

ATTACHMENTS

ORDINARY COUNCIL AGENDA

22 MAY 2018

Attachment No. 1:

Ordinary Council Minutes of 24 April 2018

Attachment No. 2:

Plans of Proposed Security Fencing.
Correspondence from LJ Hooker Commercial Perth dated 18 April 2018.
Town of Bassendean Fencing Local Law 2013.

Attachment No. 3:

Plan of Proposed Three Lot Subdivision – Lot 1 (No. 17) Devon Road, Bassendean

Attachment No. 4:

- Places recommended for inclusion on the Scheme Heritage List.
- Copy of advertising letter to property owners.
- Schedule of Submissions.
- Submission made by Rowe Group for the Commercial Premises at 43 Old Perth Road.

Attachment No. 5:

Applicant's covering letter.
Plans of the proposed development – Lot 351 (Nos. 22-24 Old Perth Road, Bassendean.

Attachment No. 6:

Lot 747 (No.11) Broadway, Bassendean

- Site/Floor Plan of Change of Use
- Applicant's business details
- Schedule of submissions
- Home business info sheet
- Applicant parking justification
- Neighbour letter of support

Attachment No. 7

- Proposed Town of Bassendean Bee Keeping Local Law 2018.
- Comments received from the Department of Local Government.
- Comments received in response to advertising the draft Local Law.

Attachment No. 8

- Photos of the verge and crossover at 18 Anzac Terrace, after the incident occurred;
- Photo of the verge and crossover at 18 Anzac Terrace from Google Street View, before the incident occurred.

Attachment No. 9:

March 2018 Syrnix Environmental, Success Hill Spillway Investigation Report

Attachment No. 10

Bassendean Station Access Project – Broadway Concept Plan Final Report

Attachment No. 11

Petition and map of the location

Attachment No. 12

- Correspondence from Movies by Burswood
- Current Agreement
- Movies by Burswood season evaluation
- Letter from Town advising breach of noise levels

Attachment No. 13

Concept Rev A Indicative Images

Schematic drawing

Sandy Beach Nature Play Space Concept Design Councillors' meeting notes 20180501

Flood Impact Report – BMT WBM Pty Ltd

Nature-Based Regional Playground Location Report

Regional Nature-Based Playground Sandy Beach Reserve - Presentation 28 March 2018

Attachment No. 14:

- Hon Fran Logan MLA –Fire Station Correspondence.
- Bassendean Community Men's Shed email.
- Contamination Report.

Attachment No. 15:

Final Draft - Local Economic Overview

Infographic of Key Characteristics

Attachment No. 16:

Draft Election Caretaker Period Policy

Attachment No. 17:

- Policy 6.2 - Council Meeting Schedule
- Council Briefing Sessions Guidelines

Attachment No. 18:

River Parks Committee Minutes of 8 May 2018

Attachment No. 19:

Bassendean Youth Advisory Committee Minutes of 23 February 2018

Attachment No. 20:

Economic Development Committee Minutes of 8 May 2018

Attachment No. 21:

Audit & Governance Committee Minutes of 22 May 2018

Attachment No. 22:

Financial Statements

Attachment No. 23:

Alert from Moore Stephens

ATTACHMENT NO. 1

TOWN OF BASSENDEAN MINUTES ORDINARY COUNCIL 24 APRIL 2018

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TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 24 APRIL 2018 AT 7.00PM

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

2.1 Public Question Time

Mr Stephen Hall, 3 Holby Place, Eden Hill

The laneway between our street and the next street is currently being used by people riding motorbikes up and down the laneway in the middle of the night and police are chasing people up and down the streets and it needs to be closed.

Could the laneway be closed or the land sold to the adjacent landowners to expand their properties, or a fence to block them being used?

The Manager Development Services advised that the laneway is a pedestrian accessway and that these are not easy to close as they are designed to encourage people to walk freely about the Town.

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

Regarding item 10.2 proposed development of the old car yard and mechanic workshop in Old Perth Road - has there been any investigation into possible contamination at the site?

The Manager Development Services responded that this will be investigated as part of the development.

Mr Ian Veale, 33 Bassendean Parade, Bassendean

Markers on the poles, signage down in the floodway on the flood fringe, when are they going to be removed?

The Mayor advised that Council is still awaiting the study results from the ERMIC.

Mr Mike Lewis, 111 Morley Drive, Eden Hill

1. *When is Council going to address waste disposal?*

The Mayor said that Council has resolved to explore other options and there are no additional costs to Council.

2. *Weed treatment policy – when are you going to realise that we have only used a whipper snipper to cut down metre high weeds?*

The Mayor responded that in accordance with the weed strategy, the round one treatment has been completed but there was a need for further treatment of whipper snipping. In the future, this will be managed by steam and not the use of chemicals.

Mrs Pam Pich, 21 Robinson Road, Eden Hill

Are the Australia Day fireworks continuing? Was there a survey conducted about the fireworks?

The Mayor advised this item is on the Council Agenda for discussion tonight. The Mayor said there was a survey which was open to the public. There were 239 responses and the results are available to the public. The Mayor also advised that the topic will be discussed tonight to consider if the fireworks will be continuing as it comes down to the cost and complexity of the event.

Mrs Val Dreyer, 31 Norton Crescent, Eden Hill

1. *When will Council update the recording audio equipment?*

The Mayor said that the improved audio system will be installed next month.

2. *Who is responsible for the roads and the medium strips in Bassendean? The young trees down on the medium strip are in need of water.*

The Mayor answered that Council is responsible for the roads under its control and roads such as Guildford Road are under the control of Main Roads.

Mrs Anne Brinkworth, 19 Ida Street, Bassendean

1. *Who is responsible for the Bassendean Briefings? In previous years we have always shown ANZAC Day on the cover and this edition is so disrespectful to the Anzacs.*

The Mayor responded that it was not meant to be disrespectful and apologised for the content of the cover. The Mayor explained that it was meant to promote the Town.

Mr Warren Wright, 58 Margaret Street, Ashfield

1. *What is the lead-in time / timeframe for the development of the Briefings?*

The Mayor responded that there is a considerable lead time in the production of the Briefings and Council welcomes any ideas to improve the timeframe process.

2. *What tools are you going to use to measure the survey results for Australia Day and the Arts Cultural Plan?*

The Mayor appreciated Mr Wright's comments and advised that this item will be discussed at tonight's meeting and that Council has a responsibility to the people of the Town.

COUNCIL RESOLUTION – ITEM 2.1

OCM – 1/04/18

MOVED Cr Wilson, Seconded Cr McLennan, that Public Question Time be extended.

CARRIED UNANIMOUSLY 6/0

Mr Paul Bridges, 150 West Road, Bassendean

The front page of the Bassendean Briefings and the image on the entry statement signs on the entry into the Town does not reflect ANZAC day. Can I ask this image not be used and we draw on the many other pictures of local diggers. Please inform staff not to use this Boer War image for ANZAC day.

The Mayor confirmed with the CEO for this photograph will not be used in the future.

Mr Graeme King, 15 North Road, Bassendean

As per the local government guidelines, will Council circulate to the general public a copy of the procedure for Public Question Time?

The Mayor advised there are copies at the rear of the Chamber. The CEO advised Council can place them online.

Mrs Angie Piandatosi, 4 Jubilee Avenue, Eden Hill

At the Council Briefing session last week, what sanctions were placed on the Councillor that stood up and approached one of the members of the public?

The Mayor responded that Councillors stayed behind after the meeting and discussed the situation at length. No official sanction has been placed on the Councillor.

Mr Mike Lewis, 111 Morley Drive, Eden Hill

How is this Council going to encourage development and economic growth back in to the Town?

The Mayor encouraged Mr Lewis to attend one of Council's Economic Development Committee meetings. It has a dedicated Committee looking into these matters, and the Director is reviewing the town planning scheme and will have a strategy from his report from the findings.

2.2 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

Councillors

Cr Renee McLennan, Mayor
Cr John Gangell
Cr Kathryn Hamilton
Cr Melissa Mykytiuk
Cr Sarah Quinton
Cr Jai Wilson

Officers

Mr Bob Jarvis, CEO
Mr Michael Costarella, Director Corporate Services
Mr Simon Stewert-Dawkins, Director Operational Services
Mr Anthony Dowling, Director Strategic Planning
Mr Greg Neri, Acting Director Community Development
Mr Brian Reed, Manager Development Services
Miss Donelle Maxwell, Minute Secretary

Public

Approximately 22 members of the public were in attendance.

Press

One member of the press was in attendance.

Apologies

Cr Bob Brown, Deputy Mayor
Mr Graeme Haggart, Director Community Development

COUNCIL RESOLUTION – ITEM 3.0

OCM – 2/04/18 MOVED Cr McLennan, Seconded Cr Hamilton, that Cr Mykytiuk be granted a leave of absence for 25 to 28 April 2018.
CARRIED UNANIMOUSLY 6/0

4.0 DEPUTATIONS

Mr Logue addressed Council on Item 10.7 - Damaged Crossover at 18 Anzac Terrace, Bassendean.

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 27 March 2018

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.1(a)

OCM – 3/04/18 MOVED Cr Mykytiuk, Seconded Cr Wilson, that the minutes of the Ordinary Council meeting held on 27 March 2018, be received.

CARRIED UNANIMOUSLY 6/0

Cr Quinton moved an amendment to the Ordinary Council Minutes of the 27 March 2018, that her name was recorded incorrectly on the list of the Access and Inclusion Committee meeting. Cr Quinton is listed as the responsible Councillor for the Access Inclusion Committee, but it should be Cr Hamilton.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 5.1(b)

OCM – 4/04/18 MOVED Cr Mykytiuk, Seconded Wilson, that the minutes of the Ordinary Council meeting held on 27 March 2018, as amended, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

5.2 Special Council Meeting held on 11 April 2018

COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 5.2(a)

OCM – 5/04/18 MOVED Cr Quinton Seconded Cr Wilson, that the minutes of the Special Council meeting held on 11 April 2018, be received.

CARRIED UNANIMOUSLY 6/0

OCM – 6/04/18 COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 5.2(b)

MOVED Cr Quinton, Seconded Cr Wilson, that the minutes of the Special Council meeting held on 11 April 2018, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

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

The Mayor advised that last Saturday she and other Councillors attended the launch of the Eden Hill Community Network which is being led by women in the community. The aim of the group is to inform, connect and strengthen the Eden Hill community and to provide a voice for local issues. The Mayor encourages the locals of Eden Hill to become involved and connected to the group.

The Mayor advised there has been interest around the Ficus trees on Guildford Road and that there has been a number of requests for updates on this issue. There has been no further progress at this stage, other than a meeting has been organised between herself, Mr Dave Kelly MLA, the PTA and Main Roads for sometime in May. This meeting will be to explore options for protection of pedestrians on the overpass at Ashfield Station and also protecting the trees.

7.0 **PETITIONS**

Nil

8.0 **DECLARATIONS OF INTEREST**

- 8.1 Cr Mykytiuk declared a Proximity Interest for Item 10.27 – Contaminated Site – 271 Hamilton Street, Bassendean ACC 75139).

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, 10.9, 10.10, 10.11, 10.12, 10.18, 10.20 and 10.26 be removed from the en-bloc table and considered separately.

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

OCM – 7/04/18 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 24 April 2018:

Item	Report
10.15	Quarterly Report for Period Ended 31 March 2018
10.16	Town Assets Committee Meeting held on 6 February 2018
10.17	Economic Development Committee Meeting held on 6 March 2018
10.21	Determinations Made by the Principal Building Surveyor
10.22	Determinations Made by Development Services
10.23	Use of the Common Seal
10.24	Calendar for May 2018
10.25	Implementation of Council Resolutions

CARRIED UNANIMOUSLY 6/0

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

Item	Report
10.2	Joint Metropolitan Central Development Assessment Panel Application – Form 1 – Development Assessment Panel Application for Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings – Lot 54 (Nos. 25-27) Hamilton Street; Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean
10.3	Possible Improvement Plan for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill
10.4	Adoption of Town of Bassendean Dust and Building Waste Local Law 2018
10.5	Adoption of Town of Bassendean Repeal Local Law 2018
10.6	RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Swales and Traffic Islands on Shackleton Street, Bassendean
10.7	Damaged Crossover - 18 Anzac Terrace, Bassendean
10.8	RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean
10.9	Casa Mia Reroofing
10.10	1 Surrey Street, Bassendean – Project Brief for Option 2C Design
10.11	North Road On-Street Parking
10.12	Adoption of the Reconciliation Action Plan 2018 – 2021
10.13	Review of Policy 6.7- Electronic Recordings and Live Streaming of Council Meetings
10.14	Adoption of a Policy for the Conduct of Town of Bassendean Advisory Groups in anticipation that the Council might Disband the Current Design Bassendean Committee
10.18	Sustainability Committee Meeting held on 13 March 2018
10.19	Design Bassendean Committee Meeting held on 5 April 2018
10.20	People Services Committee (PSC) 10 April 2018
10.26	Accounts for Payment – February and March 2018
10.27	Financial Statements – February 2018 and March 2018

11.1	Notice of Motion – Cr McLennan: Tree Preservation Order - 248 Morley Drive East
11.2	Notice of Motion – Cr Quinton: Proposed Local Studies Collection Working Group
11.3	Notice of Motion – Cr Quinton: Establish a Integrated Children and Family Services Centre Working Group
11.4	Notice of Motion – Cr Hamilton: Information Process & Distribution Timelines

10.2 Joint Metropolitan Central Development Assessment Panel Application – Form 1 – Development Assessment Panel Application for Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings – Lot 54 (Nos. 25-27) Hamilton Street; Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean, Owner: T & T Management Services Pty Ltd. Applicant: Peter Webb & Associates (Ref: DABC/BDVAPPS/2018 – 026 – Christian Buttle, Senior 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.

OFFICER RECOMMENDATION – ITEM 10.2

Council endorses the Senior Planning Officer’s Form 1 – Responsible Authority Report for the Application for Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings at Lot 54 (Nos. 25-27) Hamilton Street, Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean.

Cr McLennan moved an amendment to the Officer Recommendation as follows:

COUNCIL RESOLUTION – ITEM 10.2(a)

OCM – 8/04/18 MOVED Cr McLennan, Seconded Cr Wilson, that:

1. Modify Condition 5 to delete part (b) and require the transformer and pump room to be replaced with shop fronts to match the remainder of the design of the ground floor of the Old Perth Road frontage of the development, including awnings above; and

2. Strongly encourages the applicant by way of the advice notes to give consideration to inclusion of the following within the development:
 - a) an electric vehicle charging station;
 - b) a rooftop garden; and
 - c) a green wall feature.

CARRIED UNANIMOUSLY 6/0

COUNCIL RESOLUTION ITEM 10.2 (b)

OCM – 9/04/18

The substantive motion which was **MOVED** by Cr McLennan and **SECONDED** by Cr Wilson, that Council endorses the Senior Planning Officer's Form 1 – Responsible Authority Report for the Application for Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings at Lot 54 (Nos. 25-27) Hamilton Street, Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean **as per** the April 2018 OCM agenda with the following amendments:

1. Modify Condition 5 to delete part (b) and require the transformer and pump room to be replaced with shop fronts to match the remainder of the design of the ground floor of the Old Perth Road frontage of the development, including awnings above; and
2. Strongly encourages the applicant by way of the advice notes to give consideration to inclusion of the following within the development:
 - d) an electric vehicle charging station;
 - e) a rooftop garden; and
 - f) a green wall feature,

was put and CARRIED BY AN ABSOLUTE MAJORITY 6/0

10.3 Possible Improvement Plan for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill, Ownership Lot: 4 Birmingham Properties Pty Ltd/Ladrift Pty Ltd /Matax Pty Ltd, Lot 5: Town of Bassendean (Ref: A3693 & A3714 – Anthony Dowling, Director Strategic Planning and Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report was ascertain whether Council is prepared to enter into further dialogue with the Birmingham Properties regarding the above properties.

OFFICER RECOMMENDATION — ITEM 10.3

1. That Council reaffirms its previous resolution OCM – 30/02/18 made at the Ordinary Council meeting held on 27 February 2018;

Or

2. That Council:
 - (a) Revokes its resolution OCM – 30/02/18 made at the Ordinary Council meeting held on 27 February 2018, which reads:

"MOVED Cr McLennan, Seconded Cr Hamilton, that:

1. *In response to the offer to purchase the Town of Bassendean owned Lot 5 (No. 246) Morley Drive East, Eden Hill, by the owners of the adjoining Lot 4 (No. 248) Morley Drive East, Eden Hill, the owners of No. 248 Morley Drive East and their representatives be advised that Council declines the current offer to purchase.*
2. *Council requests that the Chief Executive Officer proceed immediately with actions required to have an Improvement Plan prepared for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill, pursuant to the provisions contained within Part 8 of the Planning and Development Act 2005.*
3. *Officers present a further report to the Ordinary Council Meeting in March 2018 detailing proposed actions to be undertaken in conjunction with the initiation of an Improvement Plan for the land in question and remediation works required to be undertaken for Lot 5, for Council's consideration.*

And

- (b) Enters into further discussions with Birmingham Properties leading to the development of a concept plan for the redevelopment of lots 4 and 5 Morey Drive East, Eden Hill.

LAPSED FOR WANT OF MOVER

Cr McLennan moved the following alternative motion:

COUNCIL RESOLUTION — ITEM 10.3

OCM – 10/04/18 MOVED Cr McLennan, Seconded Cr Hamilton, that Council:

1. Suspends for a period of 3 months from the date of this meeting, its resolution OCM–30/02/18 made at the Ordinary Council meeting held on 27 February 2018, which reads:

“MOVED Cr McLennan, Seconded Cr Hamilton, that:

1. *In response to the offer to purchase the Town of Bassendean owned Lot 5 (No. 246) Morley Drive East, Eden Hill, by the owners of the adjoining Lot 4 (No. 248) Morley Drive East, Eden Hill, the owners of No. 248 Morley Drive East and their representatives be advised that Council declines the current offer to purchase.*
 2. *Council requests that the Chief Executive Officer proceed immediately with actions required to have an Improvement Plan prepared for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill, pursuant to the provisions contained within Part 8 of the Planning and Development Act 2005.*
 3. *Officers present a further report to the Ordinary Council Meeting in March 2018 detailing proposed actions to be undertaken in conjunction with the initiation of an Improvement Plan for the land in question and remediation works required to be undertaken for Lot 5, for Council’s consideration”;*
2. Responds to the correspondence received from Lavan Legal on behalf of Birmingham properties Pty Ltd dated 15th March 2018 advising that:
 - (a) Any proposal to sell lot 5 (No. 246) Morley Drive Eden Hill to the registered proprietors of lot 4 (No. 248) Morley Drive Eden Hill will be subject to clauses 3.58 (3) and (4) of the Local Government Act 1995 and the following:

- (i) Prior to further consideration being given to any sale of lot 5 the registered proprietor is to cause the preparation of (at its expense) and submit to Council for endorsement a development concept plan for the whole of the land comprising lots 4 & 5;
 - (ii) The development concept plan required in (i) above is to be submitted for the Town's approval by 31 July 2018 and is to be informed by:
 - (1) Salient provisions of State Planning Policy (SPP) 4.2 – Activity Centres for Perth and Peel, which suggests lots 4 and 5 be developed as a Neighbourhood or local centre only;
 - (2) The recommended land use mix and residential density criteria prescribed for Urban Corridors in the Central Sub-regional planning framework (an adjunct to the Perth and Peel @ 3.5 Million planning framework published on 23 March 2018); and
 - (3) Section 5 - Commercial Floorspace Demand Analysis contained in the (draft) Bassendean Local Economic Review, once adopted by Council;
 - (iii) The development concept plan also sufficiently conveys to Council that any future development proposal for both lots will be capable of satisfactorily addressing applicable provisions in clause 10.2 of Local Planning Scheme (LPS) 10, especially part (o), namely "the relationship of the proposal 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 proposal."
3. Advises Birmingham Properties that as part of implementing its Strategic Planning Framework and updating Local Planning Scheme (LPS) 10, the Town will consider suitably rezoning lots 4 and 5 in the near future as the current 'Local Shopping' zoning applying to these lots is no longer listed as a zoning category in the Model Scheme Text (MST); and

4. Advises Birmingham Properties that notwithstanding any of the above, the Council must observe the private treaty provisions of the Local Government Act 1995 and give due consideration to the public consultation results and therefore gives no guarantee that it will sell Lot 5 (no 246) Morley Drive East regardless of what is supplied to the Council or undertakings made by the owners of 248 Morley Drive East Eden Hill.

CARRIED UNANIMOUSLY 6/0

The alternative motion was supported as this strategic site has remained underutilised for the last twenty years despite the Town's efforts to facilitate development with the owners.

The property is now derelict and the community is wanting to see the site improved.

Therefore the Town is unwilling to wait indefinitely and unless a suitable plan is presented within three months Council will pursue a stronger course of action for the benefit of our community.

Cr Gangell left the room at 8.09pm.

10.4 Adoption of Town of Bassendean Dust and Building Waste Local Law 2018 (Ref: LAWE/LOCLWS/2 Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report was Council to consider the submissions made on the Draft Town of Bassendean Dust and Building Waste Local Law 2018 with a view to finalising the Local Law.

Cr Gangell returned to the Chamber at 8.12pm.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION

— ITEM 10.4

OCM – 11/04/18 MOVED Cr Mykytiuk, Seconded Cr Wilson, that Council makes the Town of Bassendean Dust and Building Waste Local Law 2018 as attached to the Ordinary Council Agenda dated 24 April 2018.

CARRIED UNANIMOUSLY 6/0

10.5 Adoption of Town of Bassendean Repeal Local Law 2018 (Ref: LAWE/LOCLWS/2 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report was Council to consider the submissions made on the Draft Town of Bassendean Repeal Local Law 2018 with a view to finalising the Local Law.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION — ITEM 10.5

OCM – 12/04/18 MOVED Cr Quinton, Seconded Cr Mykytiuk, that Council makes the Town of Bassendean Repeal Local Law 2018 as attached to the Ordinary Council Agenda of 24 April 2018.

CARRIED UNANIMOUSLY 6/0

10.6 RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Swales and Traffic Islands on Shackleton Street, Bassendean (Ref: SEWD/TENDNG/19) – Rohini Dias, Engineering Technical Coordinator

APPLICATION

The purpose of this report was to appoint a successful contractor from those tender offers received for RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Construct Swales and Traffic Islands on Shackleton St, Bassendean.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 10.6

OCM – 13/04/18 MOVED Cr Gangell, Seconded Cr Quinton, that Council appoints WCP Civil Pty Ltd to undertake the work as required in RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Swales and Traffic Islands on Shackleton Street, Bassendean in accordance with its offer and the specifications and terms and conditions for works to be completed and finalised prior to Friday 8 June 2018.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

10.7 Damaged Crossover - 18 Anzac Terrace, Bassendean (Ref: PARE/MAINT/1 – Andreea Balica, Engineering Technical Assistant / Compliance Officer)

APPLICATION

The purpose of this report was to bring to Council's attention the matter regarding the damaged crossover at 18 Anzac Terrace, Bassendean and relating to the construction works at 6 River Street, Bassendean.

OFFICER RECOMMENDATION – ITEM 10.7

That Council:

1. Acknowledges that the damage to the crossover is a civil matter to be resolved between the property owners of 18 Anzac Terrace and 6 River Road, Bassendean; and
2. Requests that the property owners of 18 Anzac Terrace and 6 River Road, Bassendean, resolve this matter mutually to undertake the required repairs to the crossover.

After consideration of Mr Logue's deputation earlier in the meeting, Council agreed to defer this item pending further investigations.

COUNCIL RESOLUTION – ITEM 10.7

OCM – 14/04/18 MOVED Cr McLennan, Seconded Cr Mykytiuk, that this matter be deferred.

CARRIED UNANIMOUSLY 6/0

10.8 RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean (Ref: SEWD/TENDNG/16) –Rohini Dias, Engineering Technical Co-ordinator)

APPLICATION

The purpose of this report was to appoint a successful contractor from those tender offers received for RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.8

OCM – 15/04/18 MOVED Cr Quinton, Seconded Cr Gangell, that Council appoints T C Drainage to undertake the work as required in RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean in accordance with its offer and the specifications and terms and conditions for works commencing 30 April 2018 and to be completed and finalised prior to Friday 15 June 2018.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

10.9 Casa Mia Reroofing (Ref: DABC/BDVAPPS/2016-120 - Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report was to advise Council that staff have liaised, with the owner of 13 Hamilton Street, Bassendean, regarding the Town's installation of zincalume roofing to the Casa Mia School at 11 Hamilton Street, Bassendean.

OFFICER RECOMMENDATION — ITEM 10.9

1. Council provides an ex-gratia payment to the property owner at 13 Hamilton Street, Bassendean, of \$4,784.56 for the potential glare to the property caused by the reroofing of the Casa Mia building at 11 Hamilton Street;
2. The payment of \$4,784.56 be funded from account AB1701; and
3. The Town makes this payment as a final amount and no further claims for this matter will be accepted by Council.

LAPSED FOR WANT OF A MOVER

Cr Wilson foreshadowed the following motion, including an amendment by Cr McLennan to Point 1, as follows:

1. Council provides an ex-gratia payment to the property owner at 13 Hamilton Street, Bassendean, of \$4,784.56 **to remediate the reflective glare** to the property caused by the reroofing of the Casa Mia building at 11 Hamilton Street;
2. The payment of \$4,784.56 be funded from account AB1701;

3. The Town makes this payment as a final amount and no further claims for this matter will be accepted by Council; and
4. **The Town seeks agreement from the property owner of 13 Hamilton Street, Bassendean, for an undertaking in the form of a deed under seal as a full and final settlement.**

COUNCIL RESOLUTION — ITEM 10.9

OCM – 16/04/18 The foreshadowed motion which was MOVED Cr Wilson, Seconded Cr McLennan, that:

1. Council provides an ex-gratia payment to the property owner at 13 Hamilton Street, Bassendean, of \$4,784.56 to remediate the reflective glare to the property caused by the reroofing of the Casa Mia building at 11 Hamilton Street;
2. The payment of \$4,784.56 be funded from account AB1701;
3. The Town makes this payment as a final amount and no further claims for this matter will be accepted by Council; and
4. The Town seeks agreement from the property owner of 13 Hamilton Street, Bassendean, for an undertaking in the form of a deed under seal as a full and final settlement,

was put to the vote and CARRIED BY AN ABSOLUTE MAJORITY 6/0

10.10 Project Brief for Option 2C Design - 1 Surrey Street, Bassendean (Ref: COMDEV/TENDNG/10 - Director Operational Services, Simon Stewert-Dawkins)

APPLICATION

The purpose of this report was to seek Council approval for a draft project brief in order to appoint suitable contractors to achieve OCM – 11/02/18 resolution to explore the SIA Architect Option 2c design.

OFFICER RECOMMENDATION – ITEM 10.10

That Council:

1. Approves the 1 Surrey Street project brief attached to the Ordinary Council Meeting Agenda of 24 April 2018;
2. Engages a suitable consultant to undertake a workshop with an appropriate representative from the State Heritage Office; Bassendean Historical Society Inc; National Trust of Australia (WA); the Royal Western Australian Historical Society Inc, Department of Health, Child & Adolescent Community Health Services, together with representatives from Council with a view to repurposing the SIA Architect Option 2C design for the proposed Interpretation of the heritage listed site, incorporating an Infant Health Clinic and providing the opportunity for other community use of the facility and for the consultant to provide a report on the outcomes to achieve the Council direction; and
4. Engages SIA Architects Pty Ltd to review the approved project brief, the outcomes of the stakeholder workshop and if necessary, for the architect and subcontractors to make minor amendments to the 2C design to enable a development application to be submitted in a timely manner.

LAPSED FOR WANT OF A MOVER

Cr Quinton foreshadowed the following motion:

COUNCIL RESOLUTION – ITEM 10.10

OCM – 17/04/18 MOVED Cr Quinton, Seconded Cr Mykytiuk, that Council:

1. Approves the 1 Surrey Street project brief attached to the Ordinary Council Meeting Agenda of 24 April 2018;
2. Engages a suitable consultant to undertake a workshop with an appropriate representative from the State Heritage Office; Bassendean Historical Society Inc; National Trust of Australia (WA); the Royal Western Australian Historical Society Inc, Department of Health, Child & Adolescent Community Health Services, together with representatives from Council with a view to:

- a. repurposing the SIA Architect Option 2C design for the proposed Interpretation of the heritage listed site, incorporating an Infant Health Clinic and providing the opportunity for other community use of the facility and for the consultant to provide a report on the outcomes to achieve the Council direction;
 - b. a scaled back version of the 2c design with an interpretation of the heritage listed site without an infant health centre and playgroup option; and
3. Engages SIA Architects Pty Ltd to review the approved project brief, the outcomes of the stakeholder workshop and if necessary, for the architect and subcontractors to make minor amendments to the 2C design to enable a development application to be submitted in a timely manner.

CARRIED UNANIMOUSLY 6/0

10.11 North Road On-Street Parking (Ref: LAWE/REPRTNG/3 – Sharna Merritt – Senior Ranger)

APPLICATION

The purpose of this report was to provide Council with feedback from a resident regarding the on-street parking on North Road, Bassendean, during large community events at Steel Blue Oval.

OFFICER RECOMMENDATION– ITEM 10.11

That Council:

1. Receives the North Road parking report presented to the April 2018 Ordinary Council Meeting; and
2. Writes to the residents between 16 and 26 North Road, Bassendean, to advise of the recent North Road traffic assessment and advise that due to parking issues identified at the locality, the current 'No Parking, 8am to 6pm, Saturdays, March to August' parking restrictions will be amended to 'No Parking' on the road restrictions at all times.

LAPSED FOR WANT OF A MOVER

Cr Hamilton foreshadowed the following motion with Cr Quinton's amendment to add 311 Guildford Road to point 2.

COUNCIL RESOLUTION – ITEM 10.11

OCM – 18/04/18 MOVED Cr Hamilton, Seconded Cr Wilson that Council:

1. Receives the North Road parking report presented to the April 2018 Ordinary Council Meeting which did not provide analysis of side streets other than Brook Street around the Bassendean Oval;
2. Requests staff to write to residents between 2a and 26 North Road, 309 to 311 Guildford Rd, Bassendean, to advise of the recent North Road traffic assessment and advise that due to parking issues identified at the locality, the current 'No Parking, 8am to 6pm, Saturdays, March to August' parking restrictions will be amended to 'No Parking' on the road restrictions at all times;
3. Requests staff to write to properties located between 1 and 19 North Road, Bassendean, to inform residents of the recent North Road traffic assessment and advise that due to sight-line and parking issues identified at this portion of North Road, "No Parking" on the road at all times restrictions will be installed; and
4. That said correspondence to affected residents of North Road will outline the extent of the "No Parking" restrictions in that street, as well as provide assurance that this proposal will not hinder authorised verge parking should the property owner wish to utilise the space for temporary parking.

CARRIED UNANIMOUSLY 6/0

The foreshadowed motion was supported as Councillors attended the site inspection last week and the course of the 'S' shape of that section of road when cars were parked on one side of the road actually forces and creates problems with oncoming traffic.

10.12 Adoption of the Reconciliation Action Plan 2018 – 2021 (Ref: GOVN/CCLMEET/26 – Graeme Haggart, Director Community Development)

APPLICATION

Council was requested to adopt the Reconciliation Action Plan 2018 - 2021 (RAP).

Cr Hamilton requested an amendment to item 10.12 to the Reconciliation Action Plan, the end date is incorrect, it should be 2020 and not 2021. The amendment will need to be corrected through the entire document.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 10.12

OCM – 19/04/18 MOVED Cr Mykytiuk, Seconded Cr Quinton, that Council adopts the Reconciliation Action Plan 2018 – 2021 as attached to the Ordinary Council Meeting Agenda of 24 April 2018.
CARRIED UNANIMOUSLY 6/0

10.13 Review of Policy 6.7- Electronic Recordings and Live Streaming of Council Meetings (Ref: GOVN/CCLMEET/1 – Bob Jarvis – Chief Executive Officer)

APPLICATION

The purpose of this report was to provide Council with an updated Policy 6.7- Electronic Recording & Livestreaming of Council Meetings, following Council's resolution of January 2018.

OFFICER RECOMMENDATION — ITEM 10.13

That Council adopts the revised Policy 6.17 - Electronic Recordings and Live Streaming of Council Meetings attached to the Ordinary Council Agenda of 24 April 2018.

LAPSED FOR WANT OF A MOVER

COUNCIL RESOLUTION — ITEM 10.13

OCM – 20/04/18 MOVED Cr McLennan, Seconded Cr Hamilton that the Officer Recommendation be deferred pending the installation and trial of the live streaming equipment.
CARRIED UNANIMOUSLY 6/0

Mr Michael Costarella, Director Corporate Services, left the room at 8.52pm and returned at 8.55pm.

10.14 Adoption of a Policy for the Conduct of Town of Bassendean Advisory Groups in anticipation that the Council might Disband the Current Design Bassendean Committee (Ref: GOVN/CCLMEET/19 - Bob Jarvis CEO)

APPLICATION

Council's consideration of a new Policy for the conduct of Town of Bassendean Advisory Groups in anticipation that the Council might disband the current Design Bassendean Committee in the near future in favour of an advisory group established under this policy of Council which is similar to that used by the City of Vincent.

Cr McLennan moved a motion to amend the Officer recommendation to add Cr Hamilton as a member to the Advisory Group.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 10.14

OCM - 21/04/18 MOVED Cr McLennan, Seconded Cr Wilson, that Council:

1. Adopts the Town of Bassendean Advisory Group Policy attached to Ordinary Council meeting Agenda of 24 April 2018;
2. Disbands the Design Bassendean Committee;
3. Establishes a Design Bassendean Advisory Group to operate pursuant to the adopted Town of Bassendean Advisory Group Policy; with the following Objectives: "To provide advice to Council and professional officers, and feedback on the Town's adopted Strategic Planning Framework", and

4. Appoints the following as the inaugural members of the Design Bassendean Advisory Group, expiring at the next Local Government Elections:

Councillors	Cr McLennan Cr Gangell Cr Wilson Cr Hamilton
Community Representatives	Ross Jutras-Minett Coan Harvey Phillip Burton Moss Johnson David Doy Jennie Collins

CARRIED UNANIMOUSLY 6/0

10.15 Quarterly Report for Period Ended 31 March 2018 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report was for Council to receive the Quarterly Report for the period ended 31 March 2018.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION – ITEM 10.15

- OCM - 22/04/18** MOVED Cr Mykytiuk, Seconded Cr Hamilton, that Council receives the Quarterly Report for the quarter ended 31 March 2018.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM – 7/04/18 6/0

10.16 Town Assets Committee Meeting held on 6 February 2018 (Ref: GOVNCCL/MEET/37 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Town Assets Committee Meeting held on 6 February 2018, and adopt the recommendations from the Committee.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION –
ITEM 10.16

- OCM - 23/04/18** MOVED Cr Mykytiuk, Seconded Cr Hamilton, That Council receives the report on a meeting of the Town Assets held on 6 February 2018.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM – 7/04/18 6/0

10.17 Economic Development Committee Meeting held on 6 March 2018 (Ref: GOVN/CCLMEET/13 – William Barry, Senior Economic Development Officer)

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Economic Development Committee held on 6 March 2018.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION —
ITEM 10.17

- OCM - 24/04/18** MOVED Cr Mykytiuk, Seconded Cr Hamilton, that the report on a meeting of the Economic Development Committee held on 6 March 2018, be received.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM – 7/04/18 6/0

10.18 Sustainability Committee Meeting held on 13 March 2018 (Ref: GOVN/CCL/MEET/33 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

Council was requested to receive the report on a meeting of the Sustainability Committee held on 13 March 2018.

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION
– ITEM 10.18

- OCM - 25/04/18** MOVED Cr Quinton, Seconded Cr Mykytiuk, that:
1. The report on a meeting of the Sustainability Committee held on 13 March 2018, be received;
 2. Council lists for consideration in the 2018/2019 draft Budget \$6,000 to provide an electric charging station;

3. Town officers investigate a suitable location for the installation of the electric charging station;
4. Town officers contact Hawaiian to request that they also consider installing an electric car charging station at the Bassendean Shopping Centre;
5. Council investigates a third party to facilitate a bulk buy solar incentive scheme and investigate the Switch Your Thinking programme, to report back to this committee at its May meeting;
6. Council lists \$10,000 for consideration in the draft 2018/2019 Budget to initiate sustainability grants for community sustainability projects;
7. Council lists \$10,000 for consideration in the draft 2018/2019 Budget for community education programmes;
8. Council lists \$5,000 for consideration in the 2018/2019 Budget for the Climate Clever programme; and
9. Town officers provide the relevant information to James Eggleston from Powerledger in relation to the Peer to Peer Energy Trading Project.

CARRIED 5/1

Crs McLennan, Quinton, Mykytiuk, Hamilton & Wilson voted in favour of the motion. Cr Gangell voted against the motion.

Mr Brian Reed, Manager Development Services, left the Chamber at 9.01pm and returned at 9.08pm.

10.19 Design Bassendean Committee Meeting held on 5 April 2018 (Ref: GOVN/CCL/MEET/36 – Anthony Dowling, Director Strategic Planning)

APPLICATION

Council was requested to receive this report on the Design Bassendean Committee meeting held on 5 April 2018 and consider the Committee's resolutions for adoption.

Cr McLennan moved the Committee/Officer Recommendation with an amendment to point 2, addition of wording shown in bold.

COUNCIL RESOLUTION / COMMITTEE/ OFFICER
RECOMMENDATION – ITEM 10.19

OCM - 26/04/18 MOVED Cr McLennan, Seconded Cr Hamilton, that Council:

1. Receives the report on the meeting of the Design Bassendean Committee held on 5 April 2018; and
2. Receives the *Bassendean Built Form and Character Study* to inform the preparation of a local planning policy and design guidelines that seek to find the right balance between developing for the future and preserving our Town's unique character and that the key matters to be considered are: **This is the highest priority.**
 - (a) Resourcing implications for the Town's administration;
 - (b) Impact on the timing of other strategic planning projects;
 - (c) Development of a community consultation plan; and
 - (d) Draft *State Planning Policy 7—Design Principles* and draft *State Planning Policy 7.3—Apartment Design*;
3. Requests the Director Strategic Planning to prepare three residential density scenarios for further consideration by the Bassendean Design Committee, with each scenario maintaining the State's dwelling target for the Town of Bassendean of an additional 4,150 dwellings by 2050; and
4. Requests the Director Strategic Planning to prepare a revised draft schedule of the strategic planning framework for further consideration by the Design Bassendean Committee.

CARRIED UNANIMOUSLY 6/0

10.20 People Services Committee (PSC) 10 April 2018 (Ref: GOVN/CCL/MEET/36 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the People Services Committee held on Tuesday 10 April 2018.

COMMITTEE RECOMMENDATION – ITEM 10.20

MOVED Cr Quinton, that:

1. Receives the report on the future direction of the Town's Australia Day event;

2. Notes the recommendations made by the Working Group established to review the Australia Day event; and that subject to budget considerations;
3. Approves the Town continuing to stage an event that reflects the objectives set out for the Australia Day event by the Working Group, and inclusive of the stories of all Australians particularly the contribution of our first nations people;
4. Approves the Town exploring the staging of an alternative event format at a reduced budget that does not include a fireworks display on 26 January; and an Officer Report be presented to the next People Services Committee Meeting on the nature of that event;
5. Approves the Town exploring a fireworks display at an alternative event;
6. Acknowledges that the survey is just one tool of the feedback from community and the decision making process;
7. Acknowledges that the Australia Day event is part of the annual calendar of events that is being considered in the Cultural Plan review;
8. Continues the discussion of Australia Day that brings people together rather than divides the community;
9. Considers an allocation in the draft 2018/19 budget for education and storytelling with the theme of 'What does Australia Day mean to you?';
10. Approves a sponsorship of \$1,000 to the Bassendean Preservation Group Inc for the staging of the Bindaring Wetlands Forum – Bassendean on Saturday 25 August 2018, 10am to 3pm at Bindaring Park;
11. Prepares a sponsorship agreement between the Town and the Bassendean Preservation Group Inc to outline the conditions of the sponsorship; and
12. Receives the report of the meeting of the People Services Committee held on Tuesday 10 April 2018.

LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION – ITEM 10.10(b)

OCM - 27/04/18 MOVED Cr Gangell, Seconded McLennan, that an extension of time be granted for Cr Wilson to continue .

CARRIED UNANIMOUSLY 6/0

Cr Wilson foreshadowed the following motion:

COUNCIL RESOLUTION – ITEM 10.20(a)

OCM - 28/04/18 MOVED Cr Wilson, Seconded Cr Mykytiuk, that Council:

1. Receives the report on the future direction of the Town's Australia Day event and notes the recommendations made by the Working Group established to review the Australia Day event;
2. Subject to budget considerations approves the Town staging an Australia Day fireworks event in 2019 that reflects the objectives set out for the event by the Working Group, and inclusive of the stories of all Australians particularly the contribution of our first nations' people;
3. Acknowledges that the recent Australia Day Review survey is just one tool of the feedback from community and the decision making process and that ongoing review of all events delivered by the Town is required;
4. Acknowledges that the Australia Day event is part of the annual calendar of events that is currently being considered in the Cultural Plan review and therefore, Council will review its plans for the entire 2020 events calendar, including the Australia Day event, in light of the results of this review when complete;
5. Continues the discussion of Australia Day that brings people together rather than divides the community;
6. Considers an allocation in the draft 2018/19 budget for education and storytelling with the theme of 'What does Australia Day mean to you?';
7. Approves a sponsorship of \$1,000 to the Bassendean Preservation Group Inc for the staging of the Bindaring Wetlands Forum – Bassendean on Saturday 25 August 2018, 10am to 3pm at Bindaring Park;

8. Prepares a sponsorship agreement between the Town and the Bassendean Preservation Group Inc to outline the conditions of the sponsorship; and
9. Receives the report of the meeting of the People Services Committee held on Tuesday 10 April 2018.

CARRIED 4/3

Crs McLennan, Mykytiuk, and Wilson voted in favour of the motion. Crs Gangell Hamilton and Quinton voted against the motion.

The Mayor used her second vote in support of the motion resulting in the motion being passed.

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

COUNCIL RESOLUTION / OFFICER RECOMMENDATION –
ITEM 10.21

- OCM - 29/04/18** MOVED Cr Mykytiuk, Seconded Cr Hamilton, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM
– 7/04/18 6/0

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

COUNCIL RESOLUTION / OFFICER RECOMMENDATION –
ITEM 10.22

- OCM - 30/04/18** MOVED Cr Mykytiuk, Seconded Cr Hamilton, that Council notes the decisions made under delegated authority by the Manager Development Services.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM
– 7/04/18 6/0

10.23 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins – Executive Assistant)

COUNCIL RESOLUTION / OFFICER RECOMMENDATION –
ITEM 10.23

OCM - 31/04/18 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that Council notes the affixing of the Common Seal to the documents listed in the Ordinary Council Meeting Agenda of 27 March 2018.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM – 7/04/18 6/0

10.24 Calendar for May 2018 (Ref: Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION / OFFICER RECOMMENDATION -
ITEM 10.24

OCM - 32/04/18 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that the Calendar for May 2018 be adopted.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM – 7/04/18 6/0

10.25 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 – Sue Perkins)

COUNCIL RESOLUTION / OFFICER RECOMMENDATION –
ITEM 10.25

OCM - 33/04/18 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 24 April 2018 be deleted from the Implementation of Council Resolutions list.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION OCM – 7/04/18 6/0

10.26 Accounts for Payment – February and March 2018 (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.

Cr McLennan moved the Officer Recommendation with an amendment to remove the figures for March 2018.

**COUNCIL RESOLUTION / OFFICER RECOMMENDATION -
ITEM 10.26**

OCM - 34/04/18 MOVED Cr McLennan, Seconded Cr Mykytiuk, that in accordance with Regulation 13(3) Local Government (Financial Management Regulations 1996) the List of Accounts paid for February 2018 and March 2018 be received and recorded in the minutes of the Council.

CARRIED UNANIMOUSLY 6/0

Mr Bob Jarvis, CEO, left the Chamber at 10.06pm and returned at 10.09pm.

10.27 Financial Statements – February 2018 and March 2018 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)

Cr Mykytiuk left the Chamber, the time being 10.12pm.

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 10.27**

OCM - 35/04/18 MOVED Cr Quinton, Seconded Cr Wilson, that:

1. The Financial Reports for the period ending 28 February 2018 be received; and
2. The budget amendments listed for adoption in the Financial Statements, as attached to the Ordinary Council Agenda of 28 April 2018, be received.

CARRIED UNANIMOUSLY 5/0

Cr Mykytiuk returned to the Chamber, the time being 10.13pm.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr McLennan: Tree Preservation Order - 248 Morley Drive East

COUNCIL RESOLUTION – ITEM 11.1

OCM - 36/04/18 MOVED Cr McLennan, Seconded Cr Hamilton, that Council commences the process of implementing a preservation order over the mature tree located on the north-west boundary of Lot 4 (No. 248) Morley Drive East, Eden Hill, in accordance with the provisions of Clause 5.7.7.2 of Local Planning Scheme 10.

CARRIED 5/1

Crs McLennan, Hamilton, Cr Wilson, Mykytiuk and Quinton voted in favour of the motion. Cr Gangell voted against the motion.

11.2 Notice of Motion – Cr Quinton: Proposed Local Studies Collection Working Group

COUNCIL RESOLUTION – ITEM 11.2

OCM - 37/04/18 MOVED Cr Quinton, Seconded Cr Mykytiuk, that the Town of Bassendean establish a Local Studies Collection Working Group.

The working group will:

1. Consult with community and stakeholders to build the local studies collection within the Town of Bassendean Memorial Library and support the librarian in developing the collection;
2. Promote that history through projects and events;
3. Report those findings to the People Services Committee.

CARRIED UNANIMOUSLY 6/0

11.3 Notice of Motion – Cr Quinton: Establish a Integrated Children and Family Services Centre Working Group

COUNCIL RESOLUTION – ITEM 11.3

OCM - 38/04/18 MOVED Cr Quinton, Seconded Cr Mykytiuk, that the Town of Bassendean establish a Integrated Children and Family Services Centre Working Group.

The working Group will:

- a) Define the need, scope of services and stakeholders to ideally be accommodated by an Integrated Children and Family Services Centre Working Group;
- 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; and
- c) Report those findings to the People Services Committee.

CARRIED UNANIMOUSLY 6/0

11.4 Notice of Motion – Cr Hamilton: Information Process & Distribution Timelines

COUNCIL RESOLUTION – ITEM 11.4

OCM - 39/04/18 MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Directs the CEO to organise the provision of a detailed overview of this Council's economic position to all Councillors within 30 days of each local government election. This should be via a workshop briefing that provides as a minimum a detailed analysis of the Town's financial position, the latest Auditors Reports, and notification of any variations that may impact on the budget;
2. Requests staff to provide to Councillors the proposed scope of works and/or brief prior to the engagement of consultants preparing reports;
3. Requests staff to provide to Councillors with a simple summary sheet listing all contracts entered into by the Town each month listing key material points such as total value and length of contract; and
4. Requires Consultants' Reports that are prepared for consideration by Council to be presented to all Councillors within 30 days of each report completion date.

CARRIED UNANIMOUSLY 6/0

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

13.0 **CONFIDENTIAL BUSINESS**

Nil

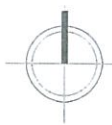
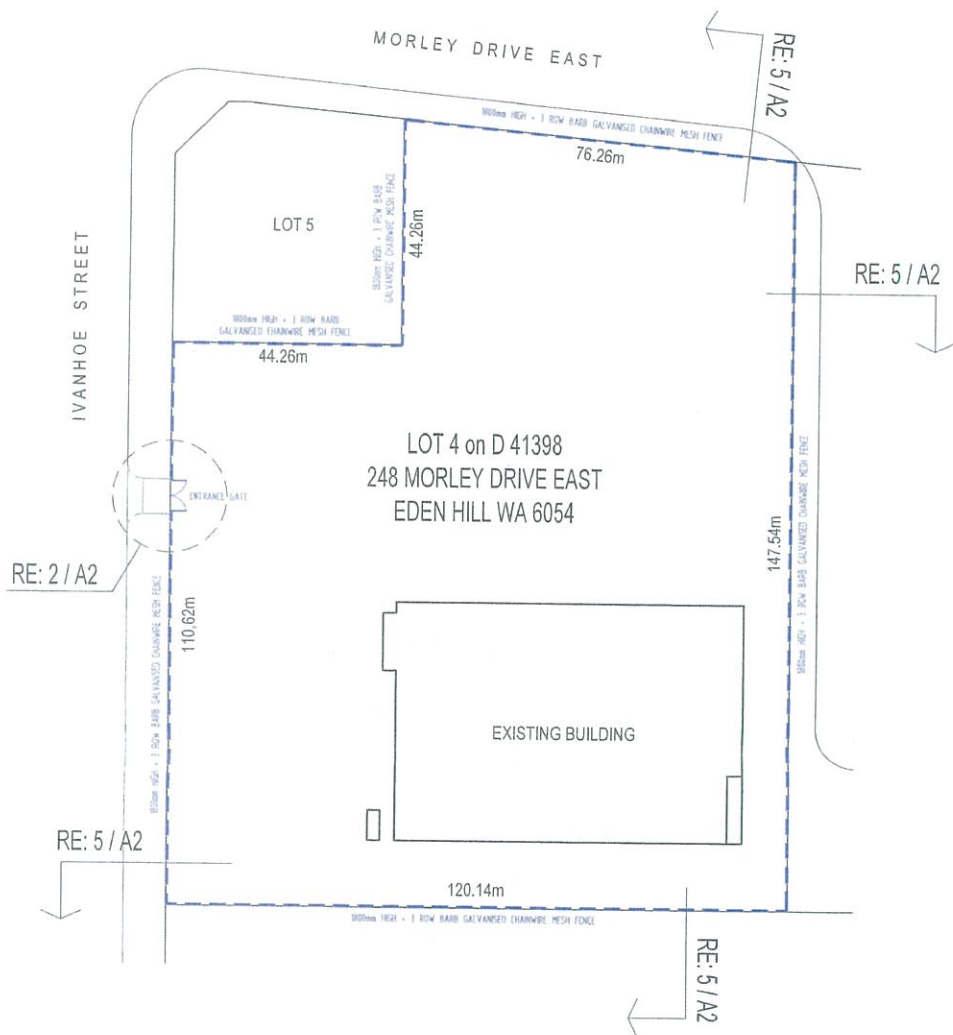
14.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 15 May 2018 commencing at 7.00pm.

The next Ordinary Council meeting will be held on Tuesday 22 May 2018 commencing at 7.00pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 10.29pm.

ATTACHMENT NO. 2



1 SITE PLAN
SCALE 1:1000



TOWN OF BASSENDEAN
29 MAR 2018
RECEIVED

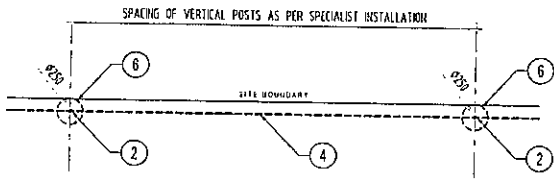
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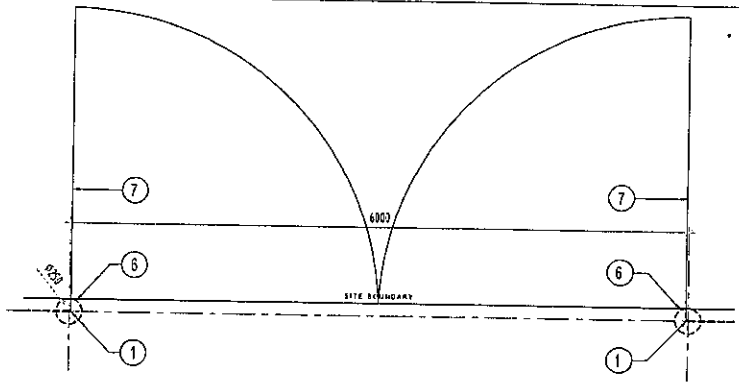
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CONCRETE • STEEL • TIMBER • MASONRY

PROPOSED PERIMETER FENCING
LOT 4 ON D 41398
248 MORLEY DRIVE EAST, EDEN HILL WA 6054
(Town of Bassendean)

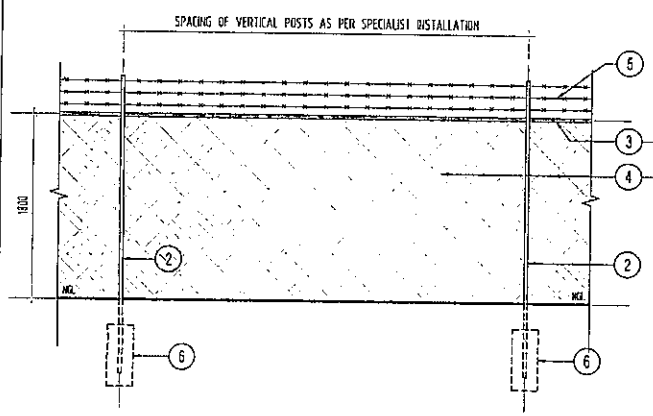
PROJECT NUMBER		DRAWING No.		REVISION
GOT_145		A1		A
ISSUE DATE		SCALE @ A3		1:1000
15.03.2018				
DRAWN BY				
LA				
CHECKED BY				
GR				



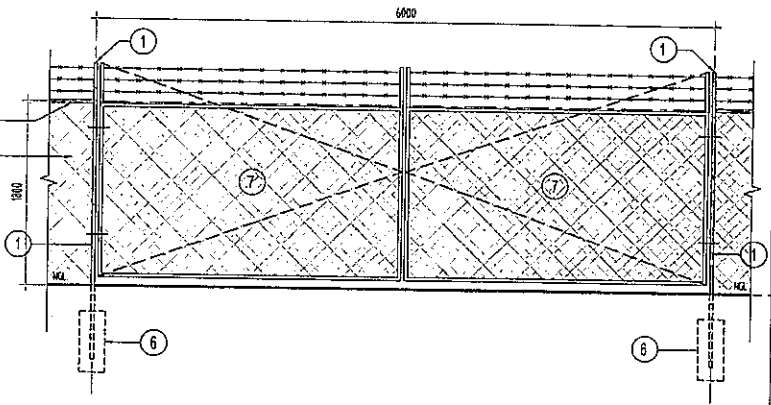
1 PLAN - TYPICAL FENCE PANEL
1:50



2 PLAN - ENTRANCE GATE
1:50

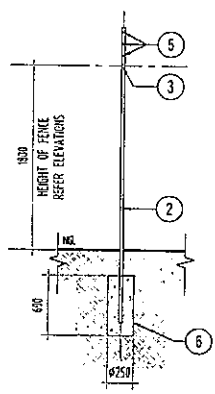


3 ELEVATION - TYPICAL FENCE PANEL
1:50



4 ELEVATION - ENTRANCE GATE
1:50

NOTE :
FENCE TO SPECIALIST DESIGN,
MANUFACTURE AND INSTALLATION



5 SECTION - TYPICAL FENCE PANEL
1:50

- LEGEND:**
- ① 50mm NB XL GALVANISED CAPPED POST 3250mm LONG
 - ② 32mm NB XL GALVANISED POST 2900mm LONG
 - ③ 32mm NB XL GALVANISED TOP CORNER RAILS 3900mm LONG
 - ④ 180x50x2.5mm GALVANISED CHAINMESH - KNUCKLE/KNUCKLE
 - ⑤ 4mm GALVANISED HELICAL 3 ROWS
 - ⑥ 250mm DIA. x 600mm DEEP CONCRETE FOOTINGS
 - ⑦ 1800mm HIGH x 6m WIDE o/s 3 BARB GALVANISED CHAIN MESH DOUBLE SWING GATE

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TOWN OF BASSENDEAN
29 MAR 2018
RECEIVED



DraftWEST.
CONSTRUCTION CONSULTANTS

PROPOSED PERIMETER FENCING
LOT 4 ON D 41398
248 MORLEY DRIVE EAST, EDEN HILL WA 6054
(Town of Bassendean)

PERIMETER FENCE DETAILS			
PROJECT NUMBER	GOT_145	DRAWING No.	REVISION
ISSUE DATE	15.03.2018	A2	A
DRAWN BY	LA		
CHECKED BY	GR	SCALE @ A3	1:50



Commercial

Perth

Ground Floor
58 Kings Park Road
West Perth WA 6005
t 08 9220 2200
f 08 9220 2222
e perth@ljhc.com.au

All correspondence to:
PO Box 136
West Perth WA 6872

18 April 2018

Mr Bob Jarvis
Chief Executive Officer
Town of Bassendean
35 Old Perth Road
Bassendean, WA 6054

By Email: mail@bassendean.wa.gov.au

Dear Mr Jarvis

EDEN HILL SHOPPING CENTRE – LOT 4, 248 MORLEY DRIVE EAST, EDEN HILL

I write to inform you on behalf of Birmingham Properties Pty Ltd in reference to the above-mentioned property.

As the property manager of this Centre, I am extremely concerned with the increased number of attempts to break in, the level of untoward behavior and activity directly targeting this site and neighboring residential/business areas.

As a consequence, we have installed a temporary perimeter fence, commenced onsite static security guards and installed a new security system under 24/7 monitoring.

Property Management issues faced this past month include the following:

- 19 March 2018
 - DFES advised Centre fire monitoring system ceased communicating with them due to vandalized electrical cables.
- 20 March 2018
 - Occupants living within the premises; drug paraphernalia evident.
 - All copper piping had been stolen and electrical cables vandalised.
- 20th to 26th March 2018
 - Static guard reported groups of people trying to gain access to Centre.
 - Temporary fence continued to be pulled down.
- 4 April 2018
 - Water main manually turned on resulting in roughly 2,700 litres of water being released throughout the building resulting in flooding due to copper piping being stolen.
- 17 April 2018
 - Security alarm monitoring and DFES advised systems ceased communicating with them.
 - power to Eden Hill Shopping Centre was switched off at the High Voltage Main on Morley Drive East. Western Power and DFES notified.
 - Centre Electrical Board area, padlock cut and person/s gained access.

perth.ljhcommercial.com.au

For Pleasure Pty Ltd ATF The BT29 Unit Trust T/AS
LJ Hooker Commercial Perth
ABN 24 930 229 766
Licensed Real Estate & Business Agent

Kiara Police Station located at 163 Morley Drive East, Kiara have been notified and a Police Report submitted.

Due to the serious nature of these property management issues, I ask that council approval to install a permanent perimeter fence be granted effective immediately.

Note, the application for planning approval was submitted to your office by Veris Friday, 16 March 2018.

As an active Property Manager, I will continue to notify the Council of any further events that I think may be of interest to them and the wider community.

I look forward to your written confirmation that approval has been granted to install the permanent perimeter fence.

If you have any questions in relation to this matter, please do not hesitate to telephone me.

Yours sincerely
LJ Hooker Commercial Perth

Rachel Roche
Head of Property Management – Retail

T: 08 9220 2200
M: 0400 333 603
E: rroche@ljhc.com.au

cc
Client



G

WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

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249



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LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961

TOWN OF BASSENDEAN

FENCING LOCAL LAW 2013

LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961

TOWN OF BASSENDEAN

FENCING LOCAL LAW 2013

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LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961

TOWN OF BASSENDEAN

FENCING LOCAL LAW 2013

Under the powers conferred by the *Dividing Fences Act 1961*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the *Town of Bassendean* resolved on 26th November 2013 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Fencing Local Law 2013*.

1.2 Repeal

The *Town of Bassendean Fencing Local Law 2010* published in the *Government Gazette* of 31 January 2011 is repealed.

1.3 Application of local law

This local law applies throughout the district.

1.4 Definitions

In this local law, unless the context requires otherwise—

Act means the *Dividing Fences Act 1961*;

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

approval means a favourable decision in respect of an application which is in writing, may be subject to conditions and which allows a proposal to proceed;

application means the completed form and associated documents, if any, that is lodged by a person seeking an approval as required by this local law;

AS1725.1-2010 means the standard published by Standards Australia as AS1725.1-2010 Chain link fabric fencing, as amended from time to time;

boundary fence has the meaning given to it for the purposes of the Act;

building line means a theoretical line created by the forward most wall of the dominant building facing a street frontage. In the absence of a dominant building the opposite/rear boundary shall be treated as the building line;

commercial lot means a lot where a commercial use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

dangerous in respect of a fence means a fence or part of a fence which presents a danger or risk of injury to persons and may include a fence which is perilous, hazardous, unsafe or potentially injurious; and without limiting the generality of the foregoing includes a fence which is likely to collapse or fall, by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground level or other cause whatsoever; but does not include an electric fence, a barbed wire fence or a razor wire fence which has been approved by the local government and has been constructed and maintained in accordance with the approval;

district means the district of the local government;

dividing fence has the meaning given to it in and for the purposes of the Act;

fence means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

frontage means the boundary line between a lot and the thoroughfare upon which that lot abuts;

front setback area means that portion of a lot which is situated within the front setback, as determined by a local planning scheme, including a secondary street alignment;

height in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

industrial lot means a lot where an industrial use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

local government means the Town of Bassendean;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005* in force in the district from time to time;

lot has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

notice of breach means a notice referred to in clauses 2.2 and 4.1;

residential lot means a lot where a residential use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law;

setback area means that portion of a lot which is situated within a setback, as determined by a local planning scheme;

sheet in relation to the materials used in the construction of fencing, means material in the form of panels such as fibre cement or pressed metal, but is not restricted to such materials; and

sufficient fence means a fence described in Part 3.

1.5 Objectives

The objectives of this local law are to—

- (a) prescribe minimum standards for fencing within the district for the purposes of the Act; and
- (b) ensure that adequate standards of safety, structural sufficiency and amenity in relation to fencing are maintained throughout the district.

1.6 Licence fees and charges

All licence fees and charges applicable under this local law shall be determined by the local government from time to time in accordance with section 6.16 of the *Local Government Act 1995*.

PART 2—GENERAL REQUIREMENTS

2.1 Maintenance of fences

An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, unsightly or in the opinion of the local government, prejudicial to the amenity or value of property in the neighbourhood.

2.2 Notices to owners

(1) The local government may give notice in writing to the owner of any land upon which is erected a fence which is—

- (a) in the opinion of the local government, dangerous, in need of repair, dilapidated; or
- (b) in the opinion of the local government unsightly or prejudicial to the amenity or value of the property in the neighbourhood; or
- (c) erected or maintained contrary to this local law;

requiring the owner to pull down, remove, repair, paint or otherwise maintain the fence within a time stipulated in the notice.

(2) Any notice required to be served under this Part shall be delivered personally to the person to whom it is directed, or sent by security post to the last known address of that person.

2.3 Fence erected under previous law

A fence that was erected and maintained lawfully under a previous local law of the local government shall not become unlawful merely by reason of the revocation of that local law.

2.4 General discretion

(1) Notwithstanding other sections in this local law, the local government may consent to the erection or repair of a fence that does not comply with a requirement or standard of this local law.

(2) In determining whether to grant its approval to the erection or repair of any fence, the local government may consider, in addition to any other matter, whether the erection or retention of the fence would have an adverse affect on—

- (a) the safe or convenient use of any land; or
- (b) the safety or convenience of any person.

2.5 Other requirements

Nothing in this local law affects the need for compliance, in respect of a fence with—

- (a) any relevant provisions of a local planning scheme; and
- (b) any relevant provisions that apply if a building permit under the *Building Act 2011* is required for that fence.

PART 3—SUFFICIENT FENCES

3.1 Sufficient fences on residential lots

For the purposes of the Act, a sufficient fence, on or near a common boundary, excluding a fence located between a street frontage boundary and a point 1 metre behind the building line, or, a front setback area, whichever is the greater, between—

- (a) Two or more residential lots not exceeding 2000 square metres is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 1;
- (b) a residential lot not exceeding 2000 square metres and a residential lot 2000 square metres or greater in area is a dividing fence or a boundary fence constructed and maintained in accordance with the requirements of Schedule 1; and
- (c) Two or more residential lots of 2000 square metres or greater in area is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.

3.2 Sufficient fences on commercial or industrial lots

For the purposes of the Act, a sufficient fence on or near a common boundary, excluding a fence located between a street frontage boundary and a point 1 metre behind the building line, or, a front setback area, whichever is the greater, between 2 or more commercial and/or industrial lots is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.

3.3 Sufficient fences on adjoining residential and commercial or industrial lots

For the purposes of the Act, a sufficient fence on or near a common boundary, excluding a fence located between a street frontage boundary and a point 1 metre behind the building line, or, a front setback area, whichever is the greater, between an industrial/commercial lot and a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of—

- (a) Schedule 1 where the residential lot does not exceed 2000 square metres in area; or
- (b) Schedule 2 where the residential lot exceeds 2000 square metres in area.

3.4 Sufficient fence is not mandatory except for the purposes of the Act

A fence on or near a common boundary between 2 or more properties is not limited under this local law to a fence outlined in Schedule 1, Schedule 2 or Schedule 3 except for the purposes of the Act.

PART 4—NOTICES OF BREACH

4.1 Notice of breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner of that lot.

(2) A notice issued under subclause (1) must—

- (a) specify the provision(s) of this local law that have been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner of the lot is required to remedy the breach within 28 days from the giving of the notice; and
- (d) state the rights of appeal and/or objection available to the owner of the lot.

PART 5—OBJECTIONS AND REVIEW

5.1 Right of objection and review

Where the local government under this local law has—

- (a) refused an application made for approval to construct or alter a fence;
- (b) granted an approval subject to conditions and the person(s) objects to one or more of those conditions; or
- (c) served a notice and the person(s) on whom the notice is served objects to the terms of the notice, the affected person(s) may exercise a right of objection or review pursuant to Division 1 Part 9 of the *Local Government Act 1995*.

PART 6—OFFENCES AND PENALTIES

6.1 Offences and penalties

(1) An owner who fails to comply with a notice issued under clause 4.1 commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

6.2 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$100.

6.3 Form of notices

For the purposes of this local law—

- (1) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in or substantially in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (2) the form of the notice referred to in section 9.20 of the *Local Government Act 1995* is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1

Residential A—Lots less than 2000 square metres in area

(Clauses 3.1, 3.3, 3.4)

For the purposes of the Act, a sufficient fence on residential lots less than 2000 square metres in area is a colourbond post and panel corrugated sheet metal fence erected as follows—

- (a) erected in accordance with the manufacturers specifications;
- (b) an above ground height of 1.8 metres located on or near a common boundary excluding a fence located within a front setback area; and
- (c) where a difference in levels exists on opposite sides of the common boundary at any point the height of the fence will be measured from the higher ground.

N.B. A dividing fence is not required in the front setback area.

Schedule 2

Residential B—Lots equal to or greater than 2000 square metres in area

(Clauses 3.1, 3.3, 3.4)

For the purposes of the Act, a sufficient fence on residential lots equal to or greater than 2000 square metres in area is a timber post and strained wire fence erected as follows—

- (a) erected in accordance with the manufacturers specifications;
- (b) contain not less than 5 plain galvanised wires, evenly spaced, running the length of the fence;
- (c) an above ground height of 1.2 metres located on or near a common boundary excluding a fence located within a front setback area; and
- (d) where a difference in levels exists on opposite sides of the common boundary at any point the height of the fence will be measured from the higher ground.

N.B. A dividing fence is not required in the front setback area.

Schedule 3

Industrial and Commercial

(Clauses 3.2, 3.4)

For the purposes of the Act, a sufficient fence on industrial or commercial lots is chain link fabric fencing erected as follows—

- (a) erected in accordance with *AS1725.1-2010*;
- (b) an above ground height of 1.8 metres located on or near a common boundary excluding a fence located within a front setback area; and

- (c) where a difference in levels exists on opposite sides of the common boundary at any point the height of the fence will be measured from the higher ground.

N.B. A dividing fence is not required in the front setback area.

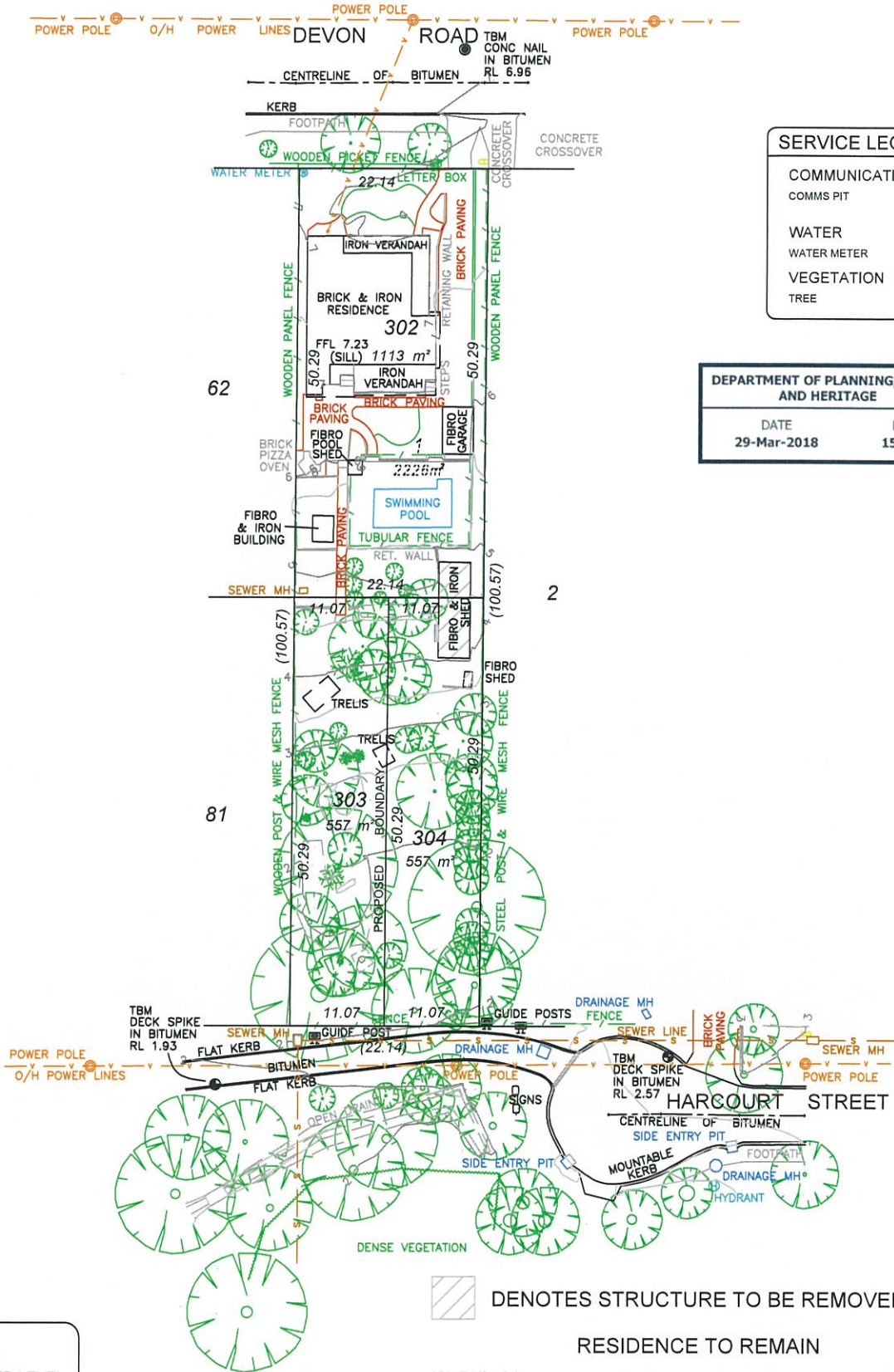
A copy of *AS1725.1-2010 Chain link fabric fencing* can be accessed through the Town if required.

Dated 9th January 2014.

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

Cr J. GANGELL, Mayor.
Mr B. JARVIS, Chief Executive Officer.

ATTACHMENT NO. 3



SERVICE LEGEND	
COMMUNICATIONS	
COMMS PIT	
WATER	
WATER METER	
VEGETATION	
TREE	

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
29-Mar-2018	156472

NOTE
LEVEL BETWEEN T.B.Ms BEFORE ADOPTING THEIR LEVEL.

DENOTES STRUCTURE TO BE REMOVED
RESIDENCE TO REMAIN

WARNINGS:
1. LOT NUMBERS, DIMENSIONS AND AREAS SUBJECT TO WAPC APPROVAL, SURVEY AND LANDGATE AUDIT.

PLAN OF: SUBDIVISION APPLICATION	
PROJECT: LOT 1 ON D 12900 17 DEVON ROAD, BASSENDEAN	CLIENT: DOOLEY
	HORIZONTAL DATUM: PLANE
	VERTICAL DATUM: AHD

SCALE 1:500 @ A3
0m 5m 10m 15m 20m 25m

LOT	DESCRIPTION	AREA
1	ORIGINAL LOT	2226m ²
302	PROPOSED LOT	1113m ²
303	PROPOSED LOT	557m ²
304	PROPOSED LOT	557m ²

DP/PLAN/DIAGRAM: D 12900
C/T: VOL 1669 FOL 646
LOCAL AUTHORITY: TOWN OF BASSENDEAN

SCANLAN SURVEYS PTY LTD
LICENSED SURVEYORS
P O BOX 429 MIDLAND 6936
PH: 08 9250 2261
www.scanlansurveys.com.au
bill@scanlansurveys.com.au

DRAWN BY: LF 15/3/2018			
CHECKED BY: WS 15/3/2018			
APPROVED BY: WS 15/3/2018	REV	DESCRIPTION	BY DATE
DRAWING FILE: 8006181.DWG	DRAWING: 8006/18/1		REV:

ATTACHMENT NO. 4

PLACES RECOMMENDED FOR INCLUSION ON THE SCHEME HERITAGE LIST

The following places are recommended for inclusion on the Scheme Heritage list.

PLACE NO	NAME	HOUSE NO.	STREET	LOCALITY
CATEGORY 1				
2	Holmehouse	16	Anstey Road	Bassendean
37	Daylesford	7	Daylesford Road	Bassendean
55	Earlsferry	1	Earlsferry Court	Bassendean
62	Guildford Road Bridge		Guildford Road	Bassendean / Guildford
161	Padbury's Buildings	1	Old Perth Road	Bassendean
172	Bassendean Oval Entrance Gate	140	Old Perth Road	Bassendean
173	Bassendean Oval	140	Old Perth Road	Bassendean
174	MacDonald Grandstand	140	Old Perth Road	Bassendean
175	Bassendean Oval Grandstand	140	Old Perth Road	Bassendean
177	Bassendean Fire Station	10	Parker Street	Bassendean
204	Success Hill Lodge	1	River Street	Bassendean
215	Pensioner Guard Cottage	1	Surrey Street	Bassendean
218	Town Pillar Box		Surrey Street cnr North Road	Bassendean
276	Bassendean Masonic Lodge (fmr)	25	Wilson Street	Bassendean
CATEGORY 2				
5	Success Store (fmr)	34	Anzac Terrace	Bassendean
16	House, 2 Barton Parade	2	Barton Parade	Bassendean
17	House, 6 Barton Parade	6	Barton Parade	Bassendean
21	Pickering Park and Bindaring Park		Bassendean Parade	Bassendean
33	House, 9 Brook Street	9	Brook Street	Bassendean
34	House, 8 Carnegie Road	8	Carnegie Road	Bassendean
38	Devon Road Precinct	1-50	Devon Road	Bassendean
59	House, 60 Eileen Street	60	Eileen Street	Bassendean
67	House, 173 Guildford Road	173	Guildford Road	Bassendean
71	House, 83 Ida Street	83	Ida Street	Eden Hill
72	House, 85 Ida Street	85	Ida Street	Eden Hill
83	Eden Hill Primary School	83	Ivanhoe Street	Eden Hill
84	St Michael's School	4	James Street	Bassendean
85	House and shop, 13 James Street	13	James Street	Bassendean
94	House, 1 Kathleen Street	1	Kathleen Street	Bassendean
108	House, 20 Kenny Street	20	Kenny Street	Bassendean
144	House, 1 North Road	1	North Road	Bassendean
149	House, 27 North Road	27	North Road	Bassendean
151	House, 32 North Road	32	North Road	Bassendean
152	House, 40 North Road	40	North Road	Bassendean
153	House, 41 North Road	41	North Road	Bassendean
156	House, 93 North Road	93	North Road	Bassendean
162	Commercial Precinct, Old Perth Road	1-42	Old Perth Road	Bassendean
163	Bassendean Hotel	25	Old Perth Road	Bassendean
164	Bassendean Post Office (fmr)	31	Old Perth Road	Bassendean
165	Commercial Premises, 43 Old Perth Road	43	Old Perth Road	Bassendean
166	Hyde Buildings	45-51	Old Perth Road	Bassendean
168	Shops, 77-83 Old Perth Road	77-83	Old Perth Road	Bassendean



PLACE NO	NAME	HOUSE NO.	STREET	LOCALITY
189	House, 1 Parnell Parade	1	Parnell Parade	Bassendean
191	House, 1 Prowse Street	1	Prowse Street	Bassendean
198	Station Newsagency	66	Railway Parade	Bassendean
207	House, 21 Rosetta Street	21	Rosetta Street	Bassendean
212	Success Hill Reserve		Seventh Avenue	Bassendean
221	House and Moreton Bay fig tree, 8 Thompson Road	8	Thompson Road	Bassendean
243	Bassendean Primary School	70	West Road	Bassendean
250	House, 122 West Road (The Bakehouse)	122	West Road	Bassendean
251	Winery (fmr), West Road	147	West Road	Bassendean
254	House and gardens, 168 West Road	168	West Road	Bassendean
256	Bassendean Croquet Club (fmr)	10	Whitfield Street	Bassendean
264	Smallman Furniture Manufacture	62	Whitfield Street	Bassendean
270	Bassendean Improvement Committee Reserve		Wilson Street cnr Guildford Road	Bassendean
271	Bassendean War Memorial		Wilson Street cnr Guildford Road	Bassendean
272	St Mark The Evangelist Church	2	Wilson Street	Bassendean
273	Anglican Rectory (fmr)	4	Wilson Street	Bassendean

Ref: OLET-7280018
Enquiries: Timothy Roberts

NAME
ADDRESS
SUBURB

Dear Sir/Madam,

**TOWN OF BASSENDEAN HERITAGE LIST UNDER LOCAL PLANNING SCHEME NO. 10 –
Place No. PLACE NUMBER: NAME OF PLACE**

The Town of Bassendean adopted its Municipal Heritage Inventory (MHI) in August 2017 seeking to identify places of cultural significance to the Bassendean community. The MHI identifies heritage assets in a systematic fashion, to provide the base information needed for local heritage planning to achieve consistency, strategic direction and community support. The property at No. PROPERTY ADDRESS was included within the adopted MHI as a category NUMBER listed property. These places are considered very important to the heritage of Bassendean. Inclusion within an MHI does not afford a property any level of statutory protection.

A local government is required to establish and maintain a Heritage List to identify those places within the Scheme which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry. In the preparation of the Heritage List, the local government is to have regard to the MHI and include on the Heritage List such of these entries that it considers to be appropriate. Council have endorsed the establishment of heritage incentives for properties that are included within the Heritage List. This is a matter in which the Town intends to undertake further work on in the future and will be the subject of further Council consideration.

Council adopted the recommendation from the MHI that all category one and category two listed places form the Heritage List under Local Planning Scheme No. 10 (LPS10). All category one listed properties are considered to hold exceptional significance to the Town and all category two listed properties are considered to hold considerable significance to the Town. Inclusion within the Heritage List under LPS10 means that any form of development (including demolition) will require the development approval of the local government and affords the property a degree of statutory protection at the discretion of the local government.

The Town is inviting owners of places proposed to be included within the Heritage List under LPS10 to comment on the proposed inclusion. A copy of the place record form from the MHI for your property has been attached for your reference. The statement of significance and management category within this place record form will form the reasons for its entry within the Heritage List.

Any submissions can be made by email to mail@bassendean.wa.gov.au with comments welcomed by Friday 02nd March 2018. Should you have any further questions please do not hesitate to contact Timothy Roberts within the Town's planning department on 9377 8024.

Yours faithfully,

CHRISTIAN BUTTLE
A/MANAGER DEVELOPMENT SERVICES

09th February 2018

Encl. MHI Place Record Form

Attachment 3: Advertising of Heritage List Schedule of Submissions.

NAME OF PLACE	PROPERTY ADDRESS	LANDOWNER SUBMISSION (edited)	SUPPORT or OBJECTION
House, 1 Kathleen St	1 Kathleen St Bassendean	<p>The architraving, skirting, 4-panel doors, coal fireplace, rosettes, 51/4 inch floorboards, type of tuck-pointing and style of turned posts (I copied half an original left on verandah are all circa early 1900s). See photos attached. I will also send you some old photos I dug up of house too. The Clays did not build house in 1914. Edward Clay went to fight in WW1 too.</p> <p>Between (1914-1918) the house must have been part of a bigger estate as it matched the big one that was at the corner of Kenny and Palmerston Streets shown in Jenny Carter's book (Photo 1910). Cummings Smith owned the house before the Clays but I do not think he even built them either.</p> <p>The ones where the verandah posts are cut and sides bricked and chimneys painted are what the house looked like in 1985 when I bought it and the 1950s stuff at the back is being replaced by stuff that is more sympathetic.</p>	INDIFFERENT; however would like to see no loss of development potential (existing) and then would support inclusion
Bassendean Fire Station	10 Parker St, Bassendean	Thank you for providing DFES with the opportunity to comment on the above listing. Given the property is already listed on the State Heritage register we welcome its recognition on the Town of Bassendean's own Heritage List. We have no further comment to provide on this proposal.	SUPPORT
House, 8 Carnegie Rd	8 Carnegie Road, Bassendean	<p>Thank you for informing me that the Town of Bassendean would like to include our home at 8 Carnegie Road, Bassendean on the Heritage List for the Town of Bassendean.</p> <p>Whilst I can understand why this property is considered important for the Town, I object to its being listed on the Heritage List as I feel this may complicate any plans my husband and I may have in the future for the house and property.</p>	OBJECTION
House, 40 North Road	40 North Rd, Bassendean	<p>Thanking you for your letter of the 9th February with the enclosures. As I have set out details with regard to the house and garden in earlier letters of 2/5/2015, 7/3/2017 and 3/7/2017, I feel that it is not necessary for me to do this today. It is good to know that the Council is interested in preserving some heritage in the town for future generations to appreciate. Hopefully this property (house and garden), can be preserved intact, after I pass this life ...</p> <p>With regard to the history, the story is as follows: In early February 1936, my parents purchased the land. Building work started after approval by the then Bassendean Road Board, sometime in late February 1936. They moved into the house on a wet day of the 13th June 1936. My father, Raymond William Lewis, a schoolteacher b 27/9/1904 d 20/12/1993 lived in the house until March 1992, before going to the Bassendean Nursing Home. My Mother Thelma Florence (nee Chapman) Lewis b 8/3/1912 lived here until late January 1996, before going to the hospice at the Mt Lawley Hospital, where she died on the 13/2/1996. My parents came from Geraldton WA and they were married in Christ Church Cathedral on the 31/12/1935.</p> <p>Again thanking you for your letter of 9th February 2018, with the enclosures. I hope that by now and in the earlier letters, you now have all relevant details, with regard to the history of the property at 40 North Road, Bassendean.</p>	SUPPORT
House and Moreton Bay Fig Tree	8 Thompson Road, Bassendean	<p>I am responding relative to the above. I wish to object strongly to the proposal put forth there in.</p> <p>A good many years ago, two ladies visited me under the auspice of State Heritage. They informed me they were there to view, inspect and assess the property for consideration of a listing for Heritage. They remained for an hour or more, for a thorough inspection, and informed me they would return at a later time with a decision.</p>	OBJECTION

		<p>This they did, saying there would be no listing for Heritage due to the extensive alterations made to the house being out of both period, and character, to the original structure of the house.</p> <p>This visitation, inspection and decision I am sure would have been known by Council at the time, so I find it difficult to accept and understand what you now propose.</p> <p>Your limited view from which (as you quote) 'obscured much of the place from clear view' belies its non-conformity to character.</p> <p>Consider: -</p> <ul style="list-style-type: none"> - Both ends of the house (or sides) have been extensively extended out of form and character to its original structure. - There are no original window openings in size or shape. All of the main window openings are replaced with much larger windows (8 feet) down to floor level, and are mullioned. - The base of the original front windows had a brick window ledge approximately 2 feet above the verandah floor level, which gave more design character to the house frontage than it now has. - All ceilings and plasterwork replaced with decorative non-period conforming work by Chris Savage and Co. - Large areas of original flooring replaced with concrete. - Main fireplace removed and replaced by a marble one of non-character. - The original brick face of outer walls ruined in appearance because of the need to paint all surfaces to hide the face of non-matching bricks used in extensions. <p>Reference to your enclosure Management Categories and Description Item for Category 2 stating the requirement for 'High degree of integrity/authenticity'. My opinion is the house in its current form fails in that description. Yet again integrity is quoted as "high" elsewhere in the physical description. This I consider a misnomer.</p> <p>The streetscape view of the house undertaken for this assessment is not adequate to determine the complete current form and structure.</p>	
<p>Commercial Premises, 43 Old Perth Rd</p>	<p>43 Old Perth Road, Bassendean</p>	<p>The information sheet that was provided in the Town's 13 February 2017 correspondence and which is available on the Town's website and titled '<i>Town of Bassendean Municipal Heritage Inventory Review 2017</i>' states:</p> <p><i>Council supports, in principle, the following heritage incentives available to property owners of places of heritage value listed under the Heritage List in conjunction with public advertising the draft Municipal Heritage Inventory;</i></p> <ul style="list-style-type: none"> a) <i>Heritage Awards Program</i> b) <i>Waiving of Application Fees</i> c) <i>Variation to Scheme and R-Code provisions</i> d) <i>Density bonuses</i> e) <i>Heritage Assistance Fund</i> <p>The Town does not have a draft or adopted Local Planning Policy or provisions within LPS 10, which contain or provide guidance of these heritage incentives that are (apparently) "<i>available</i>" to prospective developers of places on the Heritage List. Having reviewed the information provided to our Client, it is our view that the information is misleading, as there appears to be no development incentives available under the current local planning framework.</p> <p>It is more appropriate for a Local Government to establish these incentives within a Local Planning Policy or Local Planning Scheme either before or in conjunction with as including a Heritage List in the Scheme. This way prospective developers would understand and have more certainty as to the implications of the heritage listing.</p>	<p>OBJECTION</p>

Furthermore, it has been our experience that the listing of a place on a Heritage List directly affects the development potential of the site. Heritage listing is effectively an encumbrance on a Certificate of Title, where the development potential is commonly reduced as a result of the conservation of the place. Additionally, it is our experience that the maintenance costs associated with the general upkeep of a heritage place are increased as the standard of repair and materials required are of a higher quality or specialised nature.

Without detailed information as to the possible heritage incentives available to our Client, we object to this proposal.

Therefore, Council should not support this proposal until either the Town adopts a Local Planning Policy or a Scheme Amendment is gazetted which includes incentives for development / redevelopment of places on the Heritage List.

The Town does not have a Local Planning Policy, which relates to local heritage matters or provides guidance on the inclusion or exclusion of heritage places on the MHI or Heritage List.

The MHI identifies the subject site as a proposed management Category Two as it is supposed that the site has considerable significance to the Bassendean Community.

The Town's Heritage Statement contains the following statement of significance for the subject site:

- *The place has aesthetic value as an intact and simple expression of the Inter War Spanish Mission style.*
- *The place has aesthetic value as a landmark in the Bassendean Town site streetscape.*
- *The place has historic value for its associated with the development of the Town site in the 1930s.*
- *The place has social value for its association with the provision of medical services from 1936 for several decades.*

The Town's Heritage Statement states:

The place is currently used as professional offices and the form and extent of the building do not appear to have changed considerably since its construction. It is suggested that the paint on the brickwork is not original.

In light of the information provided in the Town's MHI, we question the validity of the Heritage Assessment and the supposed level of significance of the existing development. The Heritage Assessment states:

The form and extent of the building do not appear to have changed considerably since its construction.

Whilst we acknowledge that the existing development does have some heritage value, we contend Category Two management category that is proposed by the MHI. We are of the view that the existing development should be awarded a Category Three management category as:

1. A number of alterations and extensions have been made to the existing development since construction which affects the overall heritage value of the site; and
2. The existing development does not have any relevance to the history of Bassendean Town Centre.

The Town's Heritage Assessment concludes that the existing development has a 'Considerable' level of significance, despite the following alterations and extensions being made to the building:

- Construction of a large garage structure to house approximately five (5) vehicles;
- Two (2) office extensions to the building;

- Alterations to the original exterior masonry walls and painting of exterior building; and
- Additions of solar panels to the roof of the building.

In addition to the above alterations, the use of the site has changed from its original medical and residential uses to offices.

In respect to the above modifications, it would be difficult for one to justify that the form and extent of the building remains intact. We question the view that the development has a considerable level of significance when considering its authenticity.

In addition, the Town's Heritage Assessment provides the following historical notes:

The Bassendean town centre was established and laid out as an extension of Guildford Town site in the 1840s but it was not until the 1890s that the town developed rapidly with the influx of workers during the gold boom period. The West Guildford Road Board was formed in 1901, which became the Bassendean Road Board in 1922, in recognition of one of the first farms in the district 'Bassendean' established by the First Colonial Secretary, Peter Broun. The town developed on either side of what was called the Perth Road and later, Guildford Road, which logically connected Perth to Guildford. This portion of the road name was changed to 'Old Perth Road' in the 1970s when Guildford Road was realigned.

The building was constructed for £1850 in 1935 as medical rooms and residence for Dr Eric Walker Kyle (1901-1982) and his wife Sylvia Elizabeth nee Magnus (1905-1973). The couple had married in 1930 and they lived at the premises until 1940 when it was subsequently occupied by Dr Malcolm Sylvester Bell, Dr Bell was active in the community beyond his medical practice as the Chairman of the Bassendean War Memorial Olympic Pool Committee in 1961.

The place is currently used as professional offices and the form and extent of the building do not appear to have changed considerably since its construction. It is suggested that the paint on the brickwork is not original.

This historical background (particularly paragraph one above) has no relevance to the existing development at the subject site, other than the fact that the development was located in the suburb of Bassendean. This is not a valid heritage consideration.

Furthermore, we question whether the development being previously used as a medical centre for several decades qualifies the place as having social value. If the site was used as a hospital or birthing suite, it may offer a heightened level of social value for the community. However, to our knowledge, the site has not been used in this manner and therefore the site offers no social significance to the Bassendean Town Centre.

On the basis of the above, we are of the view that the existing development should not be awarded a Category Two management category and that the management category should be reduced to Category Three. As a result, the subject site would not be required to be included on the Heritage List in LPS 10.

Having consideration to the above development standards, which apply to the 'Town Centre' Zone, the development of the subject, would be permitted to have a plot ratio of 2.0:1.0, which equates to a plot ratio floor area of approximately 2,039.8m².

As the development of the subject site would consist of a number of uses being residential and commercial, it is anticipated that approximately half of the ground level would be commercial in nature with the balance being made available for parking, access and vehicle manoeuvrability. The commercial use would therefore have an area of approximately 509.95m². Assuming that the balance of the plot ratio is dedicated to the residential use, this component would have a plot ratio floor area of approximately 1,529.85m². This breakdown is illustrated below:

	Plot Ratio	Area
Subject Site	-	1,019.9m ²
Total Plot Ratio Floor Area	2.0:1	2,039.8m ²
Commercial	0.5:1	509.95m ²
Residential	1.5:1	1,529.85m ²

We would anticipate nil setbacks for the first two (2) floors with approximately 3m to 5m setbacks to the floors above, in line with the requirement to step the upper storeys back from the street under LPP 1. A development at the subject site would address the dual street frontages.

Approximately 211m² of the subject site is occupied by the existing development with the balance being used for vehicle parking, a pool and gardens. There are two (2) crossovers to the subject site, one from James Street and another from the rear laneway. In the event that the existing development is included on the Heritage List, the area presently set aside for parking would be the only portion of the subject site capable of accommodated additional development.

The parking provided at the site has an area of approximately 333m² and its development would be constrained by:

- The existing development at the site;
- The width of potentially developable area (being a 12m wide area to the southern portion of the subject site, between the existing garage and building). This area of the subject site also exhibits significant ground level differences, sloping from the north to the south;
- The need to retain existing parking for the existing development;
- The need to provide parking for any proposed development; and
- The narrow frontage width.

Given these constraints, we do not believe that the balance of the subject site is capable of supporting any development above what is presently provided.

As the subject site is presently capable of supporting development with a plot ratio floor area of approximately 2,039.8m², the inclusion of the site on the Heritage List will reduce the development potential of the site by 1,495.8m² (i.e. the existing development and parking for the existing development occupies approximately 544m²).

As has been mentioned previously, it is our experience that the value of the site is generally related to development potential. Heritage listing is effectively an encumbrance on a Certificate of Title where the value of a site is reduced proportionally to the loss in development potential. It is therefore our view that should the subject site be included on the Heritage List the value of the Client's land will reduce considerably, proportionate to the loss of development potential that will be suffered.

House, 1
Parnell Pde

1 Parnell Pde
Bassendean

I am writing in response to the letter received 9th February regarding the proposed inclusion of our house (property: 1 Parnell Parade, Bassendean) on the Town of Bassendean Heritage List under Local Planning Scheme no 10 (LPS10) as Category 2. As the owners of this property we do not believe our house is of significant cultural heritage and worthy of conservation. We purchased the property in 2007 and the house had already undergone significant modifications both externally and internally including the extension of a large modern decking/ patio area to the rear of the existing dwelling and the already existing large addition to the lounge / living area, kitchen, bathroom & laundry areas. As the original bedrooms were rundown for considerable years, many internal modifications have been made leaving very few if any original features throughout the original house.

OBJECTION

		<p>The windows are not original and have also been modified significantly. While we agree our house may have some aesthetic value we do not think this warrants inclusion as Category 2 on the Town of Bassendean Heritage List. Furthermore we do not believe our property holds significant to the Town of Bassendean as there are many similar dwellings within the Bassendean area that would hold greater historic value for their association with the development of the Bassendean area in the early 20th Century. Similarly there are many other dwellings in the Bassendean area that provide better examples of Federation Bungalow and of early 20th Century form and scale of housing. In summary we do not consider our house to have any significance and therefore should not be included within the Heritage List. If you have any further queries, please don't hesitate to contact us.</p>	
Anglican Rectory (fmr)	4 Wilson St, Bassendean	<p>There are some of points I would like to bring to your attention regarding the Classification of our house as a Category 2 building.</p> <p>The cultural and social significance are self evident. But with regard to the structure I will make a couple of comments.</p> <p>One is the description of the architectural style used in the Statement of Significance as an:- "Inter War Californian Bungalow Style". I know I may have raised this issue with you before in conversation but I am curious to know what reference is being used to arrive at this conclusion. Californian Bungalow has some pretty specific parameters and I not sure this house ticks any of the boxes in this regard. But if the consultants are using a local generic short hand I'm happy to go along with the descriptor. I have added some facsimiles from a book that identifies Australian Architectural styles.</p> <p>Secondly, here is a little bit more history that I have only just unearthed, with regard to the <i>Authenticity</i>.</p> <p>A very significant element of the house is the verandah and french doors that along with the tasteful balustrading lift the appearance of the house to a new level of substantiveness. But a building approval (9715) was only given for the verandahs and the windows to be enlarged to accommodate french doors in 2002. So there is probably a little cloud over the Authenticity.</p>	SUPPORT
Pickering & Bindaring Park	Bassendean Parade, Bassendean	<p>Pickering Park - The State Land Services of the Department of Planning, Lands and Heritage is the owner of the land. The reserve is vested to the Town of Bassendean. The land is controlled in accordance with the Swan Canning Rivers Management Act 2016 and the Aboriginal Heritage Act 1972. Pickering Park is a registered aboriginal site and has statutory protection The Minister for Aboriginal Affairs in the past has provided Section 18 Conditions of Consent for the land. The 2017-2027 Community Strategic Plan, Strategic Priority 2: Natural Environment states "2.3 Ensure the Town's open space is attractive and inviting. 2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection" Should the land area of Pickering Park be added to the Town Planning Scheme 10 list of Heritage Places, it will add one more administrative layer should Council wish to undertake restoration works to the foreshore portion of the reserve or undertake development works associated with the passive recreation portion of the reserve. On that basis I would suggest that the land area of Pickering Park not be included in the Town Planning Scheme as a Heritage Place</p>	OBJECTION
Success Hill Reserve	Seventh Ave, Bassendean	<p>Success Hill Reserve – The Planning and Development Act 2005 recognises that the conservation of the natural environment is a matter to be considered in planning schemes and State planning policies. As such, Bennett Brook Eden Hill to West Swan Bush Forever Site No. 413 contains Success Hill Reserve and is provided statutory protection. The land is controlled in accordance with the Swan Canning Rivers Management Act 2016 and the Aboriginal Heritage Act 1972. Success Hill Reserve is a registered aboriginal site and has statutory protection. The State Land Services of the Department of Planning, Lands and Heritage is the owner of the land. The reserve is vested to the Town of Bassendean. The land is controlled in accordance with the Swan Canning Rivers Management Act 2016 and the Aboriginal Heritage Act 1972. The Minister for Aboriginal Affairs in the past has provided Section 18 Conditions of Consent for the land. The State Land Services have authorised the Town of Bassendean to undertake works on the land. The 2017-2027 Community Strategic Plan, Strategic Priority 2: Natural Environment states "2.3 Ensure the Town's open space is attractive and inviting. 2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection" Should land area of Success Hill Reserve be added to the Town Planning Scheme 10 list of Heritage Places, it will add one more administrative</p>	OBJECTION

		layer should Council wish to undertake restoration works to the Bush Forever portion of the reserve or undertake development works associated with the passive recreation portion of the reserve. On that basis I would suggest that the land area of Success Hill Reserve not be included in the Town Planning Scheme as a Heritage Place	
Bassendean Croquet Club (fmr)	10 Whitfield Street, Bassendean	Bassendean Tennis Club – Supported	SUPPORT
Bassendean Improvement Committee Reserve	Wilson St cnr Guildford Rd, Bassendean	BIC Reserve - The State Land Services of the Department of Planning, Lands and Heritage is the owner of the land. The reserve is vested to the Town of Bassendean The 2017-2027 Community Strategic Plan, Strategic Priority 2: Natural Environment states "2.3 Ensure the Town's open space is attractive and inviting. 2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection" Should the BIC Reserve be added to the Town Planning Scheme 10 list of Heritage Places, it will add one more administrative layer should Council wish to undertake development works associated with creating the civic gardens within the passive area of the reserve or improve the active recreation portion of the reserve. On that basis I would suggest that the land area of BIC Reserve not be included in the Town Planning Scheme as a Heritage Place	OBJECTION
Bassendean War Memorial	Wilson St cnr Guildford Rd, Bassendean	Bassendean War Memorial – Supported	SUPPORT
Guildford Road Bridge	Guildford Rd, Bassendean	Please be advised Main Roads Raises no objection to include the Guildford Bridge on the Heritage List under the Town of Bassendean Local Planning Scheme No. 10.	SUPPORT
House, 85 Ida Street	85 Ida Street, Eden Hill	I am very pleased to read of the Council's interest in preserving heritage buildings in the area and consider that to be a positive step. As the owner of the above property I would be very happy to think there would be a level of protection for it should I chose to sell at some point in the future. Retaining buildings from the past is key to providing a sense of history as well as identity and WA has failed miserably in doing this in my opinion. I am not sure exactly what the Council wants in terms of a 'submission' from me (as mentioned in the letter I received dated 9/2/18), clarification would be appreciated.	SUPPORT
Smallman Furniture Manufacture	62 Whitfield Street, Bassendean	As the current owners of the abovementioned property, we strongly encourage and urge the Council to review the assigning of a category 2 to the property. Whilst we appreciate the importance of recognising and preserving places of local cultural heritage significance, we are concerned that the Council is seeking to preserve and place restrictions upon a structure that bares very little authenticity and integrity to the furniture manufacturing building as described in your documentation. Excepting the painted 'Smallmans' sign and the original asbestos and iron materials, the structure bears no resemblance of yesteryear and in no way showcases the 'workplace' that it once was. Previous owners of the said property have made significant modifications and alterations to the inside of the shed structure, rendering its use and appearance very different to the workshop that it once was. The floors and wall coverings have all been altered and all machinery and workshop tools have been removed. Having spoken to family members who visited the property whilst under the ownership of Mr Smallman, the only features of the building that are authentic are the raw asbestos and iron, all of which are materials on the exterior of the structure. We are also very concerned that the Council is seeking to preserve and place demolition restrictions on a structure which contains damaged and deteriorated asbestos material which is known to have health consequences for those within close	OBJECTION

		<p>proximity. As the structure is essentially a backyard shed, previous owners of the property have treated it as such and the raw asbestos has either become damaged or has deteriorated. Asbestos becomes a hazard when in its raw form deteriorates, becomes damaged or is altered in any way; needing only a small disturbance to dislodge the fibres and become airborne. The structure is approaching the end of its natural life as supported by the photographs contained within this letter. Once airborne, asbestos is known as a carcinogen and poses several health risks, including however in no way limited to asbestosis, mesothelioma and lung cancer. By including the shed-like structure on a heritage listing the Council is imposing structural and demolition restrictions which are likely to have health consequences on those in close proximity, particularly our young children who play in the backyard and around the shed each and every day. How is it equitable and morally just to enforce a structure to be maintained in its current state, when there is likely to be health consequences and the structure itself offers very little heritage value to the community as a whole. A recommendation to replace the asbestos with another material would render the structure even further from its original and authentic state.</p> <p>In essence the condition of the shed structure together with the alterations that have been undertaken by previous owners leaves the structure very different in both purpose and appearance to the statement of significance referred to in the Council's documentation, documentation which erroneously refers to the structure as a Californian Bungalow. The shed contains hazardous and deteriorating material, lacks authenticity and therefore the cultural heritage significance is questionable. As illustrated in the photographs included in this submission, the previous owner has used offcuts of real estate signs to cover holes and broken areas of the asbestos, adhering such to the exterior of the structure. It is also prudent to note that the structure has suffered white ant damage in recent times, the degree of damage unquantifiable at this stage. The structure itself is no longer visible to the local community from the public road or pathways, given recent development of the adjoining property, as approved by the Council.</p> <p>We also seek clarification and justification as to why 62 Whitfield Street has been assigned a higher proposed management category of 2, when compared to the neighbouring property 64 Whitfield Street? Both houses are weatherboard, built in the same era and are similar in appearance to many other houses within the suburb of Bassendean. The property lacks aesthetic value as the manufacturing structure is not substantially intact, is very different in use and appearance to its manufacturing days and is not visible to the general public. Perhaps of more value to the local community would be a museum type acknowledgement of the person John Smallman, exhibiting samples of his workmanship in a public space for the local community to enjoy. To such cause we would happily donate the Smallman's signage located on the front of the structure, but do so with the disclaimer that the painted sign has also been altered by previous owners.</p> <p>In closing, given that the building and in particular the workshop, lacks the authentic attributes detailed within the Councils documentation, the fact that the structure contains hazardous material which is deteriorating and likely to pose health consequences for all persons within close proximity and the grading of the integrity and authenticity of 'high' being questionable, we strongly urge the Council to revisit its decision to assign such a high management category. After speaking to a number of locals, it is our suggestion that a plaque or museum type recognition of Mr Smallman's manufacturing efforts would be more fitting than the preservation of a deteriorating, raw asbestos, rusty structure that to the uninitiated person would seem nothing more than an eyesore, dilapidated shed.</p>	
House, 83 Ida Street	83 Ida Street, Eden Hill	<p>We wish to register our objection to the house at 83 Ida St Eden Hill being placed on any heritage list. According to the Place Record form we received, the house is in good condition. Obviously, the survey consultants used did not do a comprehensive inspection of the property as the rear of the house is deteriorating with crumbling brickwork & the only rendered and painted wall is at front of the house. Considerable amounts of money and expertise would be needed to restore the house to a good condition. If listing this house on a heritage list were to affect it's saleable value, then this would be detrimental to Florence Rowles' future welfare. The house is her only asset and will have to be sold at some future date to provide funds for her ongoing care. As she is 89 years of age, this may not be in the too distant future.</p>	OBJECTION



ROWEGROUP

Job Ref: 8081
2 March 2018

Chief Executive Officer
Town of Bassendean
PO Box 87
BASSENDEN WA 6934

Attention: Mr Timothy Roberts – Planning Officer

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
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Dear Sir

**Proposal to Include Existing Building on the Local Planning Scheme No. 10 Heritage List
Lot 175 (No. 43) Old Perth Road, Bassendean**

Rowe Group acts on behalf of the landowner of Lot 175 (No. 43) Old Perth Road, Bassendean ('the subject site'). We write in response to the 9 February 2018 Town of Bassendean ('the Town') correspondence on the proposed Scheme Amendment to include a Heritage List in the Local Planning Scheme No. 10 ('LPS 10'). We understand that the Town proposes to include the existing development at the subject site, a Category Two place on the Town's MHI, on the Heritage List contained in LPS 10 ('the proposal').

This letter has been prepared to reiterate the position of our Client, to discuss the supposed heritage value of the existing development and explore the loss in development potential which will result should the existing development be included on the Heritage List. Each of these matters has been explored below under corresponding headings for ease of reference.

Subject Site

The subject site comprises one (1) lot, legally described as:

- Lot 175 on Plan 1786, Certificate of Title Volume 1117 Folio 477.

The subject site has a land area of approximately 1,019.9m² and is bound to the north by Old Perth Road and James Street to the east. The subject site is occupied by an office building which is generally orientated to James Street.

The subject site is zoned 'Town Centre' under the provisions of LPS 10. Land to the west is also zoned 'Town Centre', with the properties to the south zoned 'Residential' with a density coding of 'R20'.

Insufficient Information on the Proposal

The Town's 9 February 2018 correspondence advises that a Scheme Amendment will be undertaken to insert Category One and Two listed places from the MHI into the Heritage List contained in LPS 10. No draft Scheme Amendment text has been provided as part of this advertising process. As a result there is insufficient information for landowners to comment on or to make informed decisions against.

Furthermore, no notice has been given in accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations'). In respect to standard and complex amendments, Section 38(1) and Section 47(1), Part 5 of the Regulations requires Local Governments to prepare a notice giving details of:

- The purpose of the amendment; and
- Where the amendment may be inspected; and
- To whom and during what period submissions in respect of the amendment may be made.

The Town's 9 February 2018 correspondence does not state where the Amendment may be inspected and it does not address what type of Scheme Amendment is proposed as required by Section 38(1) and Section 47(1), Part 5 of the Regulations.

Heritage Listing Fact Sheet

The information sheet that was provided in the Town's 13 February 2017 correspondence and which is available on the Town's website and titled '*Town of Bassendean Municipal Heritage Inventory Review 2017*' states:

Council supports, in principle, the following heritage incentives available to property owners of places of heritage value listed under the Heritage List in conjunction with public advertising the draft Municipal Heritage Inventory;

- a) Heritage Awards Program*
- b) Waiving of Application Fees*
- c) Variation to Scheme and R-Code provisions*
- d) Density bonuses*
- e) Heritage Assistance Fund*

The Town does not have a draft or adopted Local Planning Policy or provisions within LPS 10 which contain or provide guidance of these heritage incentives that are (apparently) "*available*" to prospective developers

of places on the Heritage List. Having reviewed the information provided to our Client, it is our view that the information is misleading as there appears to be no development incentives available under the current local planning framework.

It is more appropriate for a Local Government to establish these incentives within a Local Planning Policy or Local Planning Scheme either before or in conjunction with as including a Heritage List in the Scheme. This way prospective developers would understand and have more certainty as to the implications of the heritage listing.

Furthermore, it has been our experience that the listing of a place on a Heritage List directly affects the development potential of the site. Heritage listing is effectively an encumbrance on a Certificate of Title, where the development potential is commonly reduced as a result of the conservation of the place. Additionally, it is our experience that the maintenance costs associated with the general upkeep of a heritage place are increased as the standard of repair and materials required are of a higher quality or specialised nature.

Without detailed information as to the possible heritage incentives available to our Client, we object to this proposal.

Therefore, Council should not support this proposal until the Town adopts either a Local Planning Policy or a Scheme Amendment is gazetted which includes incentives for development / redevelopment of places on the Heritage List.

Heritage Value of Existing Building

The Town does not have a Local Planning Policy which relates to local heritage matters or provides guidance on the inclusion or exclusion of heritage places on the MHI or Heritage List.

The MHI identifies the subject site as a proposed management Category Two as it is supposed that the site has considerable significance to the Bassendean Community.

The Town's Heritage Statement contains the following statement of significance for the subject site:

- *The place has aesthetic value as an intact and simple expression of the Inter War Spanish Mission style.*
- *The place has aesthetic value as a landmark in the Bassendean Townsite streetscape.*
- *The place has historic value for its association with the development of the Townsite in the 1930s.*
- *The place has social value for its association with the provision of medical services from 1936 for several decades.*

The Town's Heritage Statement states:

The place is currently used as professional offices and the form and extent of the building do not appear to have changed considerably since its construction. It is suggested that the paint on the brick work is not original.

Refer Attachment One – Municipal Heritage Inventory.

In light of the information provided in the Town's MHI, we question the validity of the Heritage Assessment and the supposed level of significance of the existing development. The Heritage Assessment states:

the form and extent of the building do not appear to have changed considerably since its construction.

Whilst we acknowledge that the existing development does have some heritage value, we contend Category Two management category that is proposed by the MHI. We are of the view that the existing development should be awarded a Category Three management category as:

1. A number of alterations and extensions have been made to the existing development since construction which affects the overall heritage value of the site; and
2. The existing development does not have any relevance to the history of Bassendean Town Centre.

The Town's Heritage Assessment concludes that the existing development has a 'Considerable' level of significance, despite the following alterations and extensions being made to the building:

- Construction of a large garage structure to house approximately five (5) vehicles;
- Two (2) office extensions to the building;
- Alterations to the original exterior masonry walls and painting of exterior building; and
- Additions of solar panels to the roof of the building.

In addition to the above alterations, the use of the site has changed from its original medical and residential uses to offices.

In respect to the above modifications it would be difficult for one to justify that the form and extent of the building remains intact. We question the view that the development has a considerable level of significance when considering its authenticity.

In addition, the Town's Heritage Assessment provides the following historical notes:

The Bassendean town centre was established and laid out as an extension of Guildford Townsite in the 1840s but it was not until the 1890s that the town developed rapidly with the influx of workers during the gold boom period. The West Guildford Road Board was formed in 1901 which became the Bassendean Road Board in 1922, in recognition of one of the first farms in the district 'Bassendean' established by the First Colonial Secretary, Peter Broun. The town developed on either side of what was called the Perth Road and later, Guildford Road, which logically connected Perth to Guildford. This

portion of the road name was changed to 'Old Perth Road' in the 1970s when Guildford Road was realigned.

The building was constructed for £1850 in 1935 as medical rooms and residence for Dr Eric Walker Kyle (1901-1982) and his wife Sylvia Elizabeth nee Magnus (1905-1973). The couple had married in 1930 and they lived at the premises until 1940 when it was subsequently occupied by Dr Malcolm Sylvester Bell, Dr Bell was active in the community beyond his medical practice as the Chairman of the Bassendean War Memorial Olympic Pool Committee in 1961.

The place is currently used as professional offices and the form and extent of the building do not appear to have changed considerably since its construction. It is suggested that the paint on the brick work is not original.

This historical background (particularly paragraph one above) has no relevance to the existing development at the subject site, other than the fact that the development was located in the suburb of Bassendean. This is not a valid heritage consideration.

Furthermore, we question whether the development being previously used as a medical centre for several decades qualifies the place as having social value. If the site was used as a hospital or birthing suite, it may offer a heightened level of social value for the community. However, to our knowledge the site has not been used in this manner and therefore the site offers no social significance to the Bassendean Town Centre.

On the basis of the above, we are of the view that the existing development should not be awarded a Category Two management category and that the management category should be reduced to Category Three. As a result, the subject site would not be required to be included on the Heritage List in LPS 10.

Impact on Development Potential

The subject site comprises one (1) lot. The subject site has a land area of approximately 1,019.9m² and is bound to the north by Old Perth Road and James Street to the east.

As previously mentioned the subject site is zoned 'Town Centre' under the provisions of LPS 10. The key development standards which apply to the 'Town Centre' Zone are outlined below:

Development Standards

- Residential Development / Density
 - › Clause 5.10.3 of LPS 10 – Maximum density of 'R Inner City' and may only be permitted where the Local Government is satisfied that this development is complementary to the scale and character of buildings within the 'Town Centre' Zone. No definition of 'R Inner City' provided.

- › Table 4 of the R-Codes Note (e) – Residential development in land zoned 'R Inner City' is to be assessed under the provisions of 'R-AC3' (i.e. plot ratio of 2.0).
- Parking
 - › Clause 5.7.2 and Table 2 of LPS 10 – not relevant to this exercise.
- Bicycle Facilities
 - › Clause 5.7.6 of LPS 10 – not relevant to this exercise.
- Building Envelope
 - › Section 7.5 of Local Planning Policy No. 1 – Bassendean Town Centre Strategy and Guidelines ('LPP 1') –
 - Building Height:
 - (1) Minimum height of three (3) storeys or 10m;
 - (2) Maximum height of five (5) storeys.
 - Setbacks:
 - (1) Development shall generally have nil setback to front and side boundaries;
 - (2) Residential development at ground level can be set back 2m to 4m;
 - (3) Residential entry foyers at ground level can have a nil setback;
 - (4) Rear setbacks should be provided suitable to accommodate parking and avoid overshadowing of neighbouring buildings;
 - (5) Rear setbacks from residential adjoining should provide for privacy and comply with the requirements of the R-Codes.
- Topography and Floor Levels
 - › Section 7.7 of LPP 1 – Facades should be stepped to express change of level across the building frontage, and should relate to neighbouring facades.
- Crossovers
 - › Section 7.9 of LPP 1 – One vehicle crossover per development site.

Development Potential

Having consideration to the above development standards, the development of the subject would be permitted to have a plot ratio of 2.0:1.0, which equates to a plot ratio floor area of approximately 2,039.8m².

As the development of the subject site would consist of a number of uses being residential and commercial, it is anticipated that approximately half of the ground level would be commercial in nature with the balance being made available for parking, access and vehicle manoeuvrability. The commercial use would therefore have an area of approximately 509.95m². Assuming that the balance of the plot ratio is dedicated to the residential use, this component would have a plot ratio floor area of approximately 1,529.85m². This breakdown is illustrated below:

	Plot Ratio	Area
Subject Site	-	1,019.9m ²
Total Plot Ratio Floor Area	2.0:1	2,039.8m ²
Commercial	0.5:1	509.95m ²
Residential	1.5:1	1,529.85m ²

We would anticipate nil setbacks for the first two (2) floors with approximately 3m to 5m setbacks to the floors above, in line with the requirement to step the upper storeys back from the street under LPP 1. A development at the subject site would address the dual street frontages.

Loss of Development Potential

Approximately 211m² of the subject site is occupied by the existing development with the balance being used for vehicle parking, a pool and gardens. There are two (2) crossovers to the subject site, one from James Street and another from the rear laneway. In the event that the existing development is included on the Heritage List, the area presently set aside for parking would be the only portion of the subject site capable of accommodated additional development.

The parking provided at the site has an area of approximately 333m² and its development would be constrained by:

- The existing development at the site;
- The width of potentially developable area (being a 12m wide area to the southern portion of the subject site, between the existing garage and building). This area of the subject site also exhibits significant ground level differences, sloping from the north to the south;
- The need to retain existing parking for the existing development;
- The need to provide parking for any proposed development; and
- The narrow frontage width.

Given these constraints, we do not believe that the balance of the subject site is capable of supporting any development above what is presently provided.

As the subject site is presently capable of supporting development with a plot ratio floor area of approximately 2,039.8m², the inclusion of the site on the Heritage List will reduce the development potential of the site by 1,495.8m² [i.e. the existing development and parking for the existing development occupies approximately 544m²].

As has been mentioned previously, it is our experience that the value of the site is generally related to development potential. Heritage listing is effectively an encumbrance on a Certificate of Title where the

value of a site is reduced proportionally to the loss in development potential. It is therefore our view that should the subject site be included on the Heritage List the value of the Client's land will reduce considerably, proportionate to the loss of development potential that will be suffered.

Summary

In respect to the Town's proposal to include the development at Lot 175 (No. 43) Old Perth Road, Bassendean ('the subject site') on the Heritage List contained in Local Planning Scheme No. 10 ('LPS 10'), we reiterate that our Client is opposed to the proposal. Our Client objects on the following grounds:

- From review of the Town's 9 February 2018 correspondence, no notice has been given in accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- It is considered that the lack of a guiding policy, such as Local Planning Policy or provisions within LPS 10, does not provide landowners with certainty in respect of the practical implications of a heritage listing. Council should not support this proposal until the Town adopts either a Local Planning Policy or a Scheme Amendment is gazetted which includes incentives for development / redevelopment of places on the Heritage List;
- The existing development should not be awarded a Category Two management category for the following reasons:
 - › A number of alterations and extensions have been made to the existing development since construction; and
 - › The existing development does not have any relevance to the social history of Bassendean Town Centre.

The management category should be reduced to a Category Three and therefore not included in the Heritage List in LPS 10; and

- In the context of the constraints of the subject site, we do not believe that the balance of the subject site is capable of supporting any development above what is presently provided. As the site is presently capable of supporting development with a plot ratio floor area of approximately 2,039.8m², the inclusion of the subject site on the Heritage List will reduce the development potential of the site by 1,495.8m².

Should you require any further information or clarification in relation to this matter, please contact the undersigned on 9221 1991.

Yours faithfully,



Nathan Stewart
Rowe Group

Attachment One

Municipal Heritage Inventory



NAME OF PLACE	Commercial Premises, 43 Old Perth Road		
Other names	Doctor's surgery		
Address	43 Old Perth Road		
Suburb/town	Bassendean		
LAND DESCRIPTION			
Reserve No:	Lot No: 175	Plan 1786	Vol/Fol: 1117/477
TOB Assessment No:	A3970		

HERITAGE LISTINGS	
inHerit database No	18131
Other Listing	None

PLACE TYPE	Individual building or group
ORIGINAL USE	Offices
CURRENT USE	Residential: Two storey residence
OTHER USE	

CONSTRUCTION DETAILS	
Construction Date	1936
Walls	Brick: Painted
Roof	Tile: terracotta
Other	
Architectural Style	Inter War Spanish Mission

Physical Description:

A double storey brick and tile house, located on a corner lot with a secondary frontage along James Street. The façade with the main entrance faces James Street rather than Old Perth Road.

The dwelling has an asymmetric plan form to the façade with a single storey section to the south of the main façade and another single storey porch to the north elevation; this is set behind the main James Street building line. The façade contains timber framed sash openings in a variety of arrangements: the ground level sash windows are arranged in banks of 2's and 3's, with a single arched sash above the main entrance; the second storey contains single sash windows. Each sash window is divided by horizontal glazing bars.

The single storey section to the south of the façade incorporates a large window with a large central pane surrounded by smaller panes. The dwelling has a tiled, hipped terracotta roof with a weatherboard gable over the arched sash window and a raised section of roof over the second storey window on the north elevation. A small open sided portico over the main entrance is supported on rendered columns; the flat roof of the portico is surrounded by a balustrade. The garden is enclosed by two brick boundary walls with metal palisade panels.

Condition	Good
Integrity	Moderate - High
Authenticity	High

HISTORICAL INFORMATION

Historical Notes:

The Bassendean town centre was established and laid out as an extension of Guildford townsite in the 1840s but it was not until the 1890s that the town developed rapidly with the influx of workers during the gold boom period. The West Guildford Road Board was formed in 1901 which became the Bassendean Road Board in 1922, in recognition of one of the first farms in the district 'Bassendean' established by the First Colonial Secretary, Peter Broun. The town developed on either side of what was called the Perth Road and later, Guildford Road, which logically connected Perth to Guildford. This portion of the road name was changed to 'Old Perth Road' in the 1970s when Guildford Road was realigned.

The building was constructed for £1850 in 1935 as medical rooms and residence for Dr Eric Walker Kyle (1901-1982) and his wife Sylvia Elizabeth nee Magnus (1905-1973). The couple had married in 1930 and they lived at the premises until 1940 when it was subsequently occupied by Dr Malcolm Sylvester Bell, Dr Bell was active in the community beyond his medical practice as the Chairman of the Bassendean War Memorial Olympic Pool Committee in 1961.

The place is currently used as professional offices and the form and extent of the building do not appear to have changed considerably since its construction. It is suggested that the paint on the brick work is not original

Historic Theme	Social and Civic Activities: Community Services and utilities Demographic settlement and mobility: settlements
Associations:	Dr Eric Kyle Dr Malcolm Bell

STATEMENT OF SIGNIFICANCE:

- The place has aesthetic value as an intact and simple expression of the Inter War Spanish Mission style.
- The place has aesthetic value as a landmark in the Bassendean townsite streetscape.
- The place has historic value for its association with the development of the townsite in the 1930s
- The place has social value for its association with the provision of medical services from 1936 for several decades.

LEVEL OF SIGNIFICANCE	Considerable
MANAGEMENT CATEGORY	Category 2

MAIN SOURCES

Carter, Jennie 'Bassendean A Social History 1829-1976', Town of Bassendean, 1986.
Wise's Post Office Directories, 1895-1949, accessed online from <http://www.slwa.wa.gov.au>
Australian Electoral Rolls, 1903-1980, accessed online from www.ancestry.com
Land information and aerial photos from Landgate.
The Swan Express 27 June 1940, p. 4; 21 March 1946, p. 7.
The Daily News, 18 April 1935, p. 8.

ADDITIONAL PHOTOGRAPHS



ATTACHMENT NO. 5

Manner of Trade

We seek a grant for a restaurant and small bar licence for up to 120 persons. We aim to sell liquor ancillary to meals prepared at *O2 Restaurant* and for small bar purpose where a small amount of patrons having liquor without a meal. Patrons will enjoy table services for all meals and drinks.

Trading hours will be 7.30am (for Café trading) until 10pm with a maximum closing time of 12am maximum. The Idea being Café trading only 7.30am-12pm and restaurant/small bar trading from 12pm-10pm.

We expect up to 10 employees on at opening times. Seating capacity for customers will be approximately 85 with a maximum of 110.

O2 Restaurant

O2 Restaurant will be a dining experience like no other in Perth. With a live plant wall together with exposed brick, polished plaster and other natural elements to give diners the feel of being outside whilst dining with modern comforts indoors. The premises will comprise of

A main dining area with a back to back plant wall through the centre

Bay windows and full opening doors at front for outside feel

Bar service area

Kitchen

Toilets

Nursery style at rear of building

There is access to parking on Old Perth Road, and a car park at the rear of Café/Restaurant for staff and customers.

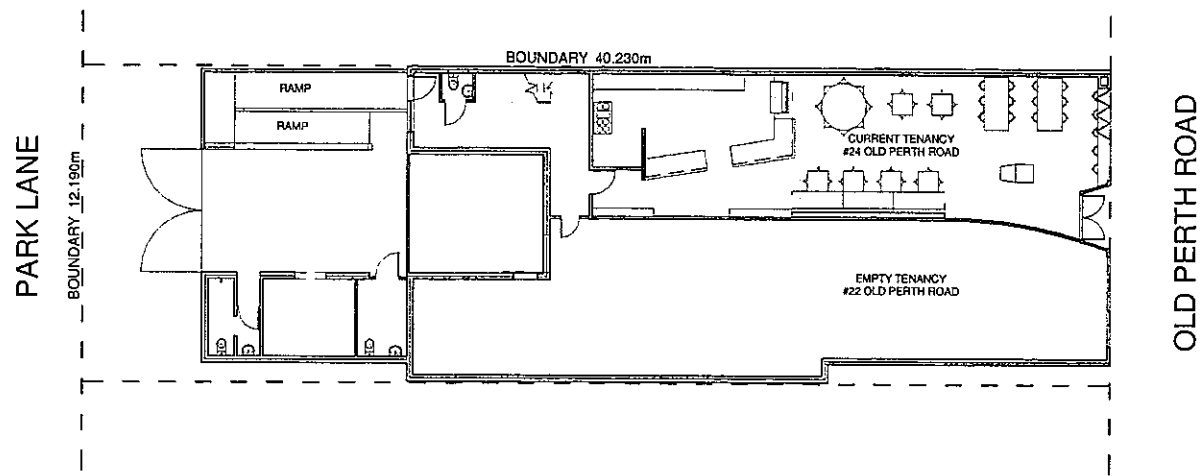
Deliveries will be approximately be 4 per week with majority of the delivery times being early morning (before 8am) There is a loading bay available at the front of the shop.

O2 Restaurant will offer Modern Australian dining that caters to all diners. With Vegan, vegetarian and gluten free options as well as child friendly options. We aim to use local ingredients wherever possible with a wine and beer menu to compliment the foods on offer. We will grow our own herbs through o2 plantwall modules and with our Green Vision aim to compost all food waste, depend on solar power and recycle oils etc.

Restaurant Menu prices will range from \$4 for a starter to \$40 for steaks.

For the alcohol selection We intend to offer a small selection of wines by the glass and by the bottle, A small selection of beers both on tap or bottled. Both local and imported selections. BYO wine will still be applicable.



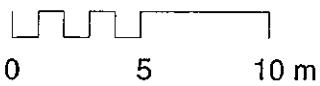
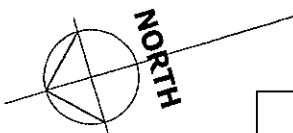


SITE PLAN

SCALE: 1 : 200

NOTES:

LOT 351 SITE AREA: 491m²



TOWN OF BASSENDEAN
16 FEB 2018
RECEIVED

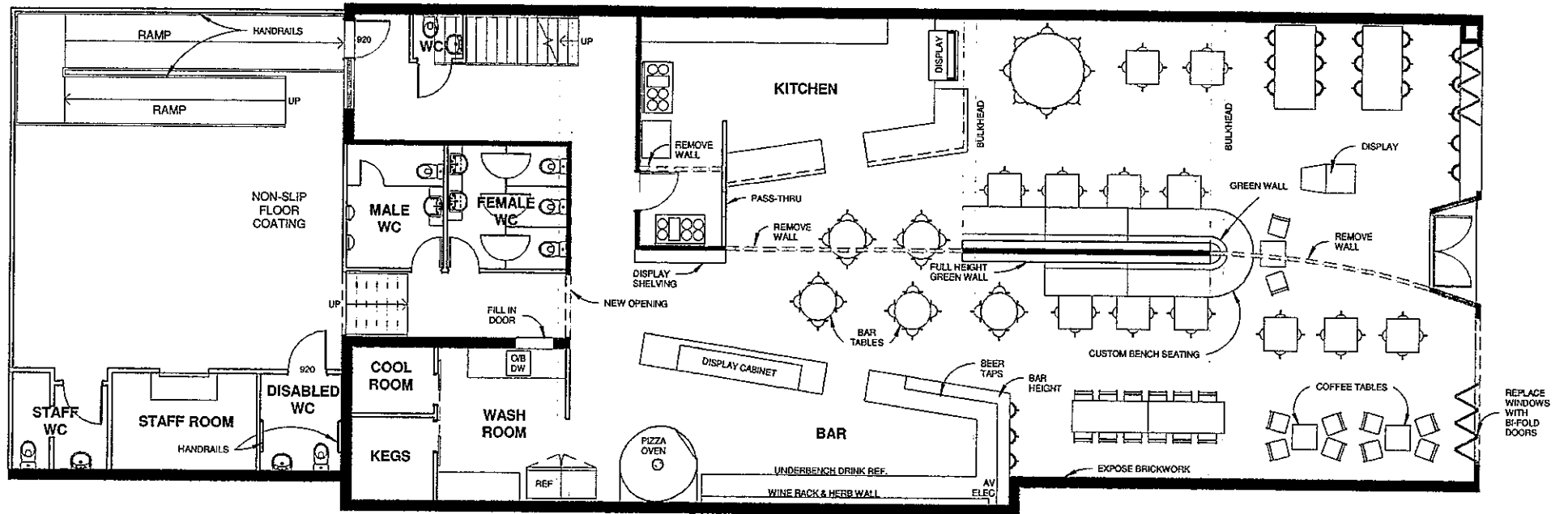
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romona@rsdesigns.com.au
m +61 417 950 796
ABN 21453424560

O2 CAFE
22-24 OLD PERTH ROAD, BASSENDEAN WA 6054
For: D. MIMMO

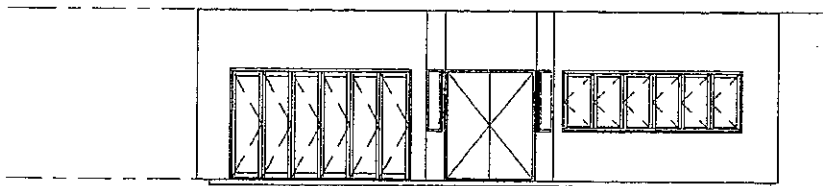
TITLE:
SITE PLAN

REV	DESCRIPTION	DATE	PLOT DATE:	DATE:
SCALE:		11/02/2018	22/01/2018	
1 : 200				
DRAWN BY:	PROJECT NUMBER:	DRAWING No:		
RJS	201709OPR	A001		
CHECKED BY:				



FLOOR PLAN

SCALE: 1 : 100



FRONT ELEVATION

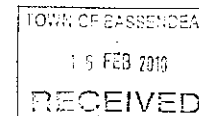
SCALE: 1 : 100

NOTES:

OCCUPANCY: 120

WC:

- FEMALE - 3
- MALE - 1 & 2 URINALS
- DISABLED - 1
- STAFF - 2



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O2 CAFE
22-24 OLD PERTH ROAD, BASSEONDEAN WA 6054
For: D. MIMMO

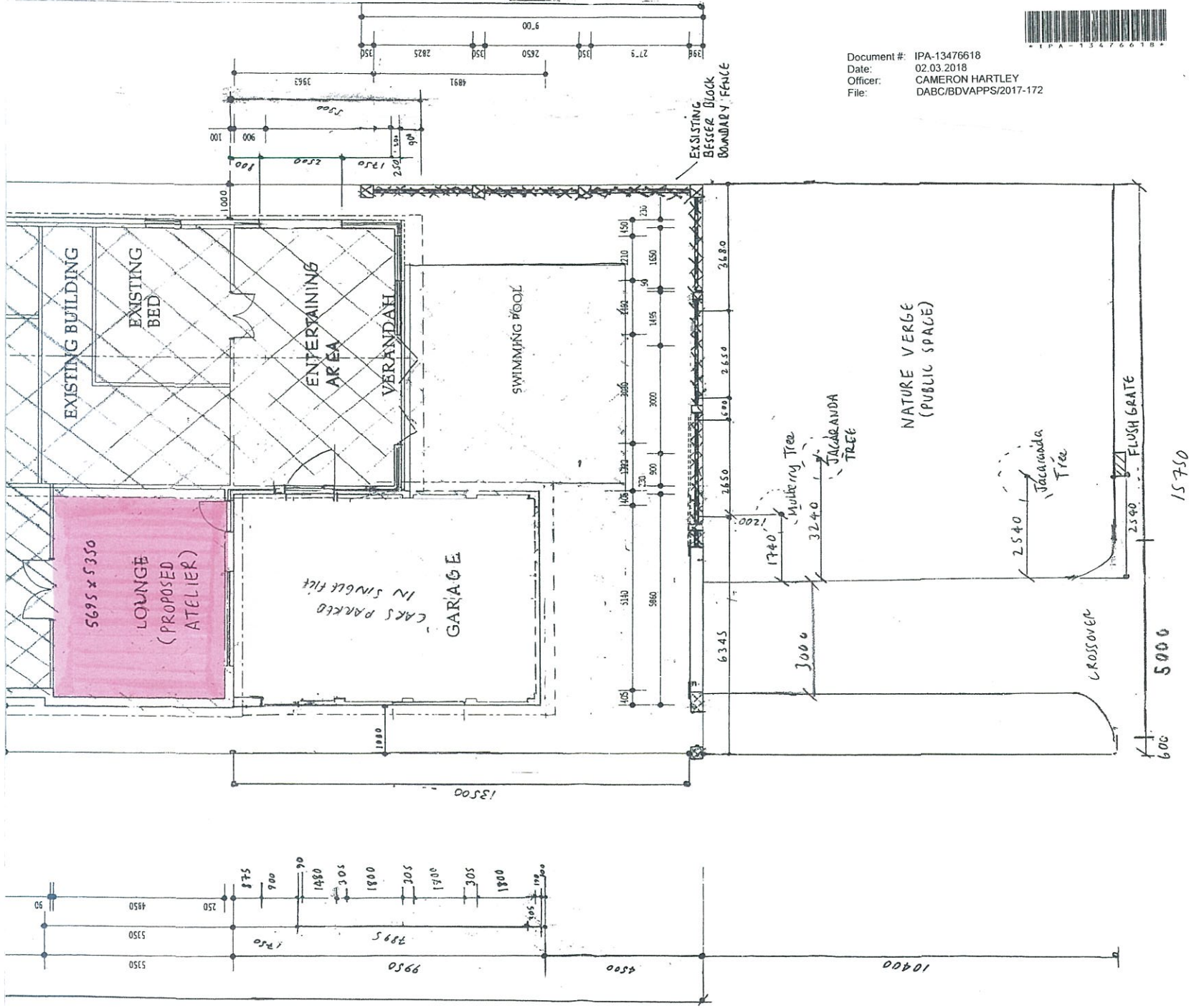
TITLE:
CONCEPT FLOOR PLAN

REV	DESCRIPTION	DATE	DATE
SCALE:	1 : 100	12/10/2017	PLOT DATE: 12/10/2017
DRAWN BY:	RJS	PROJECT NUMBER:	201709OPR
CHECKED BY:		DRAWING No:	A101
			1

ATTACHMENT NO. 6

1/2

11 BROADWAY, LOT 747
FLOOR PLAN DETAIL OF PROPERTY
FROM FRONT VERGE

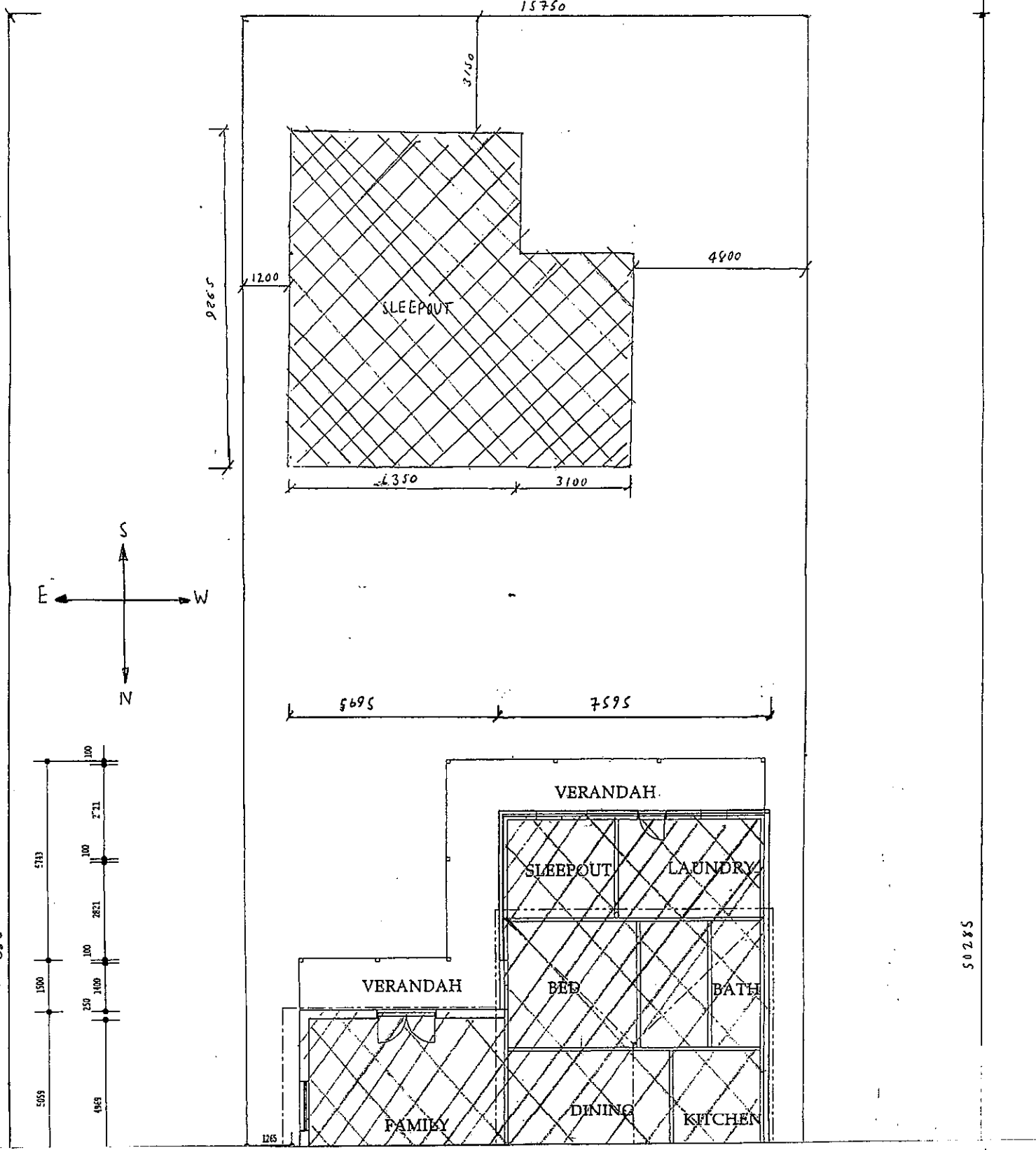


Document #: IPA-13476618
Date: 02.03.2018
Officer: CAMERON HARTLEY
File: DABC/BDVAPPS/2017-172

DRAWN BY	SCALE	DATE
T. HAMBURGER	1:100	27-2-18
PROPOSED REMAINING ATELIER FLOOR SPACE		

DRAWN BY	SCALE	DATE
T. HAMBURGER	1:100	27-2-18
PROPOSED ATELIER		REMAINING FLOOR SPACE

RECEIVED
 9 2 MAR 2018
 TOWN OF BRASSFIELD



Source	Comment	Applicant Justification	Council Officer Response
Tenant of 13 Broadway	The small art class in which Nami teaches does not affect us any way. Parking has never been an issue with us as our neighbours are very considerate people.	N/A	Noted
Owner of 13 Broadway	I have just received the proposal for development of 11 Broadway As they have now extended their opening hours and the amount of children I am in opposition of the proposal It sounds more like an after school and day care centre As my tenants have a small child the noise and disturbances will be to much	N/A	Objection noted
owner of 12 Broadway, Bassendean	In regards to the application for a home business as 11 Broadway, Bassendean I have no objection to the application but it must be reiterated to the applicant that no clients of that business are to park on my verge outside 12 Broadway, Bassendean	N/A	Noted
Owner of 9 Broadway	The proposal states that classes run 3 days a week. We have observed that classes run 5 days a week, with 4 classes for children and one class on Saturdays for adults. On Thursdays it is observed that there are two classes.	We have visitors (family, friends and neighbours) at our house on a regular basis along with the scheduled art classes. We have never had adult classes. The classes on Thursday described is inaccurate as the date of this allegation coincided with a birthday party at our house. We propose additional	Additional class times are noted and have been considered as part of this report. These additional class times are to coincide with the WA school term.

Source	Comment	Applicant Justification	Council Officer Response
		class days including Wednesday, Saturday and Sunday.	
Owner of 9 Broadway	The plan provided notes two additional cars can be parked in front of the garage. This is not correct as there is not a sufficient space for vehicle to park. Additionally the gate does not open wide enough to allow for 2 cars to enter.	Amended plans show that two cars can be parked in single file.	Under the Residential Design Codes, only one bay is required on the site due to the proximity to the Bassendean Train Station. An updated crossover, as depicted along with the existing driveway, would fit two vehicles in tandem. The officer acknowledges the inconsistency with the plan, however this is taken into account with the assessment for parking for the business.
Owner of 9 Broadway	There is no safe way for vehicles to reverse out of the specified parking area due to the lack of a compliant crossover.	As part of the planning approval of this submission the crossover will align with the driveway. As a further note, 30-40% of all students arrive on bicycle or foot, from the train station or local area.	A condition on the recommendation to council is to formalise this access, which would allow for the single crossover access to the site.
Owner of 9 Broadway	The lack of formalised crossover results in visitors attending the site traversing over peoples verges, damaging reticulation and grass in the process.	N/A	As part of the recommendation to council, a crossover application will be required to be supplied to the Town which will ensure a clear area for visitors attending the site to park. A requirement for the traffic management plan will ensure that parking is confined to this crossover and not the verge. These measures

Source	Comment	Applicant Justification	Council Officer Response
Owner of 9 Broadway	Cars relating to the business (i.e. visitors) have previously been reported to the Town due to blocking off access for adjoining landowners. This was likely overspill from the business.	N/A	will ensure no further damage to the neighbours reticulation. As per response to objection No.4, the Town will seek to have the applicant formalise their crossover arrangement and implement a traffic management plan which would seek the crossover to be used only for visitors to the business. All other visitor parking will be redirected to the front of the existing on street public car bays at 3 Broadway.
Owner of 9 Broadway	Parking at the rear is via a ROW (Right of Way) and is only sufficient for one vehicle. The landowner has two vehicles.	We had a quick check and realised that brick paving and concrete returns 11 metres from the back gate. It is covered by grass but is nonetheless there. This could support 2 cars – in single file. This is for our private residential use.	Noted. Vehicle bays from the ROW are not considered acceptable for visitor parking for the use.
Owner of 9 Broadway	The (original) proposal states that up to 10 children will attend each class, meaning that within a short period of time 20 vehicle movements could occur on the site. On Thursdays this will be worse. The number of cars coming to and from the site is unacceptable for a residential property as there is no	As previously mentioned 30-40% of all students visit our house by foot or bicycle. This significantly alters the number of vehicular movements. Furthermore, Nami (proprietor) has students coming to her class spread across an allocated block rather than a specific start time. People are not coming all at	As noted as an attachment to the report to council, the applicant has advised the number of cars currently attending the site. Given the existing on street bays at 3 Broadway, parking can reasonably be accommodated in this area for classes run during the working week (i.e. Tuesday to Friday). The

Source	Comment	Applicant Justification	Council Officer Response
	<p>allocated off-street parking. Parking on verge areas is currently a significant problem for landowners nearby as students attending classes traverse over the verge damaging reticulation and the soil.</p>	<p>once. This again mitigates traffic concerns. None of the visitor's park on the neighbours' verge in front of 9 Broadway as this is a condition accepted by people coming to our house. Please also refer to the letter we have already garnered from number 13 Broadway confirming there is no impact to adjoining verges.</p>	<p>applicant has advised the Town that a maximum of 2 vehicles attend the site on Saturday and Sunday for classes, which can be accommodated in a tandem parking arrangement on the updated formalised crossover.</p> <p>A traffic management plan and time limited approval will safeguard councils interests in ensuring the business can continue and the neighbour will not be adversely affected by the use continuing.</p>
<p>Owner of 9 Broadway</p>	<p>The lack of allocated car parking for parents with children leads to a significant risk to public safety, as vehicles entering and exiting the verge to access the site are traversing over the only pedestrian access way to the business. The number of street items (signage, power poles etc.) this is unsafe.</p>	<p>Of the 60-65% of parents/guardians bringing students with vehicles, they will drop off students and leave the site. The business has been operating for 6 years, with the wide verge allowing for vehicle access safety, and no known accidents being recorded.</p>	<p>Verge parking on Broadway cannot be considered as a permanent solution to maintaining a business in a residential zone. However, as discussed above, the parking available to the site at 3 Broadway would adequately provide for visitors to the home business.</p>
<p>Owner of 9 Broadway</p>	<p>Classes finishing at 7PM can lead to a significant risk to public safety as during winter these areas are not well lit.</p>	<p>The street lamp at 12 Broadway provides sufficient lighting for pedestrian and vehicle safety.</p>	<p>Noted. The assessing officer suggests the existing street lighting would adequately illuminate the area for student pickup.</p>
<p>Owner of 9 Broadway</p>	<p>Due to the lack of formalised parking, vehicles park on adjoining landowner's vehicle access, meaning landowners are unable to exit and enter the site.</p>	<p>No issues have been recorded for 13 Broadway regarding access. No.9 Broadway only has access from the R.O.W therefore there should be no issue from this neighbour.</p>	<p>Refer to response 6 above regarding vehicle access from the verge.</p>

Source	Comment	Applicant Justification	Council Officer Response
Owner of 9 Broadway	The existing vehicle access is not supported due to its shape not aligning to the vehicle parking on the lot.	N/A	The applicant is to be required to formalise the crossover to align with the historically approved garage on the site.
Owner of 9 Broadway	The applicant's lot, being in a residential area, compounds issues such as noise, waste and liability and other negative impacts onto the streetscape.	No machinery is being used on the site. Recycling and reusing materials is encouraged by Nami. Existing garage and parapet walls mitigate any impact on adjoining landowners	Noted. The applicant is required to comply with relevant noise regulations. As the use is contained to a room of the existing dwelling setback over 25m from the street and the use is for Art classes, it is not considered that there will be excessive noise or waste to the streetscape.
Owner of 9 Broadway	Noise associated with children's art classes affects the enjoyment of neighbouring property owners. One can imagine a children's party occurring next to their homes, 4 days a week at a time where they are trying to enjoy their dinner or peaceful time to relax.	As per the above.	As per the above.
Owner of 9 Broadway(Supplementary Submission)	The business was never approved by the ToB and I believe is in current breach of the Planning Act.	N/A	The business which has been operating for 6 years, without approval. The landowner has applied for approval to legitimise the use
Owner of 9 Broadway(Supplementary Submission)	My block (9 Broadway) was vacant and whilst the block was vacant, the patrons of the business next door, used our land & verge and the verge		The landowner will be required to pave the crossover within 60 days of determination of the application .

Source	Comment	Applicant Justification	Council Officer Response
	<p>of 11 Broadway for parking. Many parents stayed in their vehicles whilst their children attended the class. There was not sufficient space to park solely on the verge of 11 Broadway, and thus the parking spilled elsewhere. This practice continued during the construction of our residence at 9 Broadway. This was compounded by the number of street trees (3), power poles (1), No Parking Signs (1) and that the resident of 11 Broadway, did not have a paved or drained cross over and it was in an "S" bend arrangement (i.e. the garage was not aligned with the driveway. This non-conforming access led patrons (and the owners of 11 Broadway) to use the crossover of 5 Broadway, drive across the verges of 9 Broadway, and then onto 11 Broadway. This can be shown below in Figure 1 & 2 where a client of the art school crosses illegally over the verge, and in Figure 2, where the resident of 11 Broadway drives dangerously across the verge. (this is still happening despite rangers advising the residents of 11 Broadway to stop this practice - see figure 1a-1c). This happened</p>		

Source	Comment	Applicant Justification	Council Officer Response
	<p>countless times, even when I was on the verge itself, maintaining the garden, cars would drive at close proximity to me, to squeeze past. This is not acceptable and risks my personal safety.</p>		
<p>Owner of 9 Broadway(Supplementary Submission)</p>	<p>Through many delays (due to the applicant), a revised business proposal was put forward in March 2018, with extensive additions to the operating hours - 6 days a week, and the hours all being whilst many would be at their home relaxing. The initial proposal caused many issues as it was after the fact, however the revised proposal is seriously untenable in its current state and I urge you to suggest to the applicant to find other premises for their business. The applicant currently operates their business out of other local community libraries and centres, and I would recommend that is the most appropriate location for their business, given the effect on local residents is minimised and parking issue are taken care of to an appropriate standard. I strongly believe that this retrospective business application</p>		<p>Officers consider that the home business can be accommodated on the site, without interfering with the amenity of the neighbourhood .</p>

Source	Comment	Applicant Justification	Council Officer Response
	<p>(which has continued to operate since it was discovered it was unapproved), is not aligned with the LPS, and will have lasting negative effects on the area, preventing residents from enjoying the amenity of their environment and consistently having parking issues through unapproved businesses who take up more essential services than a normal residential property.</p>		
<p>Owner of 9 Broadway(Supplementary Submission)</p>	<p>The ToB Business Guidelines state that for a Home Occupation to be approved, the following should be observed:</p> <ol style="list-style-type: none"> 1. "home occupation" means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which: <ul style="list-style-type: none"> (a) does not employ any person not a member of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 20 square metres; (d) does not display a sign exceeding 0.2 square metres; 		<p>The submitter is making reference to a home occupation, which is a less intense form of business.</p>

Source	Comment	Applicant Justification	Council Officer Response
	<p>(e) does not involve the retail sale, display or hire of goods of any nature;</p> <p>(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</p> <p>(g) does not involve the use of an essential service of greater capacity than normally required in the zone;</p> <p>In light of the revised business proposal, I detail the following areas where the proposal does not conform to the LPS, the relevant R Codes and the ToB Business Guidelines</p>		
<p>Owner of 9 Broadway(Supplementary Submission)</p>	<p>Note: Many of these are not proposed issues, they are after the fact, given that this is a retrospective business proposal.</p> <p>1. Adverse impact upon Neighbours and surrounding</p>		<p>The proposal is viewed as falling within the definition of a home business. Due to the proximity of the site to the Train station, only one car parking space is required for the dwelling</p>

Source	Comment	Applicant Justification	Council Officer Response
	<p>Community - Parking and Vehicular Traffic Issues</p> <p>The proposal breaches ToB Business Guidelines (f) - "does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling," R-Codes 5.3.5 - Driveways & Crossovers, and the ToB LPS - Requirements for Parking.</p> <p>The proposal references classes with up to 10 students at a time. On Thursday's we note that there are 2 classes, so there are up to 20 potential vehicles visiting the site. This number of vehicles is excessive and there is no way to ensure there is safe and adequate parking for these vehicles. This clearly requires more parking facilities than normally required for a single dwelling. There are a number of other days where classes would require more parking facilities than those required for a single dwelling, including Tuesdays, Wednesdays, Fridays, Saturdays and Sundays. The business breaches this policy 6 out of 7 days in the week.</p>		

Source	Comment	Applicant Justification	Council Officer Response
	<p>The R-Codes state that a residential property is to have 2 parking spaces on title. Currently, the residence at 11 Broadway, only has sufficient room for 1 car from Broadway. The Bassendean LPS10 states that a Home Occupation (i.e. what the applicant is applying for), should have four car spaces on title. As per the attached house plan submitted with the proposal, there is no way to have a sufficient number of car spaces as required.</p>		
<p>Owner of 9 Broadway(Supplementary Submission)</p>	<p>Currently, the residence at 11 Broadway doesn't have an approved cross over (it's currently dirt and not even aligned with the garage entrance). This causes their customers to drive over other people's crossover's creating severe safety issues for the surrounding residents and people walking home from the train station. Advice from Kiara Police have stated that this is not a suitable nor safe option. The R-Codes 5.3.5 states that driveways are to be aligned with streets and garages at right angles. The way art school attendees are currently driving is shown in in Figure 3.</p>		<p>The landowner will be required to pave the crossover within 60 days of determination of the application</p>

Source	Comment	Applicant Justification	Council Officer Response
Owner of 9 Broadway(Supplementary Submission)	<p>The proposed solution by the applicant of having cars park aligned with the garage in single file does not make practical sense, as the cars do not fit within the garage, and there is no driveway or crossover onto Broadway in that location. The residents of 11 Broadway have 2 vehicles, which need to park somewhere. The other proposed option of using the Cafe carpark at 3A Broadway, Bassendean also isn't a suitable option, given that the Cafe is using those spots and is tracking well to expand. It is not appropriate to cannibalise other business's car parks as we can't all use the same 3 spots outside the Cafe. One must also note that this is adjacent to the train station and many people park here waiting to pick up people from the train station. Figure 4 shows that this car park is currently full on a Sunday, and not a suitable option for car parking</p>		<p>The landowner will be required to pave the crossover within 60 days of determination of the application. The car parking within the road reserve is available for parking by any person, provided they comply with any time limited parking restriction.</p>
Owner of 9 Broadway(Supplementary Submission)	<p>Broadway has had historic parking issues; with residents consistently having vehicles block their</p>		<p>As mentioned by the submitter, parking is prohibited between 9.00am and 5.00pm Monday to</p>

Source	Comment	Applicant Justification	Council Officer Response
	<p>driveways and cause other issues, and hence, residents voted for 'no parking' signs to be installed during peak hours on Broadway. On several days, the art classes start before the no parking period ends, and hence is not a viable solution to have people park on the road.</p> <p>Currently vehicles are parking on the verge of 11 Broadway and are not able to merge safely with traffic on Broadway, given the obstacles on the verge and the lack of cross over. A verge is not designed to be a parking lot for a business of such scale and intensity. We have witnessed cars from the art school attempting to reverse from the verge, over the kerb, onto Broadway. Cars already on Broadway, have had to slam on the brakes to slow down as they come around the bend to let these people merge onto the road. We have seen this cause shouting and swearing from oncoming traffic. The verge should not be a car park.</p> <p>We have seen art school cars parked on both sides of Broadway, making the traffic single file in select areas, creating a traffic hazard.</p>		<p>Friday. Outside of these times drivers are able to park on both sides of the road.</p>

Source	Comment	Applicant Justification	Council Officer Response
	<p>Furthermore, there is also the issue of a large number of small children crossing busy roads with no designated crossing. This has not been accounted for.</p> <p>Lastly, the consistent traffic on the verge is having a severe impact on the health of the street trees in the vicinity. Consistent vehicular traffic on the verge is destroying the health of the street trees by root compaction. Affected soils become less able to absorb rainfall, thus increasing runoff and erosion. Plants have difficulty in compacted soil because the mineral grains are pressed together, leaving little space for air and water, which are essential for root growth.</p>		
<p>Owner of 9 Broadway(Supplementary Submission)</p>	<p>2. Adverse impact upon Neighbours and surrounding Community - Noise and other pollution issues The proposal breaches ToB Business Guidelines (g) - will not cause injury to or adversely affect the amenity of the neighbourhood;</p> <ul style="list-style-type: none"> • The location of the applicant's residence is in a residential area, with the majority comprising older houses and no commercial enterprises. A business which 		<p>Officers consider that the home business can be accommodated on the site, without interfering with the amenity of the neighbourhood .</p>




Source	Comment	Applicant Justification	Council Officer Response
	<p>generates the associated noise, waste, liability and other negative impacts upon the streetscape in a residential area should not be approved in a residential area. A business of such scale is not consistent with the zoning applied to the land in which it operates - Residential Use. It would be more suited to a location within the Town Centre.</p> <ul style="list-style-type: none"> • The council acknowledges in their values and vision statement that they hold the responsibility to preserve and enhance the streetscape of the area. Allowing a business which operates with such a high intensity of vehicular traffic not only affects the streetscape by damaging the green spaces around our community, but also sets a precedent for turning residential areas into commercial areas which the area is not set up to manage (i.e. additional traffic, parking, security, noise, pollution issues). • The classes are mainly for children of a school age and come with the associated noise issues of running classes for children. The revised proposal states a potential operating window of 6 days a week. 		

Source	Comment	Applicant Justification	Council Officer Response
	<p>Some days have 2 classes (as we have seen). These days have up to 20 cars arriving and leaving at the same time. This is not only detrimental to the neighbours, but highly unsafe and the area is not set up for this. This is excessive and inappropriate for a residential area, given noise, parking, and other effects on the local community. The hours of operation proposed and currently in operation are outside of regular business hours, up to 7pm and on Saturdays and Sundays for the who continuous day with hours similar to a supermarket. This is not aligned with a residential area, and will cause considerable interruption to residents at a time when they are wanting to have respite from work.</p> <p>Consistent children's art classes through the week at a time where neighbours' are returning from work and wish to enjoy the quiet enjoyment of their homes, is not aligned with each other. One can imagine a children's party occurring next to their homes, 4-6 days a week at a time where they are trying to enjoy their dinner or peaceful time to relax. Furthermore,</p>		

Source	Comment	Applicant Justification	Council Officer Response
	<p>consistent noise associated with pick-ups and drop offs of children on our verge for the art class is not aligned with this legal right. The art studio is within 1m of my living room, and the noise travels significantly, causing significant interruptions to us.</p>		
<p>Owner of 9 Broadway(Supplementary Submission)</p>	<p>As you can see, a significant number of local councils in Perth would reject this business proposal. We have been significantly impacted by the business which is 1m from our home (see Figure 6 and plan submitted by applicant). The noise, parking and safety issues have posed significant impacts to the quality of our life since we moved in, and there are many other potential impacts including the Town's liability if something were to go wrong, given the un safe and disorganised parking arrangements. I would not want the council to accept liability for any potential accidents or parking incidents by approving this application. The Town has previously relayed commentary from Barrister Dennis McLeod who has stated that by approving developments, the</p>		<p>Refer to attached original correspondence for details.</p>

Source	Comment	Applicant Justification	Council Officer Response
	<p>council accepts potential liability, should issues arise down the track. I see a great deal of risk and impact on other community members in this proposal and urge you to consider this carefully. As a ratepayer, I would not like our council to expose themselves up to further risk.</p> <p>Should you have any queries or wish to discuss the above further, please do not hesitate to contact me on the details provided below. This input is being made in good-faith within the parameters of the planning process and we trust it will have the Town's careful consideration.</p>		

Namisartroom visits chart

DAY	STUDENTS COMING (MAX) VEHICULAR VISITS	LESS CARPOOLING	LESS PERCENTAGE USING NON VEHICULAR TRANSPORT (40%)	LESS OFFSITE PARKING/ STREET PARKING, BAYS ETC.(50% OF ALL VISITORS ARE CURRENTLY USING OFF STREET PARKING)	DROP OFF STAGGERED ACROSS ½ HR BLOCK. APPROX 4 VISITS ACROSS A 30 MIN ARRIVAL BLOCK MEANS THE VISIT RATIO IS REDUC TO 25%. THIS COLUMN HIGHLIGHTS HOW MANY VISTS CAN OCCUR AT ANY ONE TIMEFRAME SNAPSHOT	FINAL TOTALS
TUESDAY	8	4 KIDS /1 CAR = 5	3	1.5	.375	.375
WEDNESDAY	3	3	1.8	.9	.225	.225
THURSDAY	10	2 KIDS /1 CAR = 9	5.4	2.7	.675	.675
FRIDAY	10	3 KIDS/1 CAR = 8	4.8	2.4	.6	.6
SATURDAY	4	2 KIDS /1 CAR =3	1.8	.9	.225	.225
SUNDAY	4	4	2.4	1.2	.3	.3
TOTAL VISITS	39	32	19.2	9.6	2.4	2.4

From: Balraj Hansra [mailto:balraj.hansra@gmail.com]
Sent: Wednesday, 14 March 2018 8:18 AM
To: Cameron Hartley <chartley@bassendean.wa.gov.au>
Subject: IEM-13678718 - 11 Broadway, Bassendean - Unapproved Home Business

Hi Cameron,

Thanks for speaking with me last Wednesday 7th March. As discussed, I have included photos of the overflowing parking issue due to the business at 11 Broadway. These photos were taken on a quiet day, as there is only one class on Fridays. There are multiple classes on Thursdays (as outlined in the proposal), so it is at least twice as busy.

On Friday 9/3/18, first car arrived at 405pm and parked and last car was still parked at 640pm. We saw at least 8 cars coming and going, 3 cars were parked next to the Church on the vacant land across the road, 4 on the verge of 11 Broadway and one in front of 2/9 Broadway. We saw a woman on this land trying to help children cross the busy road from the Church. At 640pm, 4 cars were parked in front of 11 Broadway, and the 5th car parked in front of our house on the road, as there was no room in front of 11 Broadway (i.e. verge was full).

As people were reversing off the verge to leave after the class, the traffic was very busy on Broadway, and other road users were honking them as they were disrupting traffic flow by scaling the barrier kerb very slowly.

This highlights 3 major issues:

- * Insufficient parking for a business of this size in a residential area (i.e. there is no allocated parking)
- * People are also parking across the road and small children are crossing road (there is no allocated crossing)
- * No legal cross over for this degree of regular parking, leading to higher risk to motorists driving on Broadway, as cars exiting the verge of 11 Broadway have to exit very slowly over the barrier kerb.
- * Parking is still continuing to spill over from the footprint of 11 Broadway (i.e. using more resources of the local area than a typical house. This is in contrast with what the Bassendean Business guidelines state - a home business should not use more essential services than a typical house in the area)

As discussed, we took the photos discreetly due to issues discussed over the phone. As expected, we can't stand in the yard taking photos for the duration of the many hours that the classes run, so it's very likely there were more cars.

There are many more cars on Thursdays due to there being two classes (as confirmed by applicant).

Please call me if you require any further information.

Thanks,

Balraj

Balraj Hansra
+61 (0) 422 919 208



1. Photos taken at 6:33pm (same time but taken at different angles). 4 large cars (vans/4WD) parked on 11 Broadway Verge, and spilled over and parking on road (i.e. insufficient parking). 4 large cars fills up the verge of 11 Broadway, 1 on road, and 3 across the road in the Church car park. This is a total of 8 cars. Combined with the cars that also drop kids off, this is not a safe, nor reasonable occasion for a residential area.

The parking proposed by the applicant is completely inadequate as you can see. None of the cars are parked in the fashion that the applicant advises. These are large cars that do not fit safely on a verge, especially for commercial purposes.

When the cars left the verge, they were honked by other cars as they were disrupting traffic flow and causing safety issues.. There is no allocated way to exit the verge over the barrier kerb and they have to travel over the barrier kerb very slowly.



2. Cars parked on road as verge of 11 Broadway is full.



3. 3 cars parked (in background) across the road in the Church car park when the verge of 11 Broadway became full. There is no allocated crossing for kids crossing over busy Broadway where cars travel at a fast speed due to it being a long and straight road.

Traffic is busy when classes finish as people drive at a fast speed on Broadway (long straight street) which is a major thoroughfare to the train station.

We saw a woman standing on the other side of the road, asking kids to cross the road at peak time. This is dangerous as there is no allocated crossing. The lack of allocated parking pushes people to park in the Church car park which drives kids to run across the road and cross unsafely.

Yesterday, we saw a child from the school just run across the road.

30 April 2018

Attention: Brian Reed – Planning Manager

Via email: breed@bassendean.wa.gov.au

Dear Brian,

SUPPLEMENTARY SUBMISSION FOR NEIGHBOUR INPUT FOR UNAUTHORISED RETROSPECTIVE BUSINESS APPLICATION (11 BROADWAY BASSENDEAN)

I have now given careful consideration to the retrospective proposal and the way in which it does not conform with the Town of Bassendean's (ToB) Local Planning Scheme No. 10 (LPS) and the effects of allowing a high intensity business in a residential area. I note that this application is retrospective, and many, if not all, the issues described below, are 'after the fact.'

For completeness, I will quickly summarise the background to this issue. The resident at 11 Broadway has been operating a business for more than 6 years on the subject lot in which adults and children visited the property to attend numerous art classes during the week. The business was never approved by the ToB and I believe is in current breach of the Planning Act.

My block (9 Broadway) was vacant and whilst the block was vacant, the patrons of the business next door, used our land & verge and the verge of 11 Broadway for parking. Many parents stayed in their vehicles whilst their children attended the class. There was not sufficient space to park solely on the verge of 11 Broadway, and thus the parking spilled elsewhere. This practice continued during the construction of our residence at 9 Broadway. This was compounded by the number of street trees (3), power poles (1), No Parking Signs (1) and that the resident of 11 Broadway, did not have a paved or drained cross over and it was in an "S" bend arrangement (i.e. the garage was not aligned with the driveway). This non-conforming access led patrons (and the owners of 11 Broadway) to use the crossover of 5 Broadway, drive across the verges of 9 Broadway, and then onto 11 Broadway. This can be shown below in Figure 1 & 2 where a client of the art school crosses illegally over the verge, and in Figure 2, where the resident of 11 Broadway drives dangerously across the verge. (this is still happening despite rangers advising the residents of 11 Broadway to stop this practice – see figure 1a-1c). This happened countless times, even when I was on the verge itself, maintaining the garden, cars would drive at close proximity to me, to squeeze past. This is not acceptable and risks my personal safety.



Figure 1a – Art School Attendee driving illegally

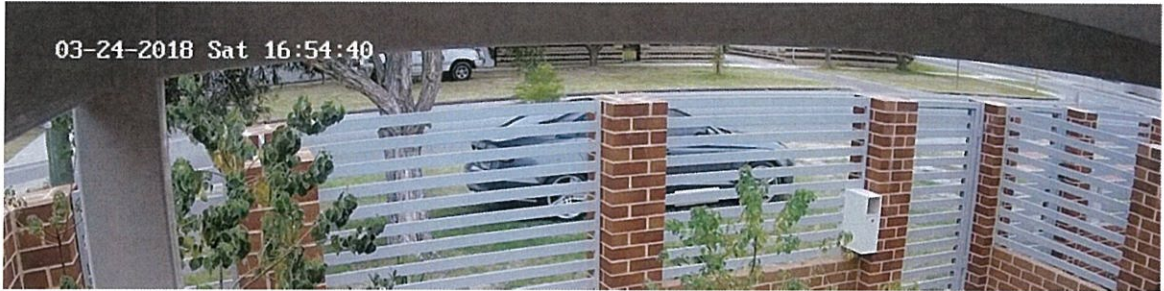


Figure 1b - Art School Attendee driving illegally



Figure 1c - Art School Attendee driving illegally



Figure 2a – Resident of 11 Broadway, driving dangerously and without due regard for our safety. Car enters from cross over of 5 Broadway, and travels across 9 Broadway Verge, to 11 Broadway. (House Number 11 is on the left of the screen). Note damaged street tree.



Figure 2b - Resident of 11 Broadway, driving dangerously and with no due regard for others' safety

Shortly after moving into my house, I kindly requested the art school patrons to please not block our access to our property and park over the sprinklers (consistently damaging them) and causing damage to the verge and street trees. I was met with rude responses advising that they could do whatever they wanted and I had to suffer the consequences of not being able to get into my property. Some would park up hard against the access to my house, so I could not even walk into my own home.

In November 2017, after nearly being hit by one of these cars, and consistently having art school vehicles park up hard against my gate (so that I couldn't get in my property), I advised the council that I would like them to stop people blocking the verge and access to my property and damaging the verge and street trees. The council advised us to go to the Police to report the drivers' behaviour. We lodged a Police report and were told that this driving is not allowed.

In January 2018, we received a proposal from the neighbour (via the council) outlining a retrospective application for their business which had operated been operating unapproved at their house.

Through many delays (due to the applicant), a revised business proposal was put forward in March 2018, with extensive additions to the operating hours – **6 days a week, and the hours all being whilst many would be at their home relaxing.** The initial proposal caused many issues as it was after the fact, however the revised proposal is seriously untenable in its current state and I urge you to suggest to the applicant to find other premises for their business. The applicant currently operates their business out of other local community libraries and centres, and I would recommend that is the most appropriate location for their business, given the effect on local residents is minimised and parking issue are taken care of to an appropriate standard.

I strongly believe that this retrospective business application (which has continued to operate since it was discovered it was unapproved), is not aligned with the LPS, and will have lasting negative effects on the area, preventing residents from enjoying the amenity of their environment and consistently having parking issues through unapproved businesses who take up more essential services than a normal residential property.

The ToB Business Guidelines state that for a Home Occupation to be approved, the following should be observed:

1. **“home occupation”** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:
 - (a) does not employ any person not a member of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not display a sign exceeding 0.2 square metres;
 - (e) does not involve the retail sale, display or hire of goods of any nature;
 - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

In light of the revised business proposal, I detail the following areas where the proposal does not conform to the LPS, the relevant R Codes and the ToB Business Guidelines:

Note: Many of these are not proposed issues, they are after the fact, given that this is a retrospective business proposal.

1. **Adverse impact upon Neighbours and surrounding Community - Parking and Vehicular Traffic Issues**

The proposal breaches ToB Business Guidelines (f) – “does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling,” R-Codes 5.3.5 – Driveways & Crossovers, and the ToB LPS – Requirements for Parking.

The proposal references classes with up to 10 students at a time. On Thursday’s we note that there are 2 classes, so there are up to 20 potential vehicles visiting the site. This number of vehicles is excessive and there is no way to ensure there is safe and adequate parking for these vehicles. This clearly requires more parking facilities than normally required for a single dwelling. There are a number of other days where classes would require more parking facilities than those required for a single dwelling, including Tuesdays, Wednesdays, Fridays, Saturdays and Sundays. The business breaches this policy 6 out of 7 days in the week.

The R-Codes state that a residential property is to have 2 parking spaces on title. Currently, the residence at 11 Broadway, only has sufficient room for 1 car from Broadway. The Bassendean LPS10 states that a Home Occupation (i.e. what the applicant is applying for), should have four car spaces on title. As per the attached house plan submitted with the proposal, there is no way to have a sufficient number of car spaces as required.

Currently, the residence at 11 Broadway doesn't have an approved cross over (it's currently dirt and not even aligned with the garage entrance). This causes their customers to drive over other people's crossover's creating severe safety issues for the surrounding residents and people walking home from the train station. Advice from Kiara Police have stated that this is not a suitable nor safe option. The R-Codes 5.3.5 states that driveways are to be aligned with streets and garages at right angles. The way art school attendees are currently driving is shown in in Figure 3.



Figure 3 – Art school attendees use the access way of 5 Broadway, drive across their verge, the verge of 1/9 Broadway and 2/9 Broadway, narrowly missing street trees to get to the verge of 11 Broadway for Parking. No sufficient parking exists.

The proposed solution by the applicant of having cars park aligned with the garage in single file does not make practical sense, as the cars do not fit within the garage, and there is no driveway or crossover onto Broadway in that location. The residents of 11 Broadway have 2

vehicles, which need to park somewhere. The other proposed option of using the Café carpark at 3A Broadway, Bassendean also isn't a suitable option, given that the Café is using those spots and is tracking well to expand. It is not appropriate to cannibalise other business's car parks as we can't all use the same 3 spots outside the Café. One must also note that this is adjacent to the train station and many people park here waiting to pick up people from the train station. Figure 4 shows that this car park is currently full on a Sunday, and not a suitable option for car parking



Figure 4: Café Carpark – Suggested by applicant as an option for patrons to park – Note there are only 3 official spots, the 4th car is squashed in. There is no room for additional vehicles.

Broadway has had historic parking issues; with residents consistently having vehicles block their driveways and cause other issues, and hence, residents voted for 'no parking' signs to be installed during peak hours on Broadway. On several days, the art classes start before the no parking period ends, and hence is not a viable solution to have people park on the road.

Currently vehicles are parking on the verge of 11 Broadway and are not able to merge safely with traffic on Broadway, given the obstacles on the verge and the lack of cross over. A verge is not designed to be a parking lot for a business of such scale and intensity. We have witnessed cars from the art school attempting to reverse from the verge, over the kerb, onto Broadway. Cars already on Broadway, have had to slam on the brakes to slow down as they

come around the bend to let these people merge onto the road. We have seen this cause shouting and swearing from oncoming traffic. The verge should not be a car park.

We have seen art school cars parked on both sides of Broadway, making the traffic single file in select areas, creating a traffic hazard. Furthermore, there is also the issue of a large number of small children crossing busy roads with no designated crossing. This has not been accounted for.

Lastly, the consistent traffic on the verge is having a severe impact on the health of the street trees in the vicinity. Consistent vehicular traffic on the verge is destroying the health of the street trees by root compaction. Affected soils become less able to absorb rainfall, thus increasing runoff and erosion. Plants have difficulty in compacted soil because the mineral grains are pressed together, leaving little space for air and water, which are essential for root growth.

2. Adverse impact upon Neighbours and surrounding Community – Noise and other pollution issues

The proposal breaches ToB Business Guidelines (g) - will not cause injury to or adversely affect the amenity of the neighbourhood;

- The location of the applicant's residence is in a residential area, with the majority comprising older houses and no commercial enterprises. A business which generates the associated noise, waste, liability and other negative impacts upon the streetscape in a residential area should not be approved in a residential area. A business of such scale is not consistent with the zoning applied to the land in which it operates – Residential Use. It would be more suited to a location within the Town Centre.
 - The council acknowledges in their values and vision statement that they hold the responsibility to preserve and enhance the streetscape of the area. Allowing a business which operates with such a high intensity of vehicular traffic not only affects the streetscape by damaging the green spaces around our community, but also sets a precedent for turning residential areas into commercial areas which the area is not set up to manage (i.e. additional traffic, parking, security, noise, pollution issues).
 - The classes are mainly for children of a school age and come with the associated noise issues of running classes for children. The revised proposal states a potential operating window of 6 days a week. Some days have 2 classes (as we have seen). These days have up to 20 cars arriving and leaving at the same time. This is not only detrimental to the neighbours, but highly unsafe and the area is not set up for this. This is excessive and inappropriate for a residential area, given noise, parking, and other effects on the local community. The hours of operation proposed and currently in operation are outside of regular business hours, up to 7pm and on Saturdays and Sundays for the who continuous day with hours similar to a
-

supermarket. This is not aligned with a residential area, and will cause considerable interruption to residents at a time when they are wanting to have respite from work.

- Consistent children's art classes through the week at a time where neighbours' are returning from work and wish to enjoy the quiet enjoyment of their homes, is not aligned with each other. One can imagine a children's party occurring next to their homes, 4-6 days a week at a time where they are trying to enjoy their dinner or peaceful time to relax. Furthermore, consistent noise associated with pick-ups and drop offs of children on our verge for the art class is not aligned with this legal right. The art studio is within 1m of my living room, and the noise travels significantly, causing significant interruptions to us.

I have liaised with other local councils and the WAPC and assessed their Home Business guidelines with results below:

Council	Reject / Accept	Reason	Source
WAPC	Reject	Unlikely for this to be suitable for a residential area.	Town Planner Jepina – Spoke 23/4
1. City of Stirling	Reject	Car parking and manoeuvring areas must be provided on title, business more suited to a non residential area. Must not have more than 2 customers' vehicles at any one time.	Town Planner – Carson – Spoke 23/04
2. City of Melville	Reject	Must not occupy more than 20m ² of home	City of Melville
3. City of Joondalup	Reject	Results in a higher number of parking facilities than those provided on site, hours outside permitted hours of operation	Home Business Local Planning Policy
4. City of Bayswater	Reject	Will require on-site parking over and above the vehicle parking requirements of the residential Design Codes.	City of Bayswater
5. South Perth	Reject	Will result in the requirement for a greater number of parking facilities than normally required for a Single House.	Home Based Business Information Sheet / City of South Perth
6. City of Belmont	Reject	Will result in traffic difficulties as a result of	City of Belmont

		the inadequacy of parking	
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Table 1: A review of Perth Local Councils and their Home Business Policies

As you can see, a significant number of local councils in Perth would reject this business proposal. We have been significantly impacted by the business which is 1m from our home (see Figure 6 and plan submitted by applicant). The noise, parking and safety issues have posed significant impacts to the quality of our life since we moved in, and there are many other potential impacts including the Town's liability if something were to go wrong, given the un safe and disorganised parking arrangements.

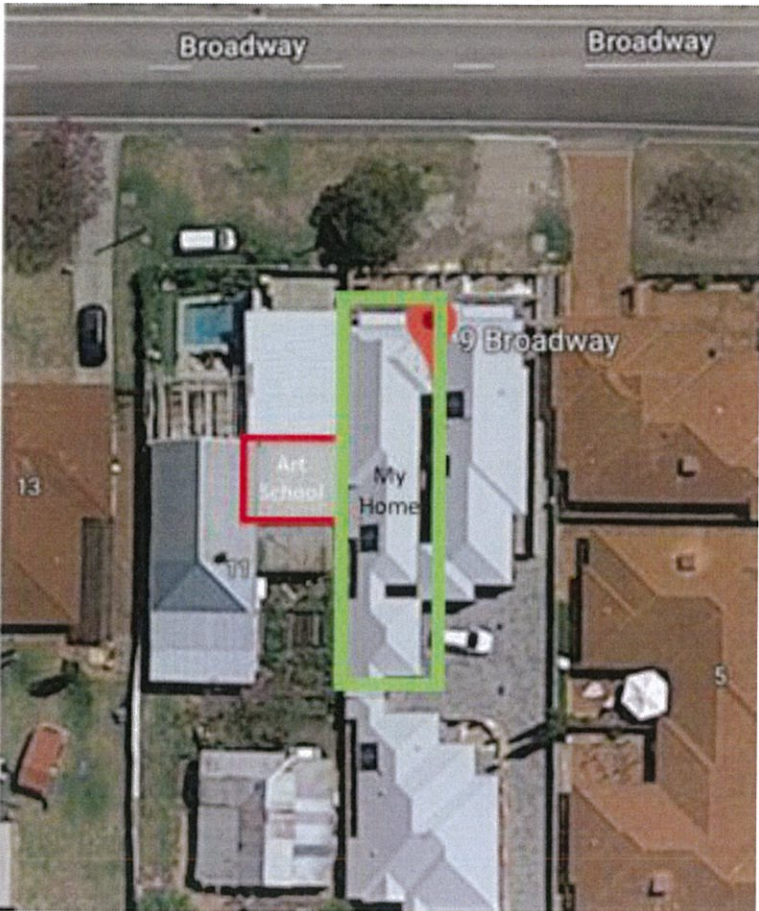


Figure 6: Proximity of art school room to my home

I would not want the council to accept liability for any potential accidents or parking incidents by approving this application. The Town has previously relayed commentary from Barrister Dennis McLeod who has stated that by approving developments, the council accepts potential liability, should issues arise down the track. I see a great deal of risk and impact on other community members in this proposal and urge you to consider this carefully. As a ratepayer, I would not like our council to expose themselves up to further risk.

Should you have any queries or wish to discuss the above further, please do not hesitate to contact me on the details provided below. This input is being made in good-faith within the parameters of the planning process and we trust it will have the Town's careful consideration.

Home-based Business (Information Sheet)

If you are proposing to establish a business from home you need to confirm the City's requirements before commencing. These are found in the City of South Perth Town Planning Scheme No.6.

This information sheet provides assistance and essential information if you are proposing to operate a home-based business. It distinguishes between three different categories of home-based businesses and explains the City's requirements and restrictions for each category. For businesses which require the City's approval, the procedure for obtaining approval is also explained.

Types of home-based businesses

Town Planning Scheme No. 6 distinguishes between three different categories (or levels) of commercial activity that can occur within a home environment. The descriptions of the three categories are Home Business (the largest and potentially most intrusive category); Home Occupation (intermediate size); and Home Office (smallest and most inconspicuous category).

'Home Business': means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- a) does not employ more than 2 people not members of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 50 square metres;
- d) does not involve the retail sale, display or hire of goods of any nature;
- e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.

'Home Occupation': means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- a) does not employ more than one person not a member of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 30 square metres;
- d) does not display a sign exceeding 0.2 square metres;
- e) does not involve the retail sale, display or hire of goods of any nature other than infrequently;
- f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a Single House or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonne tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;
- g) does not involve the use of an essential service of greater capacity than normally required in the zone.

Important note:

In accordance with Item (f) above, a restriction is imposed on the permissible number of visitors' cars and traffic volume generated by a Home Occupation. In order to give effect to this restriction, the following standard condition of planning approval is applied when approval is granted for any Home Occupation involving visitors to the subject property:

"The number of client visits to the premises shall not exceed either three (3) per day or fifteen (15) per week".

'Home Office': means a Home Occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- a) entail clients or customers travelling to and from the dwelling;
- b) involve any advertising signs on the premises;
- c) require any external change to the appearance of the dwelling;
- d) involve the storage, preparation or sale of foodstuffs; or
- e) involve the breeding, keeping or selling of any animal.

Permissibility of uses

The Zoning Table Town Planning Scheme No. 6 shows the permissibility of each of the three categories of home-based businesses. This is determined by the symbols (X, D and P) appearing in the table. To check the permissibility of Home Business, Home Occupation and Home Office in the various zones, refer to the following extracts from Table 1 and Clause 3.3 of Town Planning Scheme No. 6.

Extract from Table 1 Zoning - Land Use

ZONES	Residential	District Centre Commercial	Mends Street Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Mixed Use Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park
RESIDENTIAL USES										
Home Business	X	X	X	X	X	X	X	X	X	X
Home Occupation	D	D	D	D	D	P	D	X	X	X
Home Office	P	P	P	P	P	P	P	P	P	X

Extract of Clause 3.3 - Land Use Control Zones

(3) The symbols used in the cross-reference in Table 1 have the following meanings:

- 'P' indicates a Permitted Use and means, subject to the provisions of sub-clause (4), that the Use is permitted by the Scheme.
- 'D' indicates a Discretionary Use and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval.
- 'X' indicates a Prohibited Use and means that the use is not permitted by the Scheme.

'Home Business'

A Home Business is an 'X' (prohibited) use in all zones. Any application relating to a Home Business would necessarily be refused.

Applying for approval for a 'Home Occupation'

In zones where Home Occupation is a 'D' or 'P' use, if you wish to conduct a Home Occupation you must apply to the City for planning approval. Applications must be accompanied by:

- a completed Application for Development Approval Form that is signed by all owners of the land;
- an application fee, as prescribed by the City's adopted fee schedule;
- a completed Home Occupation Checklist (see attached);
- two copies of an accurately drawn site plan / floor plan indicating those areas of the property to be used for the Home Occupation;
- a letter describing the proposed activity, indicating your awareness of, and proposed compliance with, the definition of Home Occupation (see above).

Please note that incomplete applications will be returned. Additional information may be requested during processing.

Assessment

Applications for development approval are firstly checked to confirm any referrals that may be necessary. For example neighbour consultation (advertising) may be required where it is proposed that people come to the site in relation to the business, or an outbuilding is proposed to be used in connection with the business (refer to Policy P301 'Community Engagement in Planning Proposals'). If neighbour consultation is necessary, the City will identify which property owners and occupiers need to be notified and will undertake such notification by letter on the applicant's behalf.

A Planning Officer then considers the application to determine whether or not the application demonstrates compliance with the following:

- The City's Town Planning Scheme No. 6 (including the extracts mentioned above).

- Any policy, strategy, plan or Management Practice adopted by the Council.

Determination

Most applications are determined by a Planning Officer under delegated authority from the Council. Home Occupation applications are rarely referred to a Council meeting for determination.

Applications for development approval are either:

- approved with conditions, including a time limit on the validity of the approval, or
- refused for specifically stated reasons.

'Home Office'

A Home Office is a 'P' (Permitted) use in all zones except 'Technology Park'. In zones where Home Office is permitted, an application for planning approval is not required. However, the Home Office is still required to operate within the intents of the Scheme (refer to Town Planning Scheme No. 6 definition above).

If you are intending to establish a Home Office, you may obtain a letter from the City advising that the proposed use satisfies the requirements of Town Planning Scheme No. 6. To obtain such a letter, an application for Written Planning Advice should be submitted to the City. The letter to the City needs to include information regarding:

- the type of goods or service proposed to be provided by the business
- how the business will operate
- hours of operation
- the work location of other persons employed in the business
- how client contact will occur
- proposed signs
- vehicles related to the business

Appeal Rights

If you are aggrieved by a decision on an application for Development Approval, you have a right of appeal where a delegated officer or the Council has exercised a discretionary power.

If a delegated officer made the decision, you may choose to have the City's Council review the officer's decision at a Council meeting. Alternatively, you can appeal to the State Administrative Tribunal (SAT). If the City's Council made the decision, then the only recourse is an appeal to the State Administrative Tribunal.

Please note that appeals can only be lodged by an applicant or his/her representative. There are no third party (e.g. neighbours) appeal rights.

Resubmitting an application for review at a Council Meeting

To resubmit for Council review following a delegated officer's refusal of an application for Development Approval, another Application for Development Approval Form must be completed and lodged with the City, along with a covering letter explaining the reason for resubmission and any supporting information. No fees are charged if the resubmission is lodged within six months of the delegated officer's determination otherwise normal fees apply. If, following the Council review you are still aggrieved, you may within 28 days of the Council's decision, lodge an appeal with the State Administrative Tribunal.

Lodging an appeal with State Administrative Tribunal

Applications for appeal are made directly to the State Administrative Tribunal. Information on how to appeal can be found on their website at www.sat.justice.wa.gov.au.

Relevant publications

All the of the City's forms and fee schedules can be obtained from the City's offices at the Civic Centre or can be viewed and downloaded from the City's website at www.southperth.wa.gov.au/

Should you have any further questions regarding this or any other matter, you are welcome to contact one of the City's officers by telephone or via email enquiries.

City's Offices: Civic Centre, cnr Sandgate St and South Tce, South Perth

Telephone: 9474 0777

Email: enquiries@southperth.wa.gov.au

Fax: 9474 2425

Web: www.southperth.wa.gov.au



CITY OF BAYSWATER

Civic Centre, 61 Broun Avenue, Morley, Western Australia 6062
 Business Hours: 8.30 a.m. to 4.30 p.m.
 Telephone: (08) 9272 0622 Facsimile: (08) 9272 0665
 Postal Address: PO Box 467, Morley, W.A. 6943

Home Based Business

WHAT ARE HOME-BASED BUSINESSES?

Home-based businesses are small businesses that may operate (if the appropriate approvals are granted) from a dwelling in a residential area. The City of Bayswater has four categories of home-based businesses:

1. Home Office;
2. Home Occupation;
3. Home Business; and
4. Cottage Industry.

WHAT DO THE CATEGORIES MEAN?

The relevant Town Planning Scheme details the full definition of each category. However, the following is a basic description of what each category means:

A **Home Office** is a business which is carried out:

- Solely within a dwelling;
- Has no external impacts on the neighbourhood; or
- Does not change the appearance of the dwelling.

Examples of home offices may include a plumber or a real estate agent who does accounting or administration work from home using a computer, phone and/or fax. No client visitation is permitted.

A **Home Occupation** is a business carried out solely by a resident of the site which allows for limited client visitation. A home occupation also allows more flexibility than a home office. An example may be a hairdresser with up to five (5) customers per day

A **Home Business** provides for a resident and up to two non-resident staff. An example may be a small property settlement agency.

However, this level of business may have more potential impacts on the neighbourhood, so formal public advertising is required. A Home Business may require on-site parking over and above the vehicle parking requirements of the Residential Design Codes, depending on the nature and scale of the proposed business.

A **Cottage Industry** provides for a more "hands on" business that may involve small-scale arts and crafts. A Cottage Industry is carried out solely by a resident of the site and could involve the use of an outbuilding. An example would be a resident designing and making jewellery from home.

CUSTOMER VISITS

Customer visits to home-based businesses depend on the type of home-based business being proposed:

CATEGORY	CUSTOMER VISITS
Home Office	No customer visits to the premises.
Home Occupation	Generally a maximum of five (5) customers per day.
Home Business	The number of customer visits will be based on the merits of the application.
Cottage Industry	Generally a maximum of five (5) customers per day.

COUNCIL POLICY

The City has a Home-Based Businesses Policy which provides further information on home-based businesses in addition to the Town Planning Scheme provisions. Please refer to the policy for further information.

PLANNING APPROVAL PROCESS

Planning approval is not required for a **Home Office** provided that the use complies with the definition and a completed Home Office Registration Form is submitted to the City.

A copy of the Home Office Registration Form is available from www.bayswater.wa.gov.au or by contacting the City. There is no fee to register a Home Office.

A person proposing to establish a **Home Occupation**, **Home Business** or **Cottage Industry** is required to submit an application for and obtain planning approval **prior** to the commencement of the activity.

The planning application should include full and accurate documentation and plans which clearly details the proposed business. If all information is submitted at the time of making an application, this will assist the City in determining your application more efficiently.

To assist you in this task, a checklist is provided below.

- Complete a Metropolitan Region Scheme Form 1 signed by the owner of the land (available at www.bayswater.wa.gov.au).
- Complete a Home Based Business Checklist Form (available at www.bayswater.wa.gov.au).
- Pay the planning application fee (available at www.bayswater.wa.gov.au).
- Provide supporting information including a detailed description of the business activities proposed and the hours of operation.
- Submit relevant letters of support or non-objection from the landowners (i.e. not the occupiers).
- Provide a scaled house/site plan indicating the room/area proposed to be used for the business.

LETTERS OF NON-OBJECTION FROM ADJOINING LANDOWNERS

The neighbour consultation and public advertising process depends on the type of home-based business being proposed -

CATEGORY	ADVERTISING PROCESS
Home Office	Not required provided that a completed Home Office Registration Form is submitted to the City.
Home Occupation	Requires letters of support or non-objection from landowners on either side boundary of the subject property.
Home Business	Requires letters of support or non-objection from all adjoining landowners including those lots directly and diagonally across the street and those lots directly and diagonally behind the subject site. Further advertising will be required as per the Town Planning Scheme, including the City sending letters to owners in the vicinity, placing signs on the site and newspaper advertisements.
Cottage Industry	Requires letters of support or non-objection from all adjoining landowners including those lots directly and diagonally across the street and those lots directly and diagonally behind the subject site.

GRANTING OF PLANNING APPROVAL

Any approval to conduct a home-based business:

1. Is issued to a specific occupier of a particular parcel of land;
2. Shall not be transferred or assigned to any other person; and
3. Shall not be transferred from the land in respect of which it was granted.

Any approval granted is automatically cancelled if the property changes land ownership.

ANNUAL RENEWAL

Licenses to operate a home-based business require renewal every year (except for Home Offices). To do this, you will need to:

1. Complete a MRS Form 1;
2. Pay the renewal fee;
3. Confirm in writing that the activities have not changed since the granting of planning consent; and
4. Confirm that the adjoining landowners have not changed since the granting of planning approval (see section on requirements for letters of non-objection from adjoining landowners). If a landowner has changed, a letter of support or non-objection from the new landowner must be submitted with the renewal form.

The City will then confirm the renewal of your Home-Based Business Permit in writing.

FURTHER INFORMATION

Should you require any further information, please contact the City's Planning and Development Services Division.

Phone: (08) 9272 0622

Fax: (08) 9272 0665

E-mail: mail@bayswater.wa.gov.au

Web: www.bayswater.wa.gov.au

This pamphlet contains limited information intended as a guide only. The City of Bayswater disclaims any liability for any damages sustained by any person acting on the basis of this information.

Updated February 2011.

HOME BUSINESS LOCAL PLANNING POLICY

CATEGORY:	Council Policy
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To provide criteria for the establishment of home businesses within the City.

1. AUTHORITY

This Policy has been prepared in accordance with Clause 8.11 of the *City of Joondalup District Planning Scheme No. 2* which allows Council to prepare planning policies relating to planning or development within the Scheme area.

2. APPLICATION

This Policy applies to the whole of the City of Joondalup.

3. DEFINITIONS

“**amenity**” means all those factors which combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity, as defined within the *City of Joondalup District Planning Scheme No. 2*.

“**Home Business — Category 1**” means an occupation carried on within a dwelling by a resident of the dwelling which:

- a. does not entail the retail sale, outdoor display or hire of goods of any nature;
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c. does not entail any substantial and/or inappropriate modification of the dwelling;
- d. does not entail the employment of any other person, except a member of the household;
- e. does not occupy an area greater than 20m² or where more than one resident is involved not cause the area used for the home business within the dwelling to occupy an area greater than 30m²;
- f. does not display any advertising signage;

- g. does not attract customers or regular and frequent deliveries of goods or equipment to the site;
- h. will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in any increase in the amount of vehicular traffic in the vicinity;
- i. does not entail the presence, parking and garaging of a vehicle of more than 1.5 tonnes tare weight;
- j. does not involve the servicing or repair for gain of motor vehicles.
- k. Notwithstanding factors (a)–(j); a Home Business Category 1 may entail the operation of a Family Day Care Centre as defined by Clause 1.9 of the *City of Joondalup District Planning Scheme No. 2*.

As defined within the *City of Joondalup District Planning Scheme No. 2*.

“Home Business — Category 2” means an occupation carried on in a dwelling by a resident of the dwelling which:

- a. does not entail the retail sale, outdoor display or hire of goods of any nature;
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c. does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- d. entails the employment of no more than 1 person not a member of the occupier's household;
- e. does not occupy an area greater than 30m². Council may permit an area greater than 30m² where it is considered that the scale of the business is limited by other factors and the increase in floor space will not have a detrimental effect on the amenity of the surrounding areas;
- f. does not have more than one advertisement sign and the sign displayed does not exceed 0.2m² metres in area;
- g. will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- h. does not involve the servicing or repair for gain of motor vehicles; and
- i. does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

As defined within the *City of Joondalup District Planning Scheme No. 2*.

“Home Business — Category 3” means an occupation or professional practice undertaken for the purposes of commercial gain; and carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- a. does not entail the retail sale, outdoor display or hire of goods of any nature;
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c. does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- d. entails employment of a maximum of 2 persons not members of the occupier's household. Council may approve a greater number of employees, not exceeding 4 persons, subject to community consultation;
- e. occupies an area not exceeding 50m². Council may approve, subject to community consultation, an area of up to 100m², or one-third of the floor area of the dwelling whichever is the lesser;
- f. displays a sign describing the nature of the approved home occupation. The sign must not exceed 0.2m², and a maximum of 2 metres high;
- g. will not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience for adjoining residents and road users;
- h. will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i. does not involve the servicing or repair for gain of motor vehicles; and
- j. does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

As defined within the *City of Joondalup District Planning Scheme No. 2*.

4. STATEMENT

The City of Joondalup recognises that working from home is an expanding area of employment. The City, in addition, recognises that the amenity of residential areas should be protected by minimising potential impacts to maintain residential areas as primarily a place to live, not primarily a place to work.

To protect the amenity and character of residential areas, impacts associated with home businesses such as noise, traffic, parking, pollution, people and advertising signs should be minimised.

5. DETAILS

In assessing a Development Application for a home business the following will be considered:

5.1 Criteria applying to all Home Business Categories:

- a. The applicant must use the dwelling as the principal place of residence.
- b. Only one Home Business Category may be undertaken on the site at one time.
- c. The Home Business must not result in a substantial and/or inappropriate modification to the dwelling.
- d. Any appliances or machinery used for the purpose of the home business must be of a domestic scale. Large industrial appliances are prohibited.
- e. Applicants must demonstrate that the proposal will not have an undue impact on amenity of the surrounding area and land uses.

5.2 Additional Criteria Applying to Home Business — Category 1

5.2.1 Car Parking and Customers:

- a. No customers permitted.
- b. No additional car bays required.

5.3 Additional Criteria Applying to Home Business — Category 2 and Home Business — Category 3

5.3.1 Car Parking and Customers:

- a. One on-site car parking bay is required per customer and per employee. The total number of on-site car parking bays shall be equal to the maximum number of employees and customers that are permissible at the home business at any one time. On-site car parking is to be designed and provided in accordance with the *Residential Design Codes of Western Australia*.
- b. All car parking bays associated with the home business are to be made available and maintained for the parking of customer and employee vehicles only, during the approved home business operating hours. Resident parking is not permitted in customer bays during the approved home business operating hours. No verge parking for the business is permissible.

- c. The home business must not require the provision of car parking bays in a manner that would detract from the residential appearance of the dwelling or dominate the streetscape.

5.3.2 Operating Hours:

- a. The days and hours of operation for a home business shall generally be limited to the following:
 - i. 8.00 am to 6.00 pm, Monday to Friday
 - ii. 9.00 am to 5.00 pm, Saturday.
- b. When determining an application, the number of hours and/or days of operation may be increased or further restricted through conditions of development approval where it is deemed necessary to protect the amenity of the surrounding area.

5.3.3 Signage:

- a. One advertising sign, not exceeding 0.2 square metres in area, is permitted on the front facade of the dwelling for Home Business Category 2 and Category 3 in accordance with the *City's Signs Policy*.

5.4 Additional Criteria Applying to Home Business — Category 3

5.4.1 Location

Where a Category 3 Home Business is proposed in either a Residential zone or Special Residential zone, the location of the proposal shall be where it abuts or is directly opposite one of the commercial centres listed in the City of Joondalup Centres Strategy, unless the applicant can demonstrate to the satisfaction of the City that the proposal will not have an undue impact on the amenity of the surrounding area as a result of noise, traffic, parking, pollution, people and advertising.

5.4.2 Management Plan

A Management Plan is required to be submitted as part of any application for a Home Business — Category 3. As a minimum, the Management Plan is to include the following information:

- a. A car parking plan.
- b. Measures to minimise and control noise.
- c. Measures to minimise vehicle loading and unloading and traffic movements.
- d. The proposed hours of operation.

- e. Details of any poisonous, flammable or harmful chemicals or other hazardous materials proposed to be stored or used and measures to ensure that no polluting or harmful substances will escape from the site.
- f. Measures to minimise emissions of odours, dust or vapours from the site.
- g. Ways to limit the number of people visiting the house at any one time in relation to the business.
- h. A plan showing any proposed outdoor storage areas.
- i. Measures to ensure that no detrimental impact occurs to the character of the neighbourhood.
- j. Measures to manage the impact of the home business on any building or place listed on the municipal inventory of heritage places.
- k. Details of all appliances or machinery to be used in the home business.

5.5 Public Consultation:

- a. All new applications for a home business will be advertised for public comment for a minimum period of 21 days by way of letters to adjoining and nearby landowners.
- b. For an application for renewal of a home business, if any changes are proposed to the operation of the business, or if complaints have been received within the previous 12 months, advertising of the application may be required in accordance with 5.5a.
- c. Planning-related concerns received from consulted owners will be considered as a relevant factor in the assessment of development applications.

5.6 Approval Period:

Any approval issued for a home business category 2 is valid for an initial period of 12 months or less, as determined by the City. Prior to the expiry of the initial approval, an application to renew the home business must be submitted to the City.

Following the initial 12 month approval period, should there be no changes to the operation of the home business category 2 and should no complaints be received from nearby landowners, an extended home business renewal may be approved by the City to enable continuation of the activity for a longer period without the need for an annual renewal.

Any approval issued for a home business category 3 and renewal of a home business category 3 is valid for a period of 12 months or less, as determined by the City. Prior to the expiry of the approval, an application must be submitted and approved by the City to enable the continuation of the activity.

Creation Date:	June 1999
Amendments:	CJ213-06/99, CJ297-09/99, CJ020-02/02, CJ238-11/05
Related Documentation:	<ul style="list-style-type: none">• <i>City of Joondalup District Planning Scheme No. 2</i>• Home Business Fact Sheet• <i>Residential Design Codes of Western Australia</i>

DRAFT



Home Business, Home Occupation and Home Office Fact Sheet

Small Scale Home Businesses

A Home Business, Home Occupation or Home Office is a small scale business or activity operated on an ancillary basis within a residential property. The Home Business, Home Occupation or Home Office must be operated by the occupier of the residence and is not transferable to other owners, occupiers or properties.

Definitions

Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- a. Does not employ more than 2 people not members of the occupiers household;
- b. Will not cause injury to, or adversely affect the amenity of the neighbourhood;
- c. Does not occupy an area greater than 50 square metres;
- d. Does not involve the retail sale, display or hire of goods of any nature;
- e. In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- f. Does not involve the use of essential service of greater capacity than normally required in the zone.

Home Occupation means an occupation carried out in the dwelling or on land around a dwelling by an occupier of the dwelling which –

- a. Does not employ any person not a member of the occupier's household;
- b. Will not cause injury to or adversely affect the amenity of the neighbourhood;
- c. Does not occupy an area greater than 20 square metres;
- d. Does not display a sign exceeding 0.2 square metres;
- e. Does not involve the retail sale, display or hire of goods of any nature;
- f. In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence use or calling of a vehicle more than 2.0 tonnes tare weight, and does not include the provision for the fuelling, repair or maintenance of motor vehicles; and
- g. Does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling which does not include –

- a. Does not entail clients, customers or staff travelling to and from the dwelling;
- b. Involve any advertising signs on the premises; or
- c. Require any external change to the appearance of the dwelling.



WHEN APPROVAL IS NOT REQUIRED

Approval is not required for a Home Office where it satisfies the above mentioned definition.

Notwithstanding the exemptions above, a Home Occupation approval is required where the activities include (but are not limited to) food preparation.

Where the City deems that a Home Office complies with the above requirements, a letter can be provided upon request confirming that approval is not required.

WHEN APPROVAL IS REQUIRED

When seeking an approval for a Home Business or Home Occupation it will be necessary to provide the following:

- A completed City of Melville Application Form and any relevant application fee (refer to Fees and Charges Schedule)
- Information detailing:
 - The nature of the home occupation/ home business;
 - The proposed days and hours of operation;
 - The number of clients / customers / couriers expected per hour / day and week;
 - The number of employees proposed;
 - Details of any proposed signage (signage exceeding 0.2sqm will require a separate application for sign licence and separate application fees);
 - Whether your proposed business involves hairdressing, waxing, electrolysis, tattooing, acupuncture, ear or body piercing, manicures / pedicures, permanent eyebrow and lip lining, shaving or any other skin penetration procedure;
- A site plan of the property showing available site parking for clients / customers / couriers / employees (in addition to the two (2) bays required for the dwelling); and
- A floor plan of the existing dwelling identifying the location of the room(s) to be used for the home occupation.

Additional information may also be requested to be provided once assessment of your application has commenced where deemed required.

Please note your application may be determined under delegation, by the Development Advisory Unit or by Council. The City will endeavour to determine your application as promptly as possible.

RENEWING HOME OCCUPATION APPROVALS

Recent changes to the City of Melville Community Planning Scheme as per Amendment 61 (Government Gazette: 27 March 2012) have removed the requirement for annual renewals. However, the Council still reserves the right to revoke an approval where adverse amenity impacts are identified. The council may also grant approval for a temporary period where potential impacts are uncertain, in accordance with Clause 7.12 © of the City of Melville Community Planning Scheme No. 5. Should a temporary approval be issued, a further application for planning approval would be required at its expiry.

2.4 HOME OFFICE, HOME OCCUPATION AND HOME BUSINESS

Objectives

- To ensure that low scale businesses do not have a detrimental impact on the amenity of surrounding areas; and
- To enable low scale businesses the opportunity to conduct a business from home.

Applications Subject of this Policy

All applications conducting a business in a Residential Zone or residential development in a non-residential zone.

Definitions

Home Businesses are divided into three different categories depending upon the level of activity. Below is a general definition for each category, more detailed provisions are contained within this policy for each category.

Home Office

- May not employ any person not a member of the household;
- May not attract any trade / custom to the site and may not have any signage.

Home Occupation

- May not employ any person not a member of the household;
- Is limited to 20m² floor area;
- May attract some trade / custom; and
- May permit limited signage.

Home Business

- May employ up to 2 members not members of the household,
- Is limited to 50m²;
- May attract slightly more trade / custom: and
- May permit limited signage.

Submission Requirements

Home Office

A formal application is not required, instead, an applicant 'self check-list' is required to be completed and submitted to the City. If the application in the opinion of the Council complies with the requirements, it will be signed and a copy returned indicating approval.

Home Occupation and Home Business

A formal development application is required to be lodged containing the following:

- A completed Form 1A "Application for Approval to Commence Development";
- Application Fee;

- A completed Applicant Self-Check List;
- A plan of the site and building in which the use is applied (including details of floor area associated with the business, parking, access and signage);
- Body Corporate approval, where required;
- Any other information considered relevant; and
- A written description of the business.

Acceptable Development Provisions

Common Provisions

A person may, with the approval of Council, conduct a Home Office, Home Occupation and a Home Business provided that such an occupation **does not**:

- Involve the sale, display or hire of goods from the dwelling;
- Result in traffic difficulties as a result of inadequate parking, an increase in traffic volumes in the neighbourhood or manoeuvring and access into and out of the site;
- Involve the storage, preparation, handling or packing of food, except where approval for cooking facilities has been granted by the City;
- Involve the fuelling, repair or maintenance of any motor vehicle on the site;
- Involve any deliveries or customers outside normal business hours;
- Adversely affect the amenity of the neighbourhood, as a result of the emission of light, noise, vibrations, odours, dust, waste water or waste products;
- Involve a use that would be more appropriately located in a non – residential zone;
- Require modifications to the dwelling such that it does not retain a residential character; and
- Involve the penetration of skin (including body piercing, tattooing and electrolysis) having specific health requirements, which require monitoring and regulation.

Specific Provisions

Home Office

- Be limited to a business carried out solely within the dwelling;
- Not employ any person not a member of the occupier's household;
- Not entail clients or customers travelling to and from the dwelling;
- Not involve any advertising signs on the premises; and
- Not require any external changes to the appearance of the dwelling.

Home Occupation

- Not employ any person not a member of the occupier's household;
- Not occupy an area greater than 20 m² within the dwelling;
- Not display a sign exceeding 0.2m², which must be incorporated into a front fence, wall, structure or building and be sympathetic to the streetscape in design;

- Not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood;
- Not involve the presence, use or calling of a vehicle of more than 2 tonnes tare weight.
- No more than one customer's vehicle at any given time; and
- No more than a total of 3 customer's vehicles on any given day.

Home Businesses

- Not employ more than 2 people not members of the occupier's household;
- Not occupy an area greater than 50m² within the dwelling;
- Not display a sign exceeding 0.5m², which must be incorporated into a front fence, wall, structure or building and be sympathetic to the streetscape in design;
- Not involve the presence, use or calling of a vehicle more than 3.5 tones tare weight;
- Provide adequate on-site car parking and manoeuvring areas to the satisfaction of the Council;
- No more than two customers' vehicles at any given time; and
- No more than a total of 8 customers' vehicles on any given day.

Council may consider applications for Home Business not complying with these requirements where the additional trade / custom is considered unlikely to impact on residential amenity because of:

- The specific location of the site;
- The use of adjoining sites;
- The availability of sufficient parking; and / or
- The specific details of the application and proposed operation.

Neighbour Consultation

In some instances, Council may require neighbour consultation before determining whether to approve a use or not.

Home Office

No consultation required.

Home Occupation

Abutting properties plus those opposite of a Home Business will be notified in writing after the approval is granted to advise them of the restrictions on the approval. *

Home Business

All abutting owners will be consulted in writing and given the opportunity to comment.

Note * Where the City is concerned about the nature or scale of a Home Business or Home Occupation application, additional consultation may be required.

Variations

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy.

OFFICE USE ONLY:

Local Planning Scheme No.3 – Local Planning Policy History:

Action	Resolution Number	Effective Date
---------------	--------------------------	-----------------------

The City of Belmont is supportive of residents operating a Home Business, Home Occupation, Home Office or Home Store from their residence, providing it complies with the definitions and requirements of the City of Belmont Local Planning Scheme 15.

Home Business

A 'Home Business' means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession:

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

A 'Home Business' **requires planning approval** before the business can operate, except where it is a Permitted ('P') use. There is no fee for this application. In order for a proposal to be classified as a 'Home Business', it must comply with all the conditions listed under the above definition.

Home Occupation

A 'Home Occupation' means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

Under Local Planning Scheme 15, clause 8.2(4), a 'Home Occupation' does not require planning approval. If you require a letter from the City advising if a 'Home Occupation' can operate from your residence, please forward a written request to the City advising of the type of 'Home Occupation' to be operated and any additional supporting information. *Please note that written confirmation from the City requires payment of a fee (refer Schedule of Planning Fees).* Council Officers will then review the matter and provide written advice.

Home Office

A 'Home Office' means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

A 'Home Office' is permitted within all zones within the City of Belmont. Under the *Planning & Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 7, cl 61(2)(c)*, a 'Home Office' does not require planning approval). However, if you require a letter from the City advising if a 'Home Office' can operate from your residence, please forward a written request to the City advising of the type of 'Home Office' to be operated and any additional supporting information. *Please note that written confirmation from the City requires payment of a fee (refer Schedule of Planning Fees)*. Council Officers will then review the matter and provide written advice.

Home Store

A 'Home Store' means a shop attached to a dwelling that:

- (a) has a net lettable area not exceeding 100m²; and
- (b) is operated by a person residing in the dwelling;

A 'Home Store' **requires planning approval** before the store can operate. A 'Home Store' is considered to be a 'Discretionary' use in the 'Mixed Use', 'Mixed Business' and 'Special Development Precincts'. A 'Home Store' application lodged within the 'Residential' zone will require advertising ('A' use) of the proposed use or development to nearby owners and occupiers, as per clause 9.4 under Local Planning Scheme 15. There is no fee for this application. In order for a proposal to be classified as a 'Home Store', it must comply with all the conditions listed under the above definition.

Information required when lodging a Development Application

When lodging a Development Application, please provide the following information:

Minimum required information*	Applicant Use Only	Council Use
MRS Form 1 – (original copy) signed by the owner/s of the land or accompanied by a letter of authorisation signed by the owner/s of the land;	<input type="checkbox"/>	<input type="checkbox"/>
Consent form to display application plans on the City's website, where following an assessment of the application, it is identified that advertising is required	<input type="checkbox"/>	<input type="checkbox"/>
The City prefers electronic submission of plans. Where electronic copies are not possible, one set of hard copy plans will be accepted. Electronic plans must meet the following requirements: <ul style="list-style-type: none">• submitted as Adobe Systems portable document format (PDF)• unlocked• to scale• optimised for minimum file size.	<input type="checkbox"/> CD OR <input type="checkbox"/> Email planning@belmont.wa.gov.au (Max 10MB) <input type="checkbox"/> Hard copy	<input type="checkbox"/>
One (1) copy of a Site Plan drawn to an appropriate scale (e.g. 1:200): <ul style="list-style-type: none">• Lot number/s and lot dimensions, street names and North point;• Parking, turning and manoeuvring areas, existing and proposed crossovers;• Landscaping areas, storage areas and bin storage areas.	<input type="checkbox"/>	<input type="checkbox"/>
One (1) copy of a Floor Plan drawn to an appropriate scale (e.g. 1:200): <ul style="list-style-type: none">• Lot number/s and lot dimensions, street names and North point;• Indication of the portion/s of the dwelling to be used for the business;• Labelling the use of each room/area and dimensions.	<input type="checkbox"/>	<input type="checkbox"/>
Written submission including (but not limited to) details of: <ul style="list-style-type: none">• The detailed description of the nature of the onsite activities;• Whether the proprietor and employees occupy the dwelling as their place of residence;• Proposed hours and days of operation;• Maximum number of employees at any one time;• Maximum number of expected visitors/customers/clients at the premises at any given time;• Any equipment to be used.	<input type="checkbox"/>	<input type="checkbox"/>

If you have any further enquiries regarding the information contained within this information sheet, please contact Council's Planning Department on (08) 9477 7428 or via email: Belmont@belmont.wa.gov.au

ATTACHMENT NO. 7

TOWN OF BASSENDEAN BEE KEEPING LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Bassendean resolved on _____ to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the Town of Bassendean Bee Keeping Local Law.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

The Town of Bassendean Bee Keeping Local Law published in the *Government Gazette* of 16 August 2001 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Terms used

(1) In this local law, unless the context requires otherwise—

Act means the *Local Government Act 1995*;

authorised person means a person authorised by the local government under section 9.10 of the Act to carry out functions with respect to this local law;

bee means a bee of the species *Apis mellifera*;

bee hive means a movable or fixed structure, container or object which contains a bees nest containing an independent colony of bees and in which bees are kept;

beekeeper has the meaning given in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

Crown land has the meaning given in section 3(1) of the *Land Administration Act 1997*;

district means the district of the local government;

local government means the Town of Bassendean;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance at law;

- b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- c) an interference which causes material damage to land or other property on the land affected by the interference;

occupier has the meaning given in the Act;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

registered beekeeper means a person who is registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

Regulations means the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning as is given in the Act.

PART 2—PERMIT TO KEEP BEES

2.1 Permit required to keep bees

- (1) Subject to this clause, a person must not keep bees or allow bees to be kept on land—
 - (a) unless that person is a registered beekeeper if required by the Regulations; and
 - (b) in accordance with a valid permit issued in relation to the land.
- (2) Subclause (1) does not apply where an occupier of land keeps bees on the land:
 - (a) for a continuous period not exceeding 8 weeks in a 12 month period; and
 - (b) for the purpose of pollinating a crop on the land.
- (3) An occupier referred to in subclause (2), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land that is readily accessible by the bees.
- (4) Subclause (1) does not apply where a person keeps bees on Crown land.
- (5) In relation to all land-
 - (a) no more than 2 bee hives may be kept on land of less than 2,000 m² in area ;
 - (b) no more than 5 bee hives may be kept on land of between 2,000 m² and 20,000m² in area ;
 - (c) before establishing any bee hives on the land, the occupier of the land must notify, in writing, the occupier of each property adjoining the land that the bee hives are to be kept;

- (d) a good and sufficient supply of water must be provided in a way that is readily accessible to any bees kept on that land; and
- (e) bees from the bee hives do not become a nuisance.

2.2 Application for a permit

An applicant for a permit must—

- (a) be a registered beekeeper if required by the Regulations;
- (b) provide the information (including any comments from neighbours) that may be required by the local government;
- (c) apply in the form determined by the local government; and
- (d) pay any application fee imposed by the local government under sections 6.16 to 6.19 of the Act.

2.3 Determination of application

- (1) The local government may—
 - (a) refuse to determine an application that does not comply with clause 2.2;
 - (b) approve an application subject to any conditions that it considers appropriate; or
 - (c) refuse to approve an application.
- (2) If the local government approves an application, it is to issue to the applicant a permit in the form determined by the local government from time to time.
- (3) A permit is valid from the date of issue until it is cancelled under this local law.
- (4) A permit holder must comply with the permit conditions.

2.4 Variation or cancellation

- (1) The local government may vary a permit condition by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (2) The local government may cancel a permit if—
 - (a) the permit holder requests the local government to do so; or
 - (b) the permit holder fails to comply with a notice under clause 3.1 within the time specified in the notice or commits any other offence under this local law.
- (3) A permit is taken to be cancelled on—
 - (a) the permit holder ceasing to be registered as a beekeeper; or
 - (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates.

2.5 Information to be provided by a permit holder

- (1) In this clause a 'permit holder' includes the holder of a permit cancelled under clause 2.4(3).
- (2) A permit holder must notify the local government in writing as soon as practicable after—
 - (a) the permit holder ceases to be a registered beekeeper; or
 - (b) a continuous period of 12 months passes during which the permit holder has not kept any bees on the land to which the permit relates.
- (3) A permit holder must, within 7 days of an authorised person giving the permit holder a written notice to do so, provide to the local government either or both of—
 - (a) written proof of the permit holder's registration as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement Stock and Apiaries) Regulations 2013*; and
 - (b) a signed statement as to whether the permit holder has, within the 12 months preceding the date of the notice, kept bees on the land to which the permit relates and which is identified in the notice.

2.6 Permit not transferable

A permit—

- (a) is personal to the permit holder;
- (b) applies only to the land described in the permit; and
- (c) is not transferable.

2.7 Nuisance

A person must not keep or allow to be kept bees or bee hives, or both, on land so as to create a nuisance.

2.8 Objections and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law—

- (a) to refuse an application for a permit;
- (b) to impose or vary a condition of a permit;
- (c) to cancel a permit; or
- (d) to give a person a notice under clause 3.1.

PART 3—ENFORCEMENT

3.1 Notice to remove

- (1) If, in the opinion of an authorised person, the bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the authorised person may give to the owner or occupier of that land a written notice requiring the owner or occupier as the case may be to remove the bees before the date specified in the notice.

- (2) If, in the opinion of an authorised person, a person has breached a provision of this local law, the authorised person may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.

3.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing commits an offence.
- (2) A person who commits an offence under this local law is liable to a penalty of \$5,000 and where the offence is of a continuing nature, to a daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

3.3 Prescribed offences

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

3.4 Forms

- (1) The form of the infringement notice referred to in section 9.17 of the Act is Form 2 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.
- (2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

SCHEDULE

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

(clause 3.3)

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1(b)	Failure to obtain permit to keep bees	100
2	2.1(3)	Failure to comply with obligation when temporarily keeping bees	100
3	2.3(1) (b)	Failure to comply with a condition of a permit to keep bees	100
4	3.1	Failure to comply with notice of local government	100
5	2.7	Creation of nuisance from keeping of bees or beehives	100

Dated this _____ day of _____

The Common Seal of the _____)

Town of Bassendean _____)

was affixed by authority of a resolution _____)

of the Council in the presence of: _____)

MAYOR

CHIEF EXECUTIVE OFFICER

Yvonne Zaffino

From: Brian Reed <BReed@bassendean.wa.gov.au>
Sent: Friday, 11 May 2018 10:15 AM
To: Brian Reed (BReed@bassendean.wa.gov.au)
Subject: FW: IEM-13473318 - Attn: Chief Executive Officer - Town of Bassendean - Proposed Local Laws - Bee Keeping

Brian Reed
Manager Development Services
Town of Bassendean

Phone: (08) 9377 8000
Direct Line: (08) 9377 8005
Facsimile: (08) 9279 4257

Email: breed@bassendean.wa.gov.au

Web: www.bassendean.gov.au

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-----Original Message-----

From: Erin & Cam Taylor [<mailto:erinsandcamt@gmail.com>]
Sent: Thursday, 1 March 2018 7:43 PM
To: mail@bassendean.wa.gov.au
Subject: IEM-13473318 - Attn: Chief Executive Officer - Town of Bassendean - Proposed Local Laws - Bee Keeping

Dear Chief Executive Officer,

Thank you for the opportunity to provide comment on the proposed local laws. As we reside within the Town of Bassendean, we would like to make comment on the proposed Bee Keeping Local Law.

In reference to Part 2.1, 5(iv), we suggest that the distance to the surrounding boundaries is reviewed on a 'case by case' basis, rather than the nominated 5m to adjoining boundaries. Locating hive(s) 5m from lot boundaries will be extremely prohibitive and on most suburban lots, this distance will not be feasible.

We suggest that the distance is reviewed on a 'case by case' basis to allow for individual site circumstances which reduce/minimises interaction with the occupiers of the adjacent lot. Such circumstances include;

- a) sheds or other un-inhabitable buildings that are located in close proximity to the lot boundary
- b) highly utilised living areas / alfresco areas are more than 5m from the proposed hive location
- c) what type of hive is proposed (eg. the Flowhive allows for the extraction of honey without disturbing the bees)
- d) methods of directing the bee flight path up above fence height prior to bees exiting the lot on which the hive is located
- e) screening (vegetation and/or structures)

There are world wide discussions regarding bee populations and we hope that the Town of Bassendean encourages bee keeping as opposed to making the keeping of bees prohibitive on suburban blocks.

Kind Regards
Erin Somers

Yvonne Zaffino

From: Brian Reed <BReed@bassendean.wa.gov.au>
Sent: Friday, 11 May 2018 10:15 AM
To: Brian Reed (BReed@bassendean.wa.gov.au)
Subject: FW: IEM-13461618 - Attn: Mr. Brian Reed - Town of Bassendean Repeal Local Law - Department comments

Brian Reed
Manager Development Services
Town of Bassendean

Phone: (08) 9377 8000
Direct Line: (08) 9377 8005
Facsimile: (08) 9279 4257

Email: breed@bassendean.wa.gov.au

Web: www.bassendean.gov.au

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-----Original Message-----

From: Steven Elliott [mailto:steven.elliott@dlgsc.wa.gov.au]
Sent: Wednesday, 28 February 2018 12:17 PM
To: Town of Bassendean CEO <mail@bassendean.wa.gov.au>
Subject: IEM-13461618 - Attn: Mr. Brian Reed - Town of Bassendean Repeal Local Law - Department comments

Dear Mr Reed,

This email is regarding your letter dated 18 January 2018 concerning the Town's proposed repeal local law. The Department has considered the draft and no significant issues have been identified. Some minor comments are noted below:

Town of Bassendean Repeal Local Law

1. Minor edits

The following minor issues were noted:

- * The number "2018" should be added to the local law's title and the citation in clause 1.

- * It is uncertain whether the Town can repeal the fees listed in paragraph (a), since the power to set and amend those fees was repealed in 1960. However, leaving the paragraph in the local law is unlikely to cause any legal issues. Whether the fees are repealed or not, it appears they have been overruled by the poundage fees prescribed in the Local Government (Misc. Provisions) Act 1960.

The Town should also ensure that all citations and gazettal dates are accurate prior to the local law being submitted to Council.

Minister's Directions - pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Town has published a local law in the Government Gazette, the Town must comply with the requirements of the Minister's Local Laws Explanatory Memoranda Directions 2010. The Town must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk

Joint Standing Committee on Delegated Legislation Legislative Council Committee Office GPO
Box A11 PERTH WA 6837

Email: delleg@parliament.wa.gov.au<<mailto:delleg@parliament.wa.gov.au>>

Tel: 9222 7404

Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at www.dlgc.wa.gov.au<<http://www.dlgc.wa.gov.au>>. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- * have been provided to assist the Town with drafting matters in relation to the local law;
- * do not constitute legal advice;
- * have been provided in good faith for the Town's consideration; and
- * should not be taken as an approval of content.

Kind regards

Steven Elliott

Senior Legislation Officer - Local Government Department of Local Government, Sport and Cultural Industries

140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone

+61 8 6552 1642<<tel:+61%208%206552%201642>>

ATTACHMENT NO. 8

Photo of the crossover and the verge after being hit by the truck and before removing the retaining wall



Photo of the crossover and the verge after being hit by the truck and after removing the retaining wall



ATTACHMENT NO. 9

Perth (Head Office)
12 Monger Street
Perth WA 6000

T +61 (0)8 9227 9355
F +61 (0)8 9227 5033

www.syrinx.net.au
ABN: 39 092 638 410



SUCCESS HILL SPILLWAY INVESTIGATION

March 2018
For The Town of Bassendean

Document Control

Report **17038RPT001**

Version	Date	Prepared by	Approved	Issue Details
2	09.03.18	Lazar Cirkovic	Zhiliang Lin	For Approval

Limitations of Report

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1.0 INTRODUCTION

The Success Hill Spillway (hereafter known as “the Spillway”), located on the Success Hill Reserve (see Figure 2) is a man-made structure which conveys stormwater from the upstream drainage catchment down a cascading rock structure, through a small stream into the Swan River (see Figure 1). The Spillway is accessible to the public by foot and is located within the Success Hill Reserve recreational area.

In November 2016, the Town of Bassendean (the Town) became aware that the Spillway structural conditions were severely deteriorating based on reported visual evidence. These included cracks in concrete, soil erosion, and rocks that had dislodged from the concrete structure. The Town undertook minor repair works as part of their maintenance regime to prolong the longevity of the Spillway.



Figure 1 Degraded Spillway Structure

The Town did not have funds available to commence detailed investigations during that time, and prior to the February 2017 Budget Review, a significant storm event occurred which contributed to the structure collapsing. Upon the 2017/2018 Council budget review, funds have been allocated to facilitate rectification works and Syrinx Environmental PL (Syrinx) was appointed in late 2017 to carry out investigations on the causes of collapse and to make recommendations for suitable reinstatement.

1.1 PURPOSE OF THIS DOCUMENT

This document presents findings based on the investigations undertaken in November 2017 and desktop studies on the key causes of the spillway failure. This document also highlights and describes recommendations for interim measures, and conceptual solutions which consider public safety issues, and engineering/ structural improvements.

This document should be read in conjunction with the following referenced documents:

- Stormwater Management Manual (2004);
- Best Management Practices for Foreshore Stabilisation (2009);
- Water and Rivers Commission (2000); and
- Bassendean Drainage Assessment - Drainage Review and Assessment, CW926200 (2016).

1.2 LOCATION OF THE SPILLWAY

The Success Hill Spillway structure is located along the Swan River foreshore in the Success Hill Reserve adjacent to Seventh Avenue, (refer to Figure 2 Location).



Figure 2 Location of the Success Hill Spillway

1.3 SITE MANAGEMENT HISTORY

The Town has previously commissioned Syrinx in 2009 to complete foreshore restoration works on the Success Hill Reserve eroded embankment upstream of the jetty (Previous works). These works included a new staircase leading down the embankment, and the provision of a new Jetty. an Acid Sulfate Soils (ASS) investigation and ASS management plan (ASSMP) was also included in the works. However, the area of influence in the 2009 works did not include areas of the Spillway structure or surrounding affected landscapes.

The Town has provided feedback that cracks in the Spillway structure were visually evident in the past suggesting that the structural integrity of the Spillway may be declining. Subsequently, the Town has included minor repair works as part of their maintenance regime to prolong the longevity of the Spillway. However, no significant structural works were done to improve the structure's stability.

Despite all efforts of the Town's maintenance team, the Spillway has succumbed to its structural inadequacy and collapsed over time, resulting in an unstable and unsafe environment.

1.4 ABORIGINAL CONSULTATION 2007

The Town conducted indigenous consultation in 2007 to carry out works to improve site amenities, recreational facilities, and the environmental aspects of the Success Hill Reserve. These include, but are not limited to stormwater treatment measures such as existing pipe upgrading and replacement, removal of existing pipe and outfall structures rectification, Design and construction of stormwater treatment, underground stormwater treatment, earthworks, and Installation and maintenance.

A Section 18 (refer to Appendix 3) has been provided to the State Land Services and a letter to the Town authorising the proposed works.

2.0 SITE ASSESSMENT

2.1 DRAINAGE

As part of the drainage investigations, the Town has provided Syrinx with drainage maps and a Drainage Assessment Study (Cardno 2016) to assist in assessing the hydraulic adequacy of the Spillway discharge system. The Town has also previously spent approximately \$88,000 and "installed a PVC liner under the Success Hill Reserve to improve flow rate, the general efficiency of the concrete pipe, and resilience to physical damage.

No major flood issues were identified at Success Hill in the Bassendean Drainage Assessment (Cardno 2016). All recommendations made for flood rectification measures through Water Sensitive Design (WSUD) and other drainage initiatives were not within the catchment of the collapsed Spillway structure.

In addition to reviewing the Drainage Assessment Study, empirical methods that include the rational formula and Colebrook-White equations were used to verify the capacity of the existing discharge pipe. These methods were deemed sufficient to facilitate an understanding of whether discharge capacity and flow velocities could have contributed to the failure of the structure.

The drainage catchment was derived by tracing the flow paths indicated on the provided urban pipe network by the Town (DRAINS Catchment Boundaries, 2017) and was determined to be approximately 25.6 ha in size. A rainfall intensity of 26.9 mm/ hr for a 10 (Ten) year, one-hour duration event was derived from the Australian Rainfall-Runoff point source IDF curve and used as input for the hydraulic calculation. A suitable Runoff Coefficient (C-factor) of 0.8 which represents the percentage of the impervious surface present within the catchment was assumed through inspection of aerial imagery and on-site assessments. The hydraulic gradient of the existing pipe was calculated to be

approximately 1 in 150 at the last 140 m of the pipe before the discharge point. Figure 3 reflects the 140 m extent where 1 in 150 hydraulic gradient is applicable.

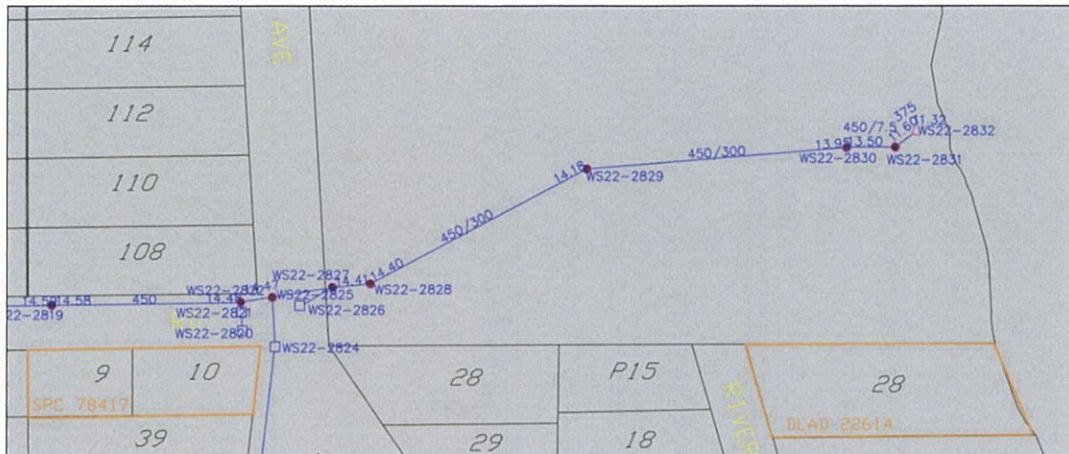


Figure 3 DRAINS section showing the stormwater pipe which discharges to the Spillway

With the above input parameters, it is calculated that the catchment would yield discharge volumes of 1.53 m³/s through the rational method. Given the pipe’s high discharge invert level which was visually verified on site, the pipe was determined to be a free outfall as it is not influenced by tide levels, or by any initial downstream top water levels.

The design capacity of the existing 0.45 m dia. pipe culvert was calculated to be only 0.26 m³/s based on the Colebrook-White formula for pipe flows suggesting that the pipe is undersized. A derived size of 0.9 m dia. was required to accommodate the flow of 1.53 m³/s associated with a 10-year 1-hour duration storm event.

The 1% AEP flood map in the Town’s Drainage Assessment (Cardno 2016) did not reveal significant flood issues within the Spillway catchment, suggesting that the pipe may be operating under submerged conditions given the set-out catchment specific scenarios. However, the Cardno 2016 report is a catchment-wide flood risk assessment and does not provide critical information on flow velocities and discharge volumes at the spillway structure to ascertain the operational conditions of the 0.45 m discharge pipe.



Figure 4 Urban Pipe Network and Catchments

2.2 GROUNDWATER LEVELS

Groundwater levels to be used in the investigation were obtained from previous project reports and the Perth Groundwater Map Atlas. Groundwater levels were also inspected on site near the toe of the embankments where localised areas of groundwater seepage were visually evident.

Data obtained from the Perth Groundwater Atlas indicated that groundwater levels across the Site were ~ 13 m below the natural surfaces (Figure 5), and as such, suggests that the groundwater is not impacting on the Spillway structure. However, the geotechnical report produced by CMW Geosciences (2017) stated the presence of natural springs along the western river bank, upstream of the outflow structure and close to the vicinity of the Spillway. It is possible that water seepage from the spring may have interfered (or be interfering with) the Spillway structure.



Figure 5 Perth Groundwater Map Atlas

2.3 ACID SULFATE SOILS

The Perth Groundwater Map Atlas indicates that the Spillway is located within in a high to moderate Acid Sulfate Soil (ASS) disturbance risk zone, as shown in Figure 6. The Spillway is also located in close proximity to the Swan River, a sensitive receptor which has the potential to be adversely impacted by the disturbance of ASS from activities which disturb soil and/or groundwater.

During the detailed design phase, if more than 100 m³ of soil is anticipated to be disturbed, or if dewatering/lowering of the water table is required to facilitate construction, then a site-specific ASS investigation will need to be completed in accordance with the Department of Water and Environmental Regulation's guideline Identification and Investigation of Acid Sulfate Soils and Acidic Landscapes (2015). Based on the results of the ASS investigation, the development of an ASSMP may be required to manage ASS if these are found to be present on site.

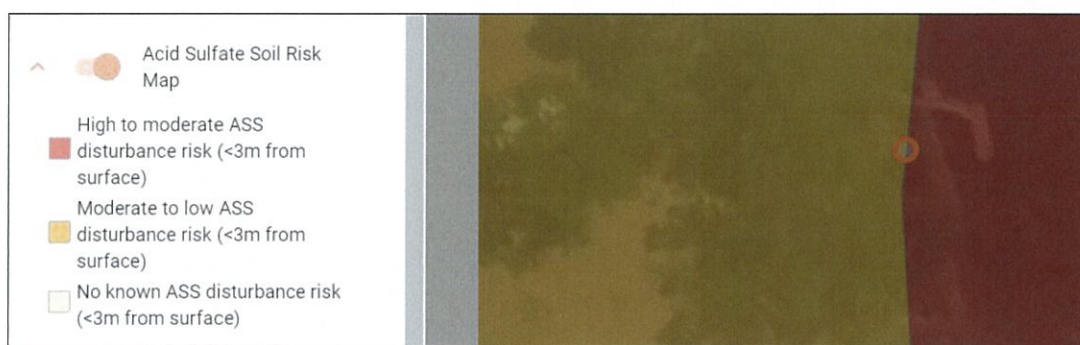


Figure 6 Acid Sulphate Soil Risk Map

Previous ASS investigations

An ASS investigation has been previously carried out in an area adjacent to the Spillway in 2009 (by MPA Williams and Associates) which identified ASS to be present at sample point HA02 within their study area, approximately 27 m north of the Spillway. As a result of the investigation, an ASS Management Plan (ASSMP) was formed by MPA Williams and Associates before the escarpment works were carried out to manage the risk from ASS.

The relative distances between the Spillway structure and the HA sampling locations tested during the 2009 ASS investigation are shown in Figure 7, which show that the HA sampling locations used in 2009 do not sit within the footprint of the Spillway area. Therefore, although the 2009 ASS investigation report indicates that ASS could be present within the Spillway footprint, the report does not characterise the risk from ASS or the specific ASS chemistry within the Spillway area.

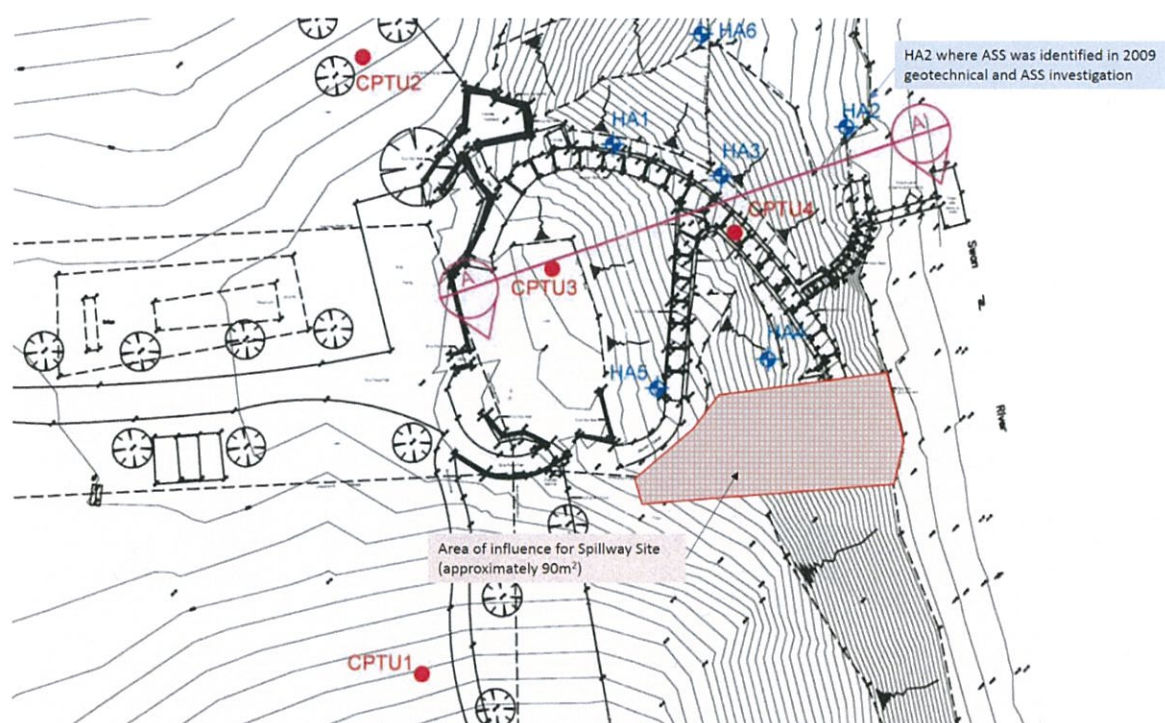


Figure 7 Sampling locations used in the 2009 ASS investigation by MPA Williams and Associates in proximity to the Spillway site

2.4 GEOTECHNICAL INVESTIGATION

Syrinx engaged CMW Geosciences to provide a specialised assessment of the Spillway's geotechnical site conditions to understand if there were any geotechnical processes within the area that could have contributed to the structural failure. The CMW Geotechnical Investigation Report (shown in Appendix 1) was used to inform this report.

Overall, the CMW Geotechnical Investigation Report has identified the Site to be highly fluvial with several factors that could have contributed to the structure's failure. These factors consist of mixed influences from both stormwater and groundwater seepage through the Spillway concrete leading to subsequent soil erosion thus undermining the structure foundation. Additionally, the natural groundwater discharge from the western river bank combined with disturbance from boat wash and foot traffic may exacerbate the broader scale natural erosion processes acting on the outside bank of the river meander on this section of the river.

The Geotechnical Investigation Report provided three viable options for remediation which Syrinx considered holistically amongst other technical elements such as arborist advice and drainage investigations which are described further in the sections below.

2.5 OVERLAND FLOW INVESTIGATION

Syrinx carried out onsite investigations and had identified several drainage issues that should be addressed to improve the current site conditions.

It appears on site that the embankment erosion and underwash of the Spillway structure have been caused by overland flows, especially at localised sections where the structure intercepts the overland flow path. Currently, the existing pedestrian footpath acts as a preferential flow path where runoff would be channelled. However, based on the height of the footpath curb (approximately 100 mm), the footpath would only be able to facilitate conveyance of the more frequent storm events. During the larger storm events, the footpaths steep hydraulic gradient and high inertia runoff volumes make it is possible for the runoff to spill over at the edge of the footpath bend as shown in Figure 8 below.

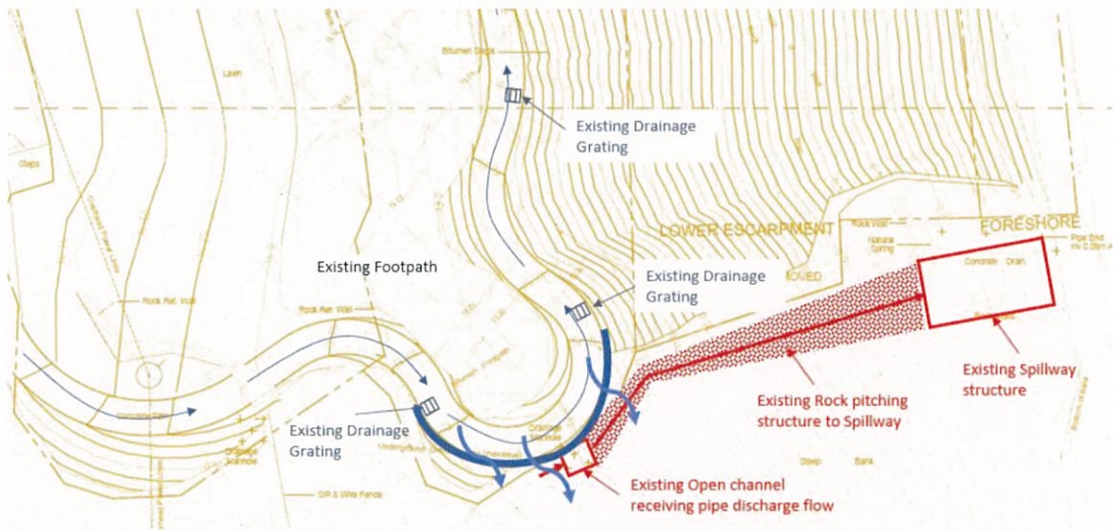


Figure 8 Overflows from existing footpath bend

The existing open discharge channel (Figure 10) that is directly receiving a discharge from the 450 mm pipe appears to be insufficient to serve the upstream drainage catchment. From hydraulic calculations, the catchment would have an approximate discharge rate of 1.53 m³/s through the pipe

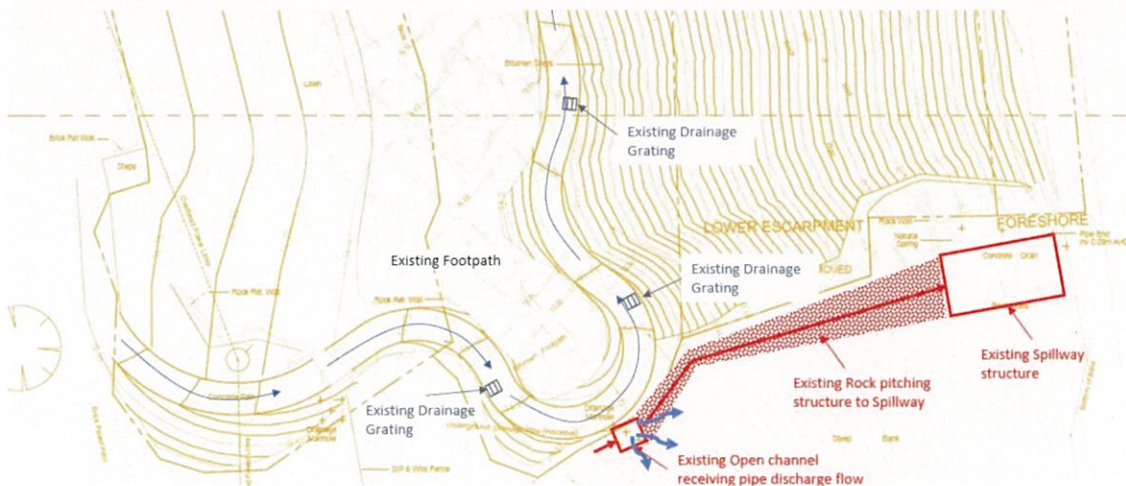


Figure 9 Inadequate Open Channel size serving existing 450 mm dia discharge pipe

under submerged conditions. These volumes would cause the open channel to overflow as the existing channel has less than the required cross-sectional flow area. In its condition, the open channel would have filled up quickly during a storm event and overflowed down the embankment thus contributing to the erosion of the embankment materials around the structure toe instead of along its designated flow path toward the Spillway.



Figure 10 Pipe Discharge Open Channel

In addition, a runoff interception gap beside the pipe discharge point has been identified where the footpath would not sufficiently intercept runoff from the higher embankments. This means that even during the frequent storm events, flows would have made its way down the embankment freely thus contributing to the erosion at the Spillway structure toe (refer to Figure 11 below).

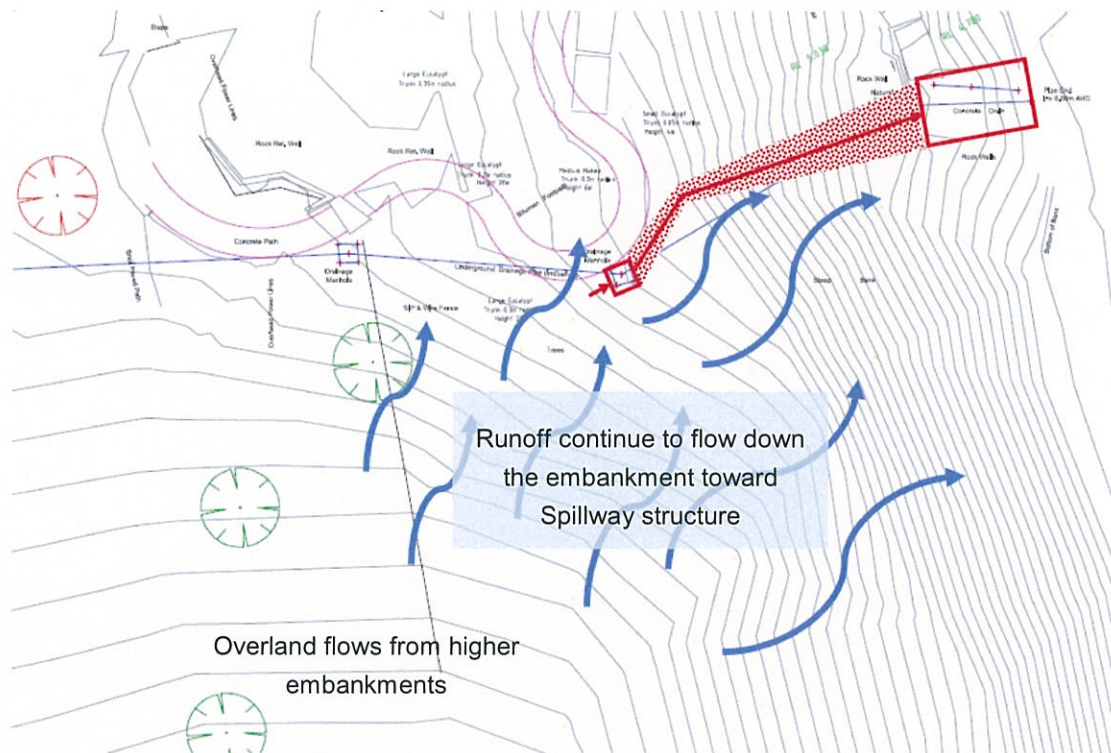


Figure 11 Un-intercepted overland flows from higher embankments

2.6 ARBORIST ASSESSMENT

Arbor Logic was engaged to assess the health and condition of the trees along the embankment within close proximity to the Spillway. This assessment was important to differentiate trees with root structures that contribute to existing slope stability, and trees with root structures that were contributing to “root wedging” and further destabilising the Spillway structure instead.

The arborist assessed tree health condition by visually inspecting the tree’s main stem, primary and secondary branch system, and tree root plate area, and in-ground stability through cracking or heaving around the tree root zone. The Arborist report describing its findings in detail has been attached to this document for further reference (refer to Appendix 2).

The Arborist assessment indicates that the trees within proximity hold low to high retention values. Trees with insignificant root strength and health were of low retention value and could potentially be removed to facilitate Spillway reinstatement works. In addition, the Spillway should be located away from trees with root structures that are seemingly threatening to the Spillway structural integrity. It is also necessary for additional protection against root wedging which is to be considered in the Spillway reinstatement design in sections where the structure comes within proximity to the tree.

Given the above findings, suitable locations for the future Spillway reinstatement works have been identified. These locations consider the necessary tree protection zones where excavations should be limited to avoid further slope destabilisation.

2.7 SUMMARY OF FINDINGS

The desktop study revealed that the primary influences that have contributed to the degradation and destabilisation of the Spillway structure are the lack of surface runoff interception and inadequate sizing of the open channel receiving discharge flow from the existing 450 mm pipe (Runoff Management). Lack of structural protection from root wedging from surrounding trees (root wedging), and the subtle ground movements associated with the geomorphological processes at the river meander (geotechnical movements).

2.8 RUNOFF MANAGEMENT

As described in Section 2.4 above, it is essential to prevent overland flows from intercepting the Spillway structure toe and causing destabilisation through undermining. From hydraulic calculations, the size of the open channel is inadequate and is the likely source of frequent spill overflows from the pipe discharge onto the embankment. The heavy rainfall event in February 2017 is likely to have further aggravated the erosion effect thus contributing to the structure's eventual failure.

Efforts to minimise overland flow erosion effects especially from spill overflows from the footpath should be made, and this can be achieved through a cut off open channel drainage system which will be further elaborated in Section 4.0.

2.9 LACK OF ROOT WEDGING PROTECTION

Aborist findings have identified explicitly that an *Agonis flexuosa* (labelled Tree no. 5, Appendix 2) appeared to have contributed significantly to the failure of the Spillway. The Spillway was constructed within its protection zone where root growth activity is unusually high. Being attracted to water, the tree roots eventually punched through the mortar structure of the Spillway causing structural damage. The root growth has subsequently created cracks and splits in the structure which aggravated the effects of underwashing from the embankment overland flows.

It was not recommended to remove the tree as it's root system and has a long-life expectancy and contributes significantly to bank stabilisation. Repositioning the Spillway away from this tree should be considered in the reinstatement design.

2.10 LACK OF PROTECTION FROM GROUND MOVEMENT

As the existing Spillway is located at the outer embankment of the river meander. The Spillway will be subject to movement from the erosion/ sedimentation geomorphological processes and flow actions of the river that the lower section of the Spillway structure may not have been protected from. This increases the potential for cracking as the embankment loses material and reductions in its passive resistance particularly in the Spillway cascade areas.

2.11 OTHER CONSIDERATIONS

The Geotechnical report from CMW Geosciences indicated water seepage within close vicinity of the Spillway in the form of a spring. It is not ascertained that this water is groundwater due to discrepancies in available groundwater data. It is suspected that the continuous flow from the existing 450 mm dia pipe may serve as the spring's primary source, e.g. flows from the pipe may be infiltrated into the embankment at localised ground depressions and emerged from the ground as "springs" through vertical sub-surface flow processes. To rule this possibility out, it is recommended for a temporary pipe be installed to divert the flow directly into the Swan River thus potentially cutting off recharge source of the spring flow and monitoring whether the spring dries out eventually.

If this is unsuccessful, then it is recommended to implement further (detailed) investigations on alternative spring input sources to identify the spring area of influence.

This should be undertaken as part of the detailed design process if the Town decides to proceed with the option described in Section 4.2 below.

3.0 RECOMMENDATIONS

The proposed approach to the Spillway restoration aims to deliver a safe and functional outfall structure by addressing the key findings described above through the following recommendations.

- Intercept adjacent overland flows and increase capacity of downstream open channel receiving 450 mm pipe to accommodate upstream catchment flow volumes;
- Realign the flow path of the Spillway structure away from the *Agonis flexuosa* as much as possible, or incorporate root wedging protection measures at critical areas that come within proximity of the tree protected zone;
- Retain large healthy trees and enhance protection of existing root system to maintain slope stability;
- Provide temporary discharge pipe to facilitate direct discharge from existing 450 mm dia pipe to Swan River to minimise surface overland flow down the embankment and potential recharge of springs;
- The stormwater pit upstream of pipe discharge shall be patched/ fixed to minimise seepage through the embankment;
- Provide rock revetment protection along the toe of the embankment to reduce the effects of river erosion geomorphological processes that could compromise structural stability at the Spillway outlet;
- Due diligence investigation of the presence of Acid Sulphate Soils as the Site is within high to moderate ASS disturbance risk zone (<3 m from surface).

Given the above recommendations, Syrinx has prepared the following possible solution for consideration. This proposal also considers construction feasibility such as site access, machine movement and steep slope conditions. Order of Magnitude cost for each option can be referred to in Appendix 4.

3.1 DIRECT PIPE DISCHARGE TO RIVER

- Allow existing overland flow to flow across the pedestrian footpath;
- Provide an open stormwater channel along the outer edge of the footpath where the path bends to the left. The channel will capture the adjacent overland flows from the higher embankments and runoff spillovers from the pedestrian footpath. It is recommended that the Channel be sized to accommodate 1 in 10-year storm events (minimally);
- Modify existing stormwater pit to serve open stormwater channel;
- The open channel will be connected to the existing stormwater pit;
- Install an outflow pipe that extends from the existing stormwater pit to the toe of the embankment where the stormwater discharges through a headwall into the Swan River and will include two manholes. The pipe shall be sized to at least 900 mm dia to cater for a 10-year 1-hour duration storm event;
- Provide a rock riprap open channel from the pipe discharge headwall to dissipate velocities and hydraulic energy before discharging into the River (to be explored in further detail during the Detailed Design phase).

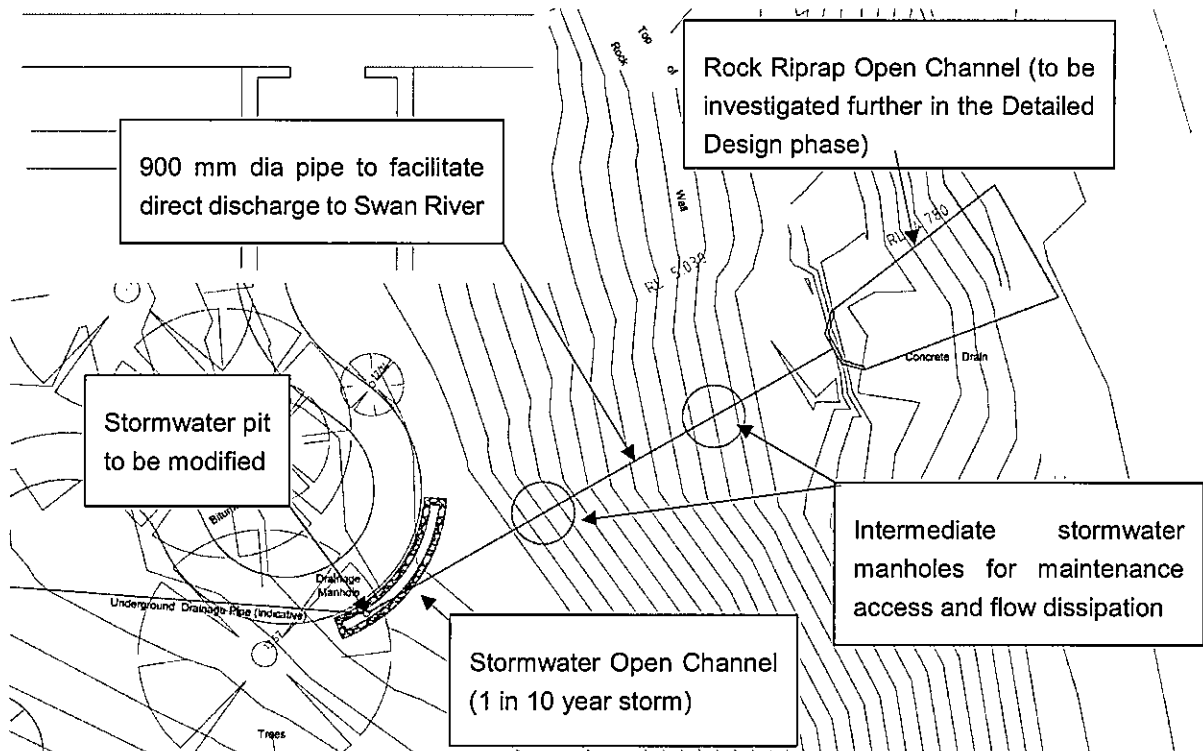


Figure 12 Direct Pipe Discharge to River Option

3.2 OPEN CHANNEL DISCHARGE TO RIVER

- Allow existing overland flow to flow across the pedestrian footpath;
- Provide an open stormwater channel along the outer edge of the footpath where the path curves towards the stairs leading to the jetty . The channel will capture the adjacent overland flows from the higher embankments, runoff spill overs from the pedestrian footpath;
- Install an open flow channel rock outflow structure (e.g. Reno Mattress and gabion walls) extending from the footpath bend to the River as shown in the diagram below sized to accommodate the overland flow runoff and 450 mm dia existing pipe discharge;
- The rock outflow channel shall be sized to approximately 2 m wide to accommodate a 10-year, 1-hour duration storm event. The channel shall be consistently 2 m wide throughout from the 450 mm dia pipe discharge to the discharge point at the river;
- A series of cascades shall be provided along the flow path down the embankment to dissipate flow energies and velocities; and
- Geotextile underlay will be provided through the proposed rock outflow structure to create separation and reduce effects of undermining from subsurface flows.

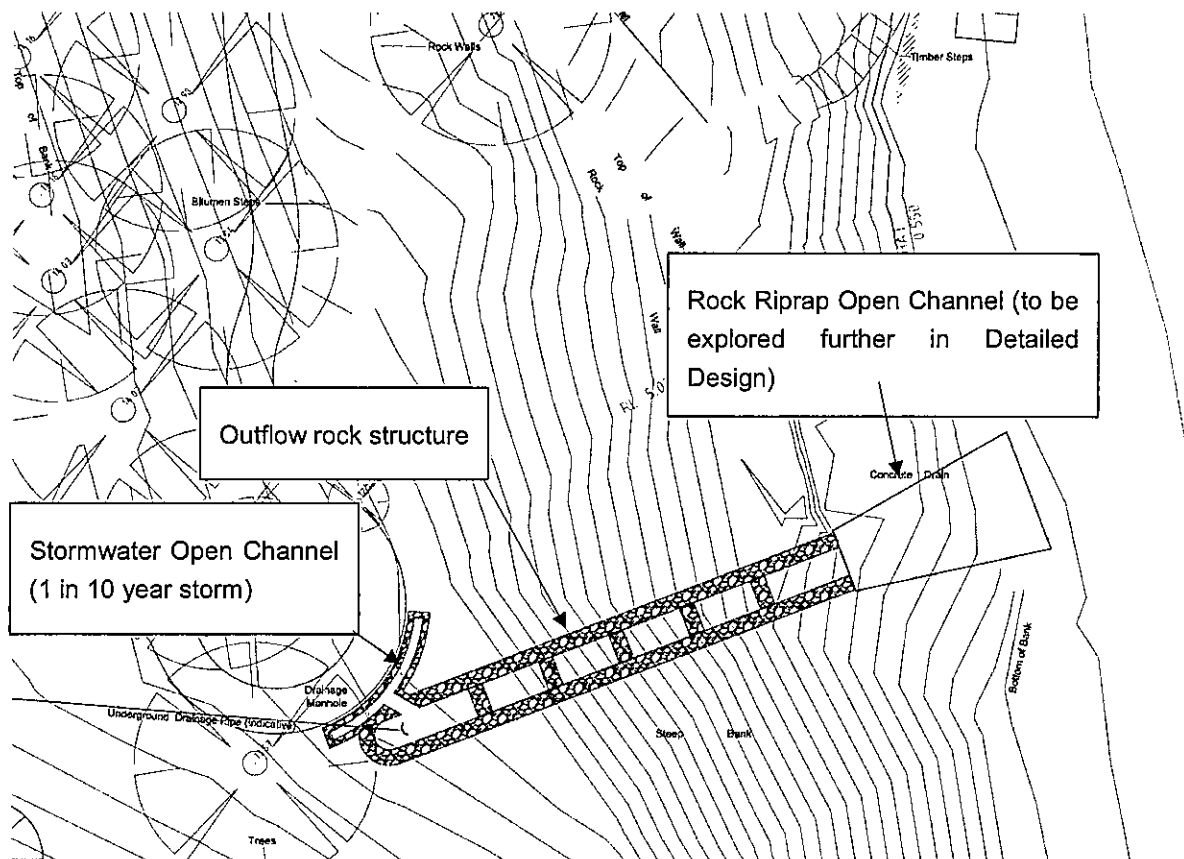


Figure 13 Open Channel Discharge to River Option

3.3 RECOMMENDATION FOR INTERIM MEASURE

- Install a pipe from the existing 450 mm dia discharge pipe to be discharged directly into the Swan River through a rock riffle;
- The pipe should be connected seamlessly to the existing 450 mm dia pipe to ensure no leakage of flows that could contribute to overland runoff;
- The pipe shall be laid on the surface of the embankment with anchor blocks placed at intervals throughout its length to maintain it's overall intended alignment;
- It is suspected that the consistent flow from the existing 450 mm dia discharge pipe may have contributed to the development of the springs below, the interim pipe will prevent runoff from flowing down the surface of the embankment thus cutting off this supply and would be the first step to assessing whether the continuous flow is indeed contributing to the spring development. From there, it can be further assessed whether more detailed investigations on the springs will be necessary during the Detailed Design phase;
- Patch and seal the existing cracked stormwater pit (presented in Figure 16 and Figure 15) that is connected to the existing 450 mm dia pipe. Location of the cracked Stormwater pit is reflected in Figure 14; and
- Gaps, holes, and depressions created by the collapse of the Spillway structure shall be backfilled with blue metal until the new permanent structure is completed.

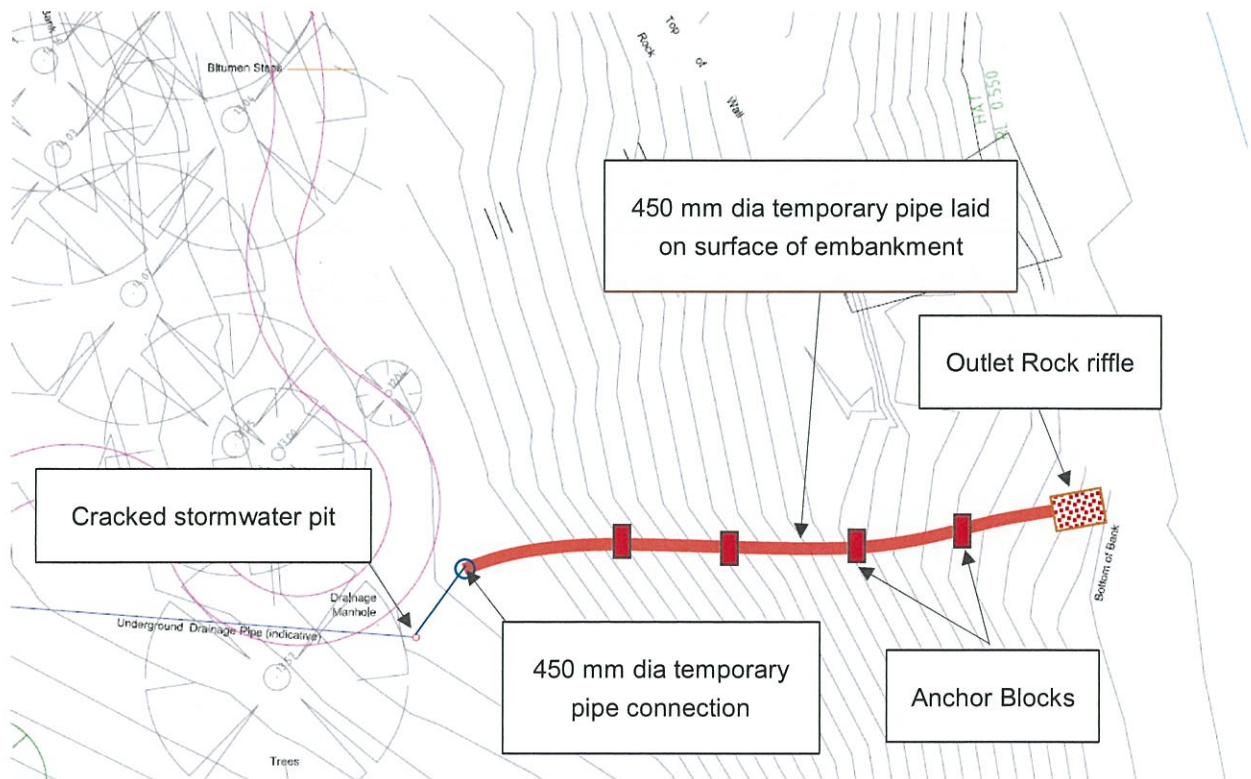


Figure 14 Interim measure for Spillway discharge



Figure 16 Image of cracked stormwater pit from the ground surface



Figure 15 Image of cracks in stormwater pit that requires patching and sealing

4.0 CONCLUSION

Considering the issues and options above, Syrinx recommends a Direct Discharge to River (refer to Section 4.1) because this option eliminates the issue of overland flow down the embankment altogether through pipe installation. It is also simpler and more flexible to identify a suitable pipe alignment than a flow path for a "waterfall".

Nonetheless, the Open Channel Discharge to River (refer to Section 4.2) can be considered if the Town is concerned about visual aesthetics and would like to maintain a view of open water flow as users walk down the existing pathway towards the jetty. This approach would require a more detailed assessment of the natural springs if evidence of a spring is still present despite diverting the 450 mm dia discharge pipe to the Swann River.

5.0 RECOMMENDATIONS FOR FURTHER WORKS

Following the review of this document, it is recommended that a Concept Design for the preferred options (x2) be developed followed by Detailed Design for the preferred option.

The Order of Magnitude cost for each option has been provided in Appendix 4.

REFERENCES

CMW Geosciences (21 November 2017). Success Hill Reserve Drainage Outfall Structure.

ARBOR Logic (20 November 2017). Assessment of Trees; Spillway, Success Hill Reserve.

Ben Nash Surveys (28 November 2017) Success Survey.

DRAIN Catchment Boundaries (2017) The Town of Bassendean.

Best Management Practices for Foreshore Stabilisation 2009, Swan River Trust, Approaches and Decision-Support Framework.

Water and Rivers Commission 2000, Stream Stabilisation Water and Rivers Commission, River Restoration Report No. RR 10.

Ministry for employment protection; Housing and Works; Indigenous affairs; Heritage; Land information, ref no: 11-13179, Section 18 to Town of Bassendean 11 February 2009.

Cardno 2016, Bassendean Drainage Assessment – Drainage Review and Assessment, CW926200.

APPENDICES

APPENDIX 1 GEOTECHNICAL INVESTIGATION

TECHNICAL MEMORANDUM

To: Syrinx Environmental

From: Dave Pearce

Attention: Lazar Cirkovic

Date: 11 January 2018

Email: LCirkovic@syrinx.net.au

Reference: PER2017-0267AB Rev 1

Cc: AJohnston@syrinx.net.au

Pages: 7

Subject: **SUCCESS HILL RESERVE DRAINAGE OUTFALL STRUCTURE**

1 SCOPE

This technical memorandum presents the findings of a site visit undertaken on 20 November 2017 by CMW Geosciences Pty Ltd (CMW) to the Success Hill Reserve drainage outfall structure. The scope of work and associated terms and conditions of our engagement were detailed in our CTR (ref. PER2017 - 0267AA, Rev 0) dated 1st June 2017.

2 OBSERVATIONS

- The drainage outfall structure comprises a 4-tier concrete/rock construction that was designed to facilitate the flow of stormwater/groundwater from a pipe outlet at the top of the slope into the river below;
- The slope is approximately 10.0m to 15.0m in height at angles of approximately 45° - 60° comprising predominantly sand with clay, trace gravel. The slope is vegetated with frequent, large (>5.0m tall), mature trees and abundant small shrubs and grasses;
- The second horizontal tier (upslope from the river) has collapsed and broken into concrete fragments up to 2.5m in length. Due to the collapse, the water flow has been diverted from the outflow structure and is actively eroding the natural slope causing further instability to the existing structure and nearby trees;
- The diverted water flow has created a scour feature within the natural sandy embankment approximately 1.0m in depth and 2.0m to 3.0m wide at the base of the slope which has led to the collapse of the outfall structure in this location;
- The remaining outfall structure was observed to be in varied condition and age. Tension cracks and evidence of erosion were observed in several places within the concrete;
- On a broader scale, the drainage outfall structure is situated on the western outside-cut bank of a relatively tight meander in the river channel; and
- Several natural springs can be observed to be outflowing from the western river bank, upstream of the outflow structure.

3 DISCUSSION AND CONCLUSION

In a broad sense, the embankment in this location may currently be being subjected to a number of natural and anthropogenic actions and these are briefly summarised as follows:

3.1 Ongoing Natural Actions

- The bank of the river on the outside of the meander may be undergoing continual natural erosion, particularly in times of flood water levels with fast water flow along this area of the bank;
- This ongoing erosion of the toe of the slope may lead to slope instability (as seen in Photographs 5 below);
- The embankment slope is also at quite a steep angle which may be subject to ongoing slope movement (creep);
- The possible presence of groundwater springs within the slope embankment may lead to additional soil erosion and scour;
- Flow of rainwater overland down the slope may also cause erosion, scour and instability.

3.2 Anthropogenic Actions

- The erosion of the river bank may also be exacerbated by the presence of leisure boats in this area causing additional wash to the bank;
- Foot traffic in this area of the embankment may also cause additional slope instability by reducing vegetation;
- The presence of concentrated water flow within and around the outfall structure may cause additional soil erosion and instability.

3.3 Outfall Collapse

The collapse of the outflow structure was likely caused by a combination of the actions detailed above. In particular, either seepage of the stormwater through the concrete and subsequent soil erosion undermining the structure foundation or erosion of the structures foundation from groundwater spring flow leading to collapse. It is likely that the stormwater breached the outflow structure at areas of cracking from slope movement or concrete erosion (particularly in areas of the waterfall features form tier to tier).

4 RECOMMENDATIONS AND REMEDIATION OPTIONS

It is important to note that the natural actions detailed above will be an ongoing process that cannot be readily controlled without significant engineering. Given that the location is a natural river bank with no public access and only an outfall structure as an asset, the undertaking of significant engineering remediation or stabilisation is not considered beneficial for this project.

However, it must be borne in mind that, if another structure is proposed, the slope will continue to be subjected to the processes detailed above which will likely influence it. The eventual remediation option chosen to rectify the collapsed section of the drainage outfall structure and provide an alternative outfall must consider this.

In addition, access to the drainage outfall structure is difficult, even on foot, and may present challenges regarding remediation measures that require conventional earthmoving plant.

Based on the above, several remediation options are possible, as follows:

Option 1

- Temporarily divert the flow of water with provisional flexible piping to the base of the embankment;
- Remove the two large trees surrounding the collapsed section and the larger broken pieces of concrete;
- Fill the scour hole with stone aggregate; and

- Reconstruct the horizontal concrete apron at the collapsed section and fix / patch other cracked/damaged sections of the structure.

Option 2

- Temporarily divert the flow of water with provisional flexible piping to the base of the embankment;
- Remove the two large trees surrounding the collapsed section and the larger broken pieces of concrete;
- Fill the scour hole with stone aggregate; and
- Demolish the entire existing drainage outflow structure and reconstruct a new structure based on either the existing or new design.

Option 3

- Temporarily divert the flow of water with provisional flexible piping to the base of the embankment;
- Excavate a permanent flexible piping system into the embankment connected to a small concrete outflow structure at the base of the slope to facilitate the storm water/ground water discharge into the river;
- Leave the existing structure in place and fill the scour hole with stone aggregate / rock fill.

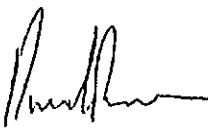
Option 3 presents the remediation method likely to limit disturbance to the river embankment and cost associated with remediation. It also presents a solution that will be least affected by the advance of embankment erosion as no structures are proposed.

If an additional outfall structure is being proposed, then it is recommended that an additional intrusive geotechnical investigation is completed in order to provide an assessment to aid design and construction of the structure.

5 CLOSURE

This report has been prepared for use by Syrnix Environmental in relation to the Success Hill Drainage Outfall Structure project in accordance with generally accepted consulting practice. No other warranty, expressed or implied, is made as to the professional advice included in this report. Use of this report by parties other than Syrnix Environmental and their respective consultants and contractors is at their risk as it may not contain sufficient information for any other purposes.

For and on behalf of
CMW Geosciences Pty Ltd



Dave Pearce
Engineering Geologist



Reviewed by: **Alex Petty**
Associate

Distribution: 1 copy to Client (electronic)

Original held by CMW Geosciences Pty Ltd

Appendix A Photographs



Photograph 1: Scour feature and collapsed 2nd tier concrete structure.



Photograph 2: Outflow pipe at the top of the embankment.



Photograph 3: Tension cracking within the existing structure.



Photograph 4: Natural spring outflowing on the western river embankment upstream of the drainage outflow structure.



Photograph 5: (Right) Outflow structure. (Left) Recent collapse of several trees due to ongoing slope instability.

APPENDIX 2 ARBORIST ASSESSMENT



November 20, 2017

Syrinx Environmental Pty Ltd
12 Monger Street
Perth WA 6000

Attn: Lazar Cirkovic

RE: Assessment of Trees; Spillway, Success Hill Reserve

Dear Lazar

Further to your request and my inspection of the trees in the identified area, the following is a brief of my findings and comments at this time.

Should you have any queries regarding this report, or if I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "JRM", is written over a light blue horizontal line.

JASON ROYAL

Dip. Arboriculture (UK)
Tech. Arbor A

1. Terminology Used

The following terminology has been commonly used throughout this report:

“Trees”	meaning the trees that are the subject of this report situated in the identified area of the existing spillway at Success Hill Reserve
“TPZ”	meaning ‘Tree Protection Zone’; the area where the majority of the Tree’s root mass is considered likely to be found. Any works required in this zone are considered likely to have some potential to impact the Tree’s future health.
“SRZ”	meaning ‘structural root zone; the area where the majority of the Tree’s larger in-ground supportive root mass is considered likely to be found. Any works required in this zone are considered likely to have some potential to impact the Tree’s future health and possibly its in-ground stability as well.
“AS 4970”	meaning Australian Standards 4970; Protection of Trees on Development Sites
“AS 4373”	meaning Australian Standards 4373; Pruning of Amenity Trees

2. Purpose of the Assessment

Undertake an assessment of the Trees in the identified area to provide comment on their species, current condition, suitability for the given area and provide general considerations for any design of any changes to the existing spillway.

3. Particulars of this Assessment

The findings and opinion provided in this report are my own and have been based on the visual observations of the Tree undertaken on the morning of November 16, 2017.

All observations of the Trees were undertaken from ground level.

No exploratory excavations were undertaken as part of this particular assessment to verify the actual root zone spread of each Tree.

As such the allocation of TPZ for each Tree has at this stage been based on AS 4970 guidelines, with some amendments being made for the physical size and canopy dimensions of the Tree, its condition, the known root zone morphology of its given species in the sort of soil profile considered to be typical to this area of Western Australia.

4. Method of the Assessment

The Trees were visually assessed from ground level in accordance with 'visual tree assessment' methods¹ and principles. This is a method based on the sciences of tree biology, physiology, tree structure, and tree bio-mechanics. It is a method widely used by arborists worldwide to identify visible signs on trees that provide an indication as to its health and structural properties at the time of inspection.

The overall health of each Tree was adjudged from an inspection of its leaf, overall percentage of leaf mass present in the canopy of the Tree, and the presence (or absence) of any pest or disease factor that could have an effect on the overall health of the Tree.

The structural integrity of each Tree was determined from a visual inspection of its main stem, primary (and secondary) branch unions to determine the presence of any areas considered to be a structural 'defect' or 'imperfection' such as unions with included bark, swelling, or noticeable splitting at them. Symptoms of decay, growth patterns and defects are identified and assessed as to their potential to cause whole tree, part tree or branch failure, and where considered necessary further investigation by way of the use of sounding techniques was utilised to determine the presence and general extent of any areas of cavity or associated decay within a tree's main stem structure.

Each Tree's root plate area was also inspected to identify any visible signs of root plate, movement, cracking or heave from which a determination of the in-ground stability of the Tree can be ascertained.

With regards to any future works the known root zone morphology of the species was taken into consideration when allocating the recommended TPZ for each of the identified trees. Note: Whilst some reference and acknowledgment is given to the guidelines set down in AS 4970, the TPZ for each Tree has been based on the known typical root zone morphology for specimens of their species, the condition of the given Tree, and the known tolerance to root zone disturbance of the given species.

The Trees were also assessed using the principles of SULE; "Safe-Useful-Life-Expectancy"².

SULE is a system that can be used to provide an indication of the length of time an individual tree can be retained with an acceptable level of risk based on the information available at the time of inspection.

It is a snapshot in time of the potential an individual tree has for survival in the eyes of the assessor based on the tree's current health and structural condition, and the known typical life span of specimens of its given species for the given area/situation. There are many factors that can affect SULE of a tree such as:

- Obvious past influences.
- Health and vitality and presence of any pest or disease pathogen.
- Estimated age in relation to expected life expectancy for the species.
- Structural defects which may influence the potential life expectancy for the species.
- Remedial work which may be necessary to allow retention in the existing situation.
- 'Rootable' soil volume for the area in which it is situated.
- Environment and climate factors.

As such, at best the SULE for any given tree can only be estimated within a 'range' of years, with the following ranges typically used; Long Term (>40 years), Medium Term (15-40 years), Short Term (5-15 years), and Limited (<5yrs). Whilst there are many variables that can affect a tree's SULE, this information can be used as a guideline to the potential usefulness of retaining each Tree.

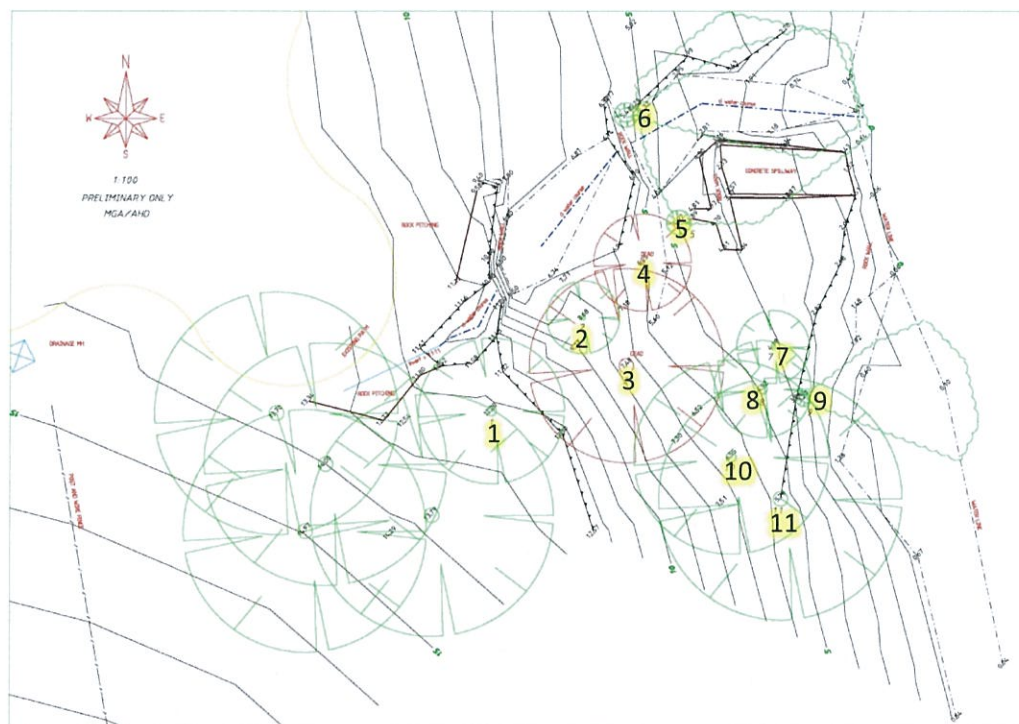
¹ Field Guide for Visual Tree Assessment (VTA); The Body Language of Trees, A Handbook for Failure Analysis; C Matteck, H Breloer

² SULE: Its use and status into the new millennium; J Barrell; 2001

5. Summary of Key Findings of the Assessment

11 Trees of notable size were identified in the area inspected.

A guide to their location has been provided below.



Six of the Trees were identified as West Australian Peppermint (*Agonis flexuosa*), the majority of which were noted to be juvenile or semi-mature specimens.

Three of the Trees were identified as Swamp Sheoak (*Casuarina obesa*); two of which are dead.

One other Tree was identified as a Bracelet Honey Myrtle (*Melaleuca armillaris*) and looks to have previously failed (root plate failure) but has retained sufficient root mass to keep alive.

All of the Trees are considered to be species common to the metropolitan Perth area, and are considered suitable for the given area/situation.

Two of the Trees in the area inspected were noted to be dead, and as such were considered to have a low retention value from an arboricultural point of view.




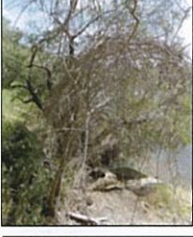


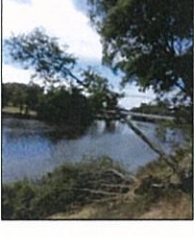
All of the other Trees looked to be in good health at this time based on the condition of their leaf and overall volume of leaf mass present in their canopy.





Two other Trees in the area inspected were noted to have failed at/below ground level; one of which was noted to have fallen into the Swan River.

There is also some evidence to suggest that one other Tree (a WA Peppermint) may have partially failed at/below ground level but has since re-stabilised; the largest oldest Tree in the area inspected.

Three other Trees in the area inspected (all juvenile WA Peppermint) showed evidence to suggest that root plate failure is likely to occur in the foreseeable future; unless measures are taken to prevent further undermining of their root plate and/or prevent further erosion of the embankment area.

The table overleaf provides further details on each of the identified Trees.

Tree No	Species	Height (metres)	DBH (cm)	Approx. Canopy Spread (metres diameter)		Health	Structure	Age Class	SULE	Image	Comments	Retention Value
				N-S	E-W							
1	West Australian Peppermint (<i>Agonis flexuosa</i>)	6.5	25	3-4	3-4	Excellent	Acceptable	Semi-mature	Long term (>40 yrs)		Reasonably good specimen. Grown on a lean but not considered an issue at this time. Top of embankment near pipe exit point	Medium
2	Swamp Sheoak (<i>Casuarina obesa</i>)	2.5	15	2-3	2-3	Excellent	Acceptable	Semi-mature	Long term (>40 yrs)		Ok specimen. Smaller tree. Section of its canopy has been topped. Otherwise ok	Low
3	Swamp Sheoak (<i>Casuarina obesa</i>)	9	72	5-6	6-7	Dead	Questionable	Mature	n/a dead tree		Dead tree. Mid-embankment area	Very Low
4	Swamp Sheoak (<i>Casuarina obesa</i>)	6	18	2-3	2-3	Dead	Questionable	Semi-mature	n/a dead tree		Dead tree. Mid-embankment area	Very Low
5	West Australian Peppermint (<i>Agonis flexuosa</i>)	9	106	7-8	9-10	Excellent	Acceptable	Mature	Long term (>40 yrs)		Large mature specimen. Possible partial root plate failure but equally looks to be root stable at this time. Area of decay noted in lower main stem. Not of a major concern at this time. Any excavation to its west or south could have major implications to its in ground stability. All canopy to the east of its main stem	Medium
6	Bracelet Honey Myrtle (<i>Melaleuca armillaris</i>)	9	32	4-5	n/a	Good	Questionable	Mature	Short-term (5-15 yrs)		Ok specimen. Looks to have fallen but kept growing. Any excavation to its west could have major implications to its in ground stability. All canopy east of base of main stem	Low
7	West Australian Peppermint (<i>Agonis flexuosa</i>)	7	16	2-3	5-6	Excellent	Undesirable	Semi-mature	Medium term (15-40 yrs)		Ok specimen. Grown on a lean. Ok at this time but may cause issues longer term. All canopy east of base of main stem. Any excavation to its west could have major implications to its in ground stability	Low

Tree No	Species	Height (metres)	DBH (cm)	Approx. Canopy Spread (metres diameter)		Health	Structure	Age Class	SULE	Image	Comments	Retention Value
				N-S	E-W							
8	West Australian Peppermint (<i>Agonis flexuosa</i>)	7	14	2-3	2-3	Excellent	Acceptable	Semi-mature	Long term (>40 yrs)		Reasonably good specimen. Grown on a slight lean but not considered an issue at this time. All canopy east of base of main stem. Any excavation to its west could have major implications to its in ground stability	Low
9	West Australian Peppermint (<i>Agonis flexuosa</i>)	10	50	6-7	n/a	Good	Poor	Mature	Limited (<5 yrs)		Up-rooted and fallen into River	Very Low
10	West Australian Peppermint (<i>Agonis flexuosa</i>)	8	18	2-3	2-3	Excellent	Acceptable	Semi-mature	Short-term (5-15 yrs)		Ok specimen. Very edge of embankment; failure looks likely in foreseeable future unless measures are taken to stop further undermining and embankment erosion	Low
11	West Australian Peppermint (<i>Agonis flexuosa</i>)	11	30	3-4	5-6	Excellent	Acceptable	Semi-mature	Short-term (5-15 yrs)		Ok specimen. Very edge of embankment; failure looks likely in foreseeable future unless measures are taken to stop further undermining and embankment erosion	Low

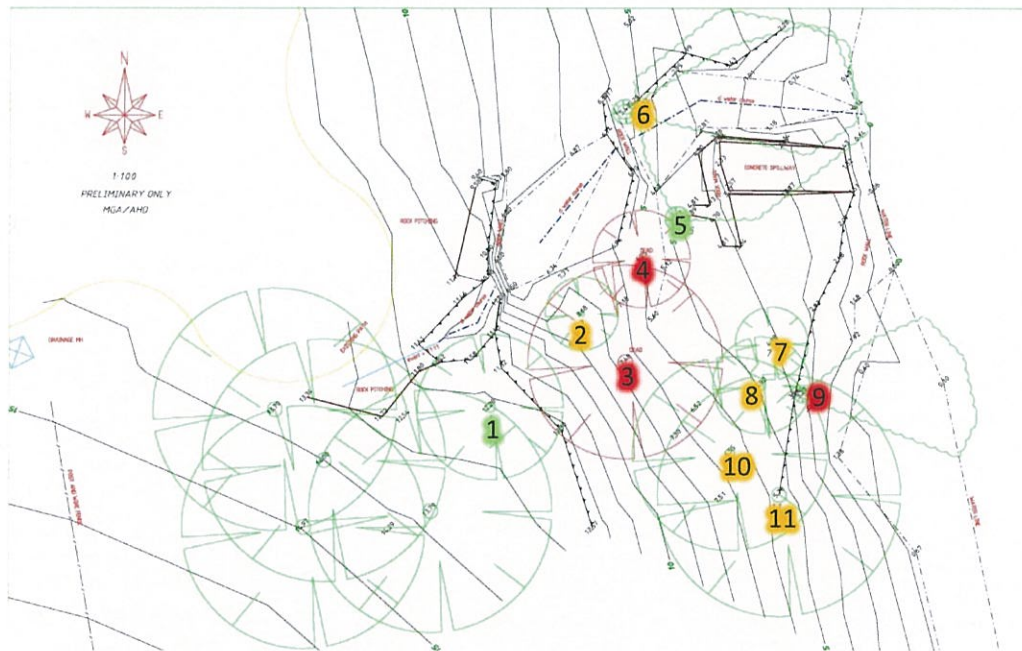
6. Design Considerations

6.1 Retention Value

The two dead Trees are considered to have a very low retention value from an arboricultural point of view. One of the Trees that has suffered root plate failure is also considered to have a very low retention value from an arboricultural point of view.

The smaller leaning juvenile Trees are also considered to have a lower retention value from an arboricultural point of view.

This opinion has been expressed on a copy of the Site plan below and is recommended to be taken into consideration as part of the design process.



- Red Numbers; Very Low retention value
- Orange Numbers; Lower retention value
- Green Numbers; Trees with most retention value for this Site

6.2 The location of the Trees is recommended to be accurately surveyed along with their current existing ground level and overlaid onto any design drawings to ascertain potential impact to the Trees.

6.3 The nominal TPZ of each Tree to be retained is recommended to be overlaid onto any design drawings to ascertain any potential encroachments.

Should any be noted then further arboricultural input is recommended to be sought.

6.4 Suggest looking to construct any spillway structures on top of the existing ground levels and minimise the need for any excavations within the nominal TPZ area of any Tree desired to be retained.

6.5 **In particular any excavations undertaken in the areas of TPZ to the west/south-west of the Trees can be expected to have a major impact to their in-ground stability; particularly those Trees that already look to have been subject to some degree of root plate failure.** This factor needs to be taken into consideration if these Trees are desired to be retained.

6.6 Any design proposed is recommended to have a degree of further arboricultural input to review and determine potential impact to any Trees to be retained.

Attachment; Company Information and Disclaimer

Company Name: **ARBOR logic**
A.C.N.: 107 194 061
A.B.N.: 66 566 369 687

Insurance Details:

General Liability; QBE \$20 million
Professional Indemnity; Vero \$10 million
Personal Protection; Macquarie, Asteron

Office/Contact Details

Postal Address: PO Box 1025, Balcatta WA 6914
Physical Office Address: 4c/5 Mumford Place, Balcatta
Ph: (08) 9240 7555
Fax: (08) 9240 7522

Consultant Details

Consultant Contact: **Jason Royal**
Dip. Arboriculture (UK)
Tech. Arbor A
Ph: (08) 9240 7555
Mobile: 0409 105 745
Email: jason@arborlogic.com.au



Disclaimer

This advice has been provided in good faith and based upon the material information provided by the Client to Arbor logic, and based on the visual inspection of the tree(s) at the time this advice was prepared.

Arbor logic does not accept liability arising out of loss or damage that results from: -

- Material information not being provided by the Client to Arbor logic at the time this advice was prepared.
- The provision of misleading or incorrect information by the Client or any other party to Arbor logic upon which this advice was prepared.
- This advice being used by the Client or any other party in circumstances or situations other than the specific subject of this advice.
- Failure by the Client to follow this advice.
- The action(s) or inaction(s) of the Client or any other party that gives rise to the loss of, or damage to, the subject of this advice.

The information provided in this advice may not be reissued or printed without Arbor logic's written permission.

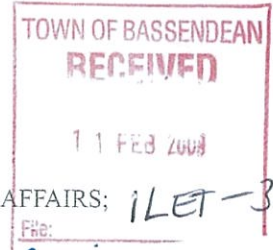
It is also important to take into consideration that all trees are living organisms and as such there are many variables that can affect their health and structural properties that remain beyond the scope of reasonable management practices or the advice provided in this report based on the visual inspection of the tree(s).

As such a degree of risk will still remain with any given tree(s) despite the adoption of any best management practices or recommendations made in this report.

APPENDIX 3 INDIGENOUS CONSULTATION (SECTION 18)



MINISTER FOR
EMPLOYMENT PROTECTION; HOUSING AND WORKS; INDIGENOUS AFFAIRS;
HERITAGE; LAND INFORMATION



Our Ref: 11-13179



Mr Larry Fouracres
Manager State Lands – Metropolitan
State Land Services
PO Box 1575
MIDLAND WA 6936

Document #: ILET-321508
Date: 20.02.2008
Officer: SIMON STEWERT-DAWKINS
File: PARE/DESCONT/2



Dear Mr Fouracres

I refer to the Notice dated 27 August 2007 (received by the Department of Indigenous Affairs ("DIA") on 30 August 2007) submitted by the Town of Bassendean and the subsequent notice submitted by State Land Services ("the Landowner") on behalf of the Town of Bassendean on 8 January 2008 to the Aboriginal Cultural Material Committee ("ACMC") pursuant to section 18(2) of the *Aboriginal Heritage Act 1972* ("AHA").

The Notice advised that the land described in Schedule 1 of the Notice as A Class Reserve 16456 Success Hill, Bassendean ("the Land"), for the purpose described in Schedule 2 of the Notice as improvements to the reserve amenity, recreational facilities and environmental aspects of the Success Hill Reserve ("the Purpose").

In accordance with my powers under section 18(3) of the AHA and following consideration of recommendations from the ACMC, I hereby grant consent to the use of the Land for the Purpose subject to the conditions set out below.

I am advised that based on current knowledge the Purpose will impact upon two Aboriginal sites within the meaning of section 5 of the AHA ("Sites") on the Land. The Sites are DIA 3536 (Swan River) and DIA 3757 (Success Hill).

Conditions of Consent

That the Landowner:

1. Immediately cease carrying out of the Purpose if skeletal remains ("Remains") are found and report the matter to the Western Australia Police and the Registrar of Aboriginal Sites ("the Registrar"). Where it is determined that the Remains are Aboriginal in origin and not a police matter, they must remain *in situ* and undisturbed until the Registrar makes a decision about how to proceed in respect of the Remains. The Landowner must at its expense manage the Remains in accordance with the Registrar's decision and report the whereabouts of the Remains to the DIA and Anthropology Department of the Western Australian Museum.

2. Provide to the Registrar annually, or at the completion of the Purpose if the Purpose is completed within one year, a written report advising the Registrar whether and to what extent the Purpose has impacted on all or any Sites or objects within the meaning of section 6 of the AHA ("Objects") that may be located on the Land and to assist the ACMC to reassess the status of the Sites. This report is to include a detailed description of:
 - a. whether such Sites or Objects have been partially or entirely impacted by the Purpose;
 - b. the level, type and effect of any such impact (including, where possible, the provision of photographs taken during and after the impact);
 - c. where Sites or Objects have been salvaged, when and how such salvage took place, who was present at the salvage and, subject to issues of cultural confidentiality, to where the material was re-located.

This condition should not be construed as preventing the proponent from advising the Registrar in writing of all or any of the matters outlined above at any time prior to the completion of the Purpose. The Registrar and the ACMC welcome the provision of comprehensive and ongoing information about Sites and Objects in Western Australia.

Failure to comply with these conditions may constitute an offence under section 55 of the AHA. DIA carries out routine checks on compliance with conditions of Ministerial consents.

Requests and Advice

The following information has been provided by the ACMC for the information and guidance of the Landowner and does not constitute a condition of consent.

The ACMC requests that the Landowner erect a plaque/artwork prepared in consultation with the Aboriginal people consulted and research of records for the area (e.g. Site file DIA 3757 and Carter B 2005 Nyungah Land, Swan Valley Nyungah Community, Guildford) recognising the wide-ranging Aboriginal links to Success Hill.

The ACMC also requests that the Landowner give due consideration to requests made by the Aboriginal people consulted about the Purpose, regarding the protection of Aboriginal heritage and the recognition of Aboriginal culture and history. For example, recognition of Aboriginal heritage values, beliefs and prior occupation of the area may be conveyed through interpretive signage, street naming or murals.

In addition, the Landowner should ensure that all persons employed or engaged in respect of the Purpose are made aware of their obligations under the AHA, including by inserting into all and any relevant contracts, project plans, scopes of works, tenders and other similar documents a requirement that such persons be provided with a copy of a document

prepared by DIA and entitled "Advice to Developers" and/or an electronic copy of a document prepared by DIA and the Department of Housing and Works and entitled "Aboriginal Heritage Procedures Manual", both of which can be found at:

- <http://www.dia.wa.gov.au/Heritage/IntroForDevelopers.aspx>; and
- <http://www.dia.wa.gov.au/Heritage/HeritageManual/default.aspx>

Right of Review of Decision

Where the Landowner is aggrieved by a decision of the Minister made under section 18(3) of the AHA, the Landowner may apply to the State Administrative Tribunal for a review of the decision. The Tribunal's website is www.sat.justice.wa.gov.au.

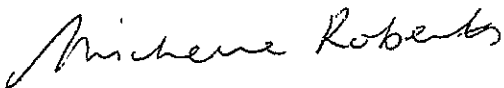
Other Matters

This consent can only be relied upon by the applicant Landowner. Any subsequent landowner within the meaning of the AHA must make their own application under the AHA.

Copies of the AHA, the *Aboriginal Heritage Regulations 1974* and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the website of the State Law Publisher at www.slp.wa.gov.au.

If you have any queries in relation to your application, please contact Peter Randolph, DIA Senior Heritage Officer, on 9235 8100.

Yours sincerely



**HON MICHELLE ROBERTS MLA
MINISTER FOR INDIGENOUS AFFAIRS**

08 FEB 2008

cc: Mr Gary Evershed
Chief Executive Officer
Town of Bassendean

APPENDIX 4 ORDER OF MAGNITUDE COST

Appendix 4 ORDER OF MAGNITUDE COST

CONCEPT DESIGN	\$ 9,700.00
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DETAIL DESIGN	\$ 26,000.00
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INTERIM STORMWATER DIVERSION	\$ 25,000.00
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Option 1 - DIRECT PIPE DISCHARGE TO RIVER	
1 Preliminary Works for Permanent Structure	
	<i>Subtotal - 2. Preliminaries:</i>
	\$ 21,900.00
2 Removal of Existing Structure	
	<i>Subtotal - 3. Removal of Existing Structure:</i>
	\$ 35,200.00
3 Option 1 - DIRECT PIPE DISCHARGE TO RIVER	
	<i>Subtotal - 3.1 DIRECT PIPE DISCHARGE TO RIVER</i>
	\$ 49,708.00
	TOTAL: \$ 106,808.00

Option 2 - OPEN CHANNEL DISCHARGE TO RIVER	
1 Preliminary Works for Permanent Structure	
	<i>Subtotal - 1. Preliminaries:</i>
	\$ 21,900.00
2 Removal of Existing Structure	
	<i>Subtotal - 2. Removal of Existing Structure:</i>
	\$ 35,200.00
3 Option 2 - OPEN CHANNEL DISCHARGE TO RIVER	
	<i>Subtotal - 3 OPEN CHANNEL DISCHARGE TO RIVER:</i>
	\$ 85,850.00
	TOTAL: \$ 142,950.00