

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 Wednesday, 26 April 2017 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

20 April 2017

A G E N D A

Councillors, please note that the Briefing Session is open to the public and will commence at 5.00pm. A meal for Councillors and Officers will be provided at 6.00pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Pule will be the facilitator for the Briefing Session.

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 sign the attendance sheet located on the table at the rear of the Council Chamber.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

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

2.2 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 28 March 2017
(Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 28 March 2017, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 28 March 2017, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

9.1 Notice of Motion - Cr Bridges: 1 Surrey Street Project

At the March 2017 Ordinary Council meeting, the following Notice of Motion was deferred to a Councillors' Information Workshop:

"That with relation to the 1 Surrey St project Council:

1. Rescinds motion OCM-6/11/15, which reads:

"MOVED Cr Pule, Seconded Cr Brown, that Council:

- 1. Receives the SIA Architects Pty Ltd progress report regarding the design options for the restoration, reconstruction and refurbishment of 1 Surrey Street project;*
- 2. Notes the feedback received from Bassendean Historical Society Inc Bassendean Arts Council Inc. the 1 Surrey Steering Group members, the State Heritage Office and Museums Australia concerning the various schematic design options*
- 3. Endorses SIA Architects Pty Ltd Option 2C draft design proposal, as included as an attachment to the Ordinary Council Agenda of 24 November 2015, to demolish the c.1952 rear extension under concrete roof and the standalone ablution/laundry building and the proposal to construct a separate building (Community Meeting Place) on the southern side of the Residence, as well as a separate toilet block on the western boundary;*

4. *Requests SIA Architects Pty Ltd re-align the proposed studio in Option 2C designs to achieve a North /South access in order to preserve the existing mature tree and increase the backyard usable space;*
5. *Requests SIA Architects Pty Ltd give due consideration in Phase 3 of the Detailed Design, Development & Documentation process to provide acoustic separation (shutters, walls & doors) in the 2C design to ensure the dual use of the kitchen area can be achieved for the Museum and / or Community/arts activities;*
6. *Requests SIA Architects Pty Ltd reinstate the gable eave overhang as per the original fabric of the Pensioner Guard Cottage, and;*
7. *Notes that the Community Development Directorate intends to provide a Governance Model report in the future for the 1 Surrey Street to guide the ongoing management of the facility.*

CARRIED 4/2”

2. Informs LotteryWest that the current grant application will be resubmitted pending completion of items 3-7 below;
3. Has plans prepared consistent with Option 1 prepared by the SIA architects and the building uses recommended in the Interpretation Plan and subject to modifications sought by the key user groups as previously documented being included;
4. Requires interpretation within the museum space to include original and reproduction artefacts and within the cottage to include interpretation of a standard commensurate with that of the Howick Historical Village in Auckland New Zealand to create an authentic experience for museum visitors;
5. Requires a management plan for the ongoing use of the site to be presented to the Audit and Risk Committee and adopted by Council;
6. Requires site use areas be defined for the museum component, dedicated work and storage space for the Bassendean Arts Council and common shared meeting and activity spaces for multiple user groups including capacity for school education programs; and

7. Requires site and building plans, costings, the management plan and the details of the proposed interpretation be made available to the public via the Town's website and presented at a public meeting for community input prior to the commencement of construction.

Background Information – Cr Bridges

Option 1 plan retains the 1893 building and later extensions as one building and states 'Remove existing concrete roof and replace with new colourbond/translucent roof on new timber roofing'. See attachment 4 of OCM 24 November 2015 p16

Option 1 (\$758,605) is also cheaper than option 2 (\$808,898) see pp43/44 of 90 Agenda OCM 24/11/2015 and according to the business plan in the feasibility study an Option 1 layout would require a coordinator one day a week whereas with Option 2 layout the staffing requirement 'is anticipated to be a new full-time position' see p42 of 90 Agenda OCM 24/11/2015.

The modifications sought by the key user group (Bassendean Arts Council and Bassendean Historical Society) members are to enclose the proposed new rear veranda as work space and leaving the rear kitchen wall in place.

Section 5.3 of the Standing Orders Local Law 2011 also states:

"(4) *The CEO –*

- (a) *may, with the concurrence of the mayor, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;*
- (b) *will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;*
- (c) *may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
- (d) *will provide an Officer Report to accompany the notice of motion that has relevant and material facts and circumstances pertaining to the notice of motion on such matters as strategic direction within the Council's adopted Strategic Plan, policy, budget and law.*

- (5) *A motion of which notice has been given is to lapse unless –*
- (a) *the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
- (b) *the Council on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) *If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.”*

Officer Comment

On 10 April 2017, a Councillor Workshop was conducted at 1 Surrey Street to discuss Cr Bridges' Notice of Motion to rescind the Council OCM – 6/11/15 endorsed Option 2c design.

Ms Val Humphrey, who was a co-author with Paul Bridges, of a 2002 Pensioner Guard Museum report, attended the Councillors' Workshop and compared the Shared Space, Museum Space, Café Space and Community/Bassendean Arts Council space provided in Option 1 and Option 2C designs.

SIA Architect Director -Sasha Ivanovich provided a Powerpoint presentation to explain the design and development process

ATTACHMENTS

Attachment No. 15:

- SIA Architects Power Point presentation
- SIA Architects letter dated 13 April 2017
- State Heritage Officer letter dated 2 November 2015
- Museum Australia letter dated 28 August 2015
- Email from LotteryWest dated 7 April 2017

On 13 April 2017, SIA Architects provided a summary of responses on comments received from Councillor Bridges and the presentation given by Ms Val Humphrey and requested that the letter be provided to Councillors.

Background

The 2013 Request for Quote project brief was prepared and referred to the suite of previous studies and reports such as

- 1993 Report and Heritage Assessment
- 1993 Report and Heritage Assessment - appendices
- 2002 Pensioner Guard Museum Project – Vision for a Community Museum
- 2005 Council-adopted (OCM-16/06/05) Conservation Policy and Development Guidelines
- 2008 Council-adopted (OCM-5/03/08) Conservation Management Plan and appendices
- 1991 Pensioner Guard Cottage - Archaeological excavation
- 2007 Pensioner Guard Cottage - Archaeological excavation
- 2011 McDowell Affleck – Structural Engineering Report
- 2011 SGS Australia Pty Ltd - Geotechnical Site Classification
- 2011 Town of Bassendean Asbestos Register identified asbestos in the Storeroom Ceiling, Eaves of the building
- 2012 Council adopted (OCM-12/11/12) Pensioner Guard Cottage Site Interpretation Plan

In accordance with the project brief SIA Architects have completed the following:

Phase 1: Pre- Design

- *Review of existing reports, recommendations and supporting documentation;*
- *Site investigation of existing facilities;*
- *Authority requirements, planning, State Heritage Office;*
- *Development of Environmentally Sustainable Design objectives;*
- *Take into account the museum exhibition display furniture and exhibition fit out requirements in consultation with the Contract Museum Curator;*
- *Development of Functional & Technical Brief (FTB) for each of the ‘separable portions’ listed in the project;*
- *Pre-Design Summary Report & Program;*
- *Presentations to the Project Reference Group.*

Phase 2: Schematic Design

- *Development of concept design options (A) for the each of the ‘separable portions’ listed in the project;*

- *Development of Cost Plan (A) for each of the 'separable portions' listed in the project;*
- *Design Development Report & updated Program;*
- *Presentations to the Project Reference Group.*

Phase 3: Design Development & Documentation

- *Detailed design for each of the 'separable portions' listed in the project;*
- *Detailed Cost plan (B) for each of the 'separable portions' listed in the project;*
- *Tender Documentation & Specification for each of the 'separable portions' listed in the project;*
- *Final Design Report & Delivery Program;*
- *Presentation to the Project Reference Group.*

Phase 4: Submitting Development Applications

- *The Town of Bassendean shall submit the Tender Documentation & Specification to the Heritage Council and Museums Australia for consideration.*
- *Should the State Heritage Office provide feedback which requires amendments to the documentation presented, the consultant is to provide requested amendments to the documentation at no additional costs.*

Possible subsequent phases of the consultancy may include but are not limited to:

Phase 5: Tendering & Construction Management

- *Tender Analysis, Evaluation & Reporting*
- *Construction Supervision and Contract Administration*
- *Defects Liability Supervision and Administration*

At the end of Phase 2, SIA Architects provided the Schematic Plan and Report. In April 2015, a Structural Engineering assessment conducted by United Scanning Services and McDowell Affleck outlined structural issues, previously not known, concerning concrete cancer, exposed metal rods, non-compliant to Australian Standards concrete roof slab and the associated implications with the supporting wall and foundations.

The April 2015 Structural Engineering reports and design options were presented to the 1 Surrey Street Steering Group and to Council for consideration to seek direction.

In February 2015 Council (OCM – 18/02/15) MOVED Cr Bridges, Seconded Cr Carter resolved, that this matter be deferred to allow for consultation with the key stakeholders.

The SIA Architect again presented option 1 and option 2 designs to the 1 Surrey Street Steering Group, which included representatives from Bassendean Historical Society Inc and Bassendean Arts Council Inc. In addition, the Town provided the State Heritage Officer and Museum Australia a copy of the April 2015 Structural Engineering reports and design options reports and they were asked to provide their feedback in writing - copy of correspondence attached.

In November 2015, a Councillor Workshop was conducted at 1 Surrey Street, Bassendean where SIA Architects presented the design options, taking into consideration the professional advice from McDowell Affleck Structural Engineers, Tamran Quantity Surveyor, the State Heritage Office and Museum Australia and in addition the key stakeholder feedback was discussed.

The McDowell Affleck Structural Investigation Report was presented to the Ordinary Council Meeting which included a scanning report on the concrete roof and also a report from Tamram Pty Ltd, Quantity Surveyor.

In the structural engineering report, McDowell Affleck advised that the 1950's concrete "slab reinforcing was located in a single layer with an average of 25mm cover from the bottom of the slab. There was no top reinforcing over supports. The reinforcing within the slab is less than current Australian Standard requirements. There are areas of concrete cancer visible on the perimeter of the concrete slab. As the concrete is more than 50 years old, it is reasonable to assume that it is nearing the end of its design life"

SIA Architects Pty Ltd recommended option 2 schematic design over option 1 for the following reasons:

- Extra Meeting Space will cost more than Verandah Space;
- More underpinning required as more of existing structure retained;
- Toilets have large passageway for wheel chairs etc;
- Assumed same cost for removing roof and concrete slab over;
- Assumed existing Cottage alterations the same;
- West sun on Community space may cause heat problems; and
- No external access to toilets.

At the November 2015 OCM, Council (OCM – 6/11/15) resolved; to receive SIA Architects Pty Ltd progress report regarding the design options. Endorse SIA Architects Pty Ltd Option 2C draft design proposal; noted the feedback received from Bassendean Historical Society Inc., Bassendean Arts Council Inc., the 1 Surrey Steering Group members, the State Heritage Office and Museums Australia concerning the schematic design options.

As a result of the above Council resolution, the Town has engaged the following consultants for the detail design phase of the project:

Consultant	Order Value \$
CADD Compliance – Energy Efficiency	1,859
Fourth Consulting – Mechanical Electrical and Hydraulic Engineering	21,076
Solscapes Pty Ltd – Landscape	3,938
JMG Building Surveyors – quantity estimators	4,180
McDowell Affleck Pty Ltd – Structural Engineers	8,580
Subcontractor Total	39,633
SIA Architects	41,351
Total Cost & Orders Raised	\$80,984

Throughout the building design process, SIA Architects have work in accordance with the project brief. Where clarification on the building design layout has been required, Council was previously provided with copies of the Structural Engineering reports, Design Options and correspondence from State Heritage and Museum Australia who both advised that option 2C schematic design was preferred.

SIA Architects has continued to worked in parallel with the consulting, Museum Curator, Dr Fiona Bush to ensure that the Heritage & Archaeology issues were addressed in accordance with Conservation Management Plan - State Heritage require this plan as a principal guiding document for the conservation and management of a heritage place.

In regards to the Interpretation Plan, SIA Architects and the consulting Museum Curator Dr Fiona Bush and Creative Spaces; who are specialist in interpretive design, exhibition design and environmental graphics, have develop the Pensioner Guard Museum Exhibition Plan.

The Exhibition Plan identified the location for permanent interpretation rooms and exhibit will feature descriptive panels depicting various elements of importance in the Town's past. A program of temporary exhibitions is intended to be staged in the residence and museum and will be promoted locally and regionally as appropriate.

The Interpretation Plan states in the Executive Summary on page 1 that:

To ensure smooth operation and security of the premises, the heritage area must be able to be separated from the community area so that each can function independently. There must be no access from the rest of the cultural centre to the heritage areas unless fully supervised by an authorised person. However, it would be highly desirable for the Pensioner Guard cottage and exhibition space to be open whenever functions are held so as to maximize the benefits from the community's investment in its heritage.

At 10 April Councillors' Workshop, SIA Architects advised that from an operational and security perspective, Option 2C provides for one point of entry to the heritage area via the front door and that the c1893 Residence is able to separate from the community area, so that the Residence and Community space each can function independently. SIA Architects also advised that an "authorised person" would be able to open the doors in room 2 and room 3 that would permit highly desirable access to the Pensioner Guard Cottage's exhibition space when appropriate functions were held, in order to maximise the benefits.

In addition to the functionality of the Pensioner Guard Cottage, the c1893 Residence and the Community Space, Close Circuit Television (CCTV) and after-hours building alarm security will be provided for each of space. This will further increase security.

Since the November 2015 Council (OCM – 6/11/15) resolutions, the Surrey Street Steering Working Group have been presented with the draft detailed drawings, the Bassendean Historical Society representatives and the Bassendean Arts Council representative requested some minor amendment to the drawings presented. SIA Architects and the respective sub-consultants have completed the requested minor amendments.

As Council is aware, letters of support have been received for the Option 2C designs, from the following:

- Heritage Council of Western Australia - State Heritage Office
- Museums Australia
- National Trust of WA;
- Royal WA Historical Society; and
- Bassendean Historical Society.

In March 2017, LotteryWest's Conserving Cultural Heritage provided grant funding of \$375,000, which is \$100,000 more in grant funding that is listed in the 2016/2017 budget.

Phase 4 of the detailed design processes has been completed with the State Heritage Office conditional approval and Town of Bassendean providing conditional approvals.

On Friday 17 March 2017, Councillors were advised via the Bulletin that the Town was successful in obtaining the LotteryWest's Conserving Cultural Heritage grant funding for \$375,000, which is \$100,000 more in grant funding than was listed in the 2016/2017 Budget.

Phase 5 of the project is scheduled to commence, and involves inviting tenders for suitable heritage builders to restore and refurbish the c1856 Pensioner Guard Cottage and c1893 Residence, demolition of the 1950's extension and construction of a new community space and studio.

In regards to the above Notice of Motion, the Bassendean Historical Society representative has advised it continues to support the Council's endorsed plan and supports LotteryWest funding and is keen to see the restoration works commence.

The Bassendean Arts Council representative advised at the November 2016, 1 Surrey Street Steering Working Group they support the current design, however, they expressed concerned that they would not have exclusive use of the Studio Space.

The April 2017 Ordinary Council Meeting agenda item 10.7 includes a report titled "Surrey Street Community Centre Management Plan incorporating the Pensioner Guard Museum". This plan articulates the governance structure, the facility functions; its objectives and their parameters; the principal user groups; and the relationship of the user groups with management.

Should Council rescind OCM – 6/11/15 resolution concerning the Option 2C design, it should be noted that the LotteryWest funding is specifically allocated for the restoration and construction works as per the State Heritage Office and the Town of Bassendean's conditional approval. It is unlikely that the currently LotteryWest grant funding would be available to the Town. Council would need to allocate new funds to recommence the detailed design process. Once the revised plans were completed, a new grant application would need to be lodged, however, there is no guarantee that a new application would be successful.

The Request For Tender was originally scheduled to be advertised at the end of March 2017 with a report back to Council in June 2017, however with the Notice of Motion tenders have been delayed.

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 of 26 April 2017:

Item	Report
10.2	Request for Council to develop a policy on rights-of-way and to modify a condition of planning approval for 3 Grouped Dwellings Lot 746 (No 9) Broadway, Bassendean
10.3	Proposed Amendment No. 71 to the City of Bayswater Town Planning Scheme No. 24 – Modifications to Special Control Area No. 10 – Lot 10 (Nos. 2–4) Railway Parade, Bayswater
10.5	Joint Metropolitan Central Development Assessment Panel Application for Convenience Store – Lot 25 (No. 300) Collier Road, Bassendean
10.7	Surrey Street Community Centre Management Plan Incorporating the Pensioner Guard Museum
10.9	Review of Workforce Plan and Corporate Structure
10.12	Liveable Town Advisory Committee held on 11 April 2017
10.13	Determinations Made by the Principal Building Surveyor
10.14	Determinations Made by Development Services
10.15	Quarterly Report for Quarter Ended 31 March 2017
10.16	Use of the Common Seal
10.17	Calendar for May 2017
10.18	Implementation of Council Resolutions
10.19	Accounts for Payment – _ March 2017

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

Item	Report
10.4	Red Post Box Group, inclusive of VR 1876 Post Box, Bassendean located at the corner of Surrey Street and North Road, to be listed on the State Register of Heritage Places,
10.6	Extension of Time for Prosecution Action to Remove Unauthorised Patio at Lot 19; No. 15 Bridson Street, Bassendean
10.8	Code of Conduct Review
10.10	2017-2027 Strategic Community Plan
10.11	WALGA Annual General Meeting 2017 – Submission of Motions
10.20	Financial Statements – March 2017
13.1	Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean
13.2	11 Hamilton Street, Bassendean
13.3	Appointment of Community Members to Vacant Positions on the Audit and Risk Management Committee and Liveable Town Advisory Committee

10.2 Request for Council to develop a policy on rights-of-way and to modify a condition of planning approval for 3 Grouped Dwellings Lot 746 (No 9) Broadway, Bassendean – Owner: Balraj Hansra (Ref: DABC/BDVAPPS/2017-056 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider:

- A request to develop a policy dealing with the upgrading of rights-of-way; and
- The deletion a condition of planning approval that requires the landowner to upgrade the existing right-of-way that will provide the only vehicular access to the site.

ATTACHMENTS

Attachment No. 2:

- Letter received from applicant dated 13/3/17.
- Copy of the approved site plan for the construction of 3 grouped dwellings.
- Aerial image showing the extent of right-of-way required to be paved by the condition.
- Aerial image showing the extent of right-of-way proposed to be paved by the applicant.

BACKGROUND

In November 2014, a conditional planning approval was granted for three grouped dwellings at the above property by the Manager Development Services, under delegated authority. The proposal involved two dwellings with a direct frontage to Broadway, together with a dwelling to the rear served by a pedestrian accessway to Broadway, with all vehicular access to be provided via the right- of- way at the rear of the property.

Condition 12 of the planning approval required “the car parking spaces and driveways on site being connected to Railway Parade by the provision of an adequately paved, drained and kerbed right-of- way, constructed to the Town’s specification”.

By letter dated 13 April 2107, the applicant has requested that the condition be modified to read “The applicant is required to seal, kerb, and drain the full frontage of their property to the laneway, for their half of the laneway (i.e. in our case 2.75 x full frontage of 9 Broadway to the right- of- way.”

The landowner would also like the Town to develop a fair and equitable policy regarding the upgrading and maintenance of rights-of-way.

The matter is discussed further in the comment section below

COMMUNICATION & ENGAGEMENT

There has been no general community consultation on the current request. Consultation did occur with the adjoining owners to the west in response to set back variation as part of the original approval of the development.

The applicant has been previously advised that the Town does not have a budget to fund the paving and draining of the right-of-way and inasmuch as the development relies on the right-of-way for vehicular access, it is his responsibility to construct the right-of-way.

STRATEGIC IMPLICATIONS

The need to develop a policy dealing with rights-of-way has been identified in the adopted Comprehensive Strategic Planning Framework for the Town, and it intended to commence work on this policy using in house staff later this year.

COMMENT

Policy position

The landowner of 9 Broadway has identified policies and strategies of other local authorities, including the City of Stirling, City of Bayswater, and City of South Perth, and suggests that the Town should develop its own policy on rights-of-way, leading to a more equitable arrangement for adjacent landowners.

The City of Stirling has identified a number of rights-of-way where the right of way would be constructed with the costs being met from Council funds and developer contributions, over a 10 year period. Where there is no community benefit in retaining other rights-of-way there is a preference for closure of these rights-of-way. The City aims to take over management of these rights-of-ways where there is no prospect of closure in the short to medium term.

The City of Bayswater study has identified a number of rights-of-way to remain open and constructed with the costs being met from Council funds and developer contributions.

Where rights-of-way are to remain open, they are to be acquired by the City and dedicated as public rights-of-way. Where a right-of-way is not constructed, and there are no plans to construct the right-of-way, the landowner of any development taking access off the right-of-way is to construct the entire length of the right-of-way to the nearest street.

The City of South Perth has developed a simple policy dealing with rights of ways: the policy identifies essential rights-of-way and obsolete rights-of-way. The policy requires the adjacent landowner to pave, drain, and maintain that portion of the essential rights-of-way that adjoins the development site. The policy is silent in terms of where the development site does not have a suitably paved access to the nearest street.

The Town of Bassendean originally contained some 25 rights-of-way, however 6 rights-of-way have been closed. The rights-of-way that remain open have a combined length of approximately 3.5 kilometres.

It is envisaged that the Town's policy would more closely follow the Cities of Stirling and Bayswater studies. The policy would need to consider:

- Which particular rights-of-way should be upgraded to become the principal means of access to developments;
- examine widening requirements, where the rights-of-way are below 6.0m in width and infrastructure requirements, such as lighting etc;
- consider a way of funding the upgrading of the rights-of way;
- Consider the Town taking over the management of the rights-of-way;
- Establishing development standards, such as setbacks for the rights-of-way; and
- The potential closure of rights-of-way where there is no community benefit in retaining them.

Request to modify condition of planning approval

The request to modify the condition of planning approval as requested by the applicant, to the extent that the only requirement is to pave half the width of the right-of-way adjoining the subject property is not supported by Council staff, as this would lead to a substandard form of access to a new development, as expressed in part 1 of the officer recommendation below.

A development approval has also been issued for a change of use to a restaurant for the property located at No. 3 Broadway. Conditions have been placed on that approval requiring at least two car parking spaces to be provided at the rear of the property, accessed from the right-of-way, again a condition has been placed on that approval requiring the car parking spaces being connected to Railway Parade by the provision of an adequately paved, drained and kerbed right-of-way which is constructed to the Town's specifications, prior to the commencement of the Restaurant use of the property.

A footnote has been applied advising the applicant / owner to liaise with the owner of Lot 746 (No. 9) Broadway, Bassendean in relation to cost sharing arrangements for the construction of the right-of-way (the Town advocates an arrangement whereby the applicant / owner of 3 Broadway contributes half of the cost of construction between Railway Parade and 3 Broadway, with the owner of No. 9 Broadway similarly contributing half of this cost along with the full cost of construction between No. 3 and No. 9 Broadway.

It is not known at this stage whether the restaurant proposal will be implemented. (The owner has until 7 December 2017 to act on the approval), However it is clear that the development at no 9 Broadway clearly relies on the right- of-way for vehicular access.

It should also be noted that No 9 Broadway has a split density code of R20/40 and that the development that has been approved, was based on the higher density code of R40. One of the prerequisites for development at the higher code is to have two houses with a direct street frontage to Broadway, which meant that the only way of developing the property, was by reliance on the right-of-way. The alternative development potential without relying on the right- of-way would have been a single dwelling.

STATUTORY REQUIREMENTS

The conditional approval for the 3 Grouped Dwellings was issued in November 2014. In line with normal practices the applicant was advised that if he was dissatisfied with the conditions imposed he may seek a review from Council, prior to the development commencing, or from the State Administrative Tribunal, within 28 days of the date of approval.

However, the applicant's appeal rights changed in 2015, with the introduction of the deemed provisions for local planning schemes contained within the Planning and Development (Local Planning Schemes) Regulations 2015.

Under Clause 77(1), a landowner may make an application to the local government to amend or delete any condition to which the approval is subject, irrespective of the time since the approval was issued.

The local government may determine an application made under subclause (1) by—

- (a) approving the application without conditions; or
- (b) approving the application with conditions; or
- (c) refusing the application.

The Town's new determination becomes a reviewable determination in accordance with the *Planning and Development Act 2005* Part 14 through the State Administrative Tribunal.

FINANCIAL CONSIDERATIONS

The costs of developing a rights-of-way policy/strategy has been estimated to be in the order of \$40,000 to \$60,000 if carried by external consultants. Staff intend to carry out the study in house.

OFFICER RECOMMENDATION — ITEM 10.2

That Council

1. Refuses the application to modify condition 12 of the planning approval for three grouped dwellings at Lot 746 (No 9) Broadway, Bassendean, issued on 25 November 2014 for the following reasons:
 - a) The means of access to the site would be contrary to Clause C5.1 of the Residential Design Codes which requires that where access is taken from a right-of-way, the right-of-way is required to be paved and drained from the property boundary to a constructed street;

- b) The proposed means of access to and egress from the site are considered to be inadequate in accordance with clause 67(s) of the deemed provisions for local planning schemes which are incorporated into the Local Planning Scheme No. 10; and
- 2 Advises the applicant that Council intends to develop a comprehensive policy dealing with rights-of-way commencing the second half of the 2017 calendar year.

Voting requirements: Simple Majority

10.3 Proposed Amendment No. 71 to the City of Bayswater Town Planning Scheme No. 24 – Modifications to Special Control Area No. 10 – Lot 10 (Nos. 2–4) Railway Parade, Bayswater (Ref: GOVR/LREGLIA/2 - Christian Buttle, Senior Planning Officer)

APPLICATION

The purpose of this report is for Council to consider and provide comment to the City of Bayswater on proposed Amendment No. 71 to the City of Bayswater Town Planning Scheme No. 24 which seeks to make modifications to Special Control Area (SCA) No. 10 at Nos. 2-4 Railway Parade, Bayswater.

SCA No. 10 is the former CSBP industrial land which is generally bounded by Tonkin Highway to the west, Railway Parade and the Perth-Midland railway to the southeast and the Town of Bassendean to the northeast.

ATTACHMENTS

Attachment No. 3A: Town of Bassendean Officer report of March 2008 titled “Proposed Outline Development Plan Lot 100 No. 2-4 Railway Parade Bayswater”

Attachment No.3B: Town of Bassendean Officer report of April 2011 titled “Proposed Special Control Area Lot 10 Nos 2-4 Railway Parade, Bayswater”

Attachment No. 3C: Town of Bassendean Officer report of April 2013 titled “Proposed Outline Development Plan Lot 100 No. 2-4 Railway Parade Bayswater”

Attachment No. 3D: City of Bayswater Officer report of January 2017 titled “Proposed Amendment to Town Planning Scheme No. 24 – Modifications to Special Control Area 10”

Attachment No. 3E: City of Bayswater District Planning Scheme No. 24 Amendment No. 71 Report

Attachment No.3F: Perth Peel @ 3.5 million – Central Sub-regional Planning Framework Parts 1 and 2

Attachment No.3G: Ashfield Precinct Plan – January 2010

BACKGROUND

Planning for this property has been the subject of Town of Bassendean Officer reports to Council in 2008, 2011 and 2013 which have each been provided as an attachment to this report.

The purpose of the Scheme Amendment is to modify precinct boundaries which cover the land, refine some of the development controls that will apply to future development of the land and to adjust land use permissibility across the land which is the subject of the amendment.

COMMUNICATION & ENGAGEMENT

As an adjoining landowner/local authority, the City of Bayswater is inviting the Town of Bassendean to provide comment on the proposed Scheme Amendment. Submissions on the proposal are to be made with the City of Bayswater by Tuesday, 2 May 2017.

STRATEGIC IMPLICATIONS

The Town's Director, Strategic Planning, has provided the following strategic comments in relation to the proposal from a strategic context:

"Under the draft Perth Peel @ 3.5 Million Central Sub-regional Planning Framework a strip of the subject land fronting Railway Parade and Vincent Street (which generally aligns with proposed Precinct A as designated on the amendment map) is designated as 'Activity Centre – Frame' with the balance land (proposed Precincts B and C) designated as 'Industrial Centres' (see Attachment 3F).

The aforementioned designations are based upon the proposed land use allocations shown in the Ashfield Station Precinct Plan (see Attachment 3D). Under this plan, proposed Precinct A was to be set aside primarily to accommodate 'commercial uses' whilst Precincts B and C were to be set aside for general industrial uses.

It is understood that key aspects of the Ashfield Station Precinct Plan – such as relocation of the Ashfield train station and realignment of Guildford Road to the north side of the Perth – Midland railway within the vicinity of the subject land – are now unlikely to occur, or not occur in the foreseeable future. As advised by the Perth Transit Authority (PTA) late in 2016, the PTA has no funds (nor seemingly) an appetite to pursue the relocation of the Ashfield train station.

Because of these the Ashfield Precinct Plan is somewhat in 'limbo' although the Department of Planning (DoP) expects that the local governments of Bayswater and Bassendean will still implement those parts of the plan where the local governments have the capability, capacity and authority to do so.

Given the uncertainty of the relocation of the Ashfield train station and/or Guildford Road, it is understandable as to why the City of Bayswater now seeks to broaden the range of uses that can be carried out upon the subject land.

*Notwithstanding this proposed increase in the types and ranges of uses sought to be allowed to be carried out upon the subject land, the City also seeks to prohibit (or limit) the carrying out of those uses deemed to be 'unsavoury' in terms of public environmental health and welfare. To this end, the amendment can be supported although some of the draft land use provisions expressed within the scheme amendment ought to be to be 'tightened up' for the sake of clarity and to leave no doubt as to which uses can and can't occur, especially in respect to Precincts B and C. For example, the proposed list of prohibited uses within Precinct A ought to also be listed under Precincts B and C (if that is the intent), or under the Table **Uses Not Permitted** in the amendment document (refer page 8).*

In respect to the aforementioned phrase 'if that is the intent' the City ought to clarify whether those uses deemed undesirable in Precinct B by reason of noise, odour or atmospheric emissions will also be prohibited in Precinct C. According to the City's planning officer responsible for carriage of this amendment, that is the intent.

*It is noted too that many of the proposed list of prohibited uses cited in the amendment documentation are not defined in TPS 24. It is respectfully suggested to the City that such use classes be defined in TPS 24, again to provide clarity and avoidance of doubt as to whether such uses can actually be allowed. In the absence of any use class definition, these type of uses are obliged to be defined by the use class that closely matches the nature of the use to be carried out. For example, a concrete batching plant is a class of use not defined in TPS 24. In the absence of a definition for this, the proponent could argue that such a use fits the use classes of either 'Industry' or 'General Industry', which is allowed at the discretion of the planning authority. If that use closely fits either use class, and the proposed development accords with all applicable development provisions, then the planning authority **is obliged to grant development approval.***

The City's responsible officer for the amendment advised that the City is presently reviewing TPS 24, which is likely to include updating the list of use classes. Given that scheme reviews invariably take time to complete, it is further suggested as an interim measure the City adopt a local planning policy that defines the prohibited use classes cited in the amendment documentation and which are presently not defined in TPS 24.

NB: The aforementioned issues will also be addressed by the Town in its review of LPS 10."

COMMENT

As identified within the Strategic Implications section of this report, the proposal to amend precinct boundaries and increase the types and ranges of uses that can be accommodated on the subject land has broad Officer support, subject to the qualifications that were identified within this section of the report.

A detailed review of the Scheme Amendment report shows that there are some inaccuracies within the document as described below:

1. Comparison of Car Parking Ratios

Table 1, titled "Comparison of Car Parking Requirements Across Local Authorities" on page 25 of the Scheme Amendment report is said to provide a comparison of parking ratios between the land which is the subject of the Scheme Amendment and other local government authorities (LGA's). The Table shows that the current parking requirement that applies to the subject land for factory land use along with 7 of 9 other local authorities surveyed is 1 bay per 50 sq.metres of floor area while the ratio prescribed within the Town of Bassendean is 1 bay per 100 sq.metres of gross leasable area. This is incorrect and the parking ratio set down by the Town of Bassendean Local Planning Scheme No. 10 (LPS10) is actually 1 bay per 50 sq.metres of gross floor area which aligns with existing controls within the City of Bayswater and all but one of the other LGA's surveyed.

On this basis, it is recommended that:

- (a) The Scheme Amendment report be updated to reflect the actual parking ratio set down by LPS10; and
- (b) The City of Bayswater retain a parking requirement of 1 bay per 50 sq.metres of floor area for factory use rather than relaxing the parking requirement for this form of

development to 1 bay per 75 square metres of floor area as contemplated.

2. Factory Discussion

Page 26 of the Amendment report contains the following text:

“The proposed car parking ratio for the ‘Factory’ use, whilst not directly comparable to the majority of studied Local Authorities, is an improvement from the neighbouring Town of Bassendean....”

It is recommended that the Scheme Amendment report be modified to remove this factually incorrect statement, having regard to advice provided in point 1, above.

3. On Street Parking

Page 26 of the Amendment report contains discussion in relation to on street car parking, including a comparison to approaches taken within the Town of Bassendean. The Amendment report makes the following comment:

“This approach to on-street car parking is consistent with parking configurations applied by the Town of Bassendean in its industrial estates.”

This approach is not consistent with the approach taken to car parking taken within the Town of Bassendean. Indeed, on street car parking can often be problematic within industrial areas depending upon the type of vehicle that is being used to service adjoining industrial development as some vehicles (generally semi trailer size and above) require the entire road carriageway to enter and exit industrial properties that they are serving. In such circumstances it is not uncommon that there is a need to prohibit on street parking in its entirety.

The Amendment report should be amended accordingly.

STATUTORY REQUIREMENTS

The Planning and Development Act 2005 along with the Planning and Development (Local Planning Schemes) Regulations 2015 set down the processes to be followed for amending a Town Planning Scheme.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.3

That Council advises the City of Bayswater that it has no objection in general to proposed Amendment No. 71 to the City of Bayswater District Planning Scheme No. 24 (DPS24), subject to the City:

- (a) Clarifying permissibility of land uses, particularly within precincts B and C, and amending the Scheme Amendment documentation accordingly;
- (b) Clarifying whether those land uses deemed undesirable in Precinct B by reason of noise, odour or atmospheric emissions will also be prohibited in Precinct C and amending the Scheme Amendment documentation accordingly;
- (c) Incorporating land use definitions within DPS24 for all land uses identified within the Scheme Amendment documentation;
- (d) Modifying “Table 1: Comparison of Car Parking Requirements Across Local Authorities” on page 25 of the Scheme Amendment report to remove the incorrect parking figures that have been attributed to the Town of Bassendean and replacing with the following correct figures:
 - (i) Factory – 1:50 GFA; and
 - (ii) Warehouse – 1:100 GFA;
- (e) Maintaining a parking requirement of 1 bay per 50 sq.metres of floor area for Factory land use (as currently applies within the City and which is consistent with local government industry practice) in lieu of the 1 bay per 75 sq.metres of floor area which is advocated within the Scheme Amendment documentation;
- (f) Modifying discussion on page 26 of the Scheme Amendment report which incorrectly refers to a parking ratio of 1 bay per 75 sq.metres of floor area being an improvement to the parking requirements specified within the Town of Bassendean when it is not;
- (g) Modifying discussion on page 26 of the Scheme Amendment report which incorrectly compares a proposal to establish on street car parking on one side of the road carriageway to an established arrangement within the Town of Bassendean when no such arrangement exists; and

- (h) Noting that any proposal to establish on street parking on one side of the road carriageway may create future conflicts with vehicle movements in the estate when, by virtue of the size of the commercial vehicle that is being used to service a given development, such vehicle requires the entire width of the road carriageway for manoeuvring purposes.

Voting requirements: Simple Majority

10.4 Red Post Box Group, inclusive of VR 1876 Post Box, Bassendean located at the corner of Surrey Street and North Road, to be listed on the State Register of Heritage Places, Correspondent: Heritage Council of Western Australia (Ref: LUAP/REGSTN/1 - Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is to consider whether Council wishes to make comment on a proposal to include the Red Post Box Group, inclusive of VR 1876, Bassendean, located at the corner of Surrey Street and North Road, on the State Register of Heritage Places. Council is also invited to nominate a person to attend the meeting at which the proposed registration of a place will be considered.

ATTACHMENTS

Attachment No. 4:

- Assessment documentation for entry in the State Register of Heritage Places.
- Municipal Heritage Inventory Place Record Form 225: Town Pillar Box.

BACKGROUND

The Heritage Council's Register Committee recently resolved that the Red Post Box Group inclusive of VR 1876 Post Box, Bassendean, is of cultural heritage significance in terms of the Heritage of Western Australia Act 1990, and that stakeholders should be consulted on the proposed registration. A copy of the assessment documentation has been included as an attachment to this report.

The Heritage Council is seeking written comments of the proposed entry of 'Red Post Boxes Group' in the State Register of Heritage Places by Friday 5 May 2017.

The Heritage of Western Australia Act 1990 (sections 32 [4] and [5]) requires that the relevant local government be invited to nominate a person to attend the meeting at which the proposed registration of a place will be considered. Being invited to participate means that the representative:

1. Becomes a member of the Register Committee of the Heritage Council for the discussion including the decision as to whether or not this place should be entered in the Register;

2. Will be asked as part of the discussion to present the views of the local government on the value of entering the place in the Register;
3. Is invited to participate fully in the discussion about the entry of the place in the Register of Heritage Places; and
4. Is entitled to vote on whether or not the place in question should be entered in the Register.

COMMUNICATION & ENGAGEMENT

Should the Heritage Council enter the Red Post Box Group in the Register as an interim registration, the proposed permanent entry of the place in the Register will be advertised pursuant to section 49(1) of the Heritage Places of Western Australia Act.

STRATEGIC IMPLICATIONS

OBJECTIVE: Preserve our heritage for future generations.

STRATEGY: Strive to ensure heritage buildings will be preserved and showcased.

COMMENT

The Town Pillar Box is included within the draft Municipal Heritage Inventory currently under review. Hocking Heritage Studio has recommended the Town Pillar Box be assigned a category one management category meaning it is considered that the place has exceptional significance to the Bassendean community. The Town Pillar Box is essential to the heritage of Bassendean and is a rare and outstanding example of its type. All category one-listed places within the Municipal Heritage Inventory are either included in or have previously been nominated within the State Register of Heritage Places. A copy of the Municipal Heritage Inventory Place Record Form for the Town Pillar Box has been included as attachment two to this report.

Whilst documentary evidence is hard to come across from that period, it is considered that the VR1876 Post Box, Bassendean, is the oldest cast iron post box in Western Australia and is one of four still operational. These four red post boxes collectively form the proposed listing within the State register of Heritage Places. The majority of post boxes of this age and type are no longer used for postal services and are now located within heritage precincts or museums.

Considering the rarity and high level of cultural significance, it is the officer's recommendation that the Red Post Box be afforded the highest statutory protection available.

It is therefore necessary that Council form a decision on the proposed listing within the Register of Heritage Places in conjunction with nominating a representative to attend the Heritage Council meeting.

STATUTORY REQUIREMENTS

The Heritage of Western Australia Act 1990 (sections 32 [4] and [5]) requires that the relevant local government be invited to nominate a person to attend the meeting at which the proposed registration of a place will be considered. It is entirely at Council's discretion whether someone is nominated to attend.

If Council nominates an attendee, they become a voting member of the Register Committee when registration of the Red Post Box is considered. At the meeting the nominee will be asked to present the views of the local government on the proposed registration. The Register Committee will consider the following recommendation:

1. To advise the Minister for Heritage ("the Minister") that it is of the opinion that:
 - 1.1 ("the place") is of cultural heritage significance, and is of value for the present community and future generations;
 - 1.2 the protection afforded by the Heritage of Western Australia Act 1990 ("the Act") is appropriate;
2. To recommend that the Minister directs the Heritage Council to:
 - 2.1 enter the place in the Register as an interim registration, as required by section 47(1) of the Act;
 - 2.2 advertise the proposed permanent entry of the place in the Register pursuant to section 49(1)(a) of the Act;
3. To direct the State Heritage Office to:
 - 3.1 Convey to the Minister for Heritage ("the Minister") the preceding advice and recommendation, together with such supporting information as the Minister may require;

- 3.2 give effect as required by the Act to any resulting direction to the Council received from the Minister.

All discussions and decisions of the Register Committee of the Heritage Council remain confidential, until the Minister has had the opportunity to consider any recommendation from the Heritage Council.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Supports the registration of the Red Post Box at the corner of Surrey Street and North Road, Bassendean on the State Register of Heritage Places.
2. Accepts the invitation to attend the Heritage Council meeting during which the registration of the above place will be considered; and appoints Councillor _____ as Council's representative to attend.

Voting requirements: Simple Majority

10.5 Joint Metropolitan Central Development Assessment Panel Application for Convenience Store – Lot 25 (No. 300) Collier Road, Bassendean, Owner: HICON (WA) PTY LTD, Applicant: Planning Solutions (Ref: DABC/BDVAPPS/2017-033 - Dylan Stokes, Planning Officer,)

APPLICATION

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

ATTACHMENTS

Attachment No. 5:

- Development Application Report and Plans.
- Letter from the application provided 21 February 2017.
- Applicant's correspondence dated 11 April 2017.
- Correspondence on behalf of the Department of Planning dated 10 April 2017.
- Local Planning Policies No's 6, 15, 16, 18.

The proposed development incorporates a convenience store and has a specified value of \$2.1M. The applicant has elected to have the application decided by the JDAP in lieu of Council (the criteria for opt in applications specify a minimum project value of \$2M).

The remainder of this report includes the Planning Officer's report and recommendation to the JDAP. The report is presented in the format required by the Development Assessment Panel Regulations (Form 1 – Responsible Authority Report).

Council's options in terms of its earlier resolution are to either endorse the recommendation contained in the report below, or to make an alternative recommendation.

Council's nominated members for the JDAP are Crs Pule and McLennan. Alternate members, should the need arise, are Crs Gangell and Lewis.

The Development Assessment Panel Training notes make the following comments in terms of Local Government representatives as DAP members:

“The role of a local government representative is made difficult by their dual roles of local government Councillor and DAP member.

The Code of Conduct acknowledges this difficulty in clause 2.1.2. A local government may make a decision in relation to a DAP application as a basis for providing a DAP with a recommendation, as it is required to do in accordance with regulation 12.

Clause 2.1.2 provides that a local government DAP member is not precluded from voting in relation to a DAP application where it has also been involved with the decision or recommendation made by the local government.

Clause 2.1.2 requires only that local government DAP member exercise independent judgment, and consider the application on its planning merits.”

The following report is presented in the format required by the Development Assessment Panel Regulations (Form 1 – Responsible Authority Report), followed by the Officer Recommendation.

Form 1 - Responsible Authority Report
(Regulation 12)

Property Location:	Lot 25 (No. 300) Collier Road, Bassendean
Development Description:	Proposed Convenience Store
DAP Name:	Metropolitan Central JDAP
Applicant:	Planning Solutions
Owner:	HICON (WA) PTY LTD
Value of Development:	\$2.1 million
LG Reference:	DABC/BDVAPPS/2017-033
Responsible Authority:	Town of Bassendean
Authorising Officer:	Dylan Stokes, Planning Officer
Department of Planning File No:	DAP/17/01187
Report Due Date:	18 May 2017
Application Receipt Date:	10 March 2017
Application Process Days:	62 days
Attachment(s):	<ol style="list-style-type: none"> 1. Applicant’s (Planning Solutions) submission incorporating a report and plans of the proposed development. 2. Letter provided on 21 February 2017 detailing amendments to plans prior to lodgement.

	<p>3. Applicant's correspondence dated 11 April 2017.</p> <p>4. Correspondence on behalf of the Department of Planning dated 10 April 2017.</p> <p>5. Town of Bassendean Local Planning policies:</p> <ul style="list-style-type: none"> i. No. 6 – Industrial Zones Development Guidelines; ii. No. 15 – Percent for Art Policy; iii. No. 16 – Control of Advertisements under the Local Planning Scheme No. 10; and iv. No. 18 – Landscaping with Local Plants.
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JDAP Officer Recommendation:

That the Metropolitan Central JDAP resolves to:

1. **Approve** DAP Application reference DAP/17/01187 and accompanying plans:

Dwg No.	Drawing Name	Rev No.	Dwg Date
1616-TP1	Locality Plan and Survey Plan	C	13.02.17
1616-TP2	Layout Plans	D	13.02.17
1616-TP3	Elevations	B	19.12.16
1616-TP4	Landscape Plan and Signage Details	D	13.02.17
1616-TP5	Truck Path	C	13.02.17
N/A	Overall Site Plan	N/A	21.02.17
1616-TP5 (with recommendations in red)	Figure 17 – Recommended changes to kerbs for fuel tanker access	C	13.02.17

Pursuant to Clause 68 Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 subject to the following conditions:

1. This approval is for the use of the building as a convenience store only. Any alternative use of the premises will require the submission of an application to Council for a change of use.
2. Lot A as shown on the overall site plan is to be a minimum of 1,828m² and shall not decrease as a result of a re-survey of the subject site associated with the proposed subdivision.
3. Revised drawings shall be submitted in conjunction with the application for a building permit and such drawings shall demonstrate:
 - a. An amended top of retaining wall height of 22.6; and
 - b. A reduced height to S1 – High Main Price Board to a maximum height of 6m.
 - c. Straightening of the kerb on the western side of the site to increase the width of the proposed crossover as shown in red on drawing titled Figure 17. The crossover wing radius must be a minimum of 5.0m in accordance with the Towns crossover specifications.
 - d. Fencing within 11.5m from the Collier Road lot boundary to be shown as either open mesh or palisade fencing.
 - e. The bin area is to be masonry in construction and equipped with a hose cock. The floor must be graded to a floor waste and connected to sewer.
4. A detailed and professionally prepared landscaping plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public realms adjoining the development site, including:
 - a. All the requirements listed under LPP18 including but not limited to: street frontages, contours, reticulation details, details of ground treatment and a plant legend showing:
 - i. quantity of plants,
 - ii. species name
 - iii. pot size of plants at the time of planting;
 - iv. height at full growth
 - b. Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
 - c. All plants to be of low water use;
 - d. Landscaping of the verge area adjacent to the development site, including the provision of 4 substantial street trees (2 x *Corymbia Ficifolia* to Collier Road and 2 x *Melaleuca Quinquenervia* to Alice Street) of a minimum 90L pot size in accordance with the Town's adopted Street Tree Master Plan;
 - e. The total number of plants to be planted at a minimum rate of 4 per 1m²;
 - f. Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months; and

5. Landscaping shall be installed and maintained in accordance with a landscaping plan, submitted to and approved by the Town of Bassendean prior to the practical completion of the development.
6. No vehicle used for the delivery of fuel is permitted on site between 7:00am to 9:00am and 3:00pm to 7:00pm on weekdays.
7. No products, goods or materials are to be stored outside of the building, unless in a designated area approved by Council for this purpose (Manager of Development Services).
8. The applicant is responsible for all costs and works associated with extending the kerbed median island within the Collier Road road reserve. The works are to be completed to the satisfaction of the Western Australian Planning Commission and the Town of Bassendean prior to the occupation of the convenience store.
9. All storm water being contained on site. Details of the method of storm water being submitted for approval in conjunction with the application for a Building Permit.
10. The car parking spaces and access ways to be designed and constructed in accordance with Local Planning Policy No. 8 and AS 2890.1.
11. The car parking spaces and access ways being constructed and maintained thereafter to Council's satisfaction.
12. All building works carried out under this planning approval are required to be contained within the boundaries of the subject lot.
13. Prior to the issue of a building permit, a development bond for the sum of \$42,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.
14. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site with a bond being provided to the Town for the full cost of the art or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.
15. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period.

Advice Notes

1. The issue of a Building Permit is required prior to the commencement of any on-site works.
2. Separate approval is required from the Town's Asset Services for the proposed crossovers to both Collier Road and Alice Street and these crossovers being constructed in accordance with that approval.
3. The Town of Bassendean encourages the retention of stormwater on-site through various best management practices, as laid out in its Planning Policy. Details of the stormwater containment and disposal method are to be provided with the building licence application.
4. Regarding the proposed modifications to the median island and the crossover to Collier Road, the applicant is to ensure that all necessary approvals or otherwise have been provided by the Western Australian Planning Commission.
5. The applicant is advised that as part of the subdivision clearance of the site, an easement is required to be shown on the Certificate of Title for the purpose of vehicle access as shown on the approved plans.
6. The applicant is advised that they must submit an Application for Approval to Establish or Alter a Food Business, together with the required plans and prescribed fee to the Health Department at the Town of Bassendean. The plans must include details such as :
 - a. Finishes of all walls, floors and ceilings;
 - b. Position and type of fixtures and fittings; and
 - c. Location of sanitary conveniences, ventilating systems, grease trap and bin storage.
7. The applicant is advised to obtain approval from the Department of Mines and Petroleum for the storage of Chemicals/dangerous goods in accordance with the Dangerous Goods Safety Regulations 2007 and Dangerous Goods Safety Act 2004.
8. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping any discharges. The application is to comply with the requirements of the Environmental Protection (Unauthorised Discharges) Regulations 2004. The applicant shall give consideration to the proximity/location of on-site storm water drains and soak wells to areas where spillage of fuel may occur.
9. Any existing on-site effluent disposal system (septic tanks and leach drains/soak wells on the site shall be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

10. The applicant is advised that any connection to sewer requires approval from the Water Corporation. Commercial and industrial premises may be required to obtain an industrial waste permit from the Water Corporation, who may also further require, the installation of specific infrastructure such as petrol and oil separators or other devices, or that the liquid waste be treated to a minimum standard prior to discharge.
11. The applicant is advised that noise generated by activities on site shall not exceed the levels as set under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard. No works shall commence prior to 7am.

Details: outline of development application

Insert Zoning MRS:	Industrial
TPS:	General Industrial
Insert Use Class:	Convenience Store
Insert Strategy Policy:	Not applicable
Insert Development Scheme:	Town of Bassendean Local Planning Scheme No. 10 (District Zoning Scheme)
Insert Lot Size:	1828m2 (proposed as part of subdivision)
Insert Existing Land Use:	Factory and Office

The application proposes the development of a 7-Eleven ‘Convenience Store’ in a general industrial area and includes:

- A 193m² retail building;
- 4 petrol bowsers (8 bowser bays) under a fuel canopy;
- Nine (9) dedicated parking bays for staff and customers;
- Signage associated with the convenience store;
- Landscaping;
- A service bay providing air and water facilities for customers;
- A loading bay for delivery vehicles;
- A proposed bin store;
- A proposed crossover to Collier Road;
- Upgrading of an existing crossover to Alice Street; and
- An extension of an existing kerbed median island in Collier Road to create left in – left out only access from the Collier Road frontage of the development site.

The convenience store will operate 24 hours a day, 7 days a week, will employ 2 staff members on-site at any given time and offer the retail sale of fuel and convenience goods.

Background:

Lot 25 (No. 300) Collier Road is currently occupied by an existing Factory and Office which was originally constructed in 1978. Following the construction of the Factory, subsequent minor building approvals were issued for additional development as chronicled below:

- 1985 – Proposed Office Extension
- 1985 – Storage Extension
- 1989 – Extensions to the Existing Factory

The applicant currently has a subdivision application that is pending with the Western Australian Planning Commission to subdivide Lot 25 Collier Road. The proposed subdivision is looking to split the existing industrial lot, retaining the existing factory use on the western portion of the site and redeveloping the parking and storage area to the east of the site for the proposed convenience store.

The existing lot is of a size 14,144m² according to the certificate of title, with the two proposed lots comprising 1828m² for the convenience store and 12,316m² for the existing factory use. It should be noted that the lot size differs to the registered lot size at Landgate which identifies the lot as being 14103m². As part of the subdivision process, the lot will be re-surveyed to determine the correct lot size. The Town will request a condition be imposed to ensure that the 1828m² is retained for the subject site.

Lot 25 Collier Road is zoned general industry under the Local Planning Scheme No. 10. The subject lot is surrounded with general industry zoning, with fringe light industry uses located to the north and east approximately 300m to 400m and the closest residential lot located to the northeast approximately 550m away.

The subject site is a corner lot that fronts Collier Road to the north and Alice Street to the east. Collier Road is a dual carriageway that is a Category 2 Blue Road under the Metropolitan Regional Scheme and a District Distributor A Road under the Main Roads Road Hierarchy for Western Australia. Collier Road currently carries a weekday traffic flow of approximately 17,200 vehicles. Alice Street is a single carriageway that terminates at a junction with Collier Road. There are no plans to upgrade the junction of Collier Road and Alice Street as part of the NorthLink upgrades proposed by Main Roads.

Legislation & policy:

Legislation

- a) Planning & Development Act 2005
- b) Planning and Development (Local Planning Scheme) Regulations 2015
- c) Metropolitan Region Scheme

State Government Policies

- a) State Planning Policy 4.1 – State Industrial Buffer Policy

b) Development Control Policy 5.1 – Regional Roads (Vehicular Access)

Local Policies

- a) Town of Bassendean Local Planning Scheme No. 10 including:
- Clause 1.6: The Aims of the Scheme;
 - Clause 4.2.4: Objectives of the General Industry Zone;
 - Clause 5.7.2: Car parking
 - Clause 9.4: Advertising of Applications
 - Clause 10.1: Consultation with Other Authorities
 - Clause 10.2: Matters to be Considered by Local Government.

Local Planning Scheme No. 10 can be accessed via the following link:
http://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Document-Centre/Local_Planning_Scheme_10_-_Gazetted/10-Lps-No10-gazetted.pdf

- b) Local Planning Policies:
- Local Planning Policy No. 6 – Industrial Zones Development Guidelines
 - Local Planning Policy No. 15 – Percent for Art Policy
 - Local Planning Policy No. 16 – Control of Advertisements under the Local Planning Scheme No. 10
 - Local Planning Policy No. 18 – Landscaping with Local Plants
- c) Specification for the Construction of Crossovers

Consultation:

Public Consultation

Under the Zoning Table (Table 1) of the Town's Local Planning Scheme, a convenience store is a 'D' or discretionary use in the General Industry Zone, which did not generate a need for public advertising of the application.

Consultation with other Agencies or Consultants

The application was referred to the following agency for comment:

- Department of Planning – Other Regional Road Reservation (Policy No. DC 5.1)

The proposal for a convenience store incorporates a new crossover to Collier Road. Under Clause 3.3.1 and 3.3.2 of State Planning Policy 5.1, the Commission seeks to minimise the creation of new access arrangements to regional roads and instead aims to seek access from side streets. The Town therefore referred the application to the Commission for consideration.

A response was provided by the Commission that detailed the following:

- Proposed additional access onto Collier Road;
- Analysis of the Transcore traffic report and the increased traffic volume;
- Recommendations relating to road junction upgrades and bicycle parking;

- Analysis of the proposed signage; and
- Analysis of the fuel tanker access and swept paths.

The department indicated support for the application and the proposed additional access onto Collier Road in addition to the proposed signage abutting the lot boundary. Recommendations were made on behalf of the Commission that will be detailed in the Officer Comment section of the report.

Planning assessment:

Local Planning Scheme

- Zoning, Classification of Use and Permissibility of Use

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme and 'General Industry' under the Town of Bassendean Local Planning Scheme No. 10 (LPS 10). In accordance with Table 1 under Clause 4.3 of LPS 10, the proposed convenience store is a 'D' use. Clause 4.3.2 of LPS 10 states that a 'D' use is 'not permitted unless the local government has exercised its discretion by granting planning approval'.

Under the LPS 10, there is a separate use class for Service Station that is an 'A' use and would require advertising. The definition of a convenience store is defined below:

"convenience store means premises –

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;*
- (b) operated during hours which include, but may extend beyond, normal trading hours;*
- (c) which provide associated parking; and*
- (d) the floor area of which does not exceed 300 square metres net lettable area"*

The application is deemed to meet the definition in regards to the following:

- Goods to be sold of a 'retail/convenience nature' in addition to the sale of petrol as detailed in the applicants report;
- The application will operate in addition to normal trading hours, being a 24/7 operation, 7 days a week;
- Parking is provided on site for both customers and staff; and
- Floor area for net lettable area of the convenience store is 193m².

On this basis, the application is considered to meet all aspects of the convenience store definition.

- Car parking

Clause 5.7.2.1 of LPS 10 requires that for any use indicated in Table 1 of LPS 10 that sufficient parking bays are provided under Table 2. Despite a convenience

store being listed as a use under Table 1, there is no corresponding car parking requirement under Table 2. In the event that no parking requirement is specified, LPS 10 goes on to state that “*the local government shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and street, and the orderly and proper planning of the locality and the preservation of its amenities.*”

The proposal incorporates the following in regards to parking

- 7 bays (including 1 disabled bay) adjoining the front of the convenience store;
- 2 bays to the rear of the site for staff parking (with 2 employees on site at any given time as specified in the report);
- 8 bays for fuelling purposes;
- 1 bay for “Air and Water” facilities.

The report provided by Planning Solutions referenced a Roads and Traffic Authority (NSW) report titled “*Guide to Traffic Generating Developments*” which references 5 bays being required per 100m².

With a net lettable area of 193m², a total of 9.65 (rounded to 10) bays would be required. Combining the designated parking spaces with the staff bays would result in a shortfall of a single bay. If the fuel bays were also included, there would be a surplus of bays.

- Bicycle Facilities

Clause 5.7.6 of LPS 10 states that “the local government may require the provision of facilities that provide for and encourage cycling as part of any private developments. Such facilities shall provide for storage and parking of bicycles and change rooms/showers for cyclists.” The application does not incorporate any detail relating to bicycle facilities.

Local Planning Policies

- Local Planning Policy 6 – Industrial Zones Development Design Guidelines

Item	Requirement	Proposal	Compliance
Building Setbacks	Minimum setback requirements for buildings shall be in accordance with the following: Front: 13.0m Rear: Nil Side: 4.5m Secondary Street: 6.0m	Front: Approximately 8.6m to roof of fuel canopy Approximately 12m to fuel bowser Rear: Nil at the closest point to easement Side: Approximately 3.0m to roof at closest point.	Variation to front and side setbacks. Further comment in relation to this matter is provided with the Officer Comment section of the report.

		<p>Approximately 4.5m to convenience store.</p> <p>Secondary Street: 6.0m to roof at closest point.</p>	
Plot Ratio	Maximum of 0.75	$193\text{m}^2/1828\text{m}^2 = 0.11$	Complies
Site Cover	Maximum of 50%	$492\text{m}^2/1828\text{m}^2 = 27\%$	Complies
Vehicle Parking	<p>Car parking spaces shall be provided, constructed and maintained in accordance with the provisions of Part 5 of the Scheme, Local Planning Policy No. 8 (Parking Specifications) and the approved plan relating thereto.</p> <p>Local Planning Policy 8 Requirements: Width of Bays: 2.5m (Note: Australian Standards 2890.1 calls for 2.6m width bays for this type of development) Depth of Bay: 5.4m Aisle Width: 6.2m</p>	<p>Bay Width: 2.6m Depth: 5.4m Aisle Width: Approximately 9m</p> <p>Single Disabled Bay provided in accordance with specifications under the Australian Standards 2890.6:2009.</p> <p>No detail provided of materials for paving. Condition recommended to ensure paving is consistent with policy material type.</p>	Complies (with condition discussed in officer comments)
Landscaping	<p>All development within these zones shall be landscaped in accordance with the following requirements:</p> <p>a) Minimum width of landscaping to front setback of 2m. b) Minimum width of landscaping to secondary street of 1m. c) Landscaping to be provided in accordance with Local Planning Policy 18</p>	<p>a) Landscaping in front setback of 1.65m b) Landscaping in secondary street of 1.3m c) Landscaping plan requested by way of condition to meet this policy. d) Two shade trees provided for visitor/staff parking.</p>	Variation proposed to landscaping in front street setback and condition required for a finalised landscaping plan discussed in officer comments.

	d) Shade trees provided in parking areas at a ratio of one per six car parking bays.		
Security Fencing	<p>Where a security fence is proposed on a street lot boundary, it shall be of an open style either mesh fencing or palisade style fencing and setback 2-metres behind the street alignment.</p> <p>Solid screen fences on industrial sites are only acceptable where located at or behind the 13-metre building line to the front setback area. In the case of corner lots solid screen fencing must be setback 6-metres from the secondary street.</p>	<p>No fencing proposed adjoining the primary or secondary street frontages.</p> <p>Solid boundary fencing has been proposed between the subject site and the lot to west within the 13m front setback area.</p>	<p>Variation proposed to solid fencing in the front setback area. Further comment in relation to this matter is provided with the Officer Comment section of the report.</p>
Service Access	<p>Provision shall be made for service access in the following manner:</p> <p>a) a paved accessway shall be provided for vehicles from the street to the rear of and to any other part of the building where provision is made in the external walls of the building for the entry of or the loading or unloading of vehicles;</p> <p>b) the access way shall be so constructed that all vehicles using it</p>	<p>a) Vehicle access and loading bay provided on the western side of the lot. Delivery vehicles can pass alongside filling bay No. 8 but would be obstructed if the air/water bay were in use.</p> <p>b) Delivery vehicle can enter from Collier Road and exit from Alice Street.</p> <p>c) Access way of 3.5m in width. The service bay itself has a width of 3.5m.</p>	<p>Complies (conditions recommended under officers comment)</p>

	<p>can enter from and return to a street in forward gear without reversing any part of the vehicle onto a street;</p> <p>c) except as hereinafter mentioned, the access way shall not be less than 4.5 metres in width, unless the size of the lot makes the provision of such an access way impracticable or unreasonable the Council may permit an access way of a narrower width but in no case less than 3.0 metres in width;</p> <p>d) the provision of on-site delivery manoeuvring areas where large single axle commercial vehicles can enter and leave the site in forward gear. The manoeuvring area shall be exclusive of car parking bays and the interior of the building.</p>	<p>d) Manoeuvring of a 19m fuelling truck is shown on plans entering from Alice and exiting from Collier Road. Fuelling location is located under one of the proposed fuelling bays.</p>	
<p>Storage and Refuse Areas</p>	<p>The Council may require the provision of one or more areas for the storage of refuse in a development. This area shall be:</p> <p>a) screened from view from any public street, and enclosed by a wall of masonry or other approved building material, and being</p>	<p>a) A refuse area has been provided of approximately 3mx5m for bin storage enclosed to a height of 2.2m as stated within the report. No details provided of the material that the storage area will be constructed from.</p>	<p>Complies (conditions recommended under officers comment)</p>

	<p>of not less than 1.8 metres in height; and</p> <p>b) accessible to service vehicles.</p> <p>Irrespective of whether a storage area is required for a development, no land shall be used for open storage purposes unless it is screened from view of any public street by a fence or wall built to the specifications and satisfaction of the Council.</p>	<p>b) Access from a delivery and service vehicle to a length of 8.8m has been shown on the plans. Access</p>	
<p>Building Materials</p>	<p>The facades of all buildings facing public streets shall be constructed of brick, glass, stone, masonry or concrete in respect of the ground floor level. The second floor level, or its equivalent, may be constructed of other material in accordance with the Building Code of Australia.</p> <p>The use of zincalume sheeting for construction of Industrial buildings is prohibited, unless such buildings or parts of buildings are not visible from any public street, or Council approval is granted to vary this requirement.</p>	<p>The report states that concrete panels will be used as part of construction and the plans show glass to the front of the convenience store building façade.</p>	<p>Complies</p>

- Local Planning Policy 16 – Control of Advertisements under the Local Planning Scheme No. 10

Item	Requirement	Proposal	Compliance
Pylon Signs	Max height of device: 6m Max width of device: 2m Max area: 4m ² Minimum headroom: 2.4m Max height above ground: 6m Projection maximum: 900mm Setbacks front: 1m Setbacks side: 2m Other setbacks: 6m Location: Minimum 6m clearance of another sign.	Sign 1 (S1) – Pylon Sign (High Main Price Board) Max height of device: 8m Max width of device: 2m Max area: 16m ² Minimum headroom: N/A Max height above ground: 8m Projection maximum: 0.55m Setbacks front: Approximately 200mm Setbacks side: Approximately 200mm Other setbacks: >6m Location: >6m separation distance Sign 2 (S2) – 3 x Pylon Sign (Directional Signage) Max height of device: 1.55m Max width of device: 0.55m Max area: 0.9m ² Minimum headroom: N/A Max height above ground: 1.55m Projection maximum: N/A Setbacks front: Approximately 200mm for northernmost signs	Variations to S1: - Max height - Max area - Max height above ground - Front setback - Side setback Variation to S2: - Front setback - Side setback Variation to S3: - Side setback Variation to S8: - Signs located within 6m.

		<p>Setbacks side: Approximately 200mm for easternmost and westernmost sign. Other setbacks: >6m Location: >6m separation distance</p> <p>Sign 3 (S3) – 1 x Pylon Sign (Air and Water Sign)</p> <p>Max height of device: 0.45m Max width of device: 0.3m Max area: 0.14m² Minimum headroom: N/A Max height above ground: <6m Projection maximum: N/A Setbacks front: >2m Setbacks side: Approximately 500mm Other setbacks: >6m Location: >6m separation distance</p> <p>Sign 8 (S8) – 2 x Pylon Sign (Advertising Sign)</p> <p>Max height of device: 2.8m Max width of device: 0.8m Max area: 1.9m² Minimum headroom: N/A Max height above ground: 2.4m Projection maximum: N/A Setbacks front: >2m Setbacks side: >1m Other setbacks: >6m</p>	
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		Location: Separated by approximately 2.2m	
Roof Sign	<p>Height of main building above ground level:</p> <ul style="list-style-type: none"> - 3.7m to 4.5m requires a maximum height of 0.9m for the sign. - 4.5m to 6.0m requires a maximum height of 1.2m for the sign. 	<p>Sign 4 (S4) – Roof Sign (On Convenience Store) Height of Roof: 3.7m to 4.5m Height of Sign: 1.4m</p> <p>Sign 5 (S5) – 4 x Roof Sign (On Fuel Canopy) Height of Roof: 5.5m Height of Sign: 0.9m</p>	<p>Variation to S4</p> <ul style="list-style-type: none"> - Height of sign <p>Sign S5 complies.</p>
Tower Sign	<p>Max Height of Sign: 20% of mast, tower of chimney Max length/width of sign: Width of mast, tower, chimney, or structure where sign affixed.</p>	<p>Sign 6 (S6) – 2 x Tower Sign Size of tower: 24m² Size of sign: 3.3m² (13.5%)</p>	<p>Sign S6 complies.</p>
Animated Sign	<p>Max height of device: 1.5m Max width of device: 1m Max area: 3m² Minimum headroom: 2.4m Max height above ground: <6m Setbacks front: >2m Setbacks side: >1m Other setbacks: >6m</p>	<p>Sign 9 (S9) – Animated Sign</p> <p>Max height of device: 1.7m Max width of device: 1.2m Max area: 2m² Minimum headroom: N/A Max height above ground: 2.4m Setbacks front: >2m Setbacks side: >1m Other setbacks: >6m Location: Separated by approximately 2.2m</p>	<p>Variation to S9</p> <ul style="list-style-type: none"> - Height of sign.

- **Local Planning Policy 15 – Percent for Art Policy**

LPP 15 details requirements relating to contribution towards the Town for public art either on the subject site or on crown land. The policy applies throughout the entirety of Bassendean for “*all development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1,000,000 shall be regarded as eligible proposals under this Policy.*”

The value of the contribution must be provided at 1% the value of the eligible proposal. For the proposed \$2,100,000 convenience store this would equate to a contribution of \$21,000. The applicant can elect to either pay the contribution directly to the Town or instead provide the public art on site at the applicant's expense.

- **Specification for the Construction of Crossovers**

The Town of Bassendean's Specification for the Construction of Crossovers details requirements to ensure the adequate construction of Crossovers and access throughout the Town of Bassendean.

The document incorporates a table that specifies maximum crossover sizes for industrial properties. The table specifies a maximum width of the crossover at the property boundary as being 10.7m. Due to the easement to the south of the subject site providing shared vehicular access and additional turning space for the large trucks entering the site, the width of the combined crossover is 12.5m at the property line.

State Planning Legislation

- **State Planning Policy 4.1 – State Industrial Buffer Policy**

State Planning Policy 4.1 – State Industrial Buffer Policy (SPP 4.1) identifies the need for land uses commonly associated with off-site amenity impacts (noise, dust, odour, risk and particulate emissions) to be separated from sensitive land uses to ensure acceptable environmental criteria can be achieved at nearby sensitive receivers.

The Environmental Protection Authority's - Guidance for the Assessment of Environment Factors - Separation Distances between Industrial and Sensitive Land Uses compliments, and provides guidance on, the implementation of SPP 4.1. As outlined in this framework, there is no direct guidance specifically regarding convenience stores and required separation distances. Regarding 24-hour service stations it is recommended that a minimum separation distance of 200m be provided from sensitive land uses in order to mitigate impacts of gas emissions, noise, odour and risk. The subject site is surrounded by general industrial and light industrial land uses, with the nearest residential lot approximately 550m from the subject site. On this basis, the application is considered a sufficient distance from adjoining sensitive land uses.

- **Development Control Policy 5.1 – Regional Roads (Vehicular Access)**

Development Control Policy 5.1 – Regional Roads (Vehicular Access) (DCP 5.1) addresses matters relating to the control of development adjacent to regional roads. Clause 3.3.1 of DCP 5.1 requires states that the Commission will seek to minimise the creation of new driveways on regional roads. Clause 3.3.2 states that *“on regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety ground against the creation of new driveways or increased use of existing access to these roads. Where alternative access is or could be made available from side or rear street or from rights of way, no access shall be permitted to the regional road unless special circumstances apply.”*

Due to the confined nature of the site, access is required from Collier Road to allow the 19.0m fuel trucks to adequately access the site and exit in forward gear. The Department of Planning have indicated in their correspondence that they support the proposed access arrangement with a proposed crossover to Collier Road.

Officer Comments

Assessment Under Local Planning Scheme:

- **Car Parking**

The Scheme permits discretion in regards to applying an acceptable amount of bays on site. The fuelling bays will likely be the most used bays on the site, with cars waiting in the manoeuvring areas to access the fuelling bays during peak times. In this regard, enforcing more dedicated parking bays on site would be considered unnecessary, as the primary demand on site would be for the fuel bays. There is sufficient manoeuvring space for cars to queue on the northern and southern sides of the fuel bowsers, noting that there is the potential for vehicle conflict between cars queueing on the southern side of the fuel bowsers and cars reversing from the dedicated visitor parking.

The 7 dedicated customer bays and 2 dedicated staff bays would be considered sufficient to provide for the retail needs of the convenience store. Furthermore, in the unusual circumstance that all 7 of the customer bays are occupied, the fuel bays can cater for overflow parking if they are not otherwise occupied.

- **Bicycle Parking**

Comments were provided from the Department of Planning recommending that bicycle parking be provided on site. The application for a proposed convenience store is located in an industrial area where the primary form of transportation would be by vehicle. On this basis, it is not deemed necessary that the site provide bicycle bays.

- **Local Planning Policy 6 – Industrial Zones Development Design Guidelines (LPP 6) Variations and Recommended Conditions**

Setbacks of Buildings:

A variation to the front setback and to the side setback if measuring to the roof canopy. Despite the large size of the structure, its open nature is not imposing upon the streetscape and forcing the proposal to meet the setback requirements would not result in a notable difference from the streetscape. On this basis, the variation should be supported.

Vehicle Parking:

LPP 6 refers to compliance with Local Planning Policy No. 8 – Parking Specifications (LPP 8) relating to minimum construction requirements for parking bays. As no detail has been provided as to the finished construction requirements, the Town recommends implementing a condition that requires all parking bays and manoeuvring areas on site to be constructed in accordance with LPP8.

Landscaping:

As discussed in the applicants report, the provided plan is a landscaping concept plan and not a finalised landscaping plan as required under the LPP6 and Local Planning Policy 18 – Landscaping with Local Plants (LPP 18). The Town requests that a condition be applied to the approval that requires a professionally prepared landscaping plan to be provided at the building license stage that details the following as a minimum:

- a. All the requirements listed under LPP18 including but not limited to: street frontages, contours, reticulation details, details of ground treatment and plant legend showing:
 - i. quantity of plants,
 - ii. species name
 - iii. pot size of plants at the time of planting;
 - iv. height at full growth
- b. Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
- c. All plants to be of low water use;
- d. Landscaping of the verge area adjacent to the development site, including the provision of 4 substantial street trees (2 x *Corymbia Ficifolia* to Collier Road and 2 x *Melaleuca Quinquenervia* to Alice Street) of a minimum 90L pot size in accordance with the Town's adopted Street Tree Master Plan;
- e. The total number of plants to be planted at a minimum rate of 4 per 1m²; and
- f. Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months.

A variation has been proposed to landscaping in the front street setback adjoining Collier Road, with 2m of landscaping being required and 1.65m of landscaping being provided to allow sufficient truck manoeuvring on site. The opportunity exists for landscaping to be provided in the verge to cater for the shortfall of landscaping. The Town considers the additional landscaping provided to the rear of the site to be sufficient in catering to the landscaping requirements of the site.

The variation to landscaping is minor in nature and is occurring as a result of vehicle manoeuvring. On balance, the Town considers a variation to landscaping to permit adequate manoeuvring to be an acceptable.

Security Fencing:

Boundary fencing to a height of 1.8m has been proposed on the western lot boundary that protrudes into the 13m front street setback area. As the convenience store does not incorporate fencing to the front of the lot, the fencing is to separate the two lots and prevent vehicle access to the two sites. An application has been submitted for the adjoining site that seeks to retain existing solid fencing at a distance of 11.5m from the street but that doesn't incorporate fencing forward of 11.5m. The Town recognises that the applicant wishes to separate the two lots through fencing, but considers a solid fence of 1.8m forward of 11.5m to be unnecessary. The Town therefore recommends a condition to make all fencing forward of the 11.5m setback line from the Collier Road lot boundary to be open style palisade fencing.

Storage and Refuse:

The policy requires that the storage and refuse area be constructed from masonry or other approved building material. Despite the location of the of the bin storage area, the Town recommends a condition to ensure that the bin area will be constructed of masonry construction. The Town also recommends through a condition that the bin store is fitted with a hose cock and that the floor shall be graded to a floor waste and connected to sewer.

- Local Planning Policy 16 – Control of Advertisements under the Local Planning Scheme No. 10 (LPP 16) Variations and Recommended Conditions

There are multiple variations to Local Planning Policy 16 in regards to the proposed signage incorporated as part of application for the convenience store. The Town recognises the minimal impact of many of these signs considering the surrounding general industrial land uses and also considering proposed signage would be standard as part of a 7-Eleven convenience store.

However, the proposed S1 “High Main Price Board” is considered excessive in regards to its height within a close proximity to the front boundary. A similar DAP application for a 7-Eleven convenience store was considered at Caversham in the City of Swan that incorporated signage to a height of 6m. Furthermore, the existing Puma convenience store on the intersection of Guildford Road and Katanning Street in Bayswater incorporates signage to an approximate height of 6m. A height of 6m is considered sufficient to cater to the commercial needs of the applicant and therefore the Town recommends a reduction in size to 6m through the way of a condition in accordance with the Town's policy.

- Access Arrangements onto Collier Road, Vehicle Manoeuvring, Service Access and Crossover Width

The application incorporates a large crossover (12.7m at lot boundary) to Alice Street that provides access to both the subject site in addition to an easement for staff parking and the access to adjoining site to the west. The use of the easement and the extended crossover to Alice Street provides the added benefit of additional vehicle manoeuvring area for the 19.0m fuel trucks and allow the vehicles to adequately enter the site in conjunction with the provided vehicle templates. However, the resulting crossovers to both Alice Street and Collier Road (approximately 12.4m at lot boundary) exceeds the Towns standards in regards to width, which permits a maximum width of 10.7m. An argument could be presented that the site should be increased to a sufficient size as part of the subdivision process that would allow adequate vehicle manoeuvring to occur within the site whilst also adhering to the crossover standards, but on balance this would be considered excessive. On this basis, the Town is supportive of the extended crossovers to support vehicle manoeuvring.

In addition, the application incorporates a crossover to Collier Road to enable the fuel trucks to leave the site in forward gear. As a result of the vehicle leaving the site there is the potential for vehicle conflict for cars turning into the site from Collier Road, holding up traffic in the left lane as the vehicle exits.

Furthermore, the turning movements shown indicate that the truck will cross into the right hand lane to adequately exit the site. The provided Transcore Transport Impact Assessment states that the average weekday traffic flow is approximately 17,210 vehicles per day with peak periods between 8:00am to 9:00 am and 3:00pm to 4:00pm. The report also states that as a result of the proposed convenience store, there is estimated to be 13 vehicles per hour entering the site from Collier during peak AM hours, and 19 vehicles per hour entering during peak PM hours.

Section 9.0 of the report states that "Fuel tanks and other service vehicles are expected to access the site no more than 3-4 times a week and generally outside the peak road network and peak site activity periods." To ensure that the fuel trucks are exiting the site during off peak periods, the Town recommends a condition on the approval limiting the periods that fuel trucks can enter and exit the subject site. Comments provided by the Department of Planning also recommends limiting fuel tanker access outside of peak times. In accordance with Figure 17 under 7.1 of the traffic report, the Town recommends preventing access to the site from fuel trucks between 7:00am and 9:00am and 3:00pm to 7:00pm on weekdays.

The application also incorporates a left in-left out modification to the median island that prevents right hand turns into and out of the proposed crossover to Collier Road. This extension is supported on the basis that it prevents dangerous vehicle movements into and out of the site. However, it is the expectation of the Town that the applicant is responsible for the entire cost associated with the upgrading works.

It is also the expectation that the applicant will liaise with the both the Department of Planning and Town of Bassendean as necessary to organise the works and that all works shall be completed prior to occupation of the fuel station. The Town therefore recommends a condition relating to the extension of the median.

Comments made on behalf of the Department of Planning recommend consideration of upgrades to the intersection of Alice Street and Collier Road. As part of the analysis in the Transcore report, it has been identified that there is a potential increase in delay during PM peak hours from 64.6 seconds to 94.6 seconds for vehicles turning right from Alice onto Collier Road. As the road is already considered to have a poor level of service, upgrading the intersection is not deemed necessary as part of this application.

The Department of Planning also made recommendations regarding changes to the kerbing on site to allow additional access throughout the site. Whilst the Town looks to enforce its crossover standards wherever possible, the Town is agreeable to a proposed modification on the west side of the site, straightening the kerb inside the lot to allow improved vehicle access with a reduction to landscaping. The Town would still recommend maintaining a wing radius of 5m in accordance with the Town's standards. The Town recommends adding a condition requiring the plans to be updated prior to the submission of the building permit.

- Percentage for Art Policy

The policy states that all development proposals that are commercial in nature with a value that exceeds \$1,000,000 requires a contribution. Whilst the application falls within the industrial zone, the use is considered commercial in nature.

On this basis, the Town recommends implementing a condition for the public art contribution prior to submission of a building permit.

- Retaining Wall Height

Retaining walls are proposed to a height of 0.9m to 0.75m on the eastern side of the site on the Alice Street lot boundary. The proposed top of wall height is 23.0 with the proposed levels on site being 22.6 at the highest point. Retaining walls are therefore only considered necessary to a height of 22.6. The Town recommends implanting a condition which limits the heights of the retaining walls to not exceed a top of wall height of 22.6.

Council Recommendation:

To be provided following Council's consideration of the application for development approval.

Alternate Recommendation:

Not applicable.

Conclusion:

The application proposes a 7-Eleven convenience store at Lot 25 (No. 300) Collier Road, Bassendean. As identified within this report, the proposed development satisfactorily addresses requirements contained within the Town's policies and LPS10 with the exception of the variations identified. Where Council Officers are of the view that a variation should not be accepted or have concerns regarding the proposal, conditions have been recommended to address the identified issues. The Town recommends approving the application subject to the conditions recommended.

OFFICER RECOMMENDATION – ITEM 10.5

That Council endorses the Planning Officer's report and recommendation to the Metropolitan Central Joint Development Assessment Panel for the proposed convenience store on Lot 25 (No. 300) Collier Road, Bassendean.

Voting requirements: Simple Majority

10.6 Extension of Time for Prosecution Action to Remove Unauthorised Patio at Lot 19; No. 15 Bridson Street, Bassendean – Property Owner: Kevin Prior (Ref: DABC/BDVAPPS/2017-005 – Dylan Stokes, Planning Officer)

APPLICATION

The purpose of this report is for Council to consider an extension of time to commence legal action for an unauthorised patio located at Lot 19, No. 15 Bridson Street, Bassendean.

ATTACHMENTS

Attachment No. 6:

- Letter from landowner
- Photographs of existing patio.

BACKGROUND

This matter was previously considered by Council at its meeting held in February this year, when it resolved to refuse an application for development approval for a retrospective patio at Lot 19 (No 15 Bridson Street Bassendean and to authorise the CEO to commence legal action if the patio was not removed within 60 days of the date of refusal. Council's resolution is reproduced below:

“OCM – 4/02/17 - MOVED Cr Pule, Seconded Cr Brown that Council:

1. *Refuses to grant development approval for the retrospective Patio at Lot 19 (No. 15) Bridson Street, Bassendean for the following reasons:*
 - a) *The proposal does not meet the Deemed to Comply Provisions under Clause 5.1.2 of the Residential Design Codes which requires that a minimum setback of 3.0m and an average setback of 6.0m for an R20 coded lot. The existing development is setback at 0.25m from the street with an average setback of approximately 5.8m;*
 - b) *The proposal does not meet the Design Principles under Clause 5.1.2 of the Residential Design Codes which requires Buildings to be set back from street boundaries an appropriate distance to ensure they contribute to and are consistent with an established streetscape.*

These Design Principles also require that buildings mass and form positively contributes to the prevailing development context and streetscape. There is no precedent along the streetscape of a similar setback distance or a structure that is similar in appearance;

- c) *The existing development does not meet Town's Local Planning Policy 12: Development in the Front Street Setback which requires the following:*
- i. Roof to be of tile or steel in material;*
 - ii. The colour of the roof is to match the existing residence;*
 - iii. The support columns are to be provided in brick or an alternate material to match the materials of the dwelling facing the street; and*

2. *Authorises the Chief Executive Officer to initiate legal action if the unauthorised patio is not removed within 60 days of the date of refusal."*

The landowner has requested an extension time of 30 days to adequately remove the structure, referred to in part 2 of the resolution.

STRATEGIC IMPLICATIONS

Objectives:

Foster enhanced public space and street appearance

Strategies:

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

COMMENT

The applicant has cited multiple reasons for a time extension, including:

- Time restraints as a result of work;
- An intent to retain the materials requiring dismantling of the structure;
- Current storage space on site; and
- The applicant was away on annual leave during a portion of the 60 day period previously provided to remove the structure.

One of the previous objectors has verbally indicated that they do not oppose a time extension to remove the structure.

Council officers therefore support a time extension of an additional 30 days to the previous 60 day timeframe.

STATUTORY REQUIREMENTS

The following is reproduced from the Local Government (Administration) Regulations 1996

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.

- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

FINANCIAL CONSIDERATIONS

If the Town needs to resort to legal action as a result of the structure not being removed after the time extension, the costs are estimated to be in between \$2,000 and \$5,000.

OFFICER RECOMMENDATION – ITEM 10.6

That Council revokes point 2 of OCM – 4/02/17 which reads: *“Authorises the Chief Executive Officer to initiate legal action if the unauthorised patio is not removed within 60 days of the date of refusal”* and replaces it with: *“Authorises the Chief Executive Officer to initiate legal action if the unauthorised Patio is not removed within 90 days of the date of refusal.”*

Voting requirements: Absolute Majority

10.7 Surrey Street Community Centre Management Plan Incorporating the Pensioner Guard Museum (Ref: A673, COUP/PROGM/1 - Graeme Haggart, Director Community Development)

APPLICATION

Council is requested to adopt the Management Plan for the Surrey Street Community Centre “to be established” that incorporates the Pensioner Guard Museum.

ATTACHMENTS

Attachment No. 7:

Management Plan: Surrey Street Community Centre, Incorporating the Pensioner Guard Museum

BACKGROUND

In 2013, SIA Architects were appointed to undertake the following:

- Phase 1: Pre- Design
- Phase 2: Schematic Design
- Phase 3: Design Development & Documentation
- Phase 4: Submitting Development Applications
- Phase 5: Tendering & Construction Management

At the end of Phase 2, SIA Architects provided the Schematic Plans and in February 2015, a report was presented to Council for consideration and to seek direction.

Council (OCM – 18/02/15) resolved to consult with the key stakeholders.

In November 2015, Council (OCM – 6/11/15) receive SIA Architects Pty Ltd progress report concerning the design options, endorse SIA Architects Pty Ltd Option 2C draft design proposal; noted the feedback received from Bassendean Historical Society Inc., Bassendean Arts Council Inc., the 1 Surrey Steering Group members, the State Heritage Office and Museums Australia concerning the schematic design options.

Throughout this project, SIA Heritage Architects has work in parallel with the consulting Museum Curator, Dr Fiona Bush and Creative Spaces to ensure that the Heritage & Archaeology issues were addressed in accordance with Conservation Management Plan and the Interpretation Plan.

The consulting Museum Curator Dr Fiona Bush worked in parallel with Creative Spaces to develop the Pensioner Guard Museum Exhibition Plan, which is planned to be accommodated in the c.1893 Residence, after it is restored.

Phase 4 of the detailed design processes has been completed with the State Heritage Office conditional approval and Town of Bassendean providing conditional approvals.

In November 2016, Council (OCM – 14/11/16) noted that a Lotterywest grant application would be submitted in accordance with the early Council resolution.

The Surrey Street Steering Working Group have been presented with the draft detailed drawings, the Bassendean Historical Society representatives and the Bassendean Arts Council representative requested some minor amendment to the drawings presented. SIA Architects and the respective sub-consultants have completed the requested minor amendments.

Council has received letters of support for the Option 2C draft design from the following:

- Heritage Council of Western Australia - State Heritage Office;
- Museums Australia;
- National Trust of WA;
- Royal WA Historical Society; and
- Bassendean Historical Society.

In March 2017, Lotterywest's Conserving Cultural Heritage provided grant funding of \$375,000, which is \$100,000 more in grant funding that is listed in the 2016/2017 budget.

Phase 5 of the project is scheduled to commence, and involves inviting tenders for suitable heritage builders to restore and refurbish the c1856 Pensioner Guard Cottage and c1893 Residence, demolition of the 1950's extension and construction of a new community space and studio.

Once the restoration and construction works are completed, the refurbished 1 Surrey Street facility will provide the following:

- A Municipal Museum featuring the only remaining Pensioner Guard Cottage in metropolitan Perth as a "centerpiece"; and
- Community access facilities.

In accordance with the November 2015 (OCM – 6/11/15) resolution, the Town has prepared a Management Plan to guide the ongoing management of the facility.

The Surrey Street Community Centre Management Plan incorporating the Pensioner Guard Museum, articulates how the facility is to be managed: The facility governance structure, the facility functions; its objectives and their parameters; the principal user groups; and the relationship of the user groups with management.

COMMUNICATION AND ENGAGEMENT

Officers have met with the Presidents of the two principal user groups on the Management Plan to ensure they are agreeable to the principles underpinning the Plan.

The draft Management Plan has more impact on the Bassendean Historical Society and the President has been consulted on the draft Plan. During that conversation, it was pointed out that the BHS has limited capacity at present and that the expectations of their role in the Management Plan requires them to grow significantly in numbers and ability. It was agreed the role expectation would reflect the Society's capacity and that the Town will work with the Society to meet the Management Plan objectives. This is expected to be achieved over time.

STRATEGIC IMPLICATIONS

The establishment of the municipal museum is a long-term objective of the Council.

COMMENT

The facility is sought to be known as Surrey Street Community Centre as it is a multipurpose facility that incorporates a range of functions, including the Pensioner Guard Museum. It is a contemporary facility in that the museum element fits within a wider scope facility.

Benefit exists in being able to secure the museum element and not have access to it, while retaining access to the remainder of the Centre and the reverse. This will increase flexibility of the Centre.

The Centre is proposed to be managed by a Centre Coordinator, employed by the Town who will have considerable skillset including museum curatorial skills, strong interpersonal skills and volunteer management skills, marketing skills and more.

The Centre Coordinator role is envisaged to be 3 days per week (0.6FTE) and report to the Manager Recreation and Culture. An office will be established at the Centre for the Coordinator.

The relationship between the Town and the Bassendean Historical Society (BHS) for the opening of the museum is proposed to be retained and strengthened. The Town, through the Volunteers Centre, will assist the BHS to increase membership and capacity. The BHS volunteers will continue to open the museum. The open hours are predicted to commence with limited days, expanding with capacity. The BHS will be provided an office.

It is proposed the Town will commence an historic items collection and that this will be a function of the Coordinator (in collaboration with the BHS).

The museums interpretation rooms will be in the 1890's residence and lead visitors to the Pensioner Guard Cottage. It is proposed the Cottage be adorned with historic items such that it will be a "life and times" display and will be signed as not necessarily authentic to the 1850's as it may include later 19th century items. This will be updated with the collection development.

A temporary exhibition room is included in the museum and will house a program of temporary exhibits. The temporary exhibits will be a collaboration between the BHS and Centre Coordinator.

The community access rooms in the Centre will accommodate Fibrant (the textile arm of the Bassendean Arts Council). Fibrant will be a user group with defined hours of operation and will have access to an office and storage (by negotiation).

Other user groups are expected to seek bookings in the Centre including for playgroups, leisure courses, committee meetings and more. Bookings and facility access will be managed by the Centre Coordinator.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The Centre will require to establish operational budgets and will have a standalone series of accounts.

It is anticipated that once the builder is appointed, that the restoration and constructions works will be completed, pending weather conditions, in approximately 32 weeks and therefore it is proposed, the Coordinator position commence in January 2018, the impact on the 2017/18 Budget will be proportionate to this amount.

The Coordinator pro-rata salary (January 2018 - part of year 1) will be approximately \$22,330 and for 2018/2019 the pro-rata salary will be approximately \$44,660 in the full year.

OFFICER RECOMMENDATION — ITEM 10.7

That:

1. The Surrey Street Community Centre Management Plan incorporating the Pensioner Guard Museum be adopted; and
2. Council notes that the Coordinator position has been included for consideration in the 2017-2021 Workforce Plan.

Voting requirements: Simple majority

10.8 Code of Conduct Review (Ref: GOVN/CCLMEET/1 - Bob Jarvis, CEO)

APPLICATION

Council is requested to adopt the revised Code of Conduct pursuant to Section 5.103 of the Local Government Act 1995.

ATTACHMENTS

Attachment No. 8 Code of Conduct

BACKGROUND

Council adopted the current Code of Conduct for Councillors, Committee Members and Employees in March 2015. This was done to provide a Code of Conduct in time for the 2015 Election.

It is prudent from time-to-time to review the Code of Conduct, and this review should be in place in time for the 2017 Local Government Elections, to be held in October 2017, given that the Code refers to the Local Government (Administration) Regulations (Reg 34) that pertains to the disclosure of gifts.

COMMENT

The Act and Regulations require certain elements to be included in the Code of Conduct, specifically restrictions on gifts and declarations of impartiality interests by staff, but provides considerable latitude for the inclusion of other elements relating to general conduct, and dealing with breaches.

The Public Sector Commission has provided guidelines on the review of the Code of Conduct. These guidelines have been taking into account and staff have included the following new sections:

- Clause 3.2 - Official Information, Record keeping and Communications
- Clause 3.3 - Confidential Information
- Clause 3.4 - Procurement and Use of Public Resources

The Public Sector Commission has developed a range of practical tools to assist people with good decision making. These are simple but fundamental questions that are central to ethical and accountable public sector decision making.

1. *Am I doing the right thing?*
2. *How would others judge my actions?*
3. *How could my actions impact on others?*

4. *Should I discuss this with someone else?*

The '6Ps' were developed by the WA Integrity Coordinating Group to assist employees to assess whether they have an interest that they are required to disclose as it could pose a potential, actual or perceived conflict of interest. In the first instance, employees could be asked to understand the '6Ps' and ask themselves the following questions:

- **Public duty versus private interest**
Do I have personal or private interests that may conflict or be perceived to conflict with my public duty?
- **Potential**
Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
- **Perception**
Remembering that perception is important, how will my involvement in the decision or action be viewed by others? Are there risks associated for me or my organisation?
- **Proportion**
Does my involvement in the decision appear fair and reasonable in all the circumstances?
- **Presence of mind**
What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
- **Promises**
Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action or decision?

Other changes include:

- Gifts - Updated Legislative requirements. We have also included a flowchart (provided under authority of the City of Vincent) for dealing with Gifts and Contributions to Travel;
- Fraudulent or Corrupt Behaviour;
- Breaches of the Code of Conduct; and
- Reporting misconduct to the Corruption and Crime Commission.

STATUTORY IMPLICATIONS

Section 5.103 of the Local Government Act.

Codes of conduct

(1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*

[(2) deleted]

(3) *Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.*

[Section 5.103 amended by No. 49 of 2004 s. 55; No.1 of 2007 s.10.]

OFFICER RECOMMENDATION - ITEM 10.8

That Council adopts the amended Town of Bassendean Code of Conduct for Councillors, Committee Members and Employees, as attached to the Ordinary Council Agenda of 26 April 2017.

Voting requirement: Absolute majority

10.9 Review of Workforce Plan and Corporate Structure (Ref: GOVR/LREGLIA/15 – Corporate Management Team)

APPLICATION

Council is requested to consider the adoption of the revised Workforce Plan for the 2017- 2021 financial years.

ATTACHMENTS

Confidential Attachment No. 1 :
2017-2021 Workforce Plan and Corporate Structure Review

BACKGROUND

The Workforce Plan is an informing strategy to the Corporate Business Plan and the Long Term Financial Plan. The review of the Plan identifies the current and future corporate structures to ensure that the Community Strategic Plan outcomes can be achieved within the required objectives and timeframes.

STRATEGIC IMPLICATIONS

Objectives

Improve capability and capacity

Strategies

Review and develop the workforce to meet changing needs

COMMENT

The review of the Workforce Plan includes additional positions for the 2017-2021 financial years, which will be incorporated in the Long Term Financial Plan. The Plan also includes the justifications for the following additional positions for the 2017/18 financial year:

- Workplace Safety and Health Officer (20 hours per week)
- Surrey St Community Centre Coordinator (22.8 hours per week)
- Building Maintenance Officer
- Customer Service Officer Relief (15.2hrs per week)
- Internal Auditor

The Workforce Plan has also been amended to reflect future new structures where some positions have been removed.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The review of the Workforce Plan is still subject to the affordability and inclusion in the 2017/18 financial year budget. A further report on the inclusion or exclusion of the additional staff will be incorporated in the report for the adoption of the budget.

OFFICER RECOMMENDATION — ITEM 10.9

That Council:

1. Amends the Corporate Structure to include the additional positions within the 2017-2021 Workforce Plan; and
2. Considers allocating funding for the additional positions in the 2017/18 Budget.

Voting requirements: Simple Majority

10.10 2017-2027 Strategic Community Plan (Ref: CORM/POLCY/1- Bob Jarvis, CEO and the Executive Management Team)

APPLICATION

The purpose of the report is for Council to adopt the 2017- 2027 Strategic Community Plan following the Community surveys and workshops as well as Councillor workshops held in March and April 2017.

ATTACHMENT

Attachment No. 9:

Draft 2017-2027 Community Strategic Plan

BACKGROUND

In November 2015, Council resolved:

- “1. *Council adopts the Integrated Planning and Reporting Strategy and timetable for the Town of Bassendean;*
2. *Council defines the method of community consultation by submissions in the review of the Community Strategic Plan, by including the following:*
 - a) *Community Presentation;*
 - b) *Focus Groups;*
 - c) *Council Committees;*
 - d) *Targeted Surveys (either verbal or on-line);*
 - e) *Workshops and meetings;*
3. *Staff prepare a report for Council’s endorsement on the proposed community consultation by a questionnaire based on the following:*
 - a) *What has been achieved since 2013?*
 - b) *What has not been achieved since 2013?*
 - c) *What has changed since the adoption of the 2013-2023 Community Plan? and*
 - d) *What needs to be in place in the future?”*

STRATEGIC IMPLICATIONS

The development of a new Community Strategic Plan is considered appropriate given the previous plan was a review of the 2030 Community plan that was developed in 2005.

The development of the Corporate Business Plan (in May 2017) and informing strategies will provide sustainable long term plans that must be taken in to consideration the visions and aspirations of the community.

The Town is required to develop the following:

- Community Strategic Plan - (review every 4 years);
- Corporate Business Plan - (reviewed annually); and
- Informing Strategies - Asset Management Plans, Workforce Plans and Long Term Financial Plans. (reviewed annually).

The integrated planning framework is designed to make Council think long term in the development of the Town and will change the way we develop the annual budget.

The budget will be premised on the Corporate Business Plan which will incorporate the Asset Management Plan, Workforce Plan and the Long Term Financial Plan, and remove the need for budget workshops and prioritising of projects etc, as these would have previously been considered by the community and Council in the development of the required plans.

COMMENT

Since the November 2015 resolution of Council, staff engaged the services of a marketing organisation to assist in the community consultation. The company developed a survey in July 2016 that was distributed to all residences, as well as providing a website for on-line responses. The survey closed on 9 September 2016.

Staff and Councillors spent time at Shopping Centre displays and received some 1200 responses to our survey. These comments form part of the Plan. Additionally, we held workshops with approx. 100 members of the Community on the Plan and these have also been included as part of the development of the plan. We received a number of praises for consultation and the way we consulted with the Community on the Plan.

Following the closure of the survey, workshops were conducted in November 2016 and were attended by some 80 community members.

Councillors held workshops in March and April 2017, where there was consensus on the outcomes, objectives, strategies and measures of success that were included in the plan.

The Draft Strategic Community Plan were developed with the following themes:-

- Social;
- Economic;
- Built Environment;
- Natural Environment; and
- Good Governance.

STATUTORY REQUIREMENTS

Section 5.56 of the Local Government Act Regulation 19D, 19DA & 19DB of the Local Government (Administration) Regulations.

FINANCIAL CONSIDERATIONS

The 2016/17 Budget provides funding for the development of the Strategic Community Plan and Corporate Business Plan.

OFFICER RECOMMENDATION – ITEM 10.10

That Council:

1. Adopts the 2017-2027 Strategic Community Plan, attached to the Ordinary Council Agenda of 26 April 2017; and
2. In accordance with Section 5.56 of Local Government Act and Administration Regulation 19D, give local, public notice of the adoption of the 2017-2027 Strategic Community Plan.

Voting Requirement: Absolute majority

10.11 WALGA Annual General Meeting 2017 – Submission of Motions (Ref: GOVR/LREGLIA/3 - Sue Perkins, Executive Assistant)

APPLICATION

The purpose of this report is for Council to consider whether it wishes to put forward any motions for inclusion on the Agenda for the 2017 WALGA Annual General Meeting.

ATTACHMENTS

Attachment No. 10:

Notice of the AGM, together with general information on the meeting and guidelines for the preparation and submission of motions.

BACKGROUND

The Annual General Meeting for the Western Australian Local Government Association will be held on Wednesday, 2 August 2017 as part of the Local Government Convention.

The Local Government Convention will be held at the Perth Convention Exhibition Centre from 2 to 4 August 2017.

Council's delegates are Councillors Gangell and Pule, with Cr Lewis as Deputy.

Member Local Governments are invited to submit motions for inclusion on the Agenda.

STRATEGIC IMPLICATIONS

Nil.

COMMUNICATION AND ENGAGEMENT

N/A.

COMMENT

The Local Government Convention is the premier event for Elected Members and Officers within Local Government. The Association's AGM, as an integral part of this event, is a critical forum for mobilising the views of Western Australian Councils, confronting emerging issues and developing directions forward for our sphere of government.

The following guidelines should be followed by Member Councils in the formulation of motions:

- * Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay;
- * Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums;
- * Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- * The likely political impact of the motion should be carefully considered;
- * Due regard should be given to the educational value to Members, ie, does awareness need to be raised on the particular matter?
- * The potential media interest of the subject matter should be considered; and
- * Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

The closing date for submission of motions is the close of business on Monday, 5 June 2017, and should be submitted in writing to the Chief Executive Officer of WALGA.

Any motions proposing alterations or amendments to the Constitution of the WA Local Government Association must be received by the close of business on Friday, 12 May 2017 in order to satisfy the 60 day constitutional notification requirements.

STATUTORY REQUIREMENTS

Nil.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.11

That Council considers whether it wishes to put forward any motions for inclusion on the Agenda for the 2017 WALGA Annual General Meeting to be held on Wednesday 2 August 2017.

Voting requirements: Simple Majority

10.12 Liveable Town Advisory Committee held on 11 April 2017
(Ref: GOVN/CCL/MEET/34 – Graeme Haggart, Director
Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Liveable Town Advisory Committee held on 11 April 2017.

ATTACHMENTS

Attachment No. 11: Liveable Town Advisory Committee Minutes of 11 April 2017.

BACKGROUND

The Committee has the following role:

1. To advise Council on current trends and issues relating to services for children, young people, seniors, and families, and to recommend strategies and policies to address the changing environment for current and future residents in the Town;
2. To consult with and define residents' aspirations and needs, and to articulate their emerging priorities for provision of services, infrastructure and environmental protection;
3. To advise Council on actions the Town can take that strengthen residents' sense of place, connectivity with their community and achieve enhanced civic participation and reconciliation matters with First Nation People of the region;
4. To monitor and report to Council on implementation progress on matters referred to the Committee by Council;
5. To develop strategies to achieve the Town's Positioning Statement "That the Town of Bassendean will become a hub of recreation, arts and culture in Perth's Eastern Region";
6. To recommend to Council issues to be considered for inclusion within the Town's strategic plans;
7. To provide advice on issues impacting upon the business community and recommend strategies to foster economic development in the Town and Region;

8. To provide advice on issues impacting upon the natural environment and recommend strategies to enhance protection of the natural and built environment in the Town; and
9. To provide advice on heritage and matters impacting upon the preservation of pre-European and the Colonial/post-colonial historic record and recommend strategies and actions to enhance their protection.

The Officer Reports provide an update on those activities and is provided to assist the Committee in defining the nature of future agenda items to be referred by Officers.

STRATEGIC IMPLICATIONS

The LTAC meets all six themes of the Corporate Business Plan 2015-2019:

- Town planning and built environment
- Environmental sustainability and adaptation to climate change
- Economic wellbeing and prosperity
- Arts, heritage and culture
- Inclusiveness, lifelong learning, health and social wellbeing
- Leadership and governance

COMMENT

The following items were considered at the meeting:

Committee Work Program

The Committee received the progress report on the following working groups:

Australia Day Celebrations;
Regional Playground;
Urban Forest Strategy; and
Renewable Energy.

Ongoing Activity Progress Reports

Officers reported on activities relevant to Committee under their lines of business:

Community Event Sponsorship

The Committee considered an application for sponsorship of \$1,000 from Artsource to assist with the staging of the “Aim to Please” exhibition to be held from 28 October to 5 November 2017.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

If supported by Council, a \$1,000 sponsorship agreement will be established under the Community Events Sponsorship Program to Artsource to assist with the staging of the “Aim to Please” exhibition from 28 October to 5 November 2017.

There is sufficient funding in the 2016/17 Budget – Community Events Sponsorship account for this sponsorship.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.12

That Council:

1. Receives the report of the meeting of the Liveable Town Advisory Committee held on Tuesday 7 February 2017;
2. Provides sponsorship of \$1,000 under the Community Events Sponsorship Program in 2016/17 to Artsource to assist with the staging of the “Aim to Please” exhibition from 28 October to 5 November 2017 at Another Project Space, Ashfield Artsource Studios, 174 Railway Parade, Bassendean; and
3. Notes that a sponsorship agreement will be prepared in line with Council’s policy between the Town and Artsource to outline the conditions of the sponsorship.

Voting requirement: Simple Majority

**10.13 Determinations Made by the Principal Building Surveyor
Ref: LUAP/PROCED/1 – Mary Bidstrup, Administration
Officer)**

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

Building Applications Determined in the Month of March 2017		
Application No	Property Address	Description
201700056	124 FIRST AVENUE BASSENDEAN	BIN STORE TO BE ROOFED OVER
201700052	49A HARCOURT STREET BASSENDEAN	DOUBLE STOREY DWELLING
201700050	18 SECOND AVENUE BASSENDEAN	8X TWO BEDROOM APARTMENTS
201700058	17 DEAKIN STREET BASSENDEAN	SWIMMING POOL BARRIER FENCE
201700054	24 KENNY STREET BASSENDEAN	ADDITION/ALTERATION
201700055	WEST ROAD BASSENDEAN	TENANCY FIT-OUT BANKING BRANCH
201700059	18 SECOND AVENUE BASSENDEAN	FULL DEMOLITION WITHIN BOUNDARIES
201700051	40 ESTHER STREET EDEN HILL	3X DWELLING
201700016	15 SYLVIA WAY EDEN HILL	PATIO (RETROSPECTIVE APPROVAL)
201700012	50 DEVON ROAD BASSENDEAN	PATIO
201700073	38 BROADWAY BASSENDEAN	4 GROUPED DWELLINGS
201700071	6 FREELAND WAY EDEN HILL	PATIO
201700079	50 DEVON ROAD BASSENDEAN	NEW BATHROOM AND WIR TO BE INSTALLED COMING OFF BEDROOM
201700075	94 KATHLEEN STREET BASSENDEAN	PATIO
201700074	300 COLLIER ROAD BASSENDEAN	OFFICE FIT OUT
201700076	20 PARNELL PARADE BASSENDEAN	DEMOLITION
201700026	51 NORTH ROAD BASSENDEAN	SHED
201700065	25 ASHFIELD PARADE ASHFIELD	STAIR INSTALLATION AND WINDOW CONVERTED TO DOOR
201700066	17 DEAKIN STREET BASSENDEAN	FIBREGLASS POOL
201700062	28 PALMERSTON STREET BASSENDEAN	FRONT FENCE APPROVAL
201700068	46 PEARSON STREET ASHFIELD	DEMOLITION OF RESIDENTIAL DWELLING
201700060	38 THIRD AVENUE BASSENDEAN	8X TWO BEDROOM APARTMENTS
201700064	80 WHITFIELD STREET BASSENDEAN	PATIO
201700043	50 MICKLETON TERRACE BASSENDEAN	ANCILLARY ACCOMADATION
201700087	38 THIRD AVENUE BASSENDEAN	DEMOLITION
201700085	41 CUMBERLAND WAY BASSENDEAN	SINGLE DWELLING

201700088	73 WHITFIELD STREET BASSENDEAN	FULL SITE CLEARANCE OF RESIDENTIAL PROPERTY
201700084	76 KENNY STREET BASSENDEAN	DEMOLITION
201700086	56 FOURTH AVENUE BASSENDEAN	DEMOLITION CLEAR ENTIRE SITE
201600347	101 IVANHOE STREET EDEN HILL	FLAT PATIO

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 – Brian Reed, Manager 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 April 2017			
Applic No.	Property Address	Type of Development	Determination
2017-003	80 IOLANTHE STREET BASSENDEAN 6054	TWO GROUPED DWELLINGS	DELEGATE APPROVED
2017-008	71 NORTH ROAD BASSENDEAN 6054	BED & BREAKFAST ACCOMMODATION	DELEGATE APPROVED
2017-010	UNIT A 29 GALLAGHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-032	47 WEST ROAD BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2017-034	3 DOROTHY STREET ASHFIELD 6054	PATIO & CARPORT	DELEGATE APPROVED
2017-036	8 RAILWAY PARADE BASSENDEAN 6054	CARPORT & OUTBUILDING	DELEGATE APPROVED
2017-040	UNIT B 7 FIFTH AVENUE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2017-043	46 NORTH ROAD BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2017-044	UNIT 5 56 IVANHOE STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2017-046	33 HANWELL WAY BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2017-053	100 WHITFIELD STREET BASSENDEAN 6054	CARPORT	DELEGATE APPROVED

	Subdivision Applications		
75539	12 CENTENARY COURT BASSENDEAN 6054	FORM 24 - CERTIFICATE OF APPROVAL FOR STRATA PLAN FOR 6 GROUPED DWELLINGS	DELEGATE APPROVED
154842	300 COLLIER ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
233-17	60 ESTHER STREET EDEN HILL 6054	THREE LOT SURVEY STRATA	STATUTORY ADVICE
331-17	45 ANZAC TERRACE BASSENDEAN 6054	TWO LOT 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 Quarterly Report for Quarter Ended 31 March 2017 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive the Quarterly Report for the period ended 31 December 2016.

ATTACHMENTS

Attachment No. 12: Quarterly Report

BACKGROUND

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables, and the 2016-2020 Corporate Business Plan.

The Quarterly Report also provides information on the progress of cash in lieu projects and grants applied for and received in each quarter.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

OFFICER RECOMMENDATION – ITEM 10.15

That Council receives the Quarterly Report for the quarter ended 31 March 2017.

Voting requirements: Simple majority

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

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

The Common Seal was not attached to any documents during the reporting period.

OFFICER RECOMMENDATION – ITEM 10.

That Council notes that the Common Seal was not attached to any documents during the reporting period.

Voting Requirements: Simple majority

10.17 Calendar for May 2017 (Ref: Sue Perkins, Executive Assistant)

Wed	3 May	10.00am	River Parks Management Committee Meeting – Council Chamber (Crs Bridges & Brown)
Thu	4 May	9.30am	Local Studies Collection Advisory Committee Meeting – Council Chamber (Cr Pule)
Wed	10 May	10.00am	Access & Inclusion Committee Meeting – Council Chamber (Cr Pule)
Thu	11 May	6.00pm	EMRC Strategy Session (If required) – EMRC (Crs Lewis & Bridges)
Thu	18 May	6.00pm	EMRC Council Meeting (If required) – EMRC (Crs Lewis & Bridges)
Tue	23 May	5.00pm	Briefings Session – Council Chamber
Tue	23 May	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	26 May	5.00pm	Youth Advisory Council Meeting – Youth Services, West Road, Bassendean

OFFICER RECOMMENDATION - ITEM 10.17

That the Calendar for May 2017 be adopted.

Voting Requirements: Simple majority

10.18 Implementation of Council Resolutions (Ref: Sue Perkins, Executive Assistant)

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:

Issue ID	Assigned to	Brief Description	Action Taken
ROC17/53222	GRAEME HAGGART	OCM-11/2/17 – LIVEABLE TOWN ADVISORY COMMITTEE MEETING	ALL ITEMS COMPLETED. FOLLOW UP REPORT ON FAMILY SERVICES TO BE PRESENTED AT A FUTURE MEETING. RECOMMEND DELETION.
ROC17/52795	SIMON STEWERT-DAWKINS	OCM-13/1/17 - STREET TREE 1 PROWSE STREET BASSENDEAN	THE TOWN WROTE TO THE 1 PROWSE STREET BASSENDEAN RESIDENT ON THE 1ST FEBRUARY 2017. ASSET SERVICES ARRANGED FOR THE STREET TREE TO BE PRUNED IN ACCORDANCE WITH THE CONSULTING ARBORIST REPORT. RECOMMEND DELETION.
ROC17/53448	MANDY GODFREY	OCM-9/3/17 - RFT CO 064W 2016-17 RECYCLING AND WASTE SERVICES FOR THE TOWN OF BASSENDEAN	OCM REPORT NOTED. NO FURTHER ACTION REQUIRED. RECOMMEND DELETION.
ROC17/53461	MANDY GODFREY	OCM-39/3/17 - RFT CO 065 2016-17 CONSTRUCTION OF CIVIL INFRASTRUCTURE FOR THE TOWN OF BASSENDEAN	OCM REPORT NOTED. NO FURTHER ACTION REQUIRED. RECOMMEND DELETION.
ROC17/53446	DYLAN STOKES	OCM-5/3/17 - PROPOSED CARPORT AT LOT 101; NO. 125 WALTER ROAD EAST BASSENDEAN	DEVELOPMENT APPROVAL ISSUED. RECOMMEND DELETION.

OFFICER RECOMMENDATION – ITEM 10.18

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 26 April 2017 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

10.19 Accounts for Payment – March 2017 (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. 13: List of Accounts

BACKGROUND

The monthly payments made for the period March 2017 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 10.19

That Council receives the List of Accounts paid for March 2017, as attached to the Ordinary Council Agenda of 26 April 2017.

Voting Requirements: Simple majority

10.20 Financial Statements – March 2017 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

ATTACHMENTS:

Attachment No: 14 Financial Reports for March 2017

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 2016/17 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 4.35% behind Budget Year to date. Interest on investments and Fees & charges are on YTD Forecasts.

Other revenue is ahead of budget YTD forecasts, with operating Grants being behind YTD forecasts

Total expenditure by nature & type for YTD is 10.6% below Budget YTD expectations. Employee costs, Materials & contracts, utilities, other expenditure are below anticipated budget levels. Insurance expenses are over budget.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ending the March 2017. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.20

That the:

1. Financial Report for the period ending 31 March 2017, as attached to the Ordinary Council Agenda of 26 April 2017, be received; and
2. Budget amendments listed for adoption in the Financial Statements as attached to the Ordinary Council Agenda of 26 April 2017, be approved.

Voting Requirements: Absolute majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Pule: Request the State Administrative Tribunal to Review the Approval of the Concrete Batching Plant in Clune Street, Bassendean

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

“That the Town of Bassendean write to the State Administrative Tribunal requesting that the decision by the Tribunal to approve the Concrete Batching Plant in Bassendean be reviewed in light of the change of Government, with the view to disallow the approval on the grounds of community concerns and better environmental standards.”

Comment – Cr Pule

1. BGC has already indicated that volumes will be ramped up considerably beyond the approval levels and times. This then leads to the 500 meter emission zone being inappropriate and the 1000 meter zone to be the more realistically affected zone. This then places the Ashfield Child Minding Facilities and the Aged Care facilities at Ashfield Reserve well within the emission circle. The Cyril Jackson School should also be included as a vulnerable facility and also a much greater circle of residents.
2. The Children Group, the Aged Group, as well as pregnant mothers, have been identified as being about 30% more likely to be adversely affected by the emissions.
3. Self reporting and the lack of independent, continuous monitoring raises grave concerns in the Community as to the clarity, independent and ongoing accuracy of the data used in monitoring emissions.
4. There is no requirement for a Wind Direction Management Plan and strategically placed Monitoring Stations. This is a major omission and prevents accuracy in monitoring data for evaluating emissions.
5. Because of all of these, the approval should be reviewed and overturned.
6. This is part of the long term Strategic Plan to improve the quality of life in Bassendean and part of keeping the Bassendean climate and air healthy.

Officer Comment

The State Administrative Tribunal is an independent body that makes and reviews a range of administrative decisions. As an independent body, there is no ability for a decision made by the Tribunal to be reviewed, other than if the Tribunal had erred in law. Whilst legal advice has not been obtained, it is difficult to identify grounds to argue that the Tribunal has erred in law in reaching the decision that it did. In addition, the time to seek a review through the Supreme Court has elapsed .

The fact that there has been a change in government does not affect the situation.

11.2 Notice of Motion – Cr Bridges: Bassendean Preservation Group

Cr Bridges has advised that he wishes to move the following motion at this meeting:

“That Council Officers liaise with representatives from the Bassendean Preservation Group (Incorporated) and provide a report on the feasibility and costs involved in the relocation of the BPG GroCentre currently based in Ascot to the Council owned lot at 87 Whitfield Street, Bassendean.”

Background information – Cr Bridges

The Bassendean Preservation Group Inc (BPG) is a not-for-profit all-volunteer community environmental group that formed in 1985. BPG has a long history of propagation and revegetation, working cooperatively and constructively with the Town’s Environmental Officers to mitigate foreshore erosion and provide habitat with locally appropriate native species. In the early years members maintained propagation frames in backyards and hosted seeding mornings, then nurtured the seedlings until ready for planting out. The scale of the program increased over the years as new tools and techniques were adopted. Eventually the quantities involved and the requirement to comply with industry standard nursery hygiene practices to avoid dieback meant BPG had outgrown the informal methods that used to serve. In 2009 BPG committed to consolidating their equipment and activities at a dedicated native plant nursery. In December 2011 assisted by a Lotterywest grant, BPG commissioned the GroCentre on WAPC land at Black Swan Island in Ascot Waters. The GroCentre currently has 4,429 native seedlings maturing in preparation for planting out this winter with an additional 400 planned for the last remaining potting morning this summer.

A two minute video of their activities can be viewed on the BPG Facebook page:

www.facebook.com/bassendeanpreservationgroup, and photos can be viewed by following the links on BPG's website at <http://www.bpginc.info>.

WAPC also allows shared use of their facility on Black Swan Island and covers the power and water usage. The Ascot Waters site is distant from the Town and was intended to be a short term solution to allow BPG to continue their propagation activities until a permanent home could be found in Bassendean. WAPC's original agreement with BPG ran out in July 2013.

BPG's continuing tenure is uncertain pending WAPC's efforts to hand the Island to the City of Belmont. BPG has been seeking a local home for its small but productive nursery and have been in discussion with neighbours of the Town owned vacant lot at 87 Whitfield St. The immediate neighbours contacted have expressed support and the motion seeks to initiate the first steps to the BPG GroCentre native nursery coming back to Bassendean where it rightly belongs and in the service of the Town.

The attached concept plan shows the potential layout for a 20 x 20m GroCentre site in the centre of the ¼ acre lot (1,011sqm) with a 15 x 20m landscaped buffer at each end.

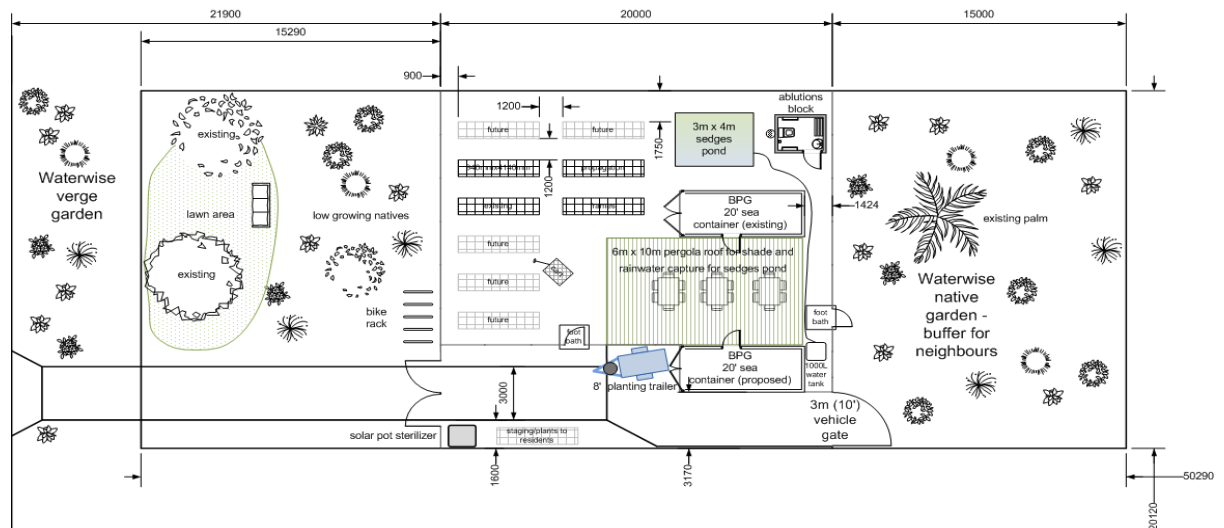


Figure 1 - Site Utilisation

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

13.0 **CONFIDENTIAL BUSINESS**

13.1 **Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean Fire Station (Ref: A4103 - Bob Jarvis, CEO)**

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

13.2 **11 Hamilton Street, Bassendean (Ref: A2137 - Bob Jarvis, CEO & Graeme Haggart, Director Community Development)**

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

13.3 **Appointment of Community Members to Vacant Positions on the Audit and Risk Management Committee and Liveable Town Advisory Committee (Ref: GOVN/CCLMEET/24 – CMT and Yvonne Zaffino, Council Support Officer)**

This report is to be discussed with members of the public excluded under Section 5.23 (2) (b) of the Local Government Act to maintain the confidentiality of the names of the nominees.

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 23 May 2017.