

# **TOWN OF BASSENDEAN**

## **NOTICE OF AN ORDINARY COUNCIL MEETING**

Dear Council Member

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 10 November 2009 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

MR BOB JARVIS  
CHIEF EXECUTIVE OFFICER

6 November 2009

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## **A G E N D A**

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

### **2.0 PUBLIC QUESTION TIME**

#### **2.1 Questions Taken on Notice**

At the Ordinary Council meeting held on 27 October 2009, Mr Snelgar asked a number of questions which were taken on notice. Mr Michel Costarella, Director Corporate Services wrote to Mr Snelgar on the 3 November, as follows.

*“Q1. When did you first become aware of the impairment of the Council’s investment in EMRC ( ie \$3,423,000 @ 4.806% or \$164,509 in July / August 2007.*

A1- Council was made aware of the EMRC’s unrealised loss following the audit of the EMRC’s financial statements in August 2007. As previously advised there has been no direct effect on the Council’s investment of the EMRC.

The Town of Bassendean's investment increased in the 2007/08 year by \$119,581.(please see note 5 of the 2007/08 Audited Annual Financial Statements). The Town of Bassendean's equity in the EMRC, may have been greater if the unrealised loss had not occurred, however we maintain a 4.8% share of the EMRC net equity at the conclusion of each financial year.

*Q2. When was the full council advised of this loss in value of council's investment in the EMRC.*

A2. Council was made aware of the EMRC's unrealised loss following the audit of the EMRC's financial statements in August 2007.

*Q3. When were the ratepayers advised of this loss, if at all?*

A3. There was no realisable loss to the Town or its ratepayers. The Town's equity in the EMRC has not been affected by investments made by EMRC. The investment portfolio is a matter for the EMRC not the Town of Bassendean.

*Q4. Why were the financial statements for 2008 signed off by Graeme Haggart & Mike Costarella as properly drawn up to present fairly the financial position of the TOB at 30/6/09, when clearly there should have been a write off of \$164,509 in the Profit and Loss statement .*

A4. The financial statements for the 2007/08 financial year were audited by Macri & Partners and do present fairly the financial position of the Town of Bassendean. Again, there was no loss in the Town of Bassendean's investment in the EMRC. The amount shown in the 2007/08 audited financial statements equates to an increase in the net equity in the Town's investment of the EMRC of \$119,581.

*Q5. With a reported loss of \$360,144, this loss is significant as it represents a 45.68% increase in the loss?.*

A5. The amount of \$360,144 is shown as an operating loss in the Income Statement by Function and Activity. This statement is not relevant to the EMRC amounts as the increase in the equity in EMRC is included in the Town of Bassendean's equity statement which forms part of the Balance Sheet."

## **2.2 Public Question Time**

*Members of the public who wish to do so may ask questions at this point in the agenda. A further opportunity is also provided later in the meeting.*

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

## **4.0 DEPUTATIONS**

## **5.0 CONFIRMATION OF MINUTES**

### **5.1 Ordinary Council Meeting held on 27 October 2009**

#### **OFFICER RECOMMENDATION – ITEM 5.1(a)**

That the minutes of the Ordinary Council meeting held on 27 October, be received.

#### **OFFICER RECOMMENDATION – ITEM 5.1(b)**

That the minutes of the Ordinary Council meeting held on 27 October 2009, be confirmed as a true record.

### **5.2 Special Council Meeting held on 3 November 2009**

#### **OFFICER RECOMMENDATION – ITEM 5.2(a)**

That the minutes of the Special Council meeting held on 3 November, be received.

#### **OFFICER RECOMMENDATION – ITEM 5.2(b)**

That the minutes of the Special Council meeting held on 3 November 2009, be confirmed as a true record.

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

## **7.0 PETITIONS**

## **8.0 DECLARATIONS OF INTEREST**

## **9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

### **9.1 Bassendean Tennis Club Signage Application (Ref: Coup/Usage/11 – Travis Moore, Recreation Development Officer)**

#### **APPLICATION**

The purpose of this report is for Council to receive further information on the Club's request to erect commercial and sponsorship signage at the tennis facilities located at BIC Reserve.

#### **BACKGROUND**

In September 2009, the Bassendean Tennis Club applied to the Town for permission to erect commercial signage promoting the business "Team Tennis WA" on the fence line of both the new and existing hard tennis court facilities. In addition, the Club also made a request to erect a "Fresh faces/New directions" banner on the western side of the grass tennis courts fence.

In October 2009, Council resolved to defer consideration of an application received from the Bassendean Tennis Club to erect sponsorship and commercial signage at the BIC Reserve pending further information to be provided.

Since that time, the Town has received further information from the Club that they no longer wish to erect the sponsorship sign "Fresh Faces/New Directions" sign. However, the Club would still like to request approval to erect the "Team Tennis WA" commercial signage.

Council is requested to consider approving the Club's application to erect commercial signage on a Local Government facility.

## STATUTORY REQUIREMENTS

Local Government Act 1995

## COMMENT

The Club's amended signage request is now to erect 3 commercial signs at BIC Reserve, which not only requires planning approval, but also the approval of Council (see further details/locations attached). In addition, as one of the proposed sign locations is facing Guildford Road, approval by Main Roads will also be required.

Thee Manager Development Services has advised that the number and size of the Club's signage requests are not considered significant and would not cause a visual clutter of signage at the Reserve.

Whilst the proposed "Team Tennis WA" commercial signage is technically promoting a business, it is a business which is strongly related to the operations of the Club i.e. the Club's new tennis coach. As such, Officers consider these signs to be appropriate signage to be erected at the Reserve.

Furthermore, it should be noted, that within the next month, Officers intend to provide Council with a draft policy on the approval of sponsorship signage requests on the Towns active sporting reserves.

In summary, the RDO recommends that Council approves the Club's application to erect the commercial signage at the BIC Reserve Tennis Facilities and receives a future report on the development of an Active Reserves Sponsorship Signage Policy. Furthermore, that a development application be submitted by the Club and that the relevant approvals from Main Roads and WAPC be sought.

## FINANCIAL CONSIDERATIONS

The costs associated with erection and maintenance of the signage are to be met by the Club.

OFFICER RECOMMENDATION – ITEM 9.1

That Council:

1. Approves the Club's request to erect commercial signage promoting the Club's new coaches business as outlined in the attachment to the Ordinary Council Agenda of 10 November 2009, subject to the signs being suitably affixed to the fence; and
2. Receives a future report on the development of an Active Reserves Sponsorship Signage Policy.

**Voting requirement: Simple majority**

## **10.0                    REPORTS**

### **10.1    Woking Borough Council Local Sustainable Energy Solutions (REF GOVR/LREGLIA/12 – Steven McCabe, Environmental Officer and Christine Devereux, Manager Environment and Ranger Services)**

#### **APPLICATION**

The purpose of this report is to present Council with a report investigating the feasibility for the Town of Bassendean to study the Woking Borough Council Local Sustainable Energy Solutions as a model that may be adapted and applied to provide local sustainable energy solutions that will benefit the Town of Bassendean.

#### **BACKGROUND**

OCM2 - 29/8/09 - Notice of Motion: Cr Pule - Island of Woking Local Sustainable Energy Solutions. Mr Allan Jones MBE, Recipient of the Queen's Award for Services to Energy & Water Efficiency. MOVED Cr Pule, Seconded Cr Yates, that a report be furnished to Council to investigate the feasibility for the Town of Bassendean to study the Island of Woking Local Sustainable Energy Solutions as a model that may be adapted and applied to provide local sustainable energy solutions that will benefit the Town of Bassendean; and to include Solar Energy, Wind Power and Bio fuels as sustainable energy systems.

Mr Allan Jones the writer of the attached report is the Energy Services Manager at Woking Borough Council and his report advises that Woking Borough Council has implemented a series of sustainable energy projects in the past 14 years, including the UK's first small-scale combined heat and power (CHP)/heat fire absorption chiller system, first local authority private wire residential CHP systems, largest domestic photovoltaic/CHP installations, first local sustainable community energy systems, first fuel cell CHP system and first public/private joint venture Energy Services Company.

The Woking Borough Council is recognised as the most energy efficient local authority in the UK having already achieved an average National Home Energy Rating (NHER) of 8.13 towards its target to improve the energy efficiency of the Council's own public sector housing stock to NHER 9 as well as maintaining accreditation under the Institute of Energy's Energy Efficiency Accreditation Scheme since 1995.

The Woking Climate Change Strategy includes the following:

- Reduction of Borough-wide CO<sub>2</sub> equivalent emissions;
- Adaptation to climate change; and
- Promotion of sustainable development.

The Town of Bassendean Strategic Plan 2009-2019 states:

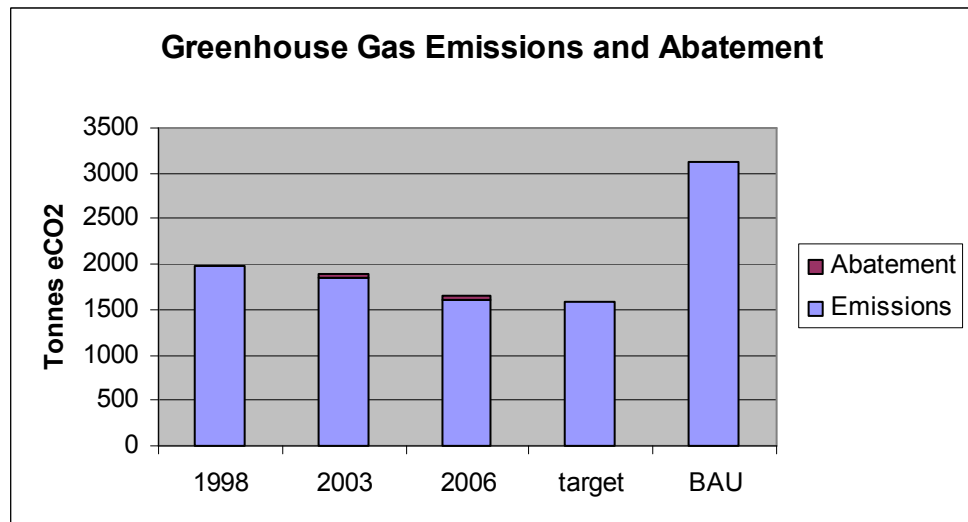
### **Environmental Enhancement**

Objective: To ensure an integrated approach to protecting the natural environment and enhancing the built environment that provides a sustainable environment for future generations.

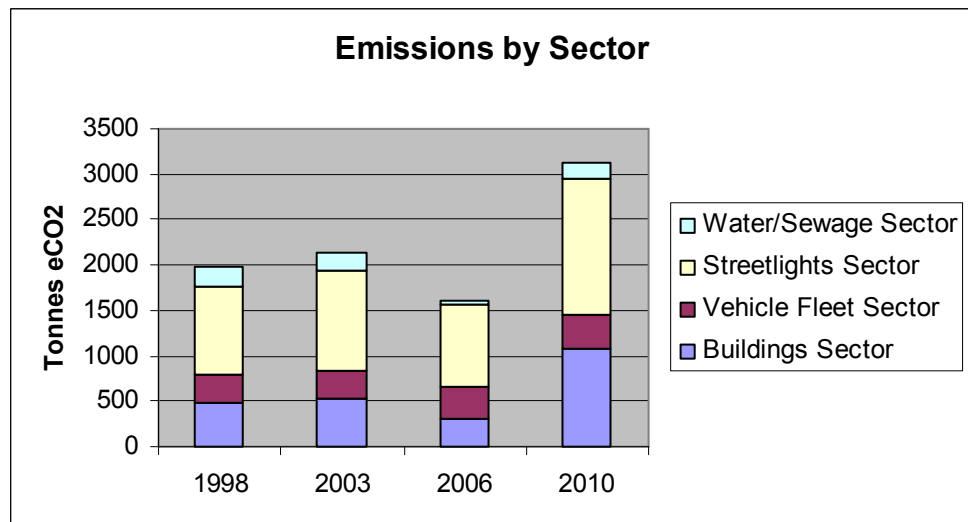
The scope of this key result area is environmental management, enhancing our natural and built environment, town planning, townscape and streetscape, water quality and stormwater management, waste minimisation and accessibility.

A similarity between the Town's strategic objective for Environmental Enhancement and the Woking Climate Change Strategy is that, the Town has also been participating in a number of programs to reduce CO<sub>2</sub> emissions, adapt to climate change and promote sustainability such as:

- Emissions reductions - 'Achieving Climate Emissions Reduction' (ACEr) based on International Council for Local Environmental Initiatives (ICLEI's) 'Cities for Climate Protection' (CCP) model, Council met milestone 5 of CCP in 2004/05 and is currently on target towards achieving a 20% reduction on 1998 greenhouse gas emissions. In 2007/08 (inventory year) the Town was only 25.6 tonnes (or just over 1.5%) away from the 2010 emissions reduction target. CCP was a program which assisted Australian Local Governments and their communities to achieve sustainable reductions in greenhouse gas emissions and was delivered in collaboration with the Australian Greenhouse Office.



\*\* BAU - Business as usual.



- Participating in the 'Perth Solar City Project' which was launched on 5 November 2009 is a \$73 million program to be delivered over a 4 year period. The project will bring government, industry and communities together to change the way energy is thought about and used.
- The Town is also in the first year of future proofing for climate change through the Regional and Local Adaptation Plans facilitated through the Eastern Metropolitan Regional Council (EMRC). The aim is to act on mitigation (reductions in greenhouse gas emissions) to slow the rate of climate change and adapt to manage the climate change impacts.
- Participating in the ICLEI Water Campaign, an international program to assist local governments work toward integrated water resource management. As part of the Water Campaign, the Town of Bassendean's corporate water conservation goal was to reduce water consumption by 40% below the 1999/00 levels by 2005/06 and to achieve a further 10% reduction by 2010.

In total, the Town aims to reduce corporate scheme water consumption by 50% of 1999/00 levels by 2010. Through the Water Campaign program the Town has already achieved and exceeded this target, achieving water savings of 58% of 1999/00 levels in 2007/08, and is projected to attain further water savings of some 60% or more in future years.

### COMMENT

Attached is a summary of the achievements of the Borough of Woking which have led to energy independence for the authority. The 'local sustainability' achievements of Woking Borough Council are impressive and demonstrate what might be possible, all things being equal.

Some of the achievements include:

- Becoming the most energy efficient council in the UK and is the only local authority to supply customers with electricity on private wire combined heat and power networks.
- Setting up an Energy and Environmental Service Company as a first step towards establishing a sustainable energy system financed primarily from the private sector.

When considering what the Town of Bassendean might gain from a study of Woking's sustainability achievements, it is important to recognise the differences between the two authorities- these include dissimilarities in:

- Scale - The population of Woking Borough Council has a population of 92,000 with 40,000 households and covers an area of 63km<sup>2</sup>;
- Energy requirements - Woking has 'mains' heating through a district heating system which improves the economics of its Combined Heat and Power plants whereas heat is considered a waste product from energy production in Australia;
- Legislative framework - Policies presenting either hurdles to or incentives for decentralised power vary between Britain and Australia;
- Local Government responsibilities, structure (tiers) and obligations differ between United Kingdom and services provided by local government eg. the provision of public housing, schools etc.

Building and running power-plants is expensive, the cost of establishing a small 1MW power plant onsite using landfill gas (producing 8,000MW hours equivalent to powering 600 homes a year) is \$2,000,000 (this does not include operational costs, associated infrastructure etc) and of that \$500k-600k would be the fixed costs of approvals/licenses and so forth (This example of establishing a local power plant on landfill gas is only for illustration purposes, the EMRC is currently harvesting the available landfill gas from Red Hill).

Without going into too much detail, should the Town of Bassendean construct its own power plant it would suffer from the lack of an economy of scale, social acceptance and locating a suitable fuel source. In addition to capital costs - operating, grid (access/construction), monitoring, acquiring a suitable site for the location of the development and maintenance as well as (in some circumstances) fuel costs would need to be budgeted for.

Other examples may include, combustion of solid waste, harvesting of animal wastes, utilising the geothermal resource etc. The EMRC Resource Recovery Facility Project (RRF) has been analysing alternative waste treatment technologies and one of the preferred technologies is combustion. The planning and development of the RRF has involved several years of planning and analysis, community surveys, forums, workshops and expressions of interests. This was done on a regional basis, yet this still involved the diversion of the Town's resources to participate. Should the Council wish to consider the scheme use of Solar Energy, Wind Power and Bio fuels then it is likely the Town will be required to undergo a similar process at the local level.

According to the Sustainability Energy Development Office (SEDO), the Woking example has created a great deal of interest in local energy production in Western Australia. SEDO strongly recommend that local governments investigating the possibility of constructing their own power plants for local distribution should first consider the benefits to be gained from improving the energy efficiency of their operations.

SEDO believe that energy efficiency projects - while not as impressive an undertaking as a new solar, biomass or hydrogen fuel cell power plant and local distribution grid - is a substantially more cost-effective exercise. Furthermore, successful energy efficiency projects can produce very substantial reductions in carbon emissions and produce significant savings.

The Town is already heavily involved in projects to reduce carbon emissions through regional initiatives coordinated through the Eastern Metropolitan Regional Council (EMRC). The EMRC have indicated that they may be able, within existing resources (The Town of Bassendean's current investments in EMRC projects), to produce a basic report investigating how elements of the Woking Local Sustainable Energy Solutions might be implemented either locally or regionally but this would result in less resources for other budgeted established programs.

The Town was advised in May 2009 that the ICLEI's CCP program did not receive any Federal funding for the continuation of the program and could no longer operate. The Western Australian Local Government Association (WALGA) has recognised the importance of the CCP program and the need for Local Government to report on emissions. WALGA is currently developing a whole of Local Government reporting initiative that will assist in developing a state wide Local Government baseline emissions profile - giving individual Local Governments a way to track their emissions, set appropriate reduction targets, benchmark and report on emissions reductions and manage their abatement portfolios. The program will also assist Local Governments to maximise the cost savings that can be generated through energy efficiency and emissions reduction.

The WALGA initiative will be National Greenhouse and Energy Reporting Scheme compliant, and will therefore assist those Local Governments with mandatory reporting responsibilities as well as enabling those Local Governments without specific reporting requirements to report voluntarily should they wish to, or to use the emissions profile generated by the initiative to demonstrate leadership, generate community support and to stay ahead of any further reporting requirements that may be created by reducing reporting thresholds in the future. WALGA has been advised that the Town is supportive of this initiative and is likely to join the program once it has been finalised.

The EMRC Future Proofing Regional Adaptation Plan adopted by the EMRC on 24 September 2009 considers both emissions mitigation and sustainable economic development, and these matters are also likely to be included in the Town's developing local plan. Some strategies within the Woking "Local Sustainable Energy" successes may be considered to be local/regionally achievable within the framework of this plan.

The Perth Solar Cities Program involves a number of demonstration projects throughout the EMRC such as a horizontal wind turbine, large scale PV cell installations and LED solar public lighting. As part of the funding agreement for these projects, the EMRC Councils are required to report on the energy savings. If these projects are successful it is likely that the Town will investigate utilising and implementing some of these types of technologies at the completion of the Program in 2013..

### STATUTORY REQUIREMENTS

#### Local Government Act 3.1 General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

#### Town of Bassendean 1.21 - Sustainable Bassendean Policy

##### **Objective**

The Town recognises that all life has intrinsic value, is interconnected and that biodiversity and ecological integrity are part of the irreplaceable life support systems upon which the earth depends. Council is committed to using its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our four key objectives are:

1. To ensure an integrated approach to protecting the natural environment and enhancing the built environment that provides a sustainable environment for future generations.
2. To enhance the quality of community life in the Town characterised by vibrant participation, cohesiveness, increased social capital and recognition of the need for social justice and community safety.
3. To foster economic prosperity in the Town and Region.

4. To strengthen the Town's position as an innovative, independent local government achieving business excellence....*cont*

### FINANCIAL CONSIDERATIONS

Further study into Woking: Local Sustainable Community Energy will put pressure on current staff resourcing. Should further study be required to consider incorporating further sustainable energy solutions, Council should consider providing additional funds to employ a suitably qualified contractor to review the Woking: Local Sustainable Community Energy Strategy.

### OFFICER RECOMMENDATION – ITEM 10.1

That Council:

1. Recognises that the 'local sustainability' achievements of Woking Borough Council are impressive, however, due to factors such as the absence of an economy of scale as well as differences in energy requirements, responsibilities and the legislative framework these are difficult to replicate within the Town of Bassendean;
2. Recognises that successful energy efficiency projects can produce very substantial reductions in carbon emissions and also produce significant savings;
3. Continues to participate in and support:
  - Perth Solar Cities Program;
  - ICLEI Water Campaign;
  - Future Proofing for Climate Change; and
4. Considers participating in the proposed Western Australian Local Government Association whole of Local Government reporting initiative once developed.

**Voting requirement: Simple majority**

**10.2 Food Act 2008 – Registration and Notification of Food Businesses (REF PUBH/INSPEC/1 – Christine Devereux, Manager Environment and Ranger Services)**

APPLICATION

The purpose of this report is for Council to consider introducing fees and charges to register food businesses in accordance with the Food Act 2008 – Sections 110 and 140.

BACKGROUND

On 14 October 2009, the Town was advised that the Food Act 2008 and subsidiary legislation will come into operation on 23 October 2009. The Act implements a food regulatory framework that is fundamentally different to the current model.

A number of transitional provisions have been provided to ensure a smooth transition to the new food regulatory model. The transitional provisions are prescribed with the Food Regulations 2009 and state all food businesses being conducted on the 23 October 2009 will be taken to be registered in respect of those premises until a section 110 application is approved by the Local Government Authority. This provision will cease to have effect on the 31 December 2009.

COMMENT

The Town of Bassendean has 76 food businesses that will be required to be registered with the Town. Registration involves all food businesses completing a prescribed form and the Town issuing a certificate of registration outlining the conditions of registration and maintaining a register of food businesses. The registration of a food business is a “one-off” task, unless the registration is cancelled or the business is sold. The Food Act 2008 provides the Town with the opportunity for cost recovery of services provided by the Town to implement food safety management.

The new Food Act is designated to bring into place legislation consistent with States and Territories throughout Australia, as well as applying best practice and a more equitable licensing system, where all food premises could be subject to an annual assessment/surveillance fee proportionate to the level of service provided by the local government and the proposed fee can be adopted under the Local Government Act.

A majority of metropolitan Local Authorities adopted Eating House Local Laws in the 1990's and have been charging an annual fee to register those premises capture by the definition of an eating house. The Eating House Local Laws are now obsolete and premises will now be required to be registered as a food business as opposed to an Eating Houses. Individual Local Governments will now be setting food business surveillance fees annually. The Town has never adopted Eating House Local Laws and general rates revenue has been utilised to carry out the Town's obligations in relation to food premises monitoring. Surrounding Local Authorities have advised that they will not be charging a food business registration fee, as the Eating House fees collected for 2009/10 will cover this administrative task. Example of Eating House fees charged by surrounding Local Authorities for 2009/10:

Local Authority	Eating House Registration (which ever applicable)			Licence to conduct Eating House
	Restaurant	Take-Away	Tea-room	All
Swan	\$292	\$292	\$270	\$32
Belmont	\$330	\$330	\$330	\$50
Bayswater	\$292	\$292	\$270	\$32

The Town provides an excellent service to all food businesses within the Town and assesses each premises on a regular basis and undertakes food sampling as required. The registration fee is similar to a permit to trade as a food business and as of 1 January 2010 a food business must not operate unless a food business registration certificate has been issued.

The proposal to charge a \$50 registration application fee will assist the Town in recouping some of the cost associated with administering the registration task prior to 31 December 2009. Many Local Authorities are not raising a fee as the Eating House registration fees paid for this financial year will assist in subsidising food businesses that will now be required to be registered under the Food Act 2008. Previously fees related to food businesses could be raised under the Health Act 1911, however with the introduction of the Food Act 2008, new fees and charges are prescribed and can be raised under the Local Government Act 1995.

The Department of Health (DoH) has been approached to amend the transitional period to introduce food business registration on 1 July 2010, however the Town has been advised that the DoH did request a transitional period of six months from the date of gazettal, however this was refused on the basis that a majority of local governments currently raise eating house licence revenue. This is not applicable in the Town's case.

The Food Act 2008 Section 107 and Section 110 prescribe that the fee for notification and the fee for registration can be imposed and recovered by the Local Government under the Local Government Act 1995 Part 6 Division 5 Subdivision 2.

Local food businesses have been advised that an annual health surveillance fee is likely to be introduced during the 2009/10 financial year, however the food businesses have not been advised of the proposed fee for registration of a food business.

A registration fee is proposed as a once only fee unless the registration of that business is cancelled. The food notification fee will be applicable when a business is sold. A nominal registration and notification fee has been proposed to assist all food businesses to comply with the new requirement, as it will be an offence to trade after 31 December 2009 without a certificate of registration and the fee will also assist in providing administration support to ensure the Town meets the statutory requirements imposed by the Food Act 2008.

### STATUTORY REQUIREMENTS

Food Act 2008:

- Section 107 (4) (b), the fee for notification may be imposed and recovered under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2.
- Section 110. – Registration of food businesses  
(4) (b) the fee for an application under this section may be imposed under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2.
- Section 140 - Fees and charges may be imposed and recovered by local governments that are enforcement agencies

Local Government Act 1995 Subdivision 2 — Fees and charges

*6.16. Imposition of fees and charges*

- (1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide.
- (2) A fee or charge may be imposed for the following –
  - (d) receiving an application for approval, granting an approval and issuing a licence, permit, authorisation or certificate.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
  - (a) imposed during a financial year.

*6.19. Local government to give notice of fees and charges*

If a local government wishes to impose any fees or charges after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

*1.7. Local public notice*

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be—
  - (a) published in a newspaper circulating generally throughout the district;
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
  - (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or

(ii) if no time is prescribed, 7 days.

### FINANCIAL CONSIDERATIONS

1. \$50 registration fee payable for 66 commercially operated food businesses – INCOME - \$3300.
2. \$50 food business notification fee if a food business is sold – INCOME - \$100 (approximately 2 until 1 June 2010).
3. Waive the \$50 registration and notification fee for 10 community and not-for profit food businesses.

Council has an option of not charging a registration or notification fee and absorbing the cost to administer this requirement.

### OFFICER RECOMMENDATION – ITEM 10.2

That Council:

1. Prescribes the fees and charges for the registration and notification of food businesses, under the provision of Section 6.16 of the Local Government Act 1995, as follows:
  - a) Registration of a food business = \$50;
  - b) Notification of a food business = \$50;
  - c) Fees be waived for community and not-for-profit incorporated organisations;
2. Applies the fees and charges specified in resolution (1), from 24 November 2009;
3. Gives local public notice of the new fees and charges contained in Point 1 above; and
4. Consider adopting in the 2010/11 budget a food business surveillance fee.

**Voting Requirement – Absolute majority**

**10.3 Managing Soil and Groundwater Contamination Issues (REF ENVM/REGSTN/1 Steven McCabe, Environmental Officer and Christine Devereux, Manager Environment and Ranger Services)**

APPLICATION

The purpose of this report is to present Council with a report on the Town's obligations in regards to the Contaminated Sites Act 2003.

BACKGROUND

OCM2 - 32/8/09 - Notice of Motion: Cr Yates - Policies to Overcome Soil and Groundwater Contamination Issues  
MOVED Cr Yates, Seconded Cr Cox, that Council:

1. Develops and/or reviews policies for both known and unknown private and public owned sites in the Town of Bassendean to ensure compliance with the requirements of the Contaminated Sites Act of 2003 or as amended, and aligned with the WA Planning Commission Planning Bulletin 72/2009; and
2. Develops policies to remove and/or greatly minimise the contamination to an improved standard as specified in the Contaminated Sites Act of 2003 or as amended, and aligned with the WA Planning Commission Planning Bulletin 72/2009, as such sites become known, that include the works necessary, a suggested timeframe plus indicative budget.

The Contaminated Site Act 2003 which came into effect on 1 December 2006 created new statutory obligations for land users of potentially contaminated sites.

The Contaminated Sites Act 2003, which is administered by the Department of Environment and Conservation (DEC), requires that known or suspected contaminates sites are reported to DEC by:

- an owner or occupier of a site;
- a person who caused or contributed to the contamination of a site; or
- an auditor engaged to investigate and report on site contamination in accordance with the Contaminated Sites Act 2003.

The attachment is taken from the DEC Contaminated Sites database and lists the known Contaminated Sites classified as either “Contaminated - remediation required”; “Contaminated - restricted use”; or “Remediated for restricted use” within the Town. All sites listed are privately owned.

The Town was obliged to notify DEC by the 31 May 2007 of all suspected contaminated sites controlled by the Town. The following sites were nominated:

- 69 Scaddan Street – Council’s Works Depot underground fuel tanks;
- 272/273 Hamilton Street – Class 1 Landfill;
- 271 Hamilton Street - Class 1 Landfill site;
- 246 Morley Drive – petrol station site;
- Ashfield Reserve – Class 2 Landfill; and
- Mary Crescent Reserve – suspect dumping of council waste.

The Town was notified by DEC on 15 July 2008 that due to the very large amount of reports received during the peak reporting period, DEC was unable to adhere to the statutory 45 day classification period set out in section 14 of the Act. DEC will complete the classification of these sites as soon as practicable, and will inform the Town of the classification of each site once completed. None of the sites reported by the Town have yet been classified as contaminated. The DEC is concentrating on properties that have planning conditions associated with them. The DEC has previously advised that where there is no development application, there is no immediate requirement for the DEC to provide feedback as to whether to property is considered safe for development or not.

114 Iveson Street has recently been classified by the DEC as a potentially contaminated site – investigation required.

The WAPC Planning Bulletin 72/2009 - Child Care Centres states that:

*Any party considering development of a child care service must obtain and consider any information Department of Environment and Conservation (DEC) has about the contamination status of a given site. It should be emphasised that the absence of a report to DEC is no guarantee that a site is uncontaminated.*

*In summary, proposals for the development of a child care service must:*

- *exercise duty of care to ensure that the site is suitable for use as a child care service;*
- *seek and consider any information held by DEC about the contamination status of the site; and*
- *seek and consider any other information about the contamination status of the site, irrespective of whether or not it has been reported to DEC under the Contamination Sites Act 2003.*

#### COMMENT

In May 2007, the Town complied with its obligation in regards to the Contaminated Sites Act 2003 and advised the DEC of suspected contaminated sites managed by the Town.

The sites identified by the Town have not been classified as contaminated and most sites remain classed "Potentially Contaminated - Investigation required". The investigation required to classify a site involves conducting a Preliminary Site Investigation (PSI) which involves some basic sampling and a desktop survey of historical information such as old aerial photographs. After a PSI, the DEC will analysis the data and may classify the site as "Possibly contaminated - investigation required"; "Decontaminated"; "Not contaminated - unrestricted use"; or "Report not substantiated". If the classification is "Possibly contaminated – investigation required" a Detailed Site Investigation (DSI) (the cost of which would be determined by the size of the contaminated area) is required to determine exactly the nature and extent of any identified contamination.

After a DSI is completed to the standard required by the DEC, the site can be classified as either "contaminated – remediation required" or "contaminated – restricted use" or "Not contaminated – unrestricted use". The DSI would need to be reviewed by an auditor if it was undertaken on land being investigated for the possibility of a change of use - this review alone can cost \$20k-\$30k.

If contamination is confirmed, the site may still retain its current use; however, should a land use change be required/desired remediation would be necessary and generally a very expensive process. This would include the sites that are currently zoned for housing but are located on vacant land.

Estimates for PSI:

Address	PSI	DSI – if required by DEC	Remediation – If required by DEC	TPS Zoning
69 Scaddan Street (Works Depot)	\$10000	\$50000+	Unknown – depends upon DSI	Light Industry
272/273 Hamilton Street	\$30000	\$60000	Unknown – depends upon DSI	Parks & Recreational
271 Hamilton Street	\$15000	\$50000	Unknown – depends upon DSI	Residential
246 Morley Drive	Completed	Completed	Completed – however DEC advise further testing required – \$15000	Local Shopping
Ashfield Reserve	\$15000	\$50,000 +	Unknown – depends upon DSI	Parks & Recreational
Mary Crescent Reserve	\$15000	\$30,000	Unknown – depends upon DSI	Parks & Recreational
Total	\$85,000	\$2.4 million		

Planning Considerations for Childcare Centre in Industrial Areas

The DEC classifies childcare centres as sensitive land-uses (similar to a residential use) and if a childcare centre was proposed to be placed on a suspected contaminated site, a PSI would be required. In the event the site was classified as “Contaminated – remediation required” the standard for remediation would be higher than if the change of use proposed was for an industrial or commercial development.

A larger concentration of privately owned sites identified as either contaminated or potentially contaminated occur in TPS zoned light or general industrial areas and in accordance with the TPS, the development of a childcare centre in both zones is a discretionary land use and requires a development approval by the Town. The WAPC Planning Bulletin 72/2009 re-enforces this view and when the Town assesses an application for a childcare centre in Light Industrial or General Industrial zones the Town is to take into consideration the previous land uses of the land and seek advice from DEC. This is a standard operational procedure when assessing a development application and a Council policy is not required in this instance.

The use of a childcare centre in general industry is unlikely to be considered acceptable for a number of planning reasons and when reviewing the current TPS, Council should consider amending “discretionary use” to “not permitted” for childcare centres in the general industrial zone.

### Prioritising

The Town is not required to conduct further investigation on any of the sites that are suspected as contaminated until a change of use/development is proposed, however, should Council wish to remove and/or greatly minimise the suspected contamination to an improved standard, then the criteria to undertake further studies must be determined by Council.

Should Council wish to begin investigating suspected contaminated sites, listed below are some options to assist Council in a strategic direction to begin the investigation of the nominated sites.

### *Option for Prioritising*

1. The Council may wish to place a higher priority to investigate land that has the most potential for contamination to migrate or leach from the site, through the ground water eg. Ashfield Reserve, 69 Scaddan Street.
2. Council may wish to place a higher priority to carry out further investigation on the parcels of land that are zoned for development in the future, as should this land be developed the Town is legally required to undertake the investigations eg. 271 Hamilton Street, 246 Morley Drive etc.
3. Council may wish to tackle the parcels of land that are likely to contain contamination that will be retained on site or on the parcels of land that are likely to be classified “Not contaminated - unrestricted use”; or “Report not substantiated” after the PSI has been completed. These are likely to be the parcels of land that were used as Class 1 landfill sites and should contain inert material only. Removing these parcels of land as potentially contaminated will assist Council in determining future land uses and clarify the status of the land. This is consistent with Councils resolution at the Ordinary Council meeting on 27 October 2009 to consider allocating funds in the 2010/11 to conduct an investigation into 14 Iverson Place, Bassendean.

From an environmental perspective, Council should consider undertaking PSI investigations on all the parcels of land and then give a higher priority to the parcels of land with the greatest risk of pollution migration eg. choosing option one. Unfortunately, these are the also the parcels of land that will have fairly extensive costs associated with the DSI and remediation if required.

### STATUTORY REQUIREMENTS

Contaminated Sites Act of 2003.

### FINANCIAL CONSIDERATIONS

- Consider allocating a budget allocation in 2010/11 to begin undertaking Preliminary Site Investigations of all Council owned suspected contaminated site. Aim to conduct two PSI's every financial year eg. \$40,000.
- \$30,000 has been allocated in 2009/10 budget to carry out a PSI on Ashfield Reserve. This was allocated on the understanding that a PSI was required when constructing the proposed public toilet block. However, DEC has advised that as the construction of the toilet block is not a change of use and a PSI is not required. During the 2009/10 budget review, Officer's will be recommending to reallocate the funds.

### OFFICER RECOMMENDATION – ITEM 10.3

That:

1. Council continues to manage land identified as either contaminated or potentially contaminated according to the requirements of the Contaminated Sites Act 2003; and
2. A provision for the conduct of investigations into two sites be included in the 2010/11 Draft Budget for Council's consideration.

**Voting Requirement – Simple majority**

**10.4 Appointment of Members and Deputy Members to the Old Perth Road Markets Committee (Ref: William Barry, Economic Development Officer)**

APPLICATION

For Council to consider the appointment of three Councillors to the Old Perth Road Markets Committee for a two year period expiring on the next ordinary Local Government Election Day, unless otherwise indicated.

COMMENT

At the Special Council Meeting of 3 November 2009, Council resolved to amend the Old Perth Road Markets Committee's Instrument of Appointment and Delegation, as follows:

1. That the number of Councillors as members of the Committee be increased from 2 to 3; and
2. That the number of representatives from the local community, of which three must be traders on Old Perth Road, be amended from a minimum of five and maximum of eleven members to a minimum of five and maximum of ten members. Three places are now allocated to Councillors on this Committee.

Accordingly, 3 Councillors are requested to consider nominating as members of this Committee. In accordance with Council Policy, appointments to Committees are for a period of two years. Where a Councillor is to be appointed to a committee and there are more nominations than vacancies, the CEO will conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the CEO to determine the preferred delegate.

OFFICER RECOMMENDATION – ITEM 10.4

That Council appoints”

1. Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to be Council’s delegates to the Old Perth Road Markets Committee for a two year period expiring on the next ordinary Local Government Election Day, unless otherwise indicated; and
2. Cr \_\_\_\_\_ as deputy delegate to the Old Perth Road Markets Committee for a two year period expiring on the next ordinary Local Government Election Day, unless otherwise indicated.

**Voting Requirements: Absolute majority**

**10.5 Lobbying Strategy for the Town of Bassendean (Ref: William Barry, Economic Development Officer)**

**APPLICATION**

For Council to approve a draft Lobbying Strategy that will raise the profile of the Town of Bassendean and provide a mechanism to alert the organisation of opportunities as they arise and guide appropriate Lobbying responses to manage and deliver a successful outcome.

**BACKGROUND**

This matter was last considered by Council in June 2008 when it was resolved in response to a Notice of Motion that staff develop and present to Council a draft lobbying Strategy in relation to sourcing grants from both the State and federal Governments.

In developing the report and strategy it is considered by the author that Council should develop a Lobbying Strategy beyond sourcing grants alone and the strategy should be expanded to cover other areas where lobbying may prove successful. For example, these could include

- Ashfield Flats environmental management issues,
- Public housing in Ashfield,
- Improvements to the intersection of Guildford Road and Collier Road
- Instigating a right turn access from Guildford Road into Old Perth Road
- Representation of Bassendean based industries in the redevelopment of Perth Airport
- Expediting the sewerage infill programme in the old section of Tonkin Business Park

Some of the examples above will require consultation with neighbouring Councils and the EMRC. In April 2009, the EMRC initiated a Regional Advocacy Strategy (RAS) to “facilitate a more comprehensive and targeted regional advocacy program” In developing the RAS, the EMRC is engaging with all member Councils to strengthen the region over all. The RAS Discussion Paper is currently open for comment and will be subject to a separate report at the next Council meeting as the EMRC has sought a formal response from all member Councils.

While the RAS will benefit the Town of Bassendean the EMRC recommends that all Councils have individual lobbying strategies to feed into the regional plan. The creation of a Town of Bassendean Lobbying Strategy is seen as allied to the EMRC Regional Advocacy Strategy.

### COMMENT

This Lobbying Strategy is developed to amplify the voice of Council to compete against those Local Government Areas with greater population and geographical influence, to make sure the Town acts quickly and thirdly to check that it adopts a structured and coordinated approach. This strategy will ensure the Councils' needs are heard by the right people and the Town can influence the decisions at Metropolitan, State and National Level.

In research carried out to prepare this report, it was widely emphasised that the public image and reputation of Council is critical to success in receiving support/ endorsement/ backing for issues that are raised through Lobbying. It demands the promotion of the public image and reputation of Council and that a consistent approach is taken across all departments in the publicity of activities and achievements.

There are three Focus Areas of this strategy:

- a) To provide a mechanism to sustain the public profile of the Council.

This is achieved through the Coordination of all communication activities of the Town. It is a two way process that will allow the second focus area of the strategy to occur:

- b) To flag local issues of interest/concern to Council.
- c) To provide timely and effective response.

To pursue strategic projects and Councils long term plans it is recommended that the Lobbying Strategy is facilitated through the CEO. It will require the diversion of existing resources to:

- stimulate an integrated external focus for all departments across the whole administration, generating media releases and liaising with appropriate organisations to champion these causes.

- Initiating working relationships with key organisations including meetings, workshops with senior bureaucrats, State and Federal Ministers and funding bodies to prepare a timetable of lobbying activities for 2010.

It is expected that a report, with the time table of proposed lobbying events, would be presented to Council in Feb 2010 for discussion, alteration and subsequent endorsement.

OFFICER RECOMMENDATION - ITEM 10.5

That:

1. Council endorses the Draft Lobbying Strategy attached to the Ordinary Council Agenda of 10 November 2009; and
2. The CEO be requested to implement the Lobbying Strategy and prepare a report with time table of proposed lobbying events for consideration by Council in February 2010, with this timetable having also been informed by the outcomes of the review of the Town's Strategic Plan.

**Voting requirement: Simple majority**

**10.6 Open Graded (Porous) Asphalt/Permeable Paving Use in the Urban Environment (Ref: ROAD/TENDG/10 – Ian McDowell, Manager Asset Services)**

APPLICATION

The purpose of this report is to provide Council with information on Open Graded Asphalt and alternative porous paving for new roads, pathways, parking areas and crossovers.

BACKGROUND

At the OCM of 13 October 2009, Council considered a report recommending the appointment of a contractor for the supply and application of Dense Graded Asphalt (DGA) to the Town. In addition to the officer recommendations, Council resolved the following:

*OCM1 8/10/09 – Moved Cr Yates, Seconded Cr Gangell, that a report be prepared on the use/substitution of porous hotmix asphalt and/or paving alternative materials for all new roads, pathways, parking areas, crossovers and like areas where appropriate.*

COMMENT

Open Graded (Porous) Asphalt

Information provided in this report has been sourced from a number of different authorities including:

- AAPA – Australian Asphalt Pavement Association
- Main Roads Western Australia
- Boral Asphalt
- Various Local Government Engineers

OGA is used in Australia and overseas as a wearing (top) course to provide increased safety in wet weather (through reduced surface water and spray) and reduced noise levels. OGA is a porous asphalt mix formulated to provide large voids that allow surface water to drain to the edge of the pavement through its interconnected void structure.

It was suggested at the OCM of 13 October 2009 that the application of a porous asphalt mix to the surface of Ashfield Parade may have negated the need for the swales in that area. Investigations into the information provided in this report suggest that is not the case. As indicated above an OGA surface allows the water to drain to the edge of the pavement; if the water was allowed to drain through to the road base surface it would subsequently fail through a process of erosion.

OGA surfacing is only suitable for use on high speed arterial roads or freeways; it is not used or recommended for use on residential roads such as those found in Bassendean. Furthermore, OGA mixes are not recommended for intersections because of their relatively low resistance to shear forces.

The cost for the supply of OGA is the same as DGA however, the life span of OGA is only 7 to 9 years (depending on the product mix) compared to 15 years for DGA. On this basis the use of DGA is a more cost effective option for the Town.

#### Alternative Paving Materials

It has also been suggested that an alternative treatment such as Permapave™ may be suitable for use in an urban environment.

This type of permeable paver is a new technology and is not considered suitable for use where extreme force is exerted by turning wheels such as roads, car parks etc. However, it is worthwhile for the Town to consider the use of this new technology in any new landscaping projects. For example, they can be used for stormwater run off in paved areas or around street trees.

It should be noted that the paver itself forms only a part of the treatment. A typical system installation is as follows:

1. Permeable pavers.
2. Up to 100mm depth of 5mm to 20mm screen layer to allow water to flow freely under the pavers.
3. Geofabric, if required to direct the flow of water tanking capture points, areas of permeable substrate collection systems or bioswales.

4. Complying subgrade. If the complying subgrade is permeable, captured water can dissipate directly to subterranean aquifers.

Typically, water exiting systems such as this have 100% of gross pollutants, and up to 70% phosphorus, 80% of heavy metals, and 98% of hydrocarbons filtered from it.

Officers will recommend that this type of treatment/technology be included as an option on all future appropriate landscaping treatments within the Town. This approach will enable Council to make an informed decision on the appropriateness of this product based on environmental and financial considerations.

#### OFFICER RECOMMENDATION – ITEM 10.6

That Council:

1. Receives the information provided on the use/substitution of Open Graded Asphalt, and permeable pavers in lieu of, or in conjunction with existing products used by the Town in the construction of roads, footpaths, carparks, and crossovers; and
2. Notes that the new permeable paving technology will be considered as an option in all future appropriate landscaping projects undertaken by the Town.

**Voting Requirement – Simple majority**

**10.7 Disposal of Council Owned Vehicles Via Public Tender (Ref: PLES/FLTMNGT/1 – Ian McDowell, Manager Asset Services)**

**APPLICATION**

The purpose of this report is to seek Council authority for the CEO to:

1. Call for Public Tenders for the disposal of Council owned vehicles;
2. Have delegated authority to accept and/or decline Offers for the outright purchase of Council owned vehicles via a process of Public Tender;
3. Enter into a process of Private Treaty with prospective purchasers in the event those vehicles offered for sale via Public Tender do not reach the reserve price set by the CEO; and
4. Dispose of vehicles via Public Auction in the event any or all of the vehicles are not disposed of via Public Tender or Private Treaty.

**BACKGROUND**

In September 2009, Council authorised the CEO to enter into non-maintained operating leases for its fleet of passenger vehicles; and to consider on a case by case basis whether or not to enter into non-maintained operating leases for its fleet of light commercial vehicles as they become due for changeover.

Officers have since entered into non-maintained operating leases for the passenger vehicles, and for three of the light commercial vehicles. Delivery of the new vehicles will occur between October 2009 and January 2010.

In the past, the Town has disposed of the old vehicles via Public Auction. This was considered the most cost effective method as we were generally disposing of only one or two vehicles at a time. The Town has taken delivery of, or is scheduled to take delivery of up to eight new lease vehicles by the end of October, early November. This means we will have up to eight old vehicles to dispose of and it is our intent to “test the market” by disposing of these via Public Tender.

## STATUTORY REQUIREMENTS

Local Government Act 1995 – Section 3.57 Tenders for Providing Goods or Services

Local Government Act 1995 – Section 3.58 (2) Disposing of Property

Except as stated in this section, a local government can only dispose of property to:

- a. the highest bidder at public auction; or
- b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Local Government Act 1995 – Section 5.42 (1) Delegation of Some Powers and Duties to CEO.

A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

*\*Absolute Majority Required*

## COMMENT

In the past, the Town has disposed of Council owned vehicles via Public Auction. Many of the purchasers of these vehicles are motor vehicle traders who are hoping to pick up ex government vehicles for a low price. These vehicles usually come with a balance of the new car warranty and are ready to go straight onto the trader's lot for sale to the public. The dealer's profit comes with very little outlay on their part.

Prior to sending the vehicles to auction, Officers set a reserve price based on a Red Book Valuation (available on-line), the auctioneer's history of past sales, and previous experience through the disposition of similar vehicles. This same process would be used when setting a reserve price for the disposal of vehicles via Public Tender.

When disposing of vehicles via Public Auction the Town usually has only one or two vehicles to dispose of. In these instances, the advertising and administration cost of the Public Tender process is considered too high to warrant "testing the market".

By the end of October, early November the Town will have up to eight vehicles to dispose of. Although the process for setting the reserve price for disposition of these vehicles via Public Tender will be the same as for Public Auction, Officers are hoping to realise a greater return by disposing of these vehicles via Tender.

The Tender will be advertised statewide in the West Australian and community newspapers; and with notices placed on public and workplace notice boards, on the intranet and on the internet.

Most people when they buy a car are eager to take delivery as soon as possible. To facilitate this, Officers are seeking Council's delegation for the CEO to accept and/or decline Tenders, and in the event Tenderers' Offers do not reach the reserve price set by the CEO, enter into a process of Private Treaty in an attempt to negotiate an acceptable price for the Town and the Vendor.

The following vehicles will be replaced in late October early November and will be offered for sale in the initial Tender:

- 2007 Toyota RAV4 CV
- 2007 Subaru Forester
- 2007 Ford Falcon Sedan (dedicated LPG)
- 2005 Toyota Hilux Cab Chassis
- 2008 Hyundai I-Load Van
- 2009 Hyundai Tuscon City
- 2008 Toyota RAV4 CV
- 2008 Nissan X-Trail
- 2009 – Ford G6E Sedan

Officers will also be seeking Council authority to offer any other vehicles for sale by Tender this financial year if it is considered in the best financial interest of the Town.

### FINANCIAL CONSIDERATIONS

The cost to dispose of a vehicle via Public Auction is approximately \$300 per vehicle. This includes the administration costs, and detailing of the vehicle prior to the auction.

To dispose of a vehicle via public Tender, the Town will incur advertising costs of between \$600 and \$1,000 (this would be divided between eight vehicles in this instance); and would need to pay approximately \$100 to \$120 to have each of the vehicle detailed ready for sale.

It is hoped that the disposal of these vehicles via Public Tender will attract private buyers looking to purchase late model vehicles, with the balance of the new car warranty, without paying dealer prices. Officers are hoping to realise better prices than those achieved at Auction.

The CEO, in conjunction with selected Officers, will determine a reserve price for each of the vehicles to be offered for sale. The reserve price will be kept confidential until after the opening of the Tenders.

#### OFFICER RECOMMENDATION – ITEM 10.7

That Council:

1. Approves the disposal of the following Council owned vehicles via Public Tender:
  - a. 2007 Toyota RAV4 – 1DEG 712
  - b. 2007 Subaru Forester – 1DEG 882
  - c. 2007 Ford Falcon Sedan – 1DEG 718
  - d. 2005 Toyota Hilux – 1CAZ 853
  - e. 2008 Hyundai I-Load Van – 1DEG 722
  - f. 2009 Hyundai Tuscon – 1DEG 885
  - g. 2008 Toyota RAV4 – 1DEG 719
  - h. 2008 Nissan X-Trail – 1DEG 386;
  - i. 2009 Ford G6E Sedan – 1DEG 557
2. Approves the disposal, by Public Tender, of any other vehicles that are replaced this financial year if it is considered in the best financial interests of Council to do so;
3. Delegates its power to the CEO, under Section 5.42 (1) of the Local Government Act 1995, to accept and/or decline the Tenderer's Offer(s) for the outright purchase of the vehicles listed above;

4. Authorises the CEO to enter into a process of Private Treaty with prospective purchasers in the event the reserve prices set by the CEO are not met during the Public Tender process; and
5. Authorises the CEO to dispose of any vehicles not sold via Public Tender or Private Treaty via Public Tender.

**Voting Requirement –      Pts 1, 2, 4 & 5 - Simple majority  
Pt 3 - Absolute majority**

**10.8 Round 2 – Regional and Local Community Infrastructure Program (Ref: ROAD/TENDG/10 – Ian McDowell, Manager Asset Services)**

APPLICATION

The purpose of this report is to present Council with information regarding Round 2 of the Regional and Local Community Infrastructure Program, and to seek their approval to establish a budget to allow which will allow the expenditure of grant funds.

BACKGROUND

On 25 June 2009, the Australian Government made an additional \$220m available to boost the Regional and Local Community Infrastructure Program (RLCIP). Under the RLCIP there are two components: a non-competitive, direct allocation of \$100m shared amongst all local governments; and a competitive component where \$120m will be made available for a limited number of large strategic projects seeking a minimum Commonwealth contribution of \$1m.

This report refers only to the non-competitive component for which the Town has been allocated \$46,000. Although non-competitive, applications are to be submitted with a deadline of midnight on 20 November 2009.

STATUTORY REQUIREMENTS

Local Government Act 1995 Section 6.8 (1) (b) – Expenditure from Municipal Fund Not Included in Annual Budget

*A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by a resolution.*

*Absolute majority required.*

COMMENT

Projects must provide a clear and direct benefit to local communities within the Town's jurisdiction. A copy of the guidelines for the Round 2, \$100m component of the RLCIP are included in the Agenda for the 10 November 2009 OCM. Eligible projects:

- Must be additional, ready to proceed, or additional stages of current projects.
- Are those that have not been included in the Town's financial budget for 2009/10.
- Include social and cultural infrastructure (eg. art spaces, gardens).
- Include recreational facilities (eg. swimming pools, sports stadiums).
- Include tourism infrastructure (eg. walkways, tourist information centres).
- Children, youth and senior facilities (eg. playgroup centres, senior citizens centres).
- Access facilities (eg. boat ramps, footbridges).
- Environmental initiatives (eg. drain and sewerage upgrades, recycling plant).

Projects that are "ready to proceed" are those that will begin construction within three months of signing the funding agreement.

Ineligible projects include:

- Those that support council operations (eg. upgrade of Council offices).
- Those that provide a direct contribution to private businesses.
- Artworks, or for information technology.
- Operational or maintenance items.
- Roads or related infrastructure covered by Roads to Recovery, or Black Spot Funding.

Councils have been encouraged to submit a number of prioritised projects, the aggregate value of which may exceed our allocation. Should the Department of Infrastructure, Transport, Regional Development and Local Government, during its assessment process, find that a higher priority project is ineligible they can then substitute a lower priority yet eligible project in its place.

Officers recommend consideration be given to the following projects:

### **Barbecue Replacement Program**

In 2008 the Town engaged an external consultant to carry out an audit of the barbecues located in our parks and reserves. The auditor advised that the economic life of the barbecues is 10 years old.

The Town has developed a replacement program for the barbecues based on the results of the audit taking into consideration the age of the existing assets and recent faults that have been experienced.

In 2009/10 we will be replacing (subject to the allocation of cash in lieu funding) 1 double and 1 single barbecue at Sandy Beach Reserve, and 2 single barbecues at Point Reserve.

In 2010/11 the barbecues replacement program indicates we are due to replace 1 single barbecue at Anzac Terrace Reserve (\$4,500) and 1 double barbecue at Jubilee Reserve (\$8,000). Funding from R2 of the RLCIP could be used to replace these barbecues early in 2010.

### **Water Conservation Plan Implementation**

In July 2008 Council endorsed the Town of Bassendean Water Conservation Plan for the Management of Groundwater. The plan identified a number of strategies for better management of our groundwater resources including the installation of bore water meters, and the installation of new central control/water moisture systems and new electrical controller cabinets.

The Town has developed a WCP Strategy Plan and in 2009/10 Council allocated \$58,000 for installation of bore water meters at Jubilee Reserve, and the upgrading of the electrical controller cabinets at Ashfield and Jubilee Reserves.

In 2010/11 the Town will be submitting a budget item for the consideration of Council to install bore water meters at Bassendean Oval, Sandy Beach Reserve, and the Council Depot. Each meter will cost approximately \$5,000 each fitted. In 2011/12 we will be seeking Council funding to install the final two meters at Mary Crescent and Mickleton Reserves. Funding from Round 2 of the RLCIP could be used to install all of these meters in 2010.

In 2010/11, The Town also intends to seek funding from Council to upgrade the electrical controller cabinets at Bassendean Oval, Sandy Beach Reserve, and Mary Crescent Reserve. The balance of any available funding from R2 of the RLCIP could be used to commence these works earlier. Please note that Officers will recommend the installation of the cabinets at Sandy Beach Reserve and Mary Crescent Reserve be included in our application as lower priority works (in the event the recommended projects are ineligible).

Officers consider the two projects listed above under the categories of Barbecue Replacement Program and Water Conservation Plan to be most worthy of consideration. They demonstrate a clear decision making and planning process and are based on adopted plans and/or condition audits resulting in the development of a replacement program. This will assist in gaining approval for proceeding.

Other projects for consideration include the following:

### **Play Spaces Implementation Plan**

The Play Spaces Implementation Plan is designed to provide guidance for the provision of play space and their associated infrastructure, on public open space within the Town of Bassendean.

Since the Council Briefing session held on Tuesday 3<sup>rd</sup> November officers have further considered the Play Spaces Implementation Plan to determine if the plan could be implemented faster with the proposed RLCIP funds.

While a portion of the available RLCIP funds could be allocated towards a faster implementation of the program, the problem is that Local playgrounds (Priority 3) are not fully to the end of their asset life.

Council's Financial Sustainability policy (OCM 7/07/09) states in part that to achieve improved financial sustainability the Town needs to apply a variety of principles to guide financial decision making. One of these principles in part states to undertake long term planning and funding of infrastructure so as to prioritise Council spending, manage public expectations to achieve financial viability. Council's Asset Management Policy (OCM-27/06/05) states in part that Best practice techniques for the maintenance, rehabilitation and provision of new assets will be prioritised and implemented progressively, based on the level of service required, and the effectiveness of the current assets to provide the required level of service.

The Play Spaces Implementation Plan has been designed with various categories being:

- District (Priority one – est. value \$150,000);
- Neighbourhood (Priority 2 – est. value \$80-87,000); and
- Local (Priority 3 – est. value \$10,000)

The funding for the plan is proposed to commence in 2009/10 over a 10 year timeframe taking into consideration the asset renewal requirements.

The Play Spaces Implementation Plan identified 20 parks/reserves with the “Local” priority 3 category, however the implementation is not scheduled to commence until 2017/18 (including recommended target user age), as listed below:

<b>Park/Reserve</b>	<b>Ward</b>	<b>Target User</b>	<b>Play space estimated replacement timeframe</b>
Pickering Park	E	10-12 yrs	2018/19
Third Avenue Reserve	E	10-12 yrs	2018/19
Hatton Court Park	E	Under 3 yrs	2018/19
Surrey Street Park	E	Under 3 yrs	2018/19
Clarke Way Reserve	E	7-9 yrs	2017/18
Palmerston Square Reserve	E	5-7 yrs	2018/19
Anzac Terrace Reserve	N	10-12 yrs	2017/18
Padbury Square Reserve	N	5-7 yrs	2018/19
Freeland Square Reserve	N	Under 3 yrs	2017/18
Colin Smith Reserve	N	3-5 yrs	2017/18
Lord/Schofield Reserve	N	7-9 yrs	2018/19
May Holman Reserve	W	5-7 yrs	2018/19
Gary Blanche Reserve	W	Under 3 yrs	2017/18
Freiberg Reserve	W	3-5 yrs	2017/18
Broadway Arboretum	W	7-9 yrs	2017/18
Troy Street Reserve	W	3-5 yrs	2018/19
Parmelia Way Reserve	W	10-12 yrs	2017/18
Carman Way Reserve	W	3-5 yrs	2018/19
Culworth / Mickleton Reserve	W	7-9 yrs	2017/18
Park Estate (new reserve)	W	3-5 yrs	2018/19

Considering the Play Spaces Implementation program and asset life of the play equipment, it is not the Officer's recommendation to replace the playground equipment earlier than planned. However, if it is Council's decision to apply for funding to replace play equipment, Officers would suggest the following priorities:

1. Pickering Park – combination unit 10-12 yrs
2. Anzac Terrace – combination unit 10-12 yrs
3. May Holman Reserve – combination unit 5-7 yrs

### **Disabled Access Infrastructure Upgrade**

Recently an informal audit of the Old Perth Road business precinct was carried out by the Manager Seniors and Disability Services, a representative from the blind association, a member of the community who has a vision impairment. This audit identified a number of pram ramps and building entries for which improvements could be made in relation to the construction of the pram ramps and the installation (or reinstallation) of tactile indicators.

Funding from R2 of the RLCIP could be used to carry out some of these improvements. As a guide, a single new installation (pram ramp and tactile indicator will cost approximately \$2,500). A minimum of two of these installation would be required at each road crossing.

### **Enhancement of Old Perth Road Streetscape**

No specific works have been identified at this stage. It is best practice to initially identify exactly what outcomes are desired for a main street, develop concept plans for Council consideration, prepare detailed drawings and progressively implement the streetscape improvements.

However funding from Round 2 of the RLCIP could be used to improve the townscape through the planting of new trees, the installation of GPO's (for market site), and the supply of street furniture (bins, seats, bike racks, tree guards etc.)

At the Councillor Briefing Session on Tuesday 3rd November 2009, Councillors asked that they be provided with a list of Priority 2 and 3 projects that were considered, but not funded by Council as part of the 2009/10 budget deliberations. They are as follows (and include Priority 1 projects not funded):

Project Description	Budget Est.
Wind in the Willows Car Park Construction*	\$80,000
Traffic Calming West Road*	\$40,000
Drainage Construction – Ireland Way*	\$60,000
Road Resurfacing – Daylesford Road*	\$18,400
Walter Road East – Staged Road Improvement Plan*	\$50,000
Undergrounding of Power*	\$50,000
Bassendean Oval Heritage Improvements	\$153,300
Bore Modification Project	\$3,500
Jetty Inspection and Assessment*	\$19,600
Guildford Road Median Landscape Improvements	\$100,000
Bassendean Skate Park – Stage Construction	\$4,500
1 Surrey Street – Interpretation Plan*	\$25,000
Cyril Jackson Rec Centre – Building Improvements	\$18,080
Senior Citizens Centre – Building Improvements	\$5,000
Public Toilet Upgrades	\$20,000
Customer Service Centre – Landscape Rear Yard*	\$10,000
Stan Moses Pavilion – Install KWH Meter	\$1,400
Sparx Childcare – Electrical Switchboard Upgrade*	\$20,000
Customer Service Centre – Aircon Upgrade*	\$43,880
Admin Office – Aircon Upgrade*	\$46,500
Admin Office – Lighting Upgrade*	\$18,000
Community Centre – Portable PA System*	\$2,500
Sporting Equipment – Goal Post Racks	\$2,500
Cyril Jackson Rec Centre – Gutter Upgrade	\$18,800
Mary Crescent Reserve Gathering Site Art Project	\$45,000
Stan Moses Building Enhancement Project	\$9,500
Jubilee Reserve Master Plan Implementation	\$150,000
Mary Crescent Reserve Detailed Design*	\$50,000
Success Hill Reserve Detailed Design	\$120,000
35 Old Perth Road Councillor Day Room*	\$3,500
Alfresco Dining Old Perth Road*	\$15,000

This list does not include projects for which we are seeking approval to expend cash in lieu funds. Officers do not consider those projects marked with an asterisk (\*) to be eligible for the RLCIP funds because they include projects:

- That will upgrade council offices.
- For which the whole or a large part of the project costs involve planning.
- Involving the provision of public art.
- That will make a direct contribution to private businesses.

- That may be eligible for Roads to Recovery or Black Spot Funding.

Officers will recommend the \$46,000 RLCIP funding be spent on the following:

1. The replacement of barbecues at Anzac Terrace and Jubilee Reserve at a cost of \$12,500;
2. Implementation of the following Water Conservation Plan Strategies as follows:
  - a. Installation of bore water meters at Bassendean Oval, Sandy Beach Reserve, Council Depot, Mary Crescent Reserve, and Mickleton Reserve - \$25,000; and
  - b. Upgrading of the electrical irrigation controller cabinet at Bassendean Oval - \$10,000.

Council may also like to consider a combination of these projects, or any other it deems may be eligible. For example:

1. The replacement of barbecues at Anzac Terrace and Jubilee Reserve - \$12,500;
2. The installation of bore water meters at Bassendean Oval, Sandy Beach Reserve and the Council Depot - \$15,000.
3. Replacement of existing play equipment at Anzac Terrace Reserve (including provision of a picnic shelter) - \$20,000

As previously mentioned, officers are of the opinion that the replacement of equipment is not required at this stage for any of the Local Playgrounds including Anzac Terrace, May Holman Reserve and Pickering Park.

#### FINANCIAL CONSIDERATIONS

This funding does not require a matching contribution from Council however; any projects approved by Council in excess of the \$46k allocation will require an additional budget allocation either in the February budget review, or in the 2010/11 budget.



**10.9 Encounter Care Church Proposal to Facilitate Outdoor Summer Movies at BIC Reserve (Ref: RECC/EVMNGT/3 – Travis Moore, Recreation Development Officer and Ross Rayson, Manager Recreation & Cultural Services)**

APPLICATION

The purpose of this report is for Council to consider a proposal received from Encounter Care Church to facilitate Outdoor Summer Movies on behalf of the Town.

BACKGROUND

In April 2009, Council resolved to support the facilitation an outdoor summer movies series to be held on BIC Reserve. Council further resolved to call for expressions of interest for community and not for profit groups to facilitate the outdoor movies series.

In August/September 2009, the Town called for expressions of interest from community groups to facilitate the outdoor summer movies series. The Town did not receive a response from the Towns Call for Expressions of Interest to facilitate the outdoor summer movies series.

Following the Town not receiving any Expressions of Interest, it was recommended that Council enter into an agreement with a commercial contractor to provide the movies on behalf of the Town. Council was not in favour of this recommendation and therefore it was lost.

Since that time, Officers have met with Encounter Care Life Skills Centre (the community arm of Encounter Church Inc) which provides a range of services and event's for the benefit of children and families.

In particular, Encounter Care Church currently provide outdoor movies sessions in the Cities of Bayswater, Swan and Wanneroo during February/March each year.

The Town has since received a formal proposal from the Church to facilitate an Outdoor Summer Movies series on behalf of the Town.

## COMMENT

Encounter Care Church offers a range of services, programs and events to the community. In particular, counselling, life support programs, life coaching and various community events. Currently, the Church has 3 locations being in Maylands, Ellenbrook and Wangara.

The Church has a long history of managing successful outdoor community events and in recent years has been coordinating "Pictures in the Park" events at various locations within the metropolitan area. The Church has its own insurance, infrastructure (including screen) and event risk management plans.

The proposal provided by the Church is to facilitate two outdoor summer movie events in February and March 2010, including the provision of a 7 metre x 3.3 metre movie screen, necessary movie equipment, APPRA Licences, power, a bouncy castle and a sausage sizzle. Whilst no entry fee is proposed a gold coin donation would be requested, however this would be on a voluntary basis and would not be enforced.

Essentially, if Encounter Care were to facilitate the Outdoor Movies on behalf of the Town, the Town's costs would be minimal i.e. provision of toilets, security and some marketing costs.

In terms of scheduling, the Church currently co-ordinate a two month program of outdoor summer movies in February and March in the Cities of Bayswater, Wanneroo and Swan. At this stage, it is proposed to provide the movies in the Town of Bassendean on Saturday, 13 February and Saturday, 13 March 2009.

Council may decide to not support the Encounter Care proposal however this option is not recommended, as the proposal provides Council with the opportunity to provide the community with two high quality/low cost community events at 1/3 of the initial anticipated costs. Furthermore, as the Church's proposal comes in \$10,000 under budget, Council may also reduce the 08/09 deficit with the additional funds.

In summary, Officers recommend that the Town engage Encounter Care Church to facilitate the Outdoor Summer movies program in conjunction with the Town. Furthermore, that the movies be held on Saturday, 13<sup>th</sup> February and Saturday, 13<sup>th</sup> March 2010 at BIC Reserve.

## STATUTORY REQUIREMENTS

Local Government Act 1995

## FINANCIAL CONSIDERATIONS

In the 2009/10 Budget Council allocated \$15,000 for the provision of the outdoor summer movies series.

As previously stated, if Council decide to engage Encounter Care to operate the summer outdoor movies program on behalf of the Town, the Towns associated costs would be for the provision of toilets, security and some marketing costs.

The total cost to the Town per outdoor movie if the Town was to partner with Encounter Care to provide the movies is estimated at \$2,500 per movie.

## OFFICER RECOMMENDATION – ITEM 10.9

That Council:

1. Enters into an agreement with Encounter Care Church Inc to facilitate the 2010 Outdoor Summer Movies Series on behalf of the Town; and
2. Endorses the Outdoor Summer Movies Series to be held on 13 February and 13 March 2010 at BIC Reserve.

**Voting requirements: Simple majority**

**10.10 Proposed Percent For Art Planning Policy (Ref: DABC/POLCY/1 – Brian Reed, Manager Development Services)**

**APPLICATION**

Council is asked to consider a planning policy dealing with contributions for public art.

**BACKGROUND**

This matter was last considered by Council at its meeting held in June this year when Council resolved as part of its consideration of the streetscape policies to adopt a policy dealing with public art.

The resolutions are reproduced below:

1. *Council adopts the draft Public Art policy attached to the June 2009 Standing Committee Agenda with the inclusion of additional public art items in the Ashfield area, namely on Ashfield Parade, the entry into Ashfield Flats between Maley Street & Woolcock Court and the proposed Colstoun Road business area; and*
2. *Council requests that the Chief Executive Officer arrange the preparation of a draft Planning Policy for Council's consideration dealing with a percent for arts policy applying to private development.*
3. *That in accordance to the percent for Public Arts policy, requests that the Chief Executive Officer arranged to create a "Public Art" reserve fund effective from 2009/2010.*

This report deals with item 2 above.

**COMMENT**

In essence, the already adopted Public Art Policy identifies three possible sources of funding for public art namely:

1. The consideration of allocating up to 0.5% of rate income on and annual basis;
2. Using 1% of the estimated cost of public buildings constructed by Council for the installation of artworks into the project; and

3. Requiring a 1% Percent for Art Scheme on all developments undertaken in the Town with a value greater than \$500,000.

A model planning policy has been developed by Artsource that includes the necessary detail to allow the policy to function. The draft planning policy included in the attachments is based on that model, however, has been modified in the following respects to make is consistent with Council's policy position:

1. The draft policy will apply to all development requiring planning approval above a value of \$500,000.
2. For developments between \$500,000 and \$5 million the 1% contribution will be placed into a reserve account to implement the Public Art Master Plan throughout the Town.
3. For developments exceeding \$5 million, the 1% financial contribution shall be placed either into a public art reserve account and spent within the precinct from which they are collected, or by agreement arrange for the new public artwork to be placed within the development or adjacent Public Open Space. The resulting Artwork must be clearly visible and accessible from the public realm. The artwork shall comply with the Public Art Master Plan.

### STATUTORY REQUIREMENTS

Planning and Development Act 2005.

Local Planning Scheme No. 10 – Part 2 - sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.

The Scheme requires the Town to publish a notice of the policies in a newspaper circulating in the Scheme area giving details of:

1. Where the draft Policy may be inspected;
2. The subject and nature of the draft Policy; and
3. In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

The Scheme gives Council the ability to publish the notice by other means that the local government considers appropriate and it is proposed to augment the statutory advertising via the Town's website.

After the expiry of the advertising period, Council is required to:

1. Review the proposed policy in the light of any submissions made; and
2. Adopt the Policy with or without modification, or not to proceed with the Policy.

If the local government resolves to adopt the policy, it is required to publish notice of the policies once in a newspaper circulating in the Scheme area.

#### FINANCIAL CONSIDERATIONS

As discussed in this report.

#### OFFICER RECOMMENDATION – ITEM 10.10

That Council advertises its intention to adopt the Local Planning Policy dealing with Public Art under Clause 2.4.1 of the Local Planning Scheme No. 10, included in the Attachment Section of the Ordinary Council Agenda of 10 November 2009.

**Voting requirement: Simple majority**

**10.11 Annual Report for the Year Ended 30 June 2009 (Ref: FINM/AUD/7 – Bob Jarvis, Chief Executive Officer)**

**PURPOSE**

The purpose of this report is to present the 2008/09 Annual Report to Council that includes the Annual Financial Statements, for the year ended 30 June 2009, to be adopted. Additionally -

- Council is required to adopt an Annual Report which includes the 2008/09 Audited Annual Financial Statements, prior to 31 December each year.
- Following adoption of the Annual Report by Council, the General Meeting of Electors is to be held within 56 days of the adoption.
- The General Meeting of Electors be held on Tuesday, 15 December 2009.

**BACKGROUND**

The 2008/09 Annual Report has been completed and is included with this agenda for adoption by Council.

The CEO is required to give local public notice of the availability of the report. Additionally, a General Meeting of Electors is to be held within 56 days of the adoption by Council of the Annual Report. It is proposed to hold the General Meeting of Electors on Tuesday 15 December 2009.

**RELEVANT LAW**

The Local Government Act specifies as follows:

**Section 5.53 Annual reports**

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain:
  - (a) a report from the mayor or president;
  - (b) a report from the CEO;
  - [(c) (d) deleted]

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
  - (f) the financial report for the financial year;
  - (g) such information as may be prescribed in relation to the payments made to employees;
  - (h) the auditor's report for the financial year;
  - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
  - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including -
    - (i) the number of complaints recorded in the register of complaints
    - (ii) how the recorded complaints were dealt with:  
and
    - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

#### **Section 5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **Section 5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

#### **COMMENT**

In order to hold the General Meeting of Electors on 15 December 2009, it would be dependent on whether to hold an Ordinary Council meeting on 22 December 2009.

Council must adopt the Annual Report by 31 December as a requirement of the Local Government Act, unless it has not received the Auditors' report in time. As the Town has received the Auditors' report, Council must adopt the Annual Report by 31 December 2009.

The Annual Report and Financial Statements give a picture of the financial and strategic performance of the Council following the 2008/09 year.

The Independent Audit Report provided by the Town's Auditors, Marci & Partners, is included in the Financial Report.

#### OFFICER RECOMMENDATION – ITEM 10.11

That Council:

1. Adopts the Town of Bassendean's Annual Report, including the audited Annual Financial Statements for the year ended 30 June 2009;
2. Holds its General Meeting of Electors on Tuesday, 15 December 2009 commencing at 7.00pm; and
3. Does not hold the Briefing Session on 15 December and the Ordinary Council meeting on 22 December 2009.

**Voting requirement: Absolute majority**

**10.12 Review of Strategic Plan for the Future 2009-19 (Ref: Bob Jarvis, Chief Executive Officer)**

**APPLICATION**

To consider holding a workshop/s to review the current Strategic Plan adopted by Council in April 2009.

**BACKGROUND**

Council held a number of workshops to update its Strategic Plan from November 2008 to February 2009 prior to the adoption of the plan.

The workshops provided the following guidelines for the changes to the plan:

- ❖ Need to be responsive;
- ❖ Financial risk and uncertainties;
- ❖ Political Change;
- ❖ Federal funding changes;
- ❖ Climate Change;
- ❖ Prioritisation of projects;
- ❖ Understanding of assets required- deterioration of buildings
- ❖ Town Development - need to be proactive and “fast track”
- ❖ Skill Shortages;
- ❖ Use of Public Open Space;
- ❖ Regional resource sharing;
- ❖ Marketing; and
- ❖ Maximise Community Asset, eg, river.

A copy of the current plan is included as an attachment.

**RELEVANT LAW AND POLICY**

Local Government Act 1995

Section 5.56: Planning for the future - A local government is to plan for the future of the district and to ensure that plans are in accordance with the following regulations made about planning for the future of the district:

Administration Regulation 19C prescribes that:

1. A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years);

2. A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan;
3. A local government is to review its current plan for the future of its district every 2 years and **may modify the plan; including extending the period the plan is made in respect of;**
4. A Council is to consider a plan, **or modifications**, submitted to it and is to determine\* whether or not to adopt the plan, or the modifications, as is relevant;

**\*Absolute majority required.**

5. If a plan, **or modified plan**, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan, ie 2009-2019;
6. A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan. (See comments above);
7. A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan;
8. A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006; and
9. The advertising of a Plan for the Future is a statutory requirement under the Local Government Act Admin. Regulation 19D. Local public notice is required to state where a plan for the future of the district has been modified, notification that the modifications to the plan have been adopted by the council and that the plan as modified is to apply to the district for a the period specified in the plan; and details of where and when the modified plan may be inspected.

### COMMENT

All major initiatives in the Plan are subject to ongoing community consultation and further Council resolutions prior to implementation. The Plan is a broad framework and strategic plan for the timing and delivery of economic, social and environmental initiatives.

As part of the compilations of the Budget for the 2010/11 financial year and in view of the 2009 elections, it is suggested that a workshop be held with all councillors and executive staff to undertake a review of the Plan. The review will provide staff with a focus and direction on the “way forward” over the ensuing years.

In prior years, Council has employed a facilitator for the workshop and who has assisted in the development of the plan.

It has been suggested to staff by the previous facilitator that the current Plan, whilst is a good working document, could be improved to provide a greater vision rather than explain specific projects that need to be completed. The projects in the plan are generally included in an operational plan.

### OFFICER RECOMMENDATION – ITEM 10.12

That Council:

1. Holds a workshop to conduct a review of the Strategic Plan for the Future 2009/19 at a mutually agreed date; and
2. Employs Ms Helen Hardcastle to facilitate the workshop.

**Voting requirement: Simple majority**

**10.13 Economic Development Advisory Committee Meeting held on 12 August 2009 (Ref: – William Barry, Economic Development Officer)**

**APPLICATION**

Council is requested to receive the report on a meeting of the Economic Development Advisory Committee held on 12 August 2009.

**COMMENT**

The Committee discussed the following:

**Economic Development Officers Report - Business Networking Events**

A second networking event was held at the Maltese Club on May Holman Drive, Tonkin Business Park. The speakers for this event were from the Small Business Centre (east metro) in Midland. Over 30 guests attended. Tentative arrangements are in place to promote the Old Perth Road Markets in the next event. This is currently planned as a sundowner for Thursday, 26 November. The EDO is preparing a 2010 Calendar of Networking Events in discussions with the local business associations.

**EMRC**

The EDO will represent the Town at two strategy workshops to consider the main issues for consideration in the development of the Regional Tourism Strategy for the Eastern Region. The EDO has participated in the most recent Industrial Park Tour which visited Perth Airport and Kwinana Rail freight Depot. The Tours offered insight into the planned growth and the development constraints for these strategic locations.

**Swan Chamber of Commerce Premiers Luncheon 9 September 2009**

The EDO and Mayor attended this lobbying event which attracted in excess of 400 guests in Midland Railway Workshops. The SCC effectively presented to the premier a list of issues which are limiting growth in this region. The premier agreed to participate in a tour of the region to see first hand the difficulties that are being referred to. The SCC and Premier have scheduled this tour to take place on the 9 December 2009.

### **Disposal of 85 to 87 Old Perth Road**

The Committee was advised of Council's decision to initiate the sale of this site. The preparation of Expressions of Interest and Tender documents is progressing.

### **Survey of Town Centre and Industrial Precinct**

The previous meeting of EDAC in August supported the proposal to survey the commercial and industrial precincts of the Town, but recommended that this item be deferred to the November EDAC meeting to give the Committee the opportunity to look at both submissions received to date, and also to allow the EDO to see if there is alternative companies that could conduct the survey.

The EDO investigated a further 5 organisations to the two that had assisted or performed such research and surveys for other Local Government Organisations. Four of these organisations were unwilling or unable to adequately comply with the Project Proposal and were discounted from further consideration. This left just one additional organisation: Creating Communities to quote for this project. The proposal was priced competitively, however it recommended a web based survey, which can only guarantee a response rate of 30% at best plus, it relied on information to be provided by the DPI Land Use Survey which will not be available until 2010.

The Committee supported the recommendation to appoint Quick Ideas as the preferred supplier for the Survey of Commercial and Industrial precincts, but recommended that the retail outlets beyond the Town centre should not be ignored and that all Councillors are briefed by email of the questions in the questionnaire prior to the commencement of the survey.

### **OFFICER RECOMMENDATION – ITEM 10.13**

That:

1. The report on the meeting of the Economic Development Advisory Committee held on 4 November 2009, be received;
2. Council endorses the recommendation of the Economic Development Advisory Committee to appoint Quick Ideas to survey the Commercial and Industrial Precincts of the Town Centre, Tonkin Business Park plus retail outlets in the surrounding residential areas.

3. The meeting schedule for the EDAC be set at four meetings per year at 5.00pm on a Wednesday to be advised, in the following months:

February  
April  
August  
November

**Voting requirement: Simple majority**

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

The Common Seal was attached to the following document during the reporting period:

2/11/09 Town of Bassendean Local Planning Scheme No 10, Scheme Amendment Documents, Amendment No 2.

**OFFICER RECOMMENDATION – ITEM 10.14**

That the report on the use of the Common Seal be received.

**Voting Requirements: Simple majority**

**11.0 PUBLIC QUESTIONS & RIGHT OF REPLY**

*Members of the public who did not ask questions in Part One of Public Question Time will be heard first.*

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

**12.1 Notice of Motion – Cr Gangell: Process for Election of Mayor**

Cr Gangell has advised in writing that he wishes to move the following motion at this meeting:

*“That Council receives a report on the process required to change by the next round of Council Elections due October 2011, the election of Mayor from elected by the Council to the Mayor being elected by electors of the district.”*

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

**14.0 CONFIDENTIAL BUSINESS**

**15.0 CLOSURE**

The next Ordinary Council meeting will be held on Tuesday, 24 November 2009.