need to provide local open space across the whole of the district, as well as the Town's ongoing financial sustainability and the need to appropriately use its land assets for the benefit of the district, as discussed below.

- The local community strongly advocates for greater quantity of POS in their local area, with a particular focus on lots on Anstey Road.
- That local area is provided with proportionally more POS than most of the district.
- Council must govern for the whole of the district and consider the needs of current and future generations.

- The Town has limited sources of revenue: rates, fees and charges, and grants. The Town will require an external funding source or capital injection for any significant initiative; ie grant, loan, or asset disposal
- From an environmental perspective, it is preferable to have contiguous areas of open space (with a greater area to perimeter ratio), so as to reduce the extent of the “edge effects” that come with open space directly abutting urbanised areas.
- For some time, Council has desired the swift cessation of TPS 4A, which would require all reserved land to have been acquired.
- Council is able to impose Tree Preservation Orders over any sites that accommodate significant trees that are worthy of retention.

Based on the above aspects, it is recommended that any additional open space in the area be limited to those sites that directly abut the existing Bindaring Park. It is therefore recommended that section 4.4.1 of the draft Strategy be amended to read as follows:

*“The natural areas of environmental significance within the Town include the Swan River Foreshore, Ashfield Flats, Bindaring Park/Pickering Park, Success Hill Reserve and Bennett Brook. Given the relatively developed nature of the district, the vast majority of environmentally-important land is in public care and control; reserved as Parks and Recreation under the MRS and LPS 10, and managed by the Town and/or the DPLH.*

*One issue that requires action from a Natural Areas perspective is the finalisation of Town Planning Scheme No. 4A (TPS 4A) – a guided development scheme that seeks to acquire land in and around Bindaring Park. As part of the review of the Scheme, it was identified that it is appropriate to rationalise the proposed open space within Bindaring Park, specifically:*

- *reserving the 27 Hyland Street as Local Open Space on the basis that it accommodates remnant vegetation, does not have typical access to the public road network (access is via abutting open space) and has already been acquired by the Town. This will result an additional 1,369m<sup>2</sup> of open space; and*
- *reviewing the zonings and reservations that currently apply to 17 Harcourt Street, 18 Anstey Road, 29 Hyland Street, and 17, 19, 21 and 23 Anstey Road. The above review should consider environmental outcomes, quantity of open space, impact on private landowners, the desire for the swift cessation of TPS 4A, the desire to provide additional open space in the subject location, the financial impost of providing such space, the need to provide open space across the whole of the district and the financially-sustainable management of Town-owned assets.*

*Therefore, actions are recommended in Part 1 to Investigate the rationalisation of the proposed local open space reservations as recognised by TPS 4A under the local planning scheme. “*

If Council resolves to proceed with the above amendment to the draft Strategy, the Town will further review the matter as part of the requisite review of draft Local Planning Scheme No. 11, which will involve a subsequent report to Council for consideration.

### Split Density Codes

In preliminary discussions with the DPLH in preparing the draft Strategy and LPS 11, the DPLH advised that it would not support split density codings on the basis that densities should be provided with regard to established, appropriate locational criteria.

With the introduction of the various Planning Areas, the DPLH has advised that it would not support the removal of the split density codings in Planning Areas C, D, E, F and G until relevant investigations have been completed, so as to determine the most appropriate future coding of this land. That still provided for the removal of split codings from Planning Areas G, H and I, on the basis that those areas were outside the Activity Centres and Urban Corridors provided by the WAPC's Sub-Regional Framework.

In response to this aspect of the draft Strategy, the Town received four submissions (although only one of those submissions claimed to represent a specific property) advocating for the retention of the split density codes within the southern portion of proposed Planning Area G (southern extent of Second, Third and Fourth Avenues). The stated reasoning for this change is to enable development to occur at a coding above the based coding of R20. In considering this matter, the following is relevant:

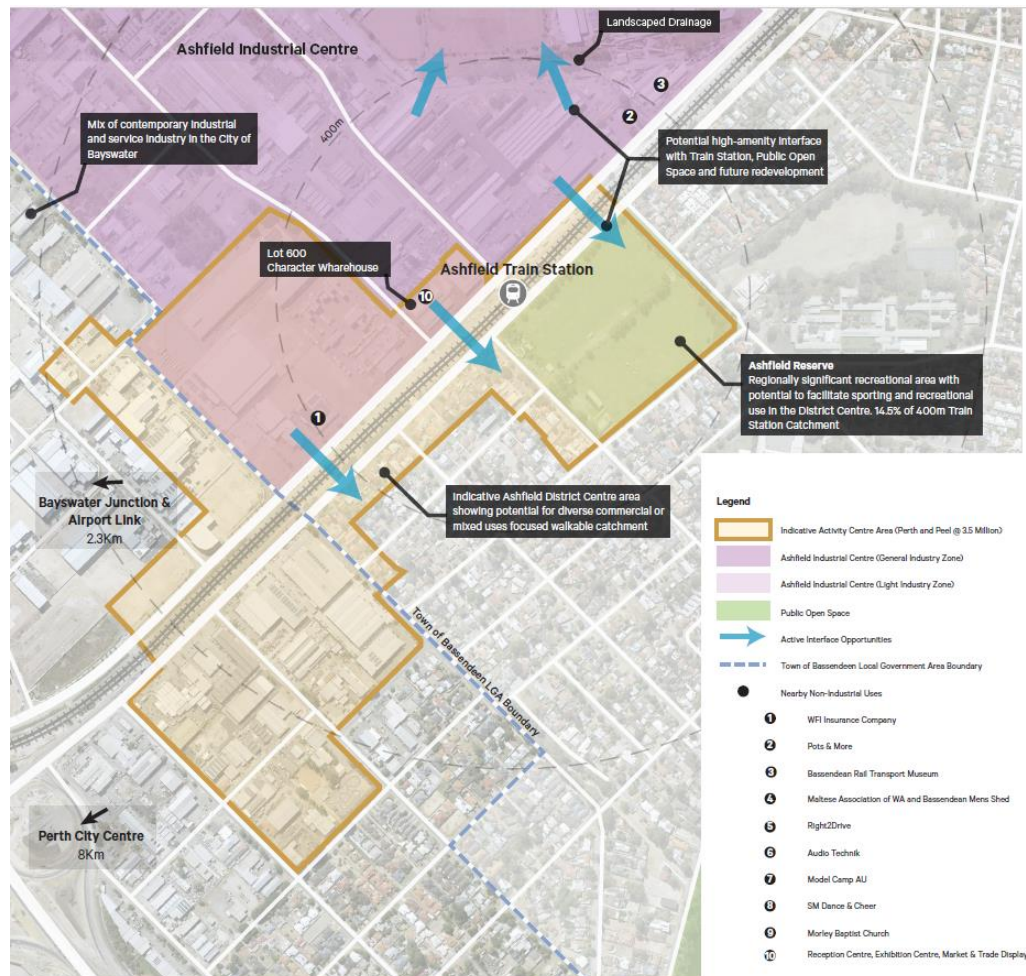
- The draft Strategy aligns with the WAPC's Sub-Regional Framework in terms of its identification of Activity Centres and Urban Corridors.
- Part of current Planning Area G are located within 150m of the town centre and within 300m of the Bassendean railway station.
- The Town will be able to achieve its assigned density targets with Planning Area G being coded R20.
- Some redevelopment has already occurred at densities above R20.
- Based on the consultation process, there appears to be very limited community support for development above the R20 coding.

Whilst there is some planning merit in submission, given the extremely limited community support, it is not recommended that the draft Strategy be modified.

### Bassendean Industrial Area

One of the submissions requested modifications to the draft Strategy as it relates the Industrial Area adjacent to the Ashfield Train Station, specifically:

- Updating the map at Figure 1 to extend planning area B to the northern side of the railway reserve, as below.



- Rewording of Planning Issue/Opportunity No. 4 and 7 to include reference to the Ashfield District Centre extending to the northern side of the railway reserve, as above;
- Modifying Planning Issue/Opportunity No. 8 to reflect provision for intensified and diversified employment within the section of the Ashfield Industrial Area around Ashfield Station (within the extent of an activity centre) while preserving the remainder of the current industrial area.

The submitter has suggested that above modifications are warranted for the following reasons:

- It will help focus development within activity centres and around transport nodes in addition to increasing the diversity of uses, in line with State strategic planning directives;
- Local employment will be prioritised as it will help create a higher density of jobs within the Ashfield District Centre, providing more opportunity for people to work (and live) within the Town of Bassendean; and



- Increased employment diversity within the Ashfield Industrial Area will promote employment resilience and contribute to the Town's long-term economic sustainability.

In considering the matter, the following is relevant:

- The land located north of Guildford Road is zoned Industrial under the Metropolitan Region Scheme and there are no active proposals to amend that zoning.
- The subject area is identified by the Sub-Regional Framework as an "Industrial Centre". Whilst the subject area is also identified by the Sub-Regional Framework as an Activity Centre, it is understood that the latter is based upon the now-redundant Ashfield Precinct Plan, which assumed major infrastructure changes including the relocation of Ashfield Railway Station and significant changes to the regional road network. Given that those major infrastructure changes are now not proposed to occur, it is understood that the subject area will effectively default back to "Industrial Centre", in accordance with Section 4.4 of the Sub-Regional Framework.
- With regard to the Activity Centres, the Sub-Regional Framework states that they are "*hubs that attract people for a variety of activities, such as shopping, working, studying and living. These centres mainly consist of a concentration of commercial uses combined with a varying proportion of other land uses such as residential, schools and open space. The role and function of these centres and the diversity of activities within them varies depending on their catchment.*"
- Similarly, State Planning Policy 4.2 - Activity Centres states that its objective is to "*enable the distribution of a broad range of goods, services and activities, including retail, commercial and mixed-use developments that do not undermine the hierarchy of activity centres*". The policy seeks to encourage "*the development of multifunctional activity centres that can cater for a wide range of office, commercial, retail, food and hospitality, entertainment, education, leisure, cultural/tourist, residential and mixed-use land uses.*" Based on the above, it would appear that industrial areas and associated land uses are not intended to form part of Activity Centres.
- With regard to Industrial Centres, the Sub-Regional Framework states that "*there is a need for industrial land to be planned, protected and preserved within close proximity and adjacent to primary arterial routes into and out of the city centre in order to maintain employment diversity.... In the Central sub-region, the conflict between competing uses, such as residential and commercial, is placing pressure on the stock of industrial land that, without intervention, may be dramatically reduced.*"

Based on the above, it is not considered appropriate for the industrial precinct to be included as part of the Ashfield Activity Centre.

That notwithstanding, it is acknowledged that the subject area is well serviced by public transport and the location may lend itself to a lighter form of industrial development; a matter that can be contemplated under a new local planning scheme.

That approach does not require any change to the draft Strategy which already states that “*land use transition through zoning arrangements and designating appropriate land use permissibility under the local planning scheme is the recommended approach*”.

### Minor Modifications

A series of minor modifications have been identified as follows.

<b>Amendment</b>	<b>Reason</b>
Page 5 – Part 1, Section 2: replacing the fourth dot point with “ <i>Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and appropriately utilised</i> ”	To address a concern raised in a submission.
Page 5 – Part 1, Section 2: removing the reference to “ <i>the establishment of three heritage areas</i> ”	The heritage areas have already been established.
Page 7 - Part 1, Section 3.2.3: replacing “288” with “289”, as it relates to the Local Heritage Survey.	To refer to the correct figure.
Page 7 - Part 1, Section 3.2.3: replacing “eight” with “nine”, as it relates to registered Aboriginal Heritage Places.	To refer to the correct figure.
Page 10 – Part 1, Section 3.2: replacing Action 4.1 with “ <i>Support the inclusion of local planning scheme provisions to protect trees.</i> ”	To clarify the proposed action.
Page 14 - Part 1, Section 3.4.1: replacing ““water sensitive urban design policy” with “sustainable development policy”.	To reflect the consolidation of former LPPs 2 and 3.
Page 14 - Part 1, Section 3.4.1: adding reference to “Success Hill Reserve” as a natural area of environmental significance.	To address a concern raised in a submission.
Page 24 - Part 1, Section 5: Amending Figure 1 (Strategy Map) to replace reference to the “Ashfield Industrial Area” to the “Bassendean Industrial Area”.	To refer to the correct locality.
Page 43 - Part 2, Section 3.5: updating Table 13 (Local Planning Policies) to replace reference to former LPPs 2 and 3 with “ <i>LPP 2 – Sustainable Development</i> ” and to insert reference to “ <i>LPP 4 – Heritage and Character</i> ”	To reflect the current suite of Local Planning Policies.
Page 61 – Part 2, Section 4.2.4: removing the term “underutilised”.	To address a concern raised in a submission.
Page 63 – Part 2, Section 4.2.5: replacing “Prospectus Loop” with “Prospector Loop”	To refer to the correct location.
Page 74 – Part 2, Section 4.5.3: replacing “WA Natural Gas” with “ATCO Gas Australia”	To refer to the correct organisation.

It is recommended that Council adopt the Strategy, subject to the above modifications being made.

## Statutory Requirements

The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to review the strategy having regard to any submissions made, and then either support the local planning strategy either (a) without modification or (b) with proposed modifications to address issues raised in the submissions.

## Financial Considerations

The cost of finalising the draft Strategy will be met via the 2022/23 operational budget.

## Risk Management Implications

High. If Council resolves to make significant modifications to the document, it may result in the SPC requiring readvertising, thus further delaying the project.

## 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 8.1

That Council:

1. pursuant to Regulation 14(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received in response to the advertising of the draft Local Planning Strategy.
2. pursuant to Regulation 14(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports the local planning strategy, subject to the following modifications being made:

No.	Amendment
1	Page 5 – Part 1, Section 2: replacing the fourth dot point with “ <i>Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and appropriately utilised</i> ”
2	Page 5 – Part 1, Section 2: removing the reference to “ <i>the establishment of three heritage areas</i> ”
3	Page 7 - Part 1, Section 3.2.3: replacing “288” with “289”, as it relates to the Local Heritage Survey.
4	Page 7 - Part 1, Section 3.2.3: replacing “eight” with “nine”, as it relates to registered Aboriginal Heritage Places.
5	Page 10 – Part 1, Section 3.2: replacing Action 4.1 with “ <i>Support the inclusion of local planning scheme provisions to protect trees.</i> ”

6	Page 14 - Part 1, Section 3.4.1: replacing “water sensitive urban design policy” with “sustainable development policy”.
7	Page 14 - Part 1, Section 3.4.1: adding reference to “Success Hill Reserve” as a natural area of environmental significance.
8	Page 24 - Part 1, Section 5: Amending Figure 1 (Strategy Map) to replace reference to the “Ashfield Industrial Area” to the “Bassendean Industrial Area”.
9	Page 43 - Part 2, Section 3.5: updating Table 13 (Local Planning Policies) to replace reference to former LPPs 2 and 3 with “LPP 2 – Sustainable Development” and to insert reference to “LPP 4 – Heritage and Character”
10	Page 61 – Part 2, Section 4.2.4: removing the term “underutilised”.
11	Page 63 – Part 2, Section 4.2.5: replacing “Prospectus Loop” with “Prospector Loop”
12	<p>Page 72 – Part 2, Section 4.4.1: amending the section to read as follows:</p> <p><i>“The natural areas of environmental significance within the Town include the Swan River Foreshore, Ashfield Flats, Bindaring Park/Pickering Park and Bennett Brook. Given the relatively developed nature of the district, the vast majority of environmentally-important land is in public care and control; reserved as Parks and Recreation under the MRS and LPS 10, and managed by the Town and/or the DPLH.</i></p> <p><i>One issue that requires action from a Natural Areas perspective is the finalisation of Town Planning Scheme No. 4A (TPS 4A) – a guided development scheme that seeks that acquire land in and around Bindaring Park. As part of the review of the Scheme, it was identified that it is appropriate to rationalise the proposed open space within Bindaring Park, specifically:</i></p> <ul style="list-style-type: none"> <li><i>• reserving the 27 Hyland Street as Local Open Space on the basis that it does not have typical access to the public road network (access is via abutting open space) and has already been acquired by the Town. This will result an additional 1,369m<sup>2</sup> of open space; and</i></li> <li><i>• reviewing the zonings and reservations that currently apply to 17 Harcourt Street, 18 Anstey Road, 29 Hyland Street, and 17, 19, 21 and 23 Anstey Road. The above review should consider environmental outcomes, quantity of open space, impact on private landowners, the desire for the swift cessation of TPS 4A, the desire to provide additional open space in the subject location, the financial impost of providing such space, the need to provide open space across the whole of the district and the financially-sustainable management of Town-owned assets.</i></li> </ul>



	<i>Therefore, actions are recommended in Part 1 to investigate the rationalisation of the proposed local open space reservations as recognised by TPS 4A under the local planning scheme.”</i>
13	Page 74 – Part 2, Section 4.5.3: replacing “WA Natural Gas” with “ATCO Gas Australia”

**Voting requirements: Simple Majority**

<b>8.2 Draft Local Planning Policy - Rights of Way</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/POLCU/27
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning, Development and Place
<b>Previous Reports</b>	28 June 2022 22 March 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Schedule of Submissions [8.2.1 - 10 pages]</li> <li>2. Draft Local Planning Policy - Rights of Way (including modifications - tracked changes) [8.2.2 - 3 pages]</li> <li>3. Draft Local Planning Policy - Rights of Way (including modifications - clean) [8.2.3 - 3 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to consider adopting draft Local Planning Policy – Rights of Way.

### Background

On 22 March 2022, Council resolved to adopt the Rights of Way (ROW) Strategy which foreshadowed preparation of a ROW specific Local Planning Policy.

On 28 June 2022, Council considered a draft Policy and resolved to endorse it for the purposes of advertising.

### Communication and Engagement

Following Council's resolution on the matter, the draft Policy was advertised for a period of a 21 days, being the 12 July 2022 – 2 August 2022 in the following manner:

- Owners and occupiers of properties abutting ROWs were notified in writing;
- The consultation displayed on the Town's website;
- Copies of the draft policy were made publicly available at the Town's Customer Services Centre and Library; and
- The Department of Planning, Lands and Heritage were provided a copy of the draft Policy in accordance with the requirement of the Western Australian Planning Commission's *Planning Bulletin 22/2017 – Rights of Way or Laneways in Established Areas*.

In response, the Town received 15 submissions from landowners; with two submission of support, one objecting and 12 providing comment.

It should be noted that a majority of the comments provided on the submissions pertained to the Council-adopted Right of Way Strategy and were of little to no relevance to the draft policy. Relevant submissions to the policy provided comment on and/or raised concerns with the requirements for a financial contribution and ceding of land. These points are discussed within this report.

In addition, the Town received three submissions from state government and service authorities (the Water Corporation, ATCO gas, and the Department of Planning Lands and Heritage). Neither the Water Corporation nor ATCO gas objected to the draft Policy, with the Department raising a number of matters for consideration including the Town considers the timing of the works associated with upgrading of the ROWs to ensure the upgrades occur in a reasonable time, and reinforcing financial contribution requirements within the Local Planning Scheme. A copy of the Schedule of Submissions is attached to this report.

## **Strategic Implications**

Priority Area 1: Strengthening and Connecting our Community

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

1.5 Supporting healthy lifestyles throughout our Town

## **Comment**

### Financial Contribution

The draft Policy contains a provision that requires the developing landowner to make a financial contribution for the upgrading of the abutting ROW. Several submissions provided comment and/or objected to this aspect of the Policy.

Given that the lots that abut the ROW will benefit from additional access, it is appropriate to require the developers of those lots to make a financial contribution to the improvement to the infrastructure. It is important to note that the requirement only arises when a landowner seeks to subdivide or develop their land. The alternative to the direct beneficiaries of the infrastructure funding the upgrade is that the Town funds the works, meaning that the broader community will bear the cost. It is open to Council to pursue this approach if it considers it appropriate.

The costs associated with upgrading the various ROWs are not yet known, and is subject to detailed designs being prepared and costed; work which is currently underway. Once finalised, the costs will be incorporated into Schedule of Fees and Charges via a separate and future decision of Council.

Notwithstanding the above, it is considered unreasonable to impose a requirement on a landowner to make a financial contribution if the subject development did not give rise to the need for the upgrade to the ROW. It is therefore recommended that there be a minor modification to the draft Policy to provide clarification on this matter.

### Ceding of Land

Submissions objected to the need to cede land. Whilst the objective 3(b) of the policy is to facilitate sufficient access from ROWs, including the use of building setbacks or ceding of land for swept paths for vehicles, there is no requirement within the policy to cede land.

### Operation of the Policy

State Planning Policy 7.3 – Residential Design Codes Volume 1 (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. In relation to vehicle access, the R-Codes prescribe the following deemed-to-comply provision:

#### C5.1 Access to on site car parking spaces to be provided:

- where available, from a **communal street** or **right-of-way** available for lawful use to access the relevant site and which is adequately paved and drained from the property boundary to a constructed **street**; or
- from a **secondary street** where no right-of-way or communal street exists; or
- from the **primary street** frontage where no secondary street, right-of way, or communal street exists.

Given that a number of the ROWs are not “*adequately paved and drained*”, the R-Codes do not require new dwellings on abutting sites to obtain access from them and as a result, Council would not be able to refuse an application on that basis.

It is therefore recommended that approval be sought from the Western Australian Planning Commission for Clause 6.4(a) of the draft Policy to amend Clause 5.3.5 deemed-to-comply provision C5.1.

### Conclusion

The minor amendments to the draft policy outlined above provide further clarity on the imposition of a financial contribution for the upgrading of a ROW. Ultimately, the draft policy will provide design requirements where subdivision/development occurs abutting ROWs, ensuring a coordinated approach to development.

Without the policy, development adjoining a ROW is likely to occur in an ad hoc manner. It is therefore recommended that Council adopt the draft policy with the minor modifications.

### **Statutory Requirements**

The *Planning and Development (Local Planning Schemes) Regulations 2015* state that after advertising the draft Policy, Council must review the policy in light of any submissions and resolve to:

- (i) *proceed with the policy without modification; or*
- (ii) *proceed with the policy with modification; or*
- (iii) *not proceed with the policy.”*

### **Financial Considerations**

The draft Policy will provide the mechanism for the Town to require financial contributions to upgrading of the various ROWs throughout the district. Whilst outside the operation of the draft Policy, the Town will undertake the upgrading works in the future, which will have financial implications.

### **Risk Management Implications**

Should Council not adopt the draft Local Planning Policy, future subdivision and development of land abutting ROWs will be guided by the development standards contained within the State Planning Policy 7.3 – Residential Design Codes.

### **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 8.2**

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 – Rights of Way (as amended following advertising), as contained in the attachment.

### **Voting requirements: Simple Majority**

<b>8.3 Relinquishment of Management Order - Reserve 37441</b>	
<b>Property Address</b>	Lot 9644 Park Lane, Bassendean
<b>Landowner/Applicant</b>	Crown land
<b>File Reference</b>	N/A
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	23 November 2021 21 December 2021 28 June 2022 26 July 2022
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	Nil

### Purpose

The purpose of this report is for Council to consider requesting that the Minister for Lands revoke the management order that applies to Reserve 37441 (being Lot 9644 Park Lane, Bassendean) and to cancel the reserve.

### Background

The subject site is a 3,353m<sup>2</sup> Crown reserve, has three street frontages and currently accommodates the Wilson Street car park; a public, free-of-charge car park managed by the Town. It is currently reserved Parks and Recreation under Local Planning Scheme No. 10 (LPS 10). A location plan follows.





In November 2021 (and after an 18 month, three-phase, community consultation process), Council adopted the Town Centre Masterplan, which identified the subject site as being appropriate for 8-10 storey development.

In December 2021, Council adopted a Land Asset Strategy, with one of the recommendations being that the Town continue to advocate to the State Government that it redevelop the site in accordance with the Town Centre Masterplan.

In June 2022, Council resolved to note the draft amended Local Planning Strategy, which recommended (amongst other things) that the Bassendean Town Centre applied with a District Centre zoning.

In July 2022, Council resolved to initiate draft amended LPS 11, which proposed that the subject site (amongst others) be rezoned to District Centre, but with an associated provision that allowed development in accordance with the R-AC1 coding (generally up to nine storeys).

## Communication and Engagement

As demonstrated by the *BassenDream our Future* engagement process, the consultation associated with the Town Centre Masterplan and the results of the 2020 and 2022 Catalyse Community Surveys, it is clear that the community strongly supports greater vibrancy and activity within the Bassendean Town Centre. It is this support that led the Council-adopted Strategic Community Plan to place a focus on “*supporting the town centre to thrive*” and “*increasing the residential population close to centres and train stations*”.

With regard to the subject site specifically, Town staff have discussed the matter with the Minister for Housing; Lands; Homelessness; Local Government as well as the Department of Planning, Lands and Heritage (DPLH) staff.

Recently, the Minister advised that “*subject to due diligence investigations demonstrating that the site is capable of supporting residential development, that the site will be included as part of the Government’s Housing Diversity Pipeline. I have asked the Department to progress initial due diligence investigations to facilitate the potential future release of the site to the market for a residential housing outcome.*”

The matter was discussed at a Councillor workshop on 13 September 2022.

## Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

## Priority Area 4: Driving Financial Suitability

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

#### **Comment**

In accordance with the adopted Land Asset Strategy, Council's strategic intent is for the State Government to redevelop the site in accordance with the Town Centre Masterplan.

A necessary step in the process is to request that the Minister revoke the management order and cancel the reservation. This will allow the site to be assessed by the DPLH and divested in line with its determined optimal future use.

In considering the proposal, the following is relevant:

- The prospect of redevelopment within, and rejuvenation of, the town centre is strongly supported by the local community.
- The site is zoned Urban under the Metropolitan Region Scheme.
- Whilst the site is reserved Parks and Recreation under LPS 10, it is proposed to be zoned District Centre under draft Local Planning Scheme No. 11.
- The adopted Town Centre Masterplan contemplates significant redevelopment of the site, leveraging from its location being in close proximity to the Bassendean Railway Station.
- The proposal is specifically contemplated by both the Council-adopted Town Centre Masterplan and the Council-adopted Land Asset Strategy.
- That subject to due diligence investigations demonstrating that the site is capable of supporting residential development, the Minister for Housing; Lands; Homelessness; Local Government has committed to facilitating development of the site.

Based on the above, it is recommended that Council request that the Minister for Lands revokes the management order that applies to Reserve 37441 and cancels the reserve.

#### **Statutory Requirements**

Section 50 of the *Land Administration Act 1997* provides that the Minister may revoke management orders and Section 51 provides that the Minister may cancel a reserve.

#### **Financial Considerations**

Nil.



## **Risk Management Implications**

If Council does not support the proposal, it will compromise the implementation of the Council-adopted Town Centre Masterplan. In addition, it will present a reputational risk to Council in terms of its support for the State Government's housing and public transport agendas as well as its own strategic directions.

## **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 8.3**

That Council authorises a request being made to the Minister for Lands to revoke the management order that applies to Reserve 37441 and cancel the reserve.

## **Voting requirements: Simple Majority**

<b>8.4 Alternative Weed Control Strategies - Children's Playgrounds</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	ENVM/MAINT/1
<b>Author</b>	Executive Manager Infrastructure and Executive Manager Sustainability and Environment
<b>Department</b>	Infrastructure Sustainability and Environment
<b>Previous Reports</b>	21/12/2022 – <i>Item 13.1.</i>
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Location of play equipment [8.4.1 - 1 page]</li> <li>2. Playground Maintenance and Treatments [8.4.2 - 1 page]</li> </ol>

### Purpose

The purpose of this report is for Council to consider a report outlining alternative weed control strategies so as to reduce or where possible eliminate the use of glyphosate or other herbicides in or near children's playgrounds.

### Background

At the 21 December 2021 Ordinary Council Meeting, a Notice of Motion submitted by Cr Carter was listed for consideration:

*That the Town discontinue the use of glyphosate in or near children's playgrounds and other public places where children congregate, such as day care centres and schools, and also near waterways.*

At the meeting, Council resolved to defer any further consideration of the use of glyphosate and weed management until after the review of weed management strategies has been completed and presented to Councillors.

The following was subsequently undertaken relating to the above Council resolution:

- Results of weed trials (Beat a Weed, LocalSafe, Solarisation, Trimmer Boss and Steam Weeding) and steam weeding monitoring provided to Councillors through the CEO Bulletin in December 2021.
- Review of weed management strategies for parks and gardens, natural areas and streetscapes completed and provided to Councillors through the CEO Bulletin in December 2021, prior to publication on the Town's website.

- Draft 10 Year Management Plans developed for Town-managed natural areas (including weed management strategies) and provided to relevant Friends Of/ environmental groups for comment.
- Presentation on weed management at the 8 February 2022 Councillor workshop, including summary of integrated pest management, operational policies/ guidelines, legislative requirements and guidelines, weed management within Town-managed public spaces (parks and gardens, natural areas, streetscapes), 10 Year Management Plans for natural areas and actions of the WALGA Local Government Herbicide Use and Integrated Weed Management Working Group, of which the Town is a member.
- Report to the 23 March 2022 Ordinary Council meeting 'Review of Streetscape Weed Management' including Steam Weeding Monitoring Report.
- Update to the streetscape weed management strategy and re-establishment of the 'No spray' list, due to the subsequent resolution of Council. A RFQ for streetscape weed control was subsequently advertised and is presented as a separate report within this agenda.
- Information provided through the CEO Bulletin in April 2022, on weed management practices undertaken within and near playgrounds or other places where children congregate, current weed control contracts, contractor compliance and complaint management.
- Copy of the Town's internal Pesticide Use and Management Policy and Operational Guidelines provided to Councillors through the CEO Bulletin in July 2022.

Following several meetings between staff and Cr Carter, an amended Notice of Motion submitted by Cr Cater was listed for consideration at the 23 August 2022 Council meeting, relating to use of glyphosate and other herbicides within or near children's playgrounds and other locations where children congregate.

Information was included in the Briefing Session and Council meeting agendas providing a detailed officer response. Further details were provided to Councillors via the CEO Bulletin on weed management practices currently undertaken in the locations referenced in the Notice of Motion, and implications/ alternatives should herbicides be unable to be used. Information was also provided on the use of non-chemical methods by City of Fremantle and City of Joondalup within the immediate area of playgrounds.

As a consequence of the Notice of Motion, Council resolved the following at the 23 August 2022 meeting:

*That Council requests the CEO prepare a report within three months, outlining alternative weed control strategies so as to reduce or where possible eliminate the use of glyphosate or other herbicides in or near children's playgrounds.*

The requested information has since been compiled and is being presented to Council within this report.

## **Proposal**

It is proposed that the Town continue with its current approach for weed management in or near children's playgrounds, which involves minimising use of herbicides where possible and maintaining the Town's assets in a safe and useable condition, whilst demonstrating financial responsibility.

## **Communication and Engagement**

Extensive communication has been undertaken with Councillors as outlined under the Background section of this report.

## **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

## **Comment**

The overall objective of the Town's weed management approach is to effectively control weeds using an integrated approach, to ultimately reduce weeds and the requirement for weed control over time.

This involves investigating and trialling new and emerging technology, selecting the best method for the situation, keeping informed of current government advice/recommendations and ensuring staff and contractors comply with external legislation and relevant internal policies when using herbicides.

As advised in previous communication to Councillors and in the 23 August 2022 Ordinary Council Meeting agenda report (Item 13.1), the Town is guided by regulatory advice from the Department of Health and the Australian Pesticides and Veterinary Medicines Authority (APVMA) in relation to the use of herbicides. The advice of the APVMA is that products containing glyphosate are safe to use in accordance with the label instructions. The APVMA review considered the 2015 International Agency for Research on Cancer assessment and concluded that exposure to glyphosate does not pose a carcinogenic or genotoxic risk to humans. Further information on Glyphosate and the assessments and findings of the APVMA can be found here: [Glyphosate | Australian Pesticides and Veterinary Medicines Authority \(apvma.gov.au\)](https://www.apvma.gov.au).

Where herbicides are required to be applied, the Town follows 'Pesticide Use and Management Policy and Operational Guidelines', with special consideration given to sensitive sites (including schools and childcare centres).

For example, maintenance of the Town's parks is scheduled to avoid school sports days/ carnivals and the Town regularly communicates with schools located in close proximity to advise of planned maintenance. All pesticides used by the Town and its contractors are approved by the APVMA and are applied in accordance with the manufacturer's instructions, at the minimum volume required and by personnel who are trained in safe and proper application. The Town currently limits the use of glyphosate and other herbicides to the minimum required and does not apply it within the immediate area of playgrounds (softfall surface or play equipment) as part of routine maintenance.

Please find below an explanation of current weed management practices within locations in or near children's playgrounds, possible alternatives and implications should herbicides be unable to be used.

Attachment 1 shows the location of all play equipment throughout the Town, and Attachment 2 provides further details (edging type and weed management methods).

#### Immediate area of playground

There are 52 playground locations managed by the Town, at 27 parks and two childcare centres (Wind in the Willows Ashfield and Bassendean).

The usual weed control method within the immediate area of the playground (softfall surface and play equipment) is mechanical removal through hand weeding and brush cutting. Exemptions apply if the weed in question cannot be removed manually (e.g suckering woody weeds), but this is a rare occurrence.

There are two nature playgrounds within the Town where planted garden beds are located throughout the play space area. These include Mary Crescent Reserve, and Sandy Beach Reserve. Herbicide is applied to control weeds in these garden beds (as well as woodchipped areas at Padbury Reserve playground), as part of regular maintenance, through spot spraying. This is scheduled to occur at times where usage is low (such as early mornings), with the playground closed by installation of signage while herbicides are being applied and for 1- 2 hours post completion.

If additional resources were available, some weeds (excluding suckering woody weeds and grasses such as couch and kikuyu) could be removed from garden beds by hand weeding. There are no alternative methods currently available that can effectively control couch, kikuyu or suckering woody weeds. If herbicides were not able to be used to control these weeds, grass weeds (particularly couch) would take over garden beds, resulting in loss of native plants and possible requirement to convert these planted beds to hardstand areas that can be brushcut/steam weeded. This is particularly an issue for recently established, irrigated planted areas that were previously turf, such as at Sandy Beach Play Space. The grass weeds will continue to aggressively encroach into these areas for at least the first two summers. It is expected that this will reduce over time due to effective weed control and a reduction in irrigation as native plants become established.

For established garden beds within nature playgrounds, such as at Mary Crescent Reserve, it may be possible to control weeds within the immediate playground area (within 5 metres of play equipment) using steam weeding and manual methods. As hand weeding is much more labour intensive and the Town does not own steam weeding equipment, this would require an additional budget and for the maintenance (currently undertaken by Parks staff) to be contracted out. This would come at a high cost with limited benefit compared to the current minimal herbicide use. Steam treatment can cost up to 10 times more than herbicide application per m<sup>2</sup> and would be required at a high frequency to adequately suppress weeds. Due to the low number of playgrounds that would require weed control within 5m of equipment, any contractor willing to provide a quote will not be able to offer any economies of scale that would apply to larger contracts, reducing cost effectiveness further.

### Adjacent turf

Selective herbicides are used to control broadleaf weeds (including bindii) within turf. This is undertaken once annually between July and September, weather dependent and involves use of MCPA and Dicamba. Timing avoids school sports carnivals.

There is no alternative weed control methodology that can control these weeds in turf. Hand weeding of bindii is much more labour intensive and not possible to achieve. If herbicides were unable to be used, untreated areas may be unusable and/or signage may be required to warn users of prickles.

### Hydrozoning/eco-zoning (new garden bed establishment)

Conversion of turf to mulched areas or new garden beds requires several treatments of herbicide, prior to mulching and planting. If this does not occur the ongoing weed burden is much higher, requiring more frequent weed control once planted. Re-growth of grass can be reduced by switching/ turning off irrigation systems.

Once planted/ mulched, control of weeds by spot spraying is required. Over time this reduces as plants become more established. Recent planting of the woody meadow at Sandy Beach PlaySpace is a trial of new method that aims to reduce weeds.

The alternative should herbicides be unable to be used is mechanically removing turf and roots, which can extend to 50cm depth and replacement of soil. There is a high cost associated with this method both in labour and disposal/importation of soil.

Solarisation can be used in some situations, however is not practical for large areas due to the quantity of plastic and sand bags required, which also result in a high waste output. Steam is not effective at controlling couch or kikuyu.

A trial has been planned for site preparation as part of the 2022/23 Palmerston Square native planting project, involving three methods of turf removal, which can then be assessed for effectiveness:

- Roundup Biactive;
- Steam; and
- Initial treatment with steam, with follow up by Roundup Biactive.

### Park infrastructure

Herbicide is applied along kerbing around the outside edge of playgrounds and infrastructure such as park benches and bollards, to prevent turf encroachment. As an alternative, concrete/ paved areas can be brushcut using line trimmers however this would require additional time per visit, and an increased frequency of maintenance.

Brushcutting around vertical infrastructure (e.g. bollards) has a high chance of causing damage so it is not a viable option.

### Childcare outdoor areas (managed by the Town): Wind in the Willows Ashfield and Bassendean

As above, with all works completed on weekends (Saturdays) when the childcare centres are not in use.

### Pesticide buffer/ exclusion zones

The Council resolution makes reference to areas 'near' children's playgrounds, however no distance is provided.

Comment was provided in the 23 August 2022 Ordinary Council Meeting report (Item 13.1) regarding Department of Health guidelines with respect to pesticide exclusion/ buffer zones. In summary, based on the controls in the Town's 'Pesticide Use and Management Policy and Operational Guidelines', it is considered that the risk is adequately managed and there is no requirement to impose a buffer/ exclusion zone.

## **Statutory Requirements**

*Health (Pesticides) Regulations 2011*  
*Agricultural and Veterinary Chemicals Code Act 1994.*

The Australian Pesticides and Veterinary Medicines Authority is responsible for assessment, product registration, quality assurance and compliance of agricultural chemicals.

## **Financial Considerations**

The financial/ resourcing implications of implementing changes to the Town's current approach to weed management in or near children's playgrounds is shown below.



The current maintenance cost for the three playgrounds where herbicide is used to control weeds in garden beds/ woodchipped areas is \$7500 per year. The expected cost should this be altered to manual/ steam is \$75,000 per year, as well as additional staff time involved in site inspections/ management and contract management.

<b>Change</b>	<b>Financial/ Resourcing Impacts</b>
Steam weeding and manual methods within garden beds at nature playgrounds and Padbury Reserve	<p>Anticipated 10 fold increase in annual maintenance costs for Sandy Beach Reserve, Padbury Reserve and Mary Crescent Reserve.</p> <p>Requirement to contract out works. Methods will not be effective at controlling couch, kikuyu or suckering woody weeds, which may lead to the requirement to replace garden beds with hardstand surfaces that can be effectively treated.</p>
Brushcut turf encroaching onto infrastructure (edging, bollards, concrete pads etc) within 5m of play equipment	<p>Additional time per visit by Parks staff, increased frequency of maintenance.</p> <p>Reduced time available for other maintenance tasks.</p> <p>Likely damage to vertical infrastructure (bollards etc) requiring more frequent repair/ replacement.</p>

### **Risk Management Implications**

There are various risks associated with changes to the Town's approach to weed management in or near children's playgrounds, which do not appear reasonable given the current practices in place to mitigate risks. These are primarily financial and reputational, arising from the additional costs and decline in quality and useability of the Town's public open space should only manual and steam weeding options be available.

Limiting weed control methods to these options may also impact infrastructure e.g. cracking of limestone walls, kerbs, paths etc becoming uneven and creating additional safety hazards.

### **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 8.4**

That Council:

1. Reaffirms the Town's commitment to limiting the use of glyphosate and other herbicides in or near children's playgrounds to the minimum, including the ongoing practice of not applying it within the immediate area of playground softfall surfaces or play equipment as part of routine maintenance;
2. Notes the Town's ongoing commitment to continuously review its approach to weed management to evaluate latest developments and best practices;
3. Notes the practices implemented to mitigate risks where herbicide application cannot be avoided, including scheduling application for times when playgrounds are not in use (i.e. early mornings), scheduling turf weed management around sporting activities and school events, publication of notifications prior to treatment on the Town's website and ensuring Regulation-compliant signage is displayed during and after treatments; and
4. Requests the CEO to provide an annual update on advances in the Town's weed management to Councillors via the CEO Bulletin.

**Voting requirements: Simple Majority**

<b>8.5 RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	ENVM/TENDNG/14
<b>Author</b>	Coordinator Procurement, Contracts and Leases Executive Manager Sustainability and Environment Director Corporate Services
<b>Department</b>	Corporate Services, Sustainability & Environment
<b>Previous Reports</b>	22 March 2022 Ordinary Council Meeting – Item 12.5 Review of Streetscape Weed Management
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Evaluation Report [8.5.1 - 14 pages]</li> <li>2. CONFIDENTIAL - Streetscape weed control - cost per kilometre [8.5.2 - 3 pages]</li> <li>3. CONFIDENTIAL - Streetscape weed control contracts budget [8.5.3 - 2 pages]</li> </ol>

## Purpose

The purpose of this report is to present to Council a summary of submissions received for Request for Quote (RFQ) 05/2022 Provision of Streetscape Weed Control Services for the Town of Bassendean and recommend appointment of contractors considered to provide the best value for money to the Town.

## Background

The Town has a requirement to engage a contractor to provide streetscape weed control services. The Town does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

At the 22 March 2022 Ordinary Council Meeting, a report 'Review of Streetscape Weed Management' was presented outlining results of a 12 month photo monitoring trial of the effectiveness of steam weeding of streetscapes.

The monitoring identified that the effectiveness of steam treatment was limited, with only seedlings and weeds without storage structures controlled. Rhizomatous grasses, some clumping grasses and plants with established tap roots re-grew after treatment (the roots were not affected).

Photo monitoring along Guildford Road and Collier Road indicated that monthly treatments over a period of five months was ineffective in controlling the mature rhizomes and clumping grasses.

Consequently, a revised streetscape weed management approach for hard surfaces (kerblines, footpaths, paved medians) was recommended, involving:

- Vehicle application of steam in high traffic pedestrian areas (i.e. Old Perth Road) and sensitive sites such as near schools and childcare centres, in February, May, August, October and December.
- Vehicle application of glyphosate (Roundup Biactive) in other areas, including local roads in May, August and October.

The report also identified a significant price premium associated with steam weeding in comparison to glyphosate, for the same area.

Council approved an alternative to the Officer Recommendation, requiring all Tier 3 (local) roads to be treated with steam until June 2023, in addition to sensitive sites. That decision resulted in an increase in the road length required to be treated with steam from 7.6% to 78.0%.

The resolution of Council also requires an assessment of overall streetscape weed management to be provided to Councillors annually, with the next review due by March 2023. Photo monitoring of streetscape weed control of various road types and treatment methods will continue, to inform the above assessment.

## **Proposal**

To appoint contractors for separable portions for the streetscape weed control services within the Town of Bassendean, from October 2022 to September 2023 (Year 1), with an option for extension from October 2023 to September 2024 (Year 2).

## **Communication and Engagement**

The RFQ was advertised in The West Australian Newspaper and the Town's website on Saturday 4 June 2022 and closed on Thursday 23 June 2022.

## **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

## Comment

In June 2022, the Town issued RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean, inviting suitable experienced and qualified respondents to submit bids to enter into a contract for:

- Separable Portion 1: Steam Weed Control
- Separable Portion 2: Chemical Weed Control.

The Town received four submissions as follows:

- Environmental Industries;
- Greensteam Australia;
- Tiger Pest and Weed Control; and
- Turf Care WA.

The Evaluation Panel comprised three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

All four respondents met the compliance requirements of the RFQ and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 70% for this RFQ.

<b>QUALITATIVE CRITERIA</b>	<b>WEIGHTING</b>
Capacity	20%
Demonstrated Experience	25%
Demonstrated Understanding of the Requirements	35%
Environment	20%

Following the qualitative assessment, the panel carried out a comparison of the submitted prices offered by each Respondent qualified for stage two to assess value for money to the Town.

Pricing is regarded as commercial in confidence and is included in the attached Evaluation Report (Confidential Attachment 1) and Streetscape weed control contracts budget (Confidential Attachment 2).

## Statutory Requirements

The RFQ was advertised, opened and evaluated in accordance with the Town's Procurement Manual.

## Financial Considerations

The expected costs associated with these contracts for 2022/23 were included in the Town's Operational Budget for 2022/23. Confidential Attachment 2 shows the costs per contract year, and per financial year, for the submissions by Environmental Industries and Greensteam Australia.

The costs received exceed the estimated contract value however due to the delayed start date, the August 2022 treatment did not occur and the impact on the 2022/23 budget is therefore minimal (additional \$8,000 required).

However, the impact on the 2023/24 budget is significant if the contract extension is exercised with no variations to areas treated with steam, as shown in Confidential Attachment 2.

Confidential Attachment 3 outlines the equivalent cost per linear kilometre for steam and Roundup Biactive for each road type, based on the submitted prices of the recommended contractors, as well as the ad hoc treatment rates per linear metre of kerblines and per m<sup>2</sup> of footpaths or medians.

There is a significant price premium associated with steam in comparison to Roundup Biactive, exceeding previous estimates provided in the 22 March 2022 Council report. Based on the ad hoc rates, steam is at least six times more expensive than Roundup Biactive per linear metre of kerblines, and at least ten times the cost per m<sup>2</sup> of footpaths/ paved medians.

The financial impact of Council resolution 11/03/22 requiring all Tier 3 (local) roads to be treated with steam, in comparison to the Officer Recommendation is an additional annual cost of \$91,000 (Year 1)- \$98,000 (Year 2). The estimate available at the time of the Council decision was that this would result in an increased annual cost of \$70,000 (for three treatments).

As an option to reduce costs, a reduction in the number of treatments for local roads has been considered, however is not recommended. This will result in a higher weed burden and 14.5% increase in costs per treatment in year 2 of the Contract, in addition to CPI.

## Risk Management Implications

Financial Risk  
Medium

The risk of not awarding the contracts is that the Town will lack the capacity for weed control on hard surfaces in streetscapes throughout the Town. This will result in poor aesthetics/ amenity, possible damage to infrastructure, an increased weed seed bank and dispersal of weeds into adjacent areas (such as parks) requiring additional control.

Council should note that, even with award of the contract for steam weed control, there is high likelihood that rhizomatous grasses, some clumping grasses and plants with established tap roots will regrow after treatment.

### **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 8.5**

That Council:

1. Extends the treatment of all Tier 3 (local) roads with steam until 30 September 2023 to align with the first year of the Contract, noting the premium per kilometre cost outlined under Financial Considerations, and additional budget of \$8,000 required in 2022/23 to be requested at the mid-year review;
2. Appoints Greensteam Australia for the Streetscape Weed Control Services – Separable Portion 1: Steam Weed Control in accordance with the Terms and Conditions as specified in RFQ 05/2022 for a period of One (1) year with a further option to extend the Term of the Contract by One (1) Year, to commence upon Council Approval and Letter of Award;
3. Appoints Environmental Industries for the Streetscape Weed Control Services – Separable Portion 2: Chemical Weed Control in accordance with the Terms and Conditions as specified in RFQ 05/2022 for a period of One (1) year with a further option to extend the Term of the Contract by One (1) Year, to commence upon Council Approval and Letter of Award; and
4. Notes that the CEO will present a report to Council as part of the annual budget process for 2023/24 to seek the additional budget required for year two of the contract for Separable Portion 1: Steam Weed Control, prior to exercising the option to extend the term of that contract.

### **Voting requirements:**

**Points 1 and 4 - Simple Majority**

**Points 2 and 3 - Absolute Majority**

<b>8.6 Parking Restrictions – Harcourt Street and Lovelock Place</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LAW/REPRNG/3
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	N/A

### Purpose

The purpose of this report is for Council to consider the imposition of parking restrictions in Harcourt Street and Lovelock Place.

### Background

From early 2022, the Town received an increasing number of reports regarding allegedly hazardous and illegal parking in Harcourt Street, from the intersection of West Road to the end of the cul-de-sac.

It was alleged that patrons and staff of the Last Crumb Café (77 West Road), in addition to parents of students at Bassendean Primary School, were parking in the street; resulting in vehicle congestion. It was also suggested that vehicles were parking too close to the intersection with West Road, compromising sightlines and making it dangerous for vehicle and pedestrian movement.

Site inspections confirmed that most of the vehicles were parked legally, with a small number parked contrary to the *Parking Local Law 2019*. These breaches were actioned by officers, but did not resolve the broader issues of congestion and safety.

A location plan follows.







Noting the existing parking controls already in place on the corresponding section of West Road, located between Harcourt Street and Lovelock Place, which includes marked bays and “No Stopping” located at the front of 79 and 79A West Road, which have recently been refreshed, Lovelock Place would be most impacted by any change.

The Town conducted the survey with all landowners and residents in the affected parts of Harcourt Street and Lovelock Place. The Harcourt Street survey presented landowners/residents with five options and residents were asked to indicate their preference by ticking the relevant option. Additionally, they were asked to indicate if this measure should be applied to the North side of the road, the South side of the road, or both sides.

Landowners/residents in Lovelock Place were provided a broader survey. This investigation was intended to ascertain their support, or lack of, for parking restrictions should the parking in Lovelock Place increase as a result of greater control measures being adopted in Harcourt Street. Like Harcourt Street, they were presented with five options, no stopping yellow line edging, timed parking, permit parking (residents only), embayed parking or a combination of the above. Residents were asked to indicate their preference by noting yes or no to the respective option.

Responses were invited from 30 June 2022 until 15 July 2022. In response, 20 submissions were received; 13 from Harcourt Street and 7 from Lovelock Place. These are summarised below.

#### Harcourt Street

	Both Sides	North Side	South Side
<b>No further changes</b>	3		
<b>'No Stopping' yellow edge lines</b>	3	2	2
<b>Timed Parking restrictions</b>			1
<b>Permit Parking</b>	4	2	
<b>Embayed parking</b>			1

As detailed above, the consultation identifies that the majority of respondents believe some change is required, however, there is little consensus on what that change should be.

#### Lovelock Place

	Yes	No
<b>'No Stopping' yellow edge lines</b>	3	2
<b>Timed Parking</b>	2	3
<b>Permit Parking (residents only)</b>		5
<b>Embayed Parking</b>		5
<b>Combination of the above</b>	1	3

It should be noted that two of the responses did not provide survey answers, but rather provided comments on the current situation. As detailed above, the only parking restriction that received more support than opposition was the “*No Stopping’ yellow edge lines*”, although it cannot be taken as broad support.

Unlike the responses received for Harcourt Street, the Lovelock Place results appear to demonstrate less support for change.

## **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**

#### Harcourt Street

As detailed above, the options available to Council are as follows:

- no change;
- no stopping yellow line edging;
- timed parking;
- permit parking;
- embayed parking; and
- a combination of one or more of the above.

#### *No change*

This response will incur a minor cost (direct or opportunity) in that it expands the patrol area for the Town’s Rangers. If breaches occur, further costs will be incurred in actioning those breaches.

#### *‘No Stopping’ Yellow Edge Lines*

The option would result in the extension of the line marking already installed at the West Road intersection, with the inclusion of the words ‘*No Stopping*’ to highlight the status of the restriction.

Should Council choose to install yellow edge lines in Harcourt Street, further costs will be incurred in relation to their installation and maintenance. This response will incur a minor cost (direct or opportunity) in that it expands the patrol area for the Town’s Rangers. If breaches occur, further costs will be incurred in actioning those breaches.

### *Timed Parking*

This option provides for the installation of signed restrictions that limit how long vehicles may park in the restricted location. Based on the results received from the consultation, it was one of the least preferred responses.

As well as having minimal community support, in comparison to the line marking option, this response will attract a higher financial burden for the Town. The cost of the signage infrastructure to be installed, and the ongoing maintenance of it, will be greater than line marking. Furthermore, this option typically results in a higher demand being placed on officer time with respect to monitoring, enforcement and administration. For example, two observations are required to measure how long a vehicle has been parked in a time-restricted zone before it can be determined if a breach has occurred. By comparison, line marking that restricts parking requires a single observation.

To be properly administered, this option may require additional staff resources.

### *Permit Parking*

This option provides for permits to be issued to eligible persons entitling them to park within a prescribed area.

Like timed parking, this option will place a significant additional burden on the Town in terms of costs and officer time. The response includes the installation and maintenance of infrastructure, monitoring and enforcement, and significant levels of administration. Unlike timed parking, this option will require a single observation to determine if a breach has occurred; reducing the inspection burden. This option, however, requires the adoption of a process for persons to apply for, and be granted, a Permit. This represents an additional cost (direct or opportunity).

To be properly administered, this option may require additional staff resources.

### *Embayed Parking*

This option provides for the installation of delineated parking bays within the verge/thoroughfare.

This solution is likely to place a minimal ongoing burden on officer time, unless it is coupled with restrictions like timed parking, which will require ongoing monitoring. While the cost to the Town in this regard is lessened, a significant cost will most likely be incurred as the approach will require capital works. Consequently, the solution could not be actioned until a budget allocation was approved.

It should also be noted that the solution often results in a reduction in net parking. That is, the number of vehicles that can presently park on the road and verge areas may well be greater than the number of embayed parking bays created in the corresponding space. Furthermore, the placement of bays within verge areas may interfere with verge trees, infrastructure and other verge treatments.

Based on the above, embayed parking is not considered to be a viable option.

As noted earlier, while the consultation identifies that the majority of respondents believe change is needed, the results are unclear as to what that change should be.

It is also noted that some submissions requested the installation of larger, or additional, “*No Through Road*” signs, to clearly indicate to motorists that the road is a cul-de-sac. In doing so, it is believed that it may reduce the number of vehicles entering the street. There is currently a “*No Through Road*” sign on the southern corner of Harcourt Street and a smaller one attached to the street name sign on the northern corner. Neither of these signs are as visible to motorists as they could be, given vehicles enter on the north side of Harcourt.

Taking into consideration the above factors, it is considered that the most appropriate approach is to:

- extend the yellow edge line marking on the southern side of Harcourt Street, from the West Road intersection to the cul-de-sac end, encircling the cul-de-sac, and terminating at the crossover providing access from the carriageway to 34 Harcourt Street, as follows:



- formally designate the existing ‘No Stopping’ yellow edge lines installed at the corners of Harcourt Street and West Road as a ‘No Stopping’ Yellow Edge Line restriction (as opposed to being only visual guidance of the 10m area). It is noted that this will reduce the applicable penalty under the *Parking Local Law 2019* from \$80 to \$75. Whilst the penalty will be slightly reduced, this modification will be administratively simpler to enforce as it makes it a penalty to park on the yellow line, as per the markings, as opposed to within 10m of a corner. This amendment will not impact on any of the residents in the area as the locations are already no parking areas and brings it in to line with other installations within the Town.

- request to Main Roads WA for a second “*No Through Road*” sign to be installed on the northern corner of Harcourt Street at the entry off West Road. In doing so, it is envisaged that this will help clarify the status of the road and dissuade vehicles from entering unnecessarily.

It is considered that that this approach will achieve the following:

- Maintain consistency with restrictions applied elsewhere, particularly in the immediate area.
- Ensure that vehicle access within Harcourt Street is maintained at all times.
- Provide a basis for the Town to impose restrictions that are enforceable.
- Address the concerns raised by the community with respect to existing congestion observed within the street.
- Allow parking to continue, albeit with limitation, and reduce the likelihood of a spill over occurring that affects adjoining streets.
- Result in the least burden on the Town’s resources in terms of financial costs and impact on officer time.

### Lovelock Place

While the Town has not been given cause to review the parking restrictions in Lovelock Place, any changes to nearby streets may have an unintended impact. This is particularly so given the similarities in road layout and location between Harcourt Street and Lovelock Place.

The survey undertaken was not proposing to install any parking management, but rather, to gather information for future reference, should the need arise. It is intended that the information be used to establish an understanding of the expectations of landowners and residents. Should parking be impacted to the level being experienced in Harcourt Street, this information will be used to guide a response.

While some of the comments made by respondents indicate that there are existing pressures on parking in Lovelock Place, there was no majority view seeking the installation of any restrictions or control measures. Should Council install parking control measures in Harcourt Street, the Town will monitor the impact on Lovelock Place. Should an impact be observed, further parking restrictions may be required to be considered.

### **Statutory Requirements**

Clause 1.9 of the *Parking Local Law 2019* states that Council is able to prohibit or regulate the stopping or parking of any vehicle within the district.

## **Financial Considerations**

The cost of the proposed approach will be approximately \$1,000 and can be met from the 2022/23 Operational Budget. Other approaches will have different financial and resourcing implications.

## **Risk Management Implications**

If the proposed amendments are not implemented, there is a risk that parking issues will continue to occur, affecting residents.

## **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 8.6**

That Council:

1. Pursuant to Clause 1.9 of the *Parking Local Law 2019*, makes the following modifications to parking on Harcourt Street:
  - Installing “No Stopping” Yellow Edge Lines (i) on the southern side of Harcourt Street from 47 Harcourt Street to 33 Harcourt Street, and (ii) encircling the cul-de-sac end of Harcourt Street from 33 Harcourt Street to the crossover serving 34 Harcourt Street; and
  - Formally designating the yellow edge line markings on at the corners of Harcourt Street and West Road, as “No Stopping” Yellow Edge Line restrictions for the purposes of Clause 4.1(4) of the Parking Local Law.
2. Notes that the Town will request Main Roads WA to install an additional “No Through Road” sign at the northern corner of the intersection of Harcourt Street and West Road.

### **Voting requirements:**

**Point 1 - Absolute Majority**

**Point 2 - Simple Majority**



<b>8.7 Review of the Town of Bassendean Corporate Business Plan</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Peta Mabbs
<b>Department</b>	CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CBP Review Draft as at 19 Aug 2022 [8.7.1 - 35 pages]</li> <li>2. Current Corporate Business Plan 2021-2025 [8.7.2 - 30 pages]</li> </ol>

### **Purpose**

The purpose of this report is for Council to consider the outcome of the review of the Town's Corporate Business Plan.

### **Background**

The *Local Government (Administration) Regulations 1996* requires each local government to adopt a Strategic Community Plan and a Corporate Business Plan. The Town's Strategic Community Plan 2020-2030 was adopted at the Ordinary Council Meeting held July 2020.

The Town adopted its Corporate Business Plan 2021 – 2025, at its meeting held in November 2021. The Corporate Business Plan is used as the local government's internal business planning tool that translates Council priorities from the Strategic Community Plan into operational outcomes. In its entirety, it details the services, operations and projects a local government will deliver over a defined period.

Under regulation 19DA(4) of the *Local Government (Administration) Regulations 1996*, a local government is required to review its Corporate Business Plan each year. If there are any modifications to be made to the Corporate Business Plan, Council is required to consider these and determine whether or not to adopt the modifications. To this end, the Corporate Executive Committee, comprised of the Executive Team at the Town, conducted a review throughout July and September to consider the Corporate Business Plan following the approval of the 2022/23 budget by Council. Modifications were considered and included in the draft Corporate Business Plan before Council for consideration.



## Proposal

Council is required to consider the draft Corporate Business Plan 2022 – 2026 and consider the adoption by absolute majority in accordance with regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*.

## Communication and Engagement

A review of the Corporate Business Plan was conducted by the Corporate Executive Committee (CMC) at the mid-year review of the 2021/22 budget. A subsequent review was undertaken by CMC in July 2022 following the adoption of the 2022/23 Budget. Councillors were provided with the draft Corporate Business Plan 2021-2025 under cover of the CEO Bulletin on 29 July 2022 for initial comment/feedback. A Council Workshop was also conducted on 9 August 2022 to discuss further. A further draft of the Corporate Business Plan was circulated to all Councillors via the CEO Bulletin on 19 August 2022 for final comment.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.2 Ensure major decision making is informed by community feedback  
6.3 Ensure operational activities reflect the strategic focus of Council  
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## Comment

The Corporate Business Plan represents the Town's four-year delivery plan aligned to the Strategic Community Plan. It outlines the projects/actions and day-to-day service delivery that the Town is resourced to deliver. The Corporate Business Plan contains the key projects agreed upon by Council. These projects have been resourced through the budget approved for 2022/23.

## Statutory Requirements

All local governments are required to review their Corporate Business Plan annually in accordance with regulation 19DA of the *Local Government (Administration) Regulations 1996*. In accordance with regulation 19DA, the voting requirement for adoption, or modification, of a Corporate Business Plan is an absolute majority of Council.

## Financial Considerations

There are no direct costs associated with the review of the Corporate Business Plan.

## **Risk Management Implications**

Financial Risk

Low

The current Corporate Business Plan 2021-2025 was created under the new Strategic Community Plan. Minor modification is required to ensure that the Corporate Business Plan 2022-2026 aligns with the strategic direction and community aspirations of the district. As such it is important that the Town adopts a Corporate Business Plan that reflects the strategic priorities as contained in the Strategic Community Plan. Failure to align the Corporate Business Plan with the strategic priorities and the community aspirations will lead to a disjoint between the long-term objectives of the community and the business outcomes of the local government. Alignment of the two documents will lead to a fully integrated approach to the business of the local government and fulfillment of the needs and aspirations of the community.

## **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 8.7**

That Council adopts the Town of Bassendean Corporate Business Plan 2022-2026 as attached to this report.

**Voting requirements: Absolute Majority**

<b>8.8 Adoption of Draft Council Briefing Session Policy</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Peta Mabbs
<b>Department</b>	CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Briefing Session Guidelines [8.8.1 - 5 pages]</li> <li>2. Town of Bassendean Council Briefing Session policy [8.8.2 - 5 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider whether to -

1. adopt the draft Council Briefing Session Policy; and
2. repeal the Council Briefings Session Guidelines adopted December 2017 and amended May 2018.

## Background

The draft Council Briefing Session Policy was developed in response to a notice of motion by Cr Hamilton that was tabled at the July Ordinary Council Meeting. At that meeting Council resolved the following:

*“MOVED Cr Hamilton, Seconded Cr Wilding, that Council: Requests the CEO provide a Briefing Documents Policy for consideration by Council prior to September that includes the following:*

1. *Briefing Agenda documents to be provided to Councillors one day earlier i.e. on a Wednesday, rather than the current schedule of a Thursday; and*
2. *Briefing Agendas are to include all items proposed to be considered by Council at the subsequent OCM, with exceptions of the Monthly Financial Statements and items of an Urgent Nature that may be included in the OCM agenda under clause 5.5 of Meeting Procedures Local Law 2020. “*

## **Proposal**

That Council resolves to adopt the draft Council Briefing Session Policy as contained in Attachment 1 and repeal the Council Briefing Session Guidelines as contained in Attachment 2.

## **Communication and Engagement**

A copy of the draft policy was provided to Councillors through the CEO Bulletin dated 26 August 2022. Comments were received from Councillors and taken into consideration when finalising the draft policy.

## **Strategic Implications**

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.3 Ensure operational activities reflect the strategic focus of Council  
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## **Comment**

The draft Council Briefing Session Policy was created in response to the notice of motion. The policy seeks to consolidate the matters raised in the notice of motion with the current Council adopted Council Briefings Session Guidelines.

The draft policy reflects many of the current provisions within the guidelines and does not alter the present Briefing session format. The draft policy simply codifies the present system and provides clarity on specific procedural matters such as public question and statement time at a Briefing Session.

Councillors were provided the opportunity to comment on the draft policy and three Councillors provided feedback. Of particular interest were matters concerning public participation at a Briefing Session.

Public Question Time, public statement time, and deputation

Feedback was received requesting an amendment to the draft policy to provide the Presiding Member with the discretion to allow for members of the public to ask questions or make statements on any matter not included on the Briefing Session agenda.

This request was considered by Administration. It was not included in the draft policy based on the following reasons. Firstly, a Briefing Session is not a formal meeting of Council. Its purpose is for Council to ask questions about items on the agenda and for Administration to provide a response.

Historically, public question time and public statement time were included to provide transparency and allow members of the public to participate by asking questions and making statements on items that were on the agenda. This afforded Councillors with information prior to the Council meeting. It is not a legislative requirement that they be able to do so in this forum, as Briefing Sessions are not a legislated meeting of Council. Deputations were included to allow members of the public to appeal to Councillors and provide additional information to Council so that an informed decision could be made by Council.

There are no minutes taken at the Briefing Session. This is in accordance with the informal nature of the forum, as it is acknowledged that a briefing session sits outside of the Act. Therefore, any question not related to the agenda is not captured. Further, there are other forums and opportunities for members of the public to ask questions or make statements on matters concerning the business of the local government. Asking questions about matters outside of the agenda detracts from the purpose of the forum. The appropriate forum to do so is at the Council meeting.

### **Statutory Requirements**

Section 2.7(2)(b) *Local Government Act 1995*.

#### **Section 2.7**

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

### **Financial Considerations**

Nil. There are no requirements to advertise the policy.

### **Risk Management Implications**

No Risks Identified

### **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 8.8**

That Council:

1. adopt the draft Council Briefing Session Policy as contained in Attachment 1; and
2. repeal the Council Briefings Session Guidelines as contained in Attachment 2.

### **Voting requirements: Absolute Majority**

<b>8.9 Audit and Governance Committee Meeting, 7 September 2022</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/18
<b>Author</b>	Director Corporate Services
<b>Department</b>	Corporate Services, Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Audit and Governance Committee Minutes 7 September 2022 [8.9.1 - 11 pages]</li> <li>2. OAG Report 5 Financial Audit Results - Local Government 2020/2021 [8.9.2 - 68 pages]</li> <li>3. Disclosure of Related Party Transactions Procedure [8.9.3 - 5 pages]</li> <li>4. Related Party Transactions - Disclosure Form [8.9.4 - 6 pages]</li> <li>5. CONFIDENTIAL - Audit Risk Register [8.9.5 - 7 pages]</li> </ol>

### **Purpose**

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 7 September 2022.

### **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.

### **Proposal**

For Council to receive the report on the meeting of the Audit and Governance Committee held on 7 September 2022.

### **Communication and Engagement**

To ensure openness, accountability and integrity, Council has appointed two community representatives to be members of the Audit and Governance Committee and an independent advisor to the Committee.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## Comment

The Committee considered the following items:

### Auditor General's Financial Audit Results for Local Government, 2020/21

The purpose of this report was for the Committee to receive the Auditor General's report on Local Government financial audits for 2020/21 and note an error in that report pertaining to the Town of Bassendean.

The Auditor General tabled its report "Financial Audit Results Report – Local Government 2020/21" in Parliament on 17 August 2022. Appendix 1 to that report stated that the Town had not met the statutory deadline of 30 September 2021 for provision of the accounts for 2020/21.

The Town's records show that it submitted the accounts for 2020/21 to the Town's appointed auditors RSM Australia on 30 September 2021.

The Town wrote to the Auditor General on 23 August 2022 to ascertain the reasons for the apparent erroneous reference in the above-mentioned report and was informed that the records of the Auditor General show the Town provided its accounts on 12 October 2021. The Town then provided a screen shot of the RSM portal showing lodgement on 30 September 2021 to the Auditor General and is awaiting a response.

### Review of Related Party Transactions and Disclosure Policy

The purpose of this report was for the Committee to consider recommending that Council revoke the Related Party Transactions and Disclosure Policy.

Australian Accounting Standards Board (AASB) Standard 124 Related Party Disclosures requires disclosure of certain transactions in the Town's annual financial statements.

To assist the Town to comply with the requirements of AASB 124, Council adopted the Related Party Transactions and Disclosure Policy in August 2017. The policy is supported by a Privacy Collection Notice and a form for making a disclosure.



The requirements for compliance with AASB 124 are administrative in nature and non-discretionary, best served by an administrative procedure rather than a Council Policy.

### Audit Risk Register

The purpose of this report was to provide the Committee with the Town's Audit Risk Register, with updated actions since the meeting of the Committee on 8 June 2022.

The Town's internal auditor William Buck Consulting (WA) Pty Ltd completed two important audits, the reports for which were tabled at the June meeting of the Committee:

- Internal audit of Regulation 17 of the Local Government (Audit) Regulations 1996; and
- General Finance Control Review.

The recommendations from these two audits and action taken or proposed to be taken in response have been incorporated into the Audit Risk Register.

### **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 Framework will govern any required engagements.

### **Risk Management Implications**

Financial Risk  
Medium

Risk implications are detailed in the Audit Risk Register.

## **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 8.9**

That Council:

1. Receives the Auditor General's report on Local Government Financial Audits for 2020/21;
2. Notes that the Town will seek a correction to that report to show that the Town's accounts were provided to the appointed auditor by the due date specified in section 6.4 of the *Local Government Act 1995*;
3. Requests the CEO write to the Auditor General to seek a review to its processes to include an opportunity for the Local Government to make representations in relation to any adverse mention, prior to finalisation of the report;
4. Revoke the Related Party Transactions and Disclosure Policy;
5. Notes that the CEO has developed the proposed Disclosure of Related Party Transactions Procedure and supporting disclosure form, attached to this report; and
6. Receives the Audit Risk Register and notes the action taken or proposed to address the identified risks.

### **Voting requirements:**

**Point 4 - Absolute Majority**

**Points 1, 1, 2, 3, 5, and 6 - Simple Majority (Recommendations)**

<b>8.10 Proposed Terms of Reference - Arts, Culture and Events Committee</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	TBA
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. Draft Terms of Reference [8.10.1 - 3 pages]

### **Purpose**

The purpose of this report is for Council to consider adopting Terms of Reference for the Arts, Culture and Events Committee.

### **Background**

On 28 June 2022 and in response to a Notice of Motion, Council resolved to request the Chief Executive Officer to facilitate the establishment of a formal committee of council titled Arts, Culture and Events Committee.

The stated purpose of the Committee is as follows:

*“To provide information/advice about current and emerging arts and events related matters to the Town of Bassendean Council to assist in forward planning and decision making about potential cultural activities for the 2023/24 financial year and beyond. Events and Art contribute to overall community cohesion and well-being, improved liveability and economic activity in our Town. Incorporating forward planning for arts and events provides an opportunity to deliver a cohesive vision that not only celebrates the Town’s diversity and history but also promotes contemporary Arts in varied formats with the aim to enhance and augment cultural activities in the district. It is envisaged that the ACEC will not have delegated authority, but will provide advice on engagement with the Arts community, event and grant opportunities, and may also advise Council on matters regarding planning, integration and implementation of cultural elements into Town initiatives. The Arts, Culture and Events Committee will help identify much of the work required in the development of recommendations to Council to enable informed decision-making.”*

## Communication and Engagement

In the 29 July 2022 CEO Bulletin, Councillors were provided with information relating to Council's historical funding of community events and activations. This information demonstrated that the funding has decreased significantly over recent years thereby reducing the Administration's ability to host events on the same scale as in previous years.

The draft Terms of Reference were provided to Councillors in the 12 August 2022 CEO Bulletin. Responses were received from two Councillors, one which advised of no particular concerns with the draft document and one which suggested various changes. Some of those changes have been incorporated into the draft document.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## Comment

The draft Terms of Reference sets out provisions relating to the committee objectives, membership, meetings and powers. The proposed scope of the Committee is as follows:

- Provide high-level strategic direction regarding matters relating to the community arts, culture and/or events that assist fostering strong community expression, identity and pride.
- Provide advice on the formulation and adoption of the annual budget, as it relates to matters of arts, culture and/or events.
- Review and provide feedback on any proposed strategies, plans or policies that relate to matters of arts, culture and/or events.
- Provide advice on the acquisition and decommissioning of art works under Council's *Art Acquisition, Management and Decommissioning Policy*.
- Review and provide feedback on the procurement of public art, either under Local Planning Policy 15 – Public Art or via municipal funding.

## Statutory Requirements

Part 5, Division 2 of the *Local Government Act 1995*

## Financial Considerations

The operation of the Committee will require Administration resources via the preparation of reports, the compilation of agendas, participation at meetings, the preparation of minutes and actioning any requests. Whilst Council could allocate funding for the purposes of additional resources, given the current staffing situation and the challenges in attracting and retaining staff, the resources will need to be provided via redirection from other Council priorities, impacting the effective operations of the local government. This matter needs to be considered in the context of Council's overall investment in arts, culture and events, which has, over the past three financial years, be an average of approximately \$100,000 per annum.

## Risk Management Implications

As above, the formation and operation of the Committee will require resources to be provided via redirection from other Council priorities, impacting the effective operations of the local government.

It is considered that there may be a risk in the Committee impinging upon the role of the Administration. The Town has sought to mitigate this risk by way of specific clauses within the Terms of Reference that refer to the *Local Government Act 1995* and a clause stating that "*Neither the Committee nor its members shall impinge on operational aspects of the Town's functions.*"

## 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 8.10

In the event that Council wishes to establish an Arts, Culture and Events Committee, that it:

1. adopts the draft Terms of Reference (as attached to the officer report) for the Arts, Culture and Events Committee; and
2. appoints Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ to the Arts, Culture and Events Committee until the next Local Government ordinary election.

## Voting requirements: Absolute Majority

<b>8.11 Accounts Paid 31 August 2022</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<b>Author</b>	Paul White
<b>Department</b>	Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Consolidated Payment Listing August 2022 [ <b>8.11.1</b> - 20 pages]

### **Purpose**

The purpose of this report is for the Council to receive the list of payments for August 2022.

### **Background**

Payments made during August 2022 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

### **Proposal**

For Council to receive the list of payments for August 2022.

### **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**

Nil.

## **Statutory Requirements**

The Local Government (Financial Management) Regulations 1996, Regulation 13, 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.

## **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 key 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 8.11**

That Council receive the list of payments for August 2022.

**Voting requirements: Simple Majority**



## **9 Motions of which Previous Notice has been given**

## **10 Confidential Business**

## **11 Closure**

The next Briefing Session will be held on Tuesday 18 October 2022 commencing at 6pm.

The next Ordinary Council meeting will be held on 25 October 2022 commencing at 6pm.