

TOWN OF BASSENDEAN

NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 24 May 2016 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

20 April 2016

Councillors, please note that the Briefing Session are open to the public and will commence at 5.00pm. A meal for Councillors and Officers will be provided at 6.15pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Gangell will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Members of the public are requested to please sign the Attendance Sheet located in the Council Chamber.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice – 26 April 2016

Mr Don Yates, 10 Thompson Road, Bassendean

Mr Yates referred to State Planning Policy 4.2 which relates to activity centres and asked why the Town has not met these requirements. Mr Yates asked why the Town has not been progressed this over the last five years.

The Manager Development Services advised Mr Yates as follows:

At the last Council meeting you asked the following question in referring to State Planning Policy 4.2 which relates to activity centres and asked why the Town has not met these requirements. You asked why the Town has not been progressed this over the last five years.

I advised that I would take the question on notice.

On Wednesday the 27 April you followed that particular question with 15 supplementary questions which I have attempted to answer below:

1. *Do you agree that the Statutory State Planning Policy 4.2 regarding activity centres for Perth and Peel was gazetted Aug 31 2010? (See attached) Ashfield and Bassendean were identified as 'district centres'.*

Response -Yes

2. *Do you agree that in the State Planning Policy 4.2, namely section 6.4 identifies the need for Activity Centre Structure Plans to be produced, according to Table 7?*

Response - Yes

3. *Do you agree that in Appendix 2 of the State Planning Policy 4.2 that there is a Model Centre Framework that could be the basis of appropriate structural Planning?*

Response - Yes *this provides a useful framework for the establishment of Activity Centre Structure plans and supporting information.*

4. Do you agree that in Planning Bulletin 103 of 2010, Section 4.1, under Section 77(1) of the Planning and Development Act of 2005, that a Local Government is to have due regard to applicable State Planning Policies like:

- (a) SPP 4.2 regarding Activity Centres for Perth and Peel such as Ashfield and Bassendean, and
 - (b) SPP 3.1 regarding R-Code zonings like the attached R-Activity Centres codings
- (R-AC0, R-AC1, R-AC2 and R-AC3) (see attached table 4 for Activity Centre densities) when preparing or amending a Local Planning Scheme, like the Town of Bassendean Local Planning Scheme 10?

Response - Yes

5. Do you agree that in Planning Bulletin 103 of 2010, Section 5, that a Section 77A order empowers the Planning Minister to order a Local Government to amend a Local Planning Scheme to make it consistent with a State Planning Policy?

Response Yes, however, on my reading of the bulletin, I do not think that it is intended to use the Section 77A powers to policies such as the activity centre policy which should be considered as part of the Scheme Review process. (refer to point 7 of the bulletin)

6. Do you agree that in Planning Bulletin 103 of 2010, Section 9, Local Governments are required to amend the Local Planning Scheme to align with State Planning Policies in a timely manner, usually no more than 6 months?

Response - No the Scheme should be amended to take account of the policies upon the periodic review of the Scheme.

7. Do you agree that Amendment 6 of the Town of Bassendean Local Planning Scheme 10 was gazetted on or about the 4 October 2013, more than 2 years ago?

Response - Yes Amendment No. 6 was gazetted on 4 October 2013.

8. Do you agree that with the gazetting of Amendment 6 in 2013, that the Town of Bassendean Local Planning Scheme 10 should have been amended by now to include the SPP 4.2 related to the 2 Activity Centres of Ashfield and Bassendean, and SPP3.1 related to the Activity Centre R codes, namely R-AC0, R-AC1, R-AC2 and R-AC3?

Response - No refer to answer to question 6

9. In your answer to a question about the unsuccessful rezoning 17,000 sqm 'Area in common' in July 2014, (which is now inside the Bassendean Activity Centre as identified in the Perth and Peel @ 3.5 Million release of May 2015), do you agree that you mistakenly said first that the amendment had been passed by Council until corrected? (April 26 2016 OCM.)

Response - Yes I erroneously thought you were referring to another proposal in the same locality.

10. Do you remember that it was necessary for the Section 76 to be applied for in Aug 2014 to the Planning Minister, to seek redress in an attempt to overturn the Council rejection of a potential large TOD opportunity?

Response - Yes I also note that the former Minister for Planning rejected that request and encouraged the Town to progress the necessary planning framework to facilitate redevelopment of areas as identified in the Town's draft Local Planning Strategy. In this regard I draw your attention to item 10.4 on the agenda of the May Council meeting.

11. Do you recall that one of the reasons for the decline of the Section 76 in Jan 2015 was that 17,000 sqm was seen by the Planning Minister as being 'ad hoc'?

Response - Yes please also refer to the answer to question 10.

12. Can you explain why the 5 identified separate areas under consideration by Landcorp, that are less than 17,000 sqm in size, are not regarded as 'ad hoc' but if the Core Activity Centres of Ashfield including Bradken and Bassendean including Success Hill were recognised, then the areas smaller than 17,000 sqm would no longer have the possible restrictive 'ad hoc' description? (Example: The Wilson St carpark area Lot 9644 of 3353 sqm).

Response - *The current study which is being undertaken by the Town in partnership with LandCorp and the Swan Districts Football club is examining some 11 hectares of land.*

13. *Do you agree that you said that the proposed Landcorp redevelopment amendments could be passed by Council very soon, while the community may need to wait some 2 years or more to enjoy similar high density rezonings, yet both the Landcorp redevelopment AND private land assemblies like the 'Area in Common' are both within Activity Centre areas?*

Response - *My recollection of my answer was that I advised was that the current project could well be advanced ahead of the strategic documents required prior to uplifting densities in other part of the Town. It should be recognised that the current project is still in the planning stage and for the project to succeed it will need further community consultation, the support of the Council of the Town of Bassendean, and the support of the Western Australian Planning Commission and the Minister for Planning.*

14. *Will you explain why Landcorp is not subject to a structure planning framework particularly with their major 27,000 sqm series of developments in Bassendean when the Bassendean Community is frustrated by the apparent Town of Bassendean lack of planning effort, as headed by yourself, by:*

- (a) inaction to amend the deliberate mistakes in Local Planning Scheme 10, as listed in Jan 2008 & May 2011,*
- (b) further ongoing delays since July 2015 after the presentation by Chairman Eric Lumsden of the WAPC,*
- (c) not amending the Local Planning Scheme 10 so it does not align with SPP 4.2 and SPP 3.1,*
- (d) the Town is obliged to consider keeping green open space in the Central Sub-Regional Framework yet after some 9 months has not moved to accept the green open space draft guidelines, and*
- (d) why there is unequal treatment of possible Landcorp and private redevelopments?*

Response - *see answer to questions 12 and 13 above.*

15. *Is the Town of Bassendean proposing to use the 38 page Planning WA Structure Plan Framework downloadable for free, so saving considerable cost and if not why not? See <http://www.planning.wa.gov.au/publications/8029.asp>>*

Response *see answer to questions 3 and 10 above.”*

2.2 Public Question Time

Members of the public who wish to do so may ask questions at this point in the agenda.

2.3 Address by Members of the Public

Members of the public who wish to do so may address Council at this point in the agenda.

It should be noted that Public Statements are not recorded in the minutes. Statements raised by members of the public must be regarding items on the agenda.

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 26 April 2016 **(Attachment No. 1)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 26 April 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 26 April 2016 confirmed as a true record.

5.2 Special Meeting of Electors held on 20 April 2016 **(Attachment No. 2)**

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Meeting of Electors held on 20 April 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Meeting of Electors held 20 April 2016 confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Mayor will present the Sports Achievement Awards to the successful recipients.

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Town's Standing Orders Local Law 2011.

Standing Orders Local Law 2011, Clause 5.4 states:

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

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 8.0, Declarations of Interest, they should do so at this point of the agenda.

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 24 May 2016:

Item	Report
10.2	Unauthorised Construction of a Front Screen Wall at Lot 20; No. 63 Ivanhoe Street, Bassendean
10.3	Proposed 9 Lot Subdivision of Lot 336 (No. 147) West Road, Bassendean
10.4	Comprehensive Strategic Planning Framework for the Town Prepared by Taylor Burrell Barnett
10.5	Petition relating to the Bassendean Town Centre Redevelopment
10.11	Special Meeting of Electors Minutes held on 20 April 2016
10.12	Policy on Elected Members' Dealings with Developers and the Inclusion of Interstate Travel by Staff and Elected Members in the Annual Report
10.13	Determinations Made by the Principal Building Surveyor
10.14	Determinations Made by Development Services
10.15	Bassendean Youth Advisory Council Meeting held on 29 April 2016
10.16	Access and Inclusion Committee Meeting held on 4 May 2016
10.17	Bassendean Local Studies Collection Management Committee Meeting held on 5 May 2016
10.18	Municipal Heritage Inventory Review Committee Meeting held on 10 May 2016
10.20	Accounts for Payment – April 2016
10.21	Financial Statements – April 2016
10.22	Implementation of Council Resolutions
10.23	Use of the Common Seal
10.24	Calendar for June 2016

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

Item	Report
10.6	RFT CO 046 2015-16 Provision of Plumbing and Gas Services
10.7	Bulk Rubbish Contract
10.8	RFT CO 047 2015-16 Provision of Concrete Footpaths and Crossovers
10.9	RFT CO 043 2015-16 Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve
10.10	Fence Replacement Wind In the Willows Ashfield
10.19	Bassendean River Parks Management Committee meeting held on 11 May 2016
11.1	Notice of Motion – Cr Pule: Review methodology for using Consultants to review Plans and Policies
11.2	Notice of Motion – Cr McLennan: Council Meeting Schedule
11.3	Notice of Motion – Cr McLennan: "Buster the Fun Bus" parenting service in Bassendean
11.4	Notice of Motion – Cr McLennan: Container Deposit Scheme
13.1	Options for the Purchase of 10-14 Parker Street, Bassendean
13.2	Naming Request – Bassendean Youth Centre
13.3	Authority for Swan Districts Football Club (Inc) to Negotiate Corporate Sponsorship for Naming Rights to Bassendean Oval

10.2 Unauthorised Construction of a Front Screen Wall at Lot 20; No. 63 Ivanhoe Street, Bassendean – Property Owner: M J Dang (Ref: A80963 – Dylan Stokes, Planning Officer)

APPLICATION

The purpose of this report is to seek Council authorisation to commence legal action to reconstruct an unauthorised brick wall at the abovementioned property.

ATTACHMENTS

Attachment No. 3:

- Photographs from a site inspection on the 8 March 2016.
- Images from 18 January 2015 showing the height and construction of the former front wall and fence.

BACKGROUND

The Town received a complaint regarding the construction of a wall to the front of dwelling at 63 Ivanhoe Street. Upon inspection of the site on 8 March 2016, it was confirmed that a wall had been constructed without approval to the front of the dwelling at the lot boundary to a solid height of 1.8m. Photographic evidence from 18 January 2015 indicates that the original wall was constructed to a solid height of less than 1.2m, excluding the piers, with visually permeable fencing above. The existing wall and fencing met the requirements of the Residential Design Codes (R-Codes) and therefore is exempt from the need for approval. However the unauthorised wall as constructed cannot be considered under the R-Codes as it does not meet the Deemed-to-Comply requirements or the Design Principles and therefore Council does not have the ability to approve the wall.

A letter was sent on the 21 March 2016 advising the landowner of the complaint received by the town, the non-compliance with the R-Codes and the potential for compliance action should the wall not be modified to meet the requirements of the R-Codes with a 21 day timeframe. A response was received from the landowner on the 10 April 2016 admitting that the wall had been constructed and citing safety as being the main reason for the size and shape of the wall.

Further correspondence occurred on 13 April 2016 regarding the R-Code requirements and the modifications required to make the proposed wall comply in addition to requesting an extension until June to make the required changes.

A reply was provided on the 14 April 2016 providing advice regarding the R-Codes and granting an extension until the 13 June 2016 to have all the required modifications completed to comply with the R-Codes. The landowner was informed that the application would proceed to Council in May to seek ability to prosecute should the wall not be modified sufficiently.

STRATEGIC IMPLICATIONS

Objective:

Foster enhanced public space and street appearance.

Strategy:

Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.

COMMENT

The unauthorised wall as constructed does not meet the Deemed-to-Comply requirements of the R-Codes and there is no scope to consider a retrospective application under the Design Principles. As a result the wall must be modified to comply with the Deemed-to-Comply requirements of the R-Codes.

The applicant has demonstrated willingness to modify the wall to the Deemed-to-Comply requirements of the R-Codes by the specified due date of 13 June 2016. However, in order to ensure that the works are completed in a timely manner or in the event that the applicant chooses to not modify the wall, it is requested that Council authorises the ability to commence compliance action should the wall not be adequately modified.

STATUTORY REQUIREMENTS

Clause 5.2.4 of the R-Codes states the following in relation to the Deemed-to-Comply requirements relating to street walls and fences:

“Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.”

Where the Deemed-to-Comply requirements of the R-Codes cannot be met, the development can be considered under the corresponding Design Principles. Under Clause 5.2.4, the Design Principles can only be applied where the street is designated as a primary or district distributor or integrator arterial.

As Ivanhoe Street is neither a primary or district distributor nor an integrator arterial, there is no ability to consider the unauthorised wall through the Design Principles.

Clause 5.2.5 of the R-Codes states the following in relation to the Deemed-to-Comply requirements relating to sight lines:

“Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.”

The wall as constructed has not been adequately truncated to the south to allow adequate sight lines for any reversing vehicles. The existing fence was visually permeable, permitting any reversing vehicle to have adequate sightlines of the pedestrian pathway and the street when reversing. The wall must be modified to have adequate visually permeable material to permit sightlines in accordance with the R-Codes.

It should be noted that fences which comply with the Deemed-to-Comply requirements of the R-Codes are exempt from planning approval. Therefore should the landowner modify the wall to comply, no retrospective application will be required even if the modified wall deviates from the size and shape of the existing wall and fence.

FINANCIAL CONSIDERATIONS

If the Town needs to resort to legal action, the costs are estimated to be in between \$2,000 and \$5,000.

OFFICER RECOMMENDATION — ITEM 10.2

That Council authorises the Chief Executive Officer to initiate legal action if the unauthorised front wall at Lot 20; No. 63 Ivanhoe Street, Bassendean, is not modified to comply with the Deemed-to-Comply requirements of the R-Codes by 13 June 2016.

Voting requirements: Simple Majority

10.3 Proposed 9 Lot Subdivision of Lot 336 (No. 147) West Road, Bassendean, Owner: Lawrence Nicoletto, Applicant: Gray & Lewis Land Use Planners (Ref:153513 Timothy Roberts, Planning Officer)

APPLICATION

The Western Australian Planning Commission (WAPC) has referred an application to the Town to subdivide Lot 336 (No. 147) West Road, Bassendean into 9 lots.

The proposed subdivision proposes variations to the minimum frontage requirements under the Residential Design Codes. A comprehensive and holistic assessment that considers the future subdivision of the riverfront precinct needs to be undertaken. This report seeks Council's determination for a well informed recommendation to be provided to the Western Australian Planning Commission.

ATTACHMENTS

Attachment No. 4: Subdivision Report

BACKGROUND

The Town of Bassendean has received notice from the WAPC that it has received an application for subdivision, and is requesting any information, comment or recommended conditions pertinent to the proposal by 27 May 2016.

The application is for the subdivision of Lot 336 (No. 147) West Road, Bassendean, depicted in Figure 1 below:



Figure 1: Proposed site for subdivision

The lot is currently zoned 'residential' under the Metropolitan Region Scheme (MRS) with a small portion of the lot that adjoins the Swan River zoned 'Parks and Recreation' as demonstrated in green in Figure 2, below.



Figure 2: MRS zoning of land for the subject lot

The application is referred to Council for determination as the proposal requests variations to minimum frontage requirements under the Residential Design Codes. The proposed subdivision fails to consider the future subdivision/development potential of the area and a modified design may therefore be more appropriate. The provision of public open space will be a requirement of subdivision and council's decision is sought in respect to whether such provision will be through a reserve for recreation vested in the Crown or via a cash in lieu component.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

Development Control Policy (DC) 1.1: Subdivision of Land General Principles sets out the general principles, which will be used by the WAPC in determining applications for the subdivision of land. Within this, the relevant policy objectives to the proposed subdivision are:

- To control the subdivision of land within the framework of the relevant legislation and regulations;

- To ensure that the subdivision of land is consistent with *Statement of Planning Policy No 1 State Planning Framework* and relevant WAPC policies and plans;
- To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme;
- To ensure that the subdivision is consistent with orderly and proper planning and the character of the area;
- To facilitate development which achieves appropriate community standards of health, safety and amenity;
- To facilitate appropriate access and movement systems for all modes of transport;
- To ensure constructed vehicle access from the gazetted public road system to each new lot;
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal;
- To secure public utility services to each new lot appropriate for intended use of the lot;
- To make appropriate arrangements for development contributions, where necessary and relevant, for the orderly and proper planning of the locality containing the subdivision;
- To make appropriate arrangements, where necessary for planning purposes, for the ceding or transfer of land.

OBJECTIVE 1: *To control the subdivision of land within the framework of the relevant legislation and regulations.*

The density coding for the site is R5. Table 1 of the R-Codes directs the minimum lot size for a R5 coded lot to be 2000m² with a minimum street frontage of 30 metres.

The proposed subdivision is consistent with most statutory and strategic directives. It proposes large lot sizes in excess of 2000m² that meet the minimum lot size requirements of the Residential Design Codes. The proposed street frontages for the proposed southern lots abutting the river incorporate a variation to the minimum street frontage being 20 metres. It is generally not the position of the Town to support a proposal that requests such a variation.

OBJECTIVE 2: *To ensure that the subdivision of land is consistent with Statement of Planning Policy No 1 State Planning Framework and relevant WAPC policies and plans.*

State Planning Policy (SPP) No 3 – Urban Growth and Development sets out the principles and considerations which apply to planning for urban growth and settlement in Western Australia.

It is a broad sector policy under Statement of Planning Policy No.1: State Planning Framework. The most relevant direction applicable to the proposed subdivision is:

- Making the most efficient use of land in existing urban areas through the use of vacant and under-utilised land and buildings, and higher densities where these can be achieved without detriment to the neighbourhood character.

OBJECTIVE 3: To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.

Clause 4.2 of Town of Bassendean Town Planning Scheme No. 10 identifies the objectives of each zone. The objectives of the Residential Zone, applicable to subdivision, which Council must give consideration to, is:

- (g) to ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

Town of Bassendean Local Planning Strategy

The Town of Bassendean Local Planning Strategy identifies that larger riverfront homes within the riverfront housing precinct offer opportunity for some medium density housing or subdivision; however the quality of such development will need to be cognisant of this prestigious river front location.

The subdivision proposal has been designed to allow lots 1, 2, 3 & 4 to be subdivided in future should a higher coding come into effect. The layout of the proposed riverfront lots (lots 5, 6, 7, 8 & 9) suggest the R5 coding will be retained. It is considered that this layout is consistent with the direction within the Town of Bassendean Local Planning Strategy.

Local Planning Policy No. 4: Floodplain management and development policy.

A portion of the whole lot falls within the flood fringe. The flood fringe is part of the flood plain where proposed development is considered hydraulically acceptable but is subject to appropriate building conditions that will achieve adequate flood protection.

Any development within the flood fringe will be subject to development guidelines under Local Planning Policy No. 4: Floodplain management and development policy. In general terms, habitable floor levels and all electrical installations should be a minimum of 0.50 metres above 100 year ARI flood level

A portion of the whole lot falls within the floodway. The floodway is part of the floodplain which contains the river channel and portion of the floodplain and forms the mains flow path for floodwaters once the main channel has overflowed. Proposed development in the floodway should be avoided wherever possible as obstructive developments would increase flood levels upstream.

Should the Town accept 10% of the site area for public open space purposes (see objective 10 & 11 below), as opposed to the cash in lieu component, the floodway would not fall within any proposed lots. This would be a more acceptable arrangement in that the floodway would be fully contained within public open space and therefore not restrict the development potential of the proposed lots. Figure 3 below detail the extent that the floor fringe falls within the subject site (blue hatching) and the extent that the flood way falls within the subject site (yellow hatching).

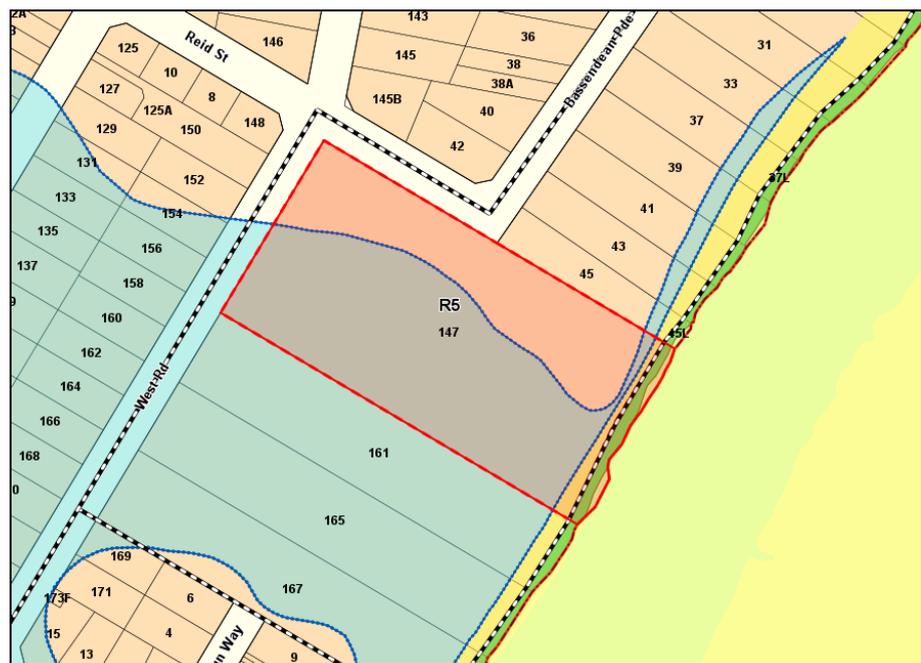


Figure 3: Extent of flood fringe & floodway within subject site.

OBJECTIVE 4: To ensure that the subdivision is consistent with orderly and proper planning and the character of the area

The Town of Bassendean Local Planning Strategy identifies that larger riverfront homes within the riverfront housing precinct offer opportunity for some medium density housing or subdivision; however the quality of such development will need to be cognisant of this prestigious river front location. The riverfront lots north of the proposed subdivision site have a consistent street frontage of approximately 25 metres per lot. It should therefore be considered inconsistent with the design and general layout of the riverfront precinct to allow the proposed lots the requested reduced street frontage.

OBJECTIVE 5: To facilitate development which achieves appropriate community standards of health, safety and amenity

The proposed increased number of lots will create more 'eyes on street' increasing community standards of safety. This aligns with the aims of 'Liveable Neighbourhoods' that ensure active street land interfaces, with building frontages to streets to improve personal safety through increased safety and activity. It could be perceived by residents within the immediate vicinity that approval of the proposed subdivision and any subsequent development will decrease perceived amenity within the area.

OBJECTIVE 6 & 7:

To facilitate appropriate access and movement systems for all modes of transport

To ensure constructed vehicle access from the gazetted public road system to each new lot

The proposed subdivision fails to take into account the future subdivision potential within the immediate vicinity. Lots 1, 2 & 3 (Nos 161, 165 & 167) West Road have yet to be subdivided to their full development potential and it is not unrealistic for this to occur in future. It is therefore appropriate to consider the proposed subdivision holistically. With this in mind, Bassendean Parade should be extended (long-term) through to Broun Way.

Broun Way has a road reserve width of 18 metres and it is therefore appropriate for any extension of this road to be consistent. The proposed road reserve width for the proposed subdivision is 15 metres and therefore insufficient.

Additionally, the proposed cul-de-sac and temporary drainage reserve impede future planning. A road constructed through to the end of the southern lot boundary with a constructed temporary turn around area and associated easement within proposed lot 4 would be a more suitable arrangement considering long-term requirements. This would also address and negate lot access concerns from the proposed cul-de-sac. Figure 4 below demonstrates the subdivision/development potential of the three lots immediately to the south of the subject lot as well as the logical extension of Bassendean Parade to Broun Way (blue hatching).



Figure 4: Future road expansion (blue hatching) required when full subdivision/development potential of southern adjoining lots is realised.

OBJECTIVE 8: *To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.*

Local government town planning schemes incorporate standards governing the development of lots. For residential development, the Town of Bassendean Local Planning Scheme designates the provisions within the R-Codes as the applicable standards which the WAPC will have regard to. Clause 3.5.2 stipulates that lots which cannot be developed in accordance with relevant statutory requirements will not be approved. The WAPC will ensure that, by creating a new lot, it does not render an existing lot illegal in terms of statutory requirements. The proposed lot frontage does not align with the statutory requirements of the R-Codes.

OBJECTIVE 9: *To secure public utility services to each new lot appropriate for intended use of the lot*

As part of the subdivision application assessment process, the Western Australian Planning Commission will refer the proposal to all relevant referral bodies. Water Corporation and Western Power will provide comment on the proposed subdivision where relevant. The proposed subdivision plan was referred internally to Asset Services for comment whose comments have been incorporated into this report.

OBJECTIVE 10 & 11:

To make appropriate arrangements, where necessary for planning purposes, for the ceding or transfer of land.

To make appropriate arrangements, where necessary for planning purposes, for the ceding or transfer of land

The requirement for the provision of a 10% public open space contribution has its genesis in the 'Plan for the Metropolitan Region Perth and Fremantle, 1955 Report' which provided the basis for the development of the Perth Metro area and set out the requirements and standards which have guided planning in the metro area since this time. The report identified the 10% contribution rate, and this has been applied since 1956 and continues to be applied today as reflected in the Commission's DC Policy 2.3 'Public Open Space in Residential Areas'. The subdivision of land which created the lot the subject of the proposed subdivision pre-dated 1925 and the Stephenson Hepburn plan and the 10% open space contribution requirements that have been applied since 1956.

It is recommended that Council agrees to accept the 10% provision of open space as land as opposed to the cash in lieu option. The total site area of the subject lot is 20,762m². The public open space allocation would be 2,076.2m² meaning that plan of subdivision would need to be amended to become a eight (8) lot subdivision. This land allocation of vested public open space could adjoin the land zoned 'Parks and Recreation' under the MRS (Figure 2) within the subject lot. This would create a more useable area for the purpose of recreation with the potential to gain more land for public open space when adjoining lots to the south also propose subdivision.

Accepting an area of land as public open space in this location would force development away from the floodway whilst also retaining the topography of the floodway to ensure the effective discharge of flood waters.

Additionally, with current community concerns surrounding the provision of public open space, this subdivision application provides an opportunity to increase the amount of public open space within the Town of Bassendean.

It should be noted that the site holds an additional use entitlement under Local Planning Scheme No. 10 for vineyard and wine making purposes. The subject lot was included on the agenda for the Municipal Heritage Inventory Review Committee bus tour held in March. The heritage architects noted that the site held exceptional significance to the heritage of the locality, being a rare or outstanding example of a small family run winery. The winery has remained under the same family ownership since the late 1930's and continued to operate as a winery up until 1994. The site remains a largely intact collection of buildings, structures and machinery within close proximity to the Perth CBD. It was recommended that the site, associated buildings and vineyard use be included within the Municipal Heritage Inventory under an assigned management category 1.

When a site is assigned a management category 1, it is generally accepted that the place be eligible for state listing subject to a state heritage office assessment. The timing of this subdivision application is unfortunate in that without adoption of the revised Municipal Heritage Inventory, the site is offered no statutory protection and open to both subdivision and development.

The significance of the site and associated potential loss of heritage has been relayed to the State Heritage Office. The State Heritage Office provided advice that should it be Council's position to retain the site and preserve its significance, the place should, as a matter of urgency, be nominated for inclusion within the State Register to afford it the necessary statutory protection. It was acknowledged that the required assessment could be 'fast tracked' noting the time constraints surrounding the proposed subdivision of the site and associated demolition of existing buildings and vineyard.

There are currently eight places within the Town of Bassendean listed within the State Register. These places, as well as the Padbury's Building, Bassendean Hotel, Holme House and Town Pillar Box, are all proposed as category one places within the draft Municipal Heritage Inventory, currently under review.

It is anticipated that all category one and category two places will form the Heritage List under Local Planning Scheme No. 10, however, the associated statutory protection afforded to these places will not come into effect should the draft Municipal Heritage Inventory be adopted later in the year.

The proposed subdivision does not meet the objectives of 'development control policy 1.1: Subdivision of Land – General Principles' for reasons mentioned above. The proposed subdivision could be supported if plans were modified to address these shortfalls. These modifications will be detailed under the officer recommendation below.

STATUTORY REQUIREMENTS

Relevant statutory considerations relating to the interpretation of the Residential Design Codes have been addressed within the comment section of the report. The Town of Bassendean is solely a referral body for all subdivision applications, with the Western Australian Planning Commission the determining authority. The Western Australian Planning Commission seeks recommendations from the Town of Bassendean pertinent to the proposal by 27 May 2016.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.3

That Council, with respect to Western Australian Planning Commission Subdivision Application 153513 to subdivide Lot 336 (No. 147) West Road, Bassendean, into 9 lots, advise the WAPC, that Council offers no objection to the application being approved but only where plans are modified and it addresses the following:

1. The proposed cul-de-sac to be removed from plan of subdivision and replaced with a constructed access road that extends to the southern lot boundary within the proposed road reserve;
2. Relocation of the proposed temporary drainage reserve to accommodate the road reserve requirements;
3. Proposed subdivisional road being provided with a constructed temporary turn around area and associated easement within proposed Lot 4 or 9 (or its replacement);

4. Proposed road reserve is to be increased to a minimum width of 18 metres;
5. The provision of 2,076m² of land for the purposes of public open space to be located immediately adjoining the land zoned 'Park & Recreation' abutting the river;
6. The removal of proposed lot 9 to accommodate the required public open space provision of land with proposed lots 5, 6, 7 and 8 being modified to incorporate a minimum frontage of 25 metres while maintaining minimum site areas of 2000m².

And the following conditions and advice is included:

1. (B2) Uniform fencing being constructed along the boundaries of all the proposed lots abutting public open space.
2. (B5) Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 1, 2, 5 & 6 at the time of subdivision approval being demolished and materials removed from the lot(s).
3. (D1) Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) Lots can accommodate their intended use; and
 - (b) Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
4. (D4) The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) Lots can accommodate their intended development; and
 - (b) Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and

- (c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
5. (D5) Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

6. (D8) Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.
7. (EN2) Measures being taken to ensure the identification and protections of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.
8. (EN4) Measures being taken to ensure vegetation within the proposed Regional Open Space Reserve as identified in the plan dated April 2016, is protected prior to the commencement of subdivisional works.
9. (EN8) An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.

10. (R2) The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of costs and without any payment of compensation by the Crown.
11. (R3) An area(s) of land at least 2, 076m² in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
12. (T1) Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
13. (T2) Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and/or

- b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and/or
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension.
14. (T4) Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission;
- The approved shared paths are to be constructed by the landowner/applicant.
15. (T5) Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Bassendean Parade in the locations as shown on the plan dated April 2016 (attached) to a standard to the satisfaction of the Western Australian Planning Commission.
16. (T10) The section of the proposed access road widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government)
17. (T11) All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's *DC 2.6 Residential Road Planning*.
18. (T23) Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government (Local Government).

19. (W6) All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed (Local Government).

20. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed Lots 1, 2, 3, 4, 5, 6, 7 & 8 advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'This land is located within the flood fringe of the Swan River and is affected by flooding. Further information about flood levels, including development restrictions is available upon request from the relevant local government offices.'

Advice Notes

- a) (Ba2) In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

- b) (ENa1) Condition 9 makes reference to an 'acid sulphate soils assessment form'. This form can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au.

The 'acid sulphate soils self assessment form' makes reference to the Department of Environments and Conservation's 'Identification and Investigation of Acid Sulphate Soils' guideline. This guideline can be obtained from the Department of Environment and Conservation's website at: www.dec.wa.gov.au.

- c) (Ta2) The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
- d) (Ta3) In regard to Condition 12, 13 and 14 the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayment's, are to be generally consistent with the approved plan of subdivision.
- e) In regards to Condition 19, the Department of Water advises the applicant/owner that the Swan River Flood Study shows that a large portion of the proposed lots is affected by flooding during major river flows with the 100 year ARI flood level estimated to be 4.8m AHD. Based on its floodplain management strategy for the area, proposed development (i.e. filling, building etc.) is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 5.3m AHD is recommended to ensure adequate flood protection.

Voting requirements: Simple Majority

10.4 Comprehensive Strategic Planning Framework for the Town Prepared by Taylor Burrell Barnett (Ref:LUAP/PLANNG/14 Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider a Comprehensive Strategic Planning Framework for the Town.

ATTACHMENTS

Attachment No. 5: Overview of Comprehensive Strategic Planning Framework prepared by Taylor Burrell Barnett, Town Planning & Design

BACKGROUND

This matter was last considered by Council at its October 2015 Council meeting when it was resolved by OCM 13/10/15 that:

1. Council obtains quotations from suitably qualified persons and/or organisations for the development of the “scope of works” that will be required to be prepared for Council to provide the strategic planning framework for the Town. The scope of works is to identify all plans and policies required to implement the higher densities contained in the adopted Local Planning Strategy, and the likely costs and indicative timeframes to provide the plans and policies and to include the matters raised in the motion carried by Council at the September OCM;
2. Council allocates an amount of \$15,000 in the 2015/16 Budget for the appointment of a consultant and utilise savings from the installation of the Bassendean Oval Bore;
3. The expenditure be authorised in accordance with Section 6.8 of the Local Government Act; and
4. The 2015/16 Budget be amended accordingly.

The scope of works report was required to identify the cost, methodology, timeframes and suggested order of preparation to prepare:

- Commercial and Activity Centre Structure Plans for the Bassendean and Ashfield Activity Centre along with a review of the Bassendean Town Centre Strategy and Guidelines;
- Any Local Development Plans (formerly Detailed Area Plans) that may be required in response to the preparation of the Activity Centre Structure plans;
- A review of the Town's open space strategy to identify what additional/upgrades to open space are required to accommodate higher densities;
- The development of the Neighbourhood Community Redevelopment Implementation Plans and funding mechanisms;
- An integrated Transport, Movement and Access Strategy;
- A Right-of-way strategy (dealing with retention/closure, access, widening, infrastructure requirements and setbacks etc);
- Design guidelines including building height and built form, measures to ameliorate the urban heat island effect and provide a mix of unit layouts that suits singles, small families and retiring baby boomers;
- An Environmental Management Strategy; and
- Any additional strategic planning documents that may be required to implement the proposals contained in the Local Planning Strategy.

In response to a request for quote process, Taylor, Burrell Barnett Town Planning & Design were engaged by the Town to prepare the Scope of Works for the Comprehensive Strategic Framework.

Mr Lex Barnett of Taylor, Burrell Barnett provided an overview of their findings at a Councillors' Information Workshop on 17 May 2016.

STRATEGIC IMPLICATIONS

The Scope of Works Report demonstrates all of the actions that will be required to address the gaps in the adopted Local Planning Strategy and provides a methodology and time frames for the strategic planning documents that will be required in the immediate future.

COMMENT

In implementing the project scope, the consultants consider it beneficial to undertake the work as quickly and efficiently as possible through the engagement of a consultant team to undertake the project as a whole.

The project would ideally be managed by a strategic planner employed by the Town of Bassendean with at least 7- 10 years experience in both statutory and strategic land use planning. This officer would be responsible for liaising with the consultant team, providing consolidated input and guidance on behalf of the Town, keeping Senior Management and Elected Members informed and managing community consultation and engagement. The employment of a strategic planner has been included within the adopted Workforce Plan.

The consultant team would ideally be appointed to prepare the full planning framework on behalf of the Town, as this will ensure continuity of personnel, efficient use of background information and consistency of direction and purpose across the planning framework. The consultant team would be led by a town planning and urban design firm, with sub-consultants specialising in traffic engineering, civil engineering, landscape architecture, environmental science, property market analysis and retail needs analysis. The multi-disciplinary team will be of significant importance in ensuring that the planning framework is comprehensive and sufficiently flexible to address ongoing redevelopment within the Town.

It is recommended that the Town proceed with the preparation of the planning framework over as short a time as possible, and ideally within a five-year period. Preparing the framework over longer than a five-year period will be less efficient, as the Town is likely to encounter changes in State policy and legislation over that time, along with ongoing development, which may render the initial work undertaken obsolete.

It is considered that the work could reasonably be undertaken over a period of three years, with the preparation of documents undertaken sequentially, albeit with some overlap of stages where appropriate

It is considered that there are substantial cost benefits to the Town employing a single consultant team to prepare the planning framework as a whole, as there are not only efficiencies in knowledge and planning continuity, but the consultant team is likely to offer better value for money in response to the larger ongoing project.

STATUTORY REQUIREMENTS

Nil at this stage

FINANCIAL CONSIDERATIONS

Dependent on Council's decision, sufficient funds will be included in the 2017/08 draft Budget and the Long Term Financial Plan to undertake the work.

The anticipated costings of the project have been provided to Councillors under separate cover.

OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Receives the overview of the Scope of Works Report for the Strategic Planning Framework for the Town of Bassendean prepared by Taylor Burrell Barnett, Town Planning & Design and endorses the methodology contained within that report; and
2. Allocates funds for consideration for Year 1 of the Strategic Planning Framework in the 2016/17 draft Budget and includes Years 2 and 3 in the Long Term Financial Plan.

Voting requirements: Simple majority

10.5 Petition relating to the Bassendean Town Centre Redevelopment (Ref: LUAP/PLANNING/11 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider a petition that has been received relating to the above project.

BACKGROUND

At the March Council meeting, two petitions were received relating to the above project. One of the petitions requested a Special Meeting of Electors be held to discuss a number of issues associated with the project, which is subject to a separate report on this agenda (Refer item 10.11).

The petition the subject of this report is reproduced below:

“TO: The Mayor of the Town of Bassendean

The electors of the Town of Bassendean whose names, addresses and signatures are set out in the attached list hereby petition the Town of Bassendean to:

- 1. Preserve our green spaces in their entirety at the Bassendean Improvement Committee (BIC) Reserve and Steel Blue Oval;*
- 2. Implement a six month period of intensive community planning workshops and consultations to investigate ways to facilitate the upgrade of Swan District Football Club buildings and adjoining carpark without negatively impacting on green spaces*

Summary of reasons for the request:

In November 2015, the Town of Bassendean announced a community consultation period for a redevelopment to occur in the Bassendean Town Centre on land at Steel Blue Oval, the BIC Reserve and the Wilson Street carpark. The local community have many concerns about the project and would like to ensure that the community consultation is genuine and that local concerns are heard and acted upon.

The petition, which has been signed by 1,356 people, of which approximately 85% are electors, with the others having a “community of interest” with the project.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objectives

Ensure Town provides choice in housing types

Strategies

- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.
- Strive to ensure that higher density housing will have excellent design to ensure that development is people friendly and attractive.
- Strive to ensure that new housing, and in particular high density housing, has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

Objectives

*Foster enhanced public space and street appearance
Strategies.*

- Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well developed and maintained street trees.
- Encourage the retention of trees on development sites.
- The Town Centre is a vibrant hub for community.

Strategies

- Strive for the Town Centre to be a vibrant hub of mixed uses including: dining, entertainment, retail, commercial, civic facilities, family services, and residential apartments.

COMMENT

The Bassendean Town Centre Redevelopment is a joint project being undertaken by the Town of Bassendean, LandCorp and the Swan Districts Football Club. The process is being undertaken under the guidance of a Development Agreement signed by each of the parties.

The Agreement establishes a non-decision making Project Steering Group comprising of 3 members appointed by the Town and 2 members by LandCorp. The functions of the Steering Group include:

- a) To ensure that the project runs smoothly;
- b) Consider opportunities for stakeholder involvement and to increase public awareness of the project;
- c) Identify and consider land to be removed or included or in the project; and
- d) To make recommendation to the Town as to what portions of Town Centre 2 and the interface area should be made available for development/treated.
- e) Guide the community consultation process.

In terms of community consultation, the following actions have occurred:

The project was launched with a special edition of the Bassendean Briefings which included an online community survey.

Three Community Forums were held between 27 February and 1 March 2016.

A Community Working Group was established in March 2016 to help shape the project and to provide feedback to the Planning Design Forums.

The Planning Design Forums were held on 27 and 28 April culminating in the preparation of options for the sites under consideration which were presented to a Public community forum on 28 April attended by some 130 people.

The concept plans are currently being evaluated.

In terms of the implications of the points in the petition on the project the following points are made:

Preserve our green spaces in their entirety at the Bassendean Improvement Committee (BIC) Reserve and Steel Blue Oval

This position is inconsistent with the overall aims of the project which aims at rejuvenating under-utilised land in close proximity to the Town Centre.

From the Manager Development Services' perspective the project aims to use underutilized areas of open space, for development, while at the same time opening up areas such as the Oval itself for genuine use by the community. It is also anticipated that whilst there will be a decrease in the overall amount of open space, the quality and usability of the remaining open space will improve.

Having said that, the recommended outcomes from the Planning Design Forums and Community Working Groups is not known at this stage.

It is also worth noting that from a strategic planning point of view, the less land that is developed in close proximity to the Town Centre, the more land will be required to be zoned for higher density development elsewhere to meet, the housing targets placed on the Town through strategic policy documents.

Implement a six month period of intensive community planning workshops and consultations to investigate ways to facilitate the upgrade of Swan District Football Club buildings and adjoining carpark without negatively impacting on green spaces

Read in conjunction with the first resolution, it is understood that this point would have the effect of limiting any future development on the Oval to the site of the Club's buildings and the adjoining carpark. The point also calls for a more intensive community consultation and community led design phase, which will have implications for the current Development Agreement which will require discussions with the other parties to the Agreement.

It is recognised that some in the community are not satisfied with the level of community engagement both from inside the Community Reference Group and beyond it.

In terms of both points of the petition, and as mentioned in the Chief Executive Officer's report at Item 10.11 in the agenda, Officers are unable to provide any recommendation without compromising a process agreed to as part of the Development Agreement and subsequent determinations by the Project Steering Group established as part of that agreement and which has as members the Mayor and two other Councillors.

STATUTORY REQUIREMENTS

The following is reproduced from the Town's Standing Orders
Local law 2011

6.11 Petitions

- (1) A petition is to –
 - (a) be addressed to the mayor;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Town is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless –
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

FINANCIAL CONSIDERATIONS

Nil to Council at this stage.

OFFICER RECOMMENDATION — ITEM 10.5

That Council notes the contents of the petition received at the March 2016 Council meeting, and raises the matters contained therein with its partners in the Development Agreement approved by Council – including an extension of the public consultation period.

Voting requirements: Simple Majority

10.6 RFT CO 046 2015-16 Provision of Plumbing and Gas Services (COUP/TENDNG/59 – Mandy Godfrey, Contracts Support Officer)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received for Request for Tender (RFT) CO 046 2015-16 Provision of Plumbing and Gas Services and appoint the most suitable contractor.

ATTACHMENTS

Confidential Attachment No. 1: Table containing full pricing

BACKGROUND

Contractors were invited to tender for RFT CO 046 2015-16 Provision of Plumbing and Gas Services via an advertisement in the Western Australian Newspaper on 23 March 2016.

STRATEGIC IMPLICATIONS

Town Planning & Built Environment

Objectives:

Arts, heritage and culture

Strategies:

Protect local history and heritage

COMMENT

In response to RFT CO 046 2015-16 Provision of Plumbing and Gas Services; seven tender responses were received prior to the tender deadline 2.00pm on Thursday 14 April 2016.

The contract is for a three year period commencing 11 June 2016 with an option to extend the Contract for a further one year period.

All tenders received were evaluated by the Tender Evaluation Panel and were assessed against the selection criteria.

All seven Tenderers met the RFT compliance requirements.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

The costs associated to this contract is allocated in the Operational Budget for each relevant year.

OFFICER RECOMMENDATION – ITEM 10.6

That Council:

1. Appoints McDermott Group to undertake the work as required in RFT CO 046 2015-16 Provision of Plumbing and Gas Services in accordance with the specifications and terms and conditions for a three year period commencing on 11 June 2016; and
2. Delegates to the CEO the authority to exercise the option under the contract to negotiate for a one year extension of contract beyond the nominal expiry date of 10 June 2019.

Voting Requirement: Absolute majority

10.7 Bulk Rubbish Contract (Ref: WSTMNGT/TENDNG/6 - Ken Cardy– Manager Asset Services)

APPLICATION

The intention of this report is to advise Council that a typographical error occurred in the Officer Recommendation section (which was subsequently adopted by Council) of the Annual Bulk Rubbish Collection report presented to Council at the Ordinary Council meeting in June 2012.

BACKGROUND

In June 2012, the Contracts Officer presented Council with a report summarising the Request for Tender procurement program for 2012 to 2016 Annual Bulk Rubbish Collections (RFT CO 011 2011-12).

The report correctly stated that Officers were seeking Council approval to award the contract for Annual Bulk Rubbish Collection as specified in RFT CO 011 2011-12 for a four year period commencing 5 November 2012 to the nominated contractor.

Within the Council Resolution section of the report, Council resolved to appoint the contractor for Provision of Annual Bulk Rubbish Collection in accordance with the specifications, and terms and conditions of RFT CO 011 2011-12 Annual Bulk Rubbish Collection, for a period of three (3) years commencing 1 June 2012; and delegates to the CEO the authority to exercise the option under the contract to negotiate for a single one (1) year extension of the Contract beyond the nominal expiry date of 4 November 2016.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objective:

Environmental sustainability and adaptation to climate changes.

Strategy:

Provide opportunities for the community to recycle and reuse material which would otherwise go to landfill, and explore new and innovative ways to work with the MRC to recycle and reuse waste.

COMMENT

Through the contract extension review process, Officers identified the error prior to proceeding with the review of the contract and offering any extensions.

Officers are currently reviewing the process for Waste Collection and If Council resolves to rescind the OCM 7/6/2012 resolution and replace it with the correct recommendation only, the 2016 Annual Bulk Rubbish Collection, which finishes in December 2016, will be included in this contract.

The contractor currently undertaking the work is servicing the contract at a high level.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.7

That Council;

1. Rescinds its resolution of 26 June 2012 (OCM – 7/06/12 refers) which reads:

“That Council:

- (1) Appoints Alvito Pty Ltd as the Contractor for Provision of Annual Bulk Rubbish Collection in accordance with the specifications, and terms and conditions of RFT CO 011 2011-12 Annual Bulk Rubbish Collection, for a period of three (3) years commencing 1 June 2012; and*
- (2) Delegates to the CEO the authority to exercise the option under the contract to negotiate for a single one (1) year extension of the Contract beyond the nominal expiry date of 4 November 2016”*

and;

2. Appoints Alvito Pty Ltd as the Contractor for Provision of Annual Bulk Rubbish Collection in accordance with the specifications, and terms and conditions of RFT CO 011 2011-12 Annual Bulk Rubbish Collection, for a period of four (4) years commencing 4 November 2012; and
3. Delegates to the CEO the authority to exercise the option under the contract to negotiate for a single one (1) year *extension of the Contract beyond the nominal expiry date of 4 November 2016.*

Voting requirements: Absolute majority

10.8 RFT CO 047 2015-16 Provision of Concrete Footpaths and Crossovers (ROAD/TENDNG/36) – Mandy Godfrey Contracts Officer

APPLICATION

The purpose of this report is to present to Council a summary of tenders received for Request for Tender (RFT) CO 047 2015-16 Provision of Concrete Footpaths and Crossovers within the Town and appoint the most suitable contractor.

ATTACHMENTS

Confidential Attachment No. 2: Table containing full pricing

BACKGROUND

Contractors were invited to tender for RFT CO 047 2015-16 Provision of Concrete Footpaths and Crossovers via an advertisement in the Western Australian Newspaper on Wednesday, 23 March 2016.

STRATEGIC IMPLICATIONS

Town Planning & Built Environment

Objectives: Foster enhanced public space and street appearance.

Strategies: Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.

COMMENT

In response to RFT CO 047 2015-16 Provision of Concrete Footpaths and Crossovers, 7 tender responses were received prior to the extended tender deadline 12.00pm on Monday 18 April 2016.

The contract is for a three year period commencing 1 June 2016.

The Tender evaluation panel consisted of the following three officers; Engineering Officer, Engineering Technical Assistant/Compliance Officer and the Contracts Support Officer. The panel was required to assess each tender against the selection criteria.

All 7 Tenderers met the RFT compliance requirements. The following index represents the selection criteria and weighting for this contract.

Pricing is regarded as commercial in confidence and therefore between the parties involved.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

The costs associated to this contracted are allocated in each Town of Bassendean Asset Operational Budget code for that year.

OFFICER RECOMMENDATION – ITEM 10.8

That Council appoints Axiis Contracting to undertake the work as required in RFT CO 047 2015-16 Provision of Concrete Footpaths and Crossovers in accordance with the specifications and terms and conditions for a three (3) year period commencing 1st June 2016.

Voting Requirement: Absolute majority

10.9 RFT CO 043 2015-16 Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve (PARE/TENDNG/60 – Mandy Godfrey, Contracts Support Officer & Ken Cardy Manager Asset Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received for Request for Tender (RFT) CO 043 2015-16 Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve and appoint the most suitable contractor.

ATTACHMENTS

Confidential Attachment No. 3: Table containing full pricing

BACKGROUND

Contractors were invited to tender for RFT CO 043 2015-16 Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve via an advertisement in the Western Australian Newspaper on Wednesday 23rd March 2016.

STRATEGIC IMPLICATIONS

Town Planning & Built Environment

Objectives: Foster enhanced public space and street appearance

Strategies: Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.

COMMENT

In response to RFT CO 043 2015-16 Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve; Thirteen (13) tender responses were received prior to the tender deadline 2.00pm on Wednesday 20th April 2016.

The contract is for a three (3) year period commencing 1st July 2016 with an option to extend the Contract for a further one (1) year period at the discretion of the Principal.

The Tender evaluation panel consisted of the following officers; Parks and Gardens Supervisor, Parks and Gardens Reticulation Officer and the Engineering Officer.

The panel was required to assess each tender against the selection criteria.

One offer received from MCL Commercial Services has significant calculation errors in Year One (1) and Year Two (2) cost for Mowing activities for Ashfield Reserve. If the correct calculation of 26 x passive mows is applied, then MCL Commercial Services offer is ranked as the lowest price, and subsequently receives the ranking of number one in the Evaluation Assessment Matrix.

As this was an administration error, I had sought clarification of calculations from MCL Commercial Services, which was confirmed by their Business Development Manager. This Officer recommends that Council consider MCL Commercial Services offer with the updated clarifications of pricing.

All thirteen (13) Tenderers met the RFT compliance requirements.

Pricing is regarded as commercial in confidence and therefore between the parties involved.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations 2007
Town of Bassendean Tendering Procedures Manual

FINANCIAL CONSIDERATIONS

The costs associated to this contract are allocated in each Town of Bassendean Asset Operational Budget code for that year.

OFFICER RECOMMENDATION – ITEM 10.9

That Council:

1. Appoints MCL Commercial Services to undertake the work as required in RFT CO 043 2015-16 - Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve in accordance with the specifications and terms and conditions for a three (3) year period commencing 1st July 2016; and

2. Delegates to the CEO the authority to exercise the option under the contract to negotiate for a one (1) year extension of contract beyond the nominal expiry date of 30th June 2019.

Voting Requirement: Absolute majority

10.10 Fence Replacement Wind In the Willows Ashfield (Ref: COUP/MAINT/11 - Marnie Woodley, Acting Manager Children's Services)

APPLICATION

The purpose of the report is for Council to amend the 2015/16 Budget to accommodate the replacement of the fence at Wind in the Willows in Ashfield.

BACKGROUND

In August 2013, the building located at 2 Colstoun Road, Ashfield, transitioned from an Outside School Hours Care facility to become an extension of Wind in the Willows Bassendean. The building now provides a Long Day Care service for 35 children per day aged 3-5 years.

The building underwent several improvements to make it suitable for the new age range of children in the building, however, at this point the fence was not replaced, despite being significantly lower than the fence around Wind in the Willows Bassendean.

Concern has been expressed by many of the parents of children in care about the suitability of the fence.

The service is located in a high traffic area and often has people loitering around it, particularly on days when the Street Doctor Service is on site.

With the replacement of the toilet block on Ashfield Reserve, there have been increased incidences of Wind in the Willows Ashfield's yard been used overnight and on weekends for antisocial behaviour.

This has resulted in increased maintenance costs due to vandalism to the service's cubby house, the vegetable gardens and the windows on several occasions.

Additionally, the service's cubby house is positioned adjacent to the fence, and provides an easy foothold for children to climb up on to the fence and is a risk in terms of children's safety and security.

With the recent incident of where children were abducted, parent concern has increased, and the fence is causing unrest and anxiety for families.

The current fence is also quite run down and would be required to be replaced in the coming months regardless. It was anticipated this would be a capital request in the 2016/2017 draft budget, however, it has been brought forward due to the heightened anxieties in the community.

COMMENT

Options available to Council include to approve the budget changes to accommodate the fence replacement without further delay or to refer the works for consideration in the new budget.

The current fencing style is inadequate, as it is pool-hooped fencing at 1200mm height.

The service seeks to replace this with 1800mm height garrison style fencing similar to that recently installed surrounding the infant health service.

STRATEGIC IMPLICATIONS

Inclusiveness, Lifelong Learning, Health And Social Wellbeing

Provide a safe environment	Continue to monitor changing community needs and aspirations and liaise with the WA Police Crime Prevention and Community Liaison Unit to identify who is most suitable to deliver services and facilities that meet the community's expressed needs and aspirations..
----------------------------	--

STATUTORY REQUIREMENTS

Local Government Act 1995
Education and Care Service National Regulations 2012
(Amended July 2015)
Children and Family Services Regulations 2006

Section 6.8 Local Government Act 1995 provides that a Local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is included in the adopted budget or is authorized in advance by resolution.

FINANCIAL IMPLICATIONS

Quotes have been received in line with 2016/17 budget preparation.

Sufficient funds to achieve the project are available in the Wind in the Willows Bassendean Building Operating Account (RB0003).

Council is requested to transfer \$10,000 from the operating budget and establish a new Capital Account Number to achieve this project without further delay.

OFFICER RECOMMENDATION – ITEM 10.10

That:

1. Council amends the 2015/16 Budget to reflect the following changes:
 - a. Reduces Account -Building Renewal WITW- RB0003: \$10,000;
 - b. Establishes Account AB1511 - Ashfield Fence: \$10,000;

and

2. The expenditure be authorised in accordance with Section 6.8 of the Local Government Act.

Voting requirements: Absolute Majority

10.11 Special Meeting of Electors Minutes held on 20 April 2016
(Ref: Bob Jarvis, CEO - GOVN/CCL/MEET/1)

APPLICATION

The purpose of this report is to provide Council with a response to motions passed at the Special Meeting of Electors held on 20 April 2016.

ATTACHMENTS

Attachment No. 2: Special Meeting of Electors Minutes of 20 April 2016.

BACKGROUND

A petition was received by Council at its meeting held on 22 March 2016 requesting that the Town of Bassendean hold a Special Meeting of Electors to discuss the following matters:

- The redevelopment of proposals by stakeholders group - the Town of Bassendean, SDFC and LandCorp.
- The community consultation process conducted for and on behalf of the Town of Bassendean by LandCorp.
- Areas included in redevelopment discussions within the Town Centre, plus any additional areas under consideration.
- The relocation of clubs and/or facilities.
- The business case and/or cost analysis for these proposals.
- Documentation signed by the Town of Bassendean in relation to these redevelopment proposals.
- The timeline for the entire process.

COMMENT

At the Special Meeting of Electors held on 20 April 2016 the following motions were put and carried:

SME - Motion 1 (SME - 1/4/16)

MOVED Kathryn Hamilton, Seconded Megan Longwill, that questions from the floor that cannot be answered this evening be advertised in the local paper within 14 days of the meeting with the answers.

CARRIED

Officer Comment

The partners in the Development Agreement (the Town, LandCorp, and Swan Districts Football Club) all had representatives at the meeting to provide answers to all questions.

SME - Motion 2 (SME - 2/4/16)

MOVED Kathryn Ketterer, Seconded Kathryn Hamilton, that:

1. Council keeps as an option for the community's consideration, an option that no green space is developed as part of the process, which includes the public open space around Bassendean Oval, the public accessible open space as part of the BIC Reserve and the green open space as part of our sporting clubs; and
2. When LandCorp offers options to the community, that this is one of the options that the community may choose, if the above is approved by Council.

CARRIED UNANIMOUSLY

SME- Motion 3 (SEM – 3/4/16)

MOVED Kathryn Hamilton, Seconded Teresa Scott, that the Mayor and this Council agree under Clause 5.1.2 of the Development Agreement to lengthen the time for community consultation by 8 weeks prior to presentation to the community of Town Planning Scheme 10 amendments.

CARRIED

SME- Motion 4 (SME - 4/4/16)

MOVED Teresa Scott, Seconded Bob Bunce, that you lift the gag off everybody on the Steering Committee and the Council.

CARRIED

Officer Comment

With respect to resolutions 2, 3, and 4, it should be noted that an option of “no green space being developed” was discussed as part of the Community Working Group consultations which occurred after the Special Meeting of Electors.

The community consultation period has already been extended by some weeks as part of the evolution of the Community Working Group process – but Council might choose to pursue a further extension.

A number of documents which have been deemed confidential are not the sole property of the Town and it is understood are now the subject of a Freedom of Information Request to LandCorp – a legal process which cannot be compromised by the Town.

It should be noted that Councillors are not permitted to speak against previous resolutions of Council unless it is as part of a debate of a Motion to revoke a decision as prescribed in Section 7.15 of the Town's Standing Orders Local Law 2011, and it is inappropriate for officers to adversely reflect on those decisions.

Officers are unable to provide any recommendation without compromising a process agreed to as part of the Development Agreement and subsequent determinations by the Project Steering Group established as part of that agreement and which has as members the Mayor and two other Councillors. The Development Agreement was approved by Council as below:

“MOVED Cr Brinkworth, Seconded Cr Carter, that Council:

1. Authorises the signing of the Development Agreement for the Bassendean Activity Centre based on the Agreement dated 20 July 2015, as per the attached Confidential Attachment to the Confidential Report; and
2. Appoints Cr Gangell, Cr Lewis and Cr Bridges, and the CEO as ex-officio, as Council's representatives on the Project Steering Group established by the Development Agreement.

CARRIED BY AN ABSOLUTE MAJORITY 6/0”

OFFICER RECOMMENDATION – ITEM 10.11

That Council notes the resolutions of the Special Electors Meeting held on 20 April 2016, and raises the matters contained therein with its partners in the Development Agreement approved by Council – including an extension of the public consultation period.

Voting Requirements: Simple Majority

10.12 Policy on Elected Members' Dealings with Developers and the Inclusion of Interstate Travel by Staff and Elected Members in the Annual Report (Ref: GOVR/LREGLIA/15 - Bob Jarvis, CEO)

APPLICATION

Council's consideration of a new policy which would require public disclosure of dealings with developers, and approval of a proposal to disclose interstate travel by Councillors and staff on Council business or professional development.

ATTACHMENTS

Attachment No. 6: Draft Policy

BACKGROUND

At its Ordinary Meeting of August 2015, Council resolved the following:

"OCM – 24/08/15 MOVED Cr Carter, Seconded Cr Gangell, that the Town of Bassendean supports the intent of the Mayor of Vincent, John Carey's motion to the WALGA AGM on 5 August 2015 and that Council develops a suite of policies covering the following areas:

- 1. Sets up a publicly accessible register of Council Member contact with developers;*
- 2. Prohibits donations from developers to Bassendean local government election candidates;*
- 3. Sets up a publicly accessible register of gifts and hospitality to Bassendean Councillors and employees; and*
- 4. Reports annually on travel undertaken by Bassendean Councillors and employees."*

Councillors will be aware that the State Government has amended legislation so that notifiable gifts and contributions to travel are now publicly disclosed on an accessible register.

COMMENT

Whilst the matter of gifts and travel has been resolved, and the disclosure of travel by staff and elected members can simply be included as an extra item in the Annual report, public disclosure of dealings with developers requires more complex consideration.

Advice received from the Department of Local Government points out that it is not possible to ban candidates in local government elections from receiving donations from developers. Any action in this regard would require a change to the legislation and regulations governing local government elections.

It should be noted that a change to Rules of Conduct Regulations would not provide the necessary basis for such a proposal as these regulations and subsequent penalties for breaches apply only to elected Councillors and not to candidates in an election.

The current legislation and regulations do require the public disclosure of notifiable gifts to candidates, and if elected could require those Councillors to declare a financial interest and not participate in the debate of a matter before Council involving said donor, if the level of donation causes the donor to be a closely associated person (for that Councillor) under the Local Government Act 1995.

The City of Vincent has adopted a policy which requires elected councillors to disclose any dealings with developers. A copy of that policy is provided as an attachment. Advice has been sought from the Department of Local Government and Communities on how such a policy can be enforced, and the Department has responded with - *it is unlikely that such a policy (or any policy) can be enforced – rather it is a public statement providing guidance and setting out the transparency and accountability expectations agreed to by the elected members in regard to dealings with developers.*

The Department has suggested that the public scrutiny of any claims of non-compliance might be a factor in ensuring elected members do follow the policy.

The Department has a guideline for Elected Members on dealing with Developers, and this has been updated in 2016. The Department provides very strong views in the Guideline on elected members relations with Developers. A copy of that Guideline has been provided as an attachment, and sections have been highlighted to demonstrate the seriousness with which the Department views the role of Councillors in Town Planning matters.

A draft policy for Council's consideration is attached which incorporates detail from the City of Vincent's policy, as well as portions of the Department's guideline document.

If adopted, it will be the responsibility of each Councillor to comply with the policy. Any breaches which are reported could only be referred to Council, as there is no legislative censure process for such a policy.

FINANCIAL IMPLICATIONS

There are no significant financial implications.

STRATEGIC IMPLICATIONS

The Community Strategic Plan 2013 -2023 in the Governance Section makes the commitment:

"We will be accountable and make decisions for the good of the community."

It is argued that the policy proposed and the reporting of travel supports accountability through transparency.

STATUTORY IMPLICATIONS

The policy and the disclosure of travel in the Annual Report are not based on any statutory requirements, but are similar in intent to the changes to the *Local Government Act 1995* (the Act) to provide that a relevant person who accepts a gift which is worth greater than \$200 must disclose acceptance of the gift within ten days of receipt to the Chief Executive Officer, rather than in an annual return. All contributions to travel over \$200 must also be disclosed.

OFFICER RECOMMENDATION – ITEM 10.12

That Council:

1. Adopts the draft Policy “Councillors’ Contact with Developers” provided as an attachment to THE Ordinary Council Agenda of 24 May 2016; and
2. Resolves that interstate travel by Councillors and Staff will be disclosed in the Annual Report commencing in the 2016/2017 Financial Year.

Voting requirements: Simple Majority

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

The Principal Building Surveyor made the following building decisions under Delegated Authority:

Building Applications Determined in the Month of April 2016		
Application No	Property Address	Description
201600092	19 LORD STREET, BASSENDEAN	DEMOLITION
201600096	93 OLD PERTH ROAD, BASSENDEAN	COMPLETION OF 5 STOREY MIXED USE BUILDING
201600094	16 PRYDE WAY, EDEN HILL	DWELLING
201600090	4 MILLARD CLOSE, ASHFIELD	RENOVATION OF FIRE DAMAGE
201600098	2 PROWSE STREET, BASSENDEAN	PATIO
201600093	5 PRYDE WAY, EDEN HILL	DWELLING
201600091	51 JAMES STREET, BASSENDEAN	PATIO
201600099	6 RAILWAY PARADE, BASSENDEAN	ADDITION
201600053	24 JAMES STREET, BASSENDEAN	SHED
201600078	125 WHITFIELD STREET, BASSENDEAN	DWELLING
201600072	21 KENNY STREET, BASSENDEAN	FENCE APPLICATION
201600076	96 SECOND AVENUE, BASSENDEAN	FOUR SINGLE STORY GROUPED DWELLINGS
201600079	47 NORTH ROAD, BASSENDEAN	SWIMMING POOL
201600073	51 CYRIL STREET, BASSENDEAN	PATIO
201600005	3 IRELAND WAY, BASSENDEAN	3 X NEW PATIOS
201600084	51 CYRIL STREET, BASSENDEAN	2 PATIOS
201600080	90 WEST ROAD, BASSENDEAN	DEMOLITION OF HOUSE
201600082	5 ASHFIELD PARADE, ASHFIELD	PATIO
201600089	44 SCHOFIELD STREET, EDEN HILL	SINGLE DWELLING
201600081	42 WALKINGTON WAY, EDEN HILL	SHED
201600085	180 ANZAC TERRACE, BASSENDEAN	GABLE PATIOS
201600087	46 WALKINGTON WAY, EDEN HILL	SINGLE STOREY DWELLING & ANCILLARY ACCOMODATION
201600049	36 DEVON ROAD, BASSENDEAN	PATIO
201600045	72 REID STREET, BASSENDEAN	TWO STORY DWELLING
201500005	1 VILLIERS STREET EAST, BASSENDEAN	LIMESTONE RETAINING WALL
201600110	90 WEST ROAD, BASSENDEAN	TWO STOREY DWELLING
201600111	2 WALTER ROAD EAST, BASSENDEAN	FENCE

201600106	16 ANZAC TERRACE, BASSENDEAN	PATIO
201600102	17 CHAPMAN STREET, BASSENDEAN	DEMOLITION PERMIT ISSUED BY DEPARTMENT OF HOUSING FOR REMOVAL OF 2 DUPLEX DWELLINGS
201600100	18 BASSENDEAN PARADE, BASSENDEAN	RETROSPECTIVE PATIO/CARPORT
201600104	2 RUGBY STREET, BASSENDEAN	TWO STOREY DWELLING
201600105	12 BLOCKLEY WAY, BASSENDEAN	RETROSPECTIVE ALFRESCO & SHED APPROVAL
201600109	90 WEST ROAD, BASSENDEAN	TWO STOREY DWELLING
201600101	6 GALLAGHER STREET, EDEN HILL	FENCE APPLICATION

OFFICER RECOMMENDATION – ITEM 10.13

That Council notes the decisions made under delegated authority by the Principal Building Surveyor.

Voting requirement: Simple majority

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

The Manager Development Services made the following planning decisions under Delegated Authority since those reported to the last Council meeting:

Planning and Subdivision Applications Determined to 13 May 2016			
Applic No.	Property Address	Type of Development	Determination
2010-104	5 HARDAKER STREET EDEN HILL 6054	COMMERCIAL VEHICLE PARKING	REFUSED
2015-005	5 HARDAKER STREET EDEN HILL 6054	OUTBUILDING	REFUSED
2015-006	40 ESTHER STREET EDEN HILL 6054	THREE GROUPED DWELLINGS	DELEGATE APPROVED
2015-157	97 NORTH ROAD BASSENDEAN 6054	SWIMMING POOL & ASSOCIATED TERRACE AREA	DELEGATE APPROVED
2015-240	48 WATSON STREET BASSENDEAN 6054	COMMERCIAL VEHICLE PARKING	REFUSED
2016-007	UNIT A 21 HAMILTON STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-017	25 WALTER ROAD EAST BASSENDEAN 6054	THREE GROUPED DWELLINGS	DELEGATE APPROVED
2016-022	6 BROUN WAY BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2016-037	UNIT B 59 FOURTH AVENUE BASSENDEAN 6054	RETROSPECTIVE APPROVAL FOR RETAINING WALLS	DELEGATE APPROVED
2016-047	31 PARKER STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-053	16 LITTLEMORE WAY EDEN HILL 6054	ANCILLARY DWELLING	DELEGATE APPROVED
2016-071	UNIT 7 51 CYRIL STREET BASSENDEAN 6054	PATIOS X 2	DELEGATE APPROVED
2016-072	180 ANZAC TERRACE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-080	UNIT A 23 PENZANCE STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-081	54 HARDY ROAD ASHFIELD 6054	GARAGE ADDITION TO SINGLE HOUSE	DELEGATE APPROVED
2016-082	LOT 2 WEST ROAD BASSENDEAN WA 6054	CHANGE OF USE (MASSAGE THERAPY WITH ANCILLARY RETAIL SALES) (TENANCY 34)	DELEGATE APPROVED
2016-083	7/1 ANZAC TERRACE BASSENDEAN 6054	REVISED APPLICATION FOR GROUPED DWELLING (AMENDMENT TO DA: 2015-169)	DELEGATE APPROVED

2016-085	UNIT A 63 THIRD AVENUE BASSENDEAN 6054	REVISED APPLICATION FOR EIGHT MULTIPLE DWELLINGS (AMENDMENT TO DA: 2014-169)	DELEGATE APPROVED
	Subdivision Applications		
354-16	125 WALTER ROAD EAST BASSENDEAN 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 10.14

That Council notes the decisions made under delegated authority by the Manager Development Services.

Voting requirement: Simple majority

10.15 Bassendean Youth Advisory Council Meeting held on 29 April 2016 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie – Youth Development Officer)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Youth Advisory Council (YAC).

ATTACHMENTS

Attachment No. 7 : Bassendean Youth Advisory Council Minutes of 29 April 2016

BACKGROUND

The Bassendean Youth Advisory Council meets monthly to consider issues of relevance to young people of the Town.

The Bassendean Youth Advisory Council (BYAC) is comprised of up to 6 young people who live, work or recreate in the Town. The BYAC meets monthly at Bassendean Youth Services.

STRATEGIC IMPLICATIONS

Issues discussed at the YAC are in line with the Bassendean 2023 Strategic Community Plan 2013-2023 and the key actions are of inclusiveness, lifelong learning, health and social wellbeing, and the following:

Objective: Build a sense of belonging and connectivity in community.

Strategies: Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes, and support community members to actively volunteer and make a positive contribution to the overall health and well-being of the community.

COMMENT

This meeting of the Bassendean Youth Advisory Council focused on the Bassendean Activity Centre consultation.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.15

That Council receives the report on the meeting of the Youth Advisory Council meetings held on the 29 April 2016.

Voting requirements: Simple Majority

10.16 Access and Inclusion Committee Meeting held on 4 May 2016 (Ref: GOVN/CCLMEET/16 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Access and Inclusion Committee held on 4 May 2016.

ATTACHMENTS:

Attachment No. 8: Access and Inclusion Committee Minutes of 4 May 2016.

BACKGROUND

The Bassendean Access and Inclusion Committee meets on a Wednesday in the months of March, May, July and September.

The objectives of the Committee are defined in the Instrument of Appointment and Delegation as being:

- 3.1 To consult with the community to identify barriers to access and inclusion existent in the community;
- 3.2 To work with and support the Town in working towards a genuinely inclusive community for all;
- 3.3 To prepare for Council a Disability Access and Inclusion Plan (DAIP) to ensure that people with disability have the same level of access to Council's facilities, functions, services and employment opportunities as all other members of the community;
- 3.4 To monitor the implementation of the Town's Disability Access and Inclusion Plan (DAIP) and prepare statutory obligation reports to Council and other stakeholders on the progress of the DAIP;
- 3.5 To review the Disability Access and Inclusion Plan in accordance with legislative obligations and make recommendations to Council to improve and update the plan; and
- 3.6 To maintain networks with people with disability, their carers and service providers.

STRATEGIC IMPLICATIONS

The Access & Inclusion Committee:

- Improves the organisations capability and capacity; and
- Supports inclusiveness and social wellbeing of residents of the Town through building a sense of belonging and connectivity in the community by encouraging people of all abilities to actively in community life and democratic process.

COMMENT

Issues covered in the meeting included:

Progress reporting on the implementation of the Town's adopted Disability Access & Inclusion Plan (DAIP) was considered and received

An update report was provided on the Seniors and Disability Services Business Unit in which it was noted that the annual Wellness Expo titled "Young @ Heart Fair" recently conducted was the most successful yet and had attracted Day Centres from Wanneroo, Nedlands, Subiaco and Cambridge.

Items discussed that are of relevance to members included concern that the crossing on Old Perth Road near the intersection with Whitfield Street is unsafe for people with vision impairment or mobility issues now that the curb has been removed. Committee recommends Council have the crossing reassessed for safety for all pedestrians but most particularly for people with visual impairment and mobility limitations.

Comment was made that it appears the proposed new restaurant at 85 Old Perth Road will not be accessible from the front given there are steps to the front door.

STATUTORY REQUIREMENTS

Disability Services Act requires all Government Departments and Agencies (including Local Government) establish a Disability Access and Inclusion Committee and adopt a Plan to reduce barriers experienced in accessing the services and facilities of that organisation.

FINANCIAL CONSIDERATIONS

Nil.

COMMITTEE/OFFICER RECOMMENDATION — ITEM 10.16

That the:

1. Intersection at the corner of Whitfield Street and Old Perth Road, Bassendean be assessed for pedestrian safety, particularly for people with vision impairment or mobility issues; and
2. Report on a meeting of the Access and Inclusion Committee held on 4 May 2016, be received.

Voting requirements: Simple Majority

10.17 Bassendean Local Studies Collection Management Committee Meeting held on 5 May 2016 (Renata Pietracatella - Manager Library and Information Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Local Studies Collection management Committee held on 5 May 2016.

ATTACHMENTS

Attachment No. 9: Local Studies Collection Management Committee Minutes of 5 May 2016

COMMENT

At its meeting held on 5 May 2016, Jennie Carter was elected the Presiding Member.

The Committee acknowledged 1 Surrey Street progress report and dealt with the Local Studies Librarian's report.

In addition, The Committee considered a review of the draft budget proposal recommending to Council that an amount of \$14,200 be included in the Local Studies Collection's operational budget deliberations for the 2016/17 year.

OFFICER RECOMMENDATION – ITEM 10.17

That Council receives the report on a meeting of the Bassendean Local Studies Collection Management Committee held on 5 May 2016.

Voting requirement: Simple majority

10.18 Municipal Heritage Inventory Review Committee Meeting held on 10 May 2016 (Ref: GOVN/CCLMEET/30 – Brian Reed, Manager Development Services)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Municipal Heritage Inventory Review Committee held on 10 May 2016.

ATTACHMENTS

Attachment No. 10: Minutes of the Municipal Heritage Inventory Review Committee held on 10 May 2016.

COMMENT

The main points of discussion at the meeting included the need for:

- A timeline to be prepared to complete the review of the Inventory.
- Council to set aside funds in next year's budget to prepare design guidelines for any heritage precincts that may be established as part of the review process
- A draft policy and strategy that enables those properties listed on the Heritage List, including heritage precincts to have no loss of their existing development potential and allowing the listed building to be retained.

OFFICER RECOMMENDATION – ITEM 10.18

That the report on a meeting of the Municipal Heritage Inventory Review Committee held on 10 May 2016, be received.

Voting requirement: Simple majority

10.19 Bassendean River Parks Management Committee meeting held on 11 May 2016 (Ref: GOVN/CCL/MEET/34 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean River Parks Management Committee held on 11 May 2016.

ATTACHMENTS

Attachment No. 11: Bassendean River Parks Management Committee Minutes of 11 May 2016.

STRATEGIC IMPLICATIONS

Environmental sustainability and adaption to climate within the Corporate Business Plan 2015-2019:

Objectives: Conserve, protect and provide access to Town's waterways.

Strategies: Continue to rehabilitate and preserve the Swan River foreshore and provide responsible access to the river for the community.
Strive to divert drainage water to recharge groundwater and ensure that run-off to Swan River is of high quality.

COMMENT

At the Committee meeting, the following items were listed for consideration:

Bassendean Water Quality Monitoring Presentation

In 2008, the Town of Bassendean, in partnership with Perth Natural Resource Management (NRM), along with the City of Bayswater, Department of Water and Swan River Trust initiated a Water Quality Monitoring Program.

The Town of Bassendean engaged a water quality officer to monitor the three main drainage lines within the Town of Bassendean (Kitchener St Drain, Chapman St Drain and Guildford Rd Drain). Every year, a Sampling Analysis Plan is developed by the Water Quality Officer and Department of Water. This Plan is used to then produce water quality report.

The Department of Water's Senior Scientific Officer, and City of Bayswater's Water Quality Project Officer, presented the key findings from the 2015 water quality in the Bassendean Drainage Network Report and ongoing work that is being undertaken.

In recent years, the Town has implemented Living Streams, evapotranspiration swales and has prompted the Department of Environmental Regulations to conduct industrial audits throughout the Tonkin business district in Bassendean. The results obtained from water quality and drainage reports are being used for future drainage projects at Bindaring wetland, Ashfield Flats, Success Hill and Anzac Terrace drain.

BRPMC-3/4/16 MOVED Cr Bridges, Seconded Carol Seidel, that the Committee:

- 1. Expresses its appreciation to the Department of Water's Senior Scientific Officer and the City of Bayswater's Water Quality Officer for the Water quality presentation; and*
- 2. Notes the Town of Bassendean's partnership with Perth Natural Resource Management, Department of Water, Department of Parks and Wildlife and City of Bayswater to monitor water quality, and that the information obtained will be used to guide future water quality improvement projects.*

Motion ITEM 9.2

BRPMC-9/5/16 - MOVED Cr Bridges, Seconded Alex Harrison, that the Town of Bassendean writes to all owners and tenants of properties in the Tonkin Business Park and industrial areas and makes them aware of the monitoring process currently being undertaken and the types of contaminants that are flowing into drains, as part of an educational program.

Bindaring Park – Water Quality and Hydrology Investigations

As part of the 2015/2016 Budget, Council allocated funds to commence water quality and hydrology upstream investigations. As a result, the Town engaged GHD to conduct a desktop assessment of the entire wetland from Harcourt Street all the way to the river at Pickering Park.

The initial investigation is focusing on the hydrology and water quality upstream from tidal influences of the Swan River.

It is intended that GHD will provide the Town with hydraulic modelling and a site survey for upper wetland along with ground water monitoring bores for entire site.

As part of the Bassendean Water Quality Monitoring/Drainage Sampling Analyses Plan, extra sampling sites were added for Bindaring Park and a water logger was installed on the footbridge between Lovelock Place and Anstey Road.

It is intended that once the Town receives the full set of scientific data and the desk top report from GHD, including order of magnitude of costs, that funding will be listed in the draft 2016/17 Budget to initiate a community and key stakeholder consultation in order to develop a draft Bindaring Park Concept Plan.

BRPMC-5/5/16 MOVED Nonie Jekabsons, Seconded, Stephen Lloyd, that:

- 1. The Committee notes the Bindaring Park investigation status report; and*
- 2. The Bindaring Park hydrology and water quality report be presented to the August 2016 Bassendean River Parks Management Committee; and*
- 3. The Friends of Bindaring Park be provided with a copy of the Bindaring Park investigation status report.*

Integrated Mosquito Management - South East Regional Centre for Urban Landcare (SERCUL) Presentation

At the February 2016 Committee Meeting, it was recommended to Council that SERCUL be invited to the conduct a presentation to the River Parks Management Committee on how they derived from the master plan to implementation, including their research on mosquito control, and nutrient stripping in wetlands that feed the Swan and Canning Rivers

In March 2016, Council (OCM – 20/03/16) resolved provide funding for the presentation and Officers coordinated with SERCUL to present.

SERCUL discuss the challenges in stormwater and mosquito management within treatment systems.

BRPMC-6/5/16 MOVED Cr Brown, Seconded Carol Seidel, that the Committee expresses its appreciation to the South East Regional Centre for Urban Landcare (SERCUL) for the of Integrated Mosquito Management presentation

Ashfield Flats Reserve - Land Management

MOTION – ITEM 7.0(b)

BRPMC-3/5/16 MOVED Cr Bridges, Seconded Cr Brown, that this Committee again requests Town of Bassendean Officers to:

- 1. Prepare an outline of works currently being undertaken at the Ashfield Flats;*
- 2. Review the existing Syrinx report and liaise with relevant agencies and Committee members to undertake a gap analysis;*
- 3. Provide an outline of how to progress a management plan for the Committee’s consideration; and*
- 4. Explore funding options to advance the preparation of a management plan for the Ashfield Flats as is the remit of this Committee.*

The Officers report to the May 2016 committee provided an overview of the Brief for the Strategic Management Plan and Associated Works for the “Ashfield Flats Precinct”, which included the Ashfield Flats Reserve Plan.

Officers reported that to date the detailed site investigations outlined in the Syrinx report have not been undertaken as State Government funding has not been allocated. In regards to the Syrinx Environmental long term management strategy, to date the State Government has not made a decision to transfer the WAPC/Department of Planning managed parcels of Ashfield Flats Reserve land to Department of Parks and Wildlife (DPaW), or similar agency responsible for protecting and conserving natural areas.

The Town of Bassendean continues to work with the Department of Planning and the Department of Parks and Wildlife.

BRPMC-7/5/16 - MOVED Cr Bridges, Seconded Nonie Jekabsons, that:

- 1. The Committee notes Department of Planning's progress towards developing a program for foreshore rehabilitation that will be integrated into a broader Ashfield Flats Reserve maintenance regime;*
- 2. The Committee notes the Department of Planning's intention to continue its consultation with Department of Parks and Wildlife and the Town of Bassendean prior to confirming its integrated foreshore rehabilitation program and Ashfield Flats Reserve maintenance regime.*
- 3. Town of Bassendean Officers are to review the existing Syrinx report 'Brief for the Strategic Management Plan and Associated Works' for the Ashfield Flats and liaise with the relevant agencies, and community members to undertake a gap analysis with a view to creating a brief for the management plan for the Ashfield Flats as is the remit of the Committee;*
- 4. Town of Bassendean Officers are to investigate ways to fund and develop a management plan for the Ashfield Flats with all relevant agencies involved and with a Town of Bassendean contribution proportional to the Town's landholdings, management areas and community use; and*
- 5. A progress report to be provided to the members two weeks prior to the next Bassendean River Parks Management Committee meeting.*

In regards to BRPMC-7/5/16 item 5 that a progress report be provided to members two weeks prior to the next committee meeting, it should be noted that due to current operational workloads and the extent of work involved in this task, that the committee's requested may not be possible.

It is therefore recommended that the Committee's requested report be attached to the 17 August 2016 Agenda.

Swan & Helena Rivers Management Framework

Officers provided an overview of the Swan and Helena Rivers Management Framework and advised that Council will continue to liaise with the EMRC on this issue and provide feedback to the Committee.

BRPMC-8/5/16 - MOVED Mr Harrison, Seconded Mrs Seidel, that the Committee receives the Swan Helena River Management Framework – Update report attached to the 11 May 2016 Bassendean River Park Committee agenda.

Bassendean Foreshore Precinct Plan

At the February 2016 Committee Meeting Officers provided an overview of the Bassendean Foreshore Precinct Plan, and the Committee requested that further information be provided through an Officer's Report on the current status of the project.

MOTION ITEM 7.0(a)

BRPMC-2/5/16 MOVED Cr Bridges, Seconded Cr Brown, that Town of Bassendean officers prepare a report/update on the current status of the Bassendean Foreshore Precinct Plan, including future planned works, and provide a copy to Committee members two weeks prior to the next Committee meeting.

In regards to BRPMC-1/4/16 that the report is provided to members two weeks prior to the next Committee meeting, it should be noted that due to current operational workloads that the committee's requested may not be possible.

It is therefore recommended that the Committee's requested report be attached to the 17th August 2016 Committee Agenda.

Bassendean River Parks Management Committee's Instrument of Appointment

Cr Bridges advised at the May 2016 Committee meeting that the AshfieldCAN President expressed concern that she had not been made a member of the Bassendean River Parks Management Committee when it was formed.

In October 2015 Council (OCM – 18/10/15) adopted the Bassendean River Parks Management Committee's Instrument of Appointment and Delegation, which states the Committee shall consist of 10 members, comprising the following:

1. Two Councillors from the Town of Bassendean;
2. Two Officers from the Town of Bassendean;
3. Three community representatives;
4. One representative from the Department of Planning;
5. One representative from the Department of Parks and Wildlife; and
6. One representative from the Department of Water.

The Town subsequently advertised the Bassendean River Parks Management Committee's vacant positions in the Eastern Reporter, public notice boards and the Town's website with applications closing on 17 November 2015.

Three applications were received being Brian Vincent, Carol Seidel and Nonie Jekabsons

At the May 2015 Committee meeting two of the community members advised that they were members of AshfieldCAN

Concern was expressed on the number of potential AshfieldCAN representatives on the Committee, and this may be viewed as disproportional to other key stakeholders.

After clarification, the following motion was tabled:

MOTION – ITEM 9.3

BRPMC-10/5/16 - MOVED Cr Bridges, Seconded Cr Brown, that the Bassendean River Parks Management Committee's Instrument of Appointment and Delegation be amended and invite a representative of the Ashfield CAN to be included as a member of the Committee.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.19

That Council:

1. Receives the report of the meeting of Bassendean River Parks Management Committee held on 11 May 2016;
- 2a) Amends the Bassendean River Parks Management Committee's Instrument of Appointment and Delegation to include a representative of the AshfieldCAN;

Or

- 2b) Re-affirms OCM – 18/10/15 Bassendean River Parks Management Committee's Instrument of Appointment and Delegation;
3. Notes that in regards to the Bassendean River Parks Management Committee recommendations BRPMC-2/5/16 - Bassendean Foreshore Precinct Plan and BRPMC-7/5/16 item 5 – Ashfield Flats Reserve reports are intended to be tabled within the 17th August 2016 Bassendean River Parks Management Committee agenda; and
4. Writes to all owners and tenants of properties in the Tonkin Business Park and industrial areas, as part of an educational program, and makes them aware of the Water Quality monitoring process currently being undertaken and the types of contaminants that are flowing into drains.

Voting requirement:

Point 2 a) or b) - Absolute Majority

Points 1, 3 and 4 - Simple Majority

10.20 Accounts for Payment – April 2016 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

ATTACHMENTS

Attachment No. 12: List of Accounts

BACKGROUND

The monthly payments made for April 2016 are presented to Council, with details of payments made by the Town in relation to goods & services received.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

- *Ensure Financial sustainability*
- *Monitor and enhance organisational performance and service delivery*

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with their allocated budget.

OFFICER RECOMMENDATION - ITEM 10.20

That Council receives the List of Accounts paid for April 2016, as attached to the Ordinary Council Agenda of 24 May 2016.

Voting Requirements: Simple majority

10.21 Financial Statements – April 2016 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

ATTACHMENTS:

Attachment No. 13: Financial Reports

BACKGROUND

Regulations require a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget.

A statement of financial activity and accompanying documents are required to be presented to Council within 2 months after the end of the month to which the statement relates.

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2015/16 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

- *Ensure Financial sustainability*
- *Monitor and enhance organisational performance and service delivery*

COMMENT

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 8.8% ahead of Budget Year to date. Interest on investments is 11.5% ahead of estimates. Grants, Subsidies and Contributions, are 33.8% ahead of budget YTD forecasts, and Fees & charges, Service charges are on target.

Total expenditure by nature & type for YTD is 9.4% below Budget YTD expectations. Employee costs, Utilities and depreciation are on Target. Materials & contracts are well under expended at 23.6%. Insurance Premiums are also under budget expectations in the current reporting period.

The Statements provide a comparison between actual and budget income and expenditure on year to date basis. The Notes accompanying the statements provide a detailed breakdown of the amounts.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ended the 30 April 2016. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.21

That the Financial Reports for the period ended 30 April 2016, as attached to the Ordinary Council Agenda of 24 May 2016, be received.

Voting Requirements: Simple majority

10.22 Implementation of Council Resolutions (Ref: Yvonne Zaffino, Council Support)

At the Ordinary Council meeting held on 14 December 2010, it was resolved that only those items that are to be deleted from the implementation of Council resolutions be referred to Council, and all other items in progress be included in the Councillors' Bulletin on the last Friday of the month.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

The following table details those resolutions of the Council that are recommended for deletion:

85670	Bob Jarvis	OCM-24/8/15 - Notice of Motion – Cr Carter	Report to May 2016 OCM Recommend Deletion
90256	Bob Jarvis	OCM-42/3/16 - Registration of Interest for the Purchase and Development of Lot 5 (No 246) Morley Drive Eden Hill	13th April 2016 meeting held by CEO with the owners' agent and planners on plans for the site. Council's views and concerns conveyed clearly to agent including the possibility of pursuing an improvement plan and confirmed by e-mail on the 14th April 2016. Recommend Deletion
90184	Simon Stewart-Dawkins	OCM-21/3/16 - Bassendean River Parks Management Committee meeting held on 17 February 2016	On Wednesday 11 May 2016 South East Regional Centre for Urban Landcare (SERCUL) attended the to the River Parks Management Committee. Recommend Deletion
83382	Brian Reed	OCM-24/5/15 - Notice of Motion: Cr Bridges – Commencement of Local Area Plans	Included in Strategic Planning Framework. Recommend deletion
83383	Brian Reed	OCM-25/5/15 - Notice of Motion: Cr Bridges – Streetscape Policies	Included in Strategic Planning Framework. Recommend deletion

86057	Brian Reed	OCM-13/10/15 OCM-19/9/15 - Notice of Motion – Cr Bridges: Employment of a Strategic Planner	Strategic Planner included in Workforce Plan and will be included in next year's budget considerations. The other part of the resolution is included within the Strategic Planning Framework to be presented to Council in May. Recommend deletion
91078	Brian Reed	OCM-8/4/16 - Proposed retrospective additions to Single House Lot 22; (61) Villiers Street West Bassendean	Development Approval issued to applicant. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.22

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 24 May 2016 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

10.23 Use of the Common Seal (Ref: INFM/INTPROP/1 – Yvonne Zaffino, Council Support Officer)

- 5/05/2016 Power of Attorney for Mrs Charmaine Louise Potts of 26 Devon Road, Bassendean, in relation to a deceased estate in France
- 4/05/2016 Hyde Retirement Village Residence Deed between Mr William Anthony Thomas and the Town of Bassendean
- 29/04/2016 Local Planning Scheme No.10, Scheme Amendment No. 7, to include a 'restaurant' land use to the list of Additional Uses at Lot 743; 3a & 3b Broadway, Bassendean.
- 26/04/2016 Notification Under Section 70A of the Transfer of Land Act 1893, as amended, between Gregory & Julia Kay Darui and the Town of Bassendean to notify prospective purchasers of Lot 52; 7 Carnegie Road, Bassendean, that the land is situated within the flood plain of the Swan River and is liable to be affected by flooding and the use of the ground floor of the dwelling for habitable purposes is prohibited.
- 24/03/2016 Application for an order for a Road Closure under the Road Traffic Act 1974 for Anzac Day - RSL Eastern Regional Sub-Branch.

OFFICER RECOMMENDATION – ITEM 10.23

That Council authorises the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 24 May 2016.

Voting Requirements: Simple majority

10.24 Calendar for June 2016 (Ref: Sue Perkins, Executive Assistant)

Tue	31 May	7.00pm	Special Council Meeting – Council Chamber Outcome of the community engagement process to locate the new State Football (Soccer) to Ashfield Reserve
Wed	1 June	3.30pm	Bassendean Local Emergency Management Committee Meeting – Council Chamber (Crs Pule and Brown)
Tue	7 June	7:00pm	Liveable Town Advisory Committee Meeting – Council Chamber (Gangell, Bridges and McLennan)
Wed	8 June	5.30pm	Audit and Risk Management Committee Meeting – Council Chamber (Crs Lewis, Pule and Bridges)
Thur	23 June	6:00pm	EMRC Council Meeting – EMRC (Crs Lewis and Pule)
Fri	24 June	5.00pm	Youth Advisory Council Meeting – Youth Services, West Road, Bassendean
Tue	28 June	5.00pm	Briefing Session – Council Chambers
Tue	28 June	7.00pm	Ordinary Council Meeting – Council Chambers

OFFICER RECOMMENDATION - ITEM 10.24

That the Calendar for June 2016 be adopted.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Pule: Review methodology for using Consultants to review Plans and Policies

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

That a report be brought to the next meeting of the Audit and Risk Committee (8 June 2016) to review the methodology for using Consultants to review Plans and Policies of the Town.

- a) That the report include, list all consultant spend on reviewing Plans and Policies for the current and last financial year (ie a 2 year period);
- b) Cost comparison if the above had been done in-house by current staff and/or by a new position of Plans and Policies Review Officer and assess capacities;
- c) If a new position of Plans and Policies Review Officer were employed, what would be the time allocation to these functions. (ie full time or part time);
- d) Show comparisons of methodologies to do the reviews. (ie to what degree and to what time table).

COMMENT – Cr Pule

It is noted that the Town of Bassendean has a considerable spend on Consultants to do reviews on plans and policies when needed to be made current. An assessment is needed to oversight the effectiveness of this spend on Consultants and whether this may be done better in different ways, in-house or with a new staff position.

Examples of Consultant spend:

1. Physical Activity Plan review estimated spend \$20,000.
2. Community facilities and Oval / Reserves audit estimated spend \$20,000 to \$80,000.
3. Culture Plan review estimated spend \$20,000 plus.
4. Aerial survey of trees and canopy as part of the review of the Street Tree Master Plan. Estimated spend \$120,000 (possible alternative in house Near Map desk top survey).

This is part of the long term Strategic Plan...to audit and examine cost efficiencies on expenditures of the Town.

OFFICER COMMENT

The Town has a number of informing and operational plans and documents that support strategic/infrastructure asset management and hence good governance.

Many such plans require technical and specialist knowledge and in many instances, multidiscipline skillsets are required to input to the one plan.

In such cases, the Town rightfully purchases in those skills on an as required basis.

Officers are of the view that no one individual could reasonably be expected to produce the variant outputs that the Town requires and that contracting is the optimal financial efficiency tool.

Plans such as the Physical Activity Plan (Recreation Plan), Cultural Plan and Sporting Infrastructure Plan can be produced in-house with existing staff, however, to do so would result in an opportunity cost from within the current scheduled work program. Again, it is unlikely a single person would hold sufficient competency to authoritatively report on these diverse disciplines. Accommodating additional officers with workspaces also has its challenges at this time and is potentially requiring investigation.

The Notice of Motion is not sufficiently specific to provide actual costs of the various consultants.- Staff are concerned that any costs provided may be misinterpreted if the specific matters are not addressed. It is suggested that Cr Pule liaise with Staff and provide further details of what plans and policies review he would like staff to address. Following this discussion, Staff will present a table of costs in the Councillor's Bulletin.

11.2 Notice of Motion – Cr McLennan: Council Meeting Schedule

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

“That Council:

1. Rescinds part 1 of OCM - 30/12/15, which reads:

“That Council continues with its current practice of holding the Briefing Sessions on the Tuesday prior to the Council Meeting, commencing at 5.00pm”;

2. Amends the Council meeting calendar to schedule briefing sessions one week prior to the monthly Ordinary Council meeting on the third Tuesday of the month commencing at 6.00pm, effective from June 2016;
3. Policy 1.2 Council Meeting Schedule, be amended accordingly;
4. Local public notice be given advertising the change of schedule to comply with Regulation 12(2) of the Local Government (Administration) Regulations.

BACKGROUND – Cr McLennan

This motion seeks to separate the agenda Briefing Sessions and the Ordinary Council meetings where decisions are made on these agenda items by a period of one week. A similar motion (OCM - 29/12/15) seeking rescheduling of agenda Briefing Sessions was put to Council at the December 2015 OCM at which time the motion was lost due to an equality of votes (3/3) and therefore not achieving the absolute majority required to change a decision of Council (Crs McLennan, Bridges and Brown were in favour of the motion; Crs Pule, Lewis and Gangell voted against the motion). Councillors opposed to the change identified rescheduling necessitating an additional night allocated to meetings, supposed efficiency of the current schedule and “if it’s not broken don’t fix it” as justification for their position. The associated officer comment was unsupportive of trialing a change of schedule citing “constantly being in agenda mode” as a primary reason. Although council is mindful of overburdening officers, there is a strong precedent of other council’s administrations being able to effectively manage identical scheduling arrangements.

Under Local Government Act 1995 Councillors are elected for the purpose of providing good governance for the people in their district, to the best of their abilities.

Many of the issues being considered by Council are complex; hence the need for briefing sessions to allow Councillors to make fully informed decisions on agenda items. The current meeting schedule does not allow for in depth discussions or consideration of complex matters prior to decision-making at the OCM ,due to the associated time pressures. Instead it allows only a rushed opportunity to seek clarification from the relevant officers and therefore potentially results in only superficial consideration. Additional time to read, research, question, consult with the community and appropriately weigh decisions is highly desirably to facilitate sound decision-making by Council.

The current practice of many local governments is to conduct Council briefing sessions at least one week prior to the OCM. Other than in rural communities where Councillors may have to travel long distances to attend meetings, scheduling agenda briefings on the same day as the OCM is relatively rare.

The “*Local Government Operational Guidelines: Number 5 – Council Forums*”¹ recognises that it is not ideal for such forums to be scheduled immediately prior to an ordinary meeting of Council.

Local Government Operational Guidelines: Number 05 – Council Forums www.dlgc.wa.gov.au/Publications/Pages/LG-Operational-Guidelines-05.aspx.

OFFICER COMMENT

Any motion to change the current policy will require an absolute majority in favour pursuant to Regulation 10 (2) of the Local Government (Administration) Regulations 1996. The requirement under part (1a) of the Regulation, which requires the motion to be supported by at least a third of the Council, is satisfied by the requirements of a mover and a seconder, because one third of the Town’s Council is just two Councillors. Cr Brown has advised that he supports the motion.

If the Motion is passed, it will have the effect of the Administration being constantly in Agenda mode as the Agenda is required to be ready two weeks before the Council Meeting, and this also has the effect that matters which arise during this two week period will be postponed until the next OCM (a delay of some 6 weeks), as they will not have been seen by Council at the Briefing Session. Briefing Sessions cannot be used to influence officers’ reports, and are for questions without debate. Officers may consider changes to the details within the report as a result of matters identified during questions and will indicate at that time any changes that will be made. The agenda, apart from Notices of Motion, and matters deferred from the previous meeting for which insufficient time has elapsed to allow for a report to be completed, will therefore be what will go to Council.

11.3 Notice of Motion – Cr McLennan: “Buster the Fun Bus” parenting service in Bassendean

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

“That:

- 1. Council requests officers liaise with the City of Fremantle regarding the potential to trial contracting “Buster the Fun Bus” parenting service in Bassendean one day per week for the period of one term;*
- 2. Officers prepare a report for presentation at the next Liveable Town Advisory Committee (LTAC) meeting outlining the details of such a trial for consideration by the committee;*
- 3. Council considers a budget allocation of \$5,000 for the 2016/2017 financial year to trial the “Buster the Fun Bus” program in Bassendean if support is given by the LTAC;*
- 4. An evaluation of the program trial be completed at the end of the trial term & the level of interest in such a program continuing to be provided by the Town be sought through community consultation to guide council’s decision whether to commit further funding to continue the program; and*
- 5. If the program is successful and supported by the community, officers investigate the potential for future funding contribution through other sources such as grants.”*

BACKGROUND – Cr McLennan

The demographics of the Town have been changing in recent years with a significant increase in the number of families with young children choosing to make their home in Bassendean. The 2011 census showed an 18% increase in the number of children aged 0-4¹ over a five year period and this trend may be expected to have continued and again be reflected in the upcoming census. The age structure of the Town of Bassendean provides key insights into the level of demand for age based services and facilities. It is also an indicator of Town of Bassendean's role and function and how it is likely to change in the future.

However, at present there are limited facilities and support services for parents of young children within the Bassendean community. The Town has previously run successful events such as "Circus Town" to cater to local children, but these are once off events that are associated with a significant cost (~\$50,000). Providing a regular program for this age group would potentially help build a sense of community and belonging for parents with young children and assist with the feelings of isolation often experienced by new parents.

One example of such a program is "Buster the Fun Bus"² which operates throughout the Cities of Fremantle and Melville. The Buster program has been running successfully for 30 years within the community. It is a free parenting service aimed at children 0-5 years of age, and offers support, information and resources to parents to enhance their parenting skills. Buster travels to community parks creating the opportunity for parents and their children to meet informally outdoors, create networks, and be involved in creative and developmentally appropriate activities. The service provides opportunities to extend children's play and development, while supporting and encouraging parents & carers to participate positively in their child/children's development.

The program would also draw people from surrounding areas to the Bassendean town centre and potentially contribute to increased local business opportunities, especially if incentives (such as café vouchers) were distributed to program participants.

The program would also draw people from surrounding areas to the Bassendean town centre and potentially contribute to increased local business opportunities, especially if incentives (such as café vouchers) were distributed to program participants.

Funding for the "Buster the Fun Bus" program is through contribution from both the relevant Local Government Authority and the Department of Local Government and Communities. At present there is the opportunity for the Buster service to be contracted one day a week from the City of Fremantle. A trial period of one session per week for the duration of one term is proposed. The arrangement would have an estimated cost not exceeding \$500 per week or approximately \$5,000 per term.

1 Town of Bassendean Community Profile
<http://profile.id.com.au/emrc/five-year-agegroups?WebID=150>.

2 Buster the Fun Bus <http://www.fremantle.wa.gov.au/buster>.

OFFICER COMMENT

An Officer report on the availability and cost of contracting “Buster the Fun Bus” to the Town for one day per week for a trial period of a school term, can be prepared for consideration of the next Liveable Town Advisory Committee.

11.4 Notice of Motion – Cr McLennan: Container Deposit Scheme

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

“That the Town of Bassendean recognises the July 2017 start date of the Container Deposit Scheme (CDS) in NSW plus the already successfully operating CDS litter reduction programs in SA & NT and writes to the major political parties seeking policy commitment to strengthen the “Keep Australia Beautiful Litter Prevention Strategy for Western Australia 2015-2020”, by introducing a CDS initiative in Western Australia aligned with NSW, SA and NT by 2018.”

BACKGROUND – Cr McLennan

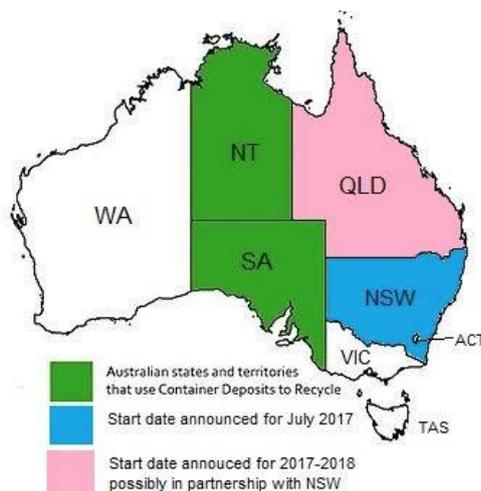
South Australia introduced its container deposit legislation (CDL) in 1977. This has proved to be a highly successful environmental program aimed at litter reduction and resource recovery.

The South Australian government reports that its scheme has resulted in an 80% return rate of drinks containers. In 2013-14 nearly 583 million containers were returned, resulting in more than \$58 million in refunds to the community. The container deposit scheme also provides a financial benefit to community groups, sporting clubs and charities that collect empty containers for refund.

A 2012 survey showed that 98% of respondents supported the container deposit scheme with an overwhelming majority perceiving the scheme to be effective in reducing litter, encouraging the recycling and reuse of drink containers as well as reducing the number of containers going to landfill¹.

More recently, in 2012, the Northern Territory adopted similar container deposit legislation².

In May 2016, the New South Wales government committed to a container deposit scheme to commence by July 2017³. Queensland and the ACT are also currently looking to adopt similar legislation, moving towards CDS becoming a truly national scheme of litter prevention, collection and recycling⁴. However, the Western Australia government has lagged behind, consistently stating that while a possible national measure is being pursued, it would wait for the outcome of that process before taking action⁵.



(Image source:
https://en.wikipedia.org/wiki/Container_deposit_legislation_in_Australia)

If the motion is passed, then the Town of Bassendean would be requested to write to the political parties as soon as possible, particularly with both pending State and Federal Elections, including reference to the current Keep Australia Beautiful publication, "A Litter Prevention Strategy for Western Australia 2015-2020"⁶, making note of the litter reduction strategies in this document, including:

- 2.2 Assist local Government to develop local litter prevention and litter recycling strategies
- 5.2 Increase community participation in litter collection and prevention of litter
- 7.1 Ensure robust legislation in WA.

This is in alignment with "Sustainable Bassendean Policy 2.1(4)", which identifies the following strategy:

"Planning and encouraging our community to reduce its ecological footprint and enhance its quality of life at the same time by reducing waste and managing it as a resource."

References:

- 1 "Container Deposits" EPA SA
http://www.epa.sa.gov.au/environmental_info/container_deposit
- 2 "Container deposit scheme back on full-bottle track"
<http://www.abc.net.au/news/2013-08-07/nt-container-deposit-scheme-back-on-track-federal-law-exemption/4870244>
- 3 NSW cash for cans: 10 cents for every drink bottle you can find
<http://www.smh.com.au/nsw/baird-backs-kids-over-big-beverage-10-for-every-drink-bottle-you-can-find-20160507-gooqih.html>
- 4 Container deposit legislation in Australia
https://en.wikipedia.org/wiki/Container_deposit_legislation_in_Australia_-_cite_note-12
- 5 "A container deposit scheme is proposed for WA"
<http://www.abc.net.au/news/2011-11-16/container-deposit-feature/3675712>
- 6 "A Litter Prevention Strategy for Western Australia 2015-2020"
http://www.kabc.wa.gov.au/library/file/annual-reports/FINAL_Litter_Prevention_Strategy_2015_web.pdf

OFFICER COMMENT

In Western Australia, the Waste Avoidance and Resource Recovery (WARR) Act 2007, includes powers to enact Extended Producer Responsibility (EPR) Schemes, such as a Cash for Containers Scheme.

In 2011, a Container Deposit and Recovery Scheme Bill was introduced to State Parliament, the Bill and Second Reading Speech is available from Parliaments website, however this Bill has not become an Act of Parliament.

Implementing a Cash for Containers Scheme on a national level has been discussed for a number of years. In August 2012, Environment Ministers met to decide what future action should occur nationally. The outcome of this meeting was to undertake further research into the matter, and to develop a Decision Regulatory Impact Statement (DRIS). The number of options that were included in the DRIS grew to 10. The communique from the meeting is available here.

The Western Australian Local Government Association (WALGA) on behalf of member Council's has been lobbying to State Government to introduce Container Deposit Scheme. The key recommendation in the WALGA Submission is that the Council of Australian Governments (COAG) Standing Council endorse a Container Deposit Scheme as the preferred option for addressing packaging waste across Australia.

WALGA has advised that it will be advocating and lobbying as part of a Container Deposit Scheme campaign for the upcoming 2017 State Government Elections and that it would be prudent for Local Government to provide support as part of this process, instead of lobbying the various political parties.

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

13.0 **CONFIDENTIAL BUSINESS**

13.1 **Options for the Purchase of 10-14 Parker Street, Bassendean (Bassendean Fire Station - Ref: A4103-GOVN/COUNCILS/9 - Mike Costarella, Director Corporate Services)**

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

13.2 **Naming Request – Bassendean Youth Centre (Ref: A3180 – Graeme Haggart, Director Community Development)**

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.

13.3 **Authority for Swan Districts Football Club (Inc) to Negotiate Corporate Sponsorship for Naming Rights to Bassendean Oval (Ref: Graeme Haggart, Director Community Development)**

This item is to be considered with members of the public excluded from the Chamber under Section 5.23 (2) (e) of the Local Government Act 1995, as information of a commercial nature is discussed in the officer report.

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 28 June 2016.