

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, 31 January 2017 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

25 January 2017

A G E N D A

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

Cr Gangell will be the facilitator for the Briefing Session.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Members of the public are requested to 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 Public Question Time

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

2.2 Address by Members of the Public

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

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 13 December 2016 (Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 13 December, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 13 December 2016, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

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 31 January 2017:

Item	Report
10.2	Breach of Conditions of Development Approval at Lot 9 (Nos. 2A & 2B) Walter Road East, Bassendean
10.3	Unauthorised Construction of a Side Boundary Fence at Lot 3 (Unit 4, No. 51) Devon Road, Bassendean
10.4	Retrospective Development Application for a Carport and Front Fence at Lot 420 (No. 97) Second Avenue, Bassendean
10.5	Proposed Amendment No. 9 to Local Planning Scheme No. 10
10.6	Proposed Amendment No. 17 to the Town Planning Scheme No 4A
10.8	Removal of Bus Shelter in front of the Hyde Retirement Village, 10 James Street, Bassendean
10.10	Street Tree – 1 Prowse Street, Bassendean
10.11	Notice of Motion – Cr Pule: Differential Rating of Property
10.12	Local Planning Strategy – Progress Report No.
10.14	Quarterly Report for Quarter Ended 31 December 2016
10.15	Determinations Made by the Principal Building Surveyor
10.16	Determinations Made by Development Services
10.17	Use of the Common Seal
10.18	Calendar for February 2017
10.19	Implementation of Council Resolutions
10.20	Accounts for Payment – December 2016
10.21	Financial Statements – December 2016

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

Item	<u>Report</u>
10.7	Development Assessment Panels: Local Government Nominations – Correspondence received from Director General of Department of Planning
10.9	Town of Bassendean Glyphosate Usage for Weed Management
10.13	Request by Casa Mia Montessori School to Purchase 11 Hamilton Street, Bassendean
11.1	Notice of Motion - Cr Pule: Chemical Free Weeding
11.2	Notice of Motion - Cr Bridges: BIC Reserve Concept Plan
13.1	Business Case Report for the Potential Purchase by the Town of 10-14 Parker Street, Bassendean - Bassendean

10.2 Breach of Conditions of Development Approval at Lot 9 (Nos. 2A & 2B) Walter Road East, Bassendean – Property Owner: Samuel Bennett & Bruce Milligan (2A Walter Road East) and Carl Dowling (2B Walter Road East) (Ref: DABC/BDVAPPS/2016-156 - Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is to seek Council's authorisation to commence legal action for breach of conditions of development approval at the above mentioned properties.

ATTACHMENTS

Attachment No. 2:

- Determination on Application for Development approval at 2A Walter Road East, Bassendean.
- Determination on Application for Development approval at 2B Walter Road East, Bassendean.
- Notification of failure to address conditions of Development Approval at 2A Walter Road East, Bassendean.
- Notification of failure to address conditions of Development Approval at 2B Walter Road East, Bassendean.
- Photographic evidence of non-compliance.

BACKGROUND

The Town received an application to commence development for a proposed grouped dwelling on 30 July 2014 at 2A Walter Road East, Bassendean. The application was approved on 1 October 2014 (see attachment) with the relevant conditions of development approval as follows:

3. *With the exception of the driveway and building areas shown on the approved drawings, the remainder of the front setback area shall be soft landscaped and maintained thereafter to the satisfaction of the Town.*
4. *The common property driveway shall be paved and drained in accordance with the Town's specifications prior to the occupation of the dwelling and maintained thereafter unless separate approval arrangements are made with the Town to allow these works to be delayed, having regard to the associated development of a dwelling on vacant lot 3.*

5. *Driveway ramping/banking shall be established so as to comply with the maximum gradients allowed within AS 2890.1 – Parking Facilities Part 1: Off-street car parking, including the incorporation of grade transitions as necessary.*
6. *Soft landscaping strips of 500mm in width shall be provided on either side of the proposed common driveway and shall be maintained thereafter.*
8. *The vehicle crossover being constructed in accordance with the Town's 'Specification for the Construction of Crossovers' (separate application and approval required).*
11. *The proposed building hereby approved shall not be occupied until all of the conditions of planning approval have been complied with*

The Town received an application to commence development for a proposed grouped dwelling on 14 March 2014 at 2B Walter Road East, Bassendean. The application was approved on 11 August 2014 (see attachment) with the relevant conditions of development approval as follows:

3. *With the exception of the driveway and building areas shown on the approved drawings, the remainder of the front setback area shall be soft landscaped and maintained thereafter to the satisfaction of the Town.*
4. *The common property driveway shall be paved and drained in accordance with the Town's specifications prior to the occupation of the dwelling and maintained thereafter unless separate approval arrangements are made with the Town to allow these works to be delayed, having regard to the associated development of vacant lot 3.*
5. *Soft landscape strips of 500mm in width shall be provided on either side of the proposed common driveway and shall be maintained thereafter.*
7. *The vehicle crossover being constructed in accordance with the Town's 'Specification for the Construction of Crossovers' (separate application and approval required).*
11. *The proposed building hereby approved shall not be occupied until all of the conditions of planning approval have been complied with.*

Numerous site visits to this property have observed that the conditions of development approval have not been satisfactorily addressed. A letter was sent to the owner on the 8 December 2016 advising of the landowner of their non-compliance with the conditions of development approval (see attachments 3 and 4). The owners were subsequently put on notice that it would be open to the Town to commence prosecution proceedings for continuing to permit this ongoing unlawful development.

STRATEGIC IMPLICATIONS

Town of Bassendean Strategic Plan

Objective: Foster enhanced public space and street appearance.

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

COMMENT

Prosecution action to resolve the unaddressed conditions of the development approval is in keeping with standard procedure and ensures a better streetscape for Bassendean. It should also be noted that this property is immediately adjacent to Success Hill Reserve. The owners of the property have been notified of their breach of the conditions of development approval and have committed to resolving these outstanding conditions.

Both owners of each property have made contact with the Town since these letters were sent and have acknowledged that they are in breach of their development approval. It should be noted that the compliance letter requested that the matter be resolved prior to the end of January where it would then be referred to Council seeking the ability to commence prosecution proceedings. The property owners have cited delays over the Christmas period and anticipate the works will be completed in the first week of February. It is therefore prudent that should the required works not be completed before this time, that Council authorises the Chief Executive Office to initiate prosecution proceedings.

STATUTORY REQUIREMENTS

The following conditions of development approval have not been addressed on site within the specified time frame (see attachment):

3. *With the exception of the driveway and building areas shown on the approved drawings, the remainder of the front setback area shall be soft landscaped and maintained thereafter to the satisfaction of the Town.*
4. *The common property driveway shall be paved and drained in accordance with the Town's specifications prior to the occupation of the dwelling and maintained thereafter unless separate approval arrangements are made with the Town to allow these works to be delayed, having regard to the associated development of a dwelling on vacant lot 3.*
5. *Driveway ramping/banking shall be established so as to comply with the maximum gradients allowed within AS 2890.1 – Parking Facilities Part 1: Off-street car parking, including the incorporation of grade transitions as necessary.*
6. *Soft landscaping strips of 500mm in width shall be provided on either side of the proposed common driveway and shall be maintained thereafter.*
8. *The vehicle crossover being constructed in accordance with the Town's 'Specification for the Construction of Crossovers' (separate application and approval required).*
- 11 *The proposed building hereby approved shall not be occupied until all of the conditions of planning approval have been complied with*

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the costs of prosecution proceedings are estimated to be between \$3,000 and \$5,000. These costs could be recouped under a successful prosecution.

OFFICER RECOMMENDATION — ITEM 10.2

That Council:

1. Authorises the Chief Executive Officer to initiate legal action if the conditions of development approval (2014-156) at Lot 9 (No. 2A) Walter Road East, Bassendean, are not addressed by 14 February 2017; and
2. Authorises the Chief Executive Officer to initiate legal action if the conditions of development approval (2014-057) at Lot 9 (No. 2B) Walter Road East, Bassendean are not addressed by 14 February 2017.

Voting requirements: Simple Majority

10.3 Unauthorised Construction of a Side Boundary Fence at Lot 3 (Unit 4, No. 51) Devon Road, Bassendean – Property Owner: Bosiljka Nikoloska (Ref: DABC/BDVAPPS/2016-074 - Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is to seek Council authorisation to commence legal action to reconstruct an unauthorised side boundary fence at the above mentioned property.

ATTACHMENTS

Attachment No. 3:

- Photographs from numerous site inspections.
- Image from July 2015 showing no side boundary fence.

BACKGROUND

The Town received a retrospective application to commence development for a patio and outbuilding. On assessment of the application, it was confirmed that a side boundary fence, forward of the building line, had been constructed without approval, solid to a height of 1.8 metres. Photographic evidence from July 2015 indicates no side boundary fencing in this location and the Town has no record of an application to install a fence since this time. The unauthorised wall as constructed cannot be considered under the R-Codes as it does not meet the Deemed-to-Comply requirements or the Design Principles and therefore Council does not have the ability to approve the fence.

Development approval for the retrospective patio and outbuilding to the unit was granted on 11 August 2016 with condition 1 of the development approval stating as follows:

'The existing side boundary fence being modified as shown on the revised plans as marked in red and date stamped received 29 June 2016 (with these drawings forming part of the approved set) 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 side boundary fence has not been modified in line with this condition. A letter was sent on the 08 December 2016 advising the landowner of the non-compliance with the R-Codes and the potential for compliance action should the fence not be modified to meet the condition of development approval.

The landowner was put on notice for continuing to permit this ongoing unlawful development and given 14 days to resolve the issue. The landowner was informed that the matter would proceed to Council in January to seek the ability to prosecute should the fence not be modified sufficiently.

STRATEGIC IMPLICATIONS

Town of Bassendean Strategic Plan

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

An assessment of the side boundary fence against the provisions of the R-Codes will be discussed under the statutory requirements section of this report, below. The unauthorised side boundary fence as constructed does not meet the Deemed-to-comply requirements of the R-Codes and therefore there is no scope to consider a retrospective application under the Design Principles. As a result, the wall must be modified in line with the condition of development approval.

The applicant has been notified of their breach of the conditions of development approval and has not committed to modifying the fence as required. Condition one of development approval noted that the side boundary fence was to be lowered to a height of 1.2 metres for the total length of that fence. Prosecution 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. It is therefore appropriate that Council authorises the CEO to commence compliance action, should fence continue to remain unchanged.

From an officer level, the side boundary fence cannot remain unmodified when considered against the relevant planning legislation and the associated development approval. Should Council choose to take a pragmatic approach and consider the non-compliance trivial, there is always the ability to move an alternate motion for no further action, or to lower the first panel of the side boundary fence to 1.2 metres.

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 relevant Design Principle is that front fences are low or restricted in height to permit surveillance and enhance streetscape, with appropriate consideration to the need for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

As the fence in question is a side boundary fence and the associated front fence is cyclone fencing, it cannot be considered that the unauthorised fence is there for the attenuation of traffic impacts, or for noise or privacy screening. As such, there is no ability to consider the unauthorised wall through the Design Principles.

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the costs of prosecution proceedings are estimated to be approximately \$1,500. Should the matter go before a magistrate, often the property owner is required to pay the Town's costs.

OFFICER RECOMMENDATION — ITEM 10.3

That Council authorises the Chief Executive Office to initiate legal action if the unauthorised side boundary fence, at Lot 3 (Unit 4 No. 51) Devon Road, Bassendean, is not modified in line with the conditions of development approval (2016-074) by 14 February 2017.

Voting requirements: Simple Majority

10.4 Retrospective Development Application for a Carport and Front Fence at Lot 420 (No. 97) Second Avenue, Bassendean – Property Owner: Emil Vranjes (Ref: DABC/BDVAPPS/2016-130 - Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is to seek Council authorisation to commence legal action to modify an unauthorised front screen wall and remove a shade sail carport at the above mentioned property.

ATTACHMENTS

Attachment No. 4:

- Photographs from site inspections.
- Letter to the landowner in response to retrospective development application.

BACKGROUND

The Town received an application to commence development for a carport and patio on 10 December 2014 at Lot 420 (No. 97) Second Avenue, Bassendean. The application was cancelled at the applicant's request as the landowner considered that the requirements of Local Planning Policy No. 12 - Development within the Street Setback Area were too stringent.

Site visits undertaken for other developments on the same street, in March 2015, revealed that unauthorised works had been undertaken on this property without the necessary approvals (see attachment). These works included construction of a new driveway/crossover, a front wall and the installation of a shade sail carport. A letter was sent to the owner on 31 March 2016 advising the landowner of these unauthorised works on site, without the necessary approvals having been applied for.

The landowner was requested to submit a retrospective application for development, which was submitted on 21 July 2016. A follow up letter (see attachment) was sent to the landowner on 16 August 2016 in response to an assessment of the application, requesting modifications to the retrospective development application to address the requirements of both the R-Codes and Local Planning Policy No. 12 Development within the Street Setback Area.

The landowner was also put on notice for continuing to permit this ongoing unlawful development at their premises and that it would be open to the Town to commence prosecution proceedings in the event that the matter remains unresolved. To date, the landowner has not responded to this correspondence.

STRATEGIC IMPLICATIONS

Town of Bassendean Strategic Plan

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 carport and front fence does not meet the Deemed-to-comply requirements of the R-Codes and there is no scope to consider a retrospective application in its current format. As a result, the carport needs to be removed and the front fence modified. Council has the ability to approve the carport and the variations to Local Planning Policy No. 12 Development within the Street Setback Area, however, it is considered that any approval will create an undesirable precedent and approval would not follow the Town's standard assessment of development of this type. A complete assessment of the retrospective application for a carport and front fence are discussed under the statutory requirements section of this report, below.

Prosecution action to resolve the unaddressed conditions of development approval is in keeping with standard procedure, and ensures a better streetscape for Bassendean. The applicant has been notified of the non-compliant carport and front fence and has not committed to modifying the front fence or removing the carport as requested. It is therefore appropriate that Council refuse the retrospective development application and authorises the Chief Executive Officer to initiate prosecution proceedings, should the front wall and carport remain unchanged.

From an officer level, the proposed shade sail and solid wall cannot be recommended for approval when assessed against the relevant planning legislation. It should be noted that the provision for sight lines within the R-Codes is generally applied for reasons of pedestrian safety.

The footpath for Second Avenue is located on the opposite side of the Second Avenue and therefore in the context, the need for compliance may be seen as negligible. Should Council choose to take a pragmatic approach and consider the non-compliance trivial, there is always the ability to move an alternate motion. In the event, that Council elects to grant development approval, it would also be prudent for Council to recommend a review of Local Planning Policy No. 12: Development within the Street Setback Area, as any approval would set a precedent. A considered position on shade sails should therefore be adopted.

STATUTORY REQUIREMENTS

Clause 5.2.5 of the R-Codes states the following in relation to the Deemed-to-Comply requirements of the R-Codes 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 or other structures adjoin vehicle access points where a driveway meets a public street.”

The front walls, as constructed, has not been truncated to allow for adequate sight lines for any reversing vehicles. The fence, prior to construction of the current unauthorised fence, permitted any reversing vehicle to have adequate sight lines and the street when reversing. The wall must be modified so that the southern brick pier is a standard single width pier to demonstrate sight lines in accordance with the requirements of the R-Codes.

The unauthorised driveway/crossover does not lead to a garage, meaning car parking on site is only available under the unauthorised shade sail. As such, the shade sail needs to be assessed as a ‘carport’. Local Planning Policy No. 12 - Development within the Street Setback Area stipulates that the roof of any carport within the primary street setback is to have a similar pitch and is to be finished in sheet metal or tile to match the colour of the roof of the existing residence. Additionally, any associated support columns should be provided in brick or an alternate material to match the materials of the dwelling facing the street. As such, the shade sail is unable to be approved as part of the current application before the Town, and is required to be removed.

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the costs of prosecution proceedings are estimated to be approximately

\$1,500. These costs could be recouped under a successful prosecution.

OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Refuses to approve the retrospective application for a carport and front fence at lot 420 (No. 97) Second Avenue, Bassendean for the following reasons:
 - a) The development would set an undesirable precedent for any similar proposals and for the intended form/development of the locality;
 - b) The refusal is consistent with previous determinations for similar proposed developments;
 - c) Non-compliance with the Town of Bassendean Local Planning Policy No. 12: Development within the Street Setback Area;
 - d) Non-compliance with the Residential Design Codes of Western Australia with respect to vehicular access and sight lines; and
2. Authorises the Chief Executive Officer to initiate legal action if the front wall at Lot 420 (No. 97) Second Avenue, Bassendean, is not modified to comply with the Deemed-to-Comply requirements of the R-Codes and the shade sail carport is not removed, by 14 February 2017.

Voting requirements: Simple Majority

10.5 Proposed Amendment No. 9 to Local Planning Scheme No. 10 (Ref: DABC/BDVAPPS/LPS10.8 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to initiate Amendment No. 9 to the Local Planning Scheme No 10.

The purpose of this amendment is to:

- Reserve additional land for Parks and Recreation, including 2 new recreation reserves that are in the process of being created (proposals 1 -10);
- Rezone one property in the industrial area from parks and recreation to light industry (proposal 11);
- Deleting an additional use that is no longer required, and updating a second additional use (proposals 12 & 13); and
- Applying a residential zoning to two discrete portions of land that are now not zoned under the Scheme as a result of Amendments to the Metropolitan Region Scheme (proposals 14 & 15).

ATTACHMENTS

Attachment No. 5: Scheme Amendment Report No. 9

BACKGROUND

This matter was considered by Council at its meeting held in October last year when it was resolved by OCM – 11/10/16, that Council:

1. Endorses Christie Park being reserved for recreation in the forthcoming omnibus amendment to the Local Planning Scheme No. 10; and
2. Endorses the following proposal being included in the forthcoming omnibus amendment to the Local Planning Scheme No. 10:
 - a) Reserving the following land for Parks and Recreation
 - i. That part of the Bridson Street road reserve intended to be created as a recreation reserve.

- ii. Reserve 32920 Hamilton Street and the adjoining drainage reserves;
 - iii. 42 Watson Street;
 - iv. Kelly Park;
 - v. 17 and 19 Anstey Road;
 - vi. Part lot 271 Hamilton Street, as per the attached plan;
 - vii. 46, 48 and 50 Third Avenue Bassendean;
 - viii. The recreation reserves within the Park Estate; and
 - ix. 179 Guildford Road.
- b) Amending the zoning of 33 Hanwell Way to Light Industry;
 - c) Removing the additional use for a Tavern from 260 Morley Drive;
 - d) Removing condition 1 additional uses for Earlsferry that requires "Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished";
 - e) Applying a residential zoning with a density code of R10 to the unzoned portion of Earlsferry; and
 - f) Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of No 2 Water Road East.

In response to the above resolution, draft Scheme Amendment documents have been prepared for Council's consideration.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

An attempt has been made to ensure that the proposed Scheme amendment is consistent with Council's previous resolutions on the matter. Importantly, the documents do not propose to down-code the density code of properties located entirely within the floodway of the Swan River, nor does it propose to rezone land from parks and recreation to residential around Lot 272 Hamilton Street.

This report should be read in conjunction with the report on Amendment No. 17 to the Town Planning Scheme No. 4A, which aims at obtaining consistency with Scheme No. 10 and also discusses the likely effect of the amendments to the 4A Scheme on the financial viability of that Scheme.

STATUTORY REQUIREMENTS

The process for amending a local planning scheme is governed by the Planning and Development (Local Planning Schemes) Regulations 2015.

Under the new Regulations, Council is required to:

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
- (b) include an explanation of the reason for the local government forming that opinion.

The definition of the 3 forms of amendment are included below, and is covered by part 2 of the recommendation:

basic amendment means any of the following amendments to a local planning scheme —

- (a) an amendment to correct an administrative error;
- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (e) an amendment to the scheme so that it is consistent with a State planning policy;
- (f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;

- (h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;
- (i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area;

Complex amendment means any of the following amendments to a local planning scheme —

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- (d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

Standard amendment means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.

FINANCIAL CONSIDERATIONS

The costs of administering and advertising the proposed amendment will be met for the Town Planning operational accounts.

OFFICER RECOMMENDATION — ITEM 10.5

That:

1. The Town of Bassendean, by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme No. 10 by:
 - a. Rezoning Lots 14 and 15 Surrey Street, Bassendean from “Residential with a density code of R20” to “Parks and Recreation”;
 - b. Zoning a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) “Parks and Recreation”;
 - c. Zoning a portion of the Eighth Avenue and River Street road reserves intended to become a recreation reserve (Lot 500 on Plan 069914) to “Parks and Recreation” and Rezoning Reserve 43398, Anzac Terrace Bassendean from “Residential with a density code of R20” to “Parks and Recreation”;
 - d. Rezoning Reserve 32920 Hamilton Street and the adjoining drainage reserves 178279, 29953, 29953 Reid Street from “Residential with a density code of R20” to “Parks and Recreation”;
 - e. Rezoning Reserve 47865 Watson Street from “Residential with a density code of R20” to “Parks and Recreation”;
 - f. Rezoning Lots 162 and 163 Anstey Road from “Residential with a density code of R25” to “Parks and Recreation”;

- g. Rezoning Lots 4289, 4763, and 7102 forming Reserve 30297 Third Avenue Bassendean from “Residential with a split density code of R20/40” to “Parks and Recreation”;
- h. Rezoning Lots 268 Prospector Loop, 293 Perway Lane, forming Reserve 49929 and Lot 280 Atlantic Bend, forming Reserve 49930 from “Residential with a split density code of R20/30/60” to “Parks and Recreation”;
- i. Rezoning Lot 41 Guildford Road from “Residential with a density code of R20” to “Parks and Recreation”;
- j. Rezoning Part Lot 271 Hamilton Street from “Residential with a density code of R20 and R25” to “Parks and Recreation”;
- k. Rezoning Lot 20 Hanwell Way from “Parks and Recreation” to “Light Industry”;
- l. Removing additional use No 12 from Schedule 2 additional uses of the Local Planning Scheme.(Hotel /Tavern Lot 3 Gallagher Street Eden Hill);
- m. Deleting the numbers and words “1. Prior to the subdivision of the land, the existing single storey dwelling facing Nurstead Avenue shall be demolished; and 2. and replacing “all” with “All” from additional use No 3 in Schedule 2 additional uses of the Local Planning Scheme.(Lots 1,2,3,4,5 and 6 Earlsferry Court, Bassendean);
- n. Applying a residential zoning with a density code of R10 to the unzoned portion of Lot 6 Earlsferry Court, Bassendean;
- o. Applying a residential zoning with a spit density code of R20/40 to the unzoned portion of Lot 9 Water Road East, Bassendean;

and

- 2. Council considers the Local Planning Scheme No. 10, Amendment No. 9 to be a standard amendment, as defined by Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the amendment is:

- (a) consistent with the objectives of the Residential Zone as laid out in clause 4.2.1, and Light Industry Zone, as laid out in clause 4.2.5, of the Local Planning Scheme No. 10;
- (b) consistent with the Town of Bassendean Local Planning Strategy which has been endorsed by the Commission;
- (c) is consistent with a region planning scheme that applies to the scheme area;
- (d) is not inconsistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) has no impact on land in the scheme area that is not the subject of the amendment;
- (f) it does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) is not a complex or basic amendment.

Voting requirements: Simple Majority

10.6 Proposed Amendment No. 17 to the Town Planning Scheme No 4A (Ref: DABC/BDVAPPS/TPS4A- 17 Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to initiate Amendment No. 17 to the Town Planning Scheme No 4A.

ATTACHMENTS

Attachment No. 6:

- Town Planning Scheme 4A Amendment Report No 17
- Copy of Town Planning Scheme 4A Text

BACKGROUND

At its meeting held in June 2016, Council resolved by way of OCM – 9/06/16 to request the Chief Executive Officer to arrange the preparation of amendment documents to Town Planning Scheme No. 4A with a view to:

- a. deleting the proposed footpath over Lot 663 Hardy Road, Bassendean

At its meeting held in in October 2016, Council resolved to make certain zoning changes to the Local Planning Scheme No. 10 and 3 of those proposals include land that is included within the Town Planning Scheme No. 4A, being:

- b. Zoning a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) “Parks and Recreation”;
- c. Rezoning Lots 162 and 163 Anstey Road from “Residential with a density code of R25” to “Parks and Recreation”; and
- d. Rezoning Part Lot 271 Hamilton Street from “Residential with a density code of R20 and R25” to “Parks and Recreation”.

STRATEGIC IMPLICATIONS

The current Corporate Business Plan includes a commitment to finalise Town Planning Scheme No. 4A over the next 3 years.

COMMENT

The proposed Scheme Amendment is consistent with Council's previous resolutions on the matter, and attempts to ensure that consistency is maintained between the Local Planning Scheme No. 10 and the Town Planning Scheme No. 4A.

The Amendment also incorporates to the Scheme timetable to take into account Council's decision to finalise its commitments to the Scheme, over a 3 year period, and is updated in terms of outstanding commitments.

This report should be read in conjunction with the report on Amendment No. 9 the Local Planning Scheme No. 10.

STATUTORY REQUIREMENTS

The process for amending a local planning scheme is governed by the Planning and Development (Local Planning Schemes) Regulations 2015.

Under the new Regulations, Council is required to:

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
- (b) include an explanation of the reason for the local government forming that opinion.

The definition of the 3 forms of amendment are included below, and is covered by part 2 of the recommendation:

basic amendment means any of the following amendments to a local planning scheme —

- (a) an amendment to correct an administrative error;
- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (e) an amendment to the scheme so that it is consistent with a State planning policy;

- (f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;
- (h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;
- (i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area;

Complex amendment means any of the following amendments to a local planning scheme —

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- (d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

Standard amendment means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- (g) any other amendment that is not a complex or basic amendment.

FINANCIAL CONSIDERATIONS

The proposed amendments to the Town Planning Scheme No. 4A, will have a significant effect on the overall financial outcome of the scheme.

The amount of saleable land at Lot 271 Hamilton Street, Bassendean, will reduce from 2981m² to 355m². This results in a potential loss of profit of \$1,969,500. However, this loss will be offset marginally by the reduction in the extent of filling and remediation of the land is projected to be reduced by \$6,000 to \$124,000.

In June 2016, the Town Planning Scheme No. 4A was projected to make a loss of \$732, once all the commitments to the Scheme were met. The Scheme is now projected to make a loss of close to \$2m.

OFFICER RECOMMENDATION — ITEM 10.6

That:

1. The Bassendean Town Council under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act, 2005, hereby amends the above Town Planning Scheme by:
 - a) Amending the Scheme Map as follows:
 - i) Removing the “new roads and footways” annotation from the unconstructed road reserve adjacent to Lot 821 Villiers Street West (adjacent to 1 Hardy Road).

- ii) Removing the “new roads and footways” annotation from the unconstructed road reserve known as Lot 13656 Hatton Court .
 - iii) Deleting a portion of the Bridson Street road reserve intended to become a recreation reserve (Lot 354 on Plan 071636) from area ‘A’ and include the land within area ‘B’
 - iv) Deleting Lots 162 and 163 Anstey Road from area ‘C’ and include the land within area ‘B’.
 - v) Deleting a portion of Lot 271 Hamilton Street from area ‘C’ and include the land within area ‘B’.
- b) Amending the Scheme Text as follows:
- i) by deleting Clause 30 under the heading of Scheme Timetable of the Scheme and substituting the following:
 - “30. The Council wishes to actively pursue the completion of the Scheme. To this end it has set a goal of completing the compulsory acquisition of properties in Area B within three years from the date of gazettal of the Scheme Amendment inserting this clause. The remaining properties to be acquired under Area B are as follows:
 - (a) Lot 211 Carnegie Street
 - (b) Pt Lot 206 Hyland Street
 - (c) Pt Lot 130 Anstey Road
 - (d) Pt Lot 113 Harcourt Street”.
- c) By deleting clause 31 of the Scheme and replacing it with the following:
- i) “Other commitments of the Council within the time-frame referred to in clause 30 are the acquisition of a portion of part lots 127 Hatton Court and Lot 1003 Kenny Street, and

construction of a footway”.

2. Council considers the above proposed amendment to be a standard amendment as defined by Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the amendment:
 - (a) is consistent with the objectives of the Residential Zone as laid out in clauses 4.2.1 of the Local Planning Scheme No. 10;
 - (b) is consistent with the Town of Bassendean Local Planning Strategy which has been endorsed by the Commission;
 - (c) Is consistent with a region planning scheme that applies to the scheme area;
 - (d) not inconsistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
 - (e) has no impact on land in the scheme area that is not the subject of the amendment;
 - (f) it does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - (g) is not a complex or basic amendment.

Voting requirements: Simple Majority

10.7 Development Assessment Panels: Local Government Nominations – Correspondence received from Director General of Department of Planning (Ref: DABC/LIAIS/1 Christian Buttle, Senior Planning Officer)

APPLICATION

The purpose of this report is for Council to nominate two members and two alternate members to sit on the Metropolitan Central Joint Development Assessment Panel (JDAP).

ATTACHMENTS

Attachment No. 7:

- Correspondence received from Director General of Department of Planning dated 4 January 2017.
- Premier's Circular No. 2010/02 – State Government Boards and Committees.

BACKGROUND

Development Assessment Panels (DAP) came into operation on 1 July 2011 to determine development applications that meet a certain threshold value and project size.

Each DAP comprises five members; three specialist members, one of whom is the presiding member, and two local government members.

Appointment of all local government DAP members expires on 26 April 2017. Members whose term has expired will be available for reconsideration at this time.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

Council is asked to nominate four elected members of the Council, comprising two local members and two deputy members to sit on the Metro Central Joint Development Assessment Panel (JDAP).

Council's current JDAP members are Councillors Bridges and Pule. Deputy members are Councillors Gangell and McLennan. Nominations are required to be received by no later than Tuesday **28 February 2017**.

The attached correspondence makes the following comments in relation to local government nominations:

“Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.”

When selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government will need to re-nominate for the Minister’s consideration. DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment. Further details can be found in the Premier’s circular – State Government Boards and Committees Circular (2010/02).”

Circular 2010/02 has been provided as an attachment to this report and confirms that elected Local Government Councillors are eligible for payment except in limited circumstances (i.e. on the public payroll).

STATUTORY REQUIREMENTS

The Planning and Development (Development Assessment Panels) Regulations 2011.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.7

That Council endorses Crs _____ and _____ as local members and Crs _____ and _____ as Deputy local members to sit on the Metro Central Joint Development Assessment Panel.

Voting requirements: Absolute Majority

10.8 Removal of Bus Shelter in front of the Hyde Retirement Village, 10 James Street, Bassendean (Ref: TRAF/MAINT/3 – Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to present an update, feedback and a further recommendation to Council, in response to Cr Pule's Notice of Motion - OCM 35/9/16 as outlined in the report below.

ATTACHMENTS

Attachment No. 8:

- Possible HRV bus location and pad requirements.
- Design and quote for new bus shelter.

BACKGROUND

The Town's Operational Policy states that in order for a shelter to be provided, the level of patronage at the bus stop, based on advice from the Public Transport Authority, needs to be greater than 10 passengers per day on a continual basis.

In 2014, Council (OCM – 12/05/14) - MOVED Cr Pule, Seconded Cr Brinkworth, that Council:

1. Receives this report providing information on the Town's obligations under the Disability Discrimination Act to comply with Disability Standards for Accessible Public Transport standards;
2. Endorses a proposal to request ADSHEL to relocate redundant shelters (Guildford Road) to commercially agreeable sites as per Clause 9 of their contract - covering conditions relating to relocation of shelters;
3. In line with the Town's bus shelter/stop guidelines where required, authorises the Public Transport Authority to undertake the assessment relocation/removal of existing non-compliant bus shelters, and after the relocation/demolition has occurred, upgrade the boarding area to the current Disability Standard for accessible public transport; and

4. Notes those Officers will be submitting a budget request for Council's consideration of \$51,000 in the 2014/15 Capital Budget and in accordance with the Town of Bassendean's Long Term Financial Plan, to undertake the works required to upgrade the bus shelters and stops to DSAPT standards.

As part of the Public Transport Authority's Disability Standards for Accessible Public Transport standards and the above Council resolution, a number of shelters were removed, as the patronage numbers were well below the 10 passenger threshold per day. This included the removal of the bus shelter located in front of the Hyde Retirement Village.

On 16 September 2016, the Public Transport Authority advised that in its most recent usage survey data for Stop 15550 James Street, Bassendean (adjacent to HRV) for on/off passengers, an average of only 2 passengers per day boarded the bus and an average of less than one passenger got off the bus at this stop per day.

This most recent survey confirms that the patronage numbers have not increased and from an Asset Management perspective and in-line with the Town's Policy, a shelter cannot be justified for an average of 2 passengers per day utilising the stop.

In September 2016, Council (OCM – 35/09/16) resolved that the Town of Bassendean immediately write/contact the PTA regarding the removal of the bus shelter in front of the Hyde Retirement Village, requesting that the bus shelter be reinstated and made fully compliant for Disability Standards. If, after these contacts, the PTA will not reinstate the bus shelter, then the Town of Bassendean fund and rebuild the bus shelter, given its importance in the Town Centre, to the residents of the Hyde Retirement Village and the adjacent businesses.

STRATEGIC IMPLICATIONS

Improve Capability and Capacity

Objectives: Review and Implement Asset Management Plans

Strategies: The Asset Management Plans for all classifications of assets are reviewed each year to ensure that assets are maintained to an agreed services level in a whole of life approach.

COMMENT

Officers of the Town contacted the PTA regarding this issue and were advised it is the responsibility of the Town to construct any new bus shelters that were required within the Town. The PTA also mentioned that the Town approved the removal of the bus shelters in 2014 (OCM – 12/05/14) and the PTA had completed its budget for this project on the information received at that time.

One of the reasons the bus shelter was removed, apart from the lack of patronage, was that the original bus stop did not comply with Disability Standards for Accessible Public Transport (DSAPT) as it was too close to the road and the footpath to allow wheelchair access. The upgrade of the bus shelter to Disability Standards for Accessible Public Transport Standards also did not allow for a normal size bus shelter to be constructed.

The Disability Discrimination Act 1992 (the 'DDA') seeks to eliminate discrimination, 'as far as possible', against people with disability. Public transport is a service covered by the DDA. In 2002 the Disability Standards for Accessible Public Transport (the 'DSAPT') were issued to assist public transport operators and providers to meet their obligations under the DDA. The DDA makes it unlawful for any person to contravene a Disability Standard (including the DSAPT)

Any bus stop constructed after 15 August 2002 is required to comply with the DSAPT. In addition, Schedule 1 of the DSAPT sets down the following timeline by which all existing bus stops are required to comply with the DSAPT:

Officers have sought an alternate option to place a smaller bus shelter, which could be constructed to fit the specifications of this area, and meet PTA Disability Standards for Accessible Public Transport Standards. The cost to construct and install this approved bus shelter is estimated to be \$18,000.

It should be noted that should Council resolve to construct a new bus shelter at this site, when patronage numbers are well below the 10 passenger threshold per day, that potentially a precedent will have been established and residents may request other bus shelters be provided, which will have an impact on the capital and maintenance budget.

In November 2016, the Manager Asset Services met with the residents of the Hyde Retirement Village to inform them of the reasons the bus shelter was removed and to seek their feedback.

During the meeting it was evident that the majority of residents of the village only wanted a seat to be located at the bus stop and the seat was not only for those residents to sit and wait for the bus but to have somewhere to sit during their daily exercise walk or their returning walk from the shops.

Within two weeks of this meeting, a seat was placed on HRV land directly behind the bus stop to allow HRV residents to have somewhere to relax during their daily walks and for residents to wait for the bus to arrive. Since the installation of the seat, officers have received a number of calls and emails thanking them for the new seat.

FINANCIAL CONSIDERATIONS

The cost of the seat and installation (\$800) came from the 2016-17 Hyde Retirement Village Maintenance Budget.

OFFICER RECOMMENDATION — ITEM 10.8

That Council:

1. Receives the officer's report in response to Cr Pule's Notice of Motion regarding the removal of a bus shelter in front of the Hyde Retirement Village; and
2. Notes a new seat has been installed in James Street, Bassendean, as a result of the November 2016 consultation meeting with the residence of the Hyde Retirement Village.

Voting requirements: Simple Majority

10.9 Town of Bassendean Glyphosate Usage for Weed Management (Ref: PARE/MAINT/3 - Jeremy Walker, Senior Environmental Officer and Simon Stewert-Dawkins Director Operational Services)

APPLICATION

The purpose of this report is to provide information regarding the Australian Pesticides and Veterinary Medical Authority advise concerning Glyphosate and to provide a follow up report after the December 2016 Councillor Workshop (OCM-09/11/16 and OCM – 10/11/16) concerning the suspension of glyphosate on hard surfaces and potential weed management alternatives.

ATTACHMENTS

Attachment No. 9:

- APVMA “Regulatory position: consideration of the evidence for a formal reconsideration of Glyphosate”.
- Councillor Workshop 7 December 2016 – extract of agenda item.

BACKGROUND

In November 2016, Council (OCM – 9/11/16) deferred consideration the following Officer Recommendation from item 10.5 RFT CO 061 2016-17 - Chemical Free (Steam) Weed Management in order to conduct a Councillor Workshop:

“

1. *Reconsiders its position with respect to the suspension of Glyphosate on hard surfaces given the 30th September 2016 Australian Pesticides and Veterinary Medical Authority (‘APVMA’) advice that “The APVMA has completed its assessment of the IARC report and other recent assessments of glyphosate and has concluded that glyphosate does not pose a cancer risk to humans;*

And, subject to Council considering item 1 and wishing to reinstate glyphosate use on hard surfaces -

2. *Rescinds Council (OCM–12/04/16) resolution to suspend the use of glyphosate on hard surfaces in the urban environment and initiates the use of registered glyphosate products in accordance with the legislative requirements and best management practices in order to control weeds; and*

3. *Requests a further report on the estimated cost to implement a wipe-on glyphosate applicator trial to selected streets to the target weeds growing within the expansion joints of concrete footpaths, road kerbs, road islands and paved pedestrian areas.”*

Also in November 2016, Council (OCM – 10/11/16) deferred consideration of item 10.6 Town of Bassendean Glyphosate Usage for Weed Management report and the following Officer Recommendation:

- “1. *Receives the Glyphosate Usage for Weed Management report;*
2. *Notes the 30 September 2016 Australian Pesticides and Veterinary Medical Authority (‘APVMA’) statement, being:*

“The APVMA has completed its assessment of the IARC report and other recent assessments of glyphosate and has concluded that glyphosate does not pose a cancer risk to humans”;
3. *Notes the November 2016 Ordinary Council Meeting agenda item RFT CO 061 2016-17 Chemical Free (Steam) Weed Management for the Town of Bassendean and the respective financial implications; and*
4. *Continues use of glyphosate in accordance with the legislative requirements and best management practices in order to control weeds.”*

At the 7 December 2016, a Councillors’ Workshop, a demonstration was held adjacent to Bassendean Oval to demonstrate the East Metropolitan Regional Council’s steam machine and to evaluate the time required to treat individual weeds.

The Councillors’ Workshop continued back in the Councillor Chambers where Elected Members discussed the advantages and disadvantages of different weed management techniques. Further discussion took part concerning the winter and summer weed management requirements, the preliminary estimates for traffic management, the preliminary estimates per kilometre for a trial to wet wipe glyphosate on the weeds, preliminary estimates per kilometre rate to cut off the weeds to tidy up the streets.

STRATEGIC IMPLICATIONS

Environmental Sustainability and Adaptation to Climate Change

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

Strategies: Weed Management is undertaken in accordance with Council's adopted Weed Management Plan, the Biodiversity Plan and the best practice guide recommended by the Environmental Weeds Action Network.

COMMENT

As Council is aware from previous reports, the Australian Pesticides and Veterinary Medicines Authority (APVMA) is an independent statutory authority with responsibility for the regulation and administers the National Registration Scheme for Agricultural and Veterinary Chemicals in Australia. Its statutory powers are provided in the *Agricultural and Veterinary Chemicals Code Act 1994*.

The APVMA administers the National Registration Scheme for Agricultural and Veterinary Chemicals. The Scheme registers and regulates the manufacture and supply of ALL pesticides and veterinary medicines used in Australia, up to the point of whole sale.

The APVMA has advised that:

"Glyphosate is a broad-spectrum herbicide which works by inhibiting an enzyme found in plants. There are around 500 products containing glyphosate registered for use in Australia. Glyphosate has been registered for use for over 40 years.

All glyphosate products registered for use in Australia have been through a robust chemical risk assessment process; and are safe to use, provided they are used as per the label instructions.

As Australia's agvet (Agricultural and Veterinary Chemicals Code Act 1994) chemical regulator, it is the role of the APVMA to consider all relevant scientific material when determining the likely impacts on human health and worker safety—including long and short term exposure to users and residues in food before registering a product.

It is the role of regulators to determine whether products used according to label instructions could result in a level of exposure that poses an unacceptable risk to people.

Consistent with regulators in other countries, the APVMA uses a risk-based, weight-of-evidence assessment, which considers the full range of risks—including studies of cancer risks—and how human exposure can be minimised through instructions for use and safety directions."

On 20 March 2015 the International Agency for Research on Cancer (IARC) classified Glyphosate as 'probably carcinogenic' to human, this prompted members of World Health Organisation (WHO) and Food and Agriculture Organisation of United Nations (FAO) to meet and reassess WHO recommendation on the use of Glyphosate.

In September 2016, the APVMA published the attached report titled "Regulatory position: consideration of the evidence for a formal reconsideration of glyphosate". This report was tabled at the November 2016 Ordinary Council Meeting for consideration and is available for the public to view at:

<http://apvma.gov.au/sites/default/files/publication/20701-glyphosate-regulatory-position-report-final.pdf>.

The APVMA report advises that:

The JMPR (Joint Meeting on Pesticide Residue) EFSA (European Food Safety Authority), ECHA (European Chemical Authority) and Health Canada assessments of glyphosate all evaluate the publicly available data that was considered in the IARC monograph, as well as other published and unpublished data not available to IARC. In addition, the NZ EPA (New Zealand Environmental Protection Authority) assessed the publicly available data contained in the IARC monograph and assessment by JMPR and EFSA.

Page 62 of the APVMA report states:

“6. Proposed Regulatory Position

On the basis of the evaluation of scientific information and assessments, the APVMA concludes that the scientific weight –of evidence indicates that:

Exposure to glyphosate does not pose a carcinogenic risk to humans.

There is no scientific basis for revising the APVMA’s satisfaction that glyphosate or products containing glyphosate:

- Would not be an undue hazard to the safety of people exposed to it during its handling or people using anything containing its residues*
- Would not be likely to have an effect that is harmful to human being*
- Would not be likely to have an unintended effect that is harmful to animals, plants or things or to the environment*
- Would not be effective according to criteria determined by the APVMA by legislative instrument, and would not unduly prejudice trade or commerce between Australia and places outside Australia.*

There are no scientific grounds for placing glyphosate and products containing glyphosate under formal consideration.

The APVMA will continue to maintain a close focus on any new assessment reports or studies that indicate that any of the above conclusions may need revising.”

The APVMA released the following statement on 30 September 2016 concerning an assessment of the International Agency for Research on Cancer (IARC):

“The APVMA has completed its assessment of the IARC report and other recent assessments of glyphosate and has concluded that glyphosate does not pose a cancer risk to humans”.

It is understood that there will be those who will dispute the APVMA’s assessment, however, this Australian Government agency is the regulatory authority that State and Local Government agencies refer to and obtain advice from, on what is legally and safely able to be applied in accordance with the manufacturers’ instructions.

The Council (OCM 12/04/16) resolution to suspend the use of glyphosate on hard surfaces was subject to a midyear 2016 review on the carcinogenicity of glyphosate.

Considering the APVMA assessment of the World Health Organisations (WHO) and the International Agency for Research on Cancer (IARC) report and the other recent assessments of Glyphosate that have concluded, that Glyphosate does not pose a cancer risk to humans, and given the cost and effectiveness associated with alternative weed control techniques, Council may wish to rescind the suspension of Glyphosate on hard surfaces.

Weed Management

Prior to the Council resolution to suspend the use of Glyphosate herbicides on hard surfaces, the Town managed invasive or emerging weeds using Glyphosate biactive in the following area:

- Verges – footpath edges and expansion joints;
- Road - between asphalt and kerb lines, road islands; and
- Public Open Space – spot spraying on hard surfaces.

In accordance with Council (OCM – 9/11/16 and OCM – 10/11/16) resolutions, a Councillor workshop was conducted in December 2016 (see attached extract of workshop agenda) to provide information on the following non-chemical weed management techniques:

- Flaming weeds;
- Hot water- Steaming weeds;
- Electrical weed control;
- Thermal weed control;
- biological weed control;
- Physical control methods such mechanical weeding, whipper snipping, mowing, hand pulling, hand cutting and stripping.

As Council is aware from previous weed management reports, the Town of Bassendean manages 97 kilometres of road reserve (includes new Morley Sub-division) and a significant amount of open space, which includes approximately 200,000 m² (20 Hectares) of natural (bushland) areas and 8,147m² of garden beds.

At the 22 November 2016, Ordinary Council Meeting, it was suggested that a further report be provided on the estimated cost to implement a wipe-on Glyphosate applicator trial to selected streets to the target weeds growing within the expansion joints of concrete footpaths, road kerbs, road islands and paved pedestrian areas. The Town's officers have sought quotes for wicker wiping and manual brush cutting of weeds and the removal of debris.

At the December 2016 Councillors' Workshop, elected members discussed the advantages and disadvantages of different weed management techniques and weeds which had emerged, the growth rate of weeds, winter and summer weed management requirements, preliminary estimates for traffic management, the preliminary estimates to tidy up the streets.

Due to the time that has passed since the last weed control treatment within the Town's footpaths, kerbs and road Islands, weeds have increased exponentially with large summer weeds such as fleabane, lining the streets.

The Town has spoken to weed management contractors to ask if they are aware of any organic products or herbicides that could be substituted for Glyphosate and could manage target weeds growing within the expansion joints of concrete footpaths, road kerbs, road islands and paved pedestrian areas.

The Town's current contractor has advised that while there are organic products available, the APVMA has not registered them to treat weeds growing between paved or hard surfaces, and they were not able to suggest an alternative herbicide to Glyphosate, which is approved by the APVMA.

The weeds which have emerged from the expansion joints of concrete footpaths, road kerbs, road islands and paved pedestrian areas have grown to be unsightly and are now at a point that spraying would leave large debris, adding to the aesthetically displeasing look the Town currently has with weeds.

To resolve the current weed problem, the Town requires the weeds to be mechanically removed using brush cutter and debris swept up and disposed of followed by a Glyphosate spray approximately two weeks later, once the new vegetative growth has emerged.

Treating with an organic based chemical compound or steam treatment will not eradicate the weeds due to the strong root system.

On page 12 of the APVMA “Regulatory position: consideration of the evidence for a formal reconsideration of Glyphosate” report, it states the following:

“Glyphosate is approved for use in Australia to control various annual and perennial broadleaf, grassy and woody weeds, trees and brush and is used in a variety of different situations, such as:

- *croplands for the control of emerged weeds prior to crop and fallow establishment, minimum tillage farming, direct drilling into seedbed, for pre-harvest desiccation*
- *non-cultivated land (eg industrial, commercial, domestic and public service areas) and rights of way*
- *forests, orchards, vines and plantations*
- *home garden use on rockeries, garden beds, driveways, fence lines, firebreaks, around buildings and prior to planting new lawns and gardens*
- *aquatic areas (restricted to dry drains and channels, dry margins or dams, lakes and streams)*
- *aquatic weed control and control of weeds on margins of dams, lakes and streams or in channels, drains or irrigation (selected products only).*

Glyphosate is applied by ground boom, knapsack/handgun, gas/splatter gun, wiper equipment, controlled droplet application equipment, aerial spraying, aerosol spray, ready to use spray bottle and ready to use gel dispenser.”

The Town’s current weed management schedule requires two sprays per year depending on seasonal requirements.

Due to an extended period of no treatment, the weed seed bank has increased and weed regeneration will be higher than previous years and more treatments to control the weeds may be required. The table below compares the average costs per linear kilometre for alternate weed management techniques.

Weed treatment Technique	Cost \$ Ex Gst (per linear km)	Est Cost \$ (200 Linear Km of treatment)	Treatments required (estimate)	Cost \$
Wicker wiping	105	\$21,000	4	\$ 84,000
steam weeding	250	\$50,000	5	\$250,000
Glyphosate spray treatment	24	\$4,800	2*	\$ 9,600

(Due to an extended period of no weed management treatments, additional treatments will be required,)*

As can be seen in the above table, the wicker wiping technique is costly and time consuming, similar to steam weeding. The Town manages approximately 97 kilometre of road, but when treating kerb lines on both sides of the road, roundabouts and road islands, this equates to approximately 200 linear kilometres of road infrastructure that is required to be weed managed.

Due to the size of weeds, which are very visible throughout the Town, the Town will initially be required to undertake brush cutting and remove any debris prior to further weed treatment.

The weeds will then be allowed to regrow and in approximately 2 - 3 weeks after brush cutting, the weeds will be suitable for a further chemical eradication treatment. Officers have sought quotes to undertake this work and the cheapest quote received is \$25,000:

It should be noted that should Council rescind the suspension of Glyphosate on hard surfaces, that the Town of Bassendean applies pesticides in accordance with manufacturer's guidelines, Material Safety Data Sheets, Water and Rivers Commission of Western Australia, Water Notes (WN22 April 2001) and in addition, complies with the Town's Pesticide Operational Policy and Guidelines.

As advised in previous reports, the Town manages the weeds using both non-chemical and chemical (herbicide) techniques.

The non-chemical weed management techniques currently undertaken with the staff resources and contractors within the allocated budgets for the Town's streetscapes, parks, gardens, natural areas; include mechanical weeding, whipper snipping, mowing, hand pulling, hand cutting and stripping.

For natural areas, the Town refers to the Council (OCM2-9/5/10) endorsed Bushland Weed Management Plan to ensure that bush reserves are maintained and restored appropriately. The Town also refers to a manual titled "Bushland Weeds – A practical guide to the management with case studies from the Swan Coastal Plain and beyond". This manual is the culmination of a five-year project that had been supported by the Environmental Weed Action Network, with input from the Department of Conservation and Land Management and numerous bush land weed and bush care specialists.

Both the Bushland Weed Management Plan and the “Bushland Weeds – A practical Guide” manual identify weeds that can be removed using non-chemical methods, however, the majority of weeds that have been mapped in our bush area do require herbicide treatment to ensure their removal.

In accordance to the above, where the weed treatment has been identified for natural areas, the general approach for weed management is as follows:

- Development of base line weed maps that will indicate the target weed species and allow for strategic planning of control and follow up work;
- Isolated woody weeds/climbers and small weeds infestations be removed, preferably before the year’s seed crop has ripened;
- Large infestations where the endemic (native) over storey has been gradually replaced are to be progressively treated over several years. It is essential to have consistent follow up treatments which provide the greatest chance of eradicating the weed. The few survivors or missed plants will quickly re-establish the infestation if left.

It should be noted that the Bushland Weed Management Plan has provided to the Town the base line weed maps and the weed management strategies that the Town is currently implementing.

Should a weed be identified to be physically controlled – without herbicides, the Town currently ensures that there is minimal to no soil disturbance and vegetation trampling does not occur. The reason is that damage of this nature creates openings for further weed infestations.

Best Bushland Management Practices state that hand weeding is a tool that should be carefully implemented and in conjunction with chemical weed control in order to achieve an integrated process to control weeds and allow natural bushland regeneration.

From a bush management perspective, it is essential that the Town continues using the best weed management practices.

In April 2016, a report was presented to Council concerning weed management and the opportunity to trial steam treatments at Broadway Reserve and Success Hill Reserve.

Since the report, the Town has been trialling the EMRC steam weed machine at Broadway Reserve and has engaged a contractor "Cape Life" to undertake a trial at Success Hill Reserve.

A steam trial is currently being undertaken at Broadway Reserve, however the results thus far have shown that steam machine weeding is not a viable substitute for chemical weed control, due to the time and resources required to complete two separate treatments. After the two treatments, many of the weeds were not killed and as a result, Officers arranged one Glyphosate treatment to effectively eradicate a higher percentage of the weeds.

In regards to the Success Hill Reserve steam control trials, the Town engaged a 'Cape Life' contractor as they specialise in bushland weed control using steam. Cape Life prepared a schedule for the Town based on their expertise and inspection of the site with a main focus on Veldt grass. Cape Life proposed 5 treatments over 1 financial year with 3 days per treatment.

The trial has shown some benefits, however, it should be noted that prior to steam treatments, the weeds had to be manually brush cut to reduce the vegetative matter and then the remaining weeds steam treated. This method is highly labour intensive, there is a significant increase in pedestrian movement in a fragile bush environment and the Town has found that the steam was not eradicating the Veldt grass, it has just hindered its growth.

Therefore, the preliminary feedback from both trials is that the allocated weed steam treatment is a slow process and significantly less effective in the eradication of weeds than Glyphosate.

The Town's Officers have been proactive in their pursuit to find an alternative to Glyphosate for broad spectrum weed control. Over the last 3 years, trials have been conducted at Success Hill Reserve using the following:

- Pelargonic Acid - derived from oil of pelargoniums;
- Pine Oil treatment; and
- Steam Treatments.

Unfortunately, all of weed management trials using these products have been unsuccessful in the eradication or effective management of weeds.

In regards to chemical (herbicide) techniques to manage invasive or emerging weeds, the Town applies the herbicide “Blyphosate bi-active” which is approved by the APVMA for use, as this herbicide is absorbed or translocated by the weed vegetative growth to the roots and becomes is activated when in contact with soil.

The East Metropolitan Regional Council (EMRC), on behalf of member Councils, including the Town of Bassendean, submitted a “Green Army” grant application and the Town was successful in obtaining funding to support local ‘Friends Groups’ of the Town to undertake hand weeding. However, in recent years, hand weeding alone has proved not to be a viable solution to control natural area weeds.

In addition, the EMRC in partnership with the Shire of Mundaring, is currently conducting a trial in clay soils to monitor the effect of steam, pine oil, pelargonic acid and also acetic acid/salt treatments. These treatments are being applied to a range of different weeds within a bushland reserve.

Preliminary results are similar to the Town’s being that soft green leafy weeds brown or burn off and wither if the entire weed is fully treated, but weeds with strong root system appear at this stage to brown off and recover.

The EMRC has advised that the funding and scope of its current project, does not provide for soil samples or for testing of water bodies adjacent to treatment areas, to determine if there is any cumulative effect from the products used in the trial, and the report will not have data pertaining to hard surfaces.

In regards to external agencies’ use of Glyphosate, Main Roads Western Australia released the following statement on Tuesday 11 October 2016:

“Main Roads uses Glyphosate in accordance with the APVMA guidelines as an important part of an integrated approach to weed control that also includes other approved herbicides, mowing, mulching, revegetation and the prevention of weed spread by vehicles and equipment”.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations 2007
Health (Pesticides) Regulations 1956
Agricultural and Veterinary Chemicals Code Act 1994.

Agriculture and Related Resources Protection Act 1976 -
Control of declared noxious weeds

The Australian Pesticides and Veterinary Medicines Authority is responsible for assessment, product registration, quality assurance and compliance of agricultural chemicals.

FINANCIAL CONSIDERATIONS

Prior to the OCM-12/04/16 resolution, which suspended the use of Glyphosate on hard surfaces, such as the treatment of expansion joints and edges of all footpaths, road kerbs lines, expansion joints of road islands etc, the following expenditure occurred:

2013/2014	\$ 9,553 *
2014/2015	\$10,671 *
2015/2016	\$10,608 *

**Note that the above historical expenditure figures have been extracted from the Town's financial system, which includes Glyphosate treatment to Right of Ways and Public Access Ways. An estimated \$2,420 can be subtracted to estimate the hard paved areas only.*

The 2016/2017 Budget allocated \$130,000 for steam weed treatment on hard surfaces, however, the tenders submitted for undertaking this work were approximately 93% higher than the funds available and exceed the allocated budget.

The estimated costs associated with cleaning up the existing weeds and returning back to the use of Glyphosate will be as follows:

Weed Management	Estimated Cost \$ Ex GST
Brush cut and remove debris 1 treatment only	25,000
Treat with Glyphosate \$24/km as per RFQCO 275 x 200 lineal km x 2 treatments	9,600
Annual costs will be determined on weed germination and therefore number of treatments required. At this stage 2 additional Glyphosate treatments. Depends on weed germination.	9,600*
Total estimated funds - required 30 th June 2017	44,200 say \$45,000

Council can resolve to amend the Steam Weed Treatment Account No. 12115030, to permit the funds to be used for Weed Management to clean up the weeds which have grown in the paving expansion joints, edges of all footpaths, road kerbs lines, expansion joints of road islands etc throughout the Town.

As Council is aware, the Glyphosate suspension related only to hard surfaces and therefore, the Town continues to use Glyphosate bioactive herbicide in natural areas and where necessary, public open space.

The following table is a cost comparison to swap Glyphosate with steam within the Town. Please note that the comparison is a like for like treatment and generally steam treatments are required more frequently so the cost will be higher to achieve a desired weed control outcome:

Location	Area ha	Frequency per calendar year	Glyphosate Est \$	Steam Est \$
Jubilee Reserve	1.75	4 treatments	\$2,708	\$5,760**
Pickering Park	0.73	4 treatments	\$1,360	\$5,760**
Sandy Beach	0.21	4 treatments	\$535	\$5,760**
Ashfield Pde	1.56	4 treatments	\$1,945	\$5,760**
Ashfield North Foreshore	0.1419	4 treatments	\$445	\$5,760**
Success Hill dry land	3.15	Current Trial consists of 5 treatments (each treatment takes 3 days) and there is still an abundance of weeds		\$21,600 *
Success Hill foreshore	1.59	4 treatments - access with steam difficult and as per dryland area treatment will not achieve desired results	\$795	\$5,760 **
Bindaring - South	6.53	7 treatments of which 2 are wicker wiping	\$5,078.50	\$10,080 *
Broadway Reserve	3.05	Current trial consists of 7 treatments (each treatment takes 3 days) This is using EMRC machine and labour hire. Steam has not been successful 2 Glyphosate treatments have been required to keep weeds controlled.		\$9,585 *
Surrey Street	0.05	5 treatments	\$450	\$7,200**
Ashfield Flats - locations	0.08	7 treatments	\$600	\$10,080**
Guildford Road median	1.4km	12 treatments	\$5,340	\$17,280**
Estimated Total			\$19,257	\$110,385.

Note:

*

Steam treatment estimate calculated from work undertaken on site.

**

Steam treatment calculated using estimated day rate and subject to formal quote to refine costs.

The difference between the estimated costs for using Glyphosate and steam treatments for the above sites, is \$91,101 or approximately a 473% increase in predicted expenditure.

It is understood that there will be those who will dispute the APVMA's assessment, however, this Australian Government agency is the regulatory authority that State and Local Government agencies refer to and obtain advice from, on what is legally and safely able to be applied in accordance with the manufacturers' instructions.

Therefore, considering the 30 September 2016 APVMA advice and the Council (OCM 12/04/16) resolution to suspend the use of Glyphosate on hard surfaces was subject to a mid year 2016 review, Council may wish to rescind the suspension of Glyphosate on hard surfaces and resolve to re-initiate the use of Glyphosate in accordance with the legislative requirements and best management practices in order to control weeds.

OFFICER RECOMMENDATION – ITEM 10.9

That Council:

1. Notes the Australian Pesticides and Veterinary Medicines Authority (APVMA) report attached to the January 2017 Ordinary Council Meeting Agenda of 31 January 2017, and that the APVMA has completed its assessment of the IARC report and other recent assessments of Glyphosate and has concluded that Glyphosate does not pose a cancer risk to humans;
2. Notes that the Town is currently applying Glyphosate in natural areas and public open space in accordance with legislative requirements and best management practices in order to control weeds;
3. Rescinds Council resolution OCM – 12/04/16, Part 3 which reads:

“Suspends the use of Glyphosate on hard surfaces in the urban environment”;

4. Initiates the use of the Australian Pesticides and Veterinary Medicines Authority (APVMA) registered Glyphosate products to weeds which emerge and grow over footpath edges, within expansion joints, between asphalt and kerb lines and road islands, in accordance with legislative requirements and best management practices in order to control weeds;
5. Amends Account No. 12115030 - "Steam Weeding of Roads" to "Weed Treatment within Road Reserve" and initiates the clean-up of up the weeds which have grown in the paving expansion joints, edges of all footpaths, road kerbs lines, expansion joints of road islands throughout the Town;
6. Amends Account No. 12115030 from \$130,000 to \$45,000 and the balance of \$85,000 be considered as part of the February 2017 Budget review.

Voting Requirement:

Point 1, ,2, and 4 – Simple majority
Points 3, 5 and 6 - Absolute majority

10.10 Street Tree – 1 Prowse Street, Bassendean (Ref: A4332, COUP/MAINT/1 – Simon Stewert-Dawkins Director Operational Services)

APPLICATION

The purpose of this report is to present Council with the results of an arborist report commissioned for the street tree on the verge abutting 1 Prowse Street, Bassendean.

ATTACHMENTS

Attachment No. 10:

- Bowden Tree Consultancy report 2017;
- Street Tree Pruning, Removal and Replacement Policy

Confidential Attachment No. 1

- Email from resident of 1 Prowse Street – Confidential Item

BACKGROUND

In the past, the resident from 1 Prowse Street has contacted the Town expressing concerns about the street tree on the verge abutting their property and requesting removal.

The Town's Parks and Gardens Supervisor has inspected the subject tree on a regular basis and over seven years, three arborist reports have been obtained and where deemed necessary remedial pruning undertaken.

In September 2010 (OCM1-8/09/10) MOVED Cr Pule, Seconded Cr Benz, resolved that Council:

1. *Receives the Arboricultural Report, as attached to the Agenda for the OCM dated 14 September 2010, for the street tree located on the verge abutting 1 Prowse Street, Bassendean;*
2. *Takes no further action in relation to the tree at this stage on the basis that it is attractive, extremely healthy, and in the opinion of a qualified arboricultural consultant, does not represent an unacceptable hazard; and*
3. *Notes that the Town will write to the residents advising them of Council's decision, and provide them with a copy of the arboricultural report.*

CARRIED UNANIMOUSLY 9/0

In accordance with the Council resolution, the Town informed the resident of the Council decision and provided a copy of the arborist report.

In December 2014 (OCM – 7/12/14) MOVED Cr Lewis, Seconded Cr Brinkworth, resolved that Council:

1. *Receives the Bowden Tree Consultancy Report for the street tree adjacent to 1 Prowse Street, Bassendean, as attached to the Ordinary Council Agenda of 16 December 2014;*
2. *Does not remove the street tree adjacent to 1 Prowse Street, Bassendean on the basis of:*
 - a) *the independent reports provided in 2010 by Arborcare Arboricultural Consultancy and in 2014 by Bowden Tree Consultancy; and*
 - b) *the set criteria for street tree removal not being satisfied in accordance to Street Tree Pruning, Removal and Replacement Policy.*
3. *Notes that the street tree adjacent to 1 Prowse Street, Bassendean provides many community benefits, including shade, streetscape aesthetics, mitigation of urban heat island, air quality improvement, carbon uptake and storage, minimisation of stormwater run-off and fauna habitat, all of which enhance our built and natural environment; and*
4. *Notes that the Town will write to the resident advising them of Council's decision, and provide a copy of the 2014 arborist report.*

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-3/12/14 6/0

The resident was subsequent advised of the Council decision and provided a copy of the 2014 arborist report.

The Parks Supervisor has continued to monitor the street tree adjacent to 1 Prowse Street, in accordance with the 2010 and 2014 arborist report, and when required, has undertaken remedial pruning.

On 20 September 2016, the resident of 1 Prowse Street sent an email to the Mayor and the Town's Records Department requesting that the tree be removed. Please note this email correspondence has been provided under confidential cover as it includes the resident's name and email address.

The Town's Manager Asset Services arranged for the Parks Supervisor to inspect the tree, remove the branch and arrange for minor remedial tree pruning.

The Director Operational Services wrote to the resident of 1 Prowse on the 22 December 2016 to advise that as a result of the branch drop, that a report would be presented to the January 2017 Ordinary Council Meeting for consideration and that the resident was welcome to attend.

STRATEGIC IMPLICATIONS

Town Planning and Build Environment

Objectives: 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.

Council's Street Tree Pruning, Removal and Replacement Policy.

STATUTORY REQUIREMENTS

Local Government Act 1995

COMMENT

The main concern raised by the resident of 1 Prowse Street has been the propensity for this street tree to drop branches, and is requesting the tree be removed and replaced.

Council's Amenity Tree Evaluation Policy outlines in part, that the Revised Burnley Method has been adopted to assist the Town reach a determination on whether the tree/s will be subject to repair, replacement or non-replacement.

The Town's Arborist has used the Revised Burnley Method to value the amenity of the street tree adjacent to 1 Prowse Street, which is as follows:

Amenity tree value: \$102,917

The entire Arborist report is attached to this agenda to enable Elected Members to fully understand the Arborist's written assessment.

RISK ASSESSMENT

Part of the arborist report outlines the Tree Risk Assessment and specific actions that can be undertaken to manage or reduce the risk rating from moderate to low. This section of the arborist report is provided below:

2.13 Tree Risk Assessment

Tree risk assessment was undertaken using the International Society of Arboriculture Tree Risk Assessment (TRAQ) method, which derives an estimate of risk following consideration of targets, the likelihood of failure, the likelihood of that failure impacting a target, and the consequences of the failure. The risk process defines risk rating categories and uses a risk matrix to rate the level of risk based on likelihood and consequence ratings. A summary of the risk assessment is provided below:

- 1. Risk rating for the first order structural branch extending southwest and overhanging the residential property*

*Likelihood of Failure: Possible
Likelihood of Impacting a Target: High
Result: Somewhat Likely*

*Likelihood of Failure and Impact: Somewhat Likely
Consequence of the Tree Failure: Significant
Risk Rating: Moderate*

- 2. Residual risk rating for the first order structural branch extending southwest following reduction pruning to reduce branch length and weight*

*Likelihood of Failure: Improbable
Likelihood of Impacting a Target: High
Result: Unlikely*

*Likelihood of Failure and Impact: Unlikely
Consequence of the Tree Failure: Significant
Risk Rating: Low*

3.4 Tree Risk

Tree failure is an infrequent occurrence and serious damage, injury or death from tree failure is rare (Lilly et al, 2011). Research finds that for Britain, with a population of 60 million people, the risk of any tree causing a fatality is exceedingly small (Ball & Ball-King, 2011). It is impossible to maintain trees completely free of risk and some level of risk must be accepted to experience the benefits that trees provide. The use of 'safe' or 'unsafe' when assessing trees is both imprecise and ambiguous, as a tree cannot be free from defects or potential hazards - such a state is simply unattainable. It is essential to maintain a balance between the benefits and costs of risk reduction, not only financial cost but also the loss of amenity and other tree related benefits.

3.8 Recommendations

- 3.9 Undertake dead wooding to remove the broken and lodged branch within the middle crown on the northwest side of the tree.*
- 3.10 Consider reduction pruning by 3-4m to reduce (shorten) the length of the first order structural branch extending southwest over the residential property –see figure 6, to alleviate branch end weight and loading, and to mitigate the potential for future branch failure. N.B. Reduction pruning should occur back to lateral branches that are least one-third the diameter of the branch being reduced and should the branch/ tree looking as natural as possible.*
- 3.11 Consider reduction pruning by 2-3m to reduce (shorten) the length of the first order branch within the middle crown extending west over the crossover – see figure 7, to alleviate branch end weight and loading and to mitigate the potential for future branch failure. N.B. Reduction pruning should occur back to lateral branches that are least one-third the diameter of the branch being reduced and should the branch/ tree looking as natural as possible.*
- 3.12 Consider reduction pruning by 2-3m to reduce (shorten) the length of the first order branches extending northeast over the road – see figure 8, to alleviate branch end weight and loading and to mitigate the potential for future branch failure. N.B. Reduction pruning should occur back to lateral branches that are least one-third the diameter of the branch being reduced and should the branch/ tree looking as natural as possible.*

Please note that the Arborist's Report recommends removal of some dead wood and reduction pruning to three specific areas to be undertaken to alleviate branch end weight and loading, and to mitigate the potential for future branch failure.

Council's Street Tree Pruning, Removal and Replacement Policy outlines the criteria for Street Tree Removal, being:

Street Tree Removal Criteria

The removal of street trees shall only be approved if one or more of the following criteria are satisfied:

The tree has been assessed by a qualified and competent person (consulting Arborist or suitably qualified/experienced Council Officer) as:

- Being dead having less than 10% photosynthetic material or live tissue present in the canopy mass.*
- Being diseased and unlikely to respond to treatment within the scope of approved modern arboricultural management practices.*
- Being structurally unsound to the extent it presents a danger to the community. In this case a written report and photographic evidence is to be provided in support of the assessment.*
- Having sustained storm damage whereby remedial pruning is likely to encourage future tree related structural issues to occur that have the potential to result in litigation.*

The tree is affected by road widening, servicing modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the Town to be inappropriate or uneconomical.

The tree is dangerously in contact with overhead power or service lines and where, for reasons of growth habits pertaining to the species, selective pruning is not practical with the only other option available to address the issue is severe lopping.

The tree for removal is part of a documented schedule for removal tree management strategy in place for the future management of the Town's tree population.

The tree is deemed hazardous to motorists and/or pedestrians due to interference with appropriate sightlines as a result of the trees alignment and/or spacing.

The tree impinges on the development potential of the abutting property or properties and there are no reasonable design alternatives available. A reasonable design alternative may include:

- Deletion of a second or additional crossover to development sites thus creating a requirement for shared access.*
- Design modification (ie. "flipping") so as to relocate the crossover out of the way of street trees.*
- The tapering of the driveway to avoid the street tree. Note: driveways and/or crossovers should be located a minimum of 1.0 metre away from the street tree(s). Reduction of this to 0.5 metre may be permitted with consideration to appropriate sight lines being maintained, and the ability to avoid future damage to the crossover through the installation of root barrier.*

The tree species is declared a noxious weed or the species has become a weed problem for native vegetation in the eastern metropolitan region, including invasion of remnant vegetation on private land.

The removal of street trees shall not be permitted for any of the following reasons:

- *The tree obscures or has the potential to obscure views other than traffic/pedestrians line of sight.*
- *The tree species is disliked.*
- *The tree species causes nuisance by way of leaf, fruit, and/or bark shedding or the like.*
- *The tree causes allergy and or health problems.*
- *The tree is in the way of a non-essential crossover or verge paving option.*
- *The tree shades a private garden, solar hot water systems, or the like.*

In the event of a person illegally removing damaging, pruning or poisoning a street tree, Council may prosecute the offender under the Local Government Act 1995 Schedule 9.1 clause 2 Disturbing local government land or anything on it and the Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 Interfering with, or taking from, local government land or other relevant provisions under the Act.

Considering the above policy criteria for removal of the street tree has not been achieved, and the Arborist's information provided, only Council can make a determination for removal.

Given the Arborist Report attached has identified specific actions that the Town can take to reduce the risk rating from moderate to low, the tree has been assessed as being structurally sound in accordance with Street Tree Pruning, Removal and Replacement Policy, and that the tree has significant environmental and amenity benefits, it is not recommended that the tree be removed

FINANCIAL CONSIDERATIONS

The attached arborist report cost \$360 plus GST and charged to the Street Tree operating budget.

The Arborist's Report recommends specific dead wood and reduction pruning work to be undertaken to alleviate branch end weight and loading, and to mitigate the potential for future branch failure.

The cost for the recommended pruning work can be undertaken and charged to Street Tree operating budget

OFFICER RECOMMENDATION – ITEM 10.10

That Council:

1. Receives the Bowden Tree Consultancy Report for the street tree adjacent to 1 Prowse Street, Bassendean, as attached to the Ordinary Council Agenda of 31 January 2017;
2. Does not remove the street tree adjacent to 1 Prowse Street, Bassendean on the basis of the January 2017 Bowden Tree Consultancy report, and that the tree has been assessed as being structurally sound in accordance with Street Tree Pruning, Removal and Replacement Policy;
3. Implements all of the Bowden Tree Consultancy Report recommendations to undertake dead wooding and reduction pruning work, to alleviate branch end weight and loading and, to mitigate the potential for future branch failure;
4. Notes that the street tree adjacent to 1 Prowse Street, Bassendean provides many community benefits, including shade, streetscape aesthetics, mitigation of urban heat island, air quality improvement, carbon uptake and storage, minimisation of stormwater run-off and fauna habitat, all of which enhance our built and natural environment; and
5. Notes that the Town will write to the resident advising them of Council's decision, and provide a copy of the 2017 Arborist's Report.

Voting requirement: Simple majority

10.11 Notice of Motion – Cr Pule: Differential Rating of Property (Ref: RAT&VAL/ENQS/1 - Mike Costarella, Director Corporate Services)

APPLICATION

The purpose of this report is provide information to Council on the implementation of differential rates where the Town provides additional services to properties of different zonings or land used for a particular purpose or other clauses contained within the Local Government Act and the regulations.

ATTACHMENTS

Attachment No. 11:

- Rating Policy Differential Rating- Department of Local Government and Communities
- Application Form to the Minister for Local Government - Rating Policy – Differential Rates

BACKGROUND

At the November 2016 OCM, Council resolved:

“That a report be brought to Council that outlines the process, for Councils approval, to apply to the Minister for the setting of Differential Rates, of more than twice the General Rates, according to Rating Policy Differential Rates (s.6.33) March 2016.

- a) The location centered around the Proposed Concrete Batching Plant lot 105 (Nos 2-8) Clune Street Bassendean and including the Tonkin Containment Cell (known as the mound) and the Bradken scrap metal location;*
- b) The purpose of the Differential Rates to provide environmental, independent monitoring to safe guard the wider community of Bassendean and especially Ashfield; and*
- c) These safeguard services being especially important in relation to the 2 Core Activity Centres in Bassendean and Ashfield and the Higher Densities projected and already commenced in these Core Activity Centres.”*

The Notice of Motion presented by Cr Pule included the following comments:

COMMENT – CR PULE

1. The setting of Differential Rates has to be inclusive of the Budget setting process and will need to satisfy criteria under the Local Government Act 1995 and Rating Policy Differential Rates (s.6.33).
2. Differential Rates are set for a local area to provide additional services that benefit the Community.
3. Differential Rates require the Minister's approval and must satisfy the mentioned criteria and need to be advertised.
4. This is part of the long term Strategic Plan, to improve the quality of life in Bassendean and safety for the community.

STRATEGIC IMPLICATIONS

Leadership & Governance

Objectives

Improve capability and capacity

Strategies

- *Ensure financial sustainability.*

Outcomes

- *Provide sound financial management processes and budget monitoring to ensure the Town's sustainability in the long term.*

COMMENT

In considering the levying of the differential rate, Council would need to consider the level of service provided to substantiate the additional differential levy that would be more than twice the lowest general rate. Council would also need to consider whether the characteristics of the land (held or use) would be such that the Town would incur additional costs to justify the differential rates.

The Notice of Motion firstly refers to Proposed Concrete Batching Plant lot 105 (No's 2-8) Clune Street, Bassendean, and secondly, two other parcels of land with different characteristics, namely - Tonkin Containment Cell (known as the mound) and the Bradken scrap metal location - this is shown on the attached map (see attachment).

Again, it would also be incumbent on Council to justify the additional services that it provides to each of the properties to warrant a differential rate, and seek the Minister's approval for a differential rate that is more than twice the lowest differential general rate.

Council would also be required to provide information that would substantiate the budget deficiency that occurred and the requirement to levy a differential rate to recover the additional costs associated with the properties.

Section 6.36 of the Local Government Act requires that the rate be advertised and that Council consider submissions prior to the adoption of the budget.

STATUTORY REQUIREMENTS

A local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
- (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, **without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.**
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation¹ is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

6.36 Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a **local government is to give local public notice of its intention to do so.**
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
- (a) **may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and**
- (b) is to contain —
- (i) details of each rate or minimum payment the local government intends to impose; and
- (ii) **an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and**
- (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
- and
- (c) **is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.**
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

FINANCIAL CONSIDERATIONS

The Town currently levies a general rate to all properties of \$0.06551 cents and a minimum rate of \$1,057. The general rates levied for the 2016/17 (excluding minimums of \$1.6million) is \$10,794,641. (as shown on Note 8 of the monthly financial statements and budget). This consists of the following categories of properties:

2016/17	GROSS RENTAL VALUE	RATES LEVIED	NO OF PROPERTIES	AVERAGE VALUE	AVERAGE RATES	RUBBISH	TOTAL AVERAGE RATES AND RUBBISH
RESEIDENTIAL	\$ 112,413,893	\$ 7,364,234	5113	\$ 21,986	\$ 1,440	\$345.00	\$ 1,785
COMMERCIAL	\$ 14,982,399	\$ 981,497	92	\$ 162,852	\$ 10,668	\$345.00	\$ 11,013
INDUSTRIAL	\$ 37,382,220	\$ 2,448,909	231	\$ 161,828	\$ 10,601	\$345.00	\$ 10,946
	\$ 164,778,512	\$ 10,794,641	5436				

Given the amount of average rates per property derived from the Commercial and Industrial zoned properties, it would be difficult to impose a higher differential rate and justify the additional services that the Town would provide.

OFFICER RECOMMENDATION — ITEM 10.11

That Council continues to impose a general rate in the dollar for all rateable properties within the Town of Bassendean.

Voting requirements: Simple Majority

10.12 Local Planning Strategy – Progress Report No. 1 (Ref: LUAP/Bassendean LPS 2017-2030, Anthony Dowling, Director Strategic Planning)

APPLICATION

Council is requested to receive and note the report attached to this agenda, on progress with the review/revision of the 2015 Local Planning Strategy (LPS).

ATTACHMENTS

Attachment No. 12:

- Local Planning Strategy – Progress Report No. 1
- Bassendean Strategic Planning Framework 2016-2019 Indicative Implementation Plan – Year 1 (September 2016 – August 2017)

BACKGROUND

In May 2016, Council adopted a three year Strategic Planning Framework (SPF) in order to establish and provide a greater strategic outlook and focus in respect to planning for the Town's ongoing physical development/redevelopment(OCM – 8/05/16).

This framework is to comprise 4 principal components (planning instruments) as follows:

- Local Planning Strategy;
- Urban Intensification Plans;
- Local Planning Scheme; and
- Design Guidelines.

In September 2016 Council adopted the Bassendean Strategic Planning Framework 2016-2019 Indicative Implementation Plan – Year 1 (Sep 2016 – August 2017) (OCM – 15/09/16).

The implementation plan sets out an indicative staged (and largely sequential) approach in respect to implementing the aforementioned components, with the first year of the plan focusing upon reviewing/revising the 2015 Local Planning Strategy (LPS).

Review/revision of the 2015 LPS is now underway. An outline of progress to date is provided in the attached report.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The principal tasks listed in the *Implementation Plan* under the LPS heading (eg. Review Existing, Consultation, Scope, Resources and Formulation) have all commenced and are progressing but not at the pace originally envisaged.

This is a result of a number of factors as outlined in the attached progress report.

It has also been compounded by the settling-in of the Director, Strategic Planning and establishment of the Strategic Planning Directorate, as well as the Director attending to other matters such as:

- (i) Getting 'up to speed' on the status of various planning-related documents, plans, instruments etc that will inform and provide the context for the review/revision of the 2015 LPS;
- (ii) Dealing with the LandCorp Redevelopment project (as a priority); and
- (iii) Dealing with other strategic planning matters (eg. providing input into and comments upon the Town's land acquisition/disposal proposals; reviewing and preparing submissions on State planning initiatives and proposed policies; and reviewing and preparing submissions on surrounding local governments planning proposals).

In respect to (ii) above, the involvement and input of the Director, Strategic Planning in the LandCorp Redevelopment Project took precedence due to the agreed timetable between LandCorp, Swan Districts, and the Town for the redevelopment concept plans prepared for the Wilson Street site, the BIC Reserve and Bassendean Oval to be presented at the October 2016 Ordinary meeting of the Bassendean Town Council for consideration and endorsement.

As known, the concept plans were presented with Council only supporting the redevelopment concept plan for the Wilson Street generally, as presented. Council did not support redevelopment of the BIC Reserve.

This has resulted in LandCorp reconsidering its position and continuing involvement in the redevelopment project, amidst concerns with the project's viability as a consequence of Council's decisions above.

To this end, LandCorp's role and interest in the project will be more or less held in abeyance until such time as the *2015 LPS* revision is completed.

The recently adopted SPF will need to be altered accordingly to reflect these recent outcomes.

And until the revision of the 2015 LPS is completed, LandCorp is now not in a position to further fund the progression of site planning for the Wilson Street site nor the refinement of the redevelopment concept for Bassendean Oval. This is an exercise that Council will need to undertake and fund separately (or jointly with the Swan Districts Football Club) if it desires to follow through with these actions independently of the 2015 LPS revision.

Having regard to the aforementioned comments, the undertaking of the listed LPS tasks within the initial timeframes shown in the *Implementation Plan* may perhaps have been slightly ambitious.

Nevertheless, the Director, Strategic Planning is still aiming to complete (more or less) the first-year LPS tasks set out within the timeframes outlined in the *Implementation Plan*.

It also ought to be noted that the review/revision of the *2015 LPS* implies the formulation of a new Local Planning Strategy covering the period 2017 - 2030.

This is in line with the WAPC's recommendation that a local planning strategy provide strategic direction for land use planning and development over a period of 10 years or longer (cf WAPC/DoP *Local Planning Manual*, March 2010).

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.12

That Council receives and notes the Local Planning Strategy Progress Report No. 1

Voting requirements: Simple Majority

10.13 Request by Casa Mia Montessori School to Purchase 11 Hamilton Street, Bassendean (Ref: A2137 – Bob Jarvis, CEO and Graeme Haggart, Director Community Development)

APPLICATION

A request has been received for Council to review its position on the timing of selling 11 Hamilton Street to the Casa Mia Montessori Community School Inc.

ATTACHMENTS

Attachment No. 13: Correspondence from Casa Mia Montessori Community School

BACKGROUND

At the July 2016 Ordinary Council Meeting, Council received an Officer Report that advised the Board of the Casa Mia Montessori School had now come to the conclusion that the school should remain in its current location, and requests the Town to facilitate the eventual purchase and expansion of the School in its current location.

Council resolved (OCM – 17/07/16) to grant an extension of the Lease for 11 Hamilton Street, Bassendean for the Casa Mia Montessori School to 31 December 2019 at 75% the gross rental value of the property, and

3. Council informs the school it is prepared to consider the sale of 11 Hamilton Street, if the school purchases 16 Whitfield Street, and grants planning approval of the school and allows the ongoing use of the BIC currently used by the school.

The July 2016 Report articulated that the School Board plans include the purchase of 16 Whitfield Street, 11 Hamilton Street and that portion of the BIC Reserve currently included in the leasehold.

The July 2016 report stated that “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.”

The decision of Council at that time provided a clear position of support for the School plans and a preparedness to make the necessary planning amendments.

On 16 December 2016, the CEO and Director Community Development met with the School Principal and Board Chair. It was put to the Town that the decision to consider selling 11 Hamilton Street following the School gaining title to 16 Whitfield Street meant the School was disadvantaged in terms of applications for capital grants. The sequencing of Capital Grant applications is for applications to be submitted in April 2017 for funding to become available from July 2018.

The School informs that 16 Whitfield Street is currently not on the market but has requested first rights of refusal in the event it goes on to the market.

As stated in the correspondence, the School will be going through re-accreditation in 2018 and demonstrating substantive moves to a permanent site will be influential to a successful outcome.

While it is conceded that without the three properties, it would be difficult for the School to grow to a suitable size, in the attached correspondence it is noted that in acquiring 11 Hamilton Street, the School will be in a position to apply for capital grants to make renovations to the existing facilities to provide for a 4-5 years of growth opportunity on the existing site.

The School has reconfirmed its preparedness to purchase 11 Hamilton Street from the Town at market value.

The School agrees to prepare a Local Development Plan.

STRATEGIC IMPLICATIONS

The land is currently zoned R20 but being within the Town Centre Area Strategy is proposed will be rezoned to Town Centre zoning.

COMMENT

The Town's resolution demonstrates a willingness for the school to remain in its location and for the Town to sell the land to the school. However, the condition that the school purchase 16 Whitfield Street prior to the sale of 11 Hamilton Street is recognition that the school will be unable to develop much beyond its current capacity if the additional land is not available, and the school might seek to relocate. If 11 Hamilton Street has already been sold to the school in these circumstances, the school might well put the property on the market with a higher use coding than that which was in force when it was purchased.

Section 3.58 of the Local Government Act 1995 relates to the disposition of property by local governments. The Act provides exemptions from that section via the Regulations and the exemptions include the sale of property to an Educational institution where the members are not entitled or permitted to receive pecuniary profit from the body's transactions. This includes Casa Mia Montessori Community School Inc.

Options available to Council include reaffirming the current position as resolved in July 2016; agreeing to the dispossession of the property; or some other action.

The existing resolution was based on a logical sequencing of actions. At the time, Council was not privy to knowledge of the requirement for the School to be re-accredited and of the pressures for the School to substantively progress a permanent location, or the Schools timelines for accessing funds.

However, the decision by Council in July 2016 did provide the School with confidence that it can proceed with its plans to remain on site permanently.

The decision also kept open all avenues for the Town with respect to the property.

Should Council resolve to sell 11 Hamilton Street to the School without the pre-conditional acquisition of 16 Whitfield Street, the Town will realise the financial yield at an earlier time than strategically planned, and some protection for the Town's interests might apply if the sale of the land was conditional on the price being at market value for its current highest and best use. Council would, however, need to rescind its July 2016 resolution part (3) to do so.

The sale could remain conditional on the School being successful in acquiring the funding. Such conditional agreement would add support to the application to be submitted in April 2017: Noting the earliest the funds would be available, and therefore the sale can proceed, would be July 2018.

A current market value will be required at that time.

The Town will continue to lease that aspect of the BIC Reserve currently under lease for the School playground until such time as the Crown considers disposing of the property to the School.

Council needs to be mindful that 11 Hamilton Street might well be rezoned at a higher coding than the current R20 as a result of the review of the Town Centre Strategy and LPS 10. If the school chooses not to remain in the Town because it is unable to purchase the Whitfield Street property, this may well be at a time when the new coding is in effect and will provide a windfall to the school and not the Town. There is a concern that an exemption would be claimed from the conditions of Section 3.58 of the Local Government Act 1995 for selling the land to the school by private treaty, and the school might then sell the land rather than develop and use the funds to finance the purchase of land in another location and not necessarily within the Town

It is considered prudent that the Council not revoke its previous decision at this time. The Town might wish to give an undertaking to the school that it would do so, and sell 11 Hamilton Street, to the school at market value for its current highest and best use if it is successful in gaining funding, and some form of legal instrument is identified which would ensure that if for any reason the school is unable to purchase additional land to enable it to remain in its current location that the Town and its community will not be financially disadvantaged.

The form of that instrument is not known and would need to be agreed to by the school and it is suggested that this be investigated with the Town's lawyers and a further report be dealt with by Council prior to the submission by the School for funding in April 2017.

Alternatively, the Council might decide that the proper and orderly planning of the site as part of the Town Centre Area Strategy and Local Planning Scheme review should be completed, as well as a submission by the school, on what its long term development of all three sites might look like, being received by the Town, should all be completed prior to any change to Council's adopted position. This is in pursuit of good planning outcomes but of course would affect the school's ability to apply for funding in 2017.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10.
Section 3.58 (Disposing of Property) & Section 6.26 (Rates)
Local Government Act 1995 and General Functions
Regulations.

Dispositions of property excluded from Act s. 3.58:

- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, **educational**, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Section 6.26 of the Act provides that the following land is not rateable land:

- (f) land used exclusively as a non- government school within the meaning of the School Education Act.

FINANCIAL CONSIDERATIONS

The property was last revalued in 2013 and is valued at \$520,000. A revaluation is to take place in 2017. The valuation is based on R20 zoning. Any agreement to sell the property should be based on a market valuation at the highest and best use that by July 2018 could well be Town Centre zoning.

The School offers that should the School plans not be achieved and the current site becomes non-viable, the Town can consider first rights of refusal to purchase back the land.

The Town currently receives rates valued at \$1,073 from 16 Whitfield Street. This will be lost if that property becomes School purpose.

OFFICER RECOMMENDATION — ITEM 10.13

That:

1. Council advises the Casa Mia Montessori School that it is not prepared to revoke its resolution of July 2016 regarding the future of the school at 11 Hamilton Street, at this time, but;
2. The Town will negotiate with the School for some form of instrument which would ensure that the Town and its community will not be financially disadvantaged by the sale of 11 Hamilton Street to the Casa Mia Montessori School if it is unable to purchase additional land to ensure its continued occupation in its current location and it wishes at that point in time to relocate; and
3. In support of (2), the CEO seeks advice from the Town's solicitors as to the most appropriate way to legally satisfy Council's wishes;
4. The CEO endeavours to investigate and report back to Council with a solution for Council's consideration in a timely manner, so as to allow the Casa Mia Montessori School to be able to make an application for funding in April 2017;

Or

1. The Town advises the Casa Mia Montessori School that it is not prepared to consider rescinding its current resolution on the future of the school until the reviews of the Town's Town Centre Area Strategy and Local Planning Scheme are complete and the School has, as part of that process, provided details of plans for its intended development of 11 Hamilton Street, 16 Whitfield Street, and that portion of the BIC Reserve currently leased to the School as a playground.

Voting requirement: Simple majority

10.14 Quarterly Report for Quarter Ended 31 December 2016
(Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

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

ATTACHMENTS

Attachment No. 14: Quarterly Report

BACKGROUND

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables, and the 2015-2019 Corporate Business Plan.

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

OFFICER RECOMMENDATION – ITEM 10.14

That Council receives the Quarterly Reports for the quarter ended 31 December 2016.

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 December 2016		
Application No	Property Address	Description
201600334	4 CUMBERLAND WAY, BASSENDEAN	ALTERATIONS/ADDITIONS
201600337	26 NAUNTON CRESCENT, EDEN HILL	PATIO
201600375	13 NURSTEAD AVENUE, BASSENDEAN	DWELLING ADDITIONS GARAGE & ALFRESCO & RETAINING WALL
201600371	77 NORTH ROAD, BASSENDEAN	DEMOLITION OF HOUSE & OUTBUILDINGS
201600379	45 SEVENTH AVENUE, BASSENDEAN	ABOVE GROUND CHILDRENS POOL & FENCE
201600372	10 ROBINSON ROAD, EDEN HILL	PATIO
201600376	160 WEST ROAD, BASSENDEAN	PATIO
201600357	21 ANZAC TERRACE, BASSENDEAN	ALFRESCO
201600351	84 KENNY STREET, BASSENDEAN	CARPART AND PARTIAL DEMOLITION
201600359	24 TROY STREET, BASSENDEAN	ABOVE GROUND SWIMMING POOL
201600355	19 MONS STREET, ASHFIELD	PATIO
201600354	80 ANZAC TERRACE, BASSENDEAN	GARAGE & PATIO ALTERATION
201600358	29 BROADWAY, BASSENDEAN	RETROSPECTIVE PATIO
201600356	44 MALEY STREET, ASHFIELD	SWIMMING POOL & FENCE
201600352	65C ANZAC TERRACE, BASSENDEAN	2 STOREY DWELLING
201600315	53 CYRIL STREET, ASHFIELD	PATIO
201600380	83 SECOND AVENUE, BASSENDEAN	ENTERTAINMENT ROOM
201600349	123 OLD PERTH ROAD, BASSENDEAN	PROPOSED SHED
201600348	48 PENZANCE STREET, BASSENDEAN	BOUNDRY FENCE
201600365	65A ANZAC TERRACE, BASSENDEAN	SINGLE DWELLING
201600369	13 HAMILTON STREET, BASSENDEAN	EXTEND EXISTING ALFRESCO AREA
201600363	19 LAMB STREET, BASSENDEAN	FULL DEMOLITION - REORD ONLY - PERMIT ISSUED BY DEPARTMENT OF HOUSING
201600362	10 WENDLEBURY WAY, EDEN HILL	SINGLE STOREY DWELLING & GARAGE
201600368	60 WILSON STREET, BASSENDEAN	CARPORT
201600209	23 CHESTERTON ROAD, BASSENDEAN	CARPORT

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 13 January 2017			
Applic No.	Property Address	Type of Development	Determination
2011-231	UNIT A 11 HARCOURT STREET BASSENDEAN 6054	HOME OCCUPATION (PERSONAL TRAINING BUSINESS)	DELEGATE REFUSED
2016-057	28 HANWELL WAY BASSENDEAN 6054	WORKSHOP ADDITION TO EXISTING INDUSTRIAL BUILDING	DELEGATE APPROVED
2016-113	60 THIRD AVENUE BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2016-164	79 MCDONALD CRESCENT BASSENDEAN 6054	CHANGE OF USE TO SHOWROOM	DELEGATE APPROVED
2016-165	3 BROADWAY BASSENDEAN 6054	CHANGE OF USE TO RESTAURANT	DELEGATE APPROVED
2016-173	55 MCDONALD CRESCENT BASSENDEAN 6054	WAREHOUSE DEVELOPMENT	DELEGATE APPROVED
2016-181	6 CUMBERLAND WAY BASSENDEAN 6054	THREE GROUPED DWELLINGS	DELEGATE APPROVED
2016-184	UNIT A 7 CLARKE WAY BASSENDEAN 6054	HOME BUSINESS - ARCHITECTURAL DRAFTING	DELEGATE APPROVED
2016-189	18 FREELAND WAY EDEN HILL 6054	ANCILLARY DWELLING	DELEGATE APPROVED
2016-193	34 CLUNE STREET BASSENDEAN 6054	OFFICE ADDITIONS AND CAR PARK MODIFICATIONS TO EXISTING INDUSTRIAL PREMISES	DELEGATE APPROVED
2016-194	2 SURREY STREET BASSENDEAN 6054	PATIOS X 2	DELEGATE APPROVED
2016-196	5 PADBURY WAY EDEN HILL 6054	OUTBUILDING	DELEGATE APPROVED
2016-197	33 DEVON ROAD BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-198	UNIT A 10 ROBINSON ROAD EDEN HILL 6054	PATIO	DELEGATE APPROVED
2016-200	UNIT B 26 NAUNTON CRESCENT EDEN HILL 6054	PATIO	DELEGATE APPROVED

2016-201	UNIT 3 53 CYRIL STREET ASHFIELD 6054	PATIO	DELEGATE APPROVED
2016-202	44 REID STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-203	7 OLD PERTH ROAD BASSENDEAN 6054	SEMAPHORE SIGN (ILLUMINATED)	DELEGATE APPROVED
2016-204	23 CHESTERTON ROAD BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-205	80 CHESTERTON ROAD BASSENDEAN 6054	AMENDED APPLICATION FOR ADDITIONS AND ALTERATIONS TO SINGLE HOUSE (AMENDMENT TO DA 2016-169)	DELEGATE APPROVED
2016-208	53 WILSON STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-210	10 NURSTEAD AVENUE BASSENDEAN 6054	PATIO (AMENDED PROPOSAL)	DELEGATE APPROVED
2017-001	UNIT C 22 BRIDSON STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2017-007	176 ANZAC TERRACE BASSENDEAN 6054	COVERED WALKWAY AND PATIO	STATUTORY ADVICE
	Subdivision Applications		
71254	102-104 FIRST AVENUE BASSENDEAN 6054	8 LOT STRATA SUBDIVISION (FORM 24 & FORM 26 STRATA PLAN APPROVALS)	DELEGATE APPROVED
154620	184 WEST ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
154642	186 WEST ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
154672	193 WEST ROAD BASSENDEAN 6054	THREE LOT SUBDIVISION	STATUTORY ADVICE
1373-16	73 WHITFIELD STREET BASSENDEAN 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE

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

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

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

- 12/12/2016 Town of Bassendean - Local Planning Scheme 10 - Scheme Amendment Documents. Amendment 8.
- 19/12/2016 Transfer of Land Documents - Purchase of Lot 7557, Lord Street, Eden Hill.
- 19/12/2016 Transfer of Land Documents – Purchase of Lot 8713 (48) Chapman Street, Bassendean
- 21/12/2016 Agreement for Ceding of Land for Right of Way widening - 735 (No. 4), Broadway, Bassendean. Delegated Authority - 08 July 2016

OFFICER RECOMMENDATION – ITEM 10.17

That Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 31 January 2017.

Voting Requirements: Simple majority

10.18 Calendar for February 2017 (Ref: Sue Perkins, Executive Assistant)

Wed	1 Feb	3.30pm	Local Emergency Management Committee Meeting – Council Chamber (Crs Pule & Brown)
Tue	7 Feb	7.00pm	Liveable Town Advisory Committee Meeting – Council Chamber (Crs Gangell, Bridges & McLennan)
Wed	8 Feb	10.00am	Bassendean River Parks Management Committee Meeting – Council Chamber (Crs Bridges & Brown)
Thu	16 Feb	6.00pm	EMRC Council Meeting – EMRC (Crs Lewis & Bridges)
Tue	28 Feb	5.00pm	Briefings Session – Council Chamber
Tue	28 Feb	7.00pm	Ordinary Council Meeting – Council Chamber

OFFICER RECOMMENDATION - ITEM 10.18

That the Calendar for February 2017 be adopted.

Voting Requirements: Simple majority

10.19 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:

REC NO.	OFFICER	BRIEF DESCRIPTION	ACTION TAKEN
ROC16/52329	MIKE COSTARELLA	OCM-22/11/16 NOTICE OF MOTION – CR PULE: APPLICATION TO MINISTER FOR THE SETTING OF DIFFERENTIAL RATES IN THE LOCATION OF PROPOSED CONCRETE BATCHING PLANT LOT 105 (NOS 2-8) CLUNE STREET BASSENDEAN	REPORT BEING PRESENTED TO COUNCIL IN JANUARY 2017. RECOMMENDED DELETION
ROC16/107552	SIMON STEWERT-DAWKINS	OCM 15/7/16 ROAD SAFETY COMMITTEE	IN ACCORDANCE WITH COUNCIL RESOLUTION TOB WRIOTE TO CITY OF BAYSWATER REGARDING ROAD SAFETY COMMITTEE. BAYSWATER WROTE TO EMRC'S REGIONAL INTEGRATED TRANSPORT STRATEGY IMPLEMENTATION ADVISORY GROUP (RITS IAG) COMPRISES REPRESENTATIVES FROM THE KEY STATE GOVERNMENT AGENCIES AND LOCAL GOVERNMENTS WITH THE ABILITY TO ADDRESS SHARE AND ADVOCATE ON KEY ISSUES PERTAINING TO ROAD SAFETY. AT THE 24.11.2016 RITS IAG MEETING THE COMMITTEE CONFIRMED THE ONGOING ADVOCACY ACTION BEING UNDERTAKEN IN THE ROAD SAFETY AREA AND THAT THIS GROUP WOULD CONTINUE THROUGH THE NEW REGIONAL INTEGRATED TRANSPORT STRATEGY 2017-2021. RECOMMEND DELETION

ROC16/51864	TIMOTHY ROBERTS	OCM-4/10/16 - MOVED CR BRIDGES SECONDED CR PULE THAT THE APPLICATION BE REJECTED ON THE GROUNDS THAT COUNCIL IS NOT SATISFIED WITH THE DISPOSAL OF THE WATER FROM THE SITE WHICH IS REQUIRED TO REMEDIATE THE DUST	PROPOSED CONCRETE BATCHING PLANT HEARING WAS IN EARLY DECEMBER WHERE IT WAS CONSIDERED BY THE PRESIDING MEMBER THAT THERE WAS NO PLANNING MERIT TO REFUSE THE APPLICATION AS PER COUNCIL'S OCTOBER RESOLUTION. TOWN'S LAWYERS THEREFORE ARGUED FOR APPROPRIATE CONDITIONS WITH THE MAIN POINTS OF CONTENTION BEING QUARTERLY REPORTING MAXIMUM DAILY AND ANNUAL OUTPUT AND HOURS OF OPERATION. THE TOWN WAS SUCCESSFUL IN DEFENDING ALL WITHOUT PREJUDICE RECOMMENDED CONDITIONS IN LINE WITH THE OFFICERS RECOMMENDATION AT THE OCTOBER COUNCIL MEETING. RECOMMEND DELETION.
	Brian Reed	OCM-27/12/16 (RESCINDED RESOLUTION) OCM-9/6/16, OCM-5/4/16 - Potential winding-up of Town Planning Scheme No. 4A	THE DOWN CODING OF THE AREA HAS BEEN REMOVED FROM THE SCHEME AMENDMENT DOCUMENTS. RECOMMEND DELETION.

OFFICER RECOMMENDATION – ITEM 10.19

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 31 January 2017 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

10.20 Accounts for Payment – December 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. 15: List of Accounts

BACKGROUND

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

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION - ITEM 10.20

That Council receives the List of Accounts paid for December 2016, as attached to the Ordinary Council Agenda of 31 January 2017.

Voting Requirements: Simple majority

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

APPLICATION

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

ATTACHMENTS:

Attachment No. 16: Financial Reports for December 2016

BACKGROUND

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

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2016/17 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

COMMENT

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 0.20% ahead of Budget Year to date. Interest on investments, and other revenue are ahead of budget YTD forecasts. Operating Grants, Fees & charges are behind YTD Forecasts.

Total expenditure by nature & type for YTD is 10% below Budget YTD expectations. Materials & contracts, utilities, other expenditure, and Insurance expenses are below anticipated budget levels. Employee costs are on target.

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ended 31 December 2016. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.21

That the Financial Report for the period ended 31 December 2016, as attached to the Ordinary Council Agenda of 3rd January 2017, be received.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Cr Pule: Chemical Free Weeding

Cr Pule advised that he wishes to move the following motion at the next meeting:

“That a report be brought to Council on the trialling of 18 months of a chemical free weeding strategy for Success Hill based on the ERMC’s publication - The Bush is a Garden.”

COMMENT – CR PULE

The Town has attempted steam weeding techniques with very little success and at great expense. Steam weeding is impractical, expensive and does not work. Many people in the community would like non chemical weed management to be applied. The problem for Local Government is how to balance non chemical weed management in a sustainable way. So far, the attempts at steam weeding have left the Town looking run down and raised concerns from other community members asking for good weed upkeep in the Town. The Town has an obligation to find a sustainable and effective way (or ways) to manage weeds.

Whilst the Council is considering ways forwards for the Town, there is a need to find a number of ways that can achieve these goals and one way forwards is to trail the “Bush is a Garden ” which is based on variations of the Bradley Method at Success Hill.

1. The goals:

Choose a site: Success Hill

Include stakeholders community groups:

People and groups interested in Success

Indigenous Stakeholders

Form a framework / concept:

The Bradley Method has a philosophy based on gardening, a blend of indigenous bush care, educating and developing beneficial use plants, uses hands on labour (Apply to the Department of Corrections for free community services) uses black plastic solarisation, composting, natural revegetation and supporting planting, uses many methods already used by the Town.

Get the message out into the community:

Involve the Community. Look at the success of the Gary Blanch project, when the Community led ACAN produced an amazing concept and design.

Find funding / resources:

NRM funding and other areas such as Dept. of Corrections.

Address the legal issues:

Look at the risk management and mitigation strategies.

Form a Management Plan and Strategy:

Education of plants and methods of Bush Care and a program of volunteers and hands on labour resource, backed by the Town's resources.

Implement the Plan / Strategy:

Implementation is laid out in the " Bradley Method " and is a staged progress that over 18 months can produce very successful outcomes.

2. This is part of the long term Strategic Plan.....to improve the quality of life in Bassendean.

OFFICER COMMENT

It should be noted that the "Bush is a Garden" is not a strategy produced by EMRC rather it is more of a memoir from the volunteers from the Black-Adder/Woodbridge Catchment Group on its management of weeds using non-chemical alternatives.

The EMRC has been running its own trials of non chemical weed management and the Town has been advised that the report should be available in August 2017.

As Council is aware from previous weed management reports, for the past 12 months the Town of Bassendean officers have been trailing steam weeding at Success Hill Reserve using contractor Cape Life. The trial at Success Hill involved 5 scheduled treatments across a 12 months period. The Success Hill Reserve trial has shown some benefits, however, it should be noted that prior to steam treatments, the weeds had to be manually brush cut to reduce the vegetative matter and then the remaining weeds steam treated.

This method is highly labour intensive, there is a significant increase in pedestrian movement in a fragile bush environment, which increases the degradation of the bush quality and the Town has found that the steam was not eradicating the Veldt grass, it has just hindered its growth.

The Town's officers have also been running a trial for past 12 months using the EMRC steam machine at Broadway Reserve. The Broadway Reserve trial involved the Town hiring EMRC machine and using weed contract labour to operate with 7 treatments scheduled over 12 months period and no manual brush cutting. The trial to date has also shown that steam is not as effective as Glyphosate Biactive as the Town was required in July to organise a Glyphosate treatment due to the inundation of weeds within the reserve.

This one treatment of Glyphosate Biactive effectively eradicated a higher percentage of the weeds than the two steam treatments undertaken prior.

The Town's trials will finish in June 2017 and weed mapping will be used to determine effectiveness of steam weeding.

Currently, the Town refers to the Council (OCM2-9/5/10) endorsed Bushland Weed Management Plan to ensure that bush reserves are maintained and restored appropriately. It should be noted that the Bushland Weed Management Plan has provided to the Town the base line weed maps and the weed management strategies that the Town is currently implementing. The Town also refers to a manual titled "Bushland Weeds – A practical guide to the management with case studies from the Swan Coastal Plain and beyond". This manual is the culmination of a five-year project that had been supported by the Environmental Weed Action Network, with input from the Department of Conservation and Land Management and numerous bush land weed and bush care specialists.

Both the Bushland Weed Management Plan and the "Bushland Weeds – A practical Guide" manual identify weeds that can be removed using non-chemical and chemical methods.

Considering the above information, it is not recommended that a "The Bush is a Garden" trial be undertaken, particularly considering the 5 year trial that used to develop the "Bushland Weeds – A practical guide to the management" manual and that the Town and EMRC are already conducting non-chemical trials which are yet to be completed.

On that basis, it is suggested that the Notice of motion be with drawn.

11.2 Notice of Motion - Cr Bridges: BIC Reserve Concept Plan

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

“That funding be considered in the 2017/18 budget to prepare a concept plan for the BIC Reserve civic gardens.”

OFFICER COMMENT

In 2001, ‘Enquiry by Design’ community workshops were conducted which identified that the BIC Reserve should be redeveloped to provide a Civic Garden at the western end and an active sports area to the eastern end. As a result of the ‘Enquiry by Design’ outcomes, Council developed and adopted (OCM - 13/08/07) the Bassendean Town Centre Area Strategy & Guidelines, which recommended, in part to “Investigate the feasibility of including a perfumed garden within the town park in addition to the water feature previously requested by Council, in the detailed design of the BIC Reserve.”

In regards to the Notice of Motion, in the past Council allocated funding to prepare Concept Plans for other major passive reserve, which includes the order of magnitude of costs to implement the proposed works. It is important that before additional infrastructure is provided on the BIC Reserve, that a concept plan be prepared for the civic gardens elements to ensure that any future infrastructure or landscape elements are appropriate and do not compromise the reserve use or appearance.

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13.0 **CONFIDENTIAL BUSINESS**

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

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

Attachment No. 17:

Correspondence from former Captain Bassendean VFRS, Mr Mike Smith, and Assistant Commissioner DFES, Mr Darren Klemm.

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 28 February 2017.