

TOWN OF BASSENDEAN

NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 26 July 2016 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

22 July 2016

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Members of the public are requested to please sign the attendance sheet located on the table at the rear of the Council Chamber.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice

Mr Aaron McKay, 48 Watson Street Bassendean

At the June 2016 Ordinary Council meeting, Mr McKay asked if residents were consulted about the 40 street trees planted on Bridson Street.

The Director Operational Services responded to Mr McKay as follows:

“Thank you for the email concerning the recent street tree planting in Bridson Street, Bassendean

As mentioned at the 28th June Ordinary Council Meeting, a leaflet was placed into every letter box along Bridson Street to advise all residents of the proposed Street Tree planting.

To help beautify a number of streets in the Town, Council allocated funding in the 2015/2016 Budget to provide infill planting. As a result new Street trees were planted wherever possible to create an attractive themed streetscape.

The Town will water the newly planted street trees during their first two summers and it is the Town's responsibility to maintain new and existing street trees by carrying out pruning or other treatments as necessary.

After receiving your email, I have followed up and spoken to the Parks Supervisor who advised that leaflets were also dropped at the first house of every side street joining the roads where mass planting was to take place.

In recent years the metropolitan area has been experiencing a drying climate and water restrictions have been imposed, many street trees in the metro area are suffering from water stress. In the past, mature street trees relied on water sourced from the front gardens of residential properties but many of the verge areas adjacent to residential properties are no longer being watered. If you would like to adopt the street tree adjacent to your property and assist in the watering of the tree, please see the hyperlink to a form which can be returned to the Town or simply contact our Customer Service Centre on 93778000 and the officer will obtain the required information from you.

http://www.bassendean.wa.gov.au/7_info_feedback/pdfs/Info_sheet_17_AdoptaTree.pdf.

I thought that you may also be interested to know of some research funding that has identified a number of economic, environmental and societal benefits in street tree plantings. The advantages of the trees in our suburbs are that they enhance neighbourhood aesthetics and as a consequence, research has demonstrated an increase median property prices by 4.27%, trees capture carbon which is a vital tool in the global fight against climate change and in addition, having a shady green street improves the walkability of neighbourhoods.

I hope this clarifies your question.”

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

In answer to questions by Ms Hamilton at previous meetings, the CEO provided a response on 8 and 12 July 2016 (see **Attachment No. 1**).

Mr Moss Johnson, 6 Barton Parade, Bassendean

At the June 2016 Ordinary Council meeting, Mr Johnson asked for an explanation on what is entailed for the six month's extension of community consultation.

The CEO has provided the following response on 15 July 2016:

"I can advise that the resolution that was passed by Council was:

OCM – 9/05/16 - MOVED Cr Bridges, Seconded Cr Pule, that Council notes the contents of the petition received at the March 2016 Council meeting, and raises the matters contained therein with its partners in the Development Agreement approved by Council and supports an extension of the public consultation period by six months.

The matter was raised by the Councillors with LandCorp and Swan Districts and the decision was made to pursue the timetable which is now being promoted by LandCorp which states:

During July and August 2016 this plan will be available for the community to view at a number of venues across Bassendean.

- In September, the Project Steering Group (Town of Bassendean, LandCorp and Swan Districts Football Club will consider whether the concept plan can be recommended to Council.*
- The plan will then be considered by the Town of Bassendean Council for ratification to progress to the next stage being the statutory planning process.*
- The statutory planning process could take up to 2 years, and will include further community consultation prior to formal approvals being granted."*

Mr Kevin Prior, 15 Bridson Street, Bassendean

At the June 2016 Ordinary Council meeting, Mr Prior expressed concern about the excessive speed limit by vehicles using Bridson Street and requested Council provide some 50kmh signage.

The Director Operational Services has provided the following response on 15 July 2016:

“In response to the concerns you raised at the June 2016 Ordinary Council Meeting, regarding the excessive speed of vehicles using Bridson Street, I have reviewed the Bridson Street traffic assessment data.

It is evident that in February 2015, 85 percentile of vehicles travelled between 50.4km/hour and 56.4km/hour.

With regard to 50km/h signs, Main Roads WA (MRWA) publications, and discussions with MRWA officers, confirm that in built-up areas, speed limits are sign-posted only where these differ from the default 50km/hour speed limit. The majority of local distributor roads are 50km/hour speed limit unless posted otherwise by MRWA.

Monitoring of traffic in the area will continue. However, should you observe a hoon driver or a traffic breach, the WA Police request that you report to 131 444 or report online at:

<https://www.police.wa.gov.au/Police-Direct/Traffic/Traffic-Complaint-Form/Questions-A>”.

Mr Christian Foyle

At the June 2016 Ordinary Council meeting, Mr Foyle raised a number of questions regarding housing in Ashfield.

The Director Community Development has provided the following response on 18 July 2016:

“Sorry for the delay in responding. I have only now received advice from the Housing Authority into their housing stock.

Further to the advice provided on 28 June 2016 and to your questions taken on notice at the Ordinary Council Meeting of the same day, I can now confirm the Housing Authority currently has a total of 118 social housing properties in Ashfield. The numbers have trended as below.

Ashfield	as at 30 June 2001	as at 30 June 2006	as at 30 June 2011	as at 30 June 2016
<i>Total Number of Properties</i>	526	552	575	602
<i>Number of PH & CH Properties</i>	128	125	119	118

Of the 118, there are 11 that are managed by Community Housing Organisations and 107 managed by the Housing Authority directly. 59 of the properties are designated for seniors housing with the remainder being family accommodation (that is, no known disability housing).

All of the properties are townhouses (ie units in small single storey complexes) or single detached houses with the exception of the three storey apartment building at 34 Maidos (behind the shops).

Please contact me if this does not satisfy your queries.”

2.2 Public Question Time

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

2.3 Address by Members of the Public

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

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 28 June 2016 **(Attachment No. 2)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 28 June 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 28 June 2016, be confirmed as a true record.

5.2 Special Council Meeting held on 7 July 2016 **(Attachment No. 3)**

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Council meeting held on 7 July 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Council meeting held 7 July 2016, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Mayor will present a Sports Achievement Award to the successful recipient.

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

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

Standing Orders Local Law 2011, Clause 5.4 states:

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 26 July 2016:

Item	Report
10.2	Unauthorised Construction of a Front Screen Wall at Lot 713; No. 46 Broadway, Bassendean
10.3	Section 31 – Reconsideration for Proposed Commercial Vehicle Parking on rear (Bridson Street frontage) of Lot 153; No. 48 Watson Street, Bassendean
10.4	Compliance Matter - Unauthorised Filling on Lot 4690 (No. 90) Anzac Terrace, Bassendean
10.5	Proposed Modifications/Relocation of Existing Telstra Tower - Lot 9000; No. 2 Dobson Lane, Eden Hill
10.6	Shackleton Street Traffic Management
10.9	South West Native Title Settlement Agreement – Lot No. 4436, Reserve No, 22122, Bassendean – Land Base Consultation for Crown Land within Bindaring Park
10.10	Road Safety Committee
10.13	Quarterly Reports for Quarter Ended 30 June 2016
10.14	Access and Inclusion Committee Meeting held on 6 July 2016
10.15	Determinations Made by the Principal Building Surveyor
10.16	Determinations Made by Development Services
10.17	Accounts for Payment – June 2016
10.18	Financial Statements – June 2016
10.19	Use of the Common Seal
10.20	Calendar for August 2016
10.21	Implementation of Council Resolutions

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

Item	Report
10.7	Acceptance of Perth Bicycle Network Local Government Grants Funding 2016-17
10.8	Acceptance of the WA Police State CCTV Strategy Infrastructure Fund Grant
10.11	Access to Home and Community Care Asset Replacement Reserve
10.12	Application by Casa Mia Montessori School
11.1	Notice of Motion – Cr Brown: Diaries for Councillors
11.2	Notice of Motion – Cr Pule: Arborist report for previously pruned street Trees where underground power has been installed
11.3	Cr Paul Bridges – Apology to Mr & Mrs Gerry & Julie Coleman

10.2 Unauthorised Construction of a Front Screen Wall at Lot 713; No. 46 Broadway, Bassendean, Property Owner: Carmen Mifsud (Ref: 2015-138 – Timothy Roberts, Planning Officer)

APPLICATION

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

ATTACHMENTS

Attachment No. 4:

- Photographs from numerous site inspections
- Image from December 2007 demonstrating the former R-Code compliant wall.

BACKGROUND

The Town received an application to commence development for proposed alterations and additions to an existing single house. On assessment of the application, it was confirmed that a wall had been constructed without approval to the front of the dwelling at the lot boundary to a solid height of 1.8m. Photographic evidence from December 2007 indicates that the original wall was constructed to a solid height of less than 1.2m, excluding the piers, with visually permeable fencing above. The former wall and fencing meet the requirements of the Residential Design Codes (R-Codes) and therefore is exempt from the need for development approval. However, the unauthorised wall as constructed cannot be considered under the R-Codes as it does not meet the Deemed-to-Comply requirements of the Design Principles and therefore Council does not have the ability to approve the wall.

Development approval for the proposed alterations and additions to the single house was granted on 7 October 2015 with condition 4 of the development approval stating as follows:

“The ‘existing front wall and eastern side fence’ being modified as shown on the revised plans as marked in red and date stamped received 2 October 2015 (with these drawings forming part of the approved set in lieu of the comparable drawings date stamped 13 August 2015) within 60 days from the date of this determination’.

Numerous site visits to this property outside of the conditioned 60 day period observed that the existing front wall has not been modified in line with this condition. A letter was sent on the 30 March 2016 advising the landowner of the non compliance with the R-Codes and the potential for compliance action should the wall not be modified to meet the requirements of the R-Codes.

A second follow up letter was sent to the owner where the owner was put on notice for continuing to permit this ongoing unlawful development and given 14 days to resolve the issue. The owner offered no resolution to modify the wall in line with the Deemed-to-Comply requirements of the R-Codes. The landowner was informed that the matter would be referred to Council in July 2016 seeking the authority to prosecute should the wall not be modified sufficiently.

STRATEGIC IMPLICATIONS

Objective: Foster enhanced public space and street appearance.

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

COMMENT

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

The applicant has been notified of the non-compliant front wall and has not committed to modifying the wall to meet the Deemed-to-Comply requirements of the R-Codes. It is therefore appropriate that Council authorises the compliance action should the applicant continue to ignore requested modifications to the wall.

Legal action to rectify unlawful development that has been left unmodified after the Town's request is in keeping with standard procedure and ensures a better streetscape for Bassendean.

STATUTORY REQUIREMENTS

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

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

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

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

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

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

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

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

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the costs of prosecution proceedings are estimated to be in between \$2,000 and \$5,000.

OFFICER RECOMMENDATION — ITEM 10.2

That Council authorises the Chief Executive to engage the Town's solicitors to commence formal prosecution action against the owner of Lot 713 (No. 46) Broadway, Bassendean, if the unauthorised front wall is not modified to comply with the Deemed-to-Comply requirements of the R-Codes, by 16 August 2016.

Voting requirements: Simple Majority

10.3 Section 31 – Reconsideration for Proposed Commercial Vehicle Parking on rear (Bridson Street frontage) of Lot 153; No. 48 Watson Street, Bassendean, Owner/Applicant: AT & ML Mackay (Ref: DA 2015-240/DR 152/2016 – Christian Buttle, Senior Planning Officer)

APPLICATION

The Town, by virtue of an order made by the State Administrative Tribunal, has been invited to reconsider its decision to refuse development approval for proposed commercial vehicle parking at Lot 153 (No. 48) Watson Street, Bassendean.

ATTACHMENTS

Attachment No. 5:

- Revised parking plan date stamped received 5 July 2016.
- Aerial photo
- Local Planning Policy No. 19 – Parking of Commercial Vehicles
- Photograph of Truck
- Specifications of truck
- Notice of determination dated 29 April 2016.

BACKGROUND

An application for development approval for the parking of a commercial vehicle at 48 Watson Street was received by the Town in December 2015. The street setback area on the Watson Street frontage of the property (i.e. between the front of the dwelling and the front property boundary) was the designated area where the commercial vehicle was intended to be parked.

As the positioning of a commercial vehicle within a street setback area conflicts with provisions of the Town's Local Planning Policy No. 19 – Parking of Commercial Vehicles (LPP19), the applicant was advised that the positioning of the vehicle within the street setback area would not be supported and that an alternative location for the parking of the vehicle should be selected.

On 23 February 2016, a revised plan was submitted to the Town which showed the commercial vehicle being parked on the Bridson Street side of the property, and alongside the adjoining property at No. 15 Bridson Street.

In response to the advertising of this application to neighbours, four submissions were received by the Town, all of which objected to the proposal, and the application was subsequently refused under delegated authority for a number of reasons on 29 April 2016. A copy of this determination has been provided as an attachment to this report.

By way of a letter dated 27 May 2016, the Town received notice from the State Administrative Tribunal that an application for review (appeal) had been made against the Town's decision to refuse the application.

A directions hearing was held on 10 June 2016 which was followed by on site mediation on 5 July 2016.

As part of the mediation process a further modified design was submitted to the Town on 5 July 2016 which incorporates a new location for the parking of the commercial vehicle – still on the Bridson Street frontage of the property but this time alongside the dwelling at No. 19 Bridson St (western side of property) rather than alongside the dwelling at No. 15 Bridson Street (eastern side of property).

The Town has now been invited to reconsider its decision to refuse the application on the basis of this most recent modified plan.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objective

Provide safe access for all road users

Strategies

- Plan for bicycle paths and bicycle lanes to be provided where possible to reduce vehicle traffic.
- Strive to ensure access to open space and play equipment is maintained and improved.
- Continue to monitor traffic flows and intervene where necessary to ensure safety.

COMMENT

The application has been assessed against relevant provisions of the Town of Bassendean Local Planning Scheme No. 10 (LPS10) and Local Planning Policy No. 19 – Parking of Commercial Vehicles (LPP19) as described below.

Land use

Commercial vehicle parking is a 'D' land use within the Residential zone which applies to the site. Clause 4.3 of LPS10 states that a 'D' land use is not permitted unless the local government has exercised its discretion by granting approval.

Local Planning Scheme No. 10

Clause 5.7.11 of LPS10 contains the following provisions (in summary):

- No person shall park a commercial vehicle in excess of three (3) tonnes tare weight on any lot within the Residential zone without the planning approval of Council;
- The commercial vehicle shall not exceed 9 metres in length and 3 metres in height;
- There shall be a limit of one (1) commercial vehicle per lot;
- The operating of refrigeration units and or undertaking of mechanical repairs and or loading and unloading of the commercial vehicle shall be prohibited.

Clause 5.7.11 goes on to state that if approval is granted for the parking of a commercial vehicle, the following provisions shall apply:

- The approval shall be personal to the applicant and shall not be transferred or signed to any other person;
- The person(s) to whom approval is granted shall not park the vehicle which is the subject of approval at any other premises other than that to which the approval relates; and
- If a vehicle is parked with the approval of Council, and if, in the opinion of Council the vehicle is causing a nuisance or annoyance, the Council may revoke its approval.

The proposal meets all of the requirements contained within LPS10.

Local Planning Policy No. 19 – Parking of Commercial Vehicles

Local Planning Policy No. 19 contains the following requirements:

1. The commercial vehicle is not a prime mover.
2. There is sufficient space on the lot to park the commercial vehicles behind the building line.
3. There are no objections by immediately adjoining/affected neighbours to the proposal following a 14 day consultation period.
4. The commercial vehicles will not operate to and from the site between 11:00pm and 7:00am Monday to Sunday.
5. Approval is restricted to parking only, with servicing and repairs not being carried out on site.
6. The commercial vehicle is parked on a single residential lot.
7. The combined tare weight does not exceed 5-tonnes.
8. The commercial vehicles can access the lot via a constructed crossover to Council specifications.

The proposal meets all of the requirements contained within the policy (subject to the need for a new crossover to be constructed) with the exception of the proposal not being subject to objection from neighbouring property owners.

Neighbour Consultation

Having regard to timeframes set down by SAT for the Town's reconsideration of the application, it has not been possible to undertake further neighbour consultation with respect to the most recent plan. However, many of the comments which were made in relation to the last plan (where parking was proposed on the eastern side of the property) are still relevant and are discussed below.

Furthermore, notice of the referral of this application to Council has been provided to each person who has made a submission on the application. Such notice will provide these property owners with the opportunity to review the officer report and participate in the Council decision making process, should they choose.

Comments provided by neighbours in response to the proposed development, along with an officer response, is provided below:

Submitters' Comment No. 1:

There are already two bobcats at the property and a truck should not be added.

Officer Response No. 1:

Bobcats were not observed during the officer inspection of the property. The siting of bobcats at the property is not controlled by the Town.

Submitters' Comment No. 2:

The property sits within a residential area and the truck should be parked at a commercial / industrial place of work and not at a residential address..

Officer Response No. 2:

The Town has the capacity to grant approval for the parking of a commercial vehicle at a residential address if various criteria are met. The complete assessment of the proposal will ascertain whether or not such parking is appropriate in this instance.

Submitters' Comment No. 3:

Bridson Street is a very busy thoroughfare and a truck entering and exiting the property in the proposed location will cause problems having regard to the already heavy level of traffic movement within the street.

Officer Response No. 3:

Bridson Street is identified as a local distributor within the Town's Functional Road Hierarchy and a vehicle accessing the Bridson Street frontage of the development site is no different to vehicles coming and going from the dwellings on the lots situated on either side of the development site.

Submitters' Comment No. 4:

Council has previously undertaken traffic management works in Shackleton St (speed humps) with a view to reduce speed and reduce the amount of traffic within Bridson Street. Approving truck parking would be contrary to these previous traffic management initiatives.

Officer Response No. 4:

The impact of parking a single commercial vehicle in conjunction with a single lot is not of a significance to cause concern with respect to impact on the amount of traffic within the street as a whole.

Submitters' Comment No. 5:

Adverse noise related impacts from the vehicle starting up in the morning and returning after hours in the evening, including noise associated with warming up the vehicle.

Officer Response No. 5:

The previous plan showed the truck being parked on the eastern side of the development site alongside the outdoor living area of the adjoining dwelling at No. 15 Bridson Street. The revised plan upon which the Town is now being asked to make a decision shows the truck being parked on the opposite side of the development site alongside an enclosed garage on the adjoining property at No. 19 Bridson Street.

Submitters' Comment No. 6:

Entry / exit point will cause traffic safety concerns including traffic hazard associated with the need for a truck of this size to use the whole road when making a turn into Bridson Street due to the narrowness of the road.

Officer Response No. 6:

The width of the road pavement within this street is 7.0 metres which is standard for such streets within the Town, and is of a sufficient width to accommodate the vehicle which is the subject of the application for development approval.

Submitters' Comment No. 7:

Traffic safety concerns associated with the vehicle entry point being located between two street trees which will affect sight lines.

Officer Response No. 7:

The proposed access point has now been repositioned. The existence of street trees within a verge area adjacent to a crossover is common place within the Town and is of no concern in this instance having regard to the surrounding road geometry and associated sight lines.

Submitters' Comment No. 8:

Traffic levels within the street already exceed what they reasonably should do and approval for an additional commercial vehicle should therefore not be approved.

Officer Response No.8:

Any approval granted for the parking of a single vehicle is not significant enough to warrant concern with respect to traffic volumes in the street as a whole.

Submitters' Comment No. 9:

Truck should be parked on the opposite side of the train line in a designated commercial / industrial area.

Officer Response No. 9:

The Town has the capacity to grant approval for the parking of a commercial vehicle at a residential address if specified requirements are met. The complete assessment of the proposal will ascertain whether or not such parking is appropriate in this instance.

Submitters' Comment No. 10:

The proposal constitutes commercial use of a residential property and should not be approved.

Officer Response No. 10:

LPS10 contemplates the potential for a commercial vehicle to be parked at a residential property if specified requirements are met. The complete assessment of the proposal will ascertain whether or not such parking is appropriate in this instance.

Submitters' Comment No. 11:

Environmental pollution (loud noise (including reversing beepers if fitted), light spill and toxic exhaust emissions).

Officer Response No. 11:

While the previous proposal that was the subject of neighbour consultation proposed the parking of the commercial vehicle alongside the outdoor living area of the property at No. 15 Bridson Street, the revised proposal now positions the truck alongside the garage of the adjoining property at No. 19 Bridson Street. Based upon the new parking location, concerns of the kind highlighted are not anticipated to adversely impact surrounding properties.

Submitters' Comment No.12:

Loss of amenity to neighbouring property owners having regard to them being subjected to noise and emissions which in turn will affect enjoyment of their property, including impact on bedrooms, living rooms and outdoor living areas.

Officer Response No.12:

While concerns of the kind identified in this point could have legitimately been held when the truck was proposed to be parked on the eastern side of the lot, the truck has now been re-positioned to the western side of the development site and is situated well away from areas of the kind described in the submitters' comments.

Submitters' Comment No. 13:

Height of truck parked relative to adjoining property will facilitate overlooking into the adjoining property.

Officer Response No. 13:

In the position where the truck is intended to be parked, the ground levels of the development site are lower than those of the adjoining property and the truck is situated alongside garage and driveway which is visible from the public realm. No concerns are held in relation to this matter.

Submitters' Comment No. 14:

The proposal sits outside of the Town of Bassendean policy framework for the parking of commercial vehicles.

Officer Response No. 14:

When the application was first lodged with the Town the commercial vehicle was intended to be parked within the street setback area forward of the main dwelling on the Watson Street side of the property. This arrangement clearly sat outside of the Town's policy framework.

When the application was modified to position the truck parking adjacent to the eastern property boundary on the Bridson Street frontage of the development site, concern was held about the positioning of the truck parking immediately alongside the outdoor living area of the adjoining dwelling at No. 15 Bridson Street and it was primarily on this basis that the application was refused.

The revised truck parking location that has now been proposed, adjacent to the western property boundary on the Bridson Street frontage of the development site (alongside the garage of the house at No. 19 Bridson Street), now addresses the planning framework that is set down for the parking of a commercial vehicle (provided that a suitable crossover is constructed to service the proposed parking location) with the exception of the application being the subject of objection from neighbouring property owners.

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town of Bassendean Local Planning Scheme No. 10 (LPS10) and Local Planning Policy No. 19 – Parking of Commercial Vehicles (LPP19).

Clause 10.2 of LPS 10 identifies matters that are to be considered by the Local Government when dealing with an application for planning approval including:

- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (i) the compatibility of a use or development with its setting;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (y) any relevant submissions received on the application.

FINANCIAL CONSIDERATIONS

Should Council not approve the application, it is likely that the matter will proceed to a final hearing and additional costs would be incurred, as it would be necessary to engage external planning consultants to defend any such determination.

Conclusion

The revised proposal represented in drawings date stamped received 5 July 2016 is seen to satisfactorily address relevant provisions contained within LPS10 and LPP19 for the reasons identified within the body of the report. On this basis, it is recommended that Council grants approval for the proposed development in accordance with the recommendation presented below.

OFFICER RECOMMENDATION — ITEM 10.3

That in response to the invitation given by the State Administrative Tribunal in its order dated 6 July 2016 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants development approval for the proposed parking of a commercial vehicle at Lot 153 (No. 48) Watson Street, Bassendean, subject to the following conditions:

1. Only one commercial vehicle shall be parked on the site;
2. The commercial vehicle shall only be stored / parked in the designated location shown on the approved plan;
3. The approved location for the parking of the commercial vehicle shall be served by:
 - (a) A crossover of 3m minimum width that is constructed in accordance with the Town's specifications (Note: separate application and approval required); and
 - (b) A driveway on site that is paved and drained in accordance with the specifications contained within the Town of Bassendean Local Planning Policy No. 8 – Parking Specifications;
4. Fencing adjacent to the intersection of the driveway and the Bridson Street property boundary shall be kept clear of a 1.5m x 1.5m truncation area as specified within clause 5.2.5 of the Residential Design Codes of Western Australia;
5. The approval shall be personal to the applicant and vehicle make and model which is the subject of this application and shall not be transferred to any other person or vehicle make and model;
6. The approval is limited to the subject site only and no other property within the Town of Bassendean;
7. The Town retains the ability to revoke the approval where:

- (a) The applicant is not complying with the conditions of approval;
- (b) A nuisance or annoyance has been verified; and
- (c) The applicant has not rectified the source of nuisance, annoyance or non compliance within seven (7) days of written notification being issued by the Town,

after which no person shall park a commercial vehicle upon that land without the further approval of the Town first having been obtained;

- 8. The commercial vehicle shall not operate to and from the site between the hours of 11:00pm and 7:00am on any day;
- 9. The vehicle shall not be fitted with refrigeration units and the loading and unloading of the commercial vehicle shall be prohibited on the site; and
- 10. Servicing, repairs or washing down of the commercial vehicle shall be prohibited on the site.

Voting requirements: Simple Majority

10.4 Compliance Matter - Unauthorised Filling on Lot 4690 (No. 90) Anzac Terrace, Bassendean – Property Owner: Timewise Investments Pty Ltd (Ref: A119 – Christian Buttle, Senior Planning Officer)

APPLICATION

To authorise the Chief Executive Officer to commence formal prosecution action in relation to a compliance matter under investigation at Lot 4690 (No. 90) Anzac Terrace, Bassendean.

ATTACHMENTS

Attachment No. 6:

- Photographs of the cleared site taken post demolition of the former single house.
- Photographs of the site taken 13 July 2016 showing present condition.

BACKGROUND

The following bullet points summarise the application history associated with the proposed development of this site from mid 2013 to the present time:

- **June 2013:** Application for planning approval submitted for 8 Multiple Dwellings;
- **November 2013:** Planning approval granted for 8 Multiple Dwellings;
- **May 2014:** Application for building permit for 8 Multiple Dwellings submitted;
- **June 2014:** Request for additional information to support application for building permit made (requested information remains outstanding as at July 2016);
- **December 2015:** Application for development approval made (original approval expired);
- **June 2016:** New development approval granted.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objective

Foster enhanced public space and street appearance.

Strategies

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

COMMENT

Earlier this year the Town received a complaint from a Councillor on behalf of local residents regarding the unkempt nature of the development site and placement of piles of sand fill.

The piles of fill that have been placed on the site constitute development as defined by the Planning and Development Act 2005. Planning control exists in relation to the development that has occurred and the filling that has occurred has been done so without the approval of the Town having been obtained. Such action constitutes a breach of the Town of Bassendean Local Planning Scheme No. 10 for which penalties are prescribed by the Planning and Development Act 2005 ('the Act').

In the case of a company (as is the case with the ownership of this property), penalties prescribed by the Act are set at a maximum of \$1,000,000 plus a maximum further daily penalty of \$125,000 for each day that the breach continues.

Advice of the Town's concern regarding the unauthorised development was first conveyed in writing to the planning consultant representing the owner in May 2016. The need for the site to be cleared was once again raised with both the planning consultant and the owner of the development site when the Town wrote to both by way of a letter dated 17 June 2016 and advised as follows:

"I also refer to previous correspondence regarding unauthorised site filling and advise that the unauthorised fill is to be removed from site within 28 days from the date of this determination. If this matter remains unresolved beyond 28 days from the date of this notice the Town will commence steps toward formalising enforcement action with a view to having the unauthorised fill removed and the site cleared."

The Town has not received a response from either the planning consultant or the property owner in relation to this correspondence, and given the extended timeframe that the site has now remained vacant and the more than two year timeframe that the Town has been awaiting information in support of the 2014 submitted application for a building permit, there can be no certainty that this matter will resolve itself in the foreseeable future (via construction commencing on site) in the absence of formal enforcement action being progressed.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10 (LPS10)

Clause 5.2 of LPS10 states that:

“unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.”

Filling undertaken on site does not conform with the Deemed-to-comply provisions of the Codes and is therefore not exempted from the need for approval. No such approval has been issued by the Town.

Planning and Development Act 2005

Section 218 of the Planning and Development Act provides that a person who:

- (a) contravenes or fails to comply with the provisions of a town planning scheme; or
- (b) commences, continues or carries out any development otherwise than in accordance with the Scheme or continues to carry out any development which is required to comply with a Local Planning

Where an offence is committed, Section 223 of The Act states that *“a person who commits an offence under this Act is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues”*

In the case of a company, the fines are \$1,000,000 and \$125,000.

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the costs of prosecution proceedings are estimated to be in between \$2,000 and \$5,000.

OFFICER RECOMMENDATION — ITEM 10.4

That Council authorises the Chief Executive to engage the Town's solicitors to commence formal prosecution action against the owner of Lot 4690 (No. 90) Anzac Terrace with a view to having the unauthorised filling removed and the site cleared.

Voting requirements: Simple Majority

10.5 Proposed Modifications/Relocation of Existing Telstra Tower - Lot 9000; No. 2 Dobson Lane, Eden Hill – Owners: Miluc Pty Ltd, Applicant: Investcorp Pty Ltd (Ref: DABC/BDVAPPS/146605 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider a request to relocate the existing Eden Hill Mobile Base Station, from the “two” lots it currently sits on to one.

ATTACHMENTS

Attachment No. 7:

- Correspondence received from Investcorp Pty Ltd.
- Copy of State Planning Policy 5.2 - Telecommunications Infrastructure.

BACKGROUND

The retention of the existing Telstra Tower on the above site was last considered by Council at its meeting held in March 2015 when Council resolved to authorise officers to clear the subdivision of Lot 3 Morley Drive, Eden Hill, with the retention of the existing telephone tower.

By way of further background, the original subdivision application that was considered by Council in October 2012 was premised on the removal of the existing telecommunication tower.

As it stands at the moment, the tower may be retained on the amalgamated lot 9000, however, the applicant is interested in pursuing the subdivision of the amalgamated lot, to allow one of the lots to be developed with a residence, (future lot 428) with the tower to be sited on future lot 427.

The application is considered further in the comment section below.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

Policy Considerations

Since the issue was last considered by Council, the Western Australian Planning Commission has adopted a final version of State Planning Policy 5.2 - Telecommunications Infrastructure.

That policy makes the following points:

In terms of electromagnetic emissions setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions.

In terms of visual impacts, for telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public.

The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure.

5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

- i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;
- ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
 - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
 - b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
 - c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
 - d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.

Local Planning Scheme No. 10 considerations

The existing tower is proposed to be retained in its current location on future lot 247, with a new equipment shelter to be provided on that lot.

The proposed changes would be defined to be a “low - impact facility” under the Telecommunications (Low-impact facilities) Determination 1997, and as such will **not** require a development approval from the Town.

Opportunities for the colocation of telecommunications facilities

The plans included in the attachments make provision for an area to be set aside for another carrier.

Previously, the colocation of other carriers on the existing pole has been rejected on the grounds on the height of the pole was too low to meet the need the need of other carriers, and the inability to secure a long term lease on the existing facility.

The height of the existing pole may be increased in height by up to 5.0m as a “low - impact facility” without the development approval of the Town: any increases beyond this height would require development approval.

Conclusion

Having regard to the changes in policy regarding the siting of telecommunications infrastructure, and the fact that the existing tower has been in place for over 25 years, it is considered that the further subdivision of the land should be supported.

The interface treatment between the new housing lot and telecommunication facility can be adequately managed through the provision of a limestone fence on the new boundary, in line with the landowner’s commitment.

STATUTORY REQUIREMENTS

Planning and Development Act 2005
Town of Bassendean Local Planning Scheme No. 10
Telecommunications (Low-impact facilities Determination 1997.
State Planning Policy 5.2 Telecommunications Infrastructure.

FINANCIAL CONSIDERATIONS

Nil to Council.

OFFICER RECOMMENDATION — ITEM 10.5

That Council authorises officers to clear the subdivision of Lot 9000; No. 2 Dobson Lane, Eden Hill, with the retention of the existing telephone tower.

Voting requirements: Simple Majority

10.6 Shackleton Street Traffic Management (Ref: ROAD/STMNGT/1) Changeeka Jayakody Engineering Technical Coordinator & Nicole Baxter, Engineering Design Officer)

APPLICATION

The purpose of this report is to provide feedback to Council regarding the Shackleton Street Traffic Management Community Consultation Process as per Council's resolution OCM 12/3/15.

At this meeting, Council resolved to endorse option two in the officer's report which was to seek community feedback for construction of central medium islands in Shackleton Street as a traffic management option.

ATTACHMENTS

Attachment No. 8:

- Device Option A
- Device Option B
- Shackleton Street Bio retention detail

BACKGROUND

In July 2014, Council considered an Officer's report regarding Shackleton Street traffic management devices. Council resolved to remove the traffic calming devices and in line with recommendations made by OPUS Consulting Engineers the Town commenced investigations into both the low to medium cost and medium to high cost traffic management options with a report being presented back to Council with a view to implementing alternative traffic calming devices.

The Officer recommendation, at this time, was for the retention of the traffic management devices pending assessment of alternate treatment options. This was in line with OPUS Consulting Engineers assessment that assessed traffic data illustrated no speeding issues along this street therefore showing the devices had achieved their purpose.

Council (OCM – 12/07/14) resolved to remove the installed traffic calming devices and that Officers of the Town commence investigations into both the low to medium cost option and medium to high cost option, for a report to be presented to Council at a later date with a view to implementing alternative traffic calming methods.

In March 2015, the Officers proposed two options for the Council to consider as viable treatment options:-

Option One: Medium to high cost, which consist of a series of blister islands to provide traffic management along Shackleton Street.

Option Two: Low to medium cost, which consists of use of central median islands to regulate the movement of traffic along Shackleton Street. Median islands need to be provided without unduly impacting on the property access. This option provides an opportunity to beautify the streetscape through planting of street trees within the central median islands.

Council endorsed Option Two and to proceed with Public Consultation. Community consultation was completed in May 2016.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment:

Objectives: Provide safe access for all road users

Strategies: Continue to monitor traffic flows and intervene where necessary to ensure safety.

COMMENT

Shackleton Street, Bridson Street and Palmerston Street are designated under the Town's Road Hierarchy as Local Distributor Roads. Local Distributor Roads carry up to 6,000 vehicles per day and based on recent surveys Shackleton/Bridson and Palmerston Streets remain within these limits.

Traffic classifiers/counters were recently installed in Shackleton, Bridson and Palmerston Streets in the same locations, as in 2014, and a comparison was made of traffic results pre/post-calming devices (speed cushions).

The results show since the devices (speed cushions) in Shackleton Street were removed, the traffic volume is increasing in Shackleton Street, heading towards pre-speed cushion volumes.

- Shackleton Street/Bridson Street traffic volume has increased.
- Palmerston Street traffic volume has decreased.
- 85th percentile speed at 8 Shackleton Street is 51.8Km/hr. Traffic count conducted between 29 January 2015 to 16 February 2015.
- 85th percentile speed at 25 Shackleton Street is 47.5Km/hr. Traffic count conducted between 29 January 2015 to 16 February 2015.

In accordance with Council's adopted Traffic Management Treatment Policy and Guidelines (OCM-18/04/04 & OCM17/10/04) Shackleton Street, Bridson Street and Palmerston Street do not warrant traffic management devices as the following criteria was not met:

The 85th percentile speed is 60km/h or greater in a 50km/h zone, or exceeds the posted speed limit by more than 10% in other speed zones.

Whilst traffic calming devices are not warranted, in accordance with the Traffic Management Treatment Policy and Guidelines, there are a number of alternative measures available to provide traffic calming within local streets.

As per Council OCM-24/03/2015 resolution, Officers commenced the public consultation process for Option Two. A total of sixty three letters were sent out to the residents who, through property location, would be affected by the works. Out of the sixty three residents, nineteen responded. Out of the nineteen responses, fifteen were in favour of installing median islands and four were against the installation of median islands.

From the feedback received, residents located in the area, were in favour of installing median islands to regulate the volume of traffic on Shackleton Street rather than to mitigate any speeding or other unsafe driver behaviour.

Installation of central median islands on Shackleton Street will have no impact to the Town's Bike Plan and public transport as Shackleton Street is not a bus route. Furthermore, the Town's Asset Management Program Plan has Shackleton Street listed to be resurfaced in 2017/18. Officers have applied for MRRG rehabilitation program funding for this to occur and an outcome on the Town's submission is expected early 2017.

As a result of the Council decision, officers have considered the Water Sensitive Design (WSUD) principles as part of the road design works to improve the aesthetic aspects of the road, along with providing treatment to the first flush of the storm.

The following treatments are suggested with Option A the recommendation:

Option A - Keep the profile of the existing road and introduce median islands with trees planted in the median island along with provision of bio retention systems on the road verge and underground storage cells.

Central median islands are commonly used to regulate the movement of traffic at mid-block, are commonly used in series with painted medians or colour differentiating road surfacing (red asphalt), to provide a continuous separation along a road without unduly impacting on property access which breaks up the continuous sight line.

This option provides an opportunity to beautify the streetscape through the planting of street trees within the central median islands and is the lowest cost option for the Town. Furthermore, it will provide traffic calming and is proposed to slow down the drivers who would use Shackleton Street and possibly Bridson Street.

Given that the road works are most likely to be carried out during the summer months, the trees planted in the central median island will need to be watered during the establishment period, or planted during the winter months. During winter, rainfall that falls upon the tree pits will be absorbed by the tree.

A series of bio-retention systems could be implemented on Shackleton Street verge to deal with the first flush of the storm. Bio-retention systems on the road verge will add to the aesthetic value provided by the median island trees and provide treatment to the first flush of a rainfall event.

Information sourced through Institution of Engineers Australia - "Australian Rainfall and Runoff" indicates that source control devices should be designed for a 1 in 3 month annual recurrence interval storm as 95% of the pollution is generated within the first flush of a storm.

Officers have investigated Bio-retention systems that provide treatment for a 1 in 1 year annual recurrence interval storm as a means of providing greater treatment to runoff generated from Shackleton Street. The table below summarises the characteristics of the bio-retention systems.

Table 1: Characteristics of bio-retention systems

Swale No	Batter	Depth (m)	Width (m)	Length (m)	Volume (m ³)
1	1 in 5	0.3	3.5	4.5	2.2
2	1 in 5	0.3	3.5	7.0	3.9
3	1 in 5	0.3	3.5	4.5	2.5
4	1 in 5	0.3	3.5	4.0	2.2
5	1 in 5	0.3	3.5	4.0	2.2

Once the bio-retention is full, the remaining runoff enters existing stormwater pits on Shackleton Street. With each rain storm it is estimated, that at least, 13m³ of stormwater will be released into the surrounding underground area and 90% of suspended solids, 80% of phosphorus and 60% of nitrogen will be removed from the storm water drains.

Furthermore Officers carried out the following investigations within the verge area of Shackleton Street, to determine whether the site is suitable for the implementation of bio-retention systems:

1. A geological survey indicated that Shackleton Street had siliceous sands and suitable for a bio-retention systems.
2. Recorded levels of Perth ground water levels from Department of Water showed that the groundwater table was 12m below the natural surface levels with 0.5-3.0m variation during the winter periods which means it is suitable for a bio-retention systems and the estimated full 13 m³ of storm water will be released into the surrounding underground area.
3. Infiltration pit testing results, within the identified areas, showed that approximately 200mm of water will infiltrate into the underlying soil in less than 10 minutes.
4. The Town's GIS mapping system indicates that there is a low to moderate risk of acid sulfate soils present at this location but Officers will undertake soil testing to ensure that there is no acid sulfate soils within the identified "WSUD" locations.

The above investigations suggest Shackleton Street is suitable for the installation of a surface bio-retention system. Officers have investigated two types of bio-retention system and are recommending that a Verge Bio-retention Systems (SWALE) is the most suitable option for this area.

Furthermore, the SWALE Bio-retention system within the road verge will also add to the aesthetic value provided by the median island trees.

A copy of the recommended Bio-retention System (SWALE) Option A is provided as an attachment.

Asset Services are currently liaising with adjacent property owners in regards to the above bio retention design option.

The Manager of Development Services has advised that Shackleton Street is within 400-800m of catchment to Bassendean Transit Orientated Development (TOD) and therefore, residential densities of R60 are contemplated in the future. Four of the five proposed swales are on the road reserve adjacent to private properties and may influence the access to the future developments and verge parking.

Access and parking into these future developments are expected to be provided via the secondary roads. Bio retention number 2 in Cyril Street can be designed to minimise the future impact on access for a future development.

Underground WSUD elements such as cells, could be incorporated into the design to infiltrate rainfall events up to a 1 in 5 year annual recurrence interval, however this is not deemed necessary as sufficient verge space is available.

If however Council wished install underground WSUD cells, approximately twenty eight ECO Aid plastic arch shaped underground storage units could be installed within the road reserve, which would provide 4 treatment areas at an additional cost of \$106,000.

In April 2016, Officers submitted a report to Main Roads WA to obtain 2017-18 Metropolitan Regional Roads Group (MRRG) funding for Shackleton Street. The proposed treatment is to mill out the existing wearing course and put in a new 30mm of Stone Mastic Asphalt wearing course with SAMI treatment. If the submission is successful, it is anticipated that the Town will receive approximately \$130,000 in MRRG funding.

The estimated cost for the Option A Project is \$400,000. This cost includes the supply of trees, their initial watering and construction of five swales and underground storage cells, but does not include potential treatment of the subgrade if Acid Sulfate soils are encountered.

Costs for option A could be broken down as follows:

Resurfacing works and installation of median islands on Shackleton Street is \$224,000. To install a bio retention swale is \$70,000. To install underground storage cells is \$106,000
Option B - Changing the profile of the existing road and introduce median islands with tree pits located in the median island to provide treatment.

This option consists of changing the profile of Shackleton Street so that the road runoff will be diverted to the centre of the road.

The introduction of tree pits will provide treatment to the first flush of the storm. Immediately after the tree pits, drainage infrastructure is needed to be provided so that runoff can be drained off the street, if not, vehicles may aquaplane due to presence of stormwater.

Within this location, there are gas, water and sewer lines that are traversing Shackleton Street which may be affected by the road works. The Town may need to alter water, sewer and gas property connections on Shackleton Street.

If Council prefers Option B, a detailed design will need to be undertaken in order to determine the final road levels, drainage infrastructure needed and services that may need to be altered to cater for the civil works in order to refine the estimated costs.

This is a high cost option for the Town, as the project will effectively be a reconstruction of Shackleton Street from Guildford Road to Kenny Street. Reconstruction will cause significant inconvenience to the residents living in the vicinity of Shackleton Street accessing their properties during the project. As mentioned previously GIS mapping system indicates that there is no acid sulfate soils present at this location however soil testing would need to be undertaken to confirm that this is the case within the road reserve.

If MRRG grant funding is successful, only two thirds of the cost associated with the removal of the old wearing asphalt course and putting in a new 30mm of Stone Mastic Asphalt wearing course with SAMI treatment will be provided. The funding from the MRRG would be as per that of Option A.

As per Option A, it is estimated that the Town will receive approximately \$130,000 in MRRG funding for this project but the total estimated cost for the project would be \$510,000.

This total estimated cost also includes the supply of trees and initial watering but does not include potential treatment of the subgrade if acid sulphate soils are encountered and the cost of any relocation of assets.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

Officers have submitted a report to Main Roads WA to obtain 2017-18 MRRG funding for Shackleton Street and if the submission is successful, it is anticipated that the Town will receive approximately \$130,000 in MRRG funding.

The estimated cost for the full Option A project is \$400,000 of which the Town will need to fund \$270,000. If Option B is preferred at a cost of \$510,000 the Town will need to fund \$380,000.

With the incorporation of Water Sensitive Urban Design aspects into road projects, project costs will increase significantly which will have a major effect on future Asset Management programs if current funding levels are maintained.

If the implementation of WSUD elements on Shackleton Street is preferred, the drainage maintenance budget will need to be increased by an additional \$4,000 per year to cater for maintenance of these new assets. Every 5 to 8 years, the filter media of the bio retention systems need to be replaced. It is expected that the replacement cost will be approximately \$35,000.

OFFICER RECOMMENDATION – ITEM 10.6

That Council:

1. Receives the Shackleton Street Traffic Management Report;
2. Endorses Option A inline with the community consultation preferred option for traffic management within Shackleton Street;

3. Endorses Water Sensitive Urban Design Option A (swales & underground storage cells) to coincide with traffic management Options A within Shackleton Street; and
4. Considers the inclusion of \$400,000 in the Long Term Financial Plan for the 2017/18 capital works program for both traffic management Option A and Water Sensitive Urban Design.

Voting Requirement: Simple majority

10.7 Acceptance of Perth Bicycle Network Local Government Grants Funding 2016-17 (Ref: GRSU/APPS-D/8 – Ken Cardy, Manager Asset Services)

APPLICATION

Council is requested to accept funding from the Department of Transport–Perth Bicycle Network (PBN) Local Governments Grants Program 2016-17 for the amount of \$15,000 (ex GST).

If Council accepts this grant, the funding will allow the Town to commence the design stage of the Whitfield Street, Bassendean Bicycle Boulevard between Extension Road and Ashfield Flats in 2016-17. The acceptance of the design stage of the grant does not guarantee an automatic funding of the construction phase as the Town will still be required to submit an application for grant funding in the PBN Grants Program 2017-18 for the construction stage.

BACKGROUND

In December 2015, the Town submitted a grant application to the Department of Transport–Perth Bicycle Network (PBN) Local Governments Grants Program 2016-17 for an amount of \$15,000 (ex GST). The reason for the grant was to undertake the design stage of the Whitfield Street, Bassendean Bicycle Boulevard between Extension Road and Ashfield Flats in 2016-17, the number one priority project in the Towns 2012 Local Bike Plan.

In compiling the 2012 Local Bike Plan the author undertook a community consultation process to seek feedback on the issues and gaps in the existing 1996 Bike Plan and local bicycle network. To complement the consultation process public surveys were conducted and a community forum held.

The report listed the Whitfield Street Greenway project as the number one priority within the Town as it was identified as a key link in Bassendean which is suitable for the “greenway” treatment. Whitfield Street runs north-south through the southern half of the Town, linking together: Ashfield Flats, Bassendean Primary School, Bassendean Town Centre and the Bassendean Train Station (via the shared path along the southern side of Guildford Road).

The main purpose of a greenway is to create a safe, low speed and low vehicular traffic environment that encourages on-street cycling among cyclists of all competence levels. With a safer, friendly environment for cyclists, it is expected that the greenway will encourage greater take-up and utilisation of cycling as a transport mode for students, commuters and discretionary travel.

STRATEGIC IMPLICATIONS

TOWN PLANNING AND BUILT ENVIRONMENT

Objectives - Provide safe access for all road users

Strategies - Plan for bicycle paths and bicycle lanes to be provided where possible to reduce vehicle traffic.

COMMENT

The grant will allow the Town to undertake the design stage of the bicycle boulevard project in 2016-17.

In conjunction with this project, officers will also incorporate the parking issues now being investigated in areas surrounding the Bassendean Primary School location.

Community consultation was undertaken during the initial development of the 2012 Bike Plan, but as there may be changes to the original Bike Plan recommendations, and the inclusion of parking issues surrounding Bassendean Primary School, further community consultation will be undertaken prior to a final design document being presented to Council.

STATUTORY REQUIREMENTS

The Local Government Act 1995 Clause 6.8(1) (b) states that a local government is not to incur expenditure from its municipal fund for any additional purpose except where the expenditure is authorised in advance by resolution and as the grant is listed in the Operational Budget 2016-17 for Council consideration, Council is requested to approve receipt and expenditure of the funds.

FINANCIAL CONSIDERATIONS

The grant is on a proportion of funding basis, 50%-50% ratio; with the Department of Transport funding \$15,000 (ex GST) and the Town of Bassendean funding \$15,000 (ex GST).

OFFICER RECOMMENDATION – ITEM 10.7

That Council:

1. Accepts the Department of Transport - Perth Bicycle Network Local Government Grants funding 2016-17 totalling \$15,000 for the design of the Whitfield Street, Bassendean Boulevard between Extension Road and Ashfield Flats in 2016-17;
2. Amends the 2016/17 Budget to recognise the income and expenditure; and
3. Authorises expenditure of the funds in accordance with section 6.8(1)(b) of the Local Government Act.

Voting requirements: Absolute majority

10.8 Acceptance of the WA Police State CCTV Strategy Infrastructure Fund Grant (Ref: GRSU/APPS-D/13 – Sharna Merritt, Senior Ranger)

APPLICATION

Council is requested to accept funding from the WA Police State CCTV Strategy Infrastructure Fund for the amounts of \$8,900 to fund a new CCTV installation at the rear of 48 Old Perth Road, Bassendean and \$9,490 to upgrade the existing CCTV system at the Bassendean Youth Services McDonald Pavilion and Skate park.

BACKGROUND

The State Government's Closed-Circuit Television (CCTV) Strategy, formally launched in November 2015 by Minister for Police, the Hon Liza Harvey MLA, aims to deliver more effective use of CCTV in WA to enhance community safety and security.

This will be achieved by establishing a coordinated State CCTV network, and by providing grants to local government authorities to install additional CCTV cameras and other infrastructure in crime hotspots.

In December 2015 the Rangers and Youth Services both applied for grant funding from the WA Police State CCTV Strategy Infrastructure Fund. This particular grant funding was provided for either the installation of new systems to the standard required by WA Police or to upgrade existing systems so that they would then become compatible with the WA Police Systems for their new co-ordinated approach to CCTV.

COMMENT

The Rangers submitted an expression of interest for funding for CCTV to be installed at the rear of 48 Old Perth Road to monitor the land behind the building, including the War Memorial and gardens.

The Bassendean Youth Services submitted an expression of interest to upgrade their existing CCTV system to be compatible with the new requirements.

Both locations were supported by Kiara Police (as required by the funding body) because of several serious incidences in the preceding months, including assaults, arson, public drug use and several break-ins.

In June 2016, the Town was advised that both expressions of interest had been successful and the funding would be provided for both projects.

STATUTORY REQUIREMENTS

Local Government Act 1995 Clause 6.8(1)(b) states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution and as the grants were not considered within the draft 2016/17 budget, Council is requested to approve receipt and expenditure of the funds.

FINANCIAL CONSIDERATIONS

The grants approved by the WA Police State CCTV Strategy Infrastructure Fund will be fully funded, however, the funds will be distributed in the following manner - 50% available at the completion of the Proposal of Works phase and the remaining 50% will be provided after the acquittal of the project.

This will result in the Town having to provide for 50% of the funding in the 2016/17 Budget until the acquittal of the project when the remainder of the grant funding will be released.

OFFICER RECOMMENDATION - ITEM 10.8

That Council:

1. Receives the WA Police State CCTV Strategy Infrastructure fund grants for:
 - a) 48 Old Perth Road totaling \$8,900
 - b) Youth Services totaling \$9,490;
2. Council amends the 2016/17 Budget to recognise the income and expenditure; and
3. The expenditure be authorised under Section 6.8 of the Local Government Act.

Voting requirements: Absolute Majority

10.9 South West Native Title Settlement Agreement – Lot No. 4436, Reserve No, 22122, Bassendean – Land Base Consultation for Crown Land within Bindaring Park (Ref: COUP/ACQ-D/4 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report is for Council to provide comment on a proposal to include Lot No. 4436, Reserve No. 22122 Bassendean (which is within Bindaring Park) in the South West Native Title Settlement.

ATTACHMENTS

Attachment No. 9:

- South West Settlement Department of Lands - Land Base Consultation letter.
- Confidential Attachment (under separate cover) McLeods Barrister & Solicitors – Proposed inclusion of Land within Town's district in Noongar Land Base - February 2015.
- South West Settlement Question & Answers – March 2015.

BACKGROUND

On 6 June 2016, the Department of Premier and Cabinet has announced the proclamation of the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 and Land Administration (South West Native title settlement) Act.

The Recognition Act 2016 establishes the Noongar people as the traditional owners of the land in the South-West. At its simplest, the Act provides Noongar people with symbolic recognition as traditional owners of the South West. However, this Act has greater significance than simply one element of a native title agreement and will ultimately stand alone as a historic, overdue recognition of the Noongar people.

The Land Administration (South West Native Title Settlement) Act 2016 will allow for the commencement of specific land-related provisions in the settlement.

The proclamation of these two Acts, together with the gazettal of amendments to the Metropolitan Water Supply, Sewerage, and Drainage Amendment By-Laws 2016; and the Country Areas Water Supply Amendment By-Laws 2016 on 7 June 2016, fulfils key preconditions to the commencement of the settlement.

The amended by-Laws will allow Noongar people to undertake certain defined customary activities, while retaining the usual access restrictions to streams, reservoirs or watercourses in water catchment areas.

The only remaining condition for commencement of the settlement is the registration of the six Indigenous Land Use Agreements with the National Native Title Tribunal. At this stage, the settlement is anticipated to commence in late 2016 or early 2017.

On 11 July 2016, the South West Settlement section of the Department of Lands wrote to the Town advising that Lot No. 4436, Reserve No, 22122, Bassendean, which has a land area of 1,740m² and forms part of the reserve known as Bindaring Park, has been identified by South West Aboriginal Land and Sea Council (SWALSC) Whadjuk Bassendean, as an area of interest to be included in the South West Settlement, which will form part of the package offered to the six claimant groups via the South West Aboriginal Land and Sea Council.

STRATEGIC IMPLICATIONS

Bassendean Strategic Community Plan 2013-2023 Town Planning & Built Environment:

Objective: *Ensure Town provides choice in housing types.*
Strategies: *Plan for the availability of a broad range of housing types and affordability.*

Environmental sustainability and adaptation to climate change:

Objective: *Conserve, protect and provide access to the Town's waterways.*
Strategies: *Continue to rehabilitate and preserve the Swan River foreshore and provide responsible access to the river for the community.*

Arts, heritage and culture:

Objective: *Enhance partnerships with local Noongar people.*
Strategies: *Develop and implement a Reconciliation Action Plan, developed by the Town in partnership with the local Noongar people to build strong relationships, respect for culture and employment and growth opportunities*

COMMENT

The South West Settlement Department of Lands has requested comments concerning Lot No. 4436, Reserve No, 22122, Bassendean by the 5 September 2016, with respect to the following:

1. Any future proposals for the land identified? If so, in what timeframe?

Officer Comment:

The Town of Bassendean Local Planning Scheme No. 10 reserves the land for Parks and Recreation.

Historically Bindaring Park of which Lot No. 4436, Reserve No, 22122 has been subject to comprehensive Local Planning Scheme amendment to achieve environmental benefits.

Lot No. 4436, Reserve No. 22122 is Crown Land managed by the Western Australian Department of Planning

The subject land parcel is currently part of an environmental wetland study and the degraded bush reserve is currently being rehabilitated.

The Town of Bassendean intends to amalgamate all the land that has an interest in the vicinity of the site, to request the closure of the road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 and amalgamate all of the land into a Crown Reserve with a Management order to the Town of Bassendean for Parks and Recreation. This action is likely to occur in the financial year 2018/9

2. Any proposed planning scheme amendments? If so, in what timeframe?

Officer Comment:

There are no proposals to amend the reservation of the land at this time, and the land is viewed as being an integral part of the Bindaring Park .

3. Any future proposals for either the creation or amendments to reserves? If so, in what timeframe?

Officer Comment:

The Town of Bassendean intends to amalgamate all the land that has an interest in the vicinity of the site, to request the closure of the road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 and amalgamate all of the land into a Crown Reserve with a Management order to the Town of Bassendean for Parks and Recreation. This action is likely to occur in the financial year 2018/9

4. Any known land management issues e.g. Contamination etc.

Officer Comment:

The land is not included on the Department of Environment Regulations' contaminated sites database.

The road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 becomes inundated during the wet season

If the road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 is closed, as anticipated, the land becomes effectively land locked.

The land is currently effectively managed by the Town of Bassendean as part of the broader Bindaring Park, including weed control, bush fire management and water quality monitoring and bush rehabilitation.

The land is:

- included in a high risk area for Acid Sulphate soils;
- falls within the boundaries of an environmentally sensitive area;
- contains bushfire vegetation
- lies within the flood fringe of the Swan River
- affected by the River Helena registered Aboriginal Heritage Site.

A comprehensive, financial and environmental sustainable land use and servicing plan should be developed for Lot No. 4436, Reserve No, 22122 Bassendean to ensure that it complements the work currently being undertaken for the site, as well as a management plan and natural area rehabilitation program.

STATUTORY REQUIREMENTS

Metropolitan Region Scheme Act 1959
Aboriginal Heritage Act 1972
Native Title Act 1993
Local Government Act 1995
Land Administration Act 1997
Planning & Development Act 2005
Local Planning Scheme No. 10

The Department of Lands (DoL) advised the Town of Bassendean on 8 November 2012 and 7 January 2014, that *“As part of the usual investigation undertaken by DoL, any transfer of land, either as freehold, leasehold or reserve, will be subject to the normal planning, environmental and other laws application to land ownership and management”*.

The Department of Aboriginal Affairs advised that some time ago, the Lockridge Camp Aboriginal Group provided a map indicating the sites of Aboriginal Camps. On the 13th July 2016 the Department of Aboriginal Affairs advised that that the file relating to this site were “Closed Access”, and therefore no additional information can be provided.

FINANCIAL CONSIDERATIONS

According to the attached Department of Premier & Cabinet – The South West Settlement Question & Answers document, all land and funds will be placed into Noongar Boodja Trust, managed by a professional independent trustee.

The WA Government will make funding contributions over 12 years and the Trust will function as a perpetual fund that can only distribute a fixed percentage of the total capital base annually to ensure that there is an ongoing source of funds for Noongar cultural, social and economic programs.

The outcome of the Land Base negotiations and the way in which the Noongar Boodja Trust potentially develop the subject land, will determine potential rateable income.

OFFICER RECOMMENDATION – ITEM 10.9

That:

1. Council acknowledges the Noongar people and their cultural, spiritual and heritage connections to the land;
2. Council provides the following comments to the South West Settlement Department of Lands in response to the proposal to include for Lot No. 4436, Reserve No, 22122 Bassendean; currently forming part of Bindaring Park:

a) Future proposals for the land identified.

The Town of Bassendean Local Planning Scheme No. 10 reserves the land for Parks and Recreation.

Historically Bindaring Park of which Lot No. 4436, Reserve No, 22122 has been subject to comprehensive Local Planning Scheme amendment to achieve environmental benefits.

Lot No. 4436, Reserve No. 22122 is Crown Land managed by the Western Australian Department of Planning

The subject land parcel is currently part of an environmental wetland study and the degraded bush reserve is currently being rehabilitated.

The Town of Bassendean intends to amalgamate all the land that has an interest in the vicinity of the site, to request the closure of the road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 and amalgamate all of the land into a Crown Reserve with a Management order to the Town of Bassendean for Parks and Recreation. This action is likely to occur in the financial year 2018/9

b) Proposed planning scheme amendments

There are no proposals to amend the reservation of the land at this time, and the land is viewed as being an integral part of the Bindaring Park.

c) Future proposals for either the creation or amendments to reserves.

The Town of Bassendean intends to amalgamate all the land that has an interest in the vicinity of the site, to request the closure of the road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 and amalgamate all of the land into a Crown Reserve with a Management order to the Town of Bassendean for Parks and Recreation. This action is likely to occur in the financial year 2018/19

d) Known land management issues

The land is not included on the Department of Environment Regulations' contaminated sites database.

The road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 becomes inundated during the wet season

If the road reserve (Forfar Road) adjacent Lot No. 4436, Reserve No, 22122 is closed, as anticipated in 2018/19, the land becomes effectively land locked.

The land is currently effectively managed by the Town of Bassendean as part of the broader Bindaring Park, including weed control, bush fire management and water quality monitoring and bush rehabilitation.

The land is:

- included in a high risk area for Acid Sulphate Soils;
- falls within the boundaries of an environmentally sensitive area;
- contains bushfire vegetation
- lies within the flood fringe of the Swan River
- affected by the River Helena registered Aboriginal Heritage site.

A comprehensive, financial and environmental sustainable land use and servicing plan should be developed for Lot No. 4436, Reserve No, 22122 Bassendean, to ensure that it complements the work currently being undertaken for the site, as well as a management plan and natural area rehabilitation program.

Voting Requirement: Simple majority

10.10 Road Safety Committee (Ref: GOVN/CCLMEET/1 – Bob Jarvis, CEO & Simon Stewert-Dawkins, Director Operational Services,)

APPLICATION

The purpose of the report is to consider the Western Australian Local Government Association (WALGA) RoadWise Program and to request the East Metropolitan Regional Council (EMRC) establish Regional Road Safety Working Group.

Attachment No. 10:

East Metropolitan Regional Council's Direction Zero 2015-2018, a Regional Road Safety Plan

BACKGROUND

In September 2015, Council (OCM – 9/09/15) resolved in part to retain and or establish the following Committees:

Audit & Risk Management Committee
Access & Inclusion Committee
Bassendean River Parks Management Committee
Liveable Town Advisory Committee
Local Emergency Management Committee
Local Studies Collection Management Committee
Municipal Heritage Inventory Review Committee
Town Planning Scheme Review Committee
Youth Advisory Council,

In March 2016, Council (OCM-32/3/16) supported a Notice of Motion, Moved Cr Brown Seconded Cr Bridges:

“That the Town of Bassendean establish a stand-alone Road Safety Committee in order to reduce the incidence of road trauma and improve driver behaviour locally and furthermore explore the formation of a joint committee with the existing City of Bayswater Road Safety Committee resulting in a reciprocal, consistent and effective approach to road safety in both municipalities.”

In accordance with the above resolution, the Town liaised with Officers from the City of Bayswater who have advised that its “RoadWise Committee” was disbanded a couple of years ago when it reviewed and refined the number of committees, as the City of Bayswater felt that it was more appropriate for metropolitan road safety to be coordinated regionally so as to permit officers to focus on local road safety initiatives.

The Western Australian Local Government Association's RoadWise Program was established in 1994 and has served as an effective framework by which the Association has pursued road safety objectives in conjunction with its stakeholder partners. The Program is aimed at securing greater community and regional stakeholder involvement in delivering road safety initiatives includes obtaining advice, promoting WALGA Road wise safety programs and activities.

The East Metropolitan Regional Council (EMRC) Direction Zero 2015-2018 Regional Road Safety Plan (See attached) comprises of five key focus areas; Safe Roads and Roadsides, Safe Road Use, Safe Vehicles, Safe Speeds and Planning and Governance. These key focus areas align with those set out in both Federal and State government road safety strategies in order to improve road safety within Perth's Eastern Region.

This Plan states that the Regional Integrated Transport Strategy Implementation Advisory Group (RITS IAG) and the Chief Executive Officer Advisory Committee (CEOAC) determine and agreed regional projects. As a consequence, contact was made with the EMRC concerning the Regional Road Safety Plan to enquire of the opportunity to establish a Regional Road Safety Working Group or Committee.

The EMRC Director Regional Services advised that a report could be presented to the next scheduled (September 2016) Regional Integrated Transport Strategy Working Group meeting to determine the level of Member Councils' support to establish a Regional Road Safety Working Group or Committee.

As Council is aware, the Town's Asset Services currently undertakes local road safety initiatives, such as the rolling road safety audits and traffic assessment programs, to identify roads where vehicle speed are in excess of the 85th percentile speed of 60 km/h or greater in 50 km/h speed zones, or exceeds the posted speed limit by more than 10% in other speed zones.

Currently, where the Town identifies these local road safety initiatives, education programs are undertaken by using the vehicle visual speed display trailer to encourage drivers of vehicles to slow down to the posted speed limit.

Should the data collected from the vehicle visual speed display trailer not have an impact on the vehicle speeds in the street, Asset Services investigates alternative strategies such as working with Main Roads WA to amend the road design, provide additional speed zone signage, providing rubbish bin stickers to residents in a street, liaise with the WALGA Regional Road Safety Officer on road safety programs that are available and partner with the WA Police Traffic Intelligence Services to target speeding and hoon behaviour.

In addition, Asset Services currently obtains the Western Australian Local Government Association (WALGA) monthly "RoadWise" reports on road safety programs and where appropriate implements the road safety programs.

STRATEGIC IMPLICATIONS

LEADERSHIP AND GOVERNANCE

Objectives: *Strengthen and formalise partnerships*

Outcomes: *Continue to participate in external committees and Bassendean representation as appropriate.*

Measures of Success:

A cooperative approach to regional issues is supported through the EMRC, WALGA State Council and Local Government Managers Association.

Collaborative partnerships are maintained to provide coordinated holistic services to Town's residents.

WALGA's RoadWise Program

WALGA's RoadWise Program operates under a community organisation model and is based upon consultation with and engagement of the community to identify and address local needs, whilst meeting broader road safety priorities identified by the Road Safety Council as being most effective in reducing the level of road trauma in Western Australia.

Pursuit of the WA Road Safety Strategy is facilitated through the RoadWise Program engaging other Road Safety Council stakeholder agencies for coordination and implementation at the community level. WALGA's RoadWise program aims to achieve the WA Road Safety Strategy outcomes through the following goals and targets:

Ensuring effective implementation (local and regional level):

- Strengthened community support;
- Increased community participation;
- Focused road safety efforts;
- Improved inter-agency collaboration and coordination.

Enhanced public education and increased promotion and advocacy (local and regional level):

- Safe Road and Roadsides
- Safe Speeds
- Safe Vehicles
- Safe Road Use

WALGA's RoadWise Committee Structure

The WALGA RoadWise Committee structure provides a regular forum within which stakeholders can consider and discuss road safety issues, together with the mechanism for planning, implementing and evaluating community-based road safety social marketing activities. RoadWise Committee activities centre on identifying appropriate countermeasures to negative attitudinal, behavioural and environmental factors.

Committee Establishment

In January 2014, there were 61 RoadWise Committees in WA, with three different types of committee structures set up to address road safety issues.

These comprise the following:

- Committees of Council – these are formal committees of Council that have been set up in accordance with the Local Government Act and usually include council member(s), employees and other persons as members. Under Section 5.22 of the Local Government Act, the minutes of this committee must be submitted to the next ordinary meeting of council or the committee, as the case requires, for confirmation.
- Road Safety Working Groups or informal committees which usually comprise a council employee (and in some cases a Councillor) working with agencies and community members on road safety initiatives. As these committees are not formal committees of Council, there is no requirement for the minutes of these meetings to be confirmed by Council.

- Existing Committees - Other existing Local Government Committees such as Community Safety, Investing in Community, LEMAC and Neighbourhood Watch Committees which have road safety issues on their agenda.
- Legal opinion received by WALGA in 2002 indicated that establishment of a RoadWise Committee as a Council appointed committee is desirable, as it would facilitate a more effective management of risk and potential common law duty of care issues which may emanate from activities undertaken by the Committees and their Members. The type of committee structure chosen should be determined by the individual committee/Local Government.

Committee Representation

It would appear both logical and appropriate that stakeholder representation be reflected at a regional/local RoadWise Committee level, with membership to comprise a selection of the following members:

- Local Government - Elected Member(s);
- Local Government – technical staff;
- WALGA RoadWise Program;
- WA Police;
- Main Roads WA;
- Department of Transport;
- Health Department of Western Australia;
- Department of Education / Parents' & Citizens' or Parents & Friends;
- Service Clubs (eg: Rotary);
- Community representative(s) ie youth (YAC) or Seniors representative; and
- Other representatives ie RAC, Driver Training representatives.

Comment

The administrative work involved with a Roadwise Committee is significant and currently the Town does not have the staff resources available to undertake the prescribed administrative tasks as well as undertaking the current road safety investigations, road modification works that are undertaken.

Should Council wish to pursue the establishment of a standalone Town of Bassendean Roadwise Committee, this will involve the Town preparing a draft Instrument of Appointment and Delegation for consideration which will include the above Committee representation and would most likely include the following draft Terms of Reference:

- Plan activities/events for the upcoming year;
- Develop a Committee Action Plan to guide the Committee's activities and to align activities to the WA Road Safety Strategy;
- Develop and submit projects for assessment and determination by the RoadWise Committee; and to
- Report on the progress of activities listed within the Committee's Action Plan

Considering the administrative and technical resource requirements to set up Town of Bassendean standalone RoadWise Committee and that the EMRC already has in place the Direction Zero 2015-2018 Regional Road Safety Plan, it is suggested that Council write to the EMRC to request that it seeks the level of support from Member Councils of the Regional Integrated Transport Strategy to establish a Regional Road Safety Working Group or Committee.

Given the Regional Integrated Transport Strategy Implementation Advisory Group (RITS IAG) approved the Regional Road Safety Plan, the EMRC Director Regional Development advised that Road Safety can become a standard agenda item at all RITS IAG meetings.

The RITS IAG meets quarterly, or as required, to discuss regional matters and road safety is of both regional and local concern. Each member council has representation (mostly at a Director/Manager level) on the RITS IAG together with representation from Department of Planning, Department of Transport, Main Roads WA, Public Transport Authority, WA Police, Road Safety Commission, WALGA, RAC, Perth Airport and WA Road Transport Association.

Any member of the group can put forward an item for consideration and this includes the Member Council representatives, so in the case of the Town of Bassendean, this might be the ideal forum to put forward any road safety matters that might need addressing at a regional scale.

Alternatively, the EMRC also has a Regional TravelSmart Working Group which is aimed at an officer level, and they could also have road safety as an agenda item. All decisions or matters that require further deliberation are forwarded up to the RITS IAG for consideration.

STATUTORY REQUIREMENTS

In accordance with the Local Government Act, Committees can consist of Councillors, staff or community members or any combination of the three categories.

Community member representation on Committees requires appointment by Council following the elections. It has become customary for the Town to advertise for expressions of interest to participate on committees of Council as community representatives to achieve the best possible outcome for Council.

Local Government Act 1995

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.16. Delegation of some powers and duties to certain committees

(1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed; and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).
[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

FINANCIAL CONSIDERATIONS

Councillors are paid an annual fee for Committee and Council meetings and this is included in the 2016/17 adopted Budget.

OFFICER RECOMMENDATION – ITEM 10.10

That Council writes to the East Metropolitan Regional Council (EMRC) to request that it seeks the level of support from Member Councils of the Regional Integrated Transport Strategy to establish a Regional Road Safety Working Group or Committee.

Voting requirement: Simple majority

10.11 Access to Home and Community Care Asset Replacement Reserve (Ref: INFT/ACQ/2 - Mona Soliman, Manager Seniors and Disability Services)

APPLICATION

Council considers purchasing a new Client Management Software (CMS) to replace CareAssist within Seniors and Disability Services Business Unit and approve access to HACC Asset Replacement Reserve (ARR) for the purpose.

BACKGROUND

In June 2016, HACC were approached regarding the funding of a more contemporary CMS with the capacity to manage the increasing volume of output and the associated financial complexity however it was declined.

In May 2009, the WA Department of Health HACC Program funded the purchase of CareAssist, a basic CMS. Since then, as a funded capital item, it has been depreciated and is listed on the HACC ARR Schedule.

HACC approved the purchase of a replacement system from the ARR which has a current balance of \$298,253 at 30 June 2016.

The current software was purchase in 2007 and being 9 years old, no longer meets the operational requirements of the service.

STRATEGIC IMPLICATIONS

The Town has an objective “to build a sense of belonging and connectivity in the community”. A strategy toward this objective is to: “nurture community resilience and self-reliance” with outcome being that “the standards of provision of services addressing children, young people, seniors in the community meets the community’s needs”.

COMMENT

Funding of the new system will create greater administrative efficiencies and reduce the need for increased office staff. It will enhance quality of service and allow resources to be channelled to increasing field staff. Accuracy and efficiency in the finance area will reduce client complaints and promote better understanding of clients individual budgets – a key feature and requirement of the new “Consumer Directed Care” model of service.

Enhanced financial management means greater accountability to the Department of Health and compliance with the Australian Aged Care Quality Agency.

This is a new independent authority established to monitor and audit Aged Care Providers to ensure compliance with the Aged Care Act 1997 and the standards.

As indicated above, the Town sought to replace the CMS (operating system) through an application for annual growth funding in June. The Town was advised by the HACC Project Officer that the current software had been paid for by HACC and as such, the replacement is eligible as an ARR project and approval was granted by HACC to proceed to purchase a new CMS from the Asset Replacement Reserves.

STATUTORY REQUIREMENTS

Local Government Act 1995
Aged Care Act 1997
WA Disability Services Act 1993 (Amended 2004)
Active Ageing Policy adopted Nov 2003 (Amended March 2014).

FINANCIAL IMPLICATIONS

There is currently no funding the 2016/17 budget for this purpose. It is proposed that funding be obtained from within the HACC ARR that has a balance of \$298,253 as of 30 June 2016.

Preliminary exploration suggests that the replacement system that meets the business needs is likely to cost between \$65,000 and \$100,000 for the first year and with ongoing fees is likely to exceed the \$150,000 tender threshold. The HACC has ample funds to meet the purchase and the subsequent annual costs will be built into operational budgets.

The new software will provide for a less labour intensive and more efficient office and the cost savings will mean more field staff are engaged in direct service delivery. It will halt the need to increase the existing number of administrative staff.

There will be also other indirect savings such as efficient travel times and less mileage claims due to tracking for instance.

OFFICER RECOMMENDATION – ITEM 10.11

That:

1. Council approves access of up to \$100,000 from the HACC Asset Replacement Reserves for the purpose of purchasing a new Client Management Software (CMS) to replace CareAssist;
2. Council approves that the 2016/17 Budget be amended in accordance with section 6.8 of the Local Government Act; and
3. The results of the tender process be presented for Council's consideration in due course.

Voting requirements: Absolute majority

10.12 Application by Casa Mia Montessori School for an extension to the current lease, an offer to purchase 11 Hamilton Street, Bassendean, and a request for the Council to approve rezoning to include “School” for 16 Whitfield Street, 11 Hamilton Street and that portion of the BIC Reserve which currently serves as a playground for the school, and for the Council to support the School’s application to the State Government to lift the reservation on the playground site and to sell it to the school (Ref: A2137 – Bob Jarvis, CEO)

APPLICATION

Council’s consideration of an application by the Casa Mia Montessori School for a lease extension beyond December 2017, as well as a request for the School to purchase 11 Hamilton Street from the Town, support of the Town for the school to purchase its playground site from the State Government, and to rezone those two sites and 16 Whitfield Street to permit school as an approved use.

ATTACHMENTS

Attachment No. 11: Correspondence from Casa Mia Montessori Community School

BACKGROUND

On 20 June 2016, the Town received a letter from the Board of the Casa Mia Montessori School advising that the School Board had now come to the conclusion that the school should remain in its current location, and outlining a series of requests of the Town to facilitate the eventual purchase and expansion of the School in its current location. A copy of the letter is provided as an attachment. In essence, the School’s requests are presented in the letter as short and long term matters for the Council’s consideration:

“Short Term

Apply for an extension of the current lease from the Town of Bassendean for 11 Hamilton Street beyond December, 2017. Start upgrading current facilities to increase the school facility quality and its street appeal.

Long Term

Purchase of the following properties:

- 1. 16 Whitfield Street - a first right of refusal for the school has been offered to the owner to ensure the property is available for purchase by the school once it comes onto the market.*
- 2. 11 Hamilton Street - The land currently used as the playground, which is State land vested with the Town of Bassendean. Purchase of this property is contingent on support from the Town of Bassendean for creation of freehold title to enable the School to purchase the land.*
- 3. 11 Hamilton Street - The land with the school buildings, currently leased from the Town of Bassendean. Purchase of this property is contingent on support from the Town of Bassendean for the School to purchase the land.*

The purchase of these three properties would give the school approximately 3000sqm. to operate on which is deemed a suitable size for a sustainable future. All offers the school would make for any one of the three properties are envisaged to be conditional to the purchase or signed first right of refusal of the other two properties in this group. Without all three properties it would be difficult for the school to grow to a sustainable size.”

The School seeks Council’s decision to support all three properties being suitably zoned to allow “school” as a permitted use, and the Council’s support to pursue the purchase of the playground site from the State Government in freehold title, but it acknowledges that it may be through a public and competitive process.

The School is offering to purchase 11 Hamilton Street from the Town at market value, and it is also wanting to negotiate a suitable mitigation for the property not attracting rates as a school so that the Town does not suffer a long term cost from the rates exemption.

STRATEGIC IMPLICATIONS

Town Centre Area Strategy

The land is included within the Town Centre Area Strategy and Council has resolved, that in relation to Site E between Hamilton and Whitfield Streets, Council resolves to pursue the development of this site by way of a reduced building footprint covering 11 Hamilton Street and 16 Whitfield Street in discussions with the State Government.

The above lots have not been included in the current development agreement with LandCorp and the Swan Districts Football Club, however, the reserve portion of the land has, with no proposals impacting on the land at present.

COMMENT

With the adoption of the Town Centre Area Strategy, the School was given notice that the current site is not a permanent site for the School.

In April 2009, in acknowledgement of the alternate use planned for the site, Council resolved to provide a one year Lease to allow the School time to find an alternate long term accommodation. In June 2010, Council resolved to provide a further two-year Lease; and then September 2012 approved a three year Lease concluding January 2016 with an option for renewal for two years. The option for renewal has been exercised with the current Lease lapsing in December 2017.

Previously, the School had expressed a desire to relocate to a larger site as the School's business plan set the School to outgrow the existing site. This has led to the School unsuccessfully pursuing purchases of other land in the Town in recent years including Earlsferry and earlier, the Masonic Hall site.

The new Principal at the School has convinced the Board that the free access to the playing field on the BIC Reserve and the Town's Library already significantly reduces the land that a school requires, and that the School would be better served pursuing land adjacent to its current location for expansion of classrooms into the future.

Implementation of the Town Centre Area Strategy has in recent times been focussed on the Bassendean Activity Centre developments. A further lease is not considered by Officers as adversely impacting the Town's ability to pursue the Town Centre Area Strategy if that remains Council's intention.

Land Use Planning Implications

When the matter was last considered by Council in August 2012, in connection with the lease renewal for 11 Hamilton Street, the point was made at that time that the School did not see the 11 Hamilton Street site as a long term home for the School.

It should also be noted that Council's original approval related to a pre-primary school which was a permitted use under the former Local Planning Scheme No. 3.

Both 11 Hamilton Street and 16 Whitfield Street are zoned Residential with a density code of R20 under the Town's Local Planning Scheme No. 10 (LPS 10). Lot 10 Whitfield Street (the BIC reserve) is currently for Parks and Recreation by the Scheme, as shown on the plan below:



An Educational Establishment is an 'A' use within the Residential Zone which means that the use is not permitted unless the Town has exercised its discretion by granting planning approval.

From a land use planning perspective, it is considered that Council should not commit to the sale of 11 Hamilton Street until the planning issues associated with the site have been resolved, including:

1. The support from Council to excise a portion of the BIC Reserve and the creation of a separate freehold title with an appropriate zoning.
2. Some level of certainty that 16 Whitfield Street is genuinely available for purchase by the School;
3. The necessary amendment to the Scheme has been made to the scheme to allow part of the BIC Reserve to be used as a School; and
4. Development approval has been granted for the school over the 3 lots.

To this end, given the medium term priority of Council is likely to remain associated with the Bassendean Activity Centre developments, that a decision to provide a further lease over the land at 11 Hamilton Street is not deleterious to long term plans and is all that is reasonably required of Council at this time.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10
Local Government Act 1995

FINANCIAL CONSIDERATIONS

The current Gross Rental Value for 11 Hamilton Street is \$30,300 per year. The current lease fee is \$14,025 for 2016 and will be increased with CPI for 2017.

The School also pays to the Town: Building insurance (\$1,442 for 2015/16); Non-Rateable Rubbish charge (\$415); and ESL (\$383.96). In total, the Town currently yields a little over 54% of the property GRV.

The Town provides library and sports grounds facilities at no cost to the School.

A review of the lease fee mechanism was last considered in 2012 where a substantial increase was imposed.

A lease fee of \$20,210 equates to a two-thirds return relative to GRV. With the additional recovered charges, this sum equals a return of approximately 75% the GRV.

OFFICER RECOMMENDATION — ITEM 10.12

That:

1. Council grants an extension of the lease to 31 December 2019 for the Casa Mia Montessori School located at 11 Hamilton Street, Bassendean; and
2. The lease extension fee for the Casa Mia Montessori School be based on 75% of the gross rental value of 11 Hamilton Street, Bassendean.

Voting requirements: Absolute Majority

10.13 Quarterly Reports for Quarter Ended 30 June 2016 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive the Quarterly Reports for the period ended 30 June 2016.

ATTACHMENTS

Attachment No. 12: Quarterly Reports

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 2015-2019 Corporate Business Plan.

As part of the Strategic Plan, several lobbying strategies have been incorporated into the Quarterly Report to provide a continuously updated record of lobbying activities against the plans. 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 COMMENT

Up until the September 2015 quarter, copies of lobbying plans were provided for Bassendean Oval and Surplus Land. For Bassendean Oval, the lobbying plan was provided as only one Councillor, the Mayor, was involved with negotiations with LandCorp, up until the signing of the Development Agreement. The lobbying plan is no longer required as the process is indeed a very public one.

The surplus land lobbying plan reached the point where Council lodged an application to purchase two reserves for 5% of their value for sale, to provide proceeds for the establishment of a nature based playground at Sandy Beach Reserve.

Updates on these issues are regularly provided in the monthly Outstanding Resolutions report to Council. Should Council develop a new surplus land proposal, the lobbying plans would be reinstated to provide the same step by step process as a record for Council and the community.

OFFICER RECOMMENDATION – ITEM 10.13

That Council receives the Quarterly Reports for the quarter ended 30 June 2016.

Voting requirements: Simple majority

10.14 Access and Inclusion Committee Meeting held on 6 July 2016 (Ref: GOVN/CCLMEET/16 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the minutes of the Access and Inclusion Committee Meeting held on 6 July 2016.

ATTACHMENTS

Attachment No. 13: Access and Inclusion Committee Minutes of 6 July 2016

BACKGROUND

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

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

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

STRATEGIC IMPLICATIONS

The Access & Inclusion Committee:

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

COMMENT

Issues covered in the meeting included:

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

An update report was provided on the Seniors and Disability Services Business Unit in which it was noted that the annual growth funding application for 2015/16 had been successful and that a further application for 2016/17 has recently been submitted.

It was also noted that the Town's application for registration as a National Disability Insurance Scheme (NDIS) provider was unsuccessful. This lead to discussion on the impact of NDIS trial on residents and to a recommendation that a status report be prepared on how the implementation is progressing and impacting people in Bayswater and Bassendean; and that the report be presented to members of parliament on both a state and federal level.

It was noted the annual DAIP implementation progress report to Disability Services Commission had been submitted by the due date.

Outcomes of items raised at the previous meeting were discussed including: Actions to address concerns that the pedestrian crossing of Old Perth Road east of Whitfield Street is unsafe for people with visual impairment; and that the proposed new restaurant in 85 Old Perth Road will not be accessible via the front doors for people with mobility impairment. Committee was informed the crossing issue is being addressed with an engineering solution, while access to the restaurant was compliant when approved. Committee agreed to seek an inclusive solution with the owner.

The Committee was advised that the tactile paving is deteriorating on West Road north of the roundabout and it was questioned why the Town uses glue on tactile tiles that appear to require ongoing monitoring and maintenance.

STATUTORY REQUIREMENTS

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

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.14

That the report on a meeting of the Access and Inclusion Committee held on 6 July 2016, be received.

Voting requirements: Simple Majority

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

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

Building Applications Determined in the Month of June 2016		
Application No	Property Address	Description
201600022	75 KATHLEEN STREET, BASSENDEAN	SHED
201600083	67 IDA STREET, BASSENDEAN	THREE GROUPED DWELLINGS
201600170	27 BLACKTHORN ROAD, EDEN HILL	PATIO
201600174	296 MORLEY DRIVE, EDEN HILL	GROUPED DWELLING & GARAGE
201600172	2 YELLAND WAY, BASSENDEAN	SOLAR PANELS
201600175	20 BLACKTHORN ROAD, EDEN HILL	PATIO
201600179	12 SECOND AVENUE, BASSENDEAN	DEMOLITION OF HOUSE DRIVEWAY GARAGE SHED AND POOL
201600177	23 PURSER LOOP, BASSENDEAN	SOLAR PANELS
201600135	143 KENNY STREET, BASSENDEAN	FENCE
201600137	5 BRADSHAW STREET, EDEN HILL	DWELLING ADDITIONS
201600117	24 RUGBY STREET, BASSENDEAN	PATIO
201600150	16 LITTLEMORE WAY, EDEN HILL	ADDITION OF ANCILLARY ACCOMODATION
201600158	97 NORTH ROAD, BASSENDEAN	CONCRETE SWIMMING POOL
201600156	42 WILSON STREET, BASSENDEAN	DWELLING ADDITIONS
201600159	48 WICKS STREET, EDEN HILL	ALFRESCO EXTENSTION
201600153	75 BROADWAY, BASSENDEAN	PATIO
201600157	28 MANN WAY, BASSENDEAN	FENCE
201600140	25 WALTER ROAD EAST, BASSENDEAN	3 X SINGLE DWELLINGS
201600145	258 MORLEY DRIVE, EDEN HILL	DWELLING
201600107	72 IVANHOE STREET, BASSENDEAN	PATIO
201600164	47 THIRD AVENUE, BASSENDEAN	4 SINGLE STORY GROUPED DWELLINGS
201600160	23 SEVENTH AVENUE, BASSENDEAN	SWIMMING POOL
201600167	108 WHITFIELD STREET, BASSENDEAN	PATIO CONVERSION TO BEDROOM EXTENSION
201600163	25 TROY STREET, BASSENDEAN	FENCE
201600169	27 FIFTH AVENUE, BASSENDEAN	SWIMMING POOL
201600165	67 IDA STREET, BASSENDEAN	DEMOLITION
201600122	54 HARDY ROAD, ASHFIELD	DOUBLE GARAGE
201600126	10 KATHLEEN STREET, BASSENDEAN	SINGLE DWELLING

OFFICER RECOMMENDATION – ITEM 10.15

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

Voting requirement: Simple majority

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

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

Planning and Subdivision Applications Determined to 8 July 2016			
Applic No.	Property Address	Type of Development	Determination
2010-116	72 WALKINGTON WAY EDEN HILL 6054	PARKING OF A COMMERCIAL VEHICLE	REFUSED
2013-155	77 IDA STREET BASSENDEAN 6054	EXTENSION OF APPROVAL FOR 6 MULTIPLE DWELLINGS	DELEGATE APPROVED
2015-087	21 THIRD AVENUE BASSENDEAN 6054	8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2015-171	88 SECOND AVENUE BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2015-233	4 BROADWAY BASSENDEAN 6054	6 MULTIPLE DWELLINGS	DELEGATE APPROVED
2016-036	33 IVANHOE STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-066	3 IDA STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-076	84 KENNY STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE AND CARPORT	DELEGATE APPROVED
2016-095	UNIT A 25 TROY STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-103	280 MORLEY DRIVE EDEN HILL 6054	PATIOS X 2	DELEGATE APPROVED
2016-109	67 IDA STREET BASSENDEAN 6054	REVISED APPLICATION FOR THREE GROUPED DWELLINGS	DELEGATE APPROVED
TPO-1	6 BARTON PARADE BASSENDEAN 6054	REMOVAL OF A LOWER BRANCH FROM TREE SUBJECT TO TREE PRESERVATION ORDER	DELEGATE APPROVED

OFFICER RECOMMENDATION – ITEM 10.16

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

Voting requirement: Simple majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 14: List of Accounts

BACKGROUND

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

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION - ITEM 10.17

That Council receives the List of Accounts paid for June 2016, as attached to the Ordinary Council Agenda of 26 July 2016.

Voting Requirements: Simple majority

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

The Annual Financial Statements for the 30 June 2016 are currently being developed. There is a considerable amount of work to be undertaken to provide Council with the Actual Closing Surplus for the end of the Financial year.

The unaudited end of financial year statements will be presented to Council in August. This does not breach any legislative requirements.

OFFICER RECOMMENDATION – ITEM 10.18

That Council notes that the unaudited end of financial year statements will be presented to Council in August.

Voting requirement: Simple majority

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

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 attached to the following documents during the reporting period:

27/06/16 Deed of Extension of Lease, Ivanhoe Child Care Centre, between Funtrain Enterprises Pty Ltd and the Town of Bassendean

27/06/16 Deed of Licence Extension, Alf Faulkner Hall and adjacent tennis courts, between Funtrain Enterprises Pty Ltd, Christine Anne Polmear and the Town of Bassendean

OFFICER RECOMMENDATION – ITEM 10.19

That Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 26 July 2016.

Voting Requirements: Simple majority

10.20 Calendar for August 2016 (Ref: Sue Perkins, Executive Assistant)

Wed	3 Aug	3.30pm	Local Emergency Management Committee Meeting – Council Chamber (Crs Pule & Brown)
Thu	4 Aug	9.30am	Local Studies Collection Advisory Committee Meeting – Council Chamber (Cr Pule)
Tue	9 Aug	5.30pm	Municipal Heritage Inventory Review Committee – Council Chamber (Crs Pule, Bridges and Brown)
Tue	9 Aug	7.00pm	Liveable Town Advisory Committee Meeting – Council Chamber (Crs Gangell, Bridges & McLennan)
Wed	10 Aug	5.30pm	Audit & Risk Management Committee Room – Council Chamber (Crs Lewis, Pule & Bridges)
Thu	11 Aug	6.00pm	EMRC Strategy Session (If required) – EMRC (Crs Lewis & Bridges)
Tue	16 Aug	7.00pm	Briefings Session – Council Chamber
Wed	17 Aug	10.00am	Bassendean River Parks Management Committee Meeting – Council Chamber (Crs Bridges & Brown)
Wed	17 Aug	4.00pm	MWAC Meeting – WALGA (Cr Bridges)
Thu	18 Aug	6.00pm	EMRC Council Meeting (If required) – EMRC (Crs Lewis & Bridges)
Tue	23 Aug	7.00pm	Ordinary Council Meeting – Council Chamber
Thu	25 Aug	6.00pm	WALGA East Metropolitan Zone Meeting – EMRC (Crs Gangell, Lewis & Pule)
Fri	26 Aug	5.00pm	Youth Advisory Council Meeting – Bassendean Youth Services

OFFICER RECOMMENDATION - ITEM 10.20

That the Calendar for August 2016 be adopted.

Voting Requirements: Simple majority

10.21 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
90189	Bob Jarvis	OCM-36/3/16 - Notice of Motion – Cr Gangell: Review of Number of Elected Members and Review of the Method of Electing the Mayor for the Town.	Report to June OCM. New resolution 91833 to prepare submission to LG Advisory Board. Recommend deletion.
91639	Bob Jarvis	OCM-16/5/16 - Policy on Elected Members' Dealings with Developers and the Inclusion of Interstate Travel by Staff and Elected Members in the Annual Report.	Policy Manual has been amended. Development applications are now being provided regularly in the Councillors Bulletin. Details of how to lodge contacts with CEO and guidelines circulated to all councillors in Bulletin. Recommend deletion.
91825	Bob Jarvis	Public Question Time - June 2016	Response provided to Ms Hamilton on 12 July 2016. Letter is included in the July OCM agenda. Recommend deletion.
91826	Bob Jarvis	Public Question Time - June 2016	Response provided to Mr Johnson. Letter is included in the July OCM agenda. Recommend deletion.

86781	Graeme Haggart	OCM-25/10/15 - Children and Family Services Committee Meeting held on 14 October 2015	At the completion of the RFQ process, it was acknowledged the allocated funds were insufficient to meet the project needs. New, additional funding was sought and approved in the now adopted budget for design and stage 1 construction of the Regional Nature-Based Playground. Recommend deletion.
91086	Graeme Haggart	OCM-19/4/16 - Bassendean Local Emergency Management Committee Meeting held on 6 April 2016	Funding to support the EMRC's flood "Digital Terrain and Hydraulic Modelling Report" included in the adopted budget. EMRC have advised they have been successful in attracting AWARE funding for the project and it will proceed. Recommend deletion.
91094	Graeme Haggart	OCM-33/4/16 - State Football (Soccer) Centre	Department advised. Recommend deletion.
91640	Graeme Haggart	OCM-20/5/16 - Access and Inclusion Committee Meeting held on 4 May 2016	Officers have assessed intersection and progressing works. Recommend deletion.
91823	Graeme Haggart	Public Question Time - June 2016: Christian Foyle	Response provided 11 July. Recommend deletion.
89607	Simon Stewart-Dawkins	OCM - 7/2/16 - Draft Urban Forest Strategy	Update item 2. community comment via the following: <ul style="list-style-type: none"> • The Town's Webpage • Display Boards for 35 OPR and Library • Article in April 2016 edition of the Bassendean Briefings • Community Newspaper article in April 2016 • Liveable Town Advisory Committee Agenda - 12 April 2016 • Letter to Department of Planning, TOB Schools and other key stakeholders inviting comment • Promoted in the Bassendean Means Business e-news • Imaging technologies available - information provided in the 24th June 2016 Councillor Bulletin. Recommend deletion.

91641	Simon Stewart-Dawkins	OCM-23/5/16 - Bassendean River Parks Management Committee meeting held on 11 May 2016	The Bassendean River Parks Management Committee's Instrument of Appointment and Delegation has been amended to include a representative of the AshfieldCAN. Letter written to AshfieldCAN seeking name of the nominated representative. The Town has also prepared a letter to 327 property owners and in August a list of tenants of properties will have been prepared for the Tonkin Business Park and industrial areas, as part of an educational program to ensure they are aware of the Water Quality monitoring process currently being undertaken and the types of contaminants that are flowing into drains. Recommend deletion.
91852	Simon Stewart-Dawkins	OCM-24/6/16 - Notice of Motion – Cr Bridges: Container Deposit Scheme	In accordance with Council OCM-31/5/16 supported Notice of Motion regarding the Container Deposit Scheme. On the 14th June 2016 the Town posted letters to major political parties seeking policy commitment to strengthen the "Keep Australia Beautiful Litter Prevention Strategy for Western Australia 2015-2020", by introducing a Container Deposit Scheme in Western Australia by 2018. The Western Australian Local Government Association's (WALGA) who are currently lobbying on behalf of Local Government to implement a Container Deposit Scheme in Western Australia were provided a copy of the letters. Recommend deletion.
91824	Ken Cardy	Public Question Time - June 2016	Officer forwarded letter to owner regarding the positioning of the fence, subsequently the fence was removed closer to the boundary and removed within a couple of days. Recommend deletion.
91836	Ken Cardy	OCM-28/6/16 - Recycling & Refuse Waste Collection Interim Contract	Contracts have been signed. Recommend deletion.
91832	Mandy Godfrey	OCM-11/6/16 - RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean	Letters sent to all respondents. Signed contractor acceptance received and saved. Recommend deletion.

89616	Salvatore Siciliano	OCM-20/2/16 - Liveable Town Advisory Committee (LTAC) 9 February 2016	This project is now complete. The Ashfield Primary School has successfully completed the staging of the Harmony Day Corroboree on Tuesday 22 March 2016. (The date was re-scheduled from the 21 March 2016.) The grant has also been acquitted. Recommend deletion.
89620	Salvatore Siciliano	OCM-33/2/16 - Waiver of Fees – Little Italy Street Festival Extravaganza	Mrs Fitzgerald has officially been advised of Council's resolution and a tax invoice was issued on 9 June 2016. Recommend deletion.
91090	Salvatore Siciliano	OCM-28/4/16 - Notice of Motion: Cr Brown – Displays of Water and Skiing at Autumn River Festival	The Manager of Recreation & Culture has sent a letter on 24 June 2016 addressed to the Manager Marketing and Communications at the City of Bayswater outlining Council's resolution. Recommend deletion.
91081	Sharna Merritt	OCM-10/4/16 - Old Perth Road Parking Restrictions	Request sent through to Asset Services to implement change to restrictions (ICRF-10636516). Recommend deletion.
91838	Tim Dayman	OCM-29/6/16 - Sports Achievement Award	To be presented at July Council Meeting. Recommend deletion.
91630	Timothy Roberts	OCM-7/5/16 - Proposed 9 Lot Subdivision of Lot 336 (No. 147) West Road, Bassendean	WAPC requested the Town to reconsider its recommendations in relation to the provision of public open space, minimum lot frontages and the required road reserve. Planning department in conjunction with Asset Services reaffirmed Council's resolution. No update on the status of the State Heritage nomination. Recommend deletion.
91829	Timothy Roberts	OCM-7/6/16 - Proposed Concrete Batching Plant at Lot 105 (No. 2-8) Clune Street, Bassendean	SAT advised of Council's decision to reconsider proposed concrete batching plant. Matter has been deferred for a directions hearing on 5 August 2016. Matter likely to go to a full hearing. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.21

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 26 July 2016 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Brown: Diaries for Councillors

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

This motion was deferred at the June 2016 Ordinary Council meeting to enable Councillors to consider how this can be integrated electronically.

“That the Town of Bassendean, at the earliest opportunity, provide Councillors with a diary book and thereafter require Councillors to notate in this diary all and any contact or communication with any person seeking contact or communication with Councillors in their position as a Councillor for the Town of Bassendean. Such notation will include the time, date, method and or place of contact, the identity of the person contacting or communicating with the Councillor, their reason for doing so and any action taken by the Councillor as a consequence of the contact or communication. The diary may also be used to enter detail of any council related duties undertaken by the Councillor at their discretion. Maintaining this written diary will form part of the Councillor’s official duty and be subject to Local Government document retention guidelines. Each year the diaries will be provided by Councillors to the Town and stored for a period of safekeeping.”

BACKGROUND INFORMATION – CR BROWN

Councillors should not be discouraged from meeting and maintaining dialog with people or organisations seeking interaction with the Town. To do so should be viewed as entirely appropriate.

However, at a recent Council meeting, there was discussion concerning the appropriateness of Councillors meeting with people seeking to conduct business or otherwise influence a decision of the Town. It became apparent from this discussion few guidelines exist and the recording of such contact is entirely at the discretion of the individual Councillor.

In an era of burgeoning development, sophisticated lobbying, complex redevelopment and increasing politicisation of local government, there exists a demand for a higher level of accountability.

The accurate recording of contact or communication can overcome any inference of bias or perception of impropriety, and maintains a higher degree of ethical standards.

Following a period of safe document retention, it may be the Town's Library then retain the diaries for posterity.

OFFICER COMMENT

The use of diaries may well assist Councillors in complying with the Records Act and Council's new policy on disclosing meetings with developers, and if they are handed in to the Administration each year they would be kept in the Records system for the requisite period. However, this is essentially a voluntary matter as there is no statutory requirement for Councillors to keep records in this format. An offer of a diary is forwarded to Councillors each year.

Councillors have been offered a hard copy diary and the new Councillors' iPads will have a diary facility which could be uploaded at the end of the year.

11.2 Notice of Motion – Cr Pule: Arborist report for previously pruned street Trees where underground power has been installed

Cr Pule has advised that he wishes to move the following motion t this meeting:

“That an Arborist report be brought to Council, advising on the best method of maintaining street trees, in the most natural way, where underground power has been installed. Specifically to address, epicormic growth and the transition from lolly pop pruning to natural growth.”

Comment

Ashfield now has underground power installed and is in the fourth year after that installation.

Street trees in the Town, including Ashfield, have historically been pruned in the lolly pop manner, where there are/where powerlines. In Ashfield, after four years of letting trees grow since the undergrounding of power, many trees, especially Eucalypt trees, have developed large epicormic growth. Epicormic growth results when a tree is pruned back and new growth grows from the main limbs.

Epicormic growth has a natural weakness at the joint with the main branch and as it grows tall and long, the sapling branch can sheer off and fall, causing a safety hazard.

Professional arborist advice is now needed with regards on how best to deal with this problem and to do a mapping study of the trees in Ashfield.

After four years of growth some of the sapling, epicormic branches are thick and 20 to 30 meters in length and present a real danger.

This is part of the long term Strategic Plan ... *to improve the quality of life in Bassendean ensure the safety of the Community and part of the Bassendean Climate Change Adaptation Plan.*

See photographs at **Attachment No. 15.**

OFFICER COMMENT

In February 2012, the Ashfield undergrounding of power was completed and since that time the Town has allowed the previously pruned street trees to grow, which will now permit the restorative pruning to be undertaken on a progressive basis.

In June 2016, Council received a report concerning RFT CO 038 2015-16, Tree Maintenance Services, and subsequently resolved to:

1. *Appoints Beaver Tree Services to undertake the work as required in RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean in accordance with the specifications and terms and conditions for a two year period commencing 1 July 2016; and*
2. *Delegates to the CEO the authority to exercise the option under the contract to negotiate for a one year extension of contract beyond the nominal expiry date of 30 June 2018.*

RFT CO 038 2015-16, Tree Maintenance Services' specifications states in part the following:

"Clause 2.11.4 - Tree Pruning Methods and Requirements

All Works shall be carried out so as to leave a well balanced tree of good health and aesthetically pleasing appearance. Please note: The Town does not want a lolly pop pruning method as the Town wants to see the sides of the canopy increased to the road edge and property boundary. At any given time no more than 15% of the tree canopy is to be removed in one pruning cycle.

Clause 2.11.15 Restorative Pruning:

Pruning that includes crown restoration work following storm or collision damage, topping, apical decline and where overhead powerlines have been installed below ground shall be undertaken in accordance with current publication of AS 4373- Pruning of amenity trees.”

In 2012, the undergrounding of power was completed in the suburb of Ashfield and as a result the Town is progressively coordinating restorative pruning for street trees which were previously beneath the powerlines.

Trees within underground power localities will be permitted to grow to maturity and will only be pruned at the direction of the Town of Bassendean Parks Supervisor.

The successful contractor will be provided with a map showing those locations, within the Town, where underground power has been provided and where future underground power is being planned. Currently the Town is in discussions with Western Power regarding 2016-17 underground power projects and if the Town is successful in gaining a further project the successful contractor will be provided with a map indicating the area where future underground power will be provided.

As part of the induction process, Beaver Tree Services will be provided with a map illustrating the locations of underground power throughout the Town. Beaver Tree Services is required to undertake restorative pruning in accordance with the RFT specifications and the current publication of AS 4373- Pruning of amenity trees.

Considering that the above processes are already in place, it is suggested that this Notice of Motion be withdrawn.

11.3 Cr Paul Bridges – Apology to Mr & Mrs Gerry & Julie Coleman

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

“That subject to Mr & Mrs Coleman guaranteeing indemnity against any further action, the Town of Bassendean formally apologises to Mr Gerry Coleman and Mrs Julie Coleman for the heartache and hardship resulting from their purchase of Council owned land by auction on 29 May 2004, without previously disclosing that it contained uncontrolled fill and the subsequent dealings with the Colemans post sale. The apology is to be conveyed verbally, in writing, and in the Eastern Reporter.”

OFFICER COMMENT

This matter will be discussed behind closed doors as it pertains to legal and confidential deeds that were entered into, and raises confidential matters which the Town is legally bound not to make public. See **Confidential Attachment No. 2.**

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

13.0 **CONFIDENTIAL BUSINESS**

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 23 August 2016.