



TOWN OF

**Bassendean**

## AGENDA

### **Ordinary Meeting of Council**

**Tuesday 22 August 2023 at 6:00 pm**

Notice is hereby given of the Ordinary Council Meeting

to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

Cameron Woods  
**CHIEF EXECUTIVE OFFICER**

17 August 2023

# Meeting Information

## Recording and Live-streaming

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

## Conduct at meetings

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

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

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

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

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

# Council Seating Plan



**Minute Secretary**



**Manager Governance and Strategy**

Matthew Monkhouse



**Chief Executive Officer**

Cameron Woods



**Mayor**

Cr Kathryn Hamilton

E: crhamilton@bassendean.wa.gov.au

**Director of Corporate Services**  
Paul White



**Director Community Planning**

Luke Gibson



**Executive Manager Infrastructure**

Phillip Adams



**Executive Manager Sustainability and Environment**

Nicole Davey



Cr Emily Wilding  
E: crwilding@bassendean.wa.gov.au



Cr Hilary MacWilliam  
E: crmacwilliam@bassendean.wa.gov.

Cr Tallan Ames  
E: crames@bassendean.wa.gov.au



Cr Renee McIennan  
E: crmcIennan@bassendean.wa.gov.

Cr Jennie Carter  
E: crcarte r@basse ndean. wa .gov.



Cr Paul Poliwka  
E: crpoliwka@bassendean.wa.gov.

# Council Role

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

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Quasi-Judicial	When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by the State Administrative Tribunal.
Information	For the Council/Committee to note.

# Table of Contents

<b>1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer</b> .....	<b>6</b>
<b>2 Announcements by The Presiding Person Without Discussion</b> .....	<b>6</b>
<b>3 Attendances, Apologies and Applications for Leave of Absence</b> .....	<b>6</b>
<b>4 Declarations of Interest</b> .....	<b>6</b>
<b>5 Presentations or Deputations</b> .....	<b>6</b>
<b>6 Statements by Members of the Public</b> .....	<b>6</b>
<b>7 Questions from Members of the Public</b> .....	<b>7</b>
<b>8 Petitions</b> .....	<b>7</b>
<b>9 Confirmation of Minutes</b> .....	<b>7</b>
<b>10 Business Deferred from Previous Meeting</b> .....	<b>7</b>
10.1 Review of Council Policies- Street and Reserve Trees and Tree Vandalism	7
<b>11 External Committee Reports and Updates</b> .....	<b>12</b>
11.1 External Committee Reports and Updates.....	12
<b>12 Officer Reports</b> .....	<b>13</b>
12.1 Adoption of Recommendations En Bloc.....	14
12.2 Draft Local Planning Scheme No. 11 .....	15
12.3 Community Transport Service.....	36
12.4 Revoking Previous Resolutions .....	43
12.5 RFQ 05/2022 - Contract Extension and Variation - Streetscape Weed Control Services.....	49
12.6 Monthly Financial Report - July 2023.....	53
12.7 Accounts Paid - July 2023.....	59
<b>13 Motions of which Previous Notice has been given</b> .....	<b>61</b>
13.1 Scheme Amendment - Tree Protection on Private Property .....	61
13.2 Enter into an MOU with Swan Districts - Bassendean Oval Redevelopment .....	64
<b>14 Announcements of Notices of Motion for the next meeting</b> .....	<b>66</b>
<b>15 Urgent Business</b> .....	<b>66</b>
<b>16 Confidential Business</b> .....	<b>66</b>
<b>17 Closure</b> .....	<b>66</b>

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

### **Acknowledgement of Traditional Owners**

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

## **2 Announcements by The Presiding Person Without Discussion**

## **3 Attendances, Apologies and Applications for Leave of Absence**

## **4 Declarations of Interest**

## **5 Presentations or Deputations**

## **6 Statements by Members of the Public**

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

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

Online Form - Public Statement Time » Town of Bassendean

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

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

## 7 Questions from Members of the Public

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

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

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

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

## 8 Petitions

## 9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	1. Ordinary Council Meeting Tuesday 25 July Minutes [9.1.1 - 12 pages]

### Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on 25 July 2023, be received and confirmed as a true and correct record.

**Voting requirements: Simple Majority**

## 10 Business Deferred from Previous Meeting

### 10.1 Review of Council Policies- Street and Reserve Trees and Tree Vandalism

10.1 Review of Council Policies- Street and Reserve Trees and Tree Vandalism	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	COUP/POLCY/1
Directorate	Sustainability & Environment Infrastructure
Previous Reports	28 June 2022 26 July 2022
Authority/Discretion	<b>Legislative</b> Includes adopting local laws, local planning schemes &

	policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Council Policy 1.8 Street and Reserve Trees [10.1.1 - 5 pages]</li> <li>2. Council Policy 1.13 Tree Vandalism [10.1.2 - 12 pages]</li> <li>3. Street and Reserve Trees Council Policy (track changes) [10.1.3 – 7 pages]</li> <li>4. Amended Street and Reserve Trees Council Policy [10.1.4 - 5 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider an amended Council Policy 1.8 Street and Reserve Trees (CP 1.8) and revocation of Council Policy 1.13 Tree Vandalism (CP 1.13).

## Background

The current Council Policy 1.8 Street and Reserve Trees was adopted at the 28 June 2022 Ordinary Council Meeting, with a review date of May 2023.

At the 26 July 2022 Ordinary Council Meeting, Council deferred consideration of an amended Council Policy 1.13 Tree Vandalism, to allow further consideration at a Councillor workshop. The workshop was held on 31 January 2023.

A subsequent review has been undertaken of both policies, with a proposal to incorporate tree vandalism into CP 1.8 and revoke CP 1.13. **The proposed content changes (excluding formatting) are shown in Attachment 3, with the amended Council Policy 1.8 Street and Reserve Trees provided in Attachment 4.**

## Communication and Engagement

Tree vandalism was discussed at a Councillor workshop on 31 January 2023. There has been no community consultation with regards to the policy review.

## Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

2.6 Support the creation of a more green and shaded Town

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

## Comment



The proposed amendments to Council Policy 1.8 Street and Reserve Trees include:

### General

- Change in responsibility from Infrastructure to Sustainability and Environment
- Revised Policy Objective incorporating an aspirational tree canopy target of 30% by 2040, consistent with the WALGA Urban Forest Advocacy Position and recently adopted Town of Bassendean Tree Canopy Action Plan 2023-2027.
- Additional definition for Amenity Value, amendment to the definition of a street tree and deletion of the definition for Aggregate Tree Canopy Area as it does not appear elsewhere in the Policy.

### Street Tree Planting

- Amendment of heading to “Tree Planting”, with simplification of point regarding consideration of verge and home orientation/ renewable energy systems.
- Proposes the Street and Reserve Tree Planting List be further delineated to identify appropriate species for parks and streetscapes of various verge widths, with / without powerlines.
- Expansion of Street and Reserve Tree Criteria to provide further detail on locational considerations, tree dimensions/ growing habit, maintenance requirements and costs and other factors to ensure selection of the “Right Tree, Right Place”. This approach aims to optimise canopy area potential by ensuring sufficient soil volume is available and minimise pruning requirements and potential conflict with infrastructure that may otherwise result in future tree removal.
- Removal of clause relating to objections to proposed new tree/s on compassionate grounds.

### Tree Pruning/ Removal

- Removal of any allowance to consider pruning/ removal of a tree due to allergies.
- Addition of clauses relating to tree removal required to facilitate crossover **installation**, where all other design options have been exhausted – and applicable charges for tree removal and replacement planting.

### Unauthorised Works

- Amendment of heading to “Unauthorised Activity” with further details provided on actions that may be taken at the CEO’s discretion in response to tree vandalism/ damage. These actions include:
  - Infringement/ prosecution;
  - Recovery of costs associated with removal and replacement;
  - Recovery of costs equivalent to the Amenity Value of the tree;

- Replacement planting at a minimum ratio of 1 (removed) to 1 (replaced) and;
- Installation of signage in the location of the vandalised tree, for a potential duration of 2 years (reduced from 36 months in current CP 1.13).

With the proposed revocation of the Council Policy 1.13 Tree Vandalism, the following elements of that policy will no longer apply:

- Requirement to report each instance of tree vandalism to the police.
- Requirement to report the outcomes of investigations of each instance of tree vandalism to Council on a prescribed template. The template will be amended and will function as an operational document.
- Removal of provision to offer rewards for information relating to tree vandalism.

The proposed amendments are aimed to simplify and consolidate the intent of CP1.13 into CP 1.8, whilst maintaining the objective to promote a consistent approach to deterring and responding to the loss of trees on Council managed land, and ensuring offenders are not advantaged by such actions.

The Community Education aspects of CP 1.13 are now included in the Tree Canopy Action Plan 2023 - 2027.

### **Statutory Requirements**

Section 2.7(2)(b) of the Local Government Act 1995 provides Council with the power to determine policies.

### **Financial Considerations**

The Street and Reserve Tree Criteria is proposed to be expanded to include consideration of maintenance requirements and costs when identifying species for a location. This particularly relates to debris collection for deciduous trees and tree pruning in locations where traffic management is required.

### **Risk Management Implications**

There is a potential reputational risk should CP 1.13 be retained in its current form due to reference to several obsolete documents and potential inability to recover the financial penalties stated. In addition, the current policy does not allow discretion when considering action taken in response to tree damage/ vandalism. This is problematic as prosecution may not be appropriate for lower severity incidents, or activities undertaken under exceptional circumstances or in good faith which result in minimal damage.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

**Officer Recommendation – Item {item-no}**

That Council:

1. Adopts the amended Council Policy 1.8 Street and Reserve Trees, as attached to this report.
2. Revokes Council Policy 1.13 Tree Vandalism, as attached to this report.

**Voting requirements:**

- 1. Simple Majority**
- 2. Absolute Majority**

## 11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	
<b>Department</b>	CEO'S Office
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	Nil

Nil to report

## 12 Officer Reports

### Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of en bloc voting as is permissible under the Town's Council Meeting Procedures Local Law 2020.

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

- (1) In this clause adoption by en bloc voting means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), Council may pass an adoption by en bloc voting.
- (3) An adoption by en bloc voting may not be used for a matter –
  - (a) that requires a 75% majority or a special majority;
  - (b) in which an interest has been disclosed;
  - (c) that has been the subject of a petition or deputation;
  - (d) that is a matter on which a member wishes to make a statement; or

that is a matter on which a member wishes to move a motion that is different to the Officer recommendation.

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 4.0, Declarations of Interest, they should do so at this point of the agenda.

### **Officer Recommendation Item 12.1**

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

Item	Report	Vote
12.2	Draft Local Planning Scheme No. 11	Simple Majority
12.3	Community Transport Service	Simple Majority
12.5	RFQ 05/2022 - Contract Extension and Variation - Streetscape Weed Control Services	Simple Majority
12.7	Accounts Paid - July 2023	Simple Majority

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

Item	Report	Vote
12.4	Revoking Previous Resolutions	Absolute Majority
12.6	Monthly Financial Report - July 2023	Simple / Absolute Majority

<b>12.2 Draft Local Planning Scheme No. 11</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/PLANNG/24
<b>Department</b>	Community Planning
<b>Previous Reports</b>	28 April 2020 4 November 2020 28 June 2022 26 July 2022 25 October 2022 28 February 2023
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft LPS 11 (text) - as advertised [12.2.1 - 35 pages]</li> <li>2. Draft LPS 11 (map) - as advertised [12.2.2 - 1 page]</li> <li>3. Schedule of community submissions [12.2.3 - 148 pages]</li> <li>4. Schedule of agency submissions [12.2.4 - 6 pages]</li> <li>5. Draft LPS 11 (map) - including recommended modifications [12.2.5 - 1 page]</li> </ol>

### **Purpose**

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

### **Background**

There is extensive background relating to the progression of draft LPS 11 as detailed in Item 12.8 of the 28 June 2022 Ordinary Council Meeting agenda.

On 26 July 2022, Council resolved to adopt a revised draft Scheme and on 25 October 2022, Council resolved to adopt a subsequent revised draft Scheme that was further revised based on modifications to the draft Local Planning Strategy **(which was endorsed by Council on 22 September 2022)**.

On 16 November 2022, the draft Scheme was forwarded to the relevant agencies for consent to advertise. On 4 January 2023, the Environmental Protection Authority (EPA) advised that it considers draft LPS 11 is unlikely to have a significant effect on the environment and therefore, formal environmental assessment was not required.

On 7 February 2023, the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC) provided its consent to advertise draft LPS, subject to modifications.

On 28 February 2023, Council resolved, among other things, to note the SPC's decision in relation to draft LPS 11.

### **Communication and Engagement**

The draft Scheme (as contained as Attachments 1 and 2) was advertised for public comment from 11 April 2023 to 14 July 2023, by way of the following:

- Letters to all landowners (a total of 6,732 letters);
- Roadside signage through the district;
- Displays on the Town's website and promotion on social media;
- Mayoral announcement at multiple briefing sessions and Council Meetings;
- Letters to service authorities, government agencies and the Cities of Swan and Bayswater;
- Multiple drop-in stands (with staff attendance) at Hawaiian Shopping Centre;
- A drop-in stand (with staff attendance) at the Bassendean Markets;
- A drop-in session (with staff attendance) at the Town's Library; and
- Copies of the documents were made publicly available at the Town's Customer Services Centre, Library and both Wind in the Willows facilities.

At the close of the advertising period, the Town received a total of 347 local community submissions. A schedule of submissions is contained as Attachment 3, with the main comments, issues and/or concerns raised being as follows; all of which are discussed further in the report.

- Residential density (including in relation to split density codes and development potential within heritage areas).
- The lack of change proposed throughout Ashfield.
- The proposed zoning and reservation of land in and around Bindaring Park.
- The desire for increased statutory controls regarding existing trees. It should be noted that in addition to the local community submissions, 70 submissions were received from people from outside the district, all but one of which advocated for increased statutory controls regarding existing trees.

In addition, the Town received submissions from service authorities, government agencies and other local governments. A schedule of those submissions is contained as Attachment 4.



## Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

## Comment

### Bassendean Town Centre

Draft LPS 11 provides for part of the Town Centre area to be zoned “District Centre”. It is considered appropriate for the sites to be identified as “District Centre R-AC0”, so as to formalise the link with the future Precinct Structure Plan *by virtue of Volume 2 of State Planning Policy 7.3 – Residential Design Codes* which provides that the relevant controls for land coded R-AC0 are as per “*local planning scheme, local dev plan and/or **precinct controls** as applicable*” (emphasis added).

Further, draft LPS 11 provides for lots on the northern side of Old Perth Road to be zoned as “District Centre” and for lots on the southern side to be zoned as “Mixed Use R160”. This differentiation is considered unnecessary and potentially problematic; with a preferable approach being for both sides of the road to be zoned “District Centre R-AC0”. Such an approach improves consistency and better aligns with the adopted Local Planning Strategy and Town Centre Masterplan, which both acknowledge that the land to the south of the road is also within the “core precinct” of the Town Centre, rather than in one of the peripheral frames.

### Increased Residential Density

One of the most common issues raised in the submissions was in relation to proposed increases in residential density, which the draft scheme broadly limits to in and around the Bassendean Town Centre (including the “Success Hill South” precinct, which is the area bound by Lord Street, the railway line, Earlsferry Court and Guildford Road; south of the Success Hill railway station).

As part of the consultation process, the Town received various submissions on the matter, which broadly fall into two categories, as follows.

- Support for greater density – submissions that support an increase in urban density and the proposed density codings within draft LPS 11, with some suggesting that (i) the density codings should be further increased and/or (ii) the spatial extent of density increases should be expanded so as to include other parts of the district. Many of these submitters explicitly raised the desire to subdivide their property.

- Objection to greater density – submissions that object to an increase in urban density; citing issues commonly perceived as being associated with higher density development, including traffic congestion, car parking pressures, building bulk, road/rail noise, crime/anti-social behaviour and loss of local heritage and character in established areas.

In considering the matter, Council must have regard to the State Government's *Perth & Peel@3.5 million* suite of land use planning and infrastructure frameworks. The frameworks (including the associated sub-regional frameworks) are the key instruments for achieving a more consolidated urban form that will accommodate the anticipated population growth of the Perth metropolitan area, whilst reducing dependence on new urban greenfield developments. The State Government has set dwelling targets for all local governments to meet by 2050, which, for the Town of Bassendean, is an additional 4,150 dwellings.

The Town, via the 2019 *Bassendream our Future* project, undertook extensive community engagement to inform the preparation of the Local Planning Strategy; seeking the community's input about where and how the required urban growth should occur. This feedback clearly suggested a preference for consolidating new dwellings and population growth within activity centres and in close proximity to key urban transport nodes; retaining the balance of the district as largely suburban.

The Strategy was ultimately endorsed by Council in September 2022 and the SPC in February 2023. In conjunction with the Town Centre Masterplan, the Strategy forms the basis of the proposed residential densities contained within draft LPS 11. Generally, submissions requesting densities that are inconsistent with the existing strategic planning framework are not supported on the basis of the following:

- Any material change could result in development outcomes beyond what the community is prepared to accept, as indicated by *Bassendream our Future*.
- Any material change could compromise the Town's ability to achieve its dwelling targets.
- Any material change could be inconsistent with the State Government's Central Sub-Regional Framework, which identifies the Bassendean Town Centre (including the Success Hill South precinct) as a district-level activity centre.
- Any material change would be inconsistent with the Council-adopted Town Centre Masterplan, which reflects the above Framework by providing for medium and high-density residential development within the precinct.
- The various planning issues raised (traffic congestion, car parking pressures, building bulk, road/rail noise and potential loss of local character) will be appropriately considered as part of a future Precinct Structure Plan for the Bassendean Town Centre as well as site-specific development control processes, as guided by various policies including State Planning Policy 7.3 – Residential Design Codes (which addresses matters such as visual privacy, solar access, building bulk, setbacks and car parking).

Based on the above, in an effort to maintain alignment with the State Government's Central Sub-Regional Framework and the subsequent Local Planning Strategy, it is not recommended that significant changes are made to the residential densities proposed in draft LPS 11.

### Site-specific matters

Notwithstanding the above, site-specific issues that warrant further consideration are discussed below.

<b>Precinct / Property</b>	<b>Comment</b>
Lots within the Success Hill South Precinct, east of Earlsferry Court (six properties)	Under LPS 10, the sites are zoned Residential with a coding of R10 however, draft LPS 11 provides for them to be coded R20. Given the existing lot sizes in the precinct, created via subdivision in the late 1990s, it is considered appropriate to code Lot 6 as R2.5 and the remaining lots as R12.5. Such an approach would ensure no further subdivision activity.
2 Parker Street, Bassendean	Under LPS 10, the site (368m <sup>2</sup> ) is zoned District Centre, however, draft LPS 11 provides for its to be zoned Residential R60. Given the site directly abuts, and is located directly opposite, land that is proposed to be zoned Mixed Use R160 and has historically accommodated commercial uses, it is considered appropriate to zone the site District Centre R-AC0 (as discussed above).
Lots bound by West Road, Villers Street East, Broun Way and 167 West Road, Bassendean (eight properties)	Draft LPS 11 provides for the residential-zoned sites to be retained their R17.5 coding, however, for the purposes of consistency, it is considered appropriate to recode the sites to R20. This change will have little impact on future subdivision potential.
All lots with frontage to Lamb Street, Bassendean (10 properties)	Draft LPS 11 provides for the residential-zoned sites to be coded R100, however, given the location abuts existing regional road reservations (Lord Street and Guildford Road) and is located opposite land that is proposed to be coded R160, it is considered reasonable to similarly code the subject sites as R160.
1, 3, 5, 7, 9 & 9F Kenny Street and 4, 6 & 8 Parker Street (nine properties)	Draft LPS 11 provides for the sites to be zoned residential with a density code of R60, however, it is proposed to recode the sites to R80. An R80 density code will facilitate development up to four storeys in height, softening the transition between five-storey development fronting Old Perth Road and three-storey development to the south. It should be noted that all nine sites are in single ownership.

<p>Area bound by Shackleton Street, Guildford Road, Chapman Street and the rear of the properties that front Geraldine Street.</p>	<p>Draft LPS 11 proposes to code the residential-zoned sites as R20, in lieu of the existing split density code of R20/30. Given that the sites form part of Planning Area C (Guildford Road Urban Corridor) the LPS 10 density code of R20/30 should remain in place until such time as further investigations have been undertaken to determine suitable density codes in the location.</p>
<p>Area subject to Ashfield Gardens Structure Plan</p>	<p>Draft LPS 11 provides for the sites to be coded R40, however, given the prevailing lot sizes, it is recommended that this be reduced to R30. This will reduce the likelihood of sites being amalgamated with a view to developing multiple dwellings in a location that is not considered appropriate for that form of housing intensity.</p>
<p>3 Wilson Street, Bassendean</p>	<p>Draft LPS 11 provides for the sites to be zoned Mixed Use R160, however, given the site abuts 5 (Lot 174) Wilson Street, which is proposed to be retained as R20 (on the basis that it forms part of the Kenny Street Heritage Area), it is considered more appropriate to zone the land Residential R60, thereby better managing the transition between the core of the Town Centre and the lower density area to the south.</p>

Based on the above, it is recommended that a number of modifications are made to draft LPS 11. Given the relatively limited scale of the modifications, it is considered that further consultation is not required.

#### Reduced Residential Density (Split Residential Density Codes)

LPS 10 provides various split density codings throughout the district with development at the higher coding dependant on achieving compliance with various requirements, including a “side-by-side” lot configuration and relevant Local Planning Policies; currently *Local Planning Policy 2 – Sustainable Development*.

Draft LPS 11 seeks to remove the split density codings from some of the more suburban parts of the district; effectively reducing or removing the current development potential of some properties within those cells. This change was based upon the community aspirations conveyed through the *BassenDream Our Future* community engagement exercise, which demonstrated a broad desire to consolidate density around activity centres and railway stations, thereby providing for the retention of larger lots and lower in those more suburban parts of the district.

It should be noted that the split density codings are not proposed to be removed entirely and will be retained in various Planning Areas (being the Urban Corridors) identified by the Local Planning Strategy. This is on the advice of the DPLH and acknowledges that further investigations are required to be undertaken to determine suitable density codes in those locations.

As part of the consultation process, the Town received various submissions on the matter, which broadly fall into two distinct categories, as follows.

- Support – submissions that support the reduction in density in parts of the district, with a preference for lower density, larger ‘suburban’ lots, tree retention, more generous building setbacks and greater areas of open space around dwellings.
- Objection – submissions that object to the change on the basis that it would impact subdivision potential. The preference was for the higher of the split codes to be the substantive code. For example, R20/40 to be rezoned to R40 rather than R20. Most of these submitters explicitly raised the desire to subdivide their property.

Whilst the objections are acknowledged, the proposed changes are specifically contemplated by the adopted Local Planning Strategy, which recommends, for Planning Area G (Bassendean – Eden Hill Coding Review), that the Town *“rationalise existing density arrangements within the existing urban footprint areas by removing dual codes and applying an R20 density code”*.

Based on the above, it is recommended that changes are not made to draft LPS 11 in this respect.

#### Ashfield Planning Precinct, Ashfield

A number of submissions raised concern and objection with the limited increase in residential densities proposed for the Ashfield.

The Town’s adopted Local Planning Strategy acknowledges that, in Ashfield, there is an opportunity to *“integrate passenger rail lines with future residential intensification.”* It identifies the precinct as Planning Area B and provides that, in the medium term, the Town will prepare a Precinct Structure Plan and investigate matters such as density, land use mix, servicing capacity, traffic impacts, interface and retail needs. In the meantime, it is proposed that there be limited changes to the scheme.

#### Heritage Areas

A number of submissions raised concern and objection with the limited changes proposed for properties within established Heritage Areas (specifically the Kenny Street and Devon Road precincts), whereby the existing LPS 10 codings have been retained as a means of limiting further intensification in those locations.

In considering the matter, the Town’s adopted Local Planning Strategy acknowledges that, *“through Bassendean Our Future, respondents expressed a desire to protect Aboriginal and historic heritage and neighbourhood character within the Town, particularly heritage protection in the face of increased density and infill development”*.

Whilst it is open to Council to seek to increase the density codings in those locations, such an approach is not supported on the basis that it is not necessary to satisfy the Town's dwellings targets and would be inconsistent with the adopted Local Planning Strategy.

### Guildford Road, between Palmerston and Kenny Streets

Submissions were received with regard to the proposed R100 coding along Guildford Road, between Palmerston and Kenny Streets; one suggesting the density is too low and one suggesting it is too high (submissions 215 and 379, respectively).

In considering the matter (and the reasoning provided by the submissions), the following is relevant:

- Reducing the density code of the proposed R100 land (to R60) would reduce the maximum height of future development on the land from four stories to three. Such an approach is not considered necessary as the issues of interface, solar access, visual privacy and building bulk are specifically addressed by the Residential Design Codes.
- Precinct A (being the District Centre) already provides for a range of zonings and residential codings, with the codings ranging from R40 to R160. Therefore, the contention that there is a need to make all zoning and codings consistent is not accepted.
- Whilst the subject residential lots north of Palmerston Street and west of Kenny Street are located within Precinct C (being the Urban Corridor area), they are also located within the Kenny Street Heritage Precinct (and therefore subject to formal statutory protections) and excluded from the Council-adopted Town Centre Masterplan.
- Whilst it is acknowledged that in the past, commercial development has occurred along Guildford Road, the Council-adopted Town Centre Masterplan provides for that area to be exclusively residential, with the commercial opportunities to be focused along Old Perth Road, rather than within an arbitrary distance of the railway station.
- The need for new development to mitigate the impacts of road and rail noise will equally apply to various properties within the district and is not considered justification for the addition of commercial development opportunities.
- The proposed 'Mixed Use' zoning on the northern side of the railway line is to acknowledge the desirability of having some limited level of local convenience in that location, given the lack of connectivity to the core town centre precinct.
- The matter of the density of the abutting R20 coded land to the south is discussed in the report under the heading "Heritage Areas".

- The submitter has suggested that a “*stepping down of built form from 4-5 storeys down to 3 for the R60 density coding*” is appropriate. Therefore, it could also be contended that a stepping down of four storeys (R100) to two (R20) is similarly appropriate.

Based on the above, it is recommended that no further changes are made in this respect.

#### 17 Harcourt Street and 18 Anstey Road, Bassendean

Under LPS 10, portions of the above sites are reserved as local open space. Under draft LPS 11, it is proposed that the sites be uniformly zoned residential.

A number of submissions were received from owners of land located in the immediate area and representatives of relevant interest groups; objecting to the change and suggesting that the existing LPS 10 zones and reservations that apply to the sites should remain. These submissions suggest that (i) the subject land provides habitat for local fauna and flora (ii) the proposal represents a departure from Town Planning Scheme No. 4A (iii) the broader community expects the land to be acquired (iv) the area is located within a flood prone area and (v) it would impact the heritage value of the existing dwelling.

In considering the matter, the following is relevant:

- The owner of the subject sites supports the change provided by draft LPS 11.
- Uniformly zoning the sites as residential would obviate the need for the Town to acquire the sites; avoiding a potentially lengthy acquisition process and bringing forward the completion of Town Planning Scheme No. 4A. It is noted that, for some time, Council has desired the swift cessation of TPS 4A, which would require all reserved land to have been acquired.
- The subject portion of land is located within the Floodplain, as is the currently zoned portion of the sites and the vast majority of other residential properties within the local area. Any subdivision and development proposals for the land will be assessed against draft *State Planning Policy 2.9 – Planning for Water*. In this regard, development may be supported, provided that habitable rooms have a floor level that is at least 0.5m above the expected 1% annual exceedance probability flood event.
- The proposed zoning of the land is not considered to have a detrimental effect on the value of the heritage place, which will remain subject to statutory protection pursuant to the Town’s Heritage List.
- Issues relating to vehicular access and bushfire threat will need to be addressed at subsequent subdivision and development stages.

Based on the above, it is recommended that no changes be made to draft LPS 11 in this respect.

27 Hyland Street, Bassendean

Under LPS 10, the majority of Town-owned 27 Hyland Street is zoned Residential R25/30, with a small portion reserved as local open space. Under draft LPS 11, it is proposed that the sites be uniformly reserved as local open space.

A number of submissions objected to the change, suggesting that the existing zones and reservations that apply to the sites should remain unchanged. This position was based upon the suggestion that (i) it represents a departure from Town Planning Scheme No. 4A (ii) the site currently accommodates little remnant native vegetation (iii) there is an opportunity to develop the site in conjunction with the owner of the abutting site.

In considering the matter, it is noted that the reservation of the site as Local Open Space is a specific recommendation in the Council-adopted Local Planning Strategy on that basis that it *“it does not have typical access to the public road network (access is via abutting open space) and has already been acquired by the Town. This will result an additional 1,369m<sup>2</sup> of open space”*. Given the above road access issue, the site, in isolation, is not appropriate for residential development.

Based on the above, it is recommended that no changes be made to draft LPS 11 in this respect.

Town-owned land (17, 19, 21 and 23 Anstey Road, Bassendean)

One issue of strategic importance for Council is in relation to the zonings and reservations that apply to the Town-owned properties of 17, 19, 21 and 23 Anstey Road, as identified below.



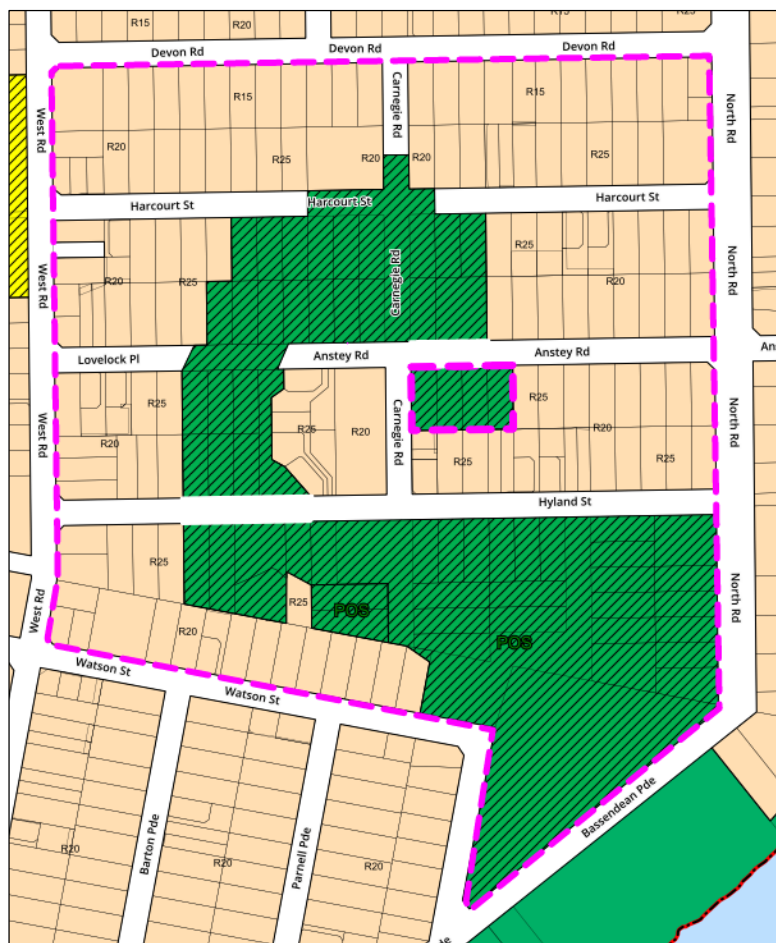


Under LPS 10, two of the sites are zoned residential and two are reserved as open space. On 26 July 2022, Council considered the draft LPS 11 where it was recommended that, for the purposes of advertising, the status quo be maintained; allowing broad community input to guide any future changes. At that meeting, Council instead resolved to pursue an approach whereby draft LPS 11 would reserve all four of the lots as Local Open Space.

In response to the consultation process, numerous submissions were received which supported the retention of the sites as local open space while two submissions were received that advocated full or partial sale of the sites for residential purposes for the benefit of the broader community (submissions 116 and 302).

In considering the matter, the following is relevant:

- The subject sites are located within the Floodplain, as is the vast majority of other residential properties within the local area. Any subdivision and development proposals for the land would be assessed against draft *State Planning Policy 2.9 – Planning for Water*. In this regard, development may be supported, provided that habitable rooms have a floor level that area at least 0.5m above the expected 1% annual exceedance probability flood event.
- The local area is already provided with significant areas of open space, as identified below for the residential cell bound by West Road, Devon Road, North Road, Bassendean Parade and Watson Street.



The following table details the open space provision for the cell for the three scenarios.

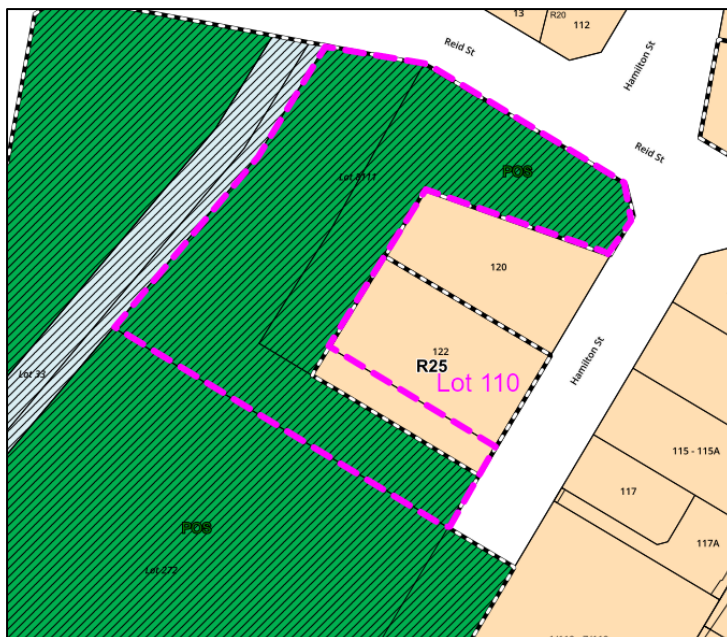
Options	Total POS	Gross Subdivisible Area	Percentage of POS
<b>All four lots as POS</b>	10.23ha	27.44ha	37.28%
<b>Two POS and two Residential (as per current LPS 10)</b>	10.02ha		36.54%
<b>All four lots as Residential</b>	9.82ha		35.81%

As demonstrated above, under each scenario, the local area is provided with significant areas of local open space, in addition to the 2.5ha regional open space of Pickering Park.

- The Town already owns the sites and reservation as open space will not involve any direct expenditure; however, it would effectively result in a write-down of the Town’s assets by approximately \$3m (compared to an approach where all four lots were zoned residential). The resultant financial impact could have a material impact on the Town’s ability to fund new or upgraded community infrastructure.
- Notwithstanding, it is open to Council to zone the lots for residential purposes or alternatively, to retain the LPS 10 status quo and undertake a detailed, specific public consultation exercise to gauge the views of the broader community.

Town-owned land (Hamilton Street, Bassendean)

The Town owns Lot 8111 Hamilton Street, which abuts the Town-owned 122 (Lot 110) Hamilton Street; as identified below (in the context of the existing LPS 10 zoning/reservation).



The advertised version of draft LPS 11 did not propose any change to the status quo, however, should Council want to improve the Town’s financial position, it is open to it to seek to increase the developable portion of the site.

One option of such a change would be to zone additional land as Residential R25 such that it aligns with the rear boundary of the existing lots, as follows.



Such a change would impact 2,800m<sup>2</sup>. No additional road connections would be required, but further community consultation would be recommended before proceeding.

Town-owned land – Christie Park (19 and 21 Surrey Street, Bassendean)

The Town owns the above sites which are currently reserved as open space under LPS 10, as identified below (as shown in the context of the advertised LPS 11 zonings/reservations).



Whilst the open space offers little recreational functionality or amenity, the site does serve an important water management function by accommodating a series of sub-soil drainage cells.

The advertised version of draft LPS 11 did not propose any change to the status quo, however, should Council want to improve the Town’s financial position, it is open to it to seek to enable residential development on the site by zoning it residential and applying a density code of R40, consistent with the nearby sites facing Old Perth Road and Surrey Street. The drainage cells can then potentially be relocated as part of the future realignment of Old Perth Road, Surrey Street and Brook Street.

Given that such a change would only impact 1,084m<sup>2</sup>, not require any additional road connections and not impact existing functional recreation space, it is considered that it can be supported without further consultation, particularly given that there will be further public consultation as part of the future Precinct Structure Plan for the Bassendean Town Centre.

Road Reserve – Bindaring Park, Bassendean

There are currently constructed portions of Anstey Road, Carnegie Road and Hyland Street that are designated as Local Open Space under LPS 10, identified in blue below.



The Town previously proposed that those constructed portions be identified as road reserve, rather than the current Local Open Space designation.

That recommendation notwithstanding, in July 2022, Council resolved to pursue an approach whereby “*the constructed portions of road reserves of Anstey Road and Hyland Street abutting POS on both sides of the constructed road in Bindaring Park remain designated as Local Open Space*”. As such, the advertised version of draft LPS 11 identified two portions of constructed road as Local Open Space, as follows.



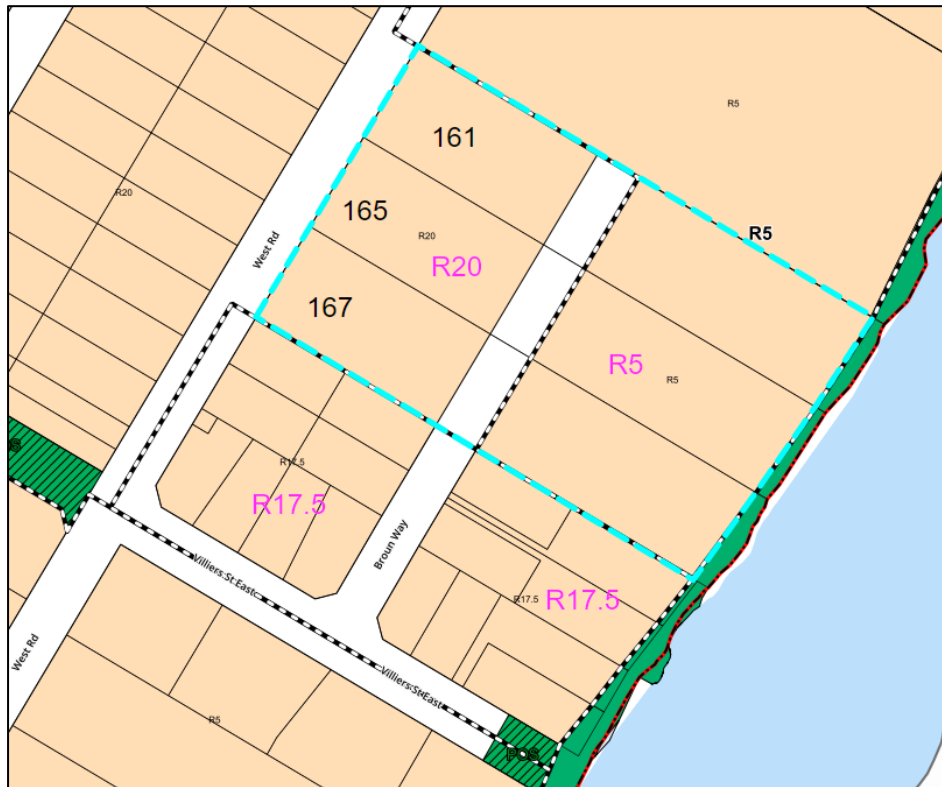
In considering the matter, the following is relevant:

- The subject portions of land accommodate existing, constructed roads.
- Neither the draft Long Term Financial Plan nor adopted Corporate Business Plan provide for the removal of the roads.
- Removal of the roads would result in three additional dead-ends and an extension of an existing dead-end road. Such an approach would be inconsistent with the WAPC’s *Guidelines for Planning in Bushfire Prone Areas*, which states that “*Public road access is to be provided in two different directions to at least two different suitable destinations with an all-weather surface (two-way access). If the public road access to the subject site is via a no-through road which cannot be avoided due to demonstrated site constraints, the road access is to be a maximum of 200 metres from the subject lot(s) boundary to an intersection where two-way access is provided.*” (emphasis added).

Based on the above, it is recommended that draft LPS 11 be modified to identify those portions of constructed road as Road Reserve, so as to properly reflect the purpose and use of the land.

161, 165 and 167 West Road, Bassendean

Under LPS 10, the sites are uniformly zoned Residential R5. Under draft LPS 11, it is proposed that the western half of each site be recoded to R20.



A number of submissions objected to the change, suggesting that the existing zones and reservations that apply to the sites should remain as per LPS 10. These submissions suggest that (i) existing remnant vegetation would be compromised (ii) subdivision and development at that density would result in adverse traffic impacts and (iii) the amenity of the local area would be material affected.

In considering the matter, the following is relevant:

- One submission was received from the owners of 161 West Road that raised no objection to the draft scheme (submission 127)
- Two submissions were received from the owners of 165 West Road that supported the proposed change (submissions 381 and 382)
- One submission was received from the owner of 167 West Road that advocated for the proposed R5 portion to be coded R17.5 (submission 346)
- The riverside locations to the north, between the subject area and the Guildford Road bridge (with a length of approximately 2km) are characterized by coding of R20 and R25 on the west of the roads (North Road and Bassendean Parade) and an R5 coding on the east side.

- There are three options for the interface between R5 and R20 codings; (i) across West Road (ii) across the Broun Way extension or (iii) along the rear boundaries of the properties facing West Road and the properties facing the Broun Way extension. As above, the prevailing pattern of urbanisation is based on the second option, which is reflected in draft LPS 11.
- The proposed R20 coding of the north-western half of each of the lots is a logical extension of the residential development that exists to the south-west.
- For the three lots, a coding of R20 would produce only 18 additional lots compared to if they were R5. Such an increase is not considered to raise any material traffic issues and is well within the carrying capacity of the local road.
- Whilst 165 West Road does accommodate existing trees, clearing will be required irrespective of the density, although it is likely that greater clearing would occur at a higher density. The issue of tree retention can be considered prior to, and as part of, any future subdivision proposal at the R20 coding.

Based on the above, it is recommended that no changes be made to draft LPS 11 in this respect.

### 2 Clune Street, Bassendean

Draft LPS 11 does not provide for any change, however, a portion of the site is unzoned on the basis that it was previously identified as accommodating an extension of Wicks Street. As set out in submission 284, as that road is no longer required, it is appropriate that the entire site is zoned General Industry. Further, the unconstructed road reserve to the north-east is also not required and can therefore be reserved as Drainage/Waterways so as to be consistent with the abutting Reserve 29153.

### Statutory controls regarding existing trees

Whilst LPS 11 does not include provisions that protect all trees on private property, it does require the Town to establish and maintain a 'significant tree register'. The purpose of such a register is to identify trees within the scheme area that merit preservation based on factors such as their aesthetic value, rarity, habitat and other significance. This approach was required by the Department of Planning, Lands and Heritage (DPLH) as it is consistent with other local planning schemes.

The 'significant tree register' will provide a level of statutory protection for listed trees; with it being an offence to cut, remove or destroy a tree that is identified on such a register, without first obtaining approval from the Town.

In addition, Local Planning Policy 13 – Tree Retention and Provision will continue to apply. This Policy requires the planting of one tree per 350m<sup>2</sup> of land area and also encourages the retention of existing trees by reducing the requirement for new trees where existing significant trees are retained.

In terms of the Town's efforts to strengthen statutory controls regarding tree protection, it should be noted that in relation to trees, the 4 November 2020 Council-adopted version of draft LPS 11 contained provisions which would have clarified the definition of "development" so as to include carrying out on the land of any excavation or other works that involved the clearing and removal of a significant tree (generally being a tree with a height of 4m or greater). This would have had the effect of making it an offence to remove such a tree without first having obtained approval from the Town. Those provisions were removed at the direction of the DPLH and the Statutory Planning Committee of the WAPC.

Submissions received during the consultation period advocated for stronger statutory controls and restrictions regarding tree preservation on private land. In considering the matter, the following is relevant:

- The proposed Significant Tree provisions within draft LPS 11 are able to have the same effect as the provisions from November 2020 draft, but requires the Town to specifically identify the trees that are to be protected. Such an approach is considered appropriate as a level of specificity would be necessary to properly advance any prosecution action, as the Town would be obligated to clearly prove that any removal actually constituted an offence.
- In March 2023, the City of Nedlands Council resolved to adopt Amendment 12 of Local Planning Scheme No 3, which seeks to protect trees on private property zoned Residential with a density coding of R20 or below, by requiring a landowner to obtain development approval to remove a tree with (a) a canopy diameter of 6m or greater; or (b) a height of 8m or greater; or (c) in the case of a tree with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4m above the ground; or (d) in the case of a tree with multiple trunks, a total trunk circumference of 1.5m or greater, with an average trunk circumference of 625mm or greater, measured 1.4m above the ground. At the time of drafting this report, the matter is yet to be finalised, however, it is understood that the DPLH is prepared to support the above amendment on the basis that it applies only to lower density sites and will not compromise the delivery of infill housing.
- In March 2023, the City of South Perth Council considered its draft Local Planning Scheme No. 7 and resolved to support the draft scheme with modifications including (but not limited to) the inclusion of additional provisions that protect trees with a height of 8m or greater. At the time of drafting this report, the matter is yet to be finalised, however, it is understood that the DPLH has advised the City that such additional provisions will not be supported as part of the finalisation of the draft scheme, however, it may support a subsequent amendment to the scheme to align with the provisions contained in the City of Nedlands amendment.
- The Department has recently advised the Town that if Council sought to insert additional tree protection provisions, it would require further public consultation; thereby delaying the finalisation of the draft scheme. Similar to the above City of South Perth scenario, it would be open to Council to pursue such changes as part of a separate amendment to the scheme.



Based on the above, further functional changes to draft LPS 11 are not recommended at this time, but rather, it is recommended that if Council wishes to pursue greater protection of trees on private property, that once draft LPS 11 is gazetted, that it progresses an amendment broadly based upon the City of Nedlands tree protection provisions. Whilst such provisions would likely only apply to low density areas, such areas account for the majority of residential land within the district.

The above notwithstanding, it is considered necessary to amend the draft Significant Tree Register provisions by removing the proposed Supplemental Provision 61(1)(22) and replacing it with a new Supplemental Provision (under the heading Significant Tree Register) which reads:

*“(6) No person shall cause or permit the cutting, pruning or removal of a tree, or undertake works that may damage a tree, which is included on the Significant Tree Register unless development approval has been granted in accordance with Part 8 of the Deemed Provisions.”*

#### Minor issues

The draft Scheme, as advertised, contains a small number of minor formatting and reference errors that require rectification. These are captured in the officer recommendation.

#### Conclusion

Endorsement of the draft LPS 11 represents a significant milestone in the progression of the Town’s local planning framework. It is recommended that Council supports the draft scheme with proposed modifications as discussed within the report and as listed in the recommendation.

#### **Statutory Requirements**

In accordance with Regulation 25(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to pass a resolution:

- (a) to support the draft scheme without modification; or
- (b) to support the draft scheme with proposed modifications to address issues raised in the submissions; or
- (c) not to support the draft scheme.

#### **Financial Considerations**

At the Town is an owner of freehold land within the district, the zoning and reservation of land within draft LPS 11 will have a material impact on the Town’s financial position. These matters have been discussed in the report.

## Risk Management Implications

There is a risk in Council deferring consideration of the matter, as (i) any subsequent consideration would be significantly impacted by the upcoming local government elections (including the associated caretaker period) and (ii) it would generate reputational damage with the community. The Town sought to address this risk by presenting relevant information to Councillors at the councillor workshop held on 1 August 2023.

## Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## Officer Recommendation – Item 12.2

That Council:

1. Pursuant to Regulation 25(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports draft Local Planning Scheme No. 11 with proposed modifications, as identified below:

Scheme Text	
1.	Within Table 3 (Zoning Table), identifying the “Serviced Apartments” use as an “A” use within the Residential zone.
2.	The supplemental provisions in relation to Design Review and Significant Trees be referenced as 6A and 6B, respectively.
3.	Clause 26(4) is renumbered to be 26(2).
4.	Removing the proposed Supplemental Provision 61(1)(22) and replacing it with a new Supplemental Provision (under the heading Significant Tree Register) which reads:  <i>“(6) No person shall cause or permit the cutting, pruning or removal of a tree, or undertake works that may damage a tree, which is included on the Significant Tree Register unless development approval has been granted in accordance with Part 8 of the Deemed Provisions.”</i>
Scheme Map (as per Attachment 5)	
5.	Zoning 2 (Lot 6) Parker Street, Bassendean and all land south of Old Perth Road (currently proposed to be Mixed Use R160) as “District Centre R-AC0”
6.	Coding 3 (Lot 4), 5 (Lot 5), 7 (Lot 3), 9 (Lot 2) and 11 (Lot 1) Earlsferry Court, Bassendean as R12.5.
7.	Coding 1 (Lot 6) Earlsferry Court, Bassendean as R2.5.
8.	Coding the eight lots bound by West Road, Villers Street East, Broun Way and 167 West Road, Bassendean as Residential R20.
9.	Coding the 10 lots with frontage to Lamb Street, Bassendean as R160.

10.	Coding 1, 3, 5, 7, 9 & 9F Kenny Street and 4, 6 & 8 Parker Street (nine lots) as R80.
11.	Coding the area bound by Shackleton Street, Guildford Road, Chapman Street and the rear of the properties that front Geraldine Street as per the existing LPS 10.
12.	Coding the area subject to Ashfield Gardens Structure Plan as R30.
13.	Zoning 3 (Lot 177) Wilson Street as Residential R60.
14.	Zoning 19 and 21 Surrey Street, Bassendean as Residential R40.
15.	Identifying those constructed portions of Anstey Road and Hyland Street, Bassendean as Road Reserve.
16.	Zoning all of 2 (Lot 105) Clune Street, Bassendean as General Industry and removing the boundary of the easement on site
17.	Reserving the unconstructed portion of Wicks Street, Bassendean as Drainage/Waterways
18.	Reducing the extent of the District Centre zoning affecting a portion of BIC Reserve (currently occupied by the Infant Health Clinic premises) by approximately 65m <sup>2</sup> , so as to align with the northern boundary of the abutting site, being 16 Hamilton Street.
19.	Coding 10 (Lot 256) Prowse Street as R20.

- Notes that the Town will forward draft Local Planning Scheme No. 11 to the Western Australian Planning Commission, pursuant to Regulation 28(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Voting requirements: Simple Majority**

<b>12.3 Community Transport Service</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	COMS/REPRTNG/3
<b>Department</b>	Community Planning
<b>Previous Reports</b>	22 November 2022 13 December 2022 28 March 2023 18 April 2023 23 May 2023
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	Nil

### **Purpose**

The purpose of this report is for Council to consider the future of the Community Transport Service (CTS).

### **Background**

There is significant recent history to this matter, which is captured in the report presented to Council's 23 May 2023 meeting. As part of that meeting, Council considered the future of the CTS where it was recommended that Council:

- “1. *Receives the minutes from the Special Meeting of Electors held on 18 April 2023;*
2. *Confirms that it does not intend to fund the recommencement of the Community Transport Service; and*
3. *Notes that the Town will assist in transitional arrangements for clients and volunteers seeking alternative transport support or volunteering opportunities, respectively.”*

At the meeting, Council instead resolved that it:

- “1. *Receives the minutes from the Special Meeting of Electors held on 18 April 2023;*

2. *Notes that the Town will assist in transitional arrangements for clients seeking alternative transport for medical appointments and for volunteers seeking alternative volunteer opportunities; and*
3. *Requests the administration work with the affected users of the original service to develop a de-scoped service for shopping and social outings and bring a report back to Council for consideration.”*

## **Communication and Engagement**

Since November 2022, the Town has contacted all users of the service and provided information for My Aged Care and contact details for local providers to assist in transitional arrangements. A letter was sent to all the users which provided Town staff contact details, if further assistance was required. For the six people who requested further assistance, staff sought to provide access to transport via People Who Care and Amana Living.

Following Council's 23 May 2023 decision, the Town has engaged with a number of community groups (Bassendean 55Plus, St Marks Anglican Church and Morley Baptist Church) regarding the possibility of them operating a community transport services in lieu of the Town. Those discussions have not resulted in a third party electing to operate such a service.

On 22 June 2023, Town staff met with two local residents who have been active in advocating for the reinstatement of the CTS. The purpose of that meeting was to discuss and perceived requirements that Council should consider if it elected to operate a de-scoped, local transport service. Feedback from attendees suggested the service should recommence for shopping trips, providing access for community members to attend activities at Bassendean 55Plus and allowing for visits to medical appointments within the district and to Midland, Morley and Beechboro.

## **Strategic Implications**

Priority Area 1: Strengthening and Connecting our Community

1.3 Treating people equitably with access to programs and services, regardless of advantage or ability

1.7 Facilitating community connection

Priority Area 4: Driving Financial Sustainability

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

Priority Area 5: Facilitating People-Centred Services

5.1 Ensure community members know where and how to access services

## Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.3 Ensure operational activities reflect the strategic focus of Council

**Comment**Local Government Services

The following is a comparison of the community transport services offered by other Band 2 and 3 local governments, noting that the Town is a Band 3 local government.

Local Government	Overview
<b>Band 2</b>	
City of Kalamunda	The City provides a free 16-seater Community Bus (including fuel) to local seniors groups and charitable organisations arranging outings for members and older people. The bus seats 16 passengers (without wheelchairs) or 15 passengers (with up to two wheelchairs).  Groups arrange their own driver, who must hold a “MR” or “HR” class driving licence. If the groups does not have a driver, they can contact the City for a list of volunteer drivers who live in the area and may be able to assist.
City of South Perth	Nil.
Shire of Mundaring	Nil.
Town of Victoria Park	Nil.
City of Vincent	Pre-paid taxi vouchers of up to \$100 for individuals and \$150 for couples (per year).
Shire of Serpentine – Jarrahdale	Nil.
Town of Cambridge	Nil.
City of Nedlands	Community transport provided to CHSP/MAC supported seniors only.
City of Subiaco	Pre-paid taxi vouchers of up to \$120 (per year).
<b>Band 3</b>	
Town of Claremont	Nil.
Town of Mosman Park	Nil.
Town of East Fremantle	Community transport provided to CHSP/MAC supported seniors only.
Town of Cottesloe	Nil.

Based on the above, it is evident that other comparable local governments do not provide a service similar to the Town’s previous service nor the potential de-scoped service.

Strategic Budget Policy

Clause 6.2 of the Policy states that prioritisation of funding allocation will be based on the following hierarchy:

- a) *Risk mitigation activities or projects that are required to reduce extreme or high level risks to, as far as practicable, an acceptable level;*
- b) *Activities requiring compliance with statutory obligations or standards;*
- c) *Renewal, upgrade, or maintenance of existing infrastructure assets as supported by AMPs and related project prioritisation processes;*
- d) *Current operational funding for programs, unless the operational need for any of those programmes has been superseded;*
- e) *Maintenance of adequate financial reserves – both operational and strategic to meet current and future (planned) needs;*
- f) *New programmes or assets as supported by AMPs and other strategic plans and related project prioritisation processes; and*
- g) *Discretionary projects or activities driven by community desire with due consideration to desired service levels or amenities provided.*

Any form of local transport services falls within category “g”, being the lowest priority within the Council adopted policy.

Further, Clause 5.5.2 states that the Town “*adopts a “user-contributes” approach considering community service level expectations and the users’ capacity to pay.*” As such, if Council was to provide any form of local transport service, it will need to have regard to the above provision when setting any user fees.

### Potential Service

As set out in the May 2023 report to Council, a limited scope, local transport service (with a risk and cost mitigation approach being adopted) could operate as follows.

- Comprised of one vehicle only (currently the Town-owned 2015 Hyundai TQ Bus, but this will require replacement in due course, which if transitioned to a lease arrangement, would represent an ongoing, annual cost);
- The service runs between two and five days per week (depending on the recruitment of volunteers) and only for attending community group activities, shopping trips or medical appointments within the Town of Bassendean;
- It requires users to be ambulatory and provide confirmation of fitness for travel from a medical practitioner;
- Drivers would need to obtain a Passenger Transport Driver Authorisation and would only be permitted to provide manual handling / practical assistance for personal belongings; and
- Access is limited to holders of seniors cards and/or health care cards.

If Council resolves to support the above approach, it is considered that the service could commence in October 2023, subject to the availability of volunteers.

### Statutory Requirements

The establishment of a user charge will need to comply with the process as set out in the *Local Government Act 1995*.

### Financial Considerations

In considering the financial impact of establishing a limited scope, local transport service, Council is to have due regard to the Council-adopted Strategic Budget Policy.

The cost of providing such a service (excluding the value of staff time) is estimated as follows.

<b>Expenditure (without staffing costs)</b>		
	Per Annum	One Off
Vehicle operating costs	\$4,800	\$1,000
Volunteer costs (including training and testing)	\$10,000	-
Equipment	\$350	\$750
<b>Total</b>	<b>\$15,150</b>	<b>\$1,750</b>

It is acknowledged that such expenditure could be partially offset by the collection of user fees, depending on what decision Council makes with respect to fees. In this regard, Council's options include seeking as much as full cost recovery or as little as a nominal fee.

The total cost of a service is estimated to be approximately \$15,150 per annum (excluding staff costs) and an initial one-off cost of approximately \$1,750. In terms of a cost comparison, whilst this version of the service represents a lower cost than the former service, it is considered likely that it would generate fewer users / trips, across which to amortise the costs. It is therefore quite possible that a descoped service would also compare unfavorably to other, similar services.

It must be noted that the above costs are not provided for in the recently-adopted 2024/24 budget, and if Council wishes to provide the service, it must allocate funds accordingly. If Council resolves to support the establishment of a local transport service, this matter will be addressed in a subsequent report to Council.

### Risk Management Implications



Not reinstating any service represents a reputation risk however, this can be mitigated by the Town continuing to assist in transitioning users to appropriate providers as referenced in the report.

In accordance with Section 17 of the *Work Health and Safety Act 2020*, the Town has a duty to (a) eliminate risks to health and safety, so far as is reasonably practicable; and (b) if it is not reasonably practicable to eliminate risks to health and safety, minimise those risks so far as is reasonably practicable.

The Federal *Disability Discrimination Act 1992* makes it unlawful to discriminate against a person, in many areas of public life, including getting or using services and accessing public places, because of their disability. It extends to disabilities that people have had in the past and potential future disabilities, as well as disabilities that people are assumed to have. It should be noted that Council's adopted Strategic Community Plan recognises the need to treat people equitably with access to programs and services, regardless of advantage or ability.

There is a risk that the introduction of increased compliance requirements will result in the reduction in available volunteers. This may impact the frequency of the service.

### **Declaration of Conflicts of Interest**

An Author or Approving Officer is declaring an impartiality interest, insofar as the Chief Executive Officer is considered a PCBU for the purposes of the WHS Act. The Act includes a new offence of industrial manslaughter, with substantial penalties for PCBUs where a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.

### **Officer Recommendation – Item 12.3**

That, if Council wishes to operate a limited-scope, local transport service, it:

1. Requests the Chief Executive Officer to establish a limited-scope, local transport service.
2. Notes that the service will operate on the basis of the following:
  - Comprised of one vehicle only;
  - The service runs between **Tuesdays and Fridays (depending on the availability of volunteers) and only for attending community group activities, shopping trips or medical appointments within an eight (8) km radius from the Town of Bassendean;**
  - It requires users to be ambulatory and provide confirmation of fitness for travel from a medical practitioner;
  - Drivers would only be permitted to provide manual handling / practical assistance for personal belongings; and
  - Access is limited to holders of seniors cards and/or health care cards.

3. **The service will be provided free of charge to users.**
4. Notes that a review of the service will be undertaken within the first 12 months of operation, including review of the level of usage and the Town's subsidisation of the service.

**Voting requirements: Simple Majority**

<b>12.4 Revoking Previous Resolutions</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Directorate</b>	Office of the CEO
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	Nil

### **Purpose**

The purpose of this report is for Council to consider revoking previous Council resolutions relating to:

1. Intersection roundabouts and effective chicanes into which suitable large trees can be planted
2. Review of local law – activities on thoroughfares and trading in thoroughfares and public places local law 2010 (to be replaced)
3. Review of Streetscape Weed Management (Part 3)
4. Notice of Motion - Notice Boards
5. Booked verge collection service (Part 3), and
6. Relocation of the Town's Customer Service Centre (Part 2)

### **Background**

Following a review of Council resolutions it was identified and determined that a number of resolutions will not be able to be completed. This was due to operational requirements, budget constraints, or are open ended (requiring annual reporting) which will not allow them to be finalized.

It is proposed that the resolutions outlined in this report are revoked as they are unlikely to be resolved.

### **Communication and Engagement**

N/A

### **Strategic Implications**

## Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.5 Foster an environment of innovation and leadership

**Comment**

The table below sets out the resolutions the administration is seeking to be revoked. It outlines which part is being sought to be revoked as well as the reasoning for it.

Item and Council meeting	Council Resolution	Revoke whole or part resolution	Reason
1. Intersection roundabouts and effective chicanes into which suitable large trees can be planted  June 2017	Notice of motion – Cr Brown: Moved Cr Brown seconded Cr Pule that the town of Bassendean conduct an audit in order to identify main thoroughfare roads capable of modification to incorporate intersection roundabouts and effective chicanes into which suitable large trees can be planted.	Revoke whole resolution	Town officers proposed \$50,000 for the 2023/24 budget to undertake auditing in order to identify main thoroughfare roads capable of modification to incorporate intersection roundabouts and effective chicanes into which suitable large trees can be planted. This was not accepted by Council.
2. Review of local law – activities on thoroughfares and trading in thoroughfares and public places local law 2010  May 2019	Moved Cr Gangell seconded Cr Brown that council: 1. Commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the local government act 1995 for the proposed thoroughfares & PUBLIC PLACES LOCAL LAW 2019	Revoke whole resolution (replace with updated resolution)	The Town is seeking an updated resolution to begin the process of reviewing the Local Law, inclusive of community advertising.
3. Review of Streetscape Weed Management  March 2022	Moved Cr Hamilton, Seconded Cr Poliwka, that Council: 1. Rescinds Council resolution OCM 12/04/16, Part 3 which reads: “Suspends the use of glyphosate on hard surfaces in the urban environment”;	Revoke part 4: Requests the CEO provide Councillors with an	The Town seeks revocation of part 4 as it is an ongoing requirement and can be managed as part of normal operations as necessary. Parts

	<p>2. Rescinds Council resolution OCM 8/05/17, Part 1 which reads: “Upholds the suspension of the use of glyphosate on hard surfaces in the urban environment as per the Council resolution OCM-12/4/16”; and</p> <p>3. Notes that steam weeding of hard surfaces within streetscapes will continue until 30 June 2022; following which a new integrated weed management approach will commence as summarised in Attachment B with the following amendments:</p> <ul style="list-style-type: none"> <li>• That provision be made to continue steam weeding for all Tier 3 hard surfaces (local access roads) until June 2023 with some spot spraying of herbicides or alternative treatments permitted where there is demonstrated instances of weeds causing damage to infrastructure;</li> <li>• Requests the CEO enter into discussions for MRWA to take back maintenance of the Guildford Road Medians;</li> <li>• Trials new or alternative methods of weed control with the aim to phase out use of glyphosate on hard surfaces within the road reserves over the next four years;</li> </ul> <p>4 Requests the CEO provide Councillors with an assessment of the overall Streetscape Weed Management each year;</p> <p>5. Requests a review of the Town’s mowing programs and equipment with an aim to reduce the weed seed bank throughout the district; and</p> <p>6. Requests allocation of \$10,000 for consideration in the 2022/23 budget for the co-funding of WaterWise Grants for Verge Transformation projects in the lead up to winter planting periods during the 2022/23 financial year.</p>	<p>assessment of the overall Streetscape Weed Management each year;</p>	<p>1,2,3 and 6 are complete. Part 4 was provided to Councillors in the CEO Bulletin on.31/03/2023. Part 5 was provided to Councillors on 04/08/2023 in the CEO Bulletin.</p>
--	--	---	--

<p>4. Notice of Motion - Notice Boards</p> <p>May 2022</p>	<p>Moved Cr Kathryn Hamilton, Seconded Cr Paul Poliwka, that:</p> <ol style="list-style-type: none"> <li>1. Council requests that a Notice Board be installed in the first half of the 2022/23 financial year, in a high foot traffic area at each of the following sites: Sandy Beach Reserve, Jubilee Reserve, Mary Crescent Reserve &amp; Ashfield Reserve;</li> <li>2. Notice Boards are selected that are compatible with or complement the proposed installation area; and</li> <li>3. Council requests that the CEO causes to have made two reusable portable Notice Boards that can be utilised in different locations as required.</li> </ol>	<p>Revoke whole resolution</p>	<p>Revocation being sought based on the following.</p> <ol style="list-style-type: none"> <li>I. Notice Boards are typically located at LG Civic and administration centres or in staffed premises. These locations are a significant distance from the administration centre and in unstaffed locations and facilities. Updating information in these locations will be less cost effective.</li> <li>II. The Towns preferred communication channels are in a digital format</li> <li>III. Significant community issues will be managed via a communications plan which will identify the most effective form of communication.</li> </ol>
<p>5. Booked Verge Collection Service</p> <p>November 2022</p>	<p>Council Resolution – Item 13.1 OCM 18/11/22 MOVED Cr Hamilton, Seconded Cr Ames, that Council requests the CEO facilitate the following: 1. Provision, as soon as practicable, of a booked verge collection service to address instances where skips on demand are not able to be utilised by a resident under circumstances governed by updated Compassionate Waste</p>	<p>Revoke part 3:</p> <p>Review and discussion of Waste Plans, future Waste projects,</p>	<p>The Town’s seeks revocation of part 3 as it is an ongoing requirement and can be managed as part of normal operations as necessary. Parts 1 and 2 are complete.</p>

	<p>Service Guidelines; 2. Provision of the same booked verge collection service for collection of bulk waste at properties where there is inadequate space on the public verge and within the property itself to set down a skip bin for use by the resident; and 3. Review and discussion of Waste Plans, future Waste projects, and Waste Initiatives via a Councillor Concept Workshop at the end of every calendar year.</p>	<p>and Waste Initiatives via a Councillor Concept Workshop at the end of every calendar year.</p>	
<p>6. Relocation of the Town's Customer Service Centre</p> <p>February 2023</p>	<p>Council Resolution – Item 12.8(c) MOVED Cr Hamilton, Seconded Cr Carter, that Council:</p> <ol style="list-style-type: none"> <li>1. Requests the CEO to prepare a report to Council outlining the following in respect to the Depot site in Scaddan Street and Town Centre facilities: <ul style="list-style-type: none"> <li>• Analysis of the future needs of the Town's depot operations and functions;</li> <li>• Analysis of the spatial requirements of each business unit of the organisation;</li> <li>• Review/analysis of the potential footprint of a future Civic facility in the Town Centre to accommodate public facing business units that work from a fixed location, and review/analysis of a future depot facility to accommodate other business units;</li> <li>• Provision of the concept plans for the proposed relocation of the Town's Customer Service centre to the library together with estimated cost for this portion of the works;</li> </ul> </li> <li>2. Requests the CEO to engage with TADWA to assess and</li> </ol>	<p>Revoke part 2:</p> <p>Requests the CEO to engage with TADWA to assess and report to Council on the merits of a potential expansion of that organisation on adjoining depot land, and potential synergies that may exist in the co-location of new facilities for both organisations;</p>	<p>The CEO has conversed with the CEO of TADWA and has confirmed that TADWA would not subsidise construction of a new premise for municipal purposes. On this basis there is no advantage to the TOB to further investigate this matter.</p> <p>Part 3 is complete.</p>

	<p>report to Council on the merits of a potential expansion of that organisation on adjoining depot land, and potential synergies that may exist in the co-location of new facilities for both organisations;</p> <p>3. Requests the CEO to write to Hawaiian to decline leasing a space at the shopping centre.</p>		
--	--	--	--

### **Statutory Requirements**

Regulation 10(2) of the *Local Government (Administration) Regulations 1996* outlines that if a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

### **Financial Considerations**

Revoking the items set out in this report aid in the efficient operations of the Town by lessening the reporting burden and not investing funds into items seen to not provide value to the Town.

### **Risk Management Implications**

There is a reputational risk to the Town that if the above resolutions are not revoked it will cause inefficient use of resources.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.4**

That Council:

1. Revokes the Council resolutions 1-6 as set out in this report.
2. Requests the CEO to review the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* according to the process set out in the *Local Government Act 1995*.

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



<b>12.5 RFQ 05/2022 - Contract Extension and Variation - Streetscape Weed Control Services</b>	
<b>File Reference</b>	PLES/TENDNG/61
<b>Directorate</b>	Corporate Services Sustainability & Environment
<b>Previous Reports</b>	22 March 2022 <a href="#">ordinary-council-agenda-22-march-2022.pdf (bassendean.wa.gov.au)</a> 27 September 2022 <a href="#">ordinary-council-meeting-agenda-27-september-2022.pdf (bassendean.wa.gov.au)</a>
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL REDACTED - Contract Extension Request Acceptance [<b>12.5.1</b> - 2 pages]</li> <li>2. CONFIDENTIAL REDACTED - Contract Performance Review Form [<b>12.5.2</b> - 8 pages]</li> <li>3. CONFIDENTIAL REDACTED - Contract Variation Calculation - 23.24 and Year 2 of Contract [<b>12.5.3</b> - 2 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider a contract variation and extension for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean in accordance with the terms and conditions of the Contract.

## Background

Following an RFQ process, the Town awarded the contract for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean to:

- Greensteam Australia for the Streetscape Weed Control Services – Separable Portion 1: Steam Weed Control; and
- Environmental Industries for the Streetscape Weed Control Services – Separable Portion 2: Chemical Weed Control.

The Contract expires on 2 October 2023 and includes an optional extension period of one (1) year and the Town has a need for the services to continue. Both Contractors have accepted the Town offer of an extension of this Contract from 3 October 2023 to 2 October 2024 (Confidential Attachment 1). The Contract Manager

has reviewed the performance of the Contract and Contractors and supports the extension (Confidential Attachment 2).

The resolution of Council from the 27 September 2022 Ordinary Council Meeting incorporated the following elements:

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

As part of the annual budget process for 2023/24, information was provided to Councilors on operational budgets incorporating a reduced streetscape weed control budget associated with a reduction in steam treated areas.

## **Proposal**

That Council approves an extension to the respective contracts for Steam Weed Control and Chemical Weed Control for one year and authorises a variation to each contract to change the treatment of local roads from steam to herbicide.

## **Strategic Implications**

Priority Area 4: Driving Financial Suitability

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

## **Comment**

Background to the Town's streetscape weed management is provided in Item 12.5 to the 22 March 2022 Ordinary Council Meeting, and methodology for the works outlined in Item 12.6 of the 27 September 2022 Ordinary Council Meeting.

The indicative works schedule under the current contract is outlined below. The timing will remain unchanged, with the proposed contract variation that local roads will change from steam to herbicide treatment. Distributor roads will continue to be treated with herbicide, and high frequency sensitive areas will continue to be treated with steam.

Residents/ratepayers may register for the “No Spray List”, meaning that hardstand areas (kerbs and footpaths) adjacent to their property will be left untreated with herbicides. To remain on the “No Spray List” residents are required to reconfirm their details on an annual basis (in April) to ensure contact details are up to date. A reminder email was sent earlier in 2023.

	J	F	M	A	M	J	J	A	S	O	N	D
High frequency sensitive areas												
Local roads												
Distributor roads												

### Statutory Requirements

A Local Government can vary a contract in accordance with clause 21A of Part 4 of the Local Government (Functions and General) Regulations 1996 (“the Regulations”) where the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract.

While the contract extensions could have been approved administratively, it was considered beneficial to consider the contract variations prior to extending the contracts.

### Financial Considerations

The proposed contract variation calculation (Confidential Attachment 3) is regarded as commercial in confidence and is included in the attached confidential spreadsheet.

The 2023/24 approved budget for streetscape weed control is \$135,812. Should Council resolve not to approve the contract variations there will be a budget shortfall of \$46,028.

### Risk Management Implications

Should the contract extension not be approved by Council, the Town will not have any streetscape weed control services. This will impact the October, November and December scheduled treatments, due to the timeframe involved with advertising and awarding a new contract/ tender.

Should the variation not be approved by Council, additional funds of \$46,028 will be required to be sourced from existing projects and/or operational budgets, resulting in other planned activities being unable to be completed, or completed at reduced service levels.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.5**

That Council:

1. Authorises the extension of Contract 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Greensteam Australia for the Streetscape Weed Control Services – Separable Portion 1: Steam Weed Control for a further one (1) year period from 3 October 2023 to 2 October 2024 in accordance with the existing terms and conditions of the Contract.
2. Authorises the extension of Contract 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Environmental Industries for the Streetscape Weed Control Services – Separable Portion 2: Chemical Weed Control for a further one (1) year period from 3 October 2023 to 2 October 2024 in accordance with the existing terms and conditions of the Contract.
3. Approves the contract variation for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Greensteam Australia for the Streetscape Weed Control Services – Separable Portion 1: Steam Weed Control, to remove the treatment of local roads, effective from 3 October 2023.
4. Approves the contract variation for RFQ 05/2022 Streetscape Weed Control Services within the Town of Bassendean with Environmental Industries for the Streetscape Weed Control Services – Separable Portion 2: Chemical Weed Control, to include the treatment of local roads, effective from 3 October 2023.

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

<b>12.6 Monthly Financial Report - July 2023</b>	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	FINM/AUD/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. MONTHLY FINANCIAL REPORT AS AT 31 JULY 2023 [12.6.1 - 12 pages]

### Purpose

The purpose of this report is for Council to receive the Monthly Financial Report for July 2023 which incorporates the Statement of Financial Activity.

### Background

The Local Government (Financial Management) Regulations 1996, Regulation 34, requires that a Statement of Financial Activity be prepared each month and presented to Council.

The Statement of Financial Activity is to show a comparison of the budget estimates with the actual revenue and expenditure figures for the year-to-date and can be presented by nature and type classification, program or business unit. The Statement of Financial Activity hereby presented to Council is by nature and type classification.

The Statement of Financial Activity and accompanying documents must be presented to Council within two months after the end of the month to which the statement relates. The variance report compares to the current budget which was adopted by Council on 28 June 2023.

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted \$15,000 or 10% whichever is higher, as part of its 2023/24 Annual Budget.

The 2023/24 opening surplus position in the Statement of Financial Activity (Page 3 of the attachment), is an estimate and is un-audited. The amount may change once the financial position for 2022/23 is externally audited.

## Proposal

For Council to receive the Monthly Financial Report for July 2023.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 4: Driving Financial Suitability

- 4.1 Ensure there is sufficient, effective and sustainable use of assets
- 4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members
- 4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.5 Foster an environment of innovation and leadership

## Comment

The Monthly Financial Report contains the Statement of Financial Activity, which represents the adopted 2023/24 Annual Budget and any subsequent amended estimates and actual income and expenditure amounts to the month, July 2023.

## Statement of Financial Activity (by nature or type)

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on year-to-date basis. The accompanying notes provide a detailed breakdown of the amounts and commentary is based on the July 2023 year-to-date figures.

Item	Current Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$m	\$m	\$m	\$m	%
Revenue (including General Rates)	24.0	19.6	19.6	0.0	0
Expenditure	28.4	3.4	3.2	0.2	7
Capital Works	5.5	0.0	0.1	0.1	100
Non-Operating Grants, Subsidies and Contributions	2.3	0.0	0.0	0.0	0

### Operating Revenue

Revenue year-to-date is line with budget based on the Statement of Comprehensive Income.

Operating grants, subsidies and contributions are slightly under budget due to a timing difference in the recognition of the State Library Grant worth \$28K.

Interest income is also slightly higher as the budget was based on a high cash rate of 3.75% whereas current market rates are around 5%.

Other income lines are within reporting thresholds.

#### Operating Expenditure

Expenditure year-to-date is 7% under budget. With the budget adopted in late June, most operations would still in planning and mobilisation stages and therefore the variance is deemed mainly as a timing matter.

Materials and contracts are under budget by \$152K due to timing of sanitation and reserves maintenance.

Depreciation is under by \$34K due to 2022/23 capitalisations in progress. It is anticipated that the variance will diminish once the asset ledger is fully reconciled with movements for the previous financial year.

All other reporting lines are within budget.

#### Non-Operating Grants

There were no anticipated grants in the month of July.

#### Capital Works

Key Points to Note:

- Actual spend is 1% of the current budget with a further 15% committed to date.
- There are some minor Carry Forward adjustments identified which are reflected in the recommendation below.
- With the recruitment of the Manager Engineering and Assets now completed, it is anticipated that works will commence on most projects shortly.
- The RFT for the Ashfield Bore has been awarded with works to commence shortly.
- Specifications for the Bassendean Oval and Ashfield Lights are being finalised.

#### **Monthly Investment Report**

The overall balance of the Town's investments is \$12.9M. This is comprised of municipal investments of \$3.8M (including restricted cash), reserve investments of \$8.7 million and trust investments (public open space) of \$0.3M.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 64% of its funds invested in non-fossil fuel ADIs. This percentage is significantly high, and the Town will continue to aim to have a large proportion in non-fossil fuel ADI's.

The Reserve Bank of Australia has maintained the cash rate at 4.1% in their July 2023 meeting and likely continued high interest rates in the coming months provides for an improved investment earnings outlook for 2023/24.

## Statutory Requirements

Local Government (Financial Management) Regulations 1996.

## Financial Considerations

The Monthly Financial Report provides an overview of income and expenditure for the appropriate period.

## Budget Amendments

The following budget amendments are proposed in the Monthly Financial Report for July 2023:

GL Account Code	Description	Current Budget \$	Amended Budget \$	Budget Movement \$	Reason
AT2104	BASSENDAN PRINCIPAL GREEN TRAIL GEN	-	6,524.17	6,524.17	Request for carry forward budget from 2022/ 2023. Amount required to complete works associated with public open space mulching and planting to complete grant provided by Department of Transport in July 2023.
AE2201	ICT STRATEGY IMPLEMENTATION GEN	-	7,567.55	7,567.55	Request for carry forward budget from 2022/ 2023.Council Chambers timing system implementation delayed to July 2023.
AE2101	IT EQUIPMENT UPGRADE GEN	-	52,008.00	52,008.00	Request for carry forward budget from 2022/ 2023. Desktops and laptops in 2022/23 but not delivered until July 2023.
	<b>Sub-total - Budget Re-alignments</b>	-	<b>66,100.00</b>	<b>66,100.00</b>	



	<b>NET CHANGE IN AMENDMENTS TO OPENING 2023/24 SURPLUS</b>		<b>66,100.00</b>	<b>CHANGE TO SURPLUS - INCREASE</b>
--	--	--	------------------	-------------------------------------

Refer Note 6 of the Attachment for further details. The impact being that the 2022/23 Opening surplus position will be increased to reflect the changes recommended above by \$66,100.

### Risk Management Implications

Financial Risk

Low

### Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### Officer Recommendation – Item 12.6

That Council:

1. Notes the Explanation of Material Variances in the Statement of Financial Activity; and
2. Receives the Monthly Financial Report for the period ending 31 July 2023, which incorporates the Statement of Financial Activity for the period to July 2023.
3. Approves the budget amendments as noted below and amends the opening 2023/24 surplus position by increasing it by \$66,100.72:

GL Account Code	Description	Current Budget \$	Amended Budget \$	Budget Movement \$	Reason
AT2104	BASSEDEAN PRINCIPAL GREEN TRAIL GEN	-	6,524.17	6,524.17	Request for carry forward budget from 2022/ 2023.
AE2201	ICT STRATEGY IMPLEMENTATION GEN	-	7,567.55	7,567.55	Request for carry forward budget from 2022/ 2023.
AE2101	IT EQUIPMENT UPGRADE GEN	-	52,008.00	52,008.00	Request for carry forward budget from 2022/ 2023.
	<b>Sub-total - Budget Re-alignments</b>	-	<b>66,099.72</b>	<b>66,099.72</b>	
	<b>NET CHANGE IN AMENDMENTS TO</b>			<b>66,099.72</b>	<b>CHANGE TO SURPLUS -</b>

	<b>OPENING 2023/24 SURPLUS</b>			<b>INCREASE</b>
--	------------------------------------	--	--	-----------------

**Voting requirements: 1 and 2 Simple Majority; 3 Absolute Majority**

<b>12.7 Accounts Paid - July 2023</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Previous Reports</b>	
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	1. Accounts Paid - July 2023 [12.7.1 - 16 pages]

### **Purpose**

The purpose of this report is for Council to receive the list of payments for July 2023.

### **Background**

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

### **Communication and Engagement**

Nil.

### **Strategic Implications**

Priority Area 4: Driving Financial Suitability

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

4.3 Support the local economy

### **Comment**

Payments made during July 2023 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

### **Statutory Requirements**

*Local Government (Financial Management) Regulations 1996*

### **Financial Considerations**

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

### **Risk Management Implications**

Financial Risk

Low

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

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

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.7**

That Council receives the list of payments for July 2023.

**Voting requirements: Simple Majority**

## 13 Motions of which Previous Notice has been given

<b>13.1 Scheme Amendment - Tree Protection on Private Property</b>	
<b>Councillor</b>	Cr McLennan
<b>Attachments</b>	1. Scheme Amendment Tree Protection on Private Property [ <b>13.1.1</b> - 3 pages]

### **Motion – 13.1**

That Council:

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

#### Clause 60A

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

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

#### Clause 61

*Development for which approval is not required:*

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

**Voting requirements: Simple Majority**

**Background**

The Town of Bassendean community strategic plan places high priority on the retention of mature trees and the creation of a green and shaded town. Priority Area #2 “Leading Environmental Sustainability” specifically identifies a strategy of protecting existing trees with fewer trees being lost during development, reduced heat island effect and increased tree canopy cover.

Local governments, including the Town of Bassendean, are working hard to increase canopy on public land investing heavily in street trees and planting in reserves. However, canopy continues to dwindle with the majority of tree loss is occurring on private land.

Despite Council’s endeavours over recent years to have regulation of mature trees on private land included in Local Planning Scheme 11, these efforts have been hampered by a lack of support at a state government level. Town was required to delete the clauses designed to protect mature trees on private property from our draft scheme and advertise it to the local community with the proposed clauses omitted.

Fortunately, since then, there seems to have been some with other local governments who have since followed. Notably, the City Nedlands were permitted to advertise tree protections for areas zoned R20 and below in draft Scheme Amendment No. 12. This amendment would introduce the requirement to obtain development approval from the local government for the removal of large canopy trees on private land in low residential density areas. The intent of this scheme amendment is to allow consideration of whether tree removal is appropriate. Not unexpectedly, the consultation demonstrated overwhelming community support to protect their suburb's remaining large trees. The proposed Scheme Amendment 12 is currently in the hands of the Minister for Planning, John Carey, to make the final decision on whether the government supports these kind of protections.

Despite the high level of support for tree protection demonstrated through community consultation on LPS11, that the Department of Planning has confirmed that reinsertion of tree protection clauses into the draft scheme at this stage would be unacceptable and delay the gazettal of LPS11. It is therefore proposed that immediately upon gazettal the Town initiate the process of a Scheme Amendment to pursue such protections in lower density areas of the Town.

### **Officer Comment**

The NOM commits a future council to a scheme amendment on LPS 11, which is yet to be adopted and gazetted. The NOM has community support based on the public submissions received during the public advertising stage of LPS 11. It is also consistent with previous community consultations and council's recently adopted Tree Canopy Action Plan.

The Town is part of a number of local governments who have participated in obtaining legal advice to increase tree protections. This advice will be available to assist in the further refinement of this NOM, as will the outcome of the City of Nedlands Scheme Amendment 12.

On this basis the intent of the NOM is supported, noting that the scheme amendment should be further refined based on the City of Nedlands planning outcomes and the WALGA legal advice before initiating the scheme amendment for community consultation.

<b>13.2 Enter into an MOU with Swan Districts - Bassendean Oval Redevelopment</b>	
<b>Councillor</b>	Cr Poliwka
<b>Attachments</b>	1. August 2023 No M (signed) [13.2.1 - 2 pages]

### **Motion – 13.2**

That Council requests:

1. the CEO formally enters into negotiations with Swan Districts Football Club to develop a memorandum of understanding, or such other document that he deems appropriate, to assist in scoping and delivery of agreed terms for the potential redevelopment of Bassendean Oval; and
2. a report to be provided to Council within 3 months.

**Voting requirements: Simple Majority**

### **Background**

Community: Football clubs were, and remain, community hubs and gathering places. As society has evolved, so have football clubs as epitomized by SDFC where extensive outreach programs and demonstrated inclusive approach has elevated the profile of SDFC.

Reputational: There are risks to the Town should efforts not be made to assist SDFC, a WAFL team that has been in the district for circa a century. Local Government has a role to play in facilitating good outcomes that enhance our community, such as this joint endeavour.

### **Officer Comment**

The SDFC has conditional title on part of Bassendean Oval.

The Town has adopted a Town Centre Masterplan with development guidelines informed by community consultation for the SDFC site as well as the remainder of the site under the management of the Town.

The NOM relates to the redevelopment of the SDFC site to ensure the future viability of the SDFC as part of a shared use community hub model, that would attract state and federal funding assistance.

If this is the intent of the MOU, it is supported.



In relation to a report being provided to council within three months it is suggested that the CEO be requested to provide an update on the progress of a draft MOU to Council as and when determined by the CEO.

It will be difficult to meet set time frames when dealing with a complicated matter which involves other stakeholders such as SDFC, the West Australian Football Commission (WAFC), the Department of Local Government Sport and Cultural Industries (DLGSCI) and the Department of Planning Land and Heritage (DPLH).

**14 Announcements of Notices of Motion for the next meeting**

**15 Urgent Business**

**16 Confidential Business**

**17 Closure**

The next Briefing Session will be held on Tuesday 19 September 2023 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 26 September 2023 commencing at 6pm.