

# **ATTACHMENTS**

## **ORDINARY COUNCIL MEETING**

### **26 SEPTEMBER 2017**

#### Attachment No. 1

Ordinary Council Minutes of 22 August 2017

#### Attachment No. 2

- Plan showing area of consultation for renaming proposal.
- Survey Responses to Renaming of Clarke Way Reserve to Abell Reserve.
- Responses from the Abell family to renaming proposal.
- Plan showing area proposed to be named Abell Reserve.

#### Attachment No. 3

Schedule 2 — Deemed Provisions for Local Planning Schemes

#### Attachment No. 4

- Survey Responses to naming of right of way.
- Community feedback on proposed naming of right of way running between Geraldine St and Shackleton St, Bassendean.
- Plan showing area proposed to be named McKinlay Lane.

#### Attachment No. 5

- Letter of support from owner of 8 Thompson Road, Bassendean
- Aborcultural Report

#### Attachment No. 6

- Letter from owner requesting a Tree Preservation Order – 40 North Road, Bassendean; and
- Town of Bassendean Registry of Tree Preservation Orders.

#### Attachment No. 7

- Plans of Proposed Development - 238; (No. 25) Cumberland Way, Bassendean
- Schedule of Submissions

#### Attachment No. 8

- Main Roads Western Australia – Guildford Road Barrier Installation – Ashfield Station.
- Tree Species Information sheet – Callistemon viminalis.

Attachment No. 9

Leadership and Governance Policies

Attachment No. 10

- List of current Internal Committees and current appointed Delegates.
- Instruments of Appointment and Delegation:
  - Audit and Risk Management Committee
  - Access and Inclusion Committee
  - Local Emergency Management Committee

Attachment No. 11

Draft Reconciliation Action Plan 2018 – 2020

Attachment No. 12

Minutes of the Bassendean Oval Football Facilities Project Control Group meeting held on 17 August and 7 September 2017.

Attachment No. 13

Bassendean Local Studies Collection Management Committee Minutes of 3 August 2017

Attachment 14

Minutes of the Bassendean Local Emergency Management Committee meeting held 6 September 2017.

Attachment 15

Access and Inclusion Committee Minutes of 13 September 2017.

Attachment 16

List of Accounts

Attachment 17

Financial Statements

Attachment 18

Principal Shared Path – Success Hill: Minutes of Main Roads WA meeting 14 July 2017

Confidential Report and Attachments

# **ATTACHMENT NO. 1**

# TOWN OF BASSENDEAN MINUTES ORDINARY COUNCIL MEETING 22 AUGUST 2017

## TABLE OF CONTENTS

		Page No.
1.0	Declaration of Opening/Announcement of Visitors	1
2.0	Public Question Time and Address by Members of the Public	1
3.0	Attendances, Apologies and Applications for Leave of Absence	5
4.0	Deputations	6
5.0	Confirmation of Minutes	6
5.1	Ordinary Council Minutes of 25 July 2017	6
6.0	Announcements by the Presiding Person Without Discussion	7
7.0	Petitions	7
8.0	Declarations of Interest	7
9.0	Business Deferred from Previous Meeting	7
10.0	Reports	7
10.1	Adoption of Recommendations en bloc	7
10.2	Application for a Proposed Outbuilding at Lot 81; No. 45 Maley Street, Bassendean	9
10.3	Amended Application for Development Approval for a Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean	10
10.4	Application for a Change of Use to Place of Worship (Chin Christian Church) at Lot 143; No. 105A Broadway, Bassendean	11
10.5	Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for a Convenience Store – Lot 25 (No. 300) Collier Road, Bassendean	14
10.6	Proposed Amendment to the Local Planning Scheme No. 10 dealing with Multiple Dwellings on Land with a Density Code of R40 and Below	15
10.7	Adoption of the Town of Bassendean Municipal Heritage Inventory	17
10.8	Community Sporting and Recreation Facilities Fund (CSRFF) Application	17

10.9	Proposed Method of Disposal of Land - 48 Chapman Street Bassendean and Lot 7557 Lord Street Eden Hill	18
10.10	Bassendean River Parks Management Committee Meeting held on 2 August 2017	18
10.11	Audit & Risk Management Committee Meeting held on 9 August 2017	19
10.12	Liveable Town Advisory Committee (LTAC) 8 August 2017	21
10.13	Determinations Made by the Principal Building Surveyor	22
10.14	Determinations Made by Development Services	22
10.15	Use of the Common Seal	22
10.16	Calendar for September 2017	23
10.17	Implementation of Council Resolutions	23
10.18	Accounts for Payment – July 2017	23
10.19	Financial Statements – June 2017	24
11.0	Motions of Which Previous Notice has Been Given	24
11.1	Notice of Motion – Cr Brown: Realignment of boundary between the Town of Bassendean and the City of Bayswater	24
11.2	Notice of Motion – Cr Brown: Floodway Contingent Development	25
11.3	Notice of Motion – Cr Pule: Reference: Better use of Rubbish Tip Passes	25
11.4	Notice of Motion – Cr Pule: Improved Anzac Day Service	25
11.5	Notice of Motion – Cr Pule: Future Value of Town Assets	26
11.6	Notice of Motion – Cr Pule: Addressing Family Violence	26
11.7	Notice of Motion – Cr Pule: Welcome Cities Program	26
11.8	Notice of Motion – Cr Pule: Sister Council Initiatives	26
11.9	Notice of Motion – Cr Pule: Letter of Thanks to the Premier Mark McGowan	27
11.10	Notice of Motion – Cr Pule: Letter of Thanks to Prime Minister Malcolm Turnbull	27
12.0	Announcements of Notices of Motion for the Next Meeting	27

13.0	Confidential Business	27
13.1	Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean Fire Station	28
14.0	Closure	28

# TOWN OF BASSENDEAN

## MINUTES

### ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 22 AUGUST 2017 AT 7.00PM

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#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

#### 2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

##### 2.1 Questions Taken on Notice

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

The following response has been provided to Ms Jekabsons on 9 August 2017:

*“At the 2017 June Ordinary Council meeting, your question regarding water associated with the proposed concrete batching plant at Nos. 2-8 Clune Street, Bassendean, was taken on notice. I subsequently provided you with a written response by way of a letter dated 17 July 2017. This letter quoted advice provided by both the Department of Water and the Department of Environment Regulation.*

*At the 2017 July Ordinary Council meeting, you asked a follow up question seeking clarification with respect to the advice provided to you. In response to this further request, the Town has liaised further with the newly established Department of Water and Environment Regulation who have provided the following further advice:*

*'Process wastewater is generally water that has been used in the process and left over.*

*Storm water is water that comes from rain and may be of two types:*

- *Storm water that may have come into contact with the process and materials storage, and*
- *Storm water that has not come into the contact with the process or materials storage.*

*A storm water management strategy was prepared for the applicant at the request of the Town of Bassendean (David Wills and Associates Consulting Engineers November 2016) shows that the two types of storm water are separated by a high point (ridge) in the forecourt which directs storm water that falls near the plant and storage areas to a separate settlement basin before discharging to the soak wells on site.*

*Storm water that falls directly on the plant is also separated by a gradient and treated as process wastewater and reused in the concrete batching process.*

*I can also confirm that there will be a Town requirement for storm water that has not come into contact with the process or materials storage to be contained on site, and that the Town will not permit the applicant to connect to the Town's storm water drainage system for the off-site discharge of this water.*

*I trust that this further information satisfies your query.*

*Christian Buttle, Senior Planning Officer."*

Mr Ian Veale, 33 Bassendean Parade, Bassendean

Mr Veale asked about an old wooden floodway sign at Point Reserve.

The Director Community Development advises that following a meeting with Mr Veale on site at Point Reserve, it was agreed the sign remains functional and will be renovated.



## **2.2 Public Question Time**

### **Ms Kathryn Hamilton, 53 Broadway Street, Bassendean**

Ms Hamilton referred to Item 10.3 and asked how Council can adequately monitor production levels.

The Manager Development Services responded that the overall production levels and daily production levels are capped and there is a requirement for the company to provide a report every quarter.

Ms Hamilton asked about the register for Councillors to record contact with developers, as she has been unable to locate it on the website.

The CEO advised that a hard copy of the register is able to be viewed and it will be available electronically on the Town's website by the end of the week.

Ms Hamilton asked who has had contact with potential developers in the last three months.

The CEO responded that that information is available in the register.

Ms Hamilton referred to the Bassendean Oval Project Control Group meeting and asked whether the meetings will be open to the public, will there be any community representation on this group and will the minutes to be made available to the public.

The Director Community Development advised that there will be some confidentiality requirements due to Cabinet consideration of funding. The group is intended to meet only a limited number of times, a second meeting is yet to be scheduled. There is no community representation on the group. The minutes will be made available through an officer's report to Council.

### **Ms Jane Bremmer, 47 Seventh Avenue, Bassendean**

Ms Bremmer asked if the Town was aware of the application of an unauthorised pesticide by Turfmaster that resulted in the death of 8,000 trees and contaminated ground water, when the Town awarded a contract to the same contractor for the spraying of weeds in the Town of Bassendean.

The Director Operational Services responded advising that the Town would have to review the records, however, the Town wrote to Turfmaster to advise of the Council resolution not to apply glyphosate onto hard surfaces.

Ms Bremmer asked on what basis do you defend the use of pesticides in the Town of Bassendean.

The Mayor responded that the Council resolution has been fulfilled and steam weeding is being carried out in the Town.

Ms Bremmer asked if the Town acknowledges the success of steam weeding at Success Hill Reserve.

The Director Operational Services commented that there has been a trial undertaken at the reserve and the results of the treatment have been varied. An independent report indicates that the quality of the bush where it has been steam treated is not as good as other areas.

Ms Bremmer asked if the Town has consulted with the Traditional Owners of Success Hill Reserve over weed management.

The Director Operational Services advised that the Town has consulted and received a Section 18 Approval of the Aboriginal Heritage Act 1972 for Success Hill Reserve works.

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

Ms Jekabsons referred to Item 10.3 and asked if the Town is aware of the potential use of ground granulated blast furnace slag at the concrete batching plant and expressed concern that the Town may be allowing the use of the product.

The Manager Development Services stated that information provided by the applicant is that it is used in the manufacture of low heat cement, blended cements and crème cement and the use of the product is included in the Department of Water and Environment Regulations.

Mr Graeme King, 15 North Road, Bassendean

Mr King referred to the development of Bassendean Oval and asked for clarification on the status of the Development Agreement between the Town, the Swan Districts Football Club and LandCorp.

The CEO responded that the document that Council signed is null and void as the conditions were not met. There is a Council resolution to look at Wilson Street and Bassendean Oval, however, that project is on hold as the Town does not have the resources to pursue it now.

Mr King referred to Governance Policies that are currently out for review, particularly the policy that deals with communication between Councillors and developers, and commented that Councillors should not be dealing with LandCorp on development matters.

The Mayor responded that the policy is a guide. Councillors need to liaise with State Government agencies, such as LandCorp, to encourage growth and investment in the Town.

### **2.3 Address by Members of the Public**

*It should be noted that public statements are not recorded in the minutes.*

## **3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

### Present

#### Councillors

Cr John Gangell, Mayor  
Cr Mike Lewis, Deputy Mayor  
Cr Gerry Pule  
Cr Paul Bridges  
Cr Bob Brown  
Cr Renee McLennan

#### Officers

Mr Bob Jarvis, Chief Executive Officer  
Mr Michael Costarella, Director Corporate Services  
Mr Graeme Haggart, Director Community Development  
Mr Simon Stewert-Dawkins, Director Operational Services  
Mr Anthony Dowling, Director Strategic Planning  
Mr Brian Reed, Manager Development Services  
Mrs Amy Holmes, Minute Secretary

#### Public

Approximately 30 members of the public were in attendance.

#### Press

One member of the press was in attendance.

**4.0 DEPUTATIONS**

- 4.1** Mr Peter Bower of LSPB Property Pty Ltd addressed Council on Item 10.2.
- 4.2** Ms Corina Johnson of Johnson Property Corporation addressed Council and spoke in support of the application at Item 10.4.
- 4.3** Ms Sarah Quinton of 23 Deakin Street, Bassendean addressed Council on Item 10.12.
- 4.4** Mr Brian Bethume of 184 West Road, Bassendean, addressed Council and spoke in support of Item 11.2.
- 4.4** Mr Ian Veale of 33 Bassendean Parade, Bassendean, addressed Council and spoke in support of Item 11.2.

**5.0 CONFIRMATION OF MINUTES**

**5.1 Ordinary Council Meeting held on 25 July 2017**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 5.1(a)**

**OCM – 1/08/17** MOVED Cr Pule, Seconded Cr Lewis, that the minutes of the Ordinary Council Meeting held on 25 July 2017 be received, with the following amendment:

*Item 10.5, Point 3 - OCM-9/07/17 should read:*

3. *Lists funds in the 2018-19 Long Term Financial Plan to prepare an Open space Master Plan for Palmerston Square Reserve that further considers the possibility of a fenced dog exercise area.*

**CARRIED UNANIMOUSLY 6/0**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 5.1(b)**

**OCM – 2/08/17** MOVED Cr Bridges, Seconded Cr Pule, that the minutes of the Ordinary Council Meeting held on 25 July 2017, as amended to include the amendment to Item 10.5, Point 2, be confirmed as a true record.

**CARRIED UNANIMOUSLY 6/0**

**6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION**

The Mayor announced that a meeting of the Bassendean Oval Project Control Group was held on Thursday 17 August 2017 to discuss the upgrade of facilities at Swan Districts Football Club.

**7.0 PETITIONS**

Nil

**8.0 DECLARATIONS OF INTEREST**

- 8.1 Cr Gerry Pule declared a Proximity Interest for Item 10.6.
- 8.2 Mr Bob Jarvis, Chief Executive Officer, declared an Impartiality Interest for Item 10.3.

**9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

Nil

**10.0 REPORTS**

**10.1 Adoption of Recommendations En Bloc**

It was agreed that items 10.2, 10.3, 10.4, 10.5, 10.6, 10.9, 10.10 & 10.12 be removed from the en-bloc table and considered separately.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.1**

**OCM – 3/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 22 August 2017:

<b>Item</b>	<b>Report</b>
10.7	Adoption of the Town of Bassendean Municipal Heritage Inventory
10.8	Community Sporting and Recreation Facilities Fund (CSRFF) Application
10.13	Determinations Made by the Principal Building Surveyor
10.14	Determinations Made by Development Services
10.15	Use of the Common Seal
10.16	Calendar for September 2017
10.17	Implementation of Council Resolutions

10.18	Accounts for Payment – July 2017
10.19	Financial Statements – June 2017

**CARRIED UNANIMOUSLY 6/0**

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

<b>Item</b>	<b>Report</b>
10.2	Application for a Proposed Outbuilding at Lot 81; No. 45 Maley Street, Bassendean
10.3	Amended Application for Development Approval for a Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean
10.4	Application for a Change of Use to Place of Worship (Chin Christian Church) at Lot 143; No. 105A Broadway, Bassendean,
10.5	Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for a Convenience Store – Lot 25 (No. 300) Collier Road, Bassendean
10.6	Proposed Amendment to the Local Planning Scheme No. 10 dealing with Multiple Dwellings on Land with a Density Code of R40 and Below
10.9	Proposed Method of Disposal of Land - 48 Chapman Street Bassendean and Lot 7557 Lord Street Eden Hill
10.10	Bassendean River Parks Management Committee Meeting held on 2 August 2017
10.11	Audit & Risk Management Committee Meeting held on 9 August 2017
10.12	Liveable Town Advisory Committee (LTAC) 8 August 2017
11.1	Notice of Motion – Cr Brown: Realignment of boundary between the Town of Bassendean and the City of Bayswater
11.2	Notice of Motion – Cr Brown: Floodway Contingent Development
11.3	Notice of Motion – Cr Pule: Reference: Better use of Rubbish Tip Passes
11.4	Notice of Motion – Cr Pule: Improved Anzac Day Service
11.5	Notice of Motion – Cr Pule: Future Value of Town Assets
11.6	Notice of Motion – Cr Pule: Addressing Family Violence
11.7	Notice of Motion – Cr Pule: Welcome Cities Program
11.8	Notice of Motion – Cr Pule: Sister Council Initiatives
11.9	Notice of Motion – Cr Pule: Letter of Thanks to the Premier Mark McGowan
11.10	Notice of Motion – Cr Pule: Letter of Thanks to Prime Minister Malcolm Turnbull
13.1	Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean Fire Station

**10.2 Application for a Proposed Outbuilding at Lot 81; No. 45 Maley Street, Bassendean – Property Owner: Lee White and Freea Itzstein-Davey (Ref: DABC/BDVAPPS/2017-070 – Dylan Stokes, Planning Officer)**

APPLICATION

The purpose of this report was for Council to consider an application for an outbuilding at Lot 81, No. 45 Maley Street, Bassendean, that involves a setback variation.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.2

**OCM – 4/08/17** MOVED Cr Pule, Seconded Cr Brown, that Council grants development approval for the proposed Outbuilding at Lot 81 (45) Maley Street, Ashfield, subject to the following conditions:

1. The outbuilding shall not be used for habitable or commercial purposes;
2. All stormwater being contained on site. Details of the method of storm water being submitted for approval in conjunction with the application for a Building Permit;
3. The floor level of the proposed Outbuilding being raised not more than 100mm above existing natural ground levels;
4. All building works to be carried out under this development approval shall be contained within the boundaries of the subject lot;
5. External finishes matching those specified on the approved drawings; and
6. The issue of a Building Permit prior to the commencement of any works on site.

CARRIED 5/1

*Crs Pule, Brown, Gangell, Lewis & McLennan voted in favour of the motion. Cr Bridges voted against the motion.*

**10.3 Amended Application for Development Approval for a Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean, Owner: Keppel Holdings Pty Ltd, Applicant: Rowe Group (Ref: DABC/BDVAPPS/DA2017-103 – Timothy Roberts, Planning Officer/Brian Reed, Manager Development Services)**

*The CEO declared an Impartiality Interest and left the Chamber, the time being 8.55pm.*

**APPLICATION**

The Town has received an amended development application for three silos and additions to plant equipment for an approved concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean. The approved concrete batching plant was approved by the State Administrative Tribunal (SAT) on 5 December 2016, as part of an appeal process.

The purpose of the proposed amended development application is to increase the storage facilities at the location. Condition 7 of the previous development approval limits the annual output from the subject site to 105,300m<sup>3</sup> the proposed amendment will not result in any increase to the estimated output from the approved concrete batching plant. There are also minor modifications proposed to the parking layout.

This report seeks Council's endorsement to approve the amended development application.

*Cr Pule moved the officer recommendation with the addition of two points as shown in bold.*

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.3**

**OCM – 5/08/17** MOVED Cr Pule, Seconded Cr Bridges, that Council approves the amended Development Application for the proposed mobile concrete batching plant at Lot 105 (Nos 2-8) Clune Street, Bassendean, subject to the following conditions imposed:

1. The proposed car parking spaces marked in red on the approved plans shall be relocated 1.0m closer to the front lot boundary, to ensure that the southernmost bay does not interfere with the general circulation of vehicles on site;



2. Prior to the finalisation of the approval the applicant shall either confirm in writing that there will be no increase in traffic to the site as a result of the amended proposal, or provide a revised traffic management plan for the approval of the Town, prior to this consent being implemented;
3. Prior to the finalisation of this approval the nature and safety of ground granulated blast furnace slag and end of line combustion processes, be referred to the Department of Water and Environment Regulations to ensure that the product complies with the licences issued by the Department of Water and Environment Regulations; and
4. All other conditions and requirements detailed on the previous approval dated 20 January 2017 shall remain unless altered by this approval.

CARRIED UNANIMOUSLY 6/0

*The CEO returned to the Chamber, the time being 9.15pm.*

**10.4 Application for a Change of Use to Place of Worship (Chin Christian Church) at Lot 143; No. 105A Broadway, Bassendean, Applicant: Dynamic Planning & Developments Pty Ltd, Owner: Judy Kane (Ref: DABC/BDVAPPS/2017-109 – Dylan Stokes, Planning Officer)**

**APPLICATION**

The purpose of this report was for Council to consider an application for a Change of Use application for a Place of Worship (Chin Christian Church) at Lot 143, No. 105A Broadway Bassendean.

*Cr Pule moved that the item be deferred subject to the Place of Worship submitting a safe traffic assessment strategy including considering a new driveway and separation with the current common driveway by a dividing fence in the carpark area and to the satisfaction of the Town.*

*The motion lapsed for want of Secunder.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.4

**OCM – 6/08/17** MOVED Cr Bridges, Seconded Cr McLennan, that Council grants development approval for the proposed Change of Use at Lot 143 (105A) Broadway, Bassendean, subject to the following conditions:

1. Revised drawings shall be submitted in conjunction with an application for a building permit and such drawings shall demonstrate a revised location for the proposed personnel doors on the eastern side of the building so as to be clear of the location of existing approved car parking bays;
2. Operation of the Place of Worship is to be in accordance with details provided in correspondence from the applicant date stamped received 20 July 2017 and which form part of this approval. Any changes to the operations may require lodgement of a new application for planning approval for consideration by the Town;
3. The proposed Place of Worship is limited to a maximum capacity of 110 people at any given time. Any future proposed increase in total capacity will require lodgement of a new application for development approval and consideration by the Town;
4. Other than in emergency situations, the new personnel doors on the eastern side of the building shall not be used for pedestrian access and egress;
5. Rectification works are to be made to the front fence, kerbing and parking areas to the Town's Satisfaction;
6. This approval does not include the approval of any signage. Any signage for the development which is not an "exempted advertisement" pursuant to Schedule 5 of the Town of Bassendean Local Planning Scheme No. 10 is to be the subject of a separate application for development approval (see footnote below);
7. Prior to the issue of a Building Permit the applicant shall submit a waste management plan to the Town for approval which demonstrates suitable arrangements to be implemented for the storage and disposal of waste including detail of the amount of waste likely to be generated by the use; receptacles to be provided for waste storage; bin storage area which is designed and constructed to the Town's specifications; and rubbish collection arrangements;

8. The Place of Worship hereby approved shall not commence operations until all of the conditions of development approval have been complied with to the satisfaction of the Manager Development Services; and
9. The issue of a Building Permit prior to the commencement of any works on site. (see footnote).

Footnotes:

1. Regarding Condition 5, the applicant is to correspond with the Town regarding the necessary modifications required.
2. The Applicant is required to submit to the Town's Health Services, an Application for Approval to Establish or Alter a Food Business, together with the required plans and prescribed fee. The plans must include details such as:
  - Finishes of all walls, floors and ceilings;
  - Position and type of fixtures and fittings;
  - Exhaust system, grease trap, and bin storage; and
  - A menu or list of food to be provided on site.
3. The fit out of the food business is required to be in accordance with the Food Safety Standards. For further advice in relation to this Health related matter, please liaise with the Town's Senior Environmental Health Officer by email [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au) or telephone 9377 8000.
4. Noise emissions from the site shall comply with the Assigned Noise Levels stipulated in the Environmental Protection (Noise) Regulations 1997 at all times. This includes noise from the church services, ceremonies/festivities, congregation arriving/leaving the site, vehicles exiting site etc.
5. Applicant shall comply with the requirements of the Health (Public Buildings) Regulations 1992.
6. The applicant's electrical contractor shall submit a Form 5 Electrical Compliance Certificate to the Town's Health Services on completion of electrical works.
7. The applicant shall submit a Form 2 Application for Certificate of Approval. A maximum occupancy certificate from the Town's Health Services is required prior to the operation of the premises.

8. A Mechanical Services Engineer is required to provide certification to the Town's Health Services prior to the completion of the works indicating that any mechanical ventilation proposed for this development has been installed in accordance with Regulation 17 of the Health (Public Buildings) Regulations 1992 and the Australian Standards 1668.2, AS3666 and the Health (Air Handling and Water Systems) Regulations 1994.
9. As part of the building permit application process, it will also be necessary to make the required application for a change of classification.
10. The applicant is to consult and liaise with the landowner to the rear of the site to coordinate weddings and funerals around delivery times.

*Due to an equality of votes, Cr Gangell exercised his right to use his second vote in favour of the motion, resulting in the motion being CARRIED 4/3.*

*Crs Bridges, McLennan & Brown voted in favour of the motion.  
Crs Gangell, Lewis & Pule voted against the motion.*

**10.5 Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for a Convenience Store – Lot 25 (No. 300) Collier Road, Bassendean, Owner: HICON (WA) PTY LTD, Applicant: Planning Solutions (Ref: DABC/BDVAPPS/2017-106, Dylan Stokes, Planning Officer)**

**APPLICATION**

At its Ordinary Council meeting held in May 2011, Council resolved to require that all Joint Development Assessment Panel (JDAP) applications be the subject of a report to Council in order that Council can make an alternative recommendation to the Metropolitan Central JDAP, should it see fit.

*Cr Pule moved that Condition 6. be amended from 2.30pm-4.00pm to 2.30pm-5.00pm.*

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.5**

**OCM – 7/08/17** MOVED Cr Pule, Seconded Cr Lewis, that Council endorses the Planning Officer's Form 2 Responsible Authority Report for the proposed Convenience Store on Lot 25 (No. 300) Collier Road, Bassendean, **but recommends that Condition 6. be amended as follows:**

6. *No vehicle used for the delivery of fuel is permitted on site between 7.30am to 9.00am and 2.30pm to 5.00pm on weekdays.*

**CARRIED UNANIMOUSLY 6/0**

**10.6 Proposed Amendment to the Local Planning Scheme No. 10 dealing with Multiple Dwellings on Land with a Density Code of R40 and Below (Ref: DABC/BDVAPPS/LPS10.8 Brian Reed, Manager Development Services)**

*Cr Pule declared a Proximity Interest and left the Chamber, the time being 9.26pm.*

**APPLICATION**

The purpose of this report was for Council to consider the advice of the Minister for Planning that modifications are required to the above amendment before it is submitted for final approval.

**OFFICER RECOMMENDATION — ITEM 10.6**

That Council notes the modifications required to the amendment documents for Amendment No. 8 to the Local Planning Scheme, as laid out in the letter from the Western Australian Planning Commission dated 10 August 2017, and attached to this agenda.

*The Officer recommendation lapsed for want of a mover.*

Cr Bridges foreshadowed the following alternative motion:

*“That the Mayor and CEO seek a deputation to the Planning Minister comprised of planners and Cr Bridges, to explain that perpetuation of the current plot ratio scenario:*

1. *Creates community hostility by permitting construction of eight 2x2's per existing lot size;*
2. *Limits the future ability to amalgamate and develop decent land parcels;*
3. *Jeopardises the chances of achieving well designed higher multi residential developments;*
4. *Frustrates the provision of higher density housing in the future as advocated by the adopted Local Planning Strategy;*

*And to request reconsideration of the 25-metre frontage requirement proposal."*

#### COUNCIL RESOLUTION – ITEM 10.6

**OCM – 8/08/17** The substantive motion which was by MOVED Cr Bridges and Seconded by Cr Brown, which reads:

"That the Mayor and CEO seek a deputation to the Planning Minister comprised of planners and Cr Bridges, to explain that perpetuation of the current plot ratio scenario:

1. Creates community hostility by permitting construction of eight 2x2's per existing lot size;
2. Limits the future ability to amalgamate and develop decent land parcels;
3. Jeopardises the chances of achieving well designed higher multi residential developments;
4. Frustrates the provision of higher density housing in the future as advocated by the adopted Local Planning Strategy;

And to request reconsideration of the 25-metre frontage requirement proposal,

was put to the vote and CARRIED UNANIMOUSLY 6/0

*Cr Pule returned to the Chamber, the time being 9.35pm.*

**10.7 Adoption of the Town of Bassendean Municipal Heritage Inventory (Ref: LUAP/REGSTN/2 - Timothy Roberts, Planning Officer)**

**APPLICATION**

The purpose of this report was for Council to consider the amended Municipal Heritage Inventory (MHI) with a recommendation for adoption of the final document and for Council to note the future steps forward after adopting the MHI and in preparation of compiling the Heritage List under Local Planning Scheme No. 10.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.7**

**OCM – 9/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council:

1. Adopts the 2017 Town of Bassendean Municipal Heritage Inventory prepared by Hocking Heritage Studio;
2. Forwards a copy of the adopted document to the State Heritage Office; and
3. Notes the future steps required prior to compilation of the Heritage List under Local Planning Scheme No. 10, as contained within this report.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-3/08/17 6/0**

**10.8 Community Sporting and Recreation Facilities Fund (CSRFF) Application – Bassendean Bowling Club (Ref: GRSU/APPS-D/15 – Tim Dayman, Recreation Development Officer)**

**APPLICATION**

The purpose of this report was to request approval from Council for the Bassendean Bowling Club to apply for a Small Grant under the Community Sporting and Recreation Facilities Fund (CSRFF) and to rank the project in accordance with the CSRFF guidelines for Local Government Authorities.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.8

- OCM – 10/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council supports the CSRFF small grant application lodged by the Bassendean Bowling Club, in accordance with the CSRFF assessment guidelines, as the project is rated as well planned and needed by the applicant.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.9** **Proposed Method of Disposal of Land - 48 Chapman Street Bassendean and Lot 7557 Lord Street, Eden Hill (Ref:– COUP/ACQ/1 Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of the report was for Council to determine the method of sale of 48 Chapman Street Bassendean and Lot 7557 Lord Street Eden Hill.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.9

- OCM – 11/08/17** MOVED Cr McLennan, Seconded Cr Lewis, that the Chief Executive Officer call for quotations from local real estate agents for the sale by tender of 48 Chapman Street, Bassendean, and Lot 7557 Lord Street, Eden Hill.  
CARRIED UNANIMOUSLY 6/0

**10.10** **Bassendean River Parks Management Committee Meeting held on 2 August 2017 (Ref: GOVN/CCL/MEET/34 – Simon Stewert-Dawkins, Director Operational Services)**

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Bassendean River Parks Management Committee held on 2 August 2017.

*Cr Pule moved the Committee recommendation with the deletion of Point 2.*



**COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION**  
**- ITEM 10.10**

**OCM – 12/08/17** MOVED Cr Pule, Seconded Cr Bridges, that Council:

1. Receives the Bassendean River Parks Management Committee minutes of the 2 August 2017;
2. Writes to the Western Australian Planning Commission (WAPC) in response to its 4 July 2017 letter, to clarify that the Town of Bassendean is requesting that the WAPC/Department Planning, Lands & Heritage allocates funding to engage a suitable consultant to prepare an Ashfield Flats Reserve Strategic Management Plan/ Master Plan, which takes into consideration previous reports and investigations;
3. Expresses its appreciation to the Department of Planning, Lands and Heritage for allocating resources to prepare an Establishment Plan for Ashfield Flats Reserve; and
4. Recommends that the Department of Planning, Lands and Heritage undertake investigations of the site contamination within Lot 821/52 Villiers Street, Bassendean as a priority and that investigation only extend to the current top fenced area proposed for the purpose of Public Open Space.

**CARRIED UNANIMOUSLY** 6/0

**10.11 Audit & Risk Management Committee Meeting held on 9 August 2017 (Ref: GOVNCCL/MEET/3 - Michael Costarella, Director Corporate Services)**

**APPLICATION**

The purpose of this report was for Council to receive the report on a meeting of the Audit & Risk Management Committee held on 9 August 2017 and adopt the recommendations from the Committee.

*Cr Lewis moved an amendment to Point 2. of the committee recommendation, that the AASB124 Related Party Disclosures Policy be amended from quarterly to annually, as shown in bold.*

COUNCIL RESOLUTION – ITEM 10.11(a)

**OCM – 13/08/17** MOVED Cr Lewis, Seconded Cr Pule, that:

2. Council adopts the AASB124 Related Party Disclosures Policy, as attached to the Audit and Risk Management Committee Agenda of 9 August 2017 **and amends the frequency from quarterly to annually.**

CARRIED 4/2

*Crs Lewis, Pule, Gangell & McLennan voted in favour of the motion. Crs Bridges & Brown voted against the motion.*

*Cr Pule moved the committee recommendation with an amendment to Point 6. that the words 'recover the unpaid rates and' be removed.*

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION  
– ITEM 10.11

**OCM – 14/08/17** MOVED Cr Pule, Seconded Cr Lewis, that:

1. Council receives the minutes of the Audit and Risk Management Committee meeting held on 9 August 2017;
2. Council adopts the AASB124 Related Party Disclosures Policy, as attached to the Audit and Risk Management Committee Agenda of 9 August 2017 **and amends the frequency from quarterly to annually;**
3. Council writes off rates of \$52,955.88 as listed in the Confidential Report to the Audit & Risk Management Committee Agenda of 9 August 2017;
4. In accordance with Section 6.64 of the Local Government Act, Lot 68 Villiers Street, Bassendean, be transferred to the Town of Bassendean;
5. Following the land being transferred to the Town of Bassendean, exempt the property in accordance with Section 6.26 of the Local Government Act; and
6. Following transfer the Town offers to sell Lot 68 Villiers Street, Bassendean, to the WAPC at the best realistic valuation to offset implementation of Town Planning Scheme No 4A.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

**10.12 Liveable Town Advisory Committee 8 August 2017 (Ref: GOVN/CCL/MEET/34 – Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Liveable Town Advisory Committee held on Tuesday 8 August 2017.

*Cr Pule moved the officer recommendation with additional points as shown in bold.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.12

**OCM – 15/08/17** MOVED Cr Pule, Seconded Cr Brown, that:

1. Council notes the establishment of an Integrated Children and Family Services Centre Working Group with Terms of Reference to:
  - a) Define the need, scope of services and stakeholders to ideally be accommodated by such a facility; and
  - b) Investigate a model that would be both acceptable to the community and feasible to the Town including reviewing previous models considered by the Town.
2. **Membership of the Integrated Children and Family Services Centre Working Group include Jeanette Maddison, Kylie Turner, Cr John Gangell and that expressions of interest be called from the community;**
3. **In relation to dogs and playgrounds, the following guiding principles apply:**
  - **That recognition be given to the value of socialising and exercising dogs in public open space;**
  - **That open space design give consideration to the separation of playgrounds and dog exercise areas through physical and visual barriers; and**
  - **The need for public education through the Town's Rangers and the installation of appropriate signage.**
4. Council receives the report of the meeting of the Liveable Town Advisory Committee held on Tuesday 8 August 2017.

CARRIED UNANIMOUSLY 6/0

**10.13 Determinations Made by the Principal Building Surveyor  
Ref: LUAP/PROCED/1 – Kallan Short, Principal Building  
Surveyor)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.13

**OCM – 16/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.14 Determinations Made by Development Services (Ref:  
LUAP/PROCED/1 – Christian Buttle, Acting Manager  
Development Services)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.14

**OCM – 17/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Manager Development Services.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.15 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue  
Perkins, Executive Assistant to the CEO)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.15

**OCM – 18/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 22 August 2017.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.16 Calendar for September 2017 (Ref: Sue Perkins, Executive Assistant)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -  
ITEM 10.16

**OCM – 19/08/17** MOVED Cr Bridges, Seconded Cr Brown, that the Calendar for September 2017 be adopted.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.17 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 - Sue Perkins, Executive Assistant)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.17

**OCM – 20/08/17** MOVED Cr Bridges, Seconded Cr Brown, that the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 22 August 2017 be deleted from the Implementation of Council Resolutions list.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.18 Accounts for Payment – July 2017 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)**

APPLICATION

The purpose of this report was for Council to receive the Accounts for Payment in accordance with Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -  
ITEM 10.18

**OCM – 21/08/17** MOVED Cr Bridges, Seconded Cr Brown, that Council receives the List of Accounts Paid for July 2017, as attached to the Ordinary Council Agenda of 22 August 2017.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-3/08/17 6/0

**10.19 Financial Statements – June 2017 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

APPLICATION

The Local Government Financial Management Regulations, Clause 34(1) requires that a monthly financial report be presented to Council. A Local Government is to prepare each month a statement of financial activity that clearly shows a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.19

**OCM – 22/08/17** MOVED Cr Bridges, Seconded Cr Brown, that the Financial Reports for the period ended 30 June 2017, as attached to the Ordinary Council Agenda of 22 August 2017, be received.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-3/08/17 6/0

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 Notice of Motion – Cr Brown: Realignment of boundary between the Town of Bassendean and the City of Bayswater**

COUNCIL RESOLUTION – ITEM 11.1

**OCM – 23/08/17** MOVED Cr Brown, Seconded Cr Bridges, that the Town of Bassendean commence a process of consultation and negotiation with **affected landowners**, the **City of Bayswater then the State Government** and the Local Government Advisory Board in order to **seek** approval to realign the boundary between the Town of Bassendean (Ashfield) and the City of Bayswater, such realignment to include those properties, currently within the City of Bayswater, bounded by the Swan River, Tonkin Highway and Guildford Road.

*Crs Brown, Bridges & McLennan voted in favour of the motion.  
Crs Gangell, Lewis & Pule voted against the motion.*

*Due to an equality of votes, Cr Gangell exercised his right to use his second vote in favour of the motion, resulting in the motion being LOST 3/4.*

**11.2 Notice of Motion – Cr Brown: Floodway Contingent Development**

COUNCIL RESOLUTION – ITEM 11.2

**OCM – 24/08/17** MOVED Cr Brown, Seconded Cr Pule, that the Town of Bassendean **supports** subdivision in accordance with current zoning of those properties within the 100 year floodway situated on West Road and Whitfield Street, Bassendean.

CARRIED 4/2

*Crs Brown, Pule, Gangell & Lewis voted in favour of the motion.  
Crs Bridges & McLennan voted against the motion.*

**11.3 Notice of Motion – Cr Pule: Reference: Better use of Rubbish Tip Passes**

COUNCIL RESOLUTION – ITEM 11.3

**OCM – 25/08/17** MOVED Cr Pule, Seconded Cr Bridges, that **should the Eastern Metropolitan Regional Council take on the role of managing the City of Bayswater Transfer Station in 2018**, the Town negotiate and make accessible, the Bayswater Transfer Station on Collier Road, to the residents of the Town of Bassendean, to utilise their rubbish tip passes there as well as at Red Hill.

CARRIED UNANIMOUSLY 6/0

**11.4 Notice of Motion – Cr Pule: Improved Anzac Day Service**

MOVED Cr Pule, that the following procedures be initiated as part of the Town's ANZAC Day Service:

- a) That Council purchases commemorative poppies from the RSL to be made available to attendees at the service who would like to lay a poppy as an individual commemoration at the conclusion of the Service; and
- b) That provision be made in the annual budget for the Anzac Day Service for a donation to be made to the Australian Army Cadet Corps, 57 ACU (Morley) as acknowledgement of their special contribution to the Service.

LAPSED FOR WANT OF A SECONDER

**11.5 Notice of Motion – Cr Pule: Future Value of Town Assets**

**COUNCIL RESOLUTION – ITEM 11.5**

**OCM – 26/08/17** MOVED Cr Pule, Seconded Cr Gangell, that a report be brought to Council that identifies the future value of the Town's street lights, poles and street infrastructure, in relation to the evolution of Smart Cities, evolution of Smart Technology and gives a general appraisal of the vision for the future and to formulate the needed policies.

**LOST 2/4**

*Crs Pule & Gangell voted in favour of the motion. Crs Lewis, Bridges, Brown & McLennan voted against the motion.*

**11.6 Notice of Motion – Cr Pule: Addressing Family Violence**

The following motion was withdrawn:

*“That a report be brought to Council on the best ways to address Family Violence, formulate suitable policy and include Family Violence entitlement leave in the Employee Bargaining Agreement.”*

**11.7 Notice of Motion – Cr Pule: Welcome Cities Program**

**COUNCIL RESOLUTION – ITEM 11.7**

**OCM – 27/08/17** MOVED Cr Pule, Seconded Cr McLennan, that a report be brought to Council on the merits of the Town joining the Welcoming Cities Network of Councils that embrace, beneficial social cohesion, economic capability and resilience and work to gain accreditation under the standards for Welcoming Cities.

**CARRIED 4/2**

*Crs Pule, McLennan, Brown & Gangell voted in favour of the motion. Crs Lewis & Bridges voted against the motion.*

**11.8 Notice of Motion – Cr Pule: Sister Council Initiatives**

MOVED Cr Pule, that a report be brought to Council on the merits of the Town engaging in Sister Council arrangements with Christmas Island, Cocos Island and City of Bendigo.”

**LAPSED FOR WANT OF A SECONDER.**



**11.9 Notice of Motion – Cr Pule: Letter of Thanks to the Premier Mark McGowan**

MOVED Cr Pule, that the Town of Bassendean write to the Premier of WA Mark McGowan and congratulate him and his Government for signing the Partnership Agreement between the State and Local Government in WA, at the Local Government Convention this August 2017.

LAPSED FOR WANT OF A SECONDER

**11.10 Notice of Motion – Cr Pule: Letter of Thanks to Prime Minister Malcolm Turnbull**

MOVED Cr Pule, that the Town of Bassendean write to the Prime Minister Malcolm Turnbull and extend the Town's appreciation and thanks to the Australian Government for the Roads to Recovery Program (R2R) now becoming permanent to 2020/21 and restoration of the Financial Assistance Grant (FAGs). Also appreciation is extended for the continuation of the Bridges Renewal Program which is funded to 2020/21.

However, the Town expresses disappointment that the Prime Minister did not make arrangements to attend the Local Government Convention when he was in WA this August and the Town of Bassendean would encourage the Prime Minister to arrive at a much fairer and equitable arrangement with the Western Australian State Government to provide a just share of the GST distribution to Western Australia, the current distribution of 34c being the most unfair historically and requiring urgent and immediate improvement.

LAPSED FOR WANT OF A SECONDER

**12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil

**13.0 CONFIDENTIAL BUSINESS**

COUNCIL RESOLUTION – ITEM 13.0(a)

**OCM – 28/08/17** MOVED Cr Bridges, Seconded Cr Pule, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 10.45pm.

CARRIED UNANIMOUSLY 6/0

*All members of the public vacated the Chamber, the time being 10.45pm.*

**13.1 Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean Fire Station (Ref: A4103 – Graeme Haggart, Director Community Development and Mike Costarella Director Corporate Services)**

*This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) (c) and (d) of the Local Government Act 1995, as the Officer report discusses details of a proposed contract to be entered into.*

*Mr Mike Smith and Ms Ivanka Radalj of the former Bassendean Volunteer Fire and Emergency Service addressed the Council on this Item.*

*Mr Mike Smith and Ms Ivanka Radalj left the Chamber, the time being 11.00pm.*

*Cr Lewis moved that the officer recommendation be put. The motion lapsed for want of a Seconder.*

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 13.1**

**OCM – 29/08/17** MOVED Cr Gangell, Seconded Cr Lewis, that:

1. Council extends its appreciation to the Department of Fire and Emergency Service for the offer to purchase the Old Fire Station at 10-14 Parker Street, Bassendean;
2. Council advises the Department of Fire and Emergency Services that following consideration of the Business Case, the restrictive covenants and the limited financial viability of the project for the property, the Town declines the offer to purchase the property; and
3. In the event the Department of Emergency Services offers the property for sale and the offer is unsuccessful, the Town would appreciate the DFES' consideration of a lease agreement with the Town for community purposes, on a peppercorn rental.

**CARRIED 4/2**

*Crs Gangell, Lewis, Pule & McLennan voted in favour of the motion. Crs Bridges & Brown voted against the motion.*

COUNCIL RESOLUTION – ITEM 13.0(b)

**OCM – 30/08/17** MOVED Cr Brown, Seconded Cr Pule, that the meeting proceed with open doors, the time being 11.20pm.  
CARRIED UNANIMOUSLY 6/0

*As no members of the public returned to the Chamber, the reading aloud of the motions passed behind closed doors was dispensed with.*

**14.0** **CLOSURE**

The next Ordinary Council Meeting will be held on Tuesday 26 September 2017.

There being no further business, the Presiding Member declared the meeting closed, the time being 11.20pm.

# **ATTACHMENT NO. 2**



6/09/2017

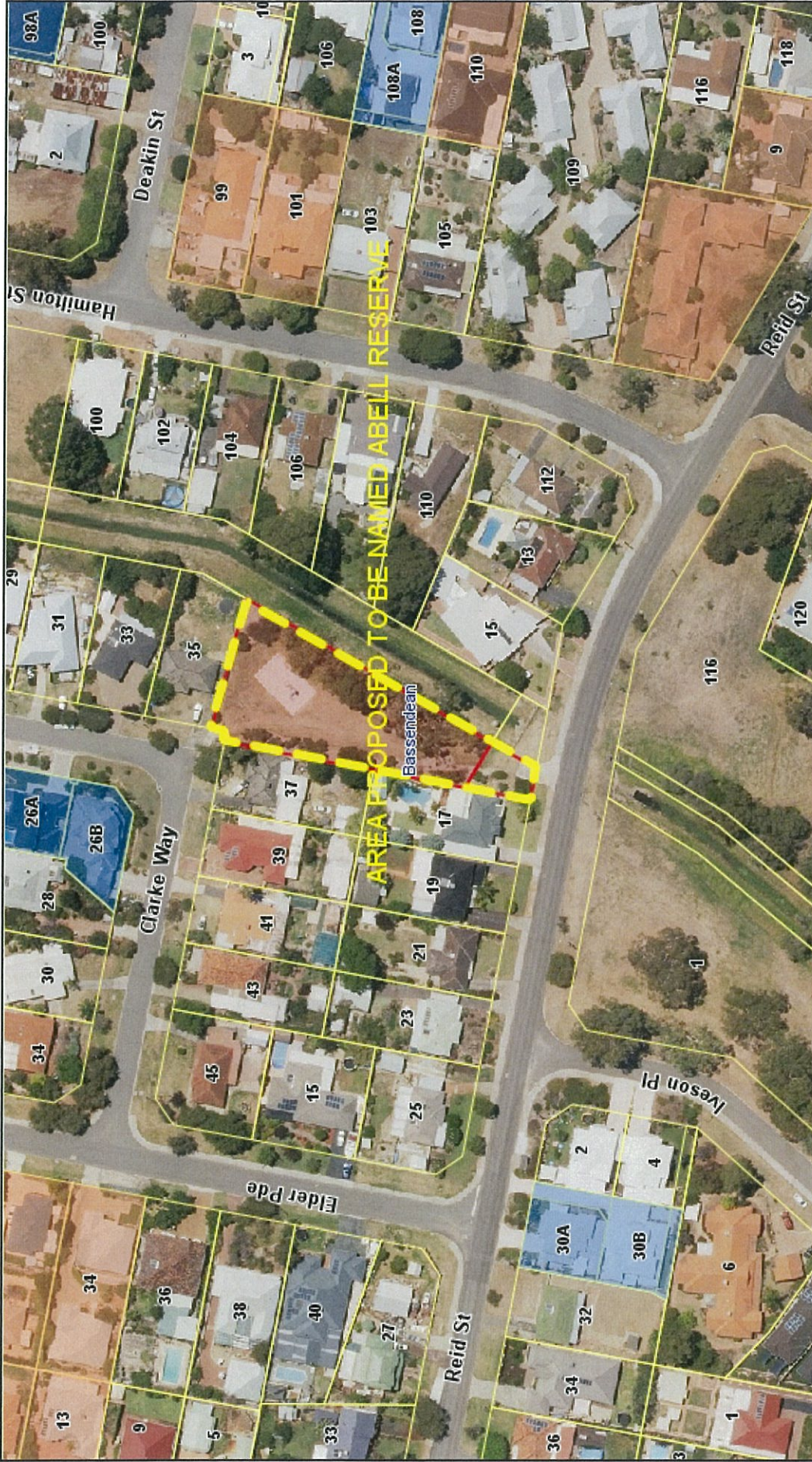
Scale: 1:4000

Plan showing area of  
consultation for renaming  
proposal.

**Disclaimer:** The Town Of Bassendean accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. This map is based on information provided by and with the permission of the Western Australian Land Information Authority.

Town of Bassendean  
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AREA PROPOSED TO BE NAMED ABELL RESERVE



6/09/2017

Scale: 1:1500

**Disclaimer:** The Town Of Bassendean accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. This map is based on information provided by and with the permission of the Western Australian Land Information Authority.

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## Survey Responses

16 July 2017 - 29 August 2017

# Renaming of Clarke Way Reserve to Abell Reserve

## Your Say Bassendean

Project: Renaming of Clarke Way Reserve to Abell Reserve



VISITORS					
7					
CONTRIBUTORS			RESPONSES		
1			1		
0	0	1	0	0	1
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



**Respondent No:** 2

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 14, 2017 13:51:38 pm

**Last Seen:** Aug 14, 2017 13:51:38 pm

**IP Address:** n/a

**Q1. The Town of Bassendean is interested in all feedback on the proposed renaming of Clarke Way Reserve to Abell Reserve. Please let us know what you think below.**

I support the idea of naming our reserves after local people who have made a significant contribution to our community through volunteer work. The Abell family have made a significant contribution to the safety and wellbeing of our Town, and this proposal seems like a fitting tribute to their contribution. Jai Wilson 78c Hamilton St, Bassendean.



# **ATTACHMENT NO. 3**

## **Schedule 2 — Deemed provisions for local planning schemes**

[r. 10(4)]

### **Part 1 — Preliminary**

#### **1. Terms used**

In this Scheme —

*Act* means the *Planning and Development Act 2005*;

*advertisement* means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- (a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- (b) any airborne device anchored to any land or building used for the display of advertising; and
- (c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

*amenity* means all those factors which combine to form the character of an area and include the present and likely future amenity;

*Building Code* means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

*built heritage conservation* means conservation as defined in the *Heritage of Western Australia Act 1990* section 3(1);

*cultural heritage significance* has meaning given in the *Heritage of Western Australia Act 1990* section 3(1);

*development contribution plan* means a development contribution plan, prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 7, that applies to land in the Scheme area;

*local government* means the local government responsible for this Scheme;

**local government CEO** means the chief executive officer of the local government;

**local planning strategy** means the local planning strategy for this Scheme prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3, as amended from time to time;

**owner**, in relation to land, means —

- (a) if the land is freehold land —
  - (i) a person whose name is registered as a proprietor of the land; and
  - (ii) the State, if registered as a proprietor of the land; and
  - (iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; and
  - (iv) a person who is the holder of a freehold interest in land vested in an executor or administrator under the *Administration Act 1903* section 8;

and

- (b) if the land is Crown land —
  - (i) the State; and
  - (ii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land;

**premises** means land, buildings or part of land or a building;

**R-Codes** means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time;

**region planning scheme** means a region planning scheme that applies in respect of part or all of the Scheme area;

**reserve** means land reserved under this Scheme for a public purpose;

**Scheme area** means the area to which this Scheme applies;

**special control area** means an area identified under this Scheme as an area subject to special controls set out in this Scheme;

*substantially commenced* means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

*works*, in relation to land, means —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; and
- (b) the carrying out on the land of any excavation or other works; and
- (c) in the case of a place to which a Conservation Order made under the *Heritage of Western Australia Act 1990* section 59 applies, any act or thing that —
  - (i) is likely to damage the character of that place or the external appearance of any building; or
  - (ii) would constitute an irreversible alteration to the fabric of any building;

*zone* means a portion of the Scheme area identified on the Scheme Map as a zone for the purpose of indicating the controls imposed by this Scheme on the use of, or the carrying out of works on, land, but does not include a reserve or special control area.

## **Part 2 — Local planning framework**

### **Division 1 — Local planning strategy**

#### **2. Local planning strategy**

Where a local planning strategy for the Scheme area has been prepared by the local government in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 the local planning strategy sets out the long-term planning directions for the Scheme area.

### **Division 2 — Local planning policies**

#### **3. Local planning policies**

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

- (2) A local planning policy —
  - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
  - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

**4. Procedure for making local planning policy**

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
  - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
    - (i) the subject and nature of the proposed policy; and
    - (ii) the objectives of the proposed policy; and
    - (iii) where the proposed policy may be inspected; and
    - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
  - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
  - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

- (3) After the expiry of the period within which submissions may be made, the local government must —
  - (a) review the proposed policy in the light of any submissions made; and
  - (b) resolve to —
    - (i) proceed with the policy without modification; or
    - (ii) proceed with the policy with modification; or
    - (iii) not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government —
  - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those local planning policies on the website of the local government.

**5. Procedure for amending local planning policy**

- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

**6. Revocation of local planning policy**

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
    - (i) is prepared in accordance with this Part; and
    - (ii) expressly revokes the local planning policy;
- or

- (b) by a notice of revocation —
  - (i) prepared by the local government; and
  - (ii) published in a newspaper circulating in the Scheme area.

### **Part 3 — Heritage protection**

#### **7. Terms used**

In this Part —

*heritage area* means an area designated as a heritage area under clause 9;

*heritage list* means a heritage list established under clause 8(1);

*place* has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

Note:

The purpose of this Part is to provide for the identification of places and areas of heritage value so that development in the Scheme can, as far as possible, be consistent with the conservation of heritage values.

#### **8. Heritage list**

- (1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.
- (2) The heritage list —
  - (a) must set out a description of each place and the reason for its entry in the heritage list; and
  - (b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and
  - (c) may be published on the website of the local government.
- (3) The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government —

- (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and
  - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
  - (c) carries out any other consultation the local government considers appropriate; and
  - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.
- (4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to —
- (a) the Heritage Council of Western Australia; and
  - (b) each owner and occupier of the place.

**9. Designation of heritage areas**

- (1) If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area to which this Scheme applies, the local government may, by resolution, designate that area as a heritage area.
- (2) If the local government designates an area as a heritage area the local government must adopt for the area a local planning policy that sets out the following —
  - (a) a map showing the boundaries of the heritage area;
  - (b) a statement about the heritage significance of the area;
  - (c) a record of places of heritage significance in the heritage area.
- (3) The local government must not designate an area as a heritage area unless the local government —
  - (a) notifies in writing each owner of land affected by the proposed designation and provides the owner with a copy of the proposed local planning policy for the heritage area; and
  - (b) advertises the proposed designation by —



- (i) publishing a notice of the proposed designation in a newspaper circulating in the Scheme area; and
    - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
    - (iii) publishing a copy of the notice of the proposed designation on the website of the local government;
  - and
  - (c) carry out any other consultation the local government considers appropriate.
- (4) Notice of a proposed designation under subclause (3)(b) must specify —
- (a) the area that is the subject of the proposed designation; and
  - (b) where the proposed local planning policy for the proposed heritage area may be inspected; and
  - (c) to whom, in what form and in what period submissions may be made.
- (5) The period for making submissions in relation to the designation of an area as a heritage area must not be less than a period of 21 days commencing on the day on which the notice of the proposed designation is published under subclause (3)(b)(i).
- (6) After the expiry of the period within which submissions may be made, the local government must —
- (a) review the proposed designation in the light of any submissions made; and
  - (b) resolve —
    - (i) to adopt the designation without modification; or
    - (ii) to adopt the designation with modification; or
    - (iii) not to proceed with the designation.
- (7) If the local government designates an area as a heritage area the local government must give notice of the designation to —
- (a) the Heritage Council of Western Australia; and
  - (b) each owner of land affected by the designation.

- (8) The local government may modify or revoke a designation of a heritage area.
- (9) Subclauses (3) to (7) apply, with any necessary changes, to the amendment to a designation of a heritage area or the revocation of a designation of a heritage area.

**10. Heritage agreements**

- (1) The local government may, in accordance with the *Heritage of Western Australia Act 1990* section 29, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.
- (2) The local government may not enter into an agreement with the owner or occupier of land or a building that relates to heritage matters other than in accordance with subclause (1).

**11. Heritage assessment**

- (1) Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a place entered in the heritage list.
- (2) A heritage assessment must be in a form approved by the Heritage Council of Western Australia.

**12. Variations to local planning scheme provisions for heritage purposes**

- (1) The local government may vary any site or development requirement specified in this Scheme to —
  - (a) facilitate the built heritage conservation of a place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the heritage list; or
  - (b) enhance or preserve heritage values in a heritage area.
- (2) A variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.

- (3) If the local government is of the opinion that the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or the heritage area the local government must —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64; and
  - (b) have regard to any views expressed prior to making its determination to vary the site or development requirements under this clause.

**13. Heritage conservation notice**

- (1) In this clause —

*heritage conservation notice* means a notice given under subclause (2);

*heritage place* means a place that is on the heritage list or located in a heritage area;

*properly maintained*, in relation to a heritage place, means maintained in a way that ensures that there is no actual or imminent loss or deterioration of —

- (a) the structural integrity of the heritage place; or
  - (b) an element of the heritage place that is integral to —
    - (i) the reason set out in the heritage list for the entry of the place in the heritage list; or
    - (ii) the heritage significance of the area in which it is located, as set out in a statement in the local planning policy for the area adopted in accordance with clause 9(2).
- (2) If the local government forms the view that a heritage place is not being properly maintained the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.
- (3) If a person fails to comply with a heritage conservation notice, the local government may enter the heritage place and carry out the repairs specified in the notice.

- (4) The expenses incurred by the local government in carrying out repairs under subclause (3) may be recovered as a debt due from the person to whom the notice was given in a court of competent jurisdiction.
- (5) The local government may —
  - (a) vary a heritage conservation notice to extend the time for carrying out the specified repairs; or
  - (b) revoke a heritage conservation notice.
- (6) A person who is given a heritage conservation notice may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of a decision —
  - (a) to give the notice; or
  - (b) to require repairs specified in the notice to be carried out; or
  - (c) to require repairs specified in the notice to be carried out by the time specified in the notice.

#### **Part 4 — Structure plans**

#### **14. Term used: structure plan**

In this Part —

*structure plan* means a plan for the coordination of future subdivision and zoning of an area of land.

#### **15. When structure plan may be prepared**

A structure plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the area is —
  - (i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and
  - (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken;
- or
- (b) a State planning policy requires a structure plan to be prepared for the area; or

- (c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.

**16. Preparation of structure plan**

- (1) A structure plan must —
  - (a) be prepared in a manner and form approved by the Commission; and
  - (b) include any maps, information or other material required by the Commission; and
  - (c) unless the Commission otherwise agrees, set out the following information —
    - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
    - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
    - (iii) any major land uses, zoning or reserves proposed by the plan;
    - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
    - (v) the population impacts that are expected to result from the implementation of the plan;
    - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
    - (vii) the proposed staging of the subdivision or development covered by the plan.
- (2) The local government may prepare a structure plan in the circumstances set out in clause 15.
- (3) A person may make an application to the local government for a structure plan prepared by the person in the circumstances set out in clause 15 to be assessed and advertised if the person is —

- (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
- (b) an agent of a person referred to in paragraph (a).

**17. Action by local government on receipt of application**

- (1) On receipt of an application for a structure plan to be assessed and advertised, the local government —
  - (a) must consider the material provided by the applicant and advise the applicant in writing —
    - (i) if the structure plan complies with clause 16(1); or
    - (ii) if further information from the applicant is required before the structure plan can be accepted for assessment and advertising;
  - and
  - (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The structure plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice to the applicant of its decision by the latest of the following days —
  - (a) 28 days after receipt of an application;
  - (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
  - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day the applicant pays the fee.

**18. Advertising structure plan**

- (1) The local government must, within 28 days of preparing a structure plan or accepting an application for a structure plan to be assessed and advertised —
  - (a) advertise the proposed structure plan in accordance with subclause (2); and
  - (b) seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate; and

- (c) provide to the Commission —
  - (i) a copy of the proposed structure plan and all accompanying material; and
  - (ii) details of the advertising and consultation arrangements for the plan.
- (2) The local government must advertise the structure plan in one or more of the following ways —
  - (a) by giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the structure plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
  - (b) by publishing a notice of the proposed structure plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
  - (c) by publishing a notice of the proposed structure plan on the local government website including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
  - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.

- (3) The local government —
  - (a) must make a structure plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
  - (b) may publish the structure plan and the material accompanying it on the website of the local government.
- (4) If a local government fails to advertise a structure plan in accordance with this clause, the Commission may take reasonable steps to ensure that the plan is advertised.
- (5) All costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

**19. Consideration of submissions**

- (1) The local government —
  - (a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
  - (b) may consider submissions made to the local government after that time; and
  - (c) may request further information from a person who prepared the structure plan; and
  - (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the structure plan.
- (3) Modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.



**20. Local government report to Commission**

- (1) The local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the day that is the latest of —
  - (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
  - (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
  - (c) a day agreed by the Commission.
- (2) The report on the proposed structure plan must include the following —
  - (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
  - (b) any comments by the local government in respect of those submissions;
  - (c) a schedule of any proposed modifications to address issues raised in the submissions;
  - (d) the local government's assessment of the proposal based on appropriate planning principles;
  - (e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

**21. Cost and expenses incurred by local government**

The costs and expenses incurred by the local government in giving a report under clause 20(1), are, to the extent that they are not payable by a person who prepared a structure plan under the *Planning and Development Regulations 2009* regulation 49, to be borne by the local government.

**22. Decision of Commission**

- (1) On receipt of a report on a proposed structure plan, the Commission must consider the plan and the report and may —
  - (a) approve the structure plan; or
  - (b) require the local government or the person who prepared the structure plan to —
    - (i) modify the plan in the manner specified by the Commission; and
    - (ii) resubmit the modified plan to the Commission for approval;or
  - (c) refuse to approve the structure plan.
- (2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the structure plan since it was advertised, direct the local government to readvertise the structure plan in the manner specified by the Commission.
- (3) The Commission may not direct the local government to readvertise the structure plan on more than one occasion.
- (4) If the Commission is not given a report on a proposed structure plan in accordance with clause 20(1), the Commission may make a decision on the proposed structure plan under subclause (1) in the absence of the report.
- (5) The Commission is to be taken to have refused to approve a structure plan if the Commission has not made a decision under subclause (1) within —
  - (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the structure plan and the resubmission of the modified plan; or
  - (b) a longer period agreed in writing between the Commission and the person who prepared the proposed structure plan.
- (6) Despite subclause (5), the Commission may decide whether or not to approve a structure plan after the period applicable under

subclause (5) has expired, and the validity of the decision is not affected by the expiry.

- (7) The Commission must give the local government and any person who prepared the proposed structure plan written notice of its decision to approve or to refuse to approve a structure plan.

**23. Further services or information from local government**

- (1) The Commission may direct the local government to give to the Commission technical advice and assistance or further information in writing in connection with the application if—
- (a) the local government does not provide a report on a structure plan within the timeframe referred to in clause 20(1); or
  - (b) the local government provides a report on a structure plan that does not contain sufficient information for the Commission to make its decision on whether or not to approve the structure plan.
- (2) The direction must be in writing and must specify—
- (a) the services or information required; and
  - (b) the time within which the local government must comply with the direction.
- (3) If a local government fails to comply with a direction given to it under subclause (1), the Commission may take reasonable steps to obtain the services or information referred to in the direction on its own behalf.
- (4) All costs incurred by the Commission in the exercise of the power conferred by subclause (3) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

**24. Structure plan may provide for later approval of details of subdivision**

- (1) The Commission may approve a structure plan that provides for further details of a proposed subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act.

- (2) The Commission may only approve a structure plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

**25. Review**

A person who prepared a structure plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the structure plan.

**26. Publication of structure plan approved by Commission**

- (1) If the Commission approves a structure plan the Commission must publish the structure plan in any manner the Commission considers appropriate.
- (2) The local government may publish a structure plan approved by the Commission on the website of the local government.

**27. Effect of structure plan**

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —
- (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
  - (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

**28. Duration of approval**

- (1) The approval of a structure plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless —
  - (a) the Commission earlier revokes its approval; or
  - (b) an amendment to the Scheme that covers the area to which the structure plan relates takes effect in accordance with section 87 of the Act.
- (2) For the purposes of subclause (1), a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (*commencement day*) is to be taken to have been approved on commencement day.
- (3) The Commission may extend the period of approval of a structure plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (4) The Commission may revoke its approval of a structure plan if the Commission considers that the structure plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

**29. Amendment of structure plan**

- (1) A structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.
- (2) The procedures for making a structure plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a structure plan.
- (3) Despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to a structure plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

### **Part 5 — Activity centre plans**

**30. Terms used**

In this Part —

*activity centre* means —

- (a) an area of land identified in accordance with a State planning policy as an activity centre; or
- (b) an area of land identified by the Commission as an activity centre;

*activity centre plan* or *activity centre structure plan* means a plan for the coordination of the future subdivision, zoning and development of an activity centre.

**31. When activity centre plan may be prepared**

An activity centre plan in respect of an area of land in the Scheme area may be prepared if —

- (a) a State planning policy requires an activity centre structure plan to be prepared for the area; or
- (b) the Commission considers that an activity centre plan for the area is required for the purposes of orderly and proper planning.

**32. Preparation of activity centre plan**

(1) An activity centre plan must —

- (a) be prepared in a manner and form approved by the Commission; and
- (b) include any maps, information or other material required by the Commission; and
- (c) unless the Commission otherwise agrees, set out the following information —
  - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
  - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;

- (iii) any major land uses, zoning or reserves proposed by the plan;
  - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
  - (v) the population impacts that are expected to result from the implementation of the plan;
  - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
  - (vii) the proposed staging of the subdivision or development covered by the plan;
  - (viii) the standards to be applied for the buildings, other structures and works that form part of the development or subdivision to which it applies;
  - (ix) arrangements for the management of services for the development or subdivision;
  - (x) the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare an activity centre plan in the circumstances set out in clause 31.
- (3) A person may make an application to the local government for an activity centre plan prepared by the person in the circumstances set out in clause 31 to be assessed and advertised if the person is —
- (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
  - (b) an agent of a person referred to in paragraph (a).

**33. Action by local government on receipt of application**

- (1) On receipt of an application for an activity centre plan to be assessed and advertised, the local government —
- (a) must consider the material provided by the applicant and advise the applicant in writing —
    - (i) if the activity plan complies with clause 32(1); or

- (ii) if further information from the applicant is required before the activity centre plan can be accepted for assessment and advertising;
  - and
  - (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The activity centre plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
- (a) 28 days after receipt of an application;
  - (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
  - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

**34. Advertising activity centre plan**

- (1) The local government must, within 28 days of preparing an activity centre plan or accepting an application for an activity centre plan to be assessed and advertised —
- (a) advertise the proposed activity centre plan in accordance with subclause (2); and
  - (b) seek comments in relation to the proposed activity centre plan from any public authority or utility service provider that the local government considers appropriate; and
  - (c) provide to the Commission —
    - (i) a copy of the proposed activity centre plan and all accompanying material;
    - (ii) details of the advertising and consultation arrangements for the plan.
- (2) The local government must advertise the activity centre plan in one or more of the following ways —



- (a) by giving notice of the proposed activity centre plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the activity centre plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
  - (b) by publishing a notice of the proposed activity centre plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
  - (c) by publishing a notice of the proposed activity centre plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
  - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed activity centre plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.
- (3) The local government —
- (a) must make an activity centre plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
  - (b) may publish the activity centre plan and the material accompanying it on the website of the local government.

- (4) If a local government fails to advertise an activity centre plan in accordance with this clause, the Commission may take reasonable steps to ensure that the plan is advertised.
- (5) All costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

**35. Consideration of submissions**

- (1) The local government —
  - (a) must consider all submissions made to the local government within the period specified in a notice advertising a proposed activity centre plan; and
  - (b) may consider submissions made to the local government after that time; and
  - (c) may request further information from a person who prepared the activity centre plan; and
  - (d) may advertise any modifications proposed to the activity centre plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the activity centre plan.
- (3) Modifications to an activity centre plan may not be advertised on more than one occasion without the approval of the Commission.

**36. Local government report to Commission**

- (1) The local government must prepare a report on the proposed activity centre plan and provide it to the Commission no later than 60 days after the day that is the latest of —
  - (a) the last day for making submissions specified in a notice given or published under clause 34(2); or
  - (b) the last day for making submissions after a proposed amendment to the activity centre plan is advertised under clause 35(2); or
  - (c) a day agreed by the Commission.

- (2) The report on the proposed activity centre plan must be in a form approved by the Commission and must include the following —
- (a) a list of the submissions considered by the local government, including if relevant, any submissions received on a proposed modification to the activity centre plan advertised under clause 35(2);
  - (b) any comments by the local government in respect of those submissions;
  - (c) a schedule of any proposed modifications to address issues raised in the submissions;
  - (d) the local government's assessment of the proposal based on appropriate planning principles;
  - (e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

**37. Cost and expenses incurred by local government**

The costs and expenses incurred by the local government in giving a report under clause 36(1), are, to the extent that they are not payable by a person who prepared an activity centre plan under the *Planning and Development Regulations 2009* regulation 49, to be borne by the local government.

**38. Decision of Commission**

- (1) On receipt of a report on a proposed activity centre plan, the Commission must consider the plan and the report and may —
- (a) approve the activity centre plan; or
  - (b) require the local government or the person who prepared the activity centre plan to —
    - (i) modify the plan in the manner specified by the Commission; and
    - (ii) resubmit the modified plan to the Commission for approval;
- or
- (c) refuse to approve the activity centre plan.

- (2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the activity centre plan since it was advertised, direct the local government to readvertise the activity centre plan as specified by the Commission.
- (3) The Commission must not direct the local government to readvertise the activity centre plan on more than one occasion.
- (4) If the Commission is not given a report on a proposed activity centre plan in accordance with clause 36(1), the Commission may make a decision on the proposed plan under subclause (1) in the absence of the report.
- (5) The Commission is to be taken to have refused to approve an activity centre plan if the Commission has not made a decision under subclause (1) within —
  - (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the activity centre plan and the resubmission of the modified plan; or
  - (b) a longer period agreed in writing between the Commission and the person who prepared the proposed activity centre plan.
- (6) Despite subclause (5), the Commission may decide whether or not to approve an activity centre plan after the period applicable under subclause (5) has expired, and the validity of the decision is not affected by the expiry.
- (7) The Commission must give the local government and any person who prepared the proposed activity centre plan written notice of its decision to approve or to refuse to approve an activity centre plan.

**39. Further services or information from local government**

- (1) The Commission may direct the local government to give to the Commission technical advice and assistance or further information in writing in connection with the application if —
  - (a) the local government does not provide a report on an activity centre plan within the timeframe referred to in clause 36(1);  
or

- (b) the local government provides a report on an activity centre plan that does not contain sufficient information for the Commission to make its decision on whether or not to approve the activity centre plan.
- (2) The direction must be in writing and must specify —
  - (a) the services or information required; and
  - (b) the time within which the local government must comply with the direction.
- (3) If a local government fails to comply with a direction given to it under subclause (1), the Commission may take reasonable steps to obtain the services or information referred to in the direction on its own behalf.
- (4) All costs incurred by the Commission in the exercise of the power conferred by subclause (3) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

**40. Activity centre plan may provide for later approval of details of subdivision or development**

- (1) The Commission may approve an activity centre plan that provides for —
  - (a) further details of a subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act; or
  - (b) further details of development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The Commission may only approve an activity centre plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

**41. Review**

A person who prepared an activity centre plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the activity centre plan.

**42. Publication of activity centre plan approved by Commission**

- (1) If the Commission approves an activity centre plan the Commission must publish the activity centre plan in any manner the Commission considers appropriate.
- (2) The local government may publish an activity centre plan approved by the Commission on the website of the local government.

**43. Effect of activity centre plan**

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by an activity centre plan that has been approved by the Commission is to have due regard to, but is not bound by, the activity centre plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 31 as being an area for which an activity centre plan may be prepared, but for which no activity centre plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —
  - (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
  - (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

**44. Duration of approval**

- (1) The approval of an activity centre plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless —
  - (a) the Commission earlier revokes its approval; or
  - (b) an amendment to the Scheme that covers the area to which the activity centre plan relates takes effect in accordance with section 87 of the Act.
- (2) For the purposes of subclause (1), an activity centre plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (*commencement day*) has effect as if it were approved on commencement day.

- (3) The Commission may extend the period of approval of an activity centre plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (4) The Commission may revoke its approval of an activity centre plan if the Commission considers that the activity centre plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

**45. Amendment of activity centre plan**

- (1) An activity centre plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.
- (2) The procedures for making an activity centre plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to an activity centre plan.
- (3) Despite subclause (2), the local government may decide not to advertise an amendment to an activity centre plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to an activity centre plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

**Part 6 — Local development plans**

**46. Term used: local development plan**

In this Part —

*local development plan* means a plan setting out specific and detailed guidance for a future development including one or more of the following —

- (a) site and development standards that are to apply to the development;
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

**47. When local development plan may be prepared**

A local development plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or
- (b) a structure plan requires a local development plan to be prepared for the area; or
- (c) an activity centre plan requires a local development plan to be prepared for the area; or
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.

**48. Preparation of local development plan**

- (1) A local development plan must —
  - (a) be prepared in a manner and form approved by the Commission; and
  - (b) include any maps or other material considered by the local government to be necessary; and
  - (c) set out the following information —
    - (i) the standards to be applied for the buildings, other structures and works that form part of the development to which it applies;
    - (ii) details of the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare a local development plan in the circumstances set out in clause 47.
- (3) A person may make an application to the local government for a local development plan prepared by the person in the circumstances set out in clause 47 to be assessed and advertised if the person is —
  - (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
  - (b) an agent of a person referred to in paragraph (a).



**49. Action by local government on receipt of application**

- (1) On receipt of an application for a local development plan to be assessed and advertised, the local government —
- (a) must consider the material provided by the applicant and advise the applicant in writing —
    - (i) if the local development plan complies with clause 48(1); or
    - (ii) if further information from the applicant is required before the local development plan can be accepted for assessment and advertising;
- and
- (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The local development plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
- (a) 14 days after receipt of an application;
  - (b) 7 days after receipt of the further information requested under subclause (1)(a)(ii);
  - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

**50. Advertising of local development plan**

- (1) The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised —
- (a) advertise the proposed local development plan in accordance with subclause (2); and
  - (b) seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.

- (2) The local government must advertise the local development plan in one or more of the following ways —
- (a) by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
  - (b) by publishing a notice of the proposed plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
  - (c) by publishing a notice of the proposed plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
  - (d) by erection of a sign or signs in a conspicuous place on the land the subject of the proposed plan giving notice of the proposed plan for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (3) Despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.
- (4) The local government —
- (a) must make a local development plan advertised under subclause (1) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
  - (b) may publish the local development plan and the material accompanying it on the website of the local government.

**51. Consideration of submissions**

The local government —

- (a) must consider all submissions in relation to a local development plan made to the local government within the period specified in a notice advertising a proposed local development plan; and
- (b) may consider submissions in relation to a local development plan made to the local government after that time; and
- (c) is to have due regard to the matters set out in clause 67 to the extent that, in the opinion of the local government those matters are relevant to the development to which the plan relates.

**52. Decision of local government**

- (1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —
  - (a) approve the local development plan; or
  - (b) require the person who prepared the local development plan to —
    - (i) modify the plan in the manner specified by the local government; and
    - (ii) resubmit the modified plan to the local government for approval;or
  - (c) refuse to approve the plan.
- (2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) —
  - (a) if the plan was advertised — within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or

- (b) if the plan was not advertised — within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.
- (3) For the purposes of calculating the periods referred to in subclause (2)(a) and (b), the period between the local government requiring modifications to the local development plan and the resubmission of the modified plan is to be excluded.
- (4) Despite subclause (2), the local government may decide whether or not to approve a local development plan after the period applicable under subclause (2) has expired, and the validity of the decision is not affected by the expiry.
- (5) The local government must give any person who prepared the local development plan written notice of its decision to approve or to refuse to approve a local development plan.

**53. Local development plan may provide for later approval of details of development**

- (1) The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

**54. Review**

A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the local government not to approve the local development plan.

**55. Publication of local development plan approved by local government**

If the local government approves a local development plan the local government must publish the local development plan on the website of the local government.

**56. Effect of local development plan**

- (1) A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application.
- (2) A decision-maker for an application for development approval in an area referred to in clause 47 as being an area for which a local development plan may be prepared, but for which no local development plan has been approved by the local government, may approve the application if the decision-maker is satisfied that —
  - (a) the proposed development does not conflict with the principles of orderly and proper planning; and
  - (b) the proposed development would not prejudice the overall development potential of the area.

**57. Duration of approval**

- (1) The approval of a local development plan has effect for a period of 10 years commencing on the day on which the local government approves the plan, or another period determined by the local government, unless the local government earlier revokes its approval.
- (2) For the purposes of subclause (1), a local development plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (*commencement day*) is to be taken to have been approved on commencement day.
- (3) A local government may extend the period of approval of a local development plan if there are no changes to the terms of the plan or the conditions attached to the approval.

**58. Revocation of local development plan**

The local government must not revoke approval of a local development plan unless this Scheme is amended so that the development to which the plan relates is a non-conforming use.

**59. Amendment of local development plan**

- (1) A local development plan may be amended by the local government.
- (2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.
- (3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.
- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.
- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.

**Part 7 — Requirement for development approval**

**60. Requirement for development approval**

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) the development is of a type referred to in clause 61.

Note:

1. Development includes the erection, placement and display of advertisements.
2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

**61. Development for which development approval not required**

- (1) Development approval of the local government is not required for the following works —
- (a) the carrying out of works that are wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) the carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a place that is —
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
- (iii) included on a heritage list prepared in accordance with this Scheme and identified on that list as having an interior with cultural heritage significance; or
- (iv) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (c) the erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or

- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (d) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —
  - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (e) the demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool except where the single house or other structure is —
  - (i) located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
  - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) located within an area designated under this Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;



- (f) temporary works which are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
- (g) the temporary erection or installation of an advertisement if —
  - (i) the advertisement is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), the *Electoral Act 1907* or the *Local Government Act 1995*; and
  - (ii) the primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; and
  - (iii) the advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted;
- (h) the erection or installation of a sign of a class specified in a local planning policy or local development plan that applies in respect of the sign unless the sign is to be erected or installed —
  - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
  - (ii) on land located within an area designated under this Scheme as a heritage area;
- (i) the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval;
- (j) the carrying out of works of a type identified elsewhere in this Scheme as works that do not require development approval.

Note:

1. The *Planning and Development Act 2005* section 157 applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.

2. The *Planning and Development Act 2005* section 6 applies in respect of the carrying out of public works by the Crown, the Governor, the Government of the State or a local government

- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a use identified in this Scheme as a use that is permitted in the zone in which the development is located and —
- (i) the development has no works component; or
- (ii) development approval is not required for the works component of the development;
- (c) the use of premises as a home office;
- (d) temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
- (e) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
- (f) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- (3) Despite subclause (1) development approval may be required for certain works carried out —
- (a) in a special control area; or
- (b) on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.
- (4) For the purposes of subclause (1)(c) or (d), development is to be taken to satisfy a deemed-to-comply requirement of the R-Codes if it complies with —

- (a) a requirement in a local development plan or activity centre plan made under the R-Codes that amends or replaces the deemed-to-comply requirement; or
  - (b) a requirement —
    - (i) in a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b); and
    - (ii) that amends or replaces the deemed-to-comply requirement;
- or
- (c) a requirement in a local planning policy that amends or replaces the deemed-to-comply requirement.
- (5) If under subclause (1)(c) or (d) development approval is not required for the carrying out of works on land, the owner of the land may provide to the local government confirmation of the matters set out in subclause (1)(c) or (d), as relevant, in a manner and form approved by the Commission.

*[Clause 61 amended in Gazette 7 Dec 2015 p. 4883-4.]*

### **Part 8 — Applications for development approval**

#### **62. Form of application**

- (1) An application for development approval must be —
  - (a) made in the form of the “Application for development approval” set out in clause 86(1); and
  - (b) signed by the owner of the land on which the proposed development is to be located; and
  - (c) accompanied by any fee for an application of that type set out in the *Planning and Development Regulations 2009* or prescribed under the *Local Government Act 1995*; and
  - (d) accompanied by the plans and information specified in clause 63.

- (2) For the purposes of subclause (1)(b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following —
- (a) a person who is referred to in the definition of *owner* in respect of freehold land in clause 1;
  - (b) a strata company that is authorised by a management statement registered under the *Strata Titles Act 1985* section 5C to make an application for development approval in respect of the land;
  - (c) a person who is authorised under another written law to make an application for development approval in respect of the land;
  - (d) an agent of a person referred to in paragraph (a).

Note:

The *Planning and Development Act 2005* section 267A makes provision for the signing of documents by the owner of Crown land.

- (3) An application for development approval for the erection, placement or display of an advertisement must be accompanied by sufficient information to determine the application in the form of the “Additional information for development approval for advertisements” set out in clause 86(2).

Note:

The *Interpretation Act 1984* section 74 provides for circumstances in which deviations from a prescribed form do not invalidate the form used.

### **63. Accompanying material**

- (1) An application for development approval must be accompanied by —
- (a) a plan or plans in a form approved by the local government showing the following —
    - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
    - (ii) the existing and proposed ground levels over the whole of the land the subject of the application;

- (iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
- (iv) the structures and environmental features that are proposed to be removed;
- (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
- (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
- (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
- (viii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- (ix) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the open storage or trade display area;
- (x) the nature and extent of any open space and landscaping proposed for the site;

and

- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and
  - (c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and
  - (d) any other plan or information that the local government reasonably requires.
- (2) The local government may waive or vary a requirement set out in subclause (1).
- (3) Where an application relates to a place entered on a heritage list prepared in accordance with this Scheme or within an area designated

under this Scheme as a heritage area, the local government may require the application to be accompanied by one or more of the following —

- (a) street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development;
- (c) a description of the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

**64. Advertising applications**

- (1) An application for development approval must be advertised under this clause if the proposed development —
  - (a) relates to the extension of a non-conforming use; or
  - (b) relates to a use if —
    - (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and
    - (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;

or

  - (c) does not comply with a requirement of this Scheme; or
  - (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
  - (e) is of a type that this Scheme requires to be advertised.
- (2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.

- (3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —
- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
  - (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
  - (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
  - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.
- (5) If an application for development approval is advertised under this clause, the local government —
- (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and

- (b) may publish the application and the material accompanying it on the website of the local government.

**65. Subsequent approval of development**

The procedures relating to applications for development approval set out in Part 7, Part 9 and this Part apply, with any modifications necessary, to an application for development approval for development already commenced or carried out.

**Note:**

The *Planning and Development Act 2005* section 164 sets out the effect of approval for development already commenced or carried out.

**Part 9 — Procedure for dealing with applications for development approval**

**66. Consultation with other authorities**

- (1) When, in the opinion of the local government, an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.
- (2) If an application for development approval relates to proposed development on land that is reserved under this Scheme for a public purpose and vested in a public authority, the local government must provide a copy of the application to that authority for objections and recommendations before making a decision on the application.
- (3) A statutory, public or planning authority receiving a copy of an application may, within 42 days of receiving the application or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any objections to, or recommendations in respect of the whole or part of the proposed development.
- (4) If a statutory, public or planning authority does not provide a memorandum within the time allowed under subclause (3), the local government may determine that the authority is to be taken to have no objections or recommendations to make.



**67. Matters to be considered by local government**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;

- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

**68. Determination of applications**

- (1) The local government must not determine an application for development approval until the later of —
  - (a) if the application is advertised under clause 64 — the end of each period for making submissions to the local government specified in a notice referred to in clause 64(3); and
  - (b) if a copy of the application has been provided to a statutory, public or planning authority under clause 66 — the end of each period for providing a memorandum to the local government referred to in clause 66(3).
- (2) The local government may determine an application for development approval by —
  - (a) granting development approval without conditions; or
  - (b) granting development approval with conditions; or
  - (c) refusing to grant development approval.

**69. Application not to be refused if development contribution plan not in place**

- (1) The local government must not refuse an application for development approval only because there is not a development contribution plan in place in relation to the development.

- (2) The local government must not grant development approval subject to a condition that future contributions to the provision of infrastructure related to the development may be required under a development contribution plan that is not in place at the time the application is determined.

**70. Form and date of determination**

- (1) As soon as practicable after determining an application for development approval, the local government must give the applicant written notice of the determination in the form of the “Notice of determination on application for development approval” set out in clause 86(4).
- (2) The determination has effect on the day on which the notice of determination is given to the applicant.

**71. Commencement of development under development approval**

If development approval is granted under clause 68 —

- (a) the development must be substantially commenced —
- (i) if no period is specified in the approval — within the period of 2 years commencing on the date on which the determination is made; or
  - (ii) if a period is specified in the approval — within that period; or
  - (iii) in either case — within a longer period approved by the local government on an application made under clause 77(1)(a);
- and
- (b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

**72. Temporary development approval**

The local government may impose conditions limiting the period of time for which development approval is granted.

Note:

A temporary development approval is where the local government grants approval for a limited period. It does not have any effect on the period within which the development must commence.

**73. Scope of development approval**

Development approval may be granted —

- (a) for the development for which the approval is sought; or
- (b) for the development for which the approval is sought, except for a part or aspect of that development specified in the approval; or
- (c) for a part or aspect of the development for which approval is sought that is specified in the approval.

**74. Approval subject to later approval of details**

- (1) The local government may grant development approval subject to a condition that further details of any works or use specified in the condition must be submitted to, and approved by, the local government before the developer commences the development.
- (2) The local government may only impose a condition referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not substantially change the development approved.

**75. Time for deciding application for development approval**

- (1) The local government must determine an application for development approval —
  - (a) if the application is advertised under clause 64 or a copy of the application is provided to a statutory, public or planning authority under clause 66 — within 90 days of receipt of the application; or
  - (b) otherwise — within 60 days of the receipt of the application and the material that is required to accompany the application referred to in clause 63; or
  - (c) in either case — within a longer time agreed in writing between the applicant and the local government.

- (2) If the local government has not made a determination in the time referred to in subclause (1) the local government is to be taken to have refused to grant the development approval.
- (3) Despite subclause (2), the local government may determine whether or not to grant the development approval after the period applicable under subclause (1) has expired and the validity of the determination is not affected by the expiry.
- (4) The local government must give the applicant written notice of its decision to grant or refuse to grant development approval.

**76. Review of decisions**

- (1) In this clause —  
*affected person*, in relation to a reviewable determination, means —
  - (a) the applicant for development approval; or
  - (b) the owner of land in respect of which an application for development approval is made;*reviewable determination* means a determination by the local government to —
  - (a) refuse an application for development approval; or
  - (b) to grant development approval subject to conditions; or
  - (c) to refuse to amend or cancel a development approval on an application made under clause 77.
- (2) An affected person may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with the *Planning and Development Act 2005* Part 14.

**77. Amending or cancelling development approval**

- (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —
  - (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
  - (b) to amend or delete any condition to which the approval is subject;

- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
  - (d) to cancel the approval.
- (2) An application under subclause (1) —
  - (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and
  - (b) may be made during or after the period within which the development approved must be substantially commenced.
- (3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.
- (4) The local government may determine an application made under subclause (1) by —
  - (a) approving the application without conditions; or
  - (b) approving the application with conditions; or
  - (c) refusing the application.

#### **Part 10A — Bushfire risk management**

*[Heading inserted in Gazette 7 Dec 2015 p. 4884.]*

#### **78A. Terms used**

In this Part, unless the contrary intention appears —

**AS 3959** means Australian Standard AS 3959 — Construction of buildings in bushfire-prone areas, as adopted from time to time as a referenced document for the purposes of the Building Code;

**BAL contour map**, in relation to a development site, means a scale map of an area that includes the development site —

- (a) prepared in accordance with State planning policy 3.7: Planning in Bushfire Prone Areas as part of a plan of subdivision that has been approved under Part 10 of the Act for the area; and

- (b) that shows the indicative bushfire attack levels (BAL) for the area;

**bushfire attack level assessment** means an assessment prepared in a manner and form set out in AS 3959 to determine a bushfire attack level (BAL) as set out in AS 3959;

**construction** of a building includes the erection, assembly or placement of a building but does not include the renovation, alteration, extension, improvement or repair of a building;

**development approval** means development approval of the local government obtained under Part 8;

**development site** means that part of a lot on which a building that is the subject of development stands or is to be constructed;

**habitable building** means a permanent or temporary structure on land that —

- (a) is fully or partially enclosed; and
- (b) has at least one wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;

**specified building** means a structure of a kind specified in this Scheme as a kind of structure to which this Part applies in addition to its application to habitable buildings.

*[Clause 78A inserted in Gazette 7 Dec 2015 p. 4884-5.]*

**78B. Application of Part to development**

- (1) This Part does not apply to development unless the development is —
- (a) the construction or use, or construction and use, of a single house or ancillary dwelling on a lot or lots with a total area of 1 100 m<sup>2</sup> or more; or
  - (b) the construction or use, or construction and use, of —
    - (i) a habitable building other than a single house or ancillary dwelling; or
    - (ii) a specified building.



- (2) The requirements in this Part are in addition to any provisions relating to development in a bushfire prone area that apply in a special control area.

*[Clause 78B inserted in Gazette 7 Dec 2015 p. 4886.]*

**78C. Determining whether development site is in a bushfire prone area**

For the purposes of this Part, a development site is subject, or likely to be subject, to bushfires and is referred to as being *in a bushfire prone area* if the development site is on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.

*[Clause 78C inserted in Gazette 7 Dec 2015 p. 4886.]*

**78D. Proposed development in a bushfire prone area**

- (1) Unless subclause (2) applies, before commencing any development on a development site a person (the *developer*) must cause to be prepared a bushfire attack level assessment for the development site if the development site —
- (a) is in a bushfire prone area; and
  - (b) has been in a bushfire prone area for a period of at least 4 months.
- (2) A developer is not required under subclause (1) to cause to be prepared a bushfire attack level assessment for a development site if —
- (a) a BAL contour map has been prepared in relation to the development site; or
  - (b) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.
- (3) The developer must have development approval to commence any development on the development site if —
- (a) the bushfire attack level assessment prepared under subclause (1) calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
  - (b) a bushfire attack level assessment has not been prepared under subclause (1) but a BAL contour map prepared in



- (a) the site was not in a bushfire prone area when the application was made; or
  - (b) the site had been in a bushfire prone area for a period of less than 4 months when the application was made.
- (3) Clause 78D does not apply to the commencement of development to which a transitional permit applies.

*[Clause 78F inserted in Gazette 7 Dec 2015 p. 4888.]*

**78G. Transitional provisions relating to *Planning and Development (Local Planning Schemes) Amendment Regulations 2015***

- (1) In this clause —

*commencement day* means the day on which the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* clause 5 comes into operation;

*previous bushfire provisions* means any provisions in this Scheme that, immediately before commencement day, required a developer in an area that was identified under this Scheme as being an area that is subject, or likely to be subject to bushfires to —

- (a) cause to be prepared a bushfire attack level assessment for a development site; or
- (b) to have development approval to commence development on a development site because —
  - (i) a bushfire attack level assessment prepared for the development site calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
  - (ii) it is not possible to calculate the bushfire attack level of the development site because of the terrain of the development site;

*transitional development site* means a development site that is located in an area that —

- (a) is a bushfire prone area; and
- (b) immediately before commencement day was an area identified in any way under this Scheme as being an area that is subject, or likely to be subject, to bushfires;

*transition period* means the period of 4 months beginning on commencement day.

- (2) Clause 78D(1) applies in respect of development on a transitional development site if—
  - (a) the development is commenced within the transition period; and
  - (b) a developer would have been required under the previous bushfire provisions to prepare a bushfire attack level assessment for the development site.
  
- (3) Clause 78D(3) applies in respect of development on a transitional development site if—
  - (a) the development is commenced within the transition period; and
  - (b) a developer would have been required under the previous bushfire provisions to have development approval to commence the development.
  
- (4) For the purposes of paragraph (b) of the definition of *transitional permit* in clause 78F(2), an area that immediately before commencement day was identified in any way under this Scheme as being an area that is subject, or likely to be subject, to bushfires is to be taken on and from commencement day to have been in a bushfire prone area for a period of at least 4 months.

*[Clause 78G inserted in Gazette 7 Dec 2015 p. 4888-90.]*

## **Part 10 — Enforcement and administration**

### **Division 1 — Powers of local government**

#### **78. Powers of local government**

- (1) For the purposes of implementing this Scheme the local government may—
  - (a) enter into an agreement in respect of a matter relating to this Scheme with any owner, occupier or other person having an interest in land affected by this Scheme; and

- (b) deal with or dispose of any land in the Scheme area which it has acquired in accordance with the *Planning and Development Act 2005* Part 11 Division 4.

- (2) The local government may only deal with or dispose of land acquired by the local government for the purpose of a local reserve for a use of the land that is compatible with the purpose for which it is reserved.

**79. Entry and inspection powers**

- (1) The local government CEO may, by instrument in writing, designate an officer of the local government as an authorised officer for the purposes of this clause.
- (2) An authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required —
  - (a) enter any building or land in the Scheme area; and
  - (b) inspect the building or land and any thing in or on the building or land.

**80. Repair of existing advertisements**

- (1) The local government may require the owner of an advertisement located in the Scheme area to repair the advertisement if, in the opinion of the local government, the advertisement has deteriorated to a point where it is in conflict with the aims of this Scheme.
- (2) A requirement referred to in subclause (1) must —
  - (a) be in the form of a written notice given to the person; and
  - (b) specify the advertisement the subject of the requirement; and
  - (c) set out clear reasons for the requirement; and
  - (d) set out full details of the action or alternative courses of action to be taken by the person; and
  - (e) specify the period, not being a period of less than 60 days from the day on which the notice is given to the person, within which the requirement must be complied with.
- (3) If the local government does not know who the owner of an advertisement is, the local government may give a notice referred to in subclause (1) to the owner of the land on which the advertisement

is located and direct the owner of the land to give the notice to the owner of the advertisement within a period specified by the local government.

- (4) If an owner of land on which an advertisement is located does not give to the owner of the advertisement a notice as directed under subclause (3), the owner of the land is to be taken to be the owner of the advertisement.
- (5) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14.

#### **Division 2 — Delegations**

##### **81. Terms used**

In this Division —

*absolute majority* has the meaning given in the *Local Government Act 1995* section 1.4;

*committee* means a committee established under the *Local Government Act 1995* section 5.8.

##### **82. Delegations by local government**

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
- (3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

##### **83. Local government CEO may delegate powers**

- (1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.

- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

**84. Other matters relevant to delegations under this Division**

The *Local Government Act 1995* sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

**Division 3 — Miscellaneous**

**85. Agreement to use of material provided for Scheme purposes**

The local government may refuse to accept an application made under this Scheme if the local government is not satisfied that there is in place an agreement for the local government to use any copyrighted material provided in support of the application —

- (a) for the purposes of advertising the application or implementing a decision on the application; and
- (b) for zero remuneration.

**Part 11 — Forms referred to in this Scheme**

**86. Forms referred to in this Scheme**

- (1) The form of an application for development approval referred to in clause 62(1)(a) is as follows —

**Application for development approval**

<b>Owner details</b>
Name:
ABN (if applicable):
Address: .....
..... Postcode: .....

Phone: Work: ..... Home: ..... Mobile: .....	Fax: .....	Email: .....
Contact person for correspondence:		
Signature:		Date:
Signature:		Date:
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		

<b>Applicant details (if different from owner)</b>		
Name:		
Address: .....		
..... Postcode: .....		
Phone: Work: ..... Home: ..... Mobile: .....	Fax: .....	Email: .....
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
Signature:		Date:



**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 11** Forms referred to in this Scheme

**cl. 86**

<b>Property details</b>		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants): .....		
Street name:		Suburb:
Nearest street intersection:		

<b>Proposed development</b>		
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use	
Is an exemption from development claimed for part of the development?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: .....		
Description of exemption claimed (if relevant):		
Nature of any existing buildings and/or land use:		
Approximate cost of proposed development:		
Estimated time of completion:		

<i>OFFICE USE ONLY</i>	
Acceptance Officer's initials:	Date received:
Local government reference No:	

*(The content of the form of application must conform with this form but minor variations may be permitted to the format.)*

- (2) The form for providing additional information for development approval for advertisements referred to in clause 62(3) is as follows —

**Additional information for development approval for advertisements**

*Note: To be completed in addition to the Application for development approval form.*

1.	Description of property on which advertisement is to be displayed including full details of its proposed position within that property: ..... .....
2.	Details of proposed sign: (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): ..... (b) Height: ..... Width: ..... Depth: ..... (c) Colours to be used: ..... (d) Height above ground level — to top of advertisement: ..... to underside: ..... (e) Materials to be used: ..... ..... Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source: ..... .....

3.	Period of time for which advertisement is required: .....
4.	Details of signs (if any) to be removed if this application is approved: ..... ..... .....
<p>Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed as detailed in 4 above.</p>	
<p>Signature of advertiser(s): .....</p>	
<p>(if different from land owners) .....</p>	
<p>Date: .....</p>	

(3) The form of a notice of public advertisement of a planning proposal referred to in clause 64(4) is as follows —

*Planning and Development Act 2005*

City/Town/Shire of .....

**Notice of public advertisement of planning proposal**

<p>The local government has received an application to use and/or develop land for the following purpose and public comments are invited.</p>		
Lot No:	Street:	Suburb:
<p>Proposal: .....</p> <p>.....</p> <p>.....</p>		
<p>Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the ..... day of .....</p>		

Signed: .....	Dated: .....
for and on behalf of the City/Town/Shire of: .....	

- (4) The form of a notice of determination on an application for development approval referred to in clause 70 is as follows —

*Planning and Development Act 2005*

City/Town/Shire of .....

**Notice of determination on application for development approval**

Location:	
Lot:	Plan/Diagram:
Vol. No:	Folio No:
Application date:	Received on:
Description of proposed development: .....	
.....	
The application for development approval is:	
<input type="checkbox"/> Approved subject to the following conditions	
<input type="checkbox"/> Refused for the following reason(s)	
Conditions/reasons for refusal:	
.....	
.....	
Date of determination: .....	
Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

**Planning and Development (Local Planning Schemes) Regulations 2015**

**Schedule 2** Deemed provisions for local planning schemes

**Part 11** Forms referred to in this Scheme

**cl. 86**

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<p>Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the <i>Planning and Development Act 2005</i> Part 14. An application must be made within 28 days of the determination.</p> <p>Signed: _____ Dated: _____</p> <p>.....</p> <p>for and on behalf of the City/Town/Shire of: .....</p>
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*(The content of the determination notice must conform to this form but minor variations may be permitted to the format.)*

# **ATTACHMENT NO. 4**

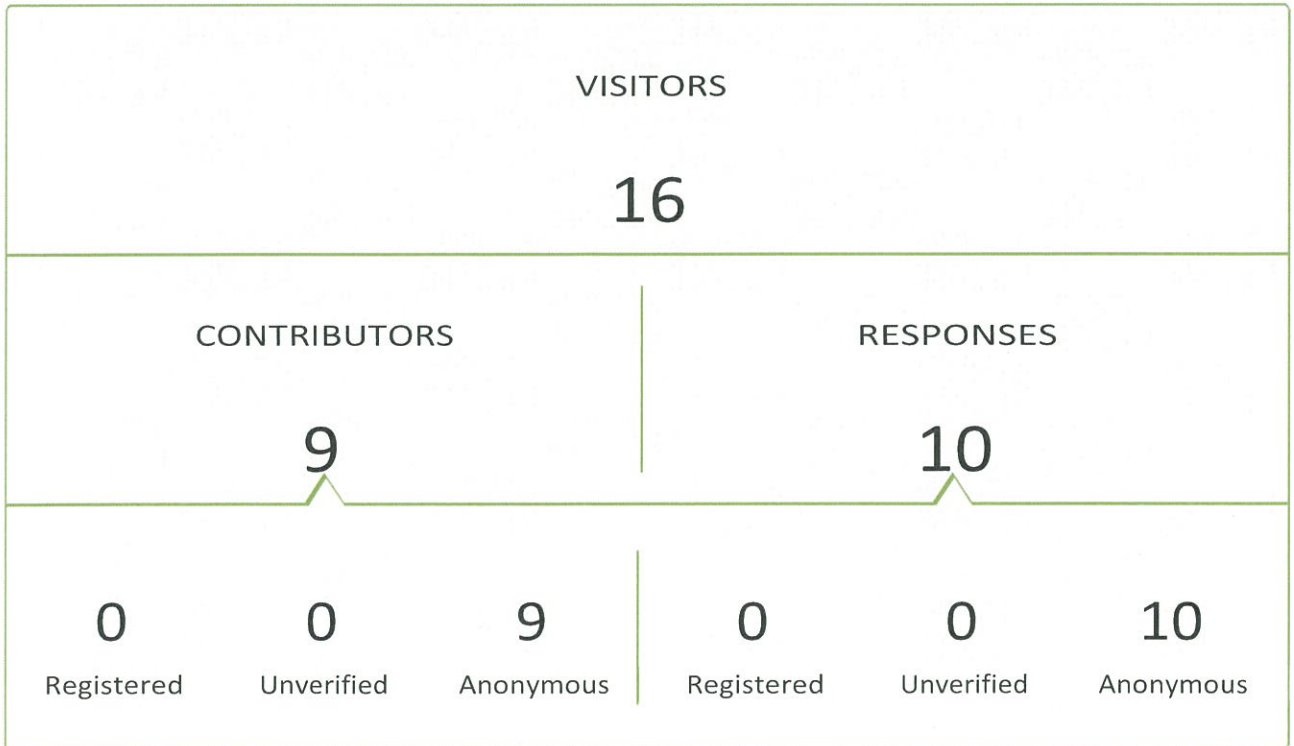
# Survey Responses

17 July 2017 - 29 August 2017

## Naming of Right Of Way

# Your Say Bassendean

Project: Naming of Right Of Way running between Geraldine St and Shackleton St, Bassendean





**Respondent No:** 1

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jul 25, 2017 05:36:17 am

**Last Seen:** Jul 25, 2017 05:36:17 am

**IP Address:** n/a

Q1. [The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.](#)

I would like to lodge my support for naming this section of road McKinlay Lane. James and Mary McKinlay were my grandparents and I now live on the original property owned by them and their parents, who themselves made a major contribution to West Guildford and then Bassendean. It is important that we recognise those who have made major contributions to our society, and I think this would be an excellent example.



**Respondent No:** 2

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jul 25, 2017 14:14:26 pm

**Last Seen:** Jul 25, 2017 14:14:26 pm

**IP Address:** n/a

Q1. [The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.](#)

I support the naming of the right of way "McKinlay". Les Mack 7 Devon Rd Bassendean.



**Respondent No:** 3

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jul 25, 2017 16:42:27 pm

**Last Seen:** Jul 25, 2017 16:42:27 pm

**IP Address:** n/a

Q1. [The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.](#)

Based on the documents made available I think McKinley would be a better choice. I would also add that there are other McKinley's who have made positive contributions to the Bassendean community which only adds to this argument.





**Respondent No:** 4

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jul 27, 2017 18:08:46 pm

**Last Seen:** Jul 27, 2017 18:08:46 pm

**IP Address:** n/a

Q1. [The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.](#)

The McKinley's were obviously significant members of the community in Bassendean and were very well respected for the work and commitment to their country and community. I support the decision to name the lane way after the McKinley family.



**Respondent No:** 5

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 09, 2017 17:06:36 pm

**Last Seen:** Aug 09, 2017 17:06:36 pm

**IP Address:** n/a

Q1. [The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.](#)

Excellent idea!



**Respondent No:** 6

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 10, 2017 19:30:27 pm

**Last Seen:** Aug 10, 2017 19:30:27 pm

**IP Address:** n/a

Q1. [The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.](#)

As the wife of Bruce Mullan who is the son of Jean Mullan (nee McKinlay), Grandson of Mary and James McKinlay and Great Grandson of James and Janet McKinlay, I would like to register my complete support for the naming of the Right of Way as McKinlay Lane. As detailed in the information on your website, Robert and Janet McKinlay made West Guildford their home in 1894, and 5 generations of the family have enjoyed the wonderful community and lifestyle of West Guildford/now

Bassendean living on the family property in North Road. All four elders of this family have been significant figures in the local community as well as contributing substantially to the State of WA and were bestowed many honours and awards. I think they would be humbled yet honoured to have a part of Bassendean given their name.



**Respondent No:** 7

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 10, 2017 19:32:23 pm

**Last Seen:** Aug 10, 2017 19:32:23 pm

**IP Address:** n/a

Q1. The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.

Dear Mary, I just realised that I submitted my form a few moments ago and did not add my name - not sure if I needed to?  
Thanks Annie Mullan



**Respondent No:** 8

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 15, 2017 10:35:34 am

**Last Seen:** Aug 15, 2017 10:35:34 am

**IP Address:** n/a

Q1. The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Jackson Way, Ernest Way



**Respondent No:** 9

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 15, 2017 19:36:29 pm

**Last Seen:** Aug 15, 2017 19:36:29 pm

**IP Address:** n/a

Q1. The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.

Can we please consider consulting with the local Noongar community to discuss future opportunities for using Noongar words for our streets? Thanks



**Respondent No:** 10

**Login:** Anonymous

**Email:** n/a

**Responded At:** Aug 15, 2017 19:56:08 pm

**Last Seen:** Aug 15, 2017 19:56:08 pm

**IP Address:** n/a

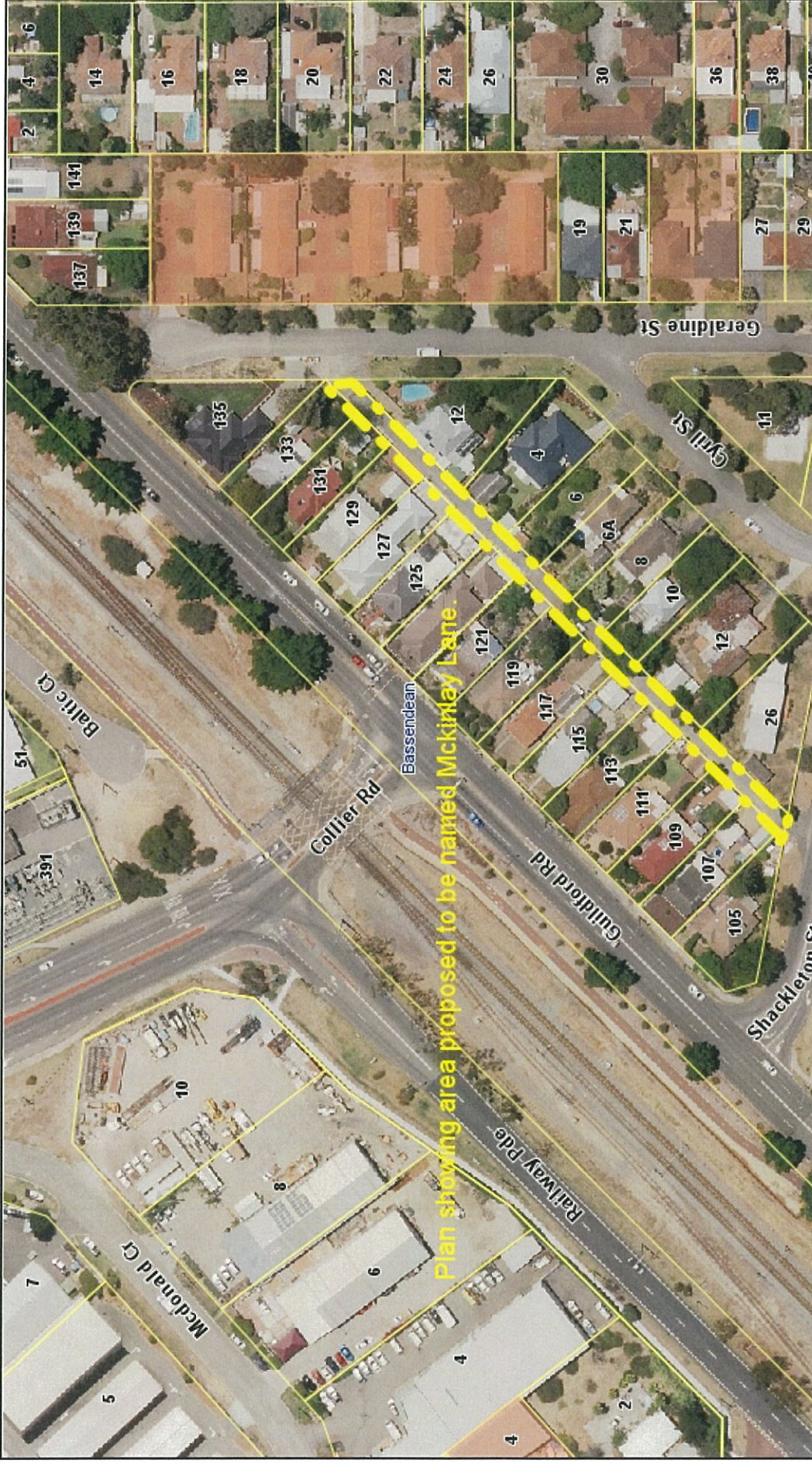
Q1. The Town of Bassendean is interested in all feedback on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St. Please let us know what you think below.

McKinlay

**Community feedback on proposed naming of Right Of Way running between Geraldine St and Shackleton St, Bassendean**

Source of feedback	Date of feedback	Name	Feedback	Positive to suggestion of McKinlay Lane	Negative to suggestion of McKinlay Lane	Comment only
Email (IEM-12377917, ROAD/STMNGT/4)	20/07/2017	Simone	Hi, We live at 105 Guildford Road on the corner of Shackleton St. The lane is at the back of us. We would like it to be called McKinlay Lane. Great Bassendean history. Thanks Simone			
Email (IEM-12385517, ROAD/STMNGT/4)	22/07/2017	Amy	Good morning, I refer to your letter dated 18 July 2017. I am in favour of naming the laneway McKinlay Lane. Kind regards, Amy 121 Guildford Road Bassendean WA 6054			
Email (IEM-12483517, ROAD/STMNGT/4)	9/08/2017	Jamie Strain	Thankyou for your correspondence of 18 July 2017 requesting comment on the proposed naming of the Right Of Way running between Geraldine St and Shackleton St, Bassendean. I support the naming as McKinlay Lane, however I am also supportive of Swinbourne Lane should that be the communities preference. Thank you, Jamie Strain 131 Guildford Road Bassendean			

<p>Email (IEM-12521217, ROAD/STMNGT/4)</p>	<p>19/08/2017</p>	<p>Terri Aldridge</p>	<p>I write to advise that I oppose the two proposed names for the naming of row no 14.  I have consulted with my neighbours who also agree with my opposition. We have agreed that a more suitable name will be Mary lane. Mary is significant to this area. Mary McKinlay and Mary crescent in Eden hill. Mary crescent reflects the Aboriginal presence that should never be forgotten in the predominantly white written history. Mary crescent was well known for the reserve for Aboriginal people. And further more a petition against the building of a hostel for Aboriginal people was opposed by land holders in the area. This reflects how as a society we are neglectful of inclusion of all peoples, in particular First Nation people. Mary McKinley deserves recognition for her achievements and service to community as does the memory of Aboriginal people in this area.  I propose the lane name should be Mary lane.  Many of the streets surrounding this laneway are all Christian names.  Please respond upon receipt of this email. I intend to follow this vehemently.  Kind regards  Terri Aldridge  125 Guildford road bassendean.</p>				
<p>Email (IEM-12533217, ROAD/STMNGT/4)</p>	<p>22/08/2017</p>	<p>Toni Jackson</p>	<p>To whom it may concern,  As a resident of Guildford Road, with a property backing onto Row 14, I would like to see the row named as the proposed McKinlay Lane.  This lane is the only access to our property and it will make life much easier if it has an official name.  Kind regards,  Toni Jackson  131 Guildford Road,  Bassendean</p>				



Plan showing area proposed to be named Mckinlay Lane.



13/09/2017

Scale: 1:1500

Plan showing area proposed to be named Mckinlay Lane.

**Disclaimer:** The Town Of Bassendean accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. This map is based on information provided by and with the permission of the Western Australian Land Information Authority.

Town of Bassendean  
 35 Old Perth Road  
 Bassendean WA 6054  
 Phone: 9377 8000  
 Fax: 9279 4257  
 Email: [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)



# **ATTACHMENT NO. 5**



Document #: ILET-12650817  
 Date: 14.09.2017  
 Officer: TIMOTHY ROBERTS  
 File: LUAP/PLANNING/1

Mr T. ROBERTS  
 PLANNING OFFICER

Dear Sir

RE TREE PRESERVATION ORDER

Thank you for your letter of September 14th, with enclosure of Arboricultural Assessment upon the Newton-Bay Tree at 8 Thompson Rd., and expressing the intent of Council to make the above order.

I wish to confirm I am in agreement with this order being made, and look forward to your advice when completed.

Truly Yours

*[Handwritten Signature]*

A. A. Cassidy  
 8 THOMPSON RD  
 GASSENDRAN  
 14.9.17



21<sup>st</sup> July 2017

Timothy Roberts  
Planning Officer  
Town of Bassendean  
PO Box 87  
BASSENDEAN WA 6934



Dear Timothy,

***ARBORICULTURAL ASSESSMENT AT 8 THOMPSON ROAD BASSENDEAN***

Please find enclosed the results of the arboricultural assessment undertaken recently for the tree at 8 Thompson Road, Bassendean.

Where recommendations for remedial arboricultural work have been made, it is imperative that it is undertaken as outlined in the Australian Standard 4373-2007: Pruning of Amenity Trees. It is also strongly advised that any remedial pruning works be undertaken by, or supervised by, a qualified arborist (AQF Level 3 in Arboriculture).

If you have any questions regarding the assessment or if I can be of service to you again in the future, please feel free to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'BB' followed by a stylized flourish.

Brad Bowden  
Principal  
Bowden Tree Consultancy®

B.Sc. Sustainable Forestry  
Dip. Arboriculture & Parks Management  
ISA Certified Arborist – Municipal Specialist AU-0020AM & Tree Risk Assessment Qualified (TRAQ)

## **1.0 Introduction**

### **1.1 Scope of Report**

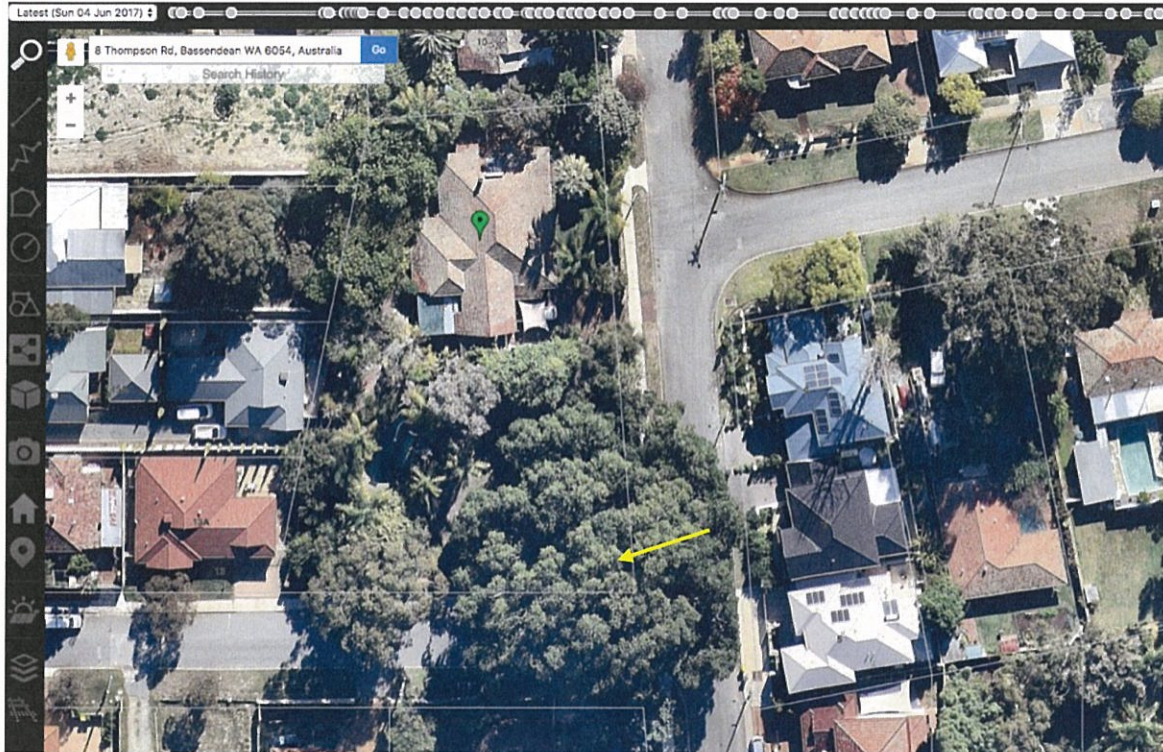
1.2 The purpose of this report is to summarise the results of the arboricultural assessment and provide recommendations for the mature Moreton Bay fig tree (*Ficus macrophylla*) located within the front yard of the residential property at Lot 15, 8 Thompson Road, Bassendean. Additionally, a request to provide an appraisal of tree monetary value and comment on the aesthetic value and rarity of the species was received. The site visit and visual tree assessment was undertaken from ground level on the 21<sup>st</sup> June 2017 at 1430hrs and was accurate at the time of inspection. No soil excavation, below ground inspection or detailed tree assessment was undertaken unless specified. Viewing conditions were fine. Concern has been raised by the Town of Bassendean regarding the potential for placing a tree preservation order on the tree based on tree size and value.

### **1.3 Executive Summary**

1.4 The assessed tree identified within this report provides a range of benefits to the ecosystem, to human beings for environmental and health reasons, and to the climate. Assessment has revealed a satisfactory health and structural condition which is typical for the species and age-class of tree, and a long useful life expectancy (greater than 40 years) is deduced. Based on my site visit and observations, it is recommended that this tree be considered for a tree preservation order based on outstanding size and/ or heritage significance.

1.5 Aesthetic value for this tree was not considered outstanding due to previous pruning being undertaken to provide clearance from the adjacent aerial powerlines and subsequently modifying the natural shape of the tree, when compared to an open grown tree in a park or area of public open space. Furthermore, this Australian native species is not considered rare, being commonly planted during the time of European settlement and more recently in suitable areas of public open space.

## 2.0 Site Observations



**Figure 1.** Aerial photo of site and location of the assessed tree (see arrow).



**Figure 2.** Assessed tree (see arrow); looking towards the southwest.

## **2.1 Assessed Tree**

<b>Common Name:</b>	Moreton Bay fig
<b>Location:</b>	2.2m from the fence to the east and 5.9 from the kerb
<b>Height:</b>	28.4m
<b>DBH:</b>	410cm
<b>Crown Spread (NS/ EW):</b>	42m/ 37m
<b>Structure:</b>	Fair
<b>Health:</b>	High
<b>Comments:</b>	

- Sounding with a nylon hammer at the trunk basal area failed to return any tonal variations indicative of a thin residual trunk wall or internal wood decay and no significant radial cracking or cavity openings were evident
- Codominant stems in a cluster branch attachment were visible at the basal area of the tree and are typical for the species and age-class of tree however no radial separation of connective tissue (cracking) indicating incipient failure was observed
- Minor root/ asphalt conflicts within the footpath and road areas outside the boundary fence were visible and are typical where hard surfacing is located within close proximity of large maturing trees
- A minor root/ fence conflict was visible on the south side and is typical where lightly-loaded structure is located within the structural root zone of a large maturing tree, and any future fence repair or replacement should utilise a pier and beam construction technique that spans the structure over the root plate of the tree i.e. no root severance
- Several rubbing branch conflicts were evident throughout the middle crown, typical for the species and age-class of tree however the friction damage is deduced to be minor only at present
- A small number of naturally-occurring internal dead branches were observed with previous pruning evident to remove the large dead branches
- Recent crown lifting pruning over the road to improve clearance for vehicles was visible on the east side and also south side of the tree
- Previous reduction pruning was evident on the east side of the tree to alleviate lateral branch encroachment towards the powerlines and to improve the clearance from the adjacent residential property

## **2.2 Tree Valuation**

2.3 Tree appraisal using the "*The (Revised) Burnley Method of Amenity Tree Evaluation*" (Moore, 2006) was undertaken. The formula has been developed for Australian trees and is as follows:

Appraised value = base value × tree volume × life expectancy × form and vigour × location  
 $\$79 \times 11,486\text{m}^3 \times 1 \times 0.7 \times 0.8$

Amenity tree value: \$508,140



**Figure 3.** Sounding with a nylon hammer at the trunk basal area failed to return any tonal variations indicative of a thin residual trunk wall or internal wood decay and no significant radial cracking or cavity openings were evident; looking towards the east.



**Figure 4.** A minor root/ fence conflict was visible on the south side and is typical where a lightly-loaded structure such as the fence is located within the structural root zone of a large maturing tree, and any future fence repair or replacement should utilise a pier and beam construction technique that spans the structure over the root plate of the tree; looking towards the north.



**Figure 5.** Several rubbing branch conflicts were evident throughout the middle crown, typical for the species and age-class of tree however the friction damage is deduced to be minor only at present; looking towards the east.



**Figure 6.** Previous reduction pruning was evident on the east side of the tree to alleviate lateral branch encroachment towards the powerlines and to improve the clearance from the adjacent residential property; looking towards the southwest.



**Figure 7.** A small number of naturally-occurring internal dead branches were observed with previous pruning to remove the large dead branches evident (see arrow); looking towards the east.



**Figure 8.** A commemorative plaque was evident on the south side of the tree in tribute to the arrival of the Dodd family to the Swan River colony in the 1830s.

### **3.0 Discussion and Recommendations**

#### **3.1 Discussion**

**3.2 Tree benefits:** Mature urban trees confer many benefits including shade and cooler air temperatures, screening (privacy) and noise reduction, built form aesthetic amelioration, energy conservation, mitigation of the urban heat island effect, air quality improvement and oxygen production, carbon uptake/ storage and greenhouse gas reduction, minimisation of storm water run-off and improvement of water quality, fauna habitat and food source. In general, they enhance our built and natural environments with larger trees providing more benefits.

**3.3 Pruning wounds:** Large diameter pruning wounds created on mature trees following the removal of entire structural branches or large roots rarely close in full (occlude with new woundwood tissue) and consequently provide an entry-opportunity for insect pests and/ or infection by wood decay fungi. In many cases the stored carbohydrates within mature trees is simply inadequate for the production of the new woundwood tissue that is required to close large pruning wounds and that is also required for the production of internal chemical boundaries for defense against fungal pathogens. Therefore, where tree pruning is the only remedial management option for mature trees, correctly positioned pruning that results in small diameter pruning wounds should be considered the preferred decision as opposed to the removal of entire structural branches or stems. Additionally, pruning to reduce (shorten) branch length should occur back to lateral branches that are at least one-third the diameter of the branch being reduced, and should leave the tree/ branch looking as natural as possible.

#### **3.4 Recommendations**

**3.5** No remedial pruning or other arboricultural works are recommended at present. A long useful life expectancy (greater than 40 years) and a satisfactory health and structural condition has been assessed, whilst a low/moderate risk rating is deduced. Based on my site visit and observations, it is recommended that this tree be considered for a tree preservation order based on outstanding size and/ or heritage significance.



## 4.0 Appendix I

### 4.1 Arboricultural Terminology

- 4.2 Crown – the leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree, whilst crown lifting involves pruning of the lower branches to improve clearance for buildings, pedestrians, vehicles etc.
- 4.3 DBH - diameter of the main trunk, measured at breast height approximately 1.4m above ground level for urban trees.
- 4.4 Deadwooding – the removal of dead, diseased or damaged branch wood from the crown of the tree.
- 4.5 Dripline – the width of the crown of the tree measured by the lateral extent of the foliage, with the crown spread measurement indicating the widest part.
- 4.6 Fall zone – is the area in which the tree or tree part is likely to fall when it fails, often calculated as 1.5 times the tree height where brittle dead branches etc. may break up and scatter debris.
- 4.7 First order structural branch – the large branches arising from the trunk that form the main structure of the crown.
- 4.8 Reduction prune – pruning to reduce the extension of a branch, back to a lateral branch that is at least one-third the diameter of the branch being removed.
- 4.9 Root collar – area at the base of the tree where the roots and trunk merge.
- 4.10 Second order branch – a branch arising from a first order structural branch.
- 4.11 Targets – an object, person or structure that would be damaged or injured in the event of tree or branch failure is referred to as the target or target area. The hazard evaluation of the target area is relative to the expected use and occupancy of that area.
- 4.12 Topping and Lopping – deleterious tree height and branch reduction work often at indiscriminate points and generally resulting in weakly-attached regrowth branches prone to failure as subsequent growth occurs.
- 4.13 Tree Protection Zone (TPZ) – the zone of the root plate most likely to contain roots that are critical for anchorage and stability, as well as the absorbing roots responsible for the uptake of water and nutrients; calculated as trunk diameter (DBH) x 12.
- 4.14 V-shaped union – ingrown bark from adjacent parts of the tree that are in contact with each other; usually branch forks, acutely-angled branch attachments or basal stems – often a high failure potential.

#### 4.15 Tree Structure and Health

4.16 The structural condition ('Structure') for each tree or group of trees has been assessed using the following qualitative criteria:

- Good – generally free of structural defects
- Fair – defects evident that may be typical for the species and age class, and which could be corrected through remedial pruning works
- Poor – significant defects that are not likely to be corrected through remedial pruning or arboricultural works
- TBA – to be assessed, requiring further investigation to evaluate tree structural condition

4.17 The vitality ('Health') for each tree or group of trees has been assessed using the following qualitative criteria:

- High – consistent crown density and foliage colour, good shoot extension and an insignificant number of naturally-occurring internal dead branches
- Average – crown condition that may be representative for the species and/or seasonal, possessing satisfactory shoot extension and/or minimal decline and dead branches
- Low – poor shoot extension, sparse crown density and not likely to be corrected through improvement of site resources and plant nutrition
- Moribund – final stages of a decline spiral

## **5.0 Appendix II**

### **5.1 Author Formal Qualifications**

- 5.2 Bachelor of Science (Sustainable Forestry) – 2012  
Edith Cowan University, Joondalup & Murdoch University, Murdoch, WA.
- 5.3 Diploma of Applied Science (Horticulture) – 2000  
Major studies Arboriculture and Parks/ Gardens management  
University of Melbourne, Burnley campus, VIC.
- 5.4 Certificate IV (TAE40110) in Training & Assessment – 2014  
Plenty Training, Robina, QLD.
- 5.5 Certificate of Horticultural Practice – 1994  
Challenger TAFE, Murdoch campus, WA.

### **5.6 Additional Certifications**

- 5.7 ISA Certified Arborist Municipal Specialist (AU-0020AM) - 2012  
International Society of Arboriculture  
[www.isa-arbor.com/certification/benefits/credentialsExplained.aspx](http://www.isa-arbor.com/certification/benefits/credentialsExplained.aspx)
- 5.8 ISA Tree Risk Assessment Qualification (TRAQ) - 2013  
International Society of Arboriculture  
<http://www.isa-arbor.com/certification/becomequalified/becomequalified.aspx>

### **5.9 Limitation of Liability**

- 5.10 Bowden Tree Consultancy are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.
- 5.11 Bowden Tree Consultancy cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways that the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been visually assessed from ground level. Bowden Tree Consultancy cannot guarantee that a tree will be healthy or a low risk of harm under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.
- 5.12 Treatment, pruning and removal of trees may involve considerations beyond the scope of Bowden Tree Consultancy's service, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters and other related incidents. Bowden Tree Consultancy cannot take such issues into account unless complete and

accurate information is given prior or at the time of the site inspection. Likewise Bowden Tree Consultancy cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

- 5.13 In the event that Bowden Tree Consultancy recommends retesting or inspection of trees at stated intervals, or installs any cable/s, bracing systems and support systems, Bowden Tree Consultancy must inspect the system installed at intervals of not greater than 12 months, unless otherwise specified in written reports. It is the client's responsibility to make arrangements with Bowden Tree Consultancy to conduct the re-inspection.
- 5.14 Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. All written reports must be read in their entirety; at no time shall part of the written assessment be referred to unless taken in full context with the whole written report. If this written report is to be used in a court of law, or any other legal situation, Bowden Tree Consultancy must be advised in writing prior to the written assessment being presented in any form to any other party.

#### **5.15 Business Details**

- 5.16 Bowden Tree Consultancy®  
ABN: 51925884945  
Post Office Box 104 Darlington W.A. 6070  
M: 0438 936 679  
E: info@bowdentree.com.au  
W: www.bowdentree.com.au

#### **5.17 Literature Cited**

- 5.18 Ball, D.J. & Ball-King, L. (2011). *Public Safety and Risk Assessment*. Great Britain: Earthscan
- 5.19 Lilly, S., Matheny, N. & Smiley, E., (2011). *Best Management Practices - Tree Risk Assessment*, Champaign, IL: International Society of Arboriculture
- 5.20 Moore, G.M. (2006). *Revised Burnley Method of Urban Tree Valuation*. Sourced: <http://tinyurl.com/gnspd66>
- 5.21 Standards Australia, (2009). *AS4970-2009 Protection of Trees on Development Sites*, Sydney: SAI Global
- 5.22 Standards Australia, (2007). *AS4373-2007 Pruning of Amenity Trees*, Sydney: SAI Global

# **ATTACHMENT NO. 6**



Document #: ILET-12308217  
 Date: 03.07.2017  
 Officer: TIMOTHY ROBERTS  
 File: LUAP/REGSTN/2

Your ref# LUAP/REGSTN/2  
 3rd July 2017

Mr Timothy Roberts  
 Dept of Development Services  
 Gaspendean Town Council  
 BASSEMURRAY W.A. 6054

Dear Mr Roberts,

RE: HERITAGE INVENTORY AND REQUEST FOR TREE PRESERVATION.

Thanking you for stopping to have a chat to me, with regard to the Heritage Inventory and Tree Preservation, when you came on Monday the 26<sup>th</sup> June to deliver a letter signed by Mr Reed.

Further to our discussion, please find a list of significant trees, planted by my parents sometime between 1936 and the early 1950's as follows:-

- \* Bampher Laurel - by the side of the 2<sup>nd</sup> garage.
- \* Illawarra Flame tree - near # 38's fence
- \* Jacaranda trees - 2 in front garden  
2 in back garden
- \* Phoenix palms - 2 in back garden near # 38
- \* Cape lilac tree - back garden behind 2<sup>nd</sup> garage.
- \* NSW Box tree - in back garden.
- \* Walnut tree - side of house near # 42
- Large camelia bushes - some of which are approximately 60 yrs old & 12 feet in height
- Adam fig tree - planted 1936 - in back garden

MR Timothy Roberts - Dept of Development Services  
list of trees at no 40 North Rd ctd 1 -

Rubber tree ?? related to the Moreton Bay fig  
in back garden near shed.

Umbrella trees ~ 3 - 2 near # 38 side

Kurrajong tree - front garden near # 42 side  
" " " " # 42 side

There are also a few citrus trees at # 40, also  
\* a miniature (ornamental) mulberry tree near # 38,  
\* 3 misteries and an old grape vine.

\* = special trees

Sadly the two jacaranda trees in the front garden  
have to be pruned a bit from time to time because  
of Western Power regulations.

To me gardens are part of heritage and hopefully  
the 1936 house and garden, with the trees can be  
preserved. The details of the house and garden  
were submitted by me in writing on the 2<sup>nd</sup> May 2015  
and the 7<sup>th</sup> March 2017, addressed to Mr Brian Reed,  
Manager - Development Services.

Hopefully this letter, as well as the two previous letters  
give sufficient information with regard to the house  
and garden with the trees at # 40 North Road.


Please thank Mr Reed for his letter of 23<sup>rd</sup> June 2017  
on my behalf and may this property be preserved.  
Many thanks again for taking the time to speak to me  
when you delivered Mr Reed's letter on the 26<sup>th</sup> June.

P.S. Tel # (08) 9279 1428  
afternoons - sorry no  
answer service

Yours sincerely,  
Shelley Lewis (M/S)  
40 North Road  
73 118 5172 01 5741 WA 6054

Town of Bassendean  
 Local Planning Scheme No 10  
 Registry of Tree Preservation Orders

[cl. 5.7.7.6)]

REF NO	LOCATION	DESCRIPTION
TPO 1	Lot 2, House No 6 Barton Parade Bassendean	<p>River Red Gum (<i>Eucalyptus camaldulensis</i>).            Approximate Height 18 - 20 metres            DBH (Trunk Caliper) 900 - 1000 mm</p>  <p style="text-align: center; font-size: small;">River Red Gum (<i>Eucalyptus camaldulensis</i>) 6 Barton Parade Bassendean</p>

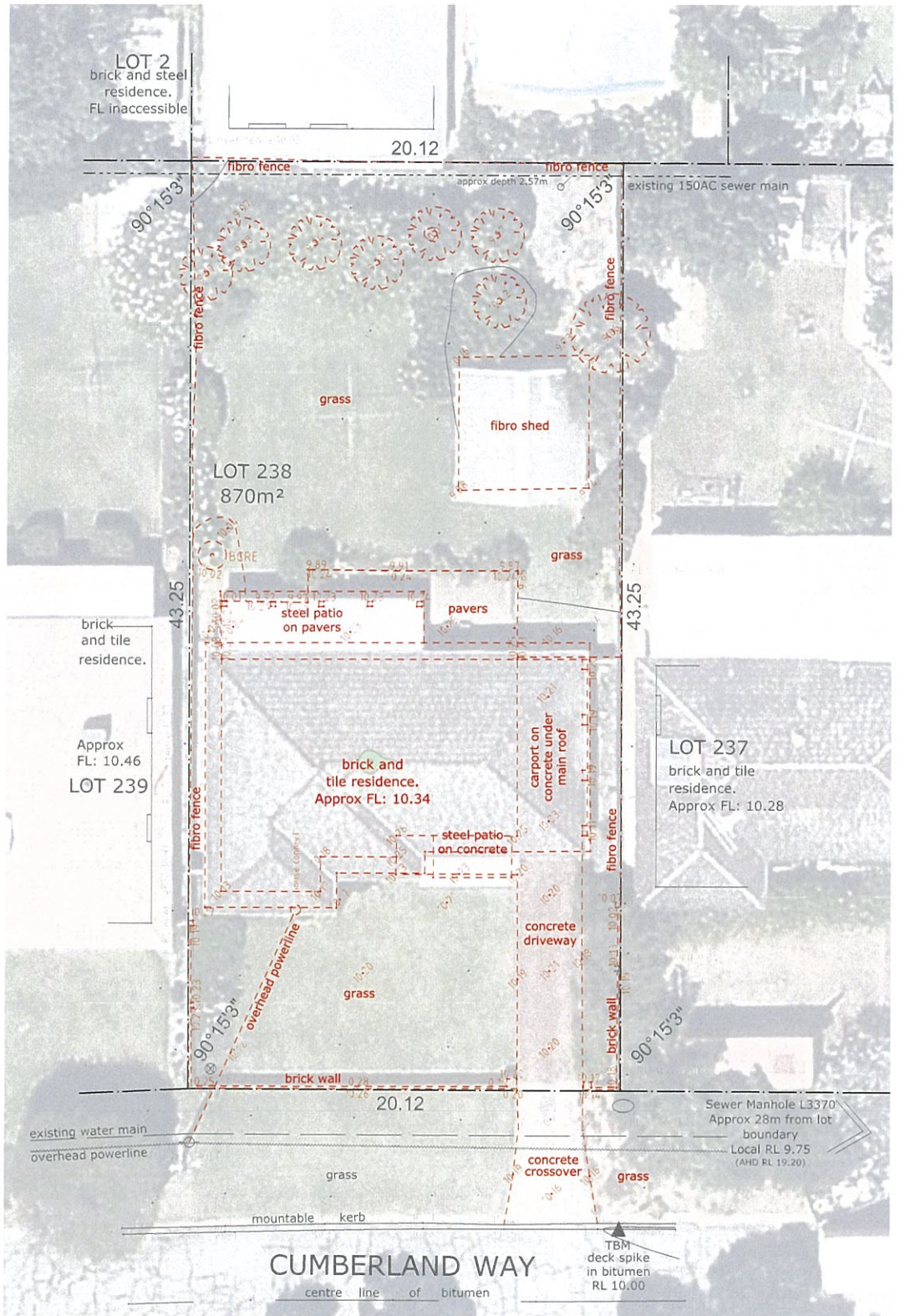


# **ATTACHMENT NO. 7**

**BIG FAT EMERALD PTY LTD**  
Proposed 7 Multiple Dwellings  
LOT 238, #25 CUMBERLAND WAY  
BASSENDEAN WA 6054



SHEET	NAME	DATE	COMMENT	Rev
1	FEATURE SURVEY	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
2	SITE PLAN	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
3	UPPER SITE PLAN	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
4	ROOF PLAN	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
5	OVERSHADOWING / OPEN SPACE PLAN	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
6	GROUND FLOOR PLAN (UNITS 1 & 2)	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
7	GROUND FLOOR PLAN (UNIT 3)	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
8	UPPER FLOOR PLAN (UNIT 4 & 5)	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
9	UPPER FLOOR PLAN (UNITS 6 & 7)	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
10	ELEVATIONS	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
11	ELEVATIONS	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
12	ELEVATIONS	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G
13	LANDSCAPING PLAN	16/08/2017 3:57 PM	AMENDED TO COUNCIL COMMENTS	G



LEGEND/KEY	
	Gutter Line
	Overhead Powerline
	Water Main
	Sewer Main
	Bore
	Water Meter
	Sewer Connection
	House Connection
	Power Pole
	Telstra Pit
	Tree

TBM deck spike in bitumen equals RL 10.00

Contractor to check datum before adopting levels

Date:	28 January 2016	Scale:	1:200@A3	
Client: Big Fat Emerald Pty Ltd				
Rev	Date	Description	Surv	Drawn
1	25/01/16	Feature/Contour	TF	TF

**FEATURE AND CONTOUR SURVEY OF LOT 238 ON PLAN 8765**  
 25 Cumberland Way, Bassendean  
 C/T Vol: 117 Fol: 153A  
 our ref. 6110-16

Feature Survey by  
**THE LAND DIVISION**  
 PLANNING & SURVEYING (DESIGN)  
 PO Box 2444,  
 Malaga, WA 6090  
 Tel 089 209 3232  
 Fax 089 249 2551

NOTES: 1) CONSULT LEGAL ADVICE ON EASEMENTS, ENCUMBRANCES AND CAVEATS THAT MAY APPEAR ON THE CERTIFICATE OF TITLE. 2) LEVELS ON ADJOINING PROPERTIES ARE APPROXIMATE DUE TO ACCESS RESTRICTIONS. 3) SERVICES PLOTTED AS VISUALLY SEEN ON SITE AND ARE APPROXIMATE. 4) SEWER POSITION AND LEVELS FROM WATER CORPORATION PLANS. 5) CONSULTIAL BEFORE YOU DIG TO CHECK LOCATION OF UNDERGROUND SERVICES. 6) BEWARE OF OVERHEAD POWER LINE HAZARDS. 7) CONSULT TLD ON ANY ANOMALY BEFORE DESIGN AND CONSTRUCTION. 8) POSITION AND DEPTH OF SERVICES TO BE CONFIRMED ON SITE BY CONTRACTOR. 9) FEATURES ARE RELATED TO FENCE-LINES ONLY. NO CONNECTION MADE TO BOUNDARIES. REPEC RECOMMENDED.



STAGE:	DEVELOPMENT APPROVAL
CLIENT:	BIG FAT EMERALD PTY LTD
PROJECT:	Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054

SHEET:	FEATURE SURVEY	
REV	COMMENT	DATE
C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM
D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM
E	ROOF PLAN ADDED	7/11/2016 9:14 AM
F	AMENDED TO COUNCIL COMMENTS	6/01/2017 1:50 PM
G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:53 PM

	SHEET NO:	1
	OF 13	
	JOB NO:	2015-0740
	DRAWING NO:	S1.G



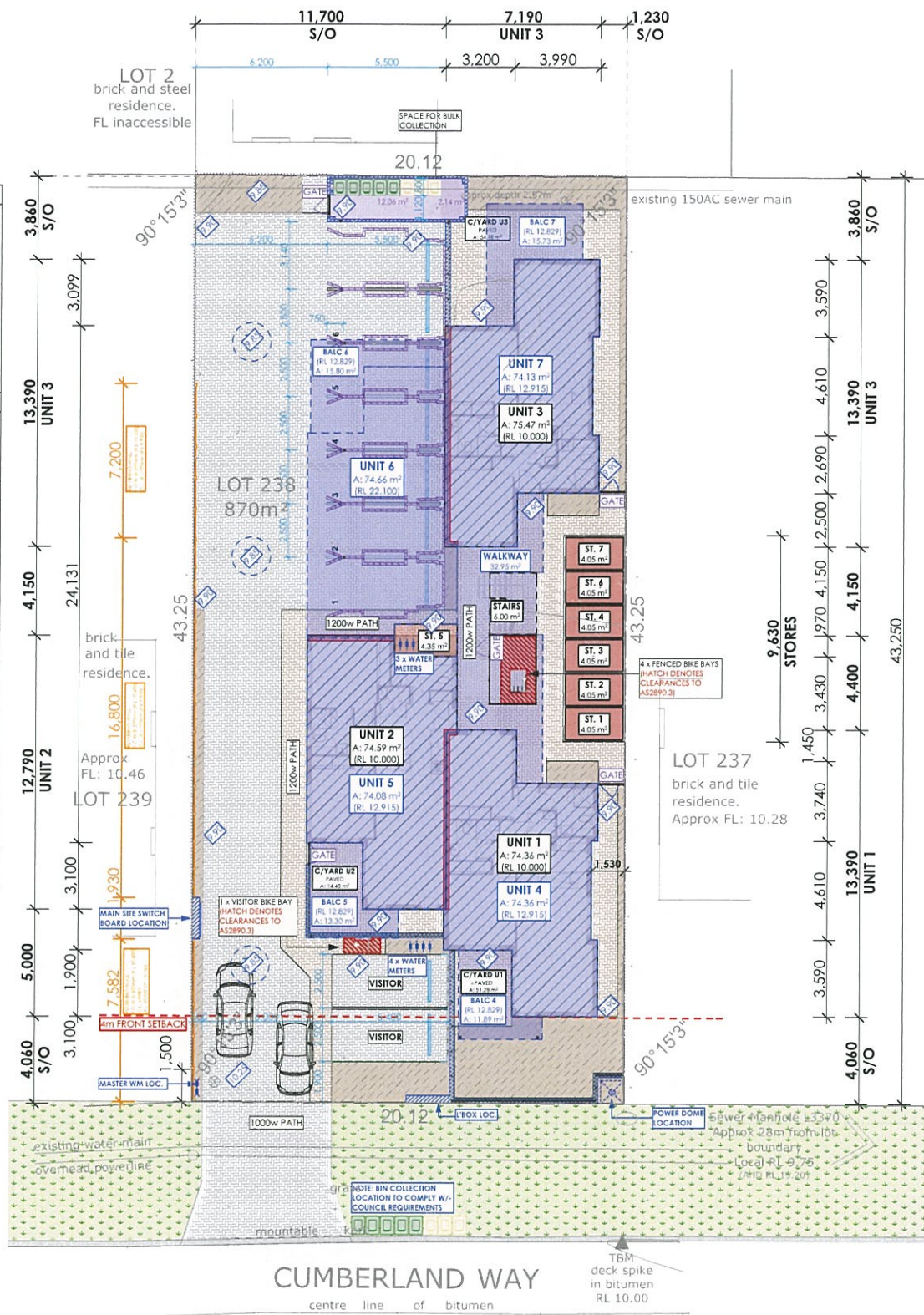
SITE LEGEND	
	GARDEN BEDS
	PAVING
	GRASS
	PAVED DRIVEWAY
LANDSCAPING TO FRONT SETBACK AREA	
TOTAL SETBACK AREA	= 80.5m <sup>2</sup>
LANDSCAPED AREA WITHIN SETBACK	= 40.4m <sup>2</sup>
PERCENTAGE OF LANDSCAPING	= 50.2%
R-CODE GUIDELINES - MULTIPLE DWELLINGS	
Site density code:	R40
• Max Plot Ratio	- 0.6 / 60 %
• Min Open Space	- 45 %
• Min Primary Street Setback	- 4m
• Min Secondary Street Setback	- 1.5m
• Maximum Height	- 6.5m
• Min Outdoor Living	- 10m <sup>2</sup> (2.4m Dimension)
• Max Parapet wall length	- 2/3 boundary Length
• Max Parapet wall Height	- 3.5m 3.0m Average
• Parking Bays Required/Provided	- 1.00 Per Dwelling - 7/7
• Visitor Bays Required/Provided	- 0.25 Per Dwelling - 2/2
PLOT RATIO CALCULATION	
SITE AREA	= 870m <sup>2</sup>
GROUND FLOOR AREA (- STORES)	= 224.9m <sup>2</sup>
FIRST FLOOR AREA (- BALCONIES)	= 297.4m <sup>2</sup>
TOTAL =	= 522.3m <sup>2</sup> = 60%
NOTE:	• FINISHED FLOOR LEVEL OF 10.000 IS >500mm ABOVE THE 100 YEAR ARI FLOOD LEVEL.
NOTE:	• ALL CARPARK AREA TO BE GRADED INTO L'SCAPING BEDS.
NOTE:	• ALL STORMWATER WILL BE RETAINED ON SITE.

LEGEND/KEY	
	Gutter Line
	Overhead Powerline
	Water Main
	Sewer Main
	Bore
	Water Meter
	Sewer Connection
	House Connection
	Power Pole
	Telstra Pit
	Tree

TBM deck spike in bitumen equals RL 10.00

Contractor to check datum before adopting levels

NOTES: 1) CONSULT LEGAL ADVICE ON EASEMENTS, ENCUMBRANCES AND CAVEATS THAT MAY APPEAR ON THE CERTIFICATE OF TITLE. 2) LEVELS ON ADJOINING PROPERTIES ARE APPROXIMATE DUE TO ACCESS RESTRICTIONS. 3) SERVICES PLOTTED AS VISUALLY SEEN ON SITE AND ARE APPROXIMATE. 4) SEWER POSITION AND LEVELS FROM WATER CORPORATION PLANS. 5) CONSULT DIAL BEFORE YOU DIG TO CHECK LOCATION OF UNDERGROUND SERVICES. 6) BE AWARE OF OVERHEAD POWER LINE HAZARDS. 7) CONSULT TO ON ANY AND ALL BEFORE DESIGN AND CONSTRUCTION. 8) POSITION AND DEPTH OF SERVICES TO BE CONFIRMED ON SITE BY CONTRACTOR. 9) FEATURES ARE RELATED TO FENCE-LINES ONLY. NO CONNECTION MADE TO BOUNDARIES. REPEP RECOMMENDED.



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Ph: (08) 9535 2999



STAGE:	DEVELOPMENT APPROVAL	SHEET:	SITE PLAN
CLIENT:	BIG FAT EMERALD PTY LTD		
PROJECT:	Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054		
REV:	COMMENT	DATE	
C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM	
D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM	
E	ROOF PLAN ADDED	7/11/2016 9:14 AM	
F	AMENDED TO COUNCIL COMMENTS	6/07/2017 1:50 PM	
G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM	
DATE PRINTED:	Friday, 25 August 2017	TIME PRINTED:	3:53 PM

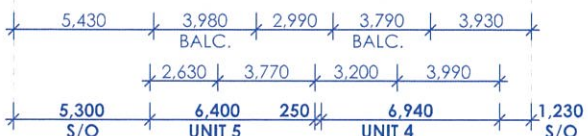
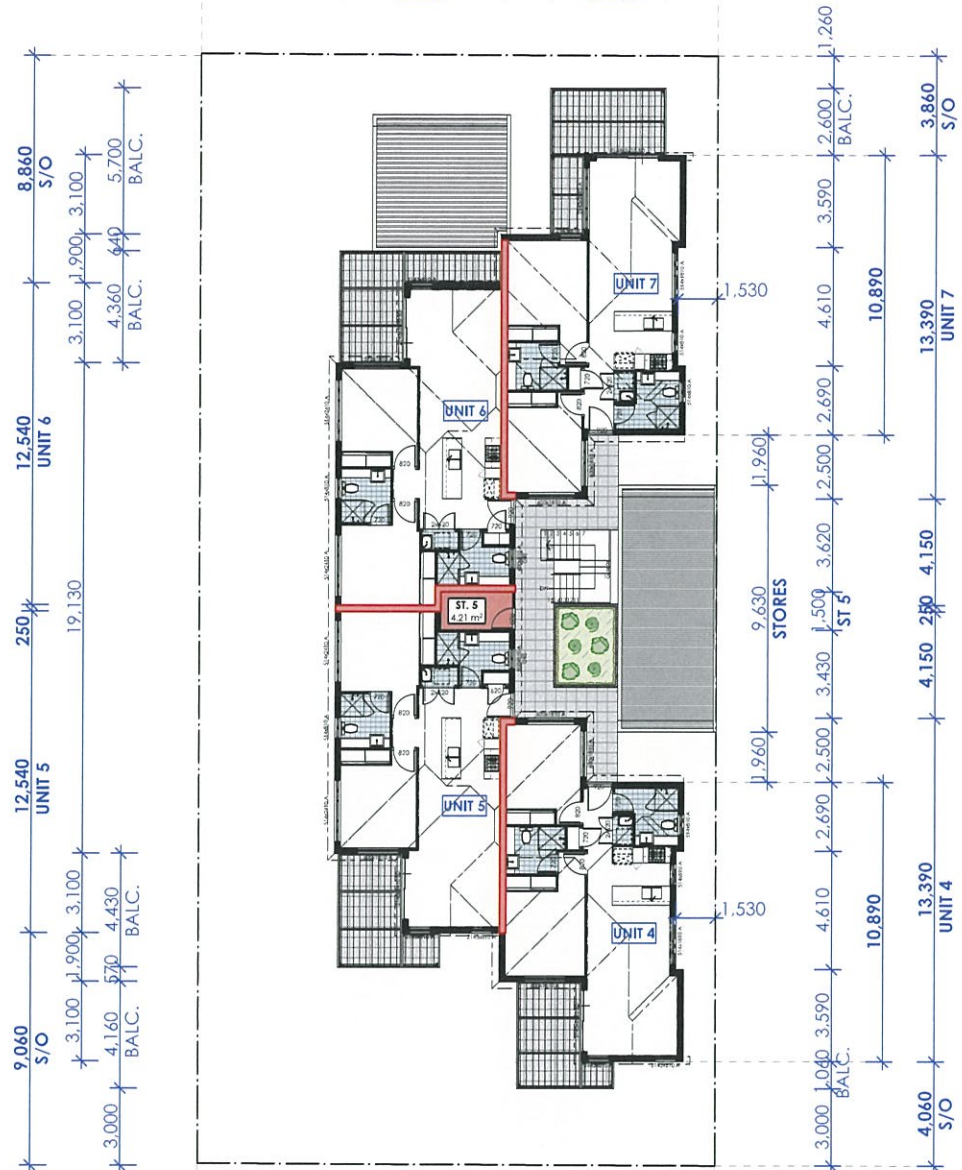
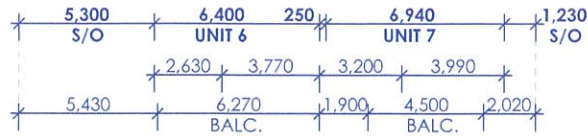
AREA - UNIT 1	AREA - UNIT 4
LIVING 74.4	LIVING 74.4
COURTYARD 51.3	U4 - BALC 11.9
STORE 4.1	STORE 4.1
<b>129.8 m<sup>2</sup></b>	<b>90.4 m<sup>2</sup></b>
AREA - UNIT 2	AREA - UNIT 5
LIVING 74.4	LIVING 74.1
COURTYARD 14.4	U5 - BALC 13.3
STORE 4.1	STORE 4.2
<b>93.1 m<sup>2</sup></b>	<b>91.6 m<sup>2</sup></b>
AREA - UNIT 3	AREA - UNIT 6
LIVING 75.5	LIVING 74.7
COURTYARD 34.2	U6 - BALC 15.8
STORE 4.1	STORE 4.1
<b>113.8 m<sup>2</sup></b>	<b>94.6 m<sup>2</sup></b>
AREA - UNIT 7	LIVING 74.1
LIVING 74.1	U7 - BALC 15.7
U7 - BALC 15.7	STORE 4.0
STORE 4.0	<b>93.8 m<sup>2</sup></b>

SHEET N<sup>o</sup>: 2 OF 13

JOB N<sup>o</sup>: 2015-0740

DRAWING N<sup>o</sup>: S2.G

**BUILDING DESIGNERS ASSOCIATION OF W.A.**



LEGEND/KEY	
	Gutter Line
	Overhead Powerline
	Water Main
	Sewer Main
	Bore
	Water Meter
	Sewer Connection
	House Connection
	Power Pole
	Telstra Pit
	Tree

TBM deck spike in bitumen equals RL 10.00

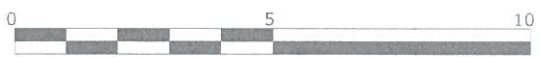
Contractor to check datum before adopting levels

Date:	28 January 2016	Scale:	1:200@A3	
Client:	Big Fat Emerald Pty Ltd			
Rev	Date	Description	Surv	Drawn
01	28/01/16	Final Plan	TF	TF

FEATURE AND CONTOUR SURVEY OF LOT 238 ON PLAN 8765  
25 Cumberland Way, Bassendean  
C/T Vol: 117 Fol: 153A  
our ref. 6110-16

Feature Survey by  
**THE LAND DIVISION**  
PLANNING & SURVEYING  
PO Box 2444,  
Malaga, WA 6090  
Tel 089 209 3232  
Fax 089 249 2551

AREA - UNIT 4	
LIVING	74.4
US - BALC	11.9
STORE	4.1
<b>90.4 m²</b>	
AREA - UNIT 5	
LIVING	74.1
US - BALC	13.3
STORE	4.3
<b>91.7 m²</b>	
AREA - UNIT 6	
LIVING	74.7
US - BALC	15.8
STORE	4.3
<b>94.8 m²</b>	
AREA - UNIT 7	
LIVING	74.1
US - BALC	15.7
STORE	4.0
<b>93.8 m²</b>	



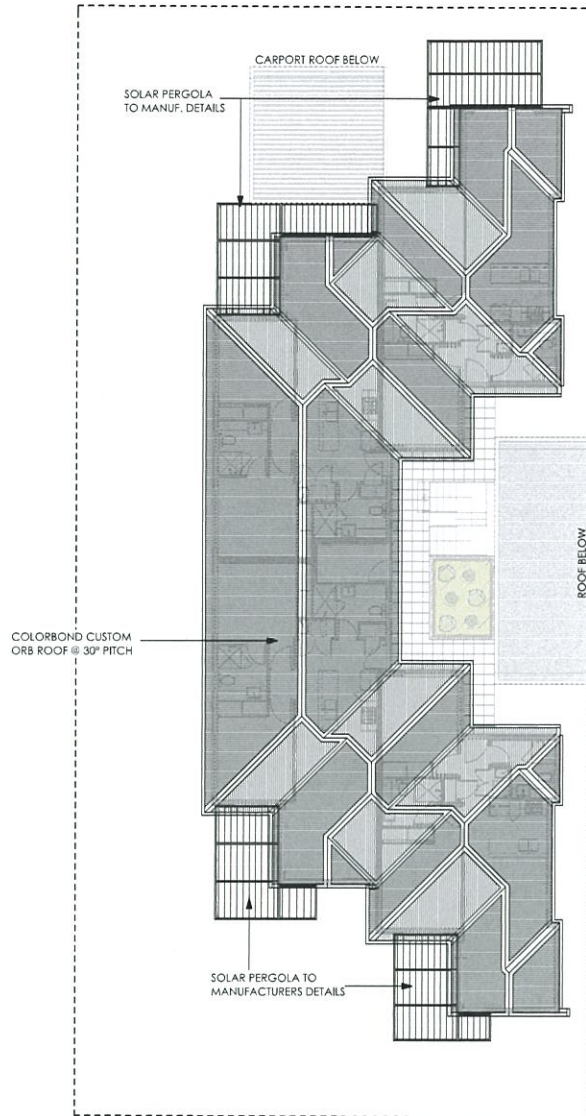
STAGE: DEVELOPMENT APPROVAL	SHEET: UPPER SITE PLAN
CLIENT: BIG FAT EMERALD PTY LTD	REV: C AMENDED TO COUNCIL COMMENTS DATE: 29/09/2016 9:31 AM
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	D AMENDED ROOF DESIGN DATE: 2/11/2016 10:14 AM
	E ROOF PLAN ADDED DATE: 7/11/2016 9:14 AM
	F AMENDED TO COUNCIL COMMENTS DATE: 6/07/2017 1:50 PM
	G AMENDED TO COUNCIL COMMENTS DATE: 16/08/2017 3:57 PM
	DATE PRINTED: Friday, 25 August 2017 TIME PRINTED: 3:53 PM

SHEET NO: **3** OF 13

JOB NO: 2015-0740

DRAWING NO: S3.G

BUILDING DESIGNERS ASSOCIATION OF W.A.

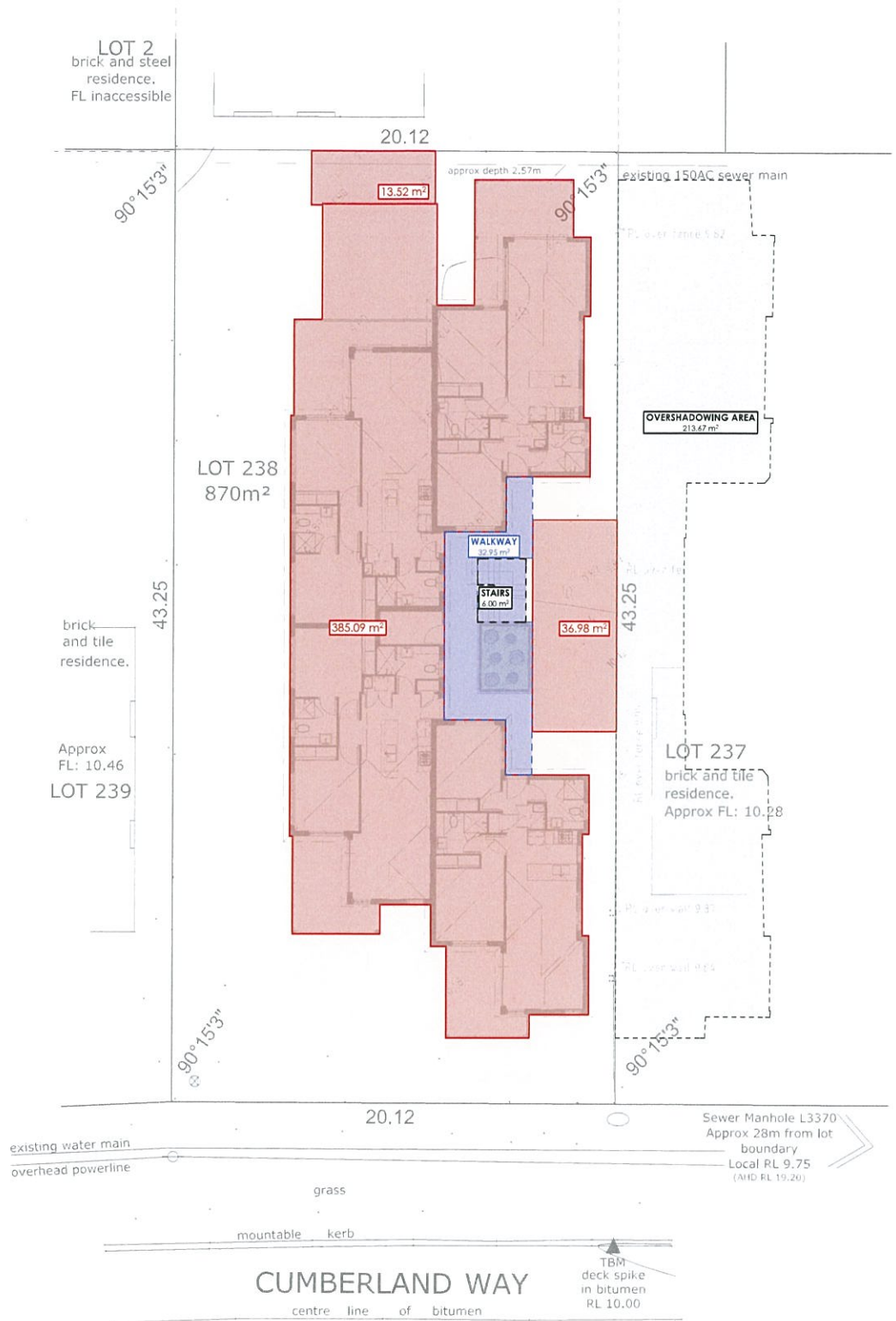


**ROOF PLAN**  
1:200

STAGE: DEVELOPMENT APPROVAL		SHEET: ROOF PLAN			SHEET NO: <b>4</b> OF 13
CLIENT: BIG FAT EMERALD PTY LTD		REV	COMMENT		DATE
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054		C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM	DRAWING NO: S4.G
		D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM	
		E	ROOF PLAN ADDED	7/11/2016 9:14 AM	
		F	AMENDED TO COUNCIL COMMENTS	6/07/2017 1:30 PM	
		G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM	
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:53 PM			



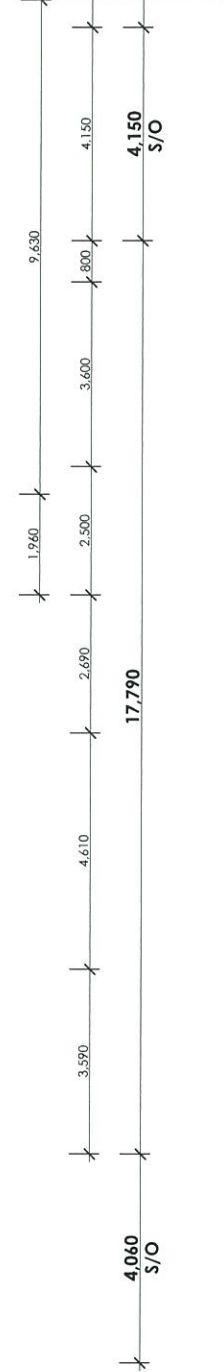
OVERSHADOWING CALCULATION	
OVERSHADOWING FROM PROPOSED RESIDENCE OF LOT 238 #25 OVER NEIGHBOURINGS LOT 237 #23 CUMBERLAND (870m <sup>2</sup> ) IS 213.67m <sup>2</sup> (24.5%) AT NOON 21ST JUNE.	
LEGEND	
	AREA OF OVERSHADOWING
	COVERED AREA
OPEN SPACE CALCULATION	
SITE AREA	= 870.00m <sup>2</sup>
BUILDING	= 385.69m <sup>2</sup>
STORES	= 36.98m <sup>2</sup>
BIN STORE	= 13.52m <sup>2</sup>
<b>TOTAL AREA COVERED:</b>	<b>= 436.19m<sup>2</sup> = 50.1%</b>
<b>OPEN SPACE AREA:</b>	<b>= 433.81m<sup>2</sup></b>



STAGE: DEVELOPMENT APPROVAL	SHEET: OVERSHADOWING / OPEN SPACE PLAN			SHEET NO: <b>5</b> OF 13
CLIENT: BIG FAT EMERALD PTY LTD	REV	COMMENT		DATE
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM	DRAWING NO: S5.G
	D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM	
	E	ROOF PLAN ADDED	7/11/2016 9:14 AM	
	F	AMENDED TO COUNCIL COMMENTS	6/01/2017 1:50 PM	
	G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM	
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:53 PM		



AREA - UNIT 1	
LIVING	74.4
COURTYARD	51.3
STORE	4.1
	<b>129.8 m<sup>2</sup></b>
AREA - UNIT 2	
LIVING	74.6
COURTYARD	14.4
STORE	4.1
	<b>93.1 m<sup>2</sup></b>



**GROUND FLOOR - UNITS 1 & 2**  
1:100

STAGE: DEVELOPMENT APPROVAL	SHEET: GROUND FLOOR PLAN (UNITS 1 & 2)	
CLIENT: BIG FAT EMERALD PTY LTD		
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054		
REV	COMMENT	DATE
C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM
D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM
E	ROOF PLAN ADDED	7/11/2016 9:14 AM
F	AMENDED TO COUNCIL COMMENTS	6/01/2017 1:50 PM
G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:53 PM

SHEET NO: **6** OF 13  
JOB NO: 2015-0740  
DRAWING NO: S6.G  
BUILDING DESIGNERS ASSOCIATION OF W.A.





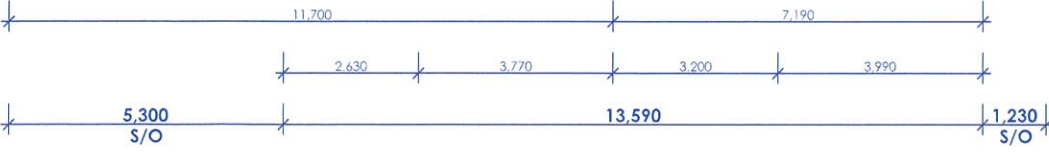
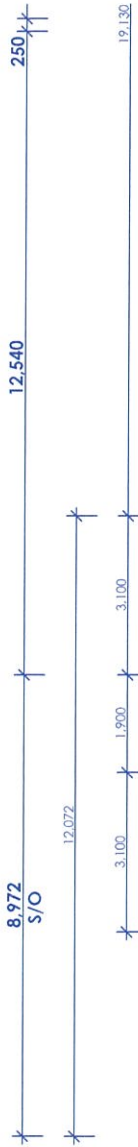
AREA - UNIT 3	
LIVING	75.5
COURTYARD	54.2
STORE	4.1
<b>Total</b>	<b>133.8 m<sup>2</sup></b>



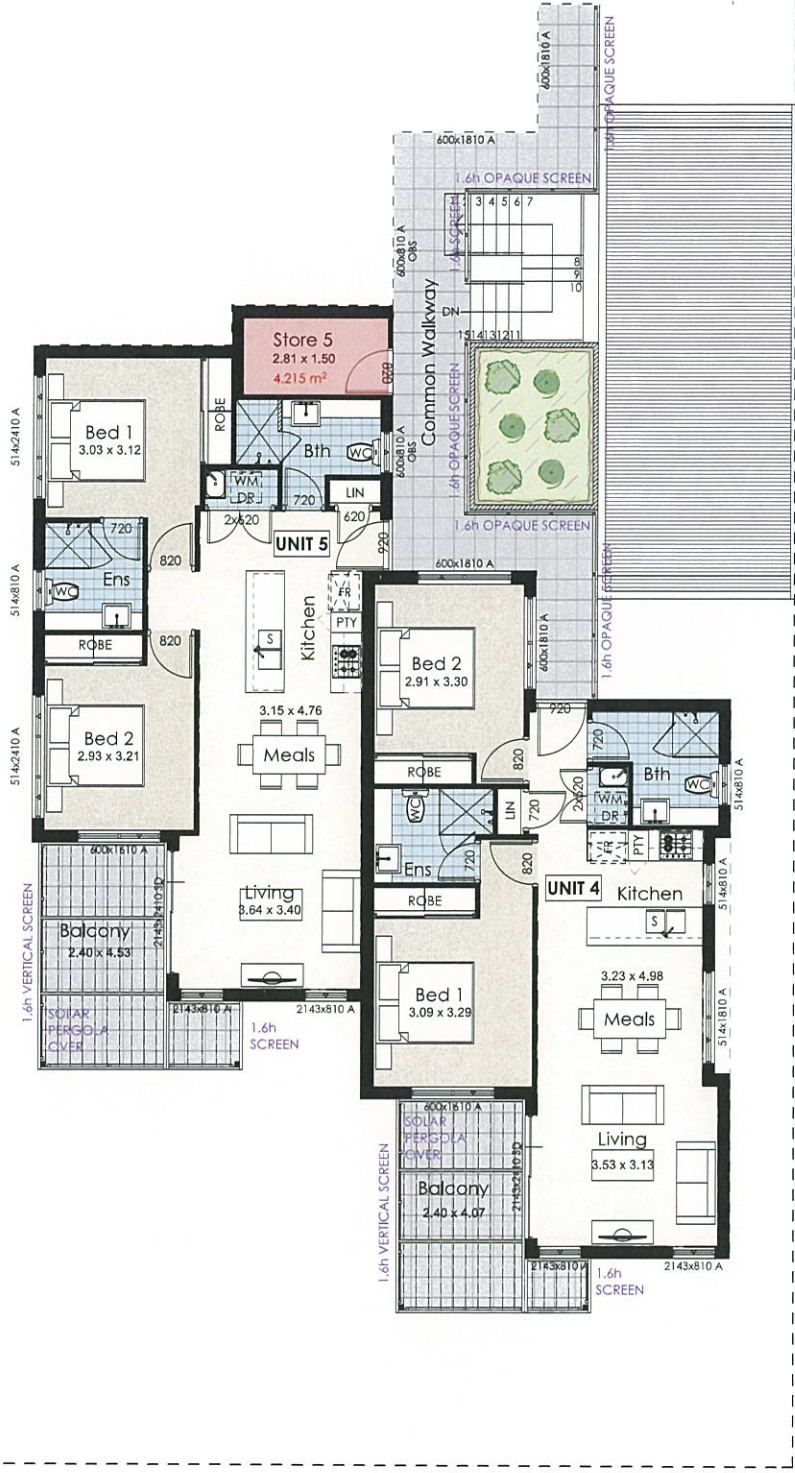
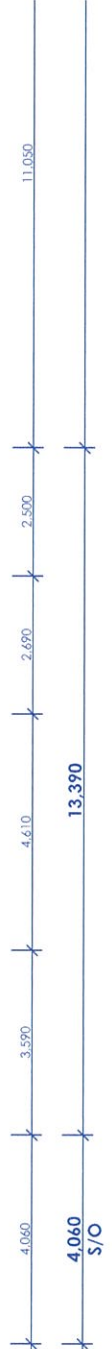
**GROUND FLOOR - UNIT 3**  
1:100

STAGE: DEVELOPMENT APPROVAL	SHEET: GROUND FLOOR PLAN (UNIT 3)		SHEET N <sup>o</sup> : 7 OF 13
CLIENT: BIG FAT EMERALD PTY LTD	REV	COMMENT	DATE
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM
	D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM
	E	ROOF PLAN ADDED	7/11/2016 9:14 AM
	F	AMENDED TO COUNCIL COMMENTS	6/07/2017 1:50 PM
	G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM
DATE PRINTED: Friday, 25 August 2017	TIME PRINTED: 3:53 PM		JOB N <sup>o</sup> : 2015-0740 DRAWING N <sup>o</sup> : S7.G





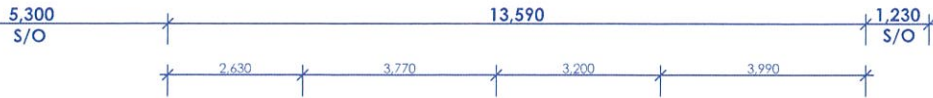
AREA - UNIT 4	
LIVING	74.4
U4 - BALC	11.9
STORE	4.1
<b>TOTAL</b>	<b>90.4 m<sup>2</sup></b>
AREA - UNIT 5	
LIVING	74.1
U5 - BALC	13.3
STORE	4.2
<b>TOTAL</b>	<b>91.6 m<sup>2</sup></b>



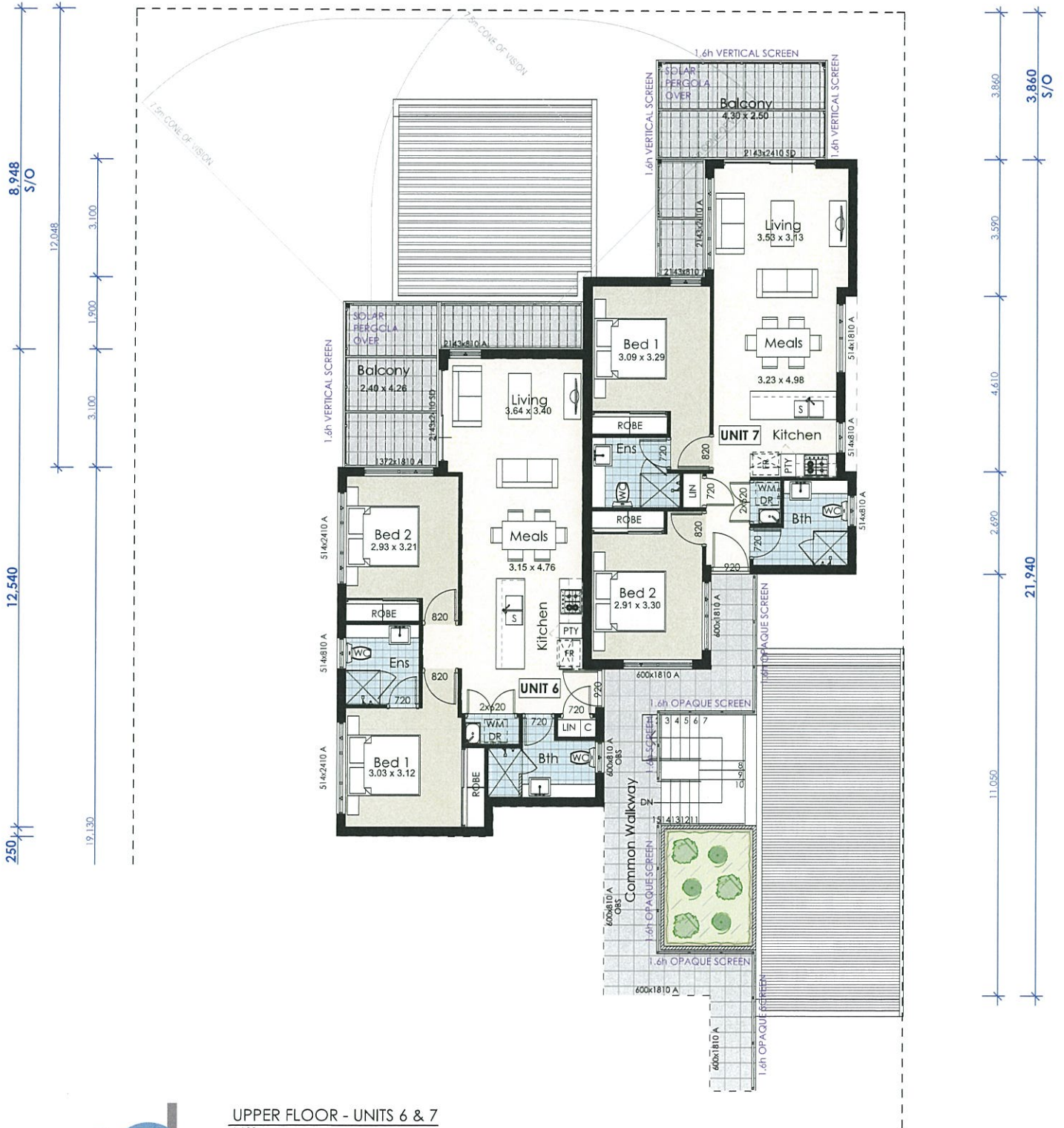
UPPER FLOOR - UNIT 4 & 5  
1:100



STAGE: DEVELOPMENT APPROVAL	SHEET: UPPER FLOOR PLAN (UNIT 4 & 5)			SHEET NO: <b>8</b>	
CLIENT: BIG FAT EMERALD PTY LTD	REV	COMMENT		DATE	OF 13
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM		JOB NO: 2015-0740
	D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM		DRAWING NO: S8.G
	E	ROOF PLAN ADDED	7/11/2016 9:14 AM		
	F	AMENDED TO COUNCIL COMMENTS	6/07/2017 1:50 PM		
	G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM		
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:53 PM			



AREA - UNIT 6	
LIVING	74.7
U6 - BALC	15.8
STORE	4.1
<b>Total</b>	<b>94.6 m<sup>2</sup></b>
AREA - UNIT 7	
LIVING	74.1
U7 - BALC	15.7
STORE	4.0
<b>Total</b>	<b>93.8 m<sup>2</sup></b>



UPPER FLOOR - UNITS 6 & 7  
1:100

STAGE:	DEVELOPMENT APPROVAL	SHEET:	UPPER FLOOR PLAN (UNITS 6 & 7)
CLIENT:	BIG FAT EMERALD PTY LTD	REV	COMMENT
PROJECT:	Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	C	AMENDED TO COUNCIL COMMENTS
		D	AMENDED ROOF DESIGN
		E	ROOF PLAN ADDED
		F	AMENDED TO COUNCIL COMMENTS
		G	AMENDED TO COUNCIL COMMENTS
		DATE PRINTED:	Friday, 25 August 2017
		TIME PRINTED:	3:53 PM

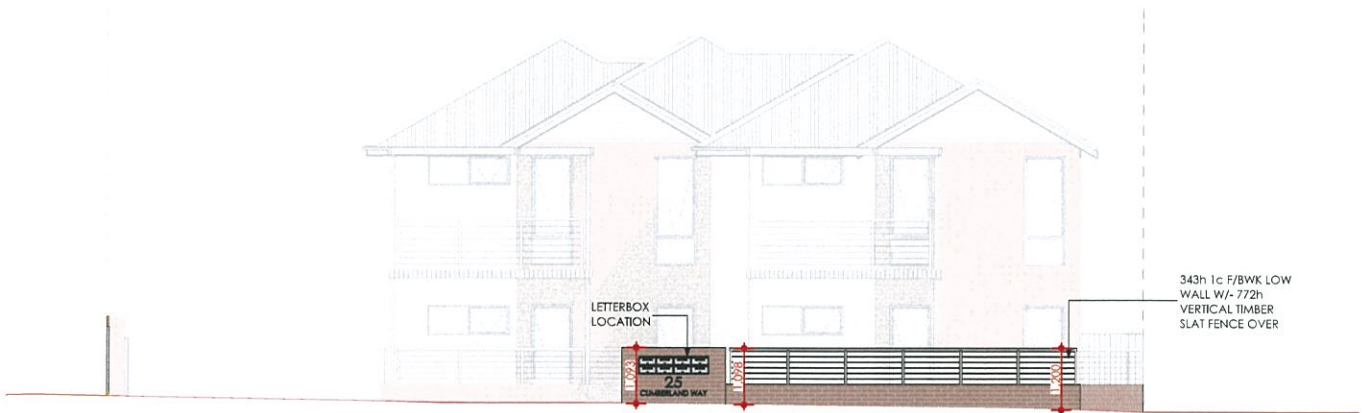
	SHEET NO:	<b>9</b>
	OF 13	
	JOB NO:	2015-0740
	DRAWING NO:	S9.G

WALL FINISHES LEGEND	
	SELECTED 1c FACE BWK
	RENDERED FINISH BWK
	HORIZONTAL 'SHADOWCLAD' CLADDING



**E1 FRONT ELEVATION**

1:100





**E1 FRONT FENCE ELEVATION**

1:100



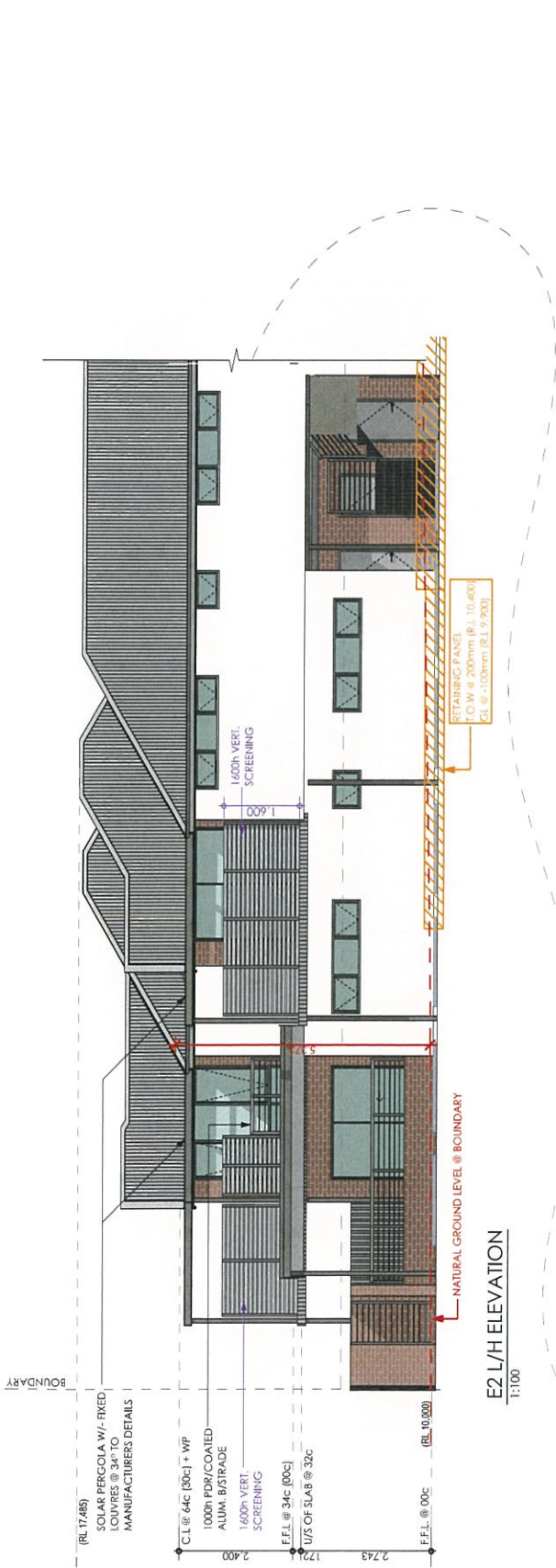
**E3 REAR ELEVATION**

1:100

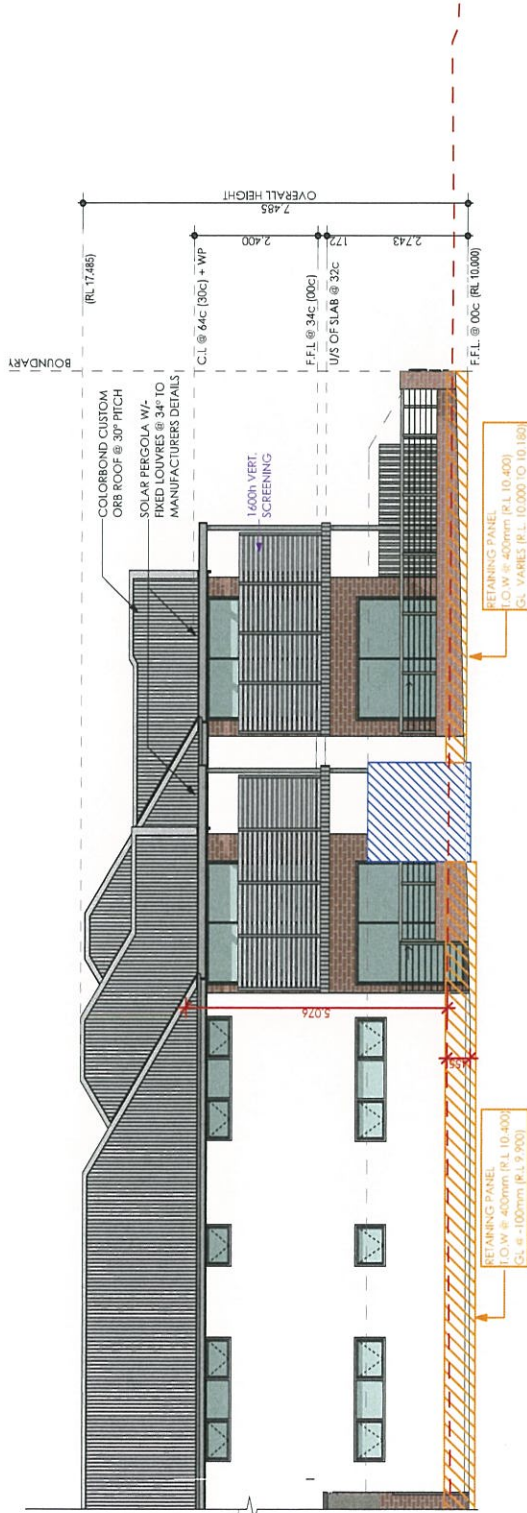
STAGE: DEVELOPMENT APPROVAL	SHEET: ELEVATIONS		 <b>10</b> OF 13
CLIENT: BIG FAT EMERALD PTY LTD	REV	COMMENT	
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM
	D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM
	E	ROOF PLAN ADDED	7/11/2016 9:14 AM
	F	AMENDED TO COUNCIL COMMENTS	6/07/2017 1:50 PM
	G	AMENDED TO COUNCIL COMMENTS	18/08/2017 3:57 PM
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:54 PM	
 BUILDING DESIGNERS ASSOCIATION OF W.A.			SHEET NO: <b>10</b> OF 13 JOB NO: 2015-0740 DRAWING NO: S10.G

**WALL FINISHES LEGEND**

	SELECTED 1c FACE BKW
	RENDERED FINISH BKW
	HORIZONTAL 'SHADOWCLAD' CLADDING



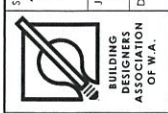
**E2 L/H ELEVATION**  
1:100



**E2 L/H ELEVATION CONT.**  
1:100




STAGE: DEVELOPMENT APPROVAL		SHEET: ELEVATIONS
CLIENT:	BIG FAT EMERALD PTY LTD	
PROJECT:	Proposed 7 Multiple Dwellings LOT 238 - #25 CUMBERLAND WAY BASSENDEAN WA 6054	
REV	COMMENT	DATE
A	ISSUED FOR J/A	11/02/2016 2:27 PM
B	AMENDED TO COUNCIL COMMENTS	21/02/2016 9:31 AM
C	AMENDED TO COUNCIL COMMENTS	21/02/2016 9:31 AM
D	AMENDED ROOF DESIGN	21/02/2016 9:14 AM
E	ROOF PLAN ADDR	21/02/2016 9:14 AM
F	AMENDED TO COUNCIL COMMENTS	4/02/2017 1:50 PM
DATE PRINTED:	Friday, 23 August 2017	TIME PRINTED: 3:58 PM

  
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 www.mikasadesigns.com.au  
 Ph: (08) 9535 2399



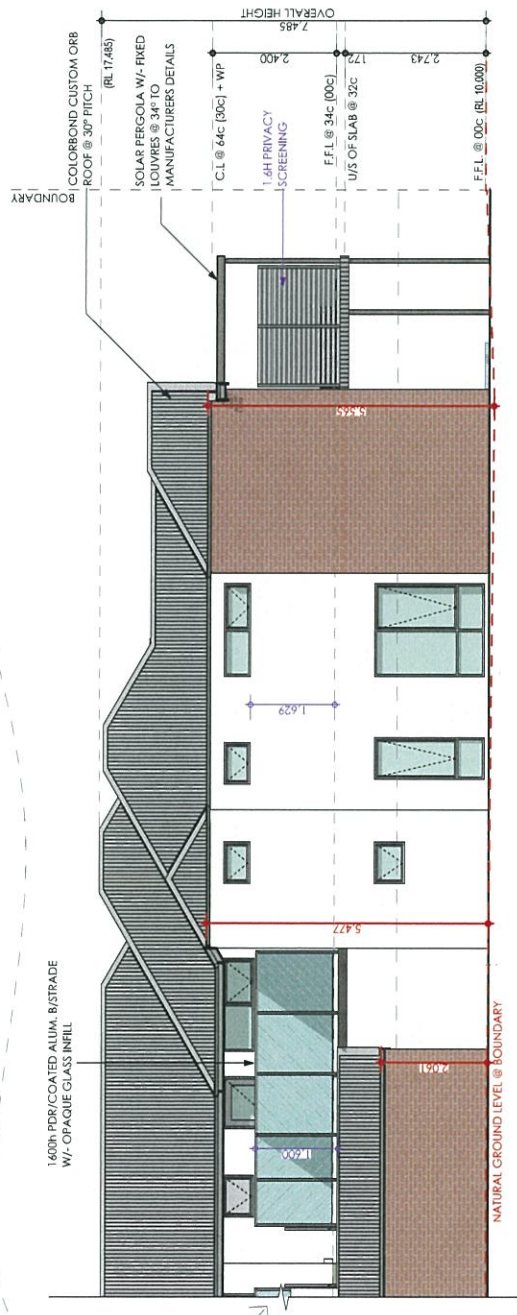
SHEET NO: 11 OF 13  
 JOB NO: 2015-0740  
 BUILDING DESIGNERS ASSOCIATION OF W.A.  
 DRAWING NO: S11.G

**WALL FINISHES LEGEND**

	SELECTED 1c FACE BWK
	RENDERED FINISH BWK
	HORIZONTAL 'SHADOWCLAD' CLADDING



**E4 R/H ELEVATION**  
1:100



**E4 R/H ELEVATION**  
1:100

STAGE: DEVELOPMENT APPROVAL		SHEET: ELEVATIONS	
CLIENT: BIG FAT EMERALD PTY LTD	REV	COMMENT	DATE
PROJECT: Proposed 7 Multiple Dwellings LOT 238 - #25 CUMBERLAND WAY BASSENDEAN WA 6054	A	ISSUED FOR DA	11/02/2016 4:27 PM
	B	AMENDED TO COUNCIL COMMENTS	21/07/2016 9:31 AM
	C	AMENDED TO COUNCIL COMMENTS	21/07/2016 9:31 AM
	D	AMENDED ROOF FINISH	21/07/2016 9:31 AM
	E	AMENDED ROOF FINISH	21/07/2016 9:31 AM
	F	AMENDED TO COUNCIL COMMENTS	05/07/2017 1:50 PM
DATE PRINTED: 23 August 2017		TIME PRINTED: 3:54 PM	
SHEET NO: 12 OF 13		JOB NO: 2015-0740	
DRAWING NO: S12.G		DRAWING NO: S12.G	





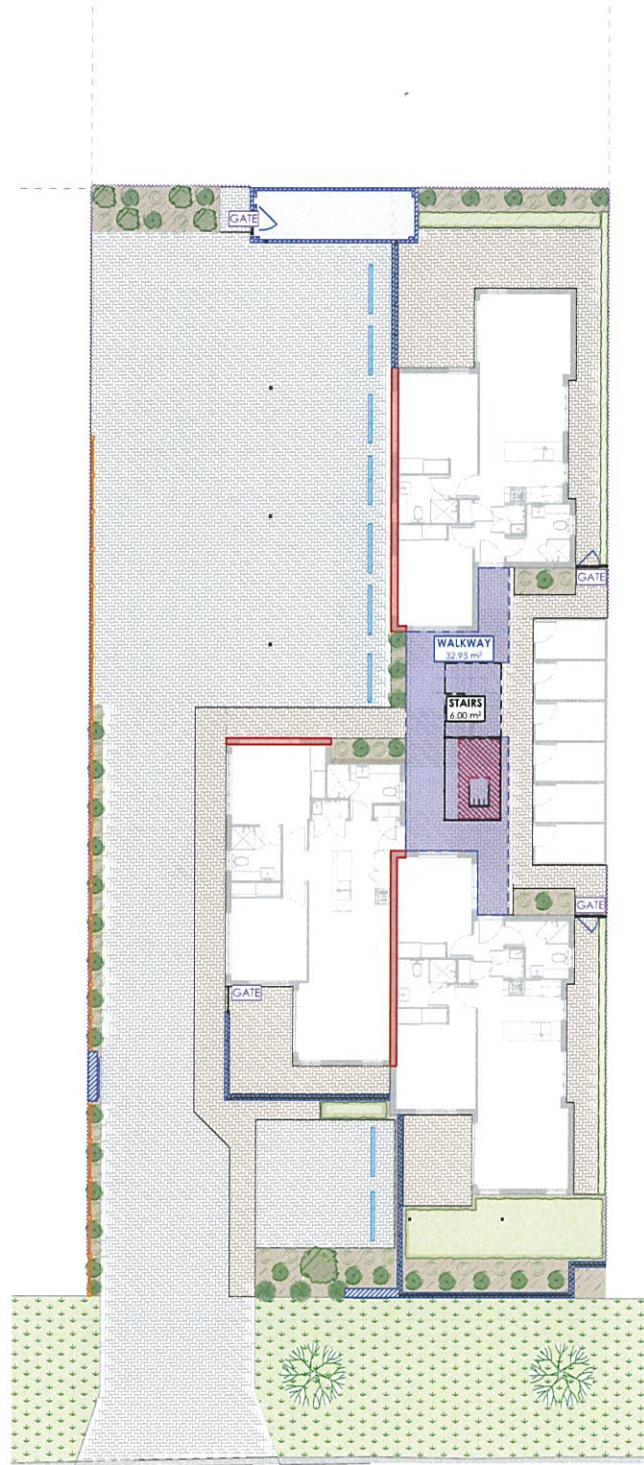
LANDSCAPING LEGEND				
	BOTANICAL NAME	COMMON NAME	TYPE	QTY
1.	<i>Hemianthus sanguinolentus</i>	SNAKE BUSH	GROUND COVER	20
2.	<i>Conostylis aculeata</i>	PRICKLY CONOSTYLIS	SMALL SHRUB	37
3.	<i>Regelia inops</i>	REGELIA INOPS	LARGE SHRUB	5
4.	<i>Hyalocalyx robustum</i>	SWAN RIVER MYRTLE	SMALL SHRUB	37
5.	<i>Xanthorrhoea preissii</i>	GRASS TREE	SMALL TREE	4
6.	<i>Eucalyptus tadlana</i>	Flicky Bark	LARGE TREE	2

LANDSCAPING NOTES				
1.	GARDEN BEDS & VERGES TO BE MULCHED TO A DEPTH OF NO LESS THAN 100mm.			
2.	TREES ARE TO BE 200mm DIA AT A HEIGHT OF 2m HIGH AND ALL OTHER PLANTS TO HAVE A MINIMUM POT SIZE OF 200mm.			
3.	SHOULD THE ABOVE SELECTED SPECIES NOT BE AVAILABLE, OTHER SPECIES MAY BE SELECTED FROM THE RECOMMENDED PLANT LIST.			
4.	LOW FLOW TRICKLE IRRIGATION SYSTEMS TO ALL LANDSCAPED AREAS.			

SNAKE BUSH	PRICKLY CONOSTYLIS	REGELIA INOPS	SWAN RIVER MYRTLE	GRASS TREE



STAGE: DEVELOPMENT APPROVAL	SHEET: LANDSCAPING PLAN		 <b>13</b> OF 13
CLIENT: BIG FAT EMERALD PTY LTD	REV	COMMENT	
PROJECT: Proposed 7 Multiple Dwellings LOT 238, #25 CUMBERLAND WAY BASSENDEAN WA 6054	C	AMENDED TO COUNCIL COMMENTS	29/09/2016 9:31 AM
	D	AMENDED ROOF DESIGN	2/11/2016 10:14 AM
	E	ROOF PLAN ADDED	7/11/2016 9:14 AM
	F	AMENDED TO COUNCIL COMMENTS	6/07/2017 1:50 PM
	G	AMENDED TO COUNCIL COMMENTS	16/08/2017 3:57 PM
DATE PRINTED: Friday, 25 August 2017		TIME PRINTED: 3:54 PM	
			JOB N°: 2015-0740 DRAWING N°: S13.G

Submission Number	Objection	Council Officer Response
1.1	The building height should be reduced to minimise the impact and reduction in solar access for solar hot-water power and thermal heating during winter.	The height of the proposed building has been reduced to acceptable heights (under 6.0m) as required within the DTC requirements of the R-Codes. There is no requirement under the R-Codes that heights should be reduced to an extent where adjoining solar panels will not be affected.
1.2	The building should be modified to achieve the setback requirements and reduce negative impact to solar hot water power and thermal heating during winter.	The setbacks of the proposed building have been modified to comply with the R-Codes. There is no requirement under the R-Codes that setbacks should be reduced to an extent where adjoining solar panels will not be affected.
1.3	The building should be modified to achieve overshadowing that does not impact the solar access for solar hot-water power and thermal heating during winter.	The extent of overshadowing of the proposed building has been reduced to not exceed the permissible extent of overshadowing (maximum of 25%). There is no requirement under the R-Codes that overshadowing should be reduced to an extent where adjoining solar panels will not be affected.
1.4	Our quality of lifestyle will be impacted, including the: <ul style="list-style-type: none"> <li>- Freedom of movement without regard in our own backyard.</li> <li>- Primary food production – vegetable, fruit crops, and eggs which would be impacted by the shadow.</li> <li>- Impact to the eco-system, birdlife and the return of a variety of fauna.</li> </ul>	These concerns relate to privacy and potential impacts that may result from overshadowing. Whilst it is acknowledged that a large extent of overshadowing will occur and the potential for some impacts to privacy, the proposed development falls within the DTC requirements of the R-Codes and cannot be refused on this basis.
1.5	Visual Privacy: <ul style="list-style-type: none"> <li>- Windows (Projected Mullion) no indication of size, height and area covered on the south facing walls</li> </ul>	The design has been significantly amended since the initial objection was made: <ul style="list-style-type: none"> <li>- Heights of the hi-lite windows have been provided and are 1.6m above the floor level in accordance</li> </ul>



	<ul style="list-style-type: none"> <li>- Pergola sliding doors instant viewing from indoors and from Balcony 'Opening'</li> <li>- Pergola vertical screening 1600h is not sufficient and should be a 'Privacy Screen'</li> <li>- Common walkway has direct viewing into Lot 237 and stair well viewing and B/Strade landing platform areas will overlook across boundary into adjoining lot.</li> <li>- Missing drawings of measurements and dimensions of South facing structures (inclusive of windows, doors, pergola's, etc)</li> </ul>	<p>with the R-Codes. This will be reinforced through a condition of planning approval.</p> <ul style="list-style-type: none"> <li>- The application now meets visual privacy requirements of the R-Codes.</li> <li>- 1.6m screening height is the requirement enforced within the R-Codes. The requirement for screening will be reinforced through a condition of planning approval.</li> <li>- There is no technical requirement for the walkways and stairs to be screened. However the Town has negotiated a better screening arrangement than would be typically required using obscured glass around the walkways.</li> <li>- The amended plans have sufficient details regarding privacy.</li> </ul>
1.6	<p>There are concerns related to storage areas 4, 6 and 7 and the potential for hazardous stored items (chemicals, gas bottles, fuel jerry cans, etc)</p>	<p>The original application incorporated store rooms on the top floor which have been relocated to the ground floor. Regardless this isn't a relevant planning consideration.</p>
1.7	<p>As a result of the proposal, there will be significant fit tree room removal that will likely impact the dividing fence.</p>	<p>Part 6 of the R-Codes does not require trees to be retained. A condition of planning approval will be recommended that will require an adequate fence of 1.8m in height to be installed if the existing fence is to be removed.</p>
1.8	<p>There will noise related impacts that will result from 12 months construction of proposed dwellings and enduring vehicle noise from residents.</p>	<p>Development of the dwellings and all landowners will be required to comply Environmental Protection (Noise) Regulations 1997.</p>
1.9	<p>The vehicles on site will impact air quality and result in hazardous storm run-off</p>	<p>These matters aren't considered to be relevant planning considerations. The site has the required amount of car bays on site and the paved access areas must comply with the Town's specifications. Stormwater will be adequately treated through soak wells.</p>

1.10	There will be increased traffic impacts and increased vehicle through-fare, with several of the dwellings having children who play on or cross the road and grassed areas. Street parking will occur due to insignificant allocation to the proposed seven (x7) new dwellings.	Whilst there will be increased traffic thoroughfare, the extent of additional traffic that will be generated will be negligible for the existing road network. The application meets the required car parking bays on site and it is not illegal for vehicles to park in the verge.
1.11	Experience has demonstrated that construction non-compliance of approved architectural drawings or lack of transparency is not uncommon, with potential post build and construction issues that create a negative externality upon neighbouring/adjoining properties.	A condition relating to a bond will be conditioned as part of the approval that will ensure compliance. There will also be a condition preventing the dwellings from being occupied until all planning conditions have been met. Finally there is also a check of the site and planning conditions required prior to any the strata clearance being issued.
1.12	There should be a rodent and pest control program prior to, during and post construction.	Rodent and pest control is not considered to be a relevant planning consideration. However rodent baiting is required prior to demolition occurring.
1.13	There should be a waste management plan provided as part of the development due to the potential for 14 bins to be provided in the verge.	A waste management plan will be conditioned as part of the approval. In the past, the Town has accepted 1 recycling bin and 1 general rubbish bin per two multiple dwellings. On this basis there should be a total of 7 bins in the verge for pickup.
1.14	There is an existing asbestos fibre outbuilding and requires containment and appropriate hazardous removal.	The applicant is required to comply with the relevant Worksafe building legislation for the removal of any asbestos structures. The removal of this structure is to be carried out by a licenced asbestos removal specialist.
2.1	The development design and size is out of character with existing buildings within the street and adversely affects the streetscape and its surroundings.	The development has been amended since the first proposal to meet the streetscape requirement under the LPS 10. Whilst the application is still two storey in size, it has been amended to achieve: <ul style="list-style-type: none"> <li>- A pitched roof form to conform with existing dwellings along the street.</li> </ul>

		<ul style="list-style-type: none"> <li>- A change in building materials to better address the surrounding dwellings.</li> <li>- An increased glazed area to the streetscape to provide better surveillance over the street and minimise the bulk of the dwelling.</li> </ul> <p>The application meets the setback requirements of the lower density code (R20) for the lot, which conforms with the setback requirements of the surrounding area generally. On this basis Council Officers considered the size and scale of the development to be in keeping with the surrounding dwellings and the streetscape generally.</p>
2.2	<p>It's imposing and intimidating, and clashes with the</p> <ul style="list-style-type: none"> <li>i. Environment</li> <li>ii. The streetscape</li> <li>iii. The resources of the street</li> </ul>	As per response 2.1.
2.3	<p>The planned building has two storeys with a sheer wall height greater than 7.7 metres. This sheer wall runs almost the full length of the block in which it's to be built. Based on the letter received, the Town will need to grant special approval for this height of wall to be built as this proposed height is outside of current R-code guidelines.</p>	The application has been amended so that wall height does not exceed 6.0m from the existing natural ground levels.
2.4	<p>The building is to sit only 2.6 metres from the front boundary, well less of the 4 metres that the R-Code guidelines recommend. Therefore, this set back will require special permission from the Town.</p>	The amended application achieves a 3.0m setback to the balcony and a 4.0m setback to the dwelling. Whilst the R-Codes permit a 2.0m minimum setback and a 4.0m average setback for R40 coded lots, Council Officers typically look to enforce the R20 code street setback requirements of 3.0m minimum setback and 6.0m average setback to meet the streetscape

<p>requirements within LPS 10. The application meets the R20 setback requirements.</p>	
<p>Both the original application and the amended application incorporated screening around the balconies to prevent overlooking. Under the R-Codes, screening to a height of 1.6m is considered sufficient to prevent overlooking to adjoining lots. In the event that screening has not been provided, the balcony is setback at a distance of 7.5m from the lot boundary or falls over the front street setback area, which meets the DTC requirements of the R-Codes.</p>	<p>The three balconies on the north side of the proposed building all overlook the adjoining properties. This means that the adjoining properties loses all privacy.</p>
<p>The landscaping drawings have been amended to incorporate a type of plant which will fit within the 0.5m landscaping strip on the northern lot boundary. The plants however will not be of sufficient size to be used for 'screening'.</p>	<p>The representation of the drawing presented are misleading. It shows screening plants along the northern boundary. There are no screening plants on this boundary. There is no room for screening plants along this boundary.</p>
<p>There are no planning controls that relate to reflective heat and therefore this matter is not considered to be a relevant planning consideration.</p>	<p>The reflective radiation of heat from the enormous north facing wall will be intense. In summer, this will add to the ambient temperatures of the surrounds forcing the need for reverse cycle air-conditioning to be installed at 27 Cumberland Way or at the very least increased use of existing evaporative air conditioning. This means an additional cost associated with keeping cool resulting from the proposed structure on the adjoining lot.</p>
<p>The Australian Standards 2890.1 dictate the acceptable reversing standards for car bays.</p> <p>AS2890.1 states that the following is required:</p> <ul style="list-style-type: none"> <li>- 2.4m bay width.</li> <li>- 5.4m bay length.</li> <li>- 5.8m reversing aisle.</li> <li>- 0.3m clearance for fences or walls.</li> </ul>	<p>The allowance of the residence ability to park even a medium sized vehicle in the parking bays provided is concerning. It's concerning because of the damage to fences that may be caused by the driver's mis-judging the clearance when reversing in such a small space.</p>

<p>The application proposes the following:</p> <ul style="list-style-type: none"> <li>- 2.45m bay widths.</li> <li>- 5.5m bay length.</li> <li>- 6.2m reversing depth (that includes the 0.3m clearance from the adjoining fence).</li> </ul> <p>On this basis the proposed turning arrangements are considered sufficient for adequate manoeuvring.</p> <p>As per response 1.8.</p>		
<p>As per response 1.8.</p>	<p>The drive way extends the full length of the block. This means that the comings and goings of the residence of the complex will add to a significant deterioration of the owner/resident of 27 Cumberland Way rights to a peaceful existence.</p>	<p>2.9</p>
<p>As per response 1.8.</p>	<p>There appears to be no allowance for greenery (small trees) to be added to this site because of the building size. This could mean that there is no respite from the summer heat for the future residence of this development resulting in the over use of air-conditioning, adding to the noise factors.</p>	<p>2.10</p>
<p>The application has provided the required car bays on site to meet the DTC requirements and therefore the application is considered to have sufficient parking. It is not illegal for vehicles to park in the verge.</p>	<p>The site could potentially house 21 people, with 7 car bays being provided with one per unit with 2 for visitor bays. 21 people on site could result in a total of 21 vehicles. The overflow for residents and visitors means continuous parking in the street.</p>	<p>2.11</p>
<p>There is no requirement under the R-Codes to provide any living areas for recreational use outside of the required outdoor living areas. Regardless the closest public park is approximately 600m walk, which is considered an appropriate distance.</p>	<p>This thoroughfare has no parklands or open space which means that children as part of the residence have no space in which to play except on the street.</p>	<p>2.12</p>

2.13	<p>The development is nestled amongst existing homes and provides very little to no space to screen the development from these existing homes</p>	<p>The R-Codes has requirements relating to setbacks, overshadowing and building heights to minimise impact to the amenity of adjoining landowners. The lot is split coded R20/R40 to allow development to a higher density to occur within an established residential area.</p>
2.14	<p>The development at 25 Cumberland is over the top in design and scale. It is unreasonable to expect the neighbours to have their living standards and peace possibly compromised by accepting this development without significant changes to the size, intent and design.</p> <p>The changes are:</p> <ul style="list-style-type: none"> <li>- The building is to be restricted to single storey only.</li> <li>- Maximum of four units that are designed so as to not adversely affect the neighbours and be aesthetically pleasing to the streetscape.</li> <li>- The building setback from the front boundary as per the R-Codes</li> <li>- Increase the ratio of onsite parking to have the equivalent of a double carport.</li> <li>- Ensure that air-conditioners are setback from the neighbours and potentially enclosed to reduce the effects of noise.</li> <li>- Suitable provision for gardens, small trees and shrubs so as to beautify the landscape and to mitigate the summer heat impact on the surrounds.</li> <li>- Provision of screen plants along most of the adjoining boundary fences.</li> </ul>	<p>Multiple dwellings are a permitted form of development on the subject site if the requirements of the R-Codes and LPS 10 have been adequately met. Regarding the proposed changes:</p> <ul style="list-style-type: none"> <li>- Multiple dwellings are a permitted form of development.</li> <li>- Multiple dwellings are assessed on a plot ratio basis and aren't limited to a maximum number of dwellings.</li> <li>- The proposed dwellings have been setback in accordance with the R20 setback requirements which are more onerous than the R40 requirements.</li> <li>- Adequate parking has been provided in accordance with the DTC requirements of the R-Codes.</li> <li>- Air-conditioners will be required to comply with the relevant health legislation regarding noise.</li> <li>- The proposal incorporates low water use plants in the front street setback area and two trees in the verge.</li> <li>- There is no requirement for screen plants to be provided adjoining boundary fences.</li> </ul>

3.1	A building height of 6 metres would completely block all afternoon sun and more importantly all the afternoon sea breeze from both our back bedrooms and back patio of our home.	The application proposes a wall height of under 6.0m, which meets the DTC requirements.
3.2	As regards to privacy a second floor balcony setback 1.1 metres directly over our swimming pool would completely eliminate any privacy from our whole back yard and would make swimming unenjoyable as people on their balcony would be able to look straight in.	The setback of the patio has been amended to 1.2m which meets the DTC setback requirements of the R-Codes. The balcony is also adequately screened to meet the DTC visual privacy requirements of the R-Codes.
3.3	The plan shows an area for rubbish bins, to which there will likely be 14 bins and an area for bulk collection. These line up directly with our 2 back bedroom windows. My concern is this is a health risk and a noise risk with people at their bins at all times day and night. Also my concern would be the odour emanating from these bins directly outside our windows.	Any concerns relating to noise and odour are health related issues and can't be considered under planning legislation. There is no planning requirement to setback bin areas from lot boundaries.
3.4	Cars coming down the driveway will shine their lights into both bedrooms. Also the added fume hazard of cars turning around just over a metre from our bedroom windows is of concern.	Lights resulting from cars that may affect adjoining lots is not covered within the requirements of the R-Codes. Fumes generated by the cars is a health related issues and isn't considered under planning legislation.
4.1	The lot boundary setback of 1.5m raises concerns about: <ul style="list-style-type: none"> <li>- The shadow cast onto the southern property.</li> <li>- There are concerns regarding the windows facing the south and whether the windows are to be frosted due to the lack of dimensions on the plans.</li> <li>- I object to the stair cases being open.</li> <li>- Is it possible for the storage area walls be extended to cover the view into our property or some other screenage is used?</li> </ul>	The setback variations identified as part of the original submission have been amended to comply. Regarding the other points: <ul style="list-style-type: none"> <li>- Overshadowing complies with the R-Codes</li> <li>- The amended plans achieve hi-lite windows at a height of 1.6m above the floor level of the dwellings. This is a sufficient height as required under the R-Codes to prevent overlooking.</li> <li>- A large portion of the walkway has been screened by obscured glass at the request of Council Officers. There is still a portion of</li> </ul>

<p>walkway that isn't screened, but this isn't a requirement under the R-Codes.</p> <ul style="list-style-type: none"> <li>- The provided screening is in excess of what is required under the R-Codes. This walkway and stairwell does not have to be screened.</li> </ul>	
<p>The application has been modified to meet the DTC criteria regarding overshadowing. Financial considerations are not a relevant planning consideration.</p>	<p>4.2</p> <p>Overshadowing</p> <ul style="list-style-type: none"> <li>- Overshadowing occurs over the solar panels of the building to the south and the kitchen windows.</li> <li>- The kitchen windows are the sole source of natural light and heat in winter months.</li> <li>- If the plans are unable to be modified then compensation is required on future water heating, household heating and lighting bills or raising/moving the solar panels and adding solar panels for electricity.</li> </ul>
<p>See response 1.8, 1.10 and 2.8.</p>	<p>4.3</p> <p>The seven proposed dwellings proposed on the lot is excessive and unrealistic. The increase in street parking, waste management, vehicular movement and noise is concerning.</p>



# **ATTACHMENT NO. 8**

# **Barrier Installation along Guildford Rd Ashfield Station**

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## **Removal of Trees Proposal**

**Melissa ANG**  
**Samuel BARBAS**  
**2/21/2017**

	Date	Comments
Version 1.0	05/04/2017	Submitted to the Town of Bassendean
Version 2.0	7/07/2017	Inclusions for: <ul style="list-style-type: none"><li>• Wire rope barrier option (4.3)</li><li>• Revision of concrete barrier option after further investigation (4.2)</li><li>• Tree valuation (6.)</li></ul>

## Contents

1. Our policy .....	3
2. Project Overview .....	4
2.1 Objectives.....	4
3. Site Features.....	6
3.1 Existing Barriers.....	6
3.1.1 Southern Side .....	6
3.1.2 Northern Side .....	6
3.2 Trees.....	6
3.2.1 History and Background .....	6
3.2.2 Problem .....	7
3.3 Services .....	9
3.4 Streetlights.....	9
4. Alternatives considered.....	10
4.1 Install W-beam barrier in front of trees.....	10
4.2 Install TL4 concrete barrier .....	10
4.3 Wire Rope Barrier .....	13
5. Proposal .....	13
6. Tree valuation .....	14
Appendix A: Risk Assessment.....	15
Appendix B: Service Locations .....	18
Appendix C: Alternative Designs Cost Comparison .....	20
Appendix D: Landscaping .....	25
Appendix E: Arborist Report.....	27
Figure 1: Safe System Approach .....	3
Figure 2: Site Plan.....	5
Figure 3: Existing non-compliant barrier.....	8
Figure 4: Proposed barrier route to protect vulnerable bridge support.....	8
Figure 5: Cost comparison.....	10
Figure 6: Typical machinery for slipform barrier construction .....	11
Figure 7: Concrete barrier option construction limitations (Tree 2 as an example).....	12
Figure 8: Service Locations .....	19
Figure 9: Landscaping Proposal.....	26
Table 1: Impact of Concrete Barrier Option on Trees .....	12
Table 2: Risk Assessment.....	16
Table 3: Risk Matrix .....	17
Table 4: Risk Rating Definition and Response.....	17

## 1. OUR POLICY

Main Roads is committed to reducing road trauma on WA roads and providing improved safety outcomes for all users of the transport network. To achieve this, we have implemented a Road Safety Management (ROSMA) system based on Safe System principles. The Safe System approach views the road transport system holistically by seeking to manage the interaction between the road, travel speed, the vehicle and the road user.



Figure 1: Safe System Approach

Each year in WA about 3,000 road crashes result in death or serious injury. This trauma and suffering can be avoided. For this to occur, we as a road agency need to do our part to make roads and roadsides safer and more forgiving of human error. This means providing a road network where mistakes do not lead to severe consequences. This can be achieved in a number of ways including:

- Reducing the number of mistakes that drivers make through easily understandable infrastructure and appropriate speed limits.
- Warning road users when they have made a mistake (e.g. audible edge-lines),
- Giving them the opportunity to correct their mistakes (e.g. sealed shoulders and clear zones), and/or
- Managing the severity of any resulting collision (for example, barriers).

Our aim is to ensure that the works we carry out on the road network align with this policy.

## **2. PROJECT OVERVIEW**

This project involves the installation and upgrade of crash barriers along a section of Guildford Road near Ashfield train station to protect the piers of a pedestrian footbridge from traffic impact. Currently, three (3) pier supports of the pedestrian bridge are not adequately protected from traffic travelling in both directions. The pedestrian bridge is used by commuters to access Ashfield Station. The piers of the bridge have not been designed to resist traffic impacts and, should an errant vehicle (especially a heavy vehicle) collide with the pier, the outcome could be catastrophic to road users, rail users and pedestrians.

The purpose of installing safety barriers in this location is to reduce this risk. However, the existing trees in the location could interfere with the installation and compromise the effectiveness of the barriers increasing the risk to vehicle occupants. Thus, in order to improve safety of the roadside environment, it is proposed that four (4) trees along the northern side of Guildford Road be removed. An overhead view of the site and proposed barriers is illustrated in Figure 2. Trees labelled T1-T4 are to be removed. This report outlines the extent and purpose of tree removal, alternatives considered and proposed landscaping.

### **2.1 Objectives**

The objectives of the project are to:

- Improve barrier protection on Guildford road and Ashfield Station
- Improve safety for road users; and
- Prevent property damage

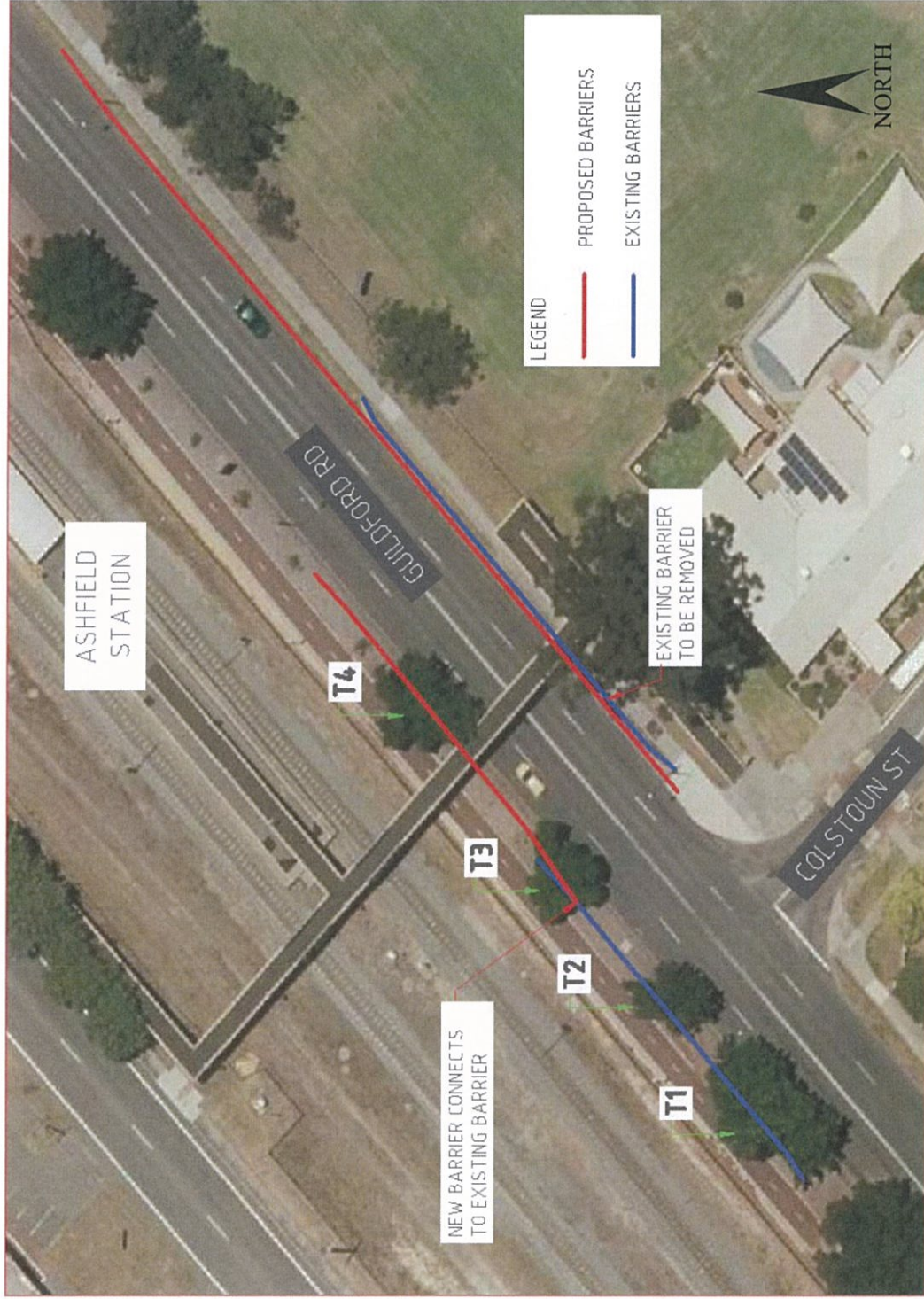


Figure 2: Site Plan

### **3. SITE FEATURES**

#### **3.1 Existing Barriers**

Main Roads' Road and Traffic Engineering (RTE) Branch were engaged to investigate the crash barriers at Guildford Rd. The investigation by our Road Engineer found the existing barriers to be inadequate.

##### **3.1.1 Southern Side**

A deteriorated, timber safety barrier runs along the southern side of the road. However, this does not provide adequate protection to the two (2) piers on this side of the road. This construction is no longer considered crashworthy and there is a risk of vehicles penetrating the barrier and colliding with the bridge or pedestrians. As part of this project, the redundant barrier will be removed and replaced with a new TL3 W-beam barrier.

##### **3.1.2 Northern Side**

An existing W-beam barrier runs along the northern side of Guildford Rd opposite Colstoun Rd. This does not extend far enough to protect the vulnerable northern pier of the pedestrian bridge shown in Figure 4. A new TL3 W-beam barrier will be installed and connected to the existing barrier to extend coverage and protection past the pier.

The northern side of the road will be the focus of this report as all the trees are on this side.

#### **3.2 Trees**

##### **3.2.1 History and Background**

The trees of interest are *Ficus Microcarpa* var. *hillii* (Hills Weeping Fig) trees. This species is an evergreen Australian native with dense foliage. Mature trees can reach heights of 15-20 m with a spread of 8-12 m, although they are commonly pruned to be between 4-15 m. The plant has fibrous, wide spreading roots that can be invasive so care should be taken to avoid planting it near pipes or buildings. It is a tough plant that is able to survive many urban environments and is suited for use in street plantings.

The trees first appeared on the site in the early 1970's when the rail line was duplicated to accommodate the Ashfield Train station. At this time, the land use was a mix of residential and industrial on the south side and heavy industry on the north side of the rail line. The current age of trees is approximately 45+ years old

The trees are not mentioned on the Town of Bassendean's Significant Tree Register – last updated in April 2016. In 2012, council requested that they be placed on this register due to the historical and aesthetic value they have for the residents. This was rejected by MRWA due to the following reasons:

- The tree roots have damaged kerbs and pavements and caused blockages in the road drainage. Significant cost has been incurred to repair the damage and maintain the trees.
- The trees are within the clear zone of Guildford Road. Due to their size and location, they pose a potentially fatal hazard to road uses.
- Future works may occur in the area which would require the removal of the trees.

### 3.2.2 Problem

In addition to the issues above, the trees present some problems to the installation and performance of the new barriers. A risk assessment can be found in Appendix A. The following reasons are given to justify the removal of the trees:

The existing barrier on the northern side of Guildford Road opposite Colstoun Road is non-compliant due to the presence of two trees and a streetlight in front of the barrier (see Figure 3). Obstructions like these in the clear zone of a road are hazardous as they reduce the opportunity for errant vehicles to correct their mistakes. Vehicles that veer off the side of the road can collide with these hazards and, given the size of the trees, the consequences can be severe or fatal. Furthermore, the hazard is worsened in conjunction with safety barriers as there is potential for the barrier to redirect errant vehicles into these hazards increasing the severity of a crash. Although this non-compliance has been accepted in the past, MRWA has an obligation to rectify it if the opportunity arises. In this case, works are being undertaken in the area that will directly affect the non-compliant barrier. It follows that the non-compliance is addressed. Thus, it is proposed that trees T1 and T2 be removed to ensure the roadside environment is more forgiving of human error in accordance with our policy.



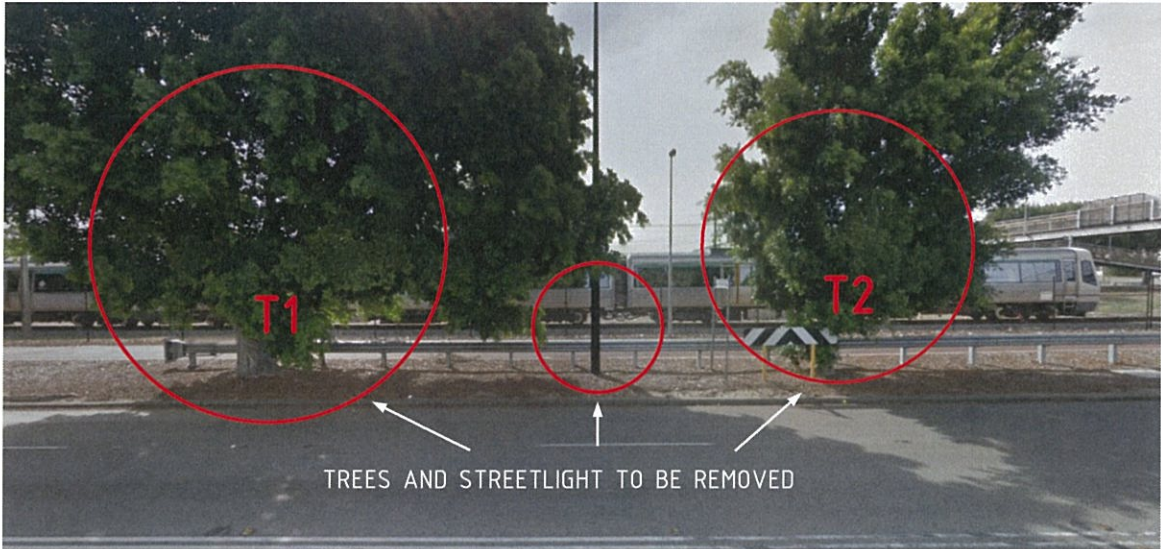


Figure 3: Existing non-compliant barrier

T3 is located in front of the proposed barrier and will need to be removed for similar reasons to T1 and T2. Furthermore, a streetlight will be placed in that vicinity to account for the reduced luminance caused by the relocation of streetlights (see also Section 3.4). The lighting would be obscured by the foliage if the tree were to remain.

T4 is located on the proposed barrier alignment and must be removed to enable installation of the barrier. The barrier cannot be realigned to run in front of the tree for reasons explored in Section 4.1.

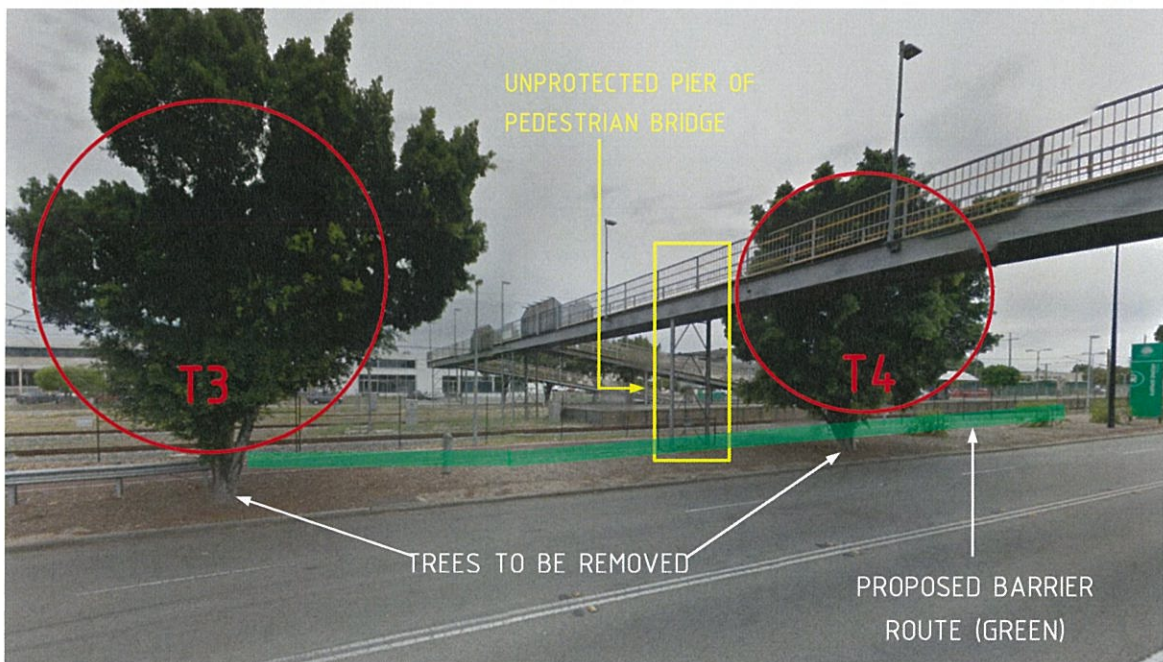


Figure 4: Proposed barrier route to protect vulnerable bridge support

An Environmental Low Impact Screening Checklist outlining the removal of these trees was reviewed and endorsed by Main Roads' Environmental Branch. The proposed clearing was found to be acceptable with no further assessment required.

### **3.3 Services**

There are a number of underground services in the road reserve. Potholing was carried out by a service locating company to identify these. The locations of the services can be found in Appendix B Figure 8. Telstra assets run parallel to the road between the kerb and trees. Main Roads drainage, Western Power and Water Corporation assets run across the road. The presence of these services has restricted the design options and influenced the alignment of the proposed barrier.

### **3.4 Streetlights**

A number of streetlights will be relocated as they are in the path of the proposed barrier. The relocation of the lights will reduce luminance. This will be compensated by installing additional lights. One of the new lights is to be installed in the vicinity of T3 after it has been removed. Another of the streetlights, located in front of the existing non-compliant barrier opposite Colstoun Rd (see Figure 4), will be removed as it is a potential hazard.

#### 4. ALTERNATIVES CONSIDERED

Main Roads understands the Town of Bassendean’s concerns relating to these trees; however Main Roads also has a duty and obligation to ensure the safety of its road users and pedestrians. Alternative options were explored in an effort to preserve the trees. Unfortunately, site and budget constraints made these unfeasible. The following options were considered:

##### 4.1 Install W-beam barrier in front of trees

This option involved installing the W-beam barrier closer to the road so that it passes in front of the trees. The existing barrier opposite Colstoun St would have to be moved in front of the trees. This option was not viable as there is insufficient space between the trees and kerb to erect the barrier and still achieve minimum clearance behind it. The trees would be within the deflection zone of the barrier, compromising its effectiveness. This means that, if an errant vehicle were to collide with the barrier, the barrier would deflect and the vehicle would still hit the tree behind. Furthermore, the underground services between the trees and kerb would clash with the barrier if it was installed in this location. Additional costs may be incurred in order to relocate the services. The use of the W-beam barrier would also be advantageous given the potential upgrade of Guildford Rd in the future. Parts of the barrier can be re-used if it is no longer required, whereas a concrete barrier would have to be demolished.

##### 4.2 Install TL4 concrete barrier

A rigid concrete safety barrier was considered instead of a W-beam barrier. This would be positioned in front of the trees in place of the kerb. This type of barrier does not have a deflection zone. However, this option also has a significantly higher cost compared to the W-beam option as shown in Figure 5. A breakdown of the estimate can be found in Appendix C (note the cost covers barrier installation on the northern side only).

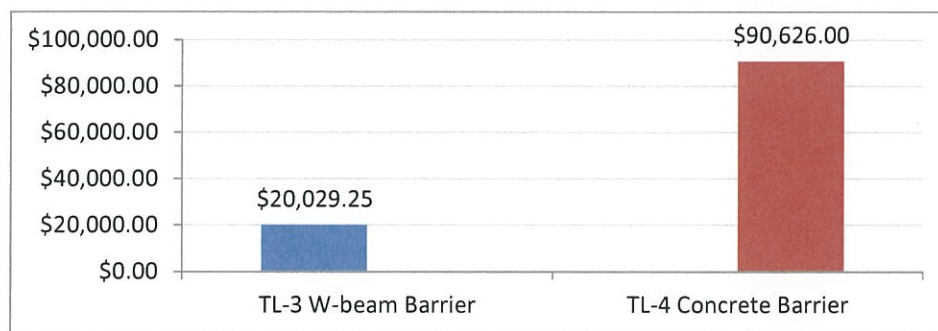


Figure 5: Cost comparison

The concrete barrier option was further investigated after the initial submission of this report and found to be unsuitable. It is still not possible to retain the trees with this option.

As per MRWA supplement to AustRoads Guide to Road Design - Part 6 Clause 6.3.5, a minimum offset of 300mm is required between the concrete barrier and traffic lane. The base width of a TL4 concrete barrier is 590mm. Thus, any trees within 890mm of the road will have to be removed as it is not physically possible to fit the barrier in front of them. Furthermore, concrete barriers are typically constructed using a slip form machine as shown in Figure 6. Some space is required behind the barrier to accommodate the arm of the machine. There would be a clearance of 110mm between the concrete barrier and tree 2 and 10mm clearance to tree 3. These clearances are not large enough to enable the barrier to be constructed. Thus, it is not possible to fit and install concrete barriers without removing the trees. The scenario is illustrated in Figure 7 on the next page. The outcomes are also summarised in Table 1.



Figure 6: Typical machinery for slipform barrier construction

A number of other issues also make concrete barriers unsuitable in this situation:

- The installation of the barriers would require some excavation and cutting of the tree roots. This would affect the long term health of the tree as outlined in the arborist's report. Pruning of the canopy would also be required to make way for the machinery.
- MRWA has a preference for trees to be placed at least 1m behind rigid barriers as per MRWA drawing 201348-2739.
- The cost estimate for the concrete barrier option on the previous page was done before the further investigation. It did not include the following additions which are expected to significantly increase the estimated cost :
  - Construction of additional road pavement to create the 300mm offset between the traffic lane and proposed barrier.
  - End terminal treatments for the concrete barriers using crash attenuators or by transitioning into other barrier types.
  - Relocation of underground services. There are Telstra services in the northern verge which will become inaccessible if a concrete barrier is installed.

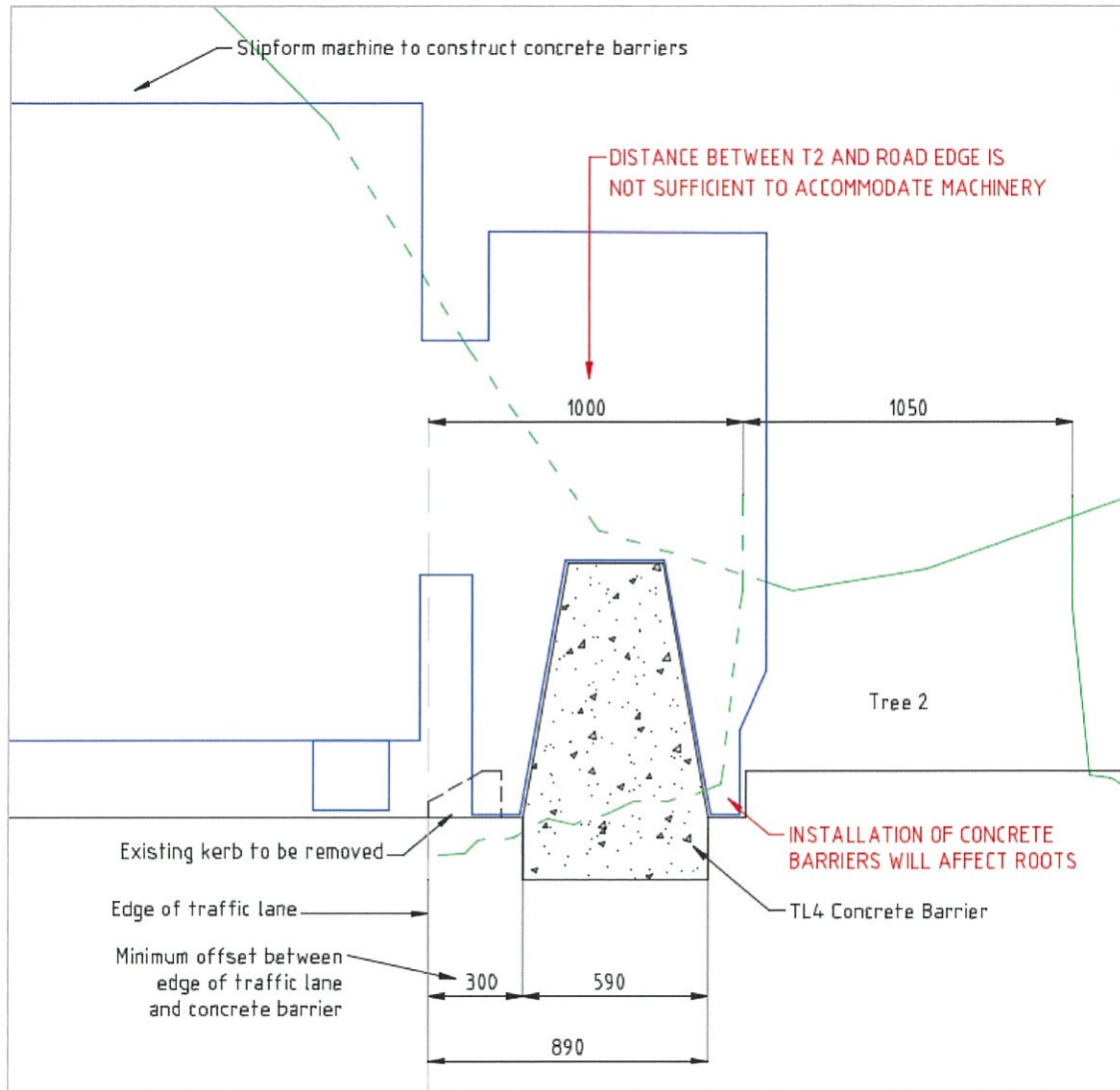


Figure 7: Concrete barrier option construction limitations (Tree 2 as an example)

Table 1: Impact of Concrete Barrier Option on Trees

Tree	Distance from road	Comments	Status
Tree 1	300mm	Tree would be where the barrier needs to be placed	Not possible to retain
Tree 2	1000mm	Insufficient clearance behind proposed barrier (110mm) to accommodate machinery	Not possible to retain
Tree 3	900mm	Insufficient clearance behind proposed barrier (10mm) to accommodate machinery	Not possible to retain
Tree 4	770mm	Tree would be where the barrier needs to be placed	Not possible to retain

In summary, the concrete barrier option was found to be unsuitable as it does not allow the trees to be retained and has a significantly higher cost compared to a W-beam barrier. Main Roads believes that the additional resources required for this option can be better invested to improve the safety in other areas of the road network.

#### **4.3 Wire Rope Barrier**

At the request of the Town of Bassendean, a wire rope barrier was considered and found to be unsuitable. It has a greater deflection zone than a W-beam barrier meaning there is less space behind the barrier available for planting.

### **5. PROPOSAL**

As part of this safety improvement project, four (4) ficus hillii trees along the northern side of Guildford Road are to be removed to allow for the installation of safety barriers.

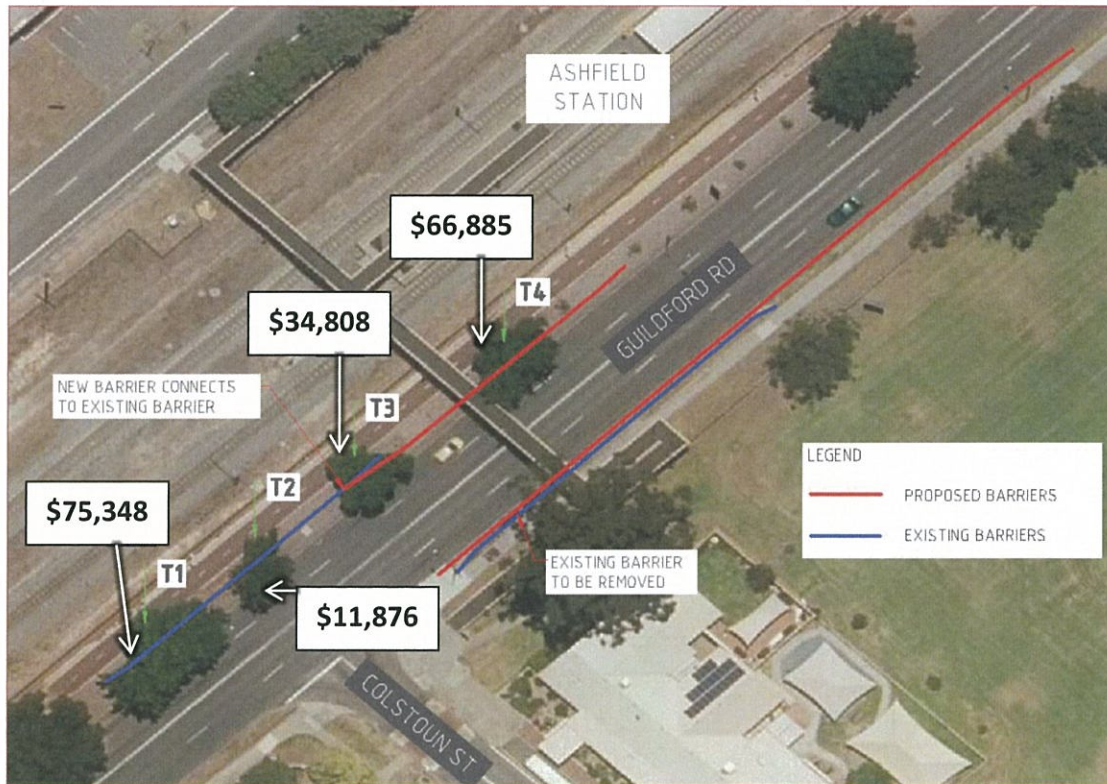
It is proposed that the area be revegetated with native Australian Sygium Pinnacle (Narrow Lilly Pilly) trees. These narrow and compact trees are suited for tight planting spaces and often find application as hedges or screens.

The trees will be planted behind the safety barrier and extend between the footbridge and the connection point of the existing and new barriers. The trees are located such that the minimum setback of 1.5m behind the safety barrier (MRWA Drawing 201348-2739) and 0.5m beside the principle shared path (PSP) is satisfied. They do not extend further west as there is insufficient space between the PSP and safety barrier to satisfy clearance requirements. The drawing of this landscaping proposal can be found in Appendix D Figure 9.

## 6. TREE VALUATION

The Town of Bassendean requested a valuation of the trees according to the Revised Burnley Method. The tree valuation was carried out by Beaver Tree Services.

The arborist report (see Appendix E) gave the following estimated values to the trees:



Tree	Value
T1	\$75,348
T2	\$11,876
T3	\$34,808
T4	\$66,885

## APPENDIX A: RISK ASSESSMENT



Table 2: Risk Assessment

Risks	Potential consequence	Risk Rating C x L= Risk Level	Mitigation Strategy/Controls	Residual Risk Level	Residual Risks
Errant vehicle collides with pier and bridge collapses	<ul style="list-style-type: none"> <li>- Multiple fatalities if bridge collapses onto road and railway</li> <li>- Possible train derailment if this occurs over a moving train</li> <li>- Damage to road and rail infrastructure</li> <li>- Delays and inconvenience to commuters due to road/rail closures</li> </ul>	5x3=15 EXTREME	Install W-Beam barrier to protect piers of bridge	4x1=5 Medium	<ul style="list-style-type: none"> <li>- Minor damage to barrier and vehicle.</li> <li>- Minor injury to driver and passengers, non-fatal or life threatening</li> <li>- Vehicle rolls over safety barrier.</li> </ul>
Errant vehicle collides with trees in front of the pre-existing barrier	<ul style="list-style-type: none"> <li>- Barrier redirects vehicle into trees increasing severity of accidents and crashes</li> <li>- Fatality of driver/passengers</li> <li>- Accident blocks a major artery of road network causing delays and inconvenience</li> </ul>	4x3=12 High	Remove trees	2x2=4 Low	<ul style="list-style-type: none"> <li>- Minor damage to barrier and vehicle.</li> <li>- Minor injury to driver and passengers, non-fatal or life threatening</li> </ul>
Errant vehicle collides with barrier with trees behind within deflection zone	<ul style="list-style-type: none"> <li>- Barrier deflects into trees increasing the severity of accidents and crashes</li> <li>- Fatality of driver/passengers</li> <li>- Accident blocks a major artery of road network causing delays and inconvenience</li> </ul>	4x3=12 High	Remove trees	2x2=4 Low	<ul style="list-style-type: none"> <li>- Minor damage to barrier and vehicle.</li> <li>- Minor injury to driver and passengers, non-fatal or life threatening</li> </ul>

Table 3: Risk Matrix

Risk Matrix		Likelihood				
		1 Rare	2 Unlikely	3 Possible	4 Likely	5 Almost Certain
Consequence	5 Critical	H	H	E	E	E
	4 Major	M	H	H	E	E
	3 Moderate	L	M	H	H	E
	2 Minor	L	L	M	M	H
	1 Insignificant	L	L	L	M	M

Table 4: Risk Rating Definition and Response

Risk Rating	Response
Extreme	Operation halted until risk reduced or mitigated. Additional planning and risk assessment by Supervisor required.
High	High Risk - Requires immediate corrective action
Moderate	Moderate Risk - Will require corrective action over time
Low	Low Risk - May require consideration in any future changes, or long term considerations but work will not be stopped on this risk basis

## **APPENDIX B: SERVICE LOCATIONS**

CLIENT: Sam barbas  
 SITE ADDRESS: Guildford rd + colstoun rd  
 DATE: 9-11-2016  
 SERVICE STATEMENT #: \_\_\_\_\_  
 PLAN#: J-2

Location Tech: R.H

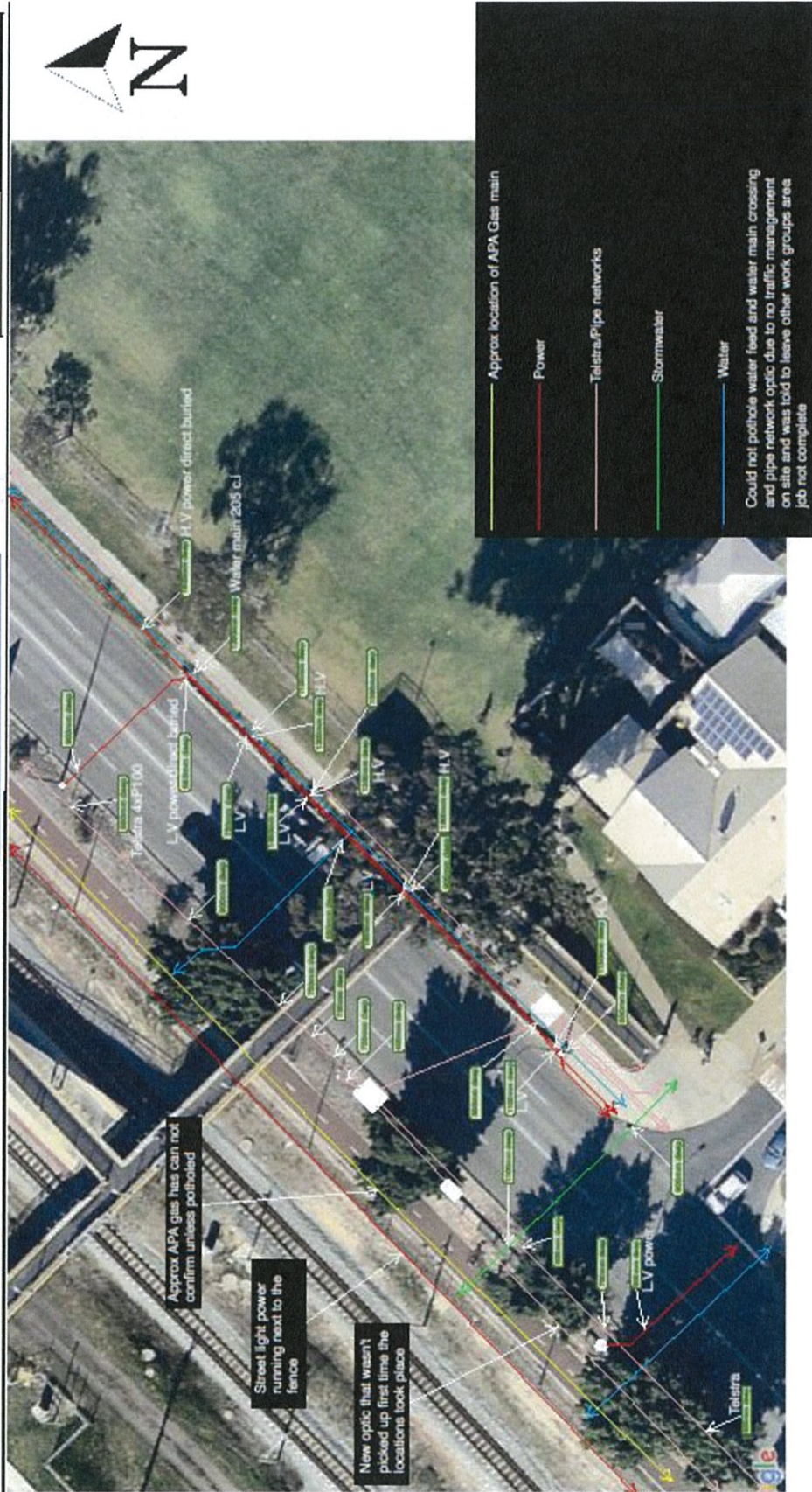


Figure 8: Service Locations

## **APPENDIX C: ALTERNATIVE DESIGNS COST COMPARISON**

W-Beam Option Cost											
Item	Description	Unit	Qty			Rate			Amount	Comments	
			Band 1	Band 2	Band 3	Band 1	Band 2	Band 3			
<b>603 - ROAD SAFETY BARRIER SYSTEMS</b>											
603.01.01	Galvanised W-Beam barrier	m	1<50	51-200	201+	\$110.25	\$102.90	\$99.75	\$3,858.75	35 m new barrier needed	
603.03	Galvanised Thriebeam/W-beam transition	No.	1<2	3+		\$997.50	\$892.50		\$1,995.00	Required at connection and bend (2x)	
603.04.01	Supply and install ET 2000 (or other approved) end terminal	No.	1<2	3+		\$4,725.00	\$4,305.00		\$4,725.00	1x	
<b>301 - CLEARING</b>											
301.02.02	Tree removal (not included in Site Clearing) - Large diameter 451+ mm (inclusive of mulching and disposal offsite/storage and/or reuse on site)	No.	1<5	6<15	16+	\$1,050.00	\$1,050.00	\$1,050.00	\$4,200.00	4 trees	
-	-	-	-	-	-	-	-	-	-		
<b>304 - REVEGETATION AND LANDSCAPING</b>											
304.04	Ground preparation	m <sup>2</sup>	1<50	51<500	501+	\$5.04	\$2.02	\$1.01	\$252.00	assume 50 m <sup>2</sup> area all up	
304.06	Imported topsoil, 75mm thick	m <sup>2</sup>	1<100	101<1000	1001+	\$4.85	\$3.50	\$2.75	\$485.00	assume 100 m <sup>2</sup> area all up	
304.08	Hydro-seeding with grass seed	m <sup>2</sup>	1<100	101<1000	1001+	\$0.68	\$0.53	\$0.34	\$68.00	assume 100 m <sup>2</sup> area all up	
304.13.02	Mulch. 100mm Thick, in plant beds - respread site generated mulch inc mixing with topsoil	m <sup>2</sup>	1<100	101<1000	1001+	\$11.97	\$7.18	\$4.49	\$1,197.00	assume 100 m <sup>2</sup> area all up	
								Subtotal	\$16,780.75		

Item	TM companies	Unit	6am - 6pm Mon - Fri	Average Rate for over and above an 8 hour shift normal time	Night Rate - an 8 hour shift finishing after 8pm and before 6am (including Fridays)	Average Weekend Rate	Public Holiday Rate	Amount	Comments
001	1 man crew (1 Vehicle)	per Hour	\$ 59.00	\$ 79.50	\$ 76.50	\$ 79.50	\$ 89.50		
002	2 man crew (1 Vehicle)	per Hour	\$ 99.00	\$ 140.50	\$ 131.50	\$ 140.50	\$ 159.00	\$2,896.00	Assuming 1 day for tree removal and 2 nights for w-beam works, 8hr shift
011	TMP Design & Draft	per Hour	\$ 80.00						
012	Cab Mounted Flashing Arrow Board	per Day	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 60.00	be needed to divert traffic
017	Speed Activated Electronic Sign	per Day	\$ 97.50	\$ 97.50	\$ 97.50	\$ 97.50	\$ 97.50	\$292.50	be needed to control traffic
018	After Care Sign (1)	per Day							
019	After Care Cone (1)	per Day							
included in above rates									
								<b>Subtotal</b>	\$ 3,248.50
								<b>TOTAL</b>	\$20,029.25

**Concrete Barrier Option Cost**

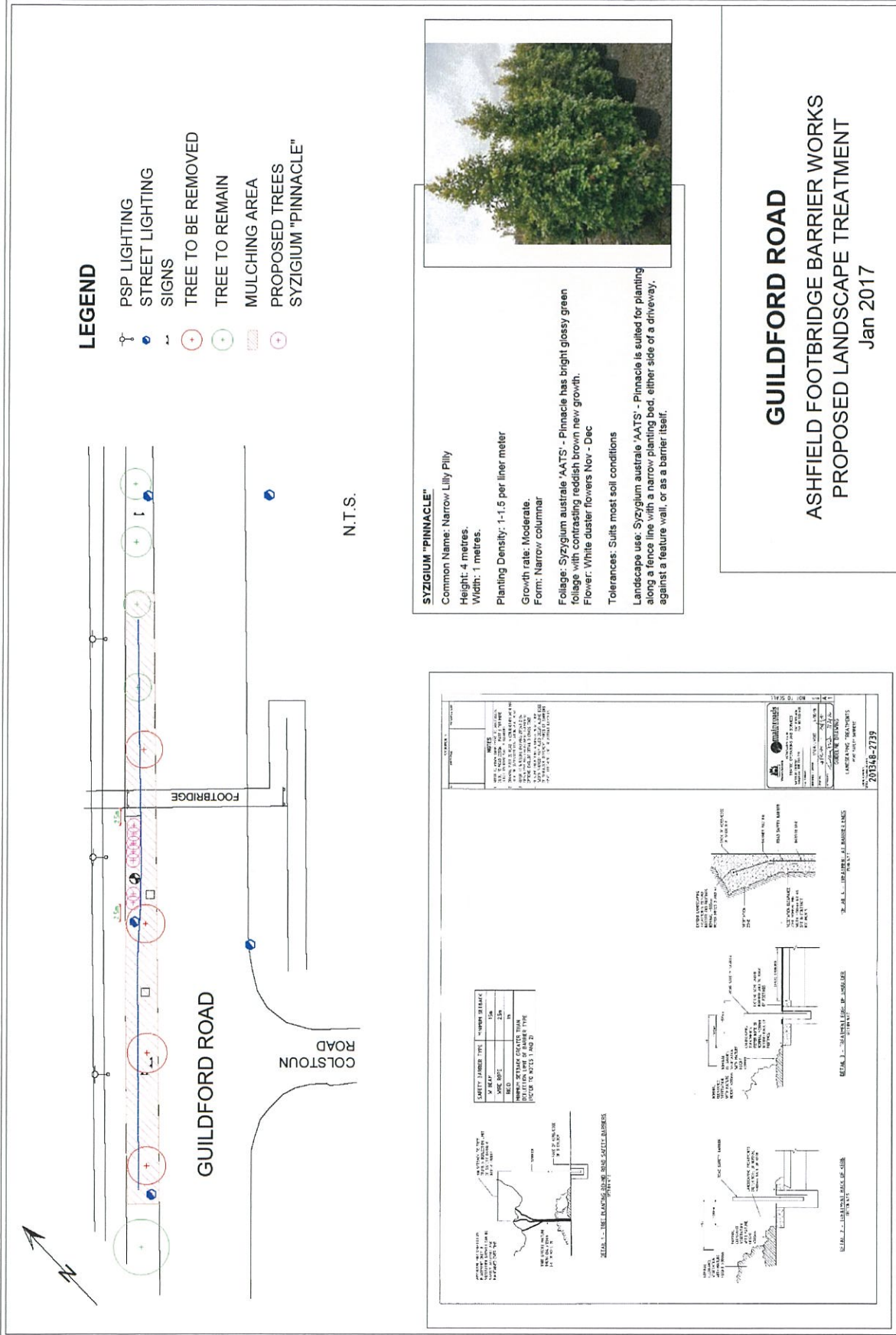
Item	Description	Unit	Qty			Rate			Amount	Comments
			Band 1	Band 2	Band 3	Band 1	Band 2	Band 3		
<b>603 - ROAD SAFETY BARRIER SYSTEMS</b>										
<b>603 - ROAD SAFETY BARRIER SYSTEMS</b>										
603.07.01	Removal of redundant W-Beam guardrail	m	1<50	50+		\$26.25	\$23.10		\$1,050.00	need to remove 40 m of existing w-beam
603.08.01	Cast insitu 'constant slop' concrete barrier - TL4	m	1<50	51-150	151+	\$997.50	\$787.50	\$735.00	\$59,062.50	New concrete barrier will span 75m
<b>302 - EARTHWORKS</b>										
<b>TOPSOILING</b>										
	<u>Topsoil Removal</u>									
302.01.04	Topsoil removal, 150mm deep, and disposal of to Contractor's spoil area off-site	m <sup>2</sup>	1<300	301<2000	2001+	\$8.40	\$5.25	\$4.20	\$630.00	75m <sup>2</sup>
	<u>REMOVAL OF REDUNDANT PAVEMENTS</u>									
	<u>UNSUITABLE MATERIAL</u>									
302.11.01	Excavation and removal of unsuitable material to contractor's spoil area off site	m <sup>3</sup>	1<50	51<500	501+	\$82.74	\$73.82	\$68.50	\$1241.10	75m x 1m x 0.2m
	<u>EMBANKMENT CONSTRUCTION</u>									
302.16.02	Embankment construction using imported material	m <sup>3</sup>	1<100	101<1000	1001+	\$40.16	\$27.41	\$25.74	\$602.40	75m x 1m x 0.2m
								Subtotal	\$62,586.00	



Item	TM companies	Unit	6am - 6pm Mon - Fri	Average Rate for over and above an 8 hour shift normal time	Night Rate - an 8 hour shift finishing after 8pm and before 6am (including Fridays)	Average Weekend Rate	Public Holiday Rate	Amount	Comments
003	3 man crew (2 Vehicle)	per Hour	\$ 158.00	\$ 220.00	\$ 208.00	\$ 220.00	\$ 248.50		
004	4 man crew (2 Vehicle)	per Hour	\$ 198.00	\$ 281.00	\$ 263.00	\$ 281.00	\$ 318.00	\$ 21,040.00	Assume 10 nights 8hr shift
005	Incident Response Call outs 2 man crew ( min 4 hrs payment)	per Hour	\$ 127.00	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00		
009	Advanced Traffic Manager (part of crew)	per Hour	\$ 54.00	\$ 77.00	\$ 65.50	\$ 77.00	\$ 94.00	\$ 5,240.00	need constant professional supervision as there will be vehicles coming in and out
011	TMP Design & Draft	per Hour	\$ 80.00					\$ 640.00	1 day to design
012	Cab Mounted Flashing Arrow Board	per Day	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 200.00	be needed to divert traffic
013	Variable Message Board	per Day	\$ 92.00	\$ 92.00	\$ 92.00	\$ 92.00	\$ 92.00	\$ 920.00	
018	After Care Sign (1)	per Day							
019	After Care Cone (1)	per Day							
								Subtotal	\$28,040.00
								TOTAL	\$90,626.00

included in above rates

## **APPENDIX D: LANDSCAPING**



## **APPENDIX E: ARBORIST REPORT**

# ARBORICULTURAL REPORT

Guilford Road (near Colstoun Street), Ashfield WA

Client: Main Roads Western Australia

Prepared by: James Meaney  
(Dip. of Arboriculture)



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Version	Date
1	9 <sup>th</sup> June 2017
2	19 <sup>th</sup> June 2017
3	21 <sup>st</sup> June 2017
3.1	22 <sup>nd</sup> June 2017

## Disclaimer

This report only covers identifiable defects present at the time of inspection. Beaver Tree Services accepts no responsibility and cannot be held liable for any structural defect or unforeseen event/situation or adverse weather conditions that may occur after the time of inspection.

Beaver Tree Services cannot guarantee that the tree/s contained within this report will be structurally sound under all circumstances, and is not able to detect every condition that may possibly lead to the structural failure of a tree. Beaver Tree Services cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections, as such all observations have been visually assessed from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. Trees fail in ways that the arboriculture industry does not fully understand.

The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore Beaver Tree Services accepts no liability for any recommendations made.

All care has been taken to obtain information from reliable sources, however Beaver Tree Services can neither guarantee or be responsible for the accuracy of information provided by others.

In the event that reinspection of the tree/s is recommended it is the client's responsibility to make arrangements with Beaver Tree Services.

All tree pruning works must comply with Australian Standards 4373 (2007); Pruning of Amenity Trees. All persons undertaking the pruning of a tree are recommended to have (a minimum of) AQF Certificate 3 in Arboriculture (or recognised equivalent level of qualification).

## Limitations

No further investigations, other than ground level inspections, were requested by client, limiting the amount of information available to be collected.

Other investigations that may provide more information would include;

- Root excavation

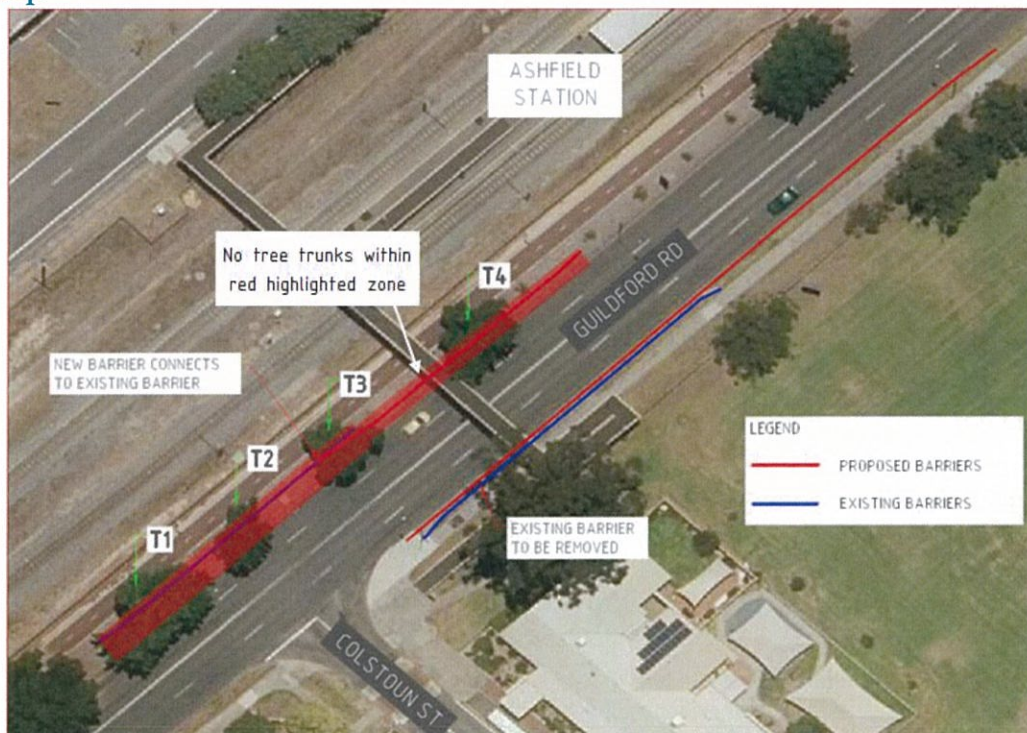
## Introduction

Beaver Tree Services were requested by Main Roads WA to prepare a report in relation to the project along Guildford Rd (near Colstoun St), Ashfield involving the installation of safety barriers. The four Ficus Hillii will need to be removed as a result of the project, the trees cannot be in front of the barriers or within 1.5m behind the barrier.

The Town of Bassendean requires the value of the four trees to be determined in accordance with their Tree Protection Policy – Burnley Method (Moore 1991).

Beaver Tree Services attended the site 5<sup>th</sup> June 2017 to produce this report detailing the value of the trees.

## Site Map



## Further Information

*Provided by Melissa Ang - Main Roads*

The aim of installing barriers is to protect the piers of the overhead bridge from vehicle impact.

The four Ficus Hillii trees need to be removed as the trees cannot be in front of the barriers or within 1.5m behind them for safety reasons (setback requirements as per: <https://www.mainroads.wa.gov.au/Documents/201348-2739.RCN-D14%5E2381779.PDF>)

Their current location (within the road clear zone) is already hazardous as there is potential for cars to veer off the road and into them leading to a potentially fatal accident. Installing safety barriers would worsen this as they would redirect veering vehicles into the trees,

increasing the severity of an accident. The existing barrier configuration at the termination of Colstoun Rd is non-complaint and it is proposed that this be rectified as part of this project.

The valuation will compare the value of the trees to the more expensive concrete barrier option. This option possibly allows some of the trees to be retained, but was rejected due to the high cost. A typical concrete barrier is shown at this link: <https://www.mainroads.wa.gov.au/Documents/Concrete%20Barrier%20Constant%20Slope%20Design%20Sheet%20Issue%201%20Rev%20B.PDF>

Looking at the distances of the trees to the road and the size of the concrete barrier, this option would still not allow all trees to be preserved.

## Valuation Summary

Using the Burnley Method (Moore 1991), refer to calculations on Page 13 for a full breakdown.

$$\text{VALUE (\$)} = \text{TREE VOLUME} \times \text{BASE VALUE} \times \text{Life Expectancy (E)} \times \text{Form and Vigour (FV)} \times \text{Location (L)}$$

	Radius (m)	Height (m)	Tree Volume (m3)	Base Value (\$/m3)	Life Expectancy (E)	Form & Vigour (FV)	Location (L)	VALUE (\$)
<b>Tree 1</b>	6.25	13.5	552	\$500	0.7	0.65	0.6	<b>\$75,348</b>
<b>Tree 2</b>	2.875	10	87	\$500	0.7	0.65	0.6	<b>\$11,876</b>
<b>Tree 3</b>	4.25	13.5	255	\$500	0.7	0.65	0.6	<b>\$34,808</b>
<b>Tree 4</b>	6	13	490	\$500	0.7	0.65	0.6	<b>\$66,885</b>

## Summary of Findings

As part of the request for valuation, the Client also requested options on retaining the targeted trees. The targeted trees could be no closer than 1.5m to the proposed "W" barrier, which is to be positioned between the trees and the road.

Our Measurements show that the trunks of all trees are within this specified exclusion zone, rendering all trees unretainable, under current plans.

If options for retention are to be considered then it would be advised to either engineer the barrier in such a way as to not impose on the trees or to consider relocation of the trees.

If an alternative barriers are considered, trench requirements may impact the long term health of the trees as they will require root exploration.



**TREE 1**

Species	DBH (mm)	Approx. Height (metres)	Canopy Width (metres)	Canopy Depth (metres)	Canopy Height (metres)	Average Canopy Spread (metres)	Distance of trunk to cycle path (mm)	Distance to trunk to road (mm)	Tree Volume (m <sup>3</sup> )	Life expectancy	Form & Vigour	Location
Ficus hillii	1506	13.5	16	9	13	22.5	2.24	300	552	20-29 Years (0.7)	Good form with poor vigour (0.65)	Species unsuited and causes problems (0.6)



Estimated value of tree using Burnley Method

$$552 \times 500 \times 0.7 \times 0.65 \times 0.6 = \$75,348$$

**TREE 2**

Species	DBH (mm)	Approx. Height (metres)	Canopy Width (metres)	Canopy Depth (metres)	Canopy Height (metres)	Average Canopy Spread (metres)	Distance of trunk to cycle path (mm)	Distance to trunk to road (mm)	Tree Volume (m <sup>3</sup> )	Life expectancy	Form & Vigour	Location
Ficus hillii	1050	10	5.5	6	9.2	8.5	2510	1000	87	20-29 Years (0.7)	Good form with poor vigour (0.65)	Species unsuited and causes problems (0.6)



**Estimated value of tree using Burnley Method**

**$87 \times 500 \times 0.7 \times 0.65 \times 0.6 = \$11,876$**

**TREE 3**

Species	DBH (mm)	Approx. Height (metres)	Canopy Width (metres)	Canopy Depth (metres)	Canopy Height (metres)	Average Canopy Spread (metres)	Distance of trunk to cycle path (mm)	Distance to trunk to road (mm)	Tree Volume (m <sup>3</sup> )	Life expectancy	Form & Vigour	Location
Ficus hillii	1295	13.5	9	8	12.5	8.5	2530	900	255	20-29 Years (0.7)	Good form with poor vigour (0.65)	Species unsuited and causes problems (0.6)



**Estimated value of tree using Burnley**

$$255 \times 500 \times 0.7 \times 0.65 \times 0.6 = \mathbf{\$34,808}$$

**TREE 4**

Species	DBH (mm)	Approx. Height (metres)	Canopy Width (metres)	Canopy Depth (metres)	Canopy Height (metres)	Average Canopy Spread (metres)	Distance of trunk to cycle path (mm)	Distance to trunk to road (mm)	Tree Volume (m <sup>3</sup> )	Life expectancy	Form & Vigour	Location
Ficus hillii	1506	13	14	10	12	11.5	2300	770	490	20-29 Years (0.7)	Good form with poor vigour (0.65)	Species unsuited and causes problems (0.6)



**Estimated value of tree using Burnley**

**$490 \times 500 \times 0.7 \times 0.65 \times 0.6 = \$66,885$**

## The Burnley Method

The Burnley method has as its focus two simple elements. The first is the establishment of tree size. Initially, this was determined using the formula for a cylinder ( $\pi r^2 h$ ), which requires the simple measurements of height and canopy spread.

The second element of the method involved establishing a dollar base value for the tree. This was achieved by obtaining the retail price from appropriate nurseries for purchasing a specimen with a volume greater than 1m<sup>3</sup>, using the formula for a cylinder. The base value calculation was expressed as \$/M<sup>3</sup>. The calculation was done by determining an average value for at least three specimens from different nurseries.

In developing the Burnley method, it was intended that by multiplying the size and value components together a basic tree value would be established, which would then be modified to allow for the peculiarities of the tree and its location. The modifiers to be used were:

1. **TREE SIZE (V)** : With large trees, the values determined by the formula were unrealistically high. Accordingly, a modifier was developed (Table 1) to reduce the value.
2. **USEFUL LIFE EXPECTANCY (E)** : This modifier took into account the projected useful life expectancy of the specimen (Table 2).
2. **FORM AND VIGOUR (FV)** : This factor was used to assess the form and vigour of the tree (Table 3).
3. **LOCATION (L)** : This modifier was used to assess the tree's suitability for its particular location (Table 4).

The modifier tables were used to minimise the risk of significant discrepancies in tree values made for the same tree by different arborists. The value of an amenity tree was then determined using the formula:

$$\text{VALUE (\$)} = \text{TREE VOLUME} \times \text{BASE VALUE} \times (\text{E}) \times (\text{V}) \times (\text{FV}) \times (\text{L})$$

The formula developed is consistent with the mathematical principles proposed by Helliwell (1967) where related variables are multiplied.

Accordingly, in 1991 the method was modified by using the formula for a cone ( $1/3 \pi r^2 h$ ) to calculate tree volume and the use of the volume modifier (V) was discontinued. In the modified method, tree value can be determined using the formula:

$$\text{VALUE (\$)} = \text{TREE VOLUME} \times \text{BASE VALUE} \times (\text{E}) \times (\text{FV}) \times (\text{L})$$

For consistency, when determining the base value under the modified method, the formula for a cone should be used. The modified method tends to give a lower value for smaller, short-lived or inferior quality specimens.

**TABLE 1: VOLUME MODIFIER (V) TO BE USED FOR A GIVEN VOLUME OF TREE**

Volume (M3) of Tree	Volume Modifier Value (V)
0 - 99	1.0
100 - 249	0.9
250 - 499	0.8
500 - 749	0.7
750 - 999	0.6
1000 - 1499	0.5
1500 - 1999	0.4
2000 -2999	0.3
3000 -3999	0.2
> 4000	0.1

**TABLE 2: VALUES FOR THE LIFE EXPECTANCY (E) MODIFIER**

Useful Life Expectancy Ranges	Modifier Value (E)
50 Years	1.0
40 – 49 Years	0.9
30 – 39 Years	0.8
20 – 29 Years	0.7
10 – 19 Years	0.6
< 10 Years	0.5

**TABLE 3: VALUES AND DESCRIPTORS FOR THE FORM AND VIGOUR MODIFIER**

Form and Vigour Descriptors	Modifiers (FV)
Perfect form and excellent vigour	1.0
Slight imperfections in form	0.90
Slightly reduced vigour	0.90
Slight imperfections & slightly reduced vigour	0.80
Good form with good vigour	0.75
Good form with average vigour	0.70
Good vigour with average form	0.70
Good form with poor vigour	0.65
Good vigour with poor form	0.65
Bifurcation of trunk & excellent vigour	0.60
Bifurcation of trunk & good vigour	0.55
Bifurcation of trunk & average vigour	0.50
Bifurcation of trunk & poor vigour	0.40
Poor form with average vigour	0.30
Poor vigour with average form	0.30
Poor form and poor vigour	0.20
Excessive deadwood, cavities & poor form	0.10
Dead	0.00

**TABLE 4: VALUES AND DESCRIPTORS FOR THE LOCATION (L) MODIFIER**

<b>Location Descriptors</b>	<b>Modifiers (L)</b>
Perfect suitability	1.0
Could be better located but no problems	0.9
Minor problems, e.g. lifting paving	0.8
Species unsuited or causes problems	0.7
Species unsuited and causes problems	0.6
Species unsuited and causes major problems	0.5
Species unsuitable	0.4

## Calculations

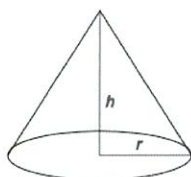
$$\text{VALUE (\$)} = \text{TREE VOLUME} \times \text{BASE VALUE} \times (\text{E}) \times (\text{FV}) \times (\text{L})$$

	Radius (m)	Height (m)	Tree Volume (m <sup>3</sup> )	Base Value (\$/m <sup>3</sup> )	Life Expectancy (E)	Form & Vigour (FV)	Location (L)	VALUE (\$)
<b>Tree 1</b>	6.25	13.5	552	\$500	0.7	0.65	0.6	<b>\$75,348</b>
<b>Tree 2</b>	2.875	10	87	\$500	0.7	0.65	0.6	<b>\$11,876</b>
<b>Tree 3</b>	4.25	13.5	255	\$500	0.7	0.65	0.6	<b>\$34,808</b>
<b>Tree 4</b>	6	13	490	\$500	0.7	0.65	0.6	<b>\$66,885</b>

### TREE VOLUME

Cubic metres for volume used visual on-site assessment and was under the cone calculation method.

$$V = \pi r^2 \frac{h}{3}$$



The radius was calculated using the average width and depth of the canopy – refer to tables below for calculations.

	Canopy Width (m)	Canopy Depth (m)	Average Diameter (m)	Radius (m)
<b>Tree 1</b>	16	9	12.5	<b>6.25</b>
<b>Tree 2</b>	5.5	6	5.75	<b>2.875</b>
<b>Tree 3</b>	9	8	8.5	<b>4.25</b>
<b>Tree 4</b>	14	10	12	<b>6</b>

	Radius (m)	Height (m)	Tree Volume (m <sup>3</sup> )
<b>Tree 1</b>	6.25	13.5	<b>552</b>
<b>Tree 2</b>	2.875	10	<b>87</b>
<b>Tree 3</b>	4.25	13.5	<b>255</b>
<b>Tree 4</b>	6	13	<b>490</b>



## BASE VALUE

Retail nursery stock \$m<sup>3</sup>.

Radius (m)	Height (m)	Tree Volume (m <sup>3</sup> )	Cost	Base Value (\$/m <sup>3</sup> )
0.75	2.8	2	\$1,000.00	\$500.00

**From:** info [<mailto:info@ellenbytreefarm.com.au>]

**Sent:** Thursday, 8 June 2017 9:38 AM

**To:** Joe Carriera <[joe@beavertree.com.au](mailto:joe@beavertree.com.au)>

**Subject:** RE: Enquiry from the Ellenby Tree Farm website

Joe,

Please find attached a photo.

It is approximately 2.5-2.8m tall and canopy width approximately 1-1.5m.

Approximately 10-12 years old.

Dimensions of the 500L bag is 1000mm wide x 650mm deep.

Ficus microcarpa var. hillii 'Hill's Weeping Fig'

- 75L \$185 + GST
- 150L \$300 + GST, 3 left
- 500L \$1000 + GST, 4 left

Delivery in the Perth metropolitan area is \$121 for the first tree and \$5.50 for each tree thereafter.

Trees 300L+ \$60 per half hour hiab fee.



Regards  
Kasandra



## LIFE EXPECTANCY (E)

Values for the life expectancy (E) modifier.

Useful Life Expectancy Ranges	Modifier Value (E)
50 Years	1.0
40 – 49 Years	0.9
30 – 39 Years	0.8
20 – 29 Years	0.7
10 – 19 Years	0.6
< 10 Years	0.5

## FORM AND VIGOUR (FV)

Values and descriptors for the form and vigour modifier (FV).

Form and Vigour Descriptors	Modifiers (FV)
Perfect form and excellent vigour	1.0
Slight imperfections in form	0.90
Slightly reduced vigour	0.90
Slight imperfections & slightly reduced vigour	0.80
Good form with good vigour	0.75
Good form with average vigour	0.70
Good vigour with average form	0.70
Good form with poor vigour	0.65
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Bifurcation of trunk & average vigour	0.50
Bifurcation of trunk & poor vigour	0.40
Poor form with average vigour	0.30
Poor vigour with average form	0.30
Poor form and poor vigour	0.20
Excessive deadwood, cavities & poor form	0.10
Dead	0.00

## LOCATION (LV)

Values and descriptors for the location (L) modifier.

Location Descriptors	Modifiers (L)
Perfect suitability	1.0
Could be better located but no problems	0.9
Minor problems, e.g. lifting paving	0.8
Species unsuited or causes problems	0.7
Species unsuited and causes problems	0.6
Species unsuited and causes major problems	0.5
Species unsuitable	0.4

## Reference Documents

- Australian Standard 4373-2007 Pruning of amenity trees.
- Australia Standard 4970-2009 Protection of trees on development sites

## Glossary

The following terms have been commonly used in this document:

Crown	The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
Crown density	The amount of plant material, such as leaves, branches, and fruit, that block skylight from shining through the tree crown. It is measured as the percent of total light that is blocked by tree material
DBH	Diameter of the main trunk, measured at breast height approximately 1.4m above ground level for urban trees
Deadwooding	The removal of dead, diseased or damaged branch wood from the crown of the tree.
Dripline	The width of the crown of the tree, measured by the lateral extent of the foliage.
First order structural branch	The large branches (stems) arising from the trunk that form the main structure of the crown.
Included bark defect	Ingrown bark from adjacent parts of the tree that are in contact with each other; usually forks, acutely angled branches or basal stems – often a high failure potential.
Reduction prune	Pruning to reduce the extension of a branch, back to a lateral branch that is at least one-third the diameter of the branch being removed, undertaken to alleviate branch elongation and end weight.
Root collar	Area at the base of the tree where the roots and trunk merge.
Second order branch	A branch arising from a first order structural branch.
Structural root zone (SRZ)	The zone of the root plate most likely to contain roots that are critical for anchorage and the stability of the tree; generally, trunk diameter x5.
Targets	An object, person or structure that would be damaged or injured in the event of tree or branch failure is referred to as the target or target area. The hazard evaluation of the target area is relative to the expected use and occupancy of that area.
Topping and Lopping	Deleterious tree and branch reduction work often at indiscriminate points and general resulting in weakly attached regrowth branches.
Tree Protection Zone (TPZ)	The tree protection zone is the principal means of protecting trees on development sites. It is an area isolated from construction disturbance, so that the tree remains viable. The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.

**2. BOTTLEBRUSH ~ *Callistemon viminalis***



<b>Family</b>	Myrtaceae
<b>Genus</b>	<i>Callistemon</i>
<b>Species</b>	<i>viminalis</i>
<b>Common Name</b>	Bottlebrush
<b>Origin</b>	Western, Eastern and South-Eastern Australia
<b>Potential End Height</b>	Up to 8 - 9 metres (Small)
<b>Common Uses</b>	Very common street tree or native garden tree.
<b>Growth Rate</b>	Slow - Medium
<b>General</b>	This is a very noticeable and spectacular species when in flower (spring and summer).  Relatively small root zone makes this an ideal species for use in small medians, foot paths.
<b>Varieties</b>	'Dawson River Weeper'~ Red Flowers, up to 5 metres;  'Hanna Ray' ~ Red Flowers, long weeping habit, up to 6 metres.

Adopted by Council 8 December 2009 (OCM1 – 3/12/09)  
Page 4 of 33

