

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, 27 September 2016 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

23 September 2016

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice

Ms Megan Longwell

Ms Longwell provided the following questions at the Special Meeting of Electors held on 7 September 2016, which were taken on notice:

- Q1 *Why was the Oval Reserve development area as outlined in the Development Agreement expanded by approximately 50% within a period of 12 weeks after the execution of the document, but prior to any community consultation?*
- Q2 *Does this render the Development Agreement null & void?*
- Q3 *Why were misleading statements made to the people of this Town in November 2015 that the area designated in the Development Agreement to be become housing, would become Public Open Space?*
- Q4 *Why have the people of this Town not been told what will be developed on the orange parcels of land designated to be gifted to SDFC?"*

The CEO has provided Ms Longwell with the following response:

- "Q1. The plan released as part of the Community Survey identified the boundary of Oval Crown land being investigated by the project partners, for town centre redevelopment opportunities inclusive but not limited to urban redevelopment and potential for relocation of sporting facilities from the BIC reserve to the Oval. This is consistent with the area of Crown land boundary identified for further investigation under the Development Agreement (Schedule 1 of Development Agreement).*
- Q2. No.
- Q3 *Following the release of the media statement and community survey in late November 2015, additional clarification was released to the public regarding the Oval investigation area identified on the plan. The additional clarification stated that the Oval land was envisaged to include housing along with being opened up as public open space and remaining an active sporting ground. This was communicated in the Town of Bassendean December 2015 Bassendean Briefing newsletter.*
- Q4. *The State Government through Department of Lands has agreed to consider providing the SDFC with additional conditional freehold land, that is land that will be accompanied with stringent conditions to what can be developed on it. Furthermore, the Town of Bassendean has advised that it will require the SDFC submit planning application(s) for approval prior to any development occurring on the SDFC land similar to any other landowner within the Town. The SDFC are currently working through a business case process to investigate options for revitalizing its aging facilities.*

2.2 Public Question Time

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

2.3 Address by Members of the Public

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

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Apologies

Mr Michael Costarella, Director Corporate Services

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

**5.1 Ordinary Council Meeting held on 23 August 2016
(Attachment No. 1)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 23 August 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 23 August 2016, be confirmed as a true record.

5.2 Special Meeting of Electors held on 30 August 2016
(Attachment No. 2)

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Meeting of Electors held on 30 August 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Meeting of Electors held on 30 August 2016, be confirmed as a true record.

5.3 Special Meeting of Electors held on 7 September 2016
(Attachment No. 3)

OFFICER RECOMMENDATION – ITEM 5.3(a)

That the minutes of the Special Meeting of Electors held on 7 September 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.3(b)

That the minutes of the Special Meeting of Electors held on 7 September 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 27 September 2016:

Item	Report
10.4	Joint Metropolitan Central Development Assessment Panel Application for 10 Multiple Dwellings - Lot 3 (No. 8) Walter Road East, Bassendean
10.5	Reconsideration of Proposed Mobile Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean
10.6	Strategic Planning Framework - Indicative Implementation Plan Year 1 (2016-17)
10.7	Municipal Heritage Inventory: Heritage Incentives for Property Owners of Places Listed within the Heritage List
10.8	Bassendean Drainage Assessment Report
10.11	Water Efficiency Action Plan
10.14	Bassendean Youth Advisory Council Meetings held in May, June and July 2016
10.15	Bassendean River Parks Management Committee Meeting held on 17 August 2016
10.16	Access and Inclusion Committee Meeting held on 7 September 2016
10.17	Determinations Made by the Principal Building Surveyor
10.18	Determinations Made by Development Services
10.19	Accounts for Payment – August 2016
10.21	Use of the Common Seal
10.22	Calendar for October 2016
10.23	Implementation of Council Resolutions

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

Item	Report
10.2	Special Meeting of Electors held on 7 September 2016 - Council's Consideration of Resolutions Passed at the Meeting
10.3	Request for Endorsement — Bassendean Activity Centre Preferred Concept Plan
10.9	RFT CO 048 2015-16 - Provision of Garden Bed Watering for the Town of Bassendean
10.10	RFT CO 056 2016-17 Provision of Sanitary, Hygiene and Sharps Services for the Town of Bassendean
10.12	State Blackspot Program – Funding Approval
10.13	Resignation of Cr McLennan as Deputy Member on Various Committees
10.20	Financial Statements – July/August 2016

11.1	Notice of Motion - Cr Bridges: Bindaring Park
11.2	Notice of Motion – Cr Bridges: Ashfield Parade Foreshore Reserve Project
11.3	Notice of Motion – Cr Pule: Removal of Bus Shelter in front of the Hyde Retirement Village
11.4	Notice of Motion – Cr McLennan: Bans on Single Use Plastic Bags
11.5	Notice of Motion – Cr McLennan: Glyphosate Use in the Town of Bassendean
11.6	Notice of Motion – Cr McLennan: Establishment of a “Sustainability Advisory Group”
13.1	Licence Fee for Swan Districts Football Club (Inc) to Acquire Corporate Sponsorship for Naming Rights to Bassendean Oval
13.2	Sports Achievement Awards

10.2 Special Meeting of Electors held on 7 September 2016 - Council's Consideration of Resolutions Passed at the Meeting (File Ref: GOVN/CCLMEET/1 - Bob Jarvis, Ceo)

APPLICATION

Council's consideration of resolutions passed at the Special Electors' Meeting held in the Community Hall on 7 September 2016.

ATTACHMENT

Attachment No. 3: Special Meeting of Electors Minutes of 7 September 2016

BACKGROUND

A petition was presented at the July 2016 Ordinary Council meeting, requesting that a Special Meeting of Electors be held to discuss the following matters:

- a) The redevelopment proposals for Bassendean Oval (Steel Blue Oval), BIC Reserve and Wilson Street carpark.
- b) Deputations to Council on the proposed LandCorp development.
- c) Questions to Council on the proposed LandCorp development.
- d) Proposal of motions to Council.
- e) Any related business.

Approximately 220 members of the public were in attendance. The minutes of the meeting are attached to and form part of the agenda for this Council meeting.

The Local Government Act 1995 Section 5.33 (1) requires that all decisions made at an electors' meeting are considered by Council (if practicable) at the next Ordinary Meeting of Council. Section 5.33 (2) requires that if the Council makes a decision in response to a decision made at the electors' meeting, the reason for that decision is to be recorded in the minutes. It should be noted that a decision made by an electors meeting is not binding on the Council except to the extent that Council makes decision in response to that decision.

Four decisions were made by the electors' meeting after being moved and seconded and carried by a simple majority. Those decisions are as follows:

MOTION 1 (SCM-1/9/16)

MOVED Clive Brown, Seconded Kathryn Crawford, that this meeting of Town of Bassendean residents and ratepayers calls on the Council of the Town of Bassendean to terminate the Development Agreement – Bassendean Activity Centre in accordance with the clause 5.6 of that Agreement.

CARRIED

MOTION 2 (SCM-2/9/16)

MOVED Clive Brown, Seconded Kathryn Crawford, that this meeting of Town of Bassendean residents and ratepayers calls on the Western Australian Government to terminate the Development Agreement – Bassendean Activity Centre in accordance with the clause 5.6 of that Agreement.

CARRIED

MOTION 3 (SCM-3/9/16)

MOVED Clive Brown, Seconded Kathryn Crawford, that this meeting of the Town of Bassendean residents and ratepayers calls on the Swan Districts Football Club to terminate the Development Agreement – Bassendean Activity Centre in accordance with the clause 5.6 of that Agreement.

CARRIED

MOTION 4 (SCM-1/9/16)

MOVED Megan Longwill, Seconded Kathryn Hamilton, that Council informs LandCorp that the Town of Bassendean will immediately pause its participation in the Bassendean Activity Centre project for a period of 12 months while the Council fully consults with its community and follows the wishes of this community; and that if this pause is not acceptable to LandCorp then Council immediately withdraws completely from the project under the terms of the Development Agreement.

CARRIED

COMMENT

Resolutions (2) and (3) are not matters on which the Council can make a decision, and whilst LandCorp and the Swan Districts Football Club have been advised of those decisions, the Town has not received a response from either.

Resolutions (1) and (4) are the matters for which the Council is required to give consideration, and logically, cannot pass both, as one is asking the Council to terminate its participation in the project, and the other seeks Council to simply defer a decision for twelve months to allow for further consultation, and only withdraws if this response is not acceptable to LandCorp.

Under the terms of the Development Agreement, any preferred concept arising from the community consultation process must be presented to the Project Steering Group which has as its members representatives of the Town, LandCorp, and the Swan Districts Football Club (the Football Club members are non-voting) and the Project Steering Group is responsible for making a recommendation to the Council on whether to adopt a concept plan as the Development Plan under the terms of the Development Agreement. Councillors on the Project Steering Group are Crs Gangell, Bridges and McLennan.

The Project Steering Group met on Thursday 15 September 2016 to consider the Preferred Concept Plans. The Steering Group chose not to accept the Concept Plans as presented but chose rather to recommend to Council a substantially modified proposal which sought to confirm only the Wilson Street carpark site concept as currently acceptable, sought to carry out further planning and community engagement for the Bassendean Oval site, and elected to pursue the redevelopment of that portion of the A Class Reserve, on which currently stands the Administration Building and Senior Citizens' Centre of the Town of Bassendean, as an alternative to the concept plans for the BIC Reserve.

The adoption of either Resolution (1) or (4) prior to Council's consideration of the recommendations from the Project Steering Group, which are the subject of a report which appears later in the agenda, would nullify those recommendations. Council might wish to defer a decision on the recommendations of the Electors' Meeting to the same time as it considers the recommendations of the Project Steering Group.

STRATEGIC IMPLICATIONS

The Town Centre Area Strategy is a key strategic land use document for the Town and has been adopted as Policy #1 for the Local Planning Scheme No. 10 of the Town of Bassendean.

STATUTORY IMPLICATIONS

The outcomes of a Special Electors' meeting are the subject of Section 5.33 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

If either resolution of the Electors' Meeting are passed by Council the project would either be lost or delayed, and funds allocated by the State Government for the project might be withdrawn or be required to be re-budgeted in a future year if the project is deferred.

OFFICER RECOMMENDATION – ITEM 10.2

That Council:

1. Considers the resolution of the Special Electors' Meeting of 7 September 2016 to terminate the Development Agreement – Bassendean Activity Centre, in accordance with the clause 5.6 of that Agreement;

Or

2. Immediately pauses its participation in the Bassendean Activity Centre project for a period of 12 months while the Council fully consults with its community and follows the wishes of this community; and that if this pause is not acceptable to LandCorp, then Council immediately withdraws completely from the project under the terms of the Development Agreement;

Or

3. Notes the recommendations of the Special Meeting of Electors held on 7 September 2016 and that Council will determine an outcome for the Bassendean Activity Centre under Item 10.3 - Request for Endorsement — Bassendean Activity Centre Preferred Concept Plan, which is included in this agenda.

Voting requirements: Simple majority

10.3 Request for Endorsement — Bassendean Activity Centre Preferred Concept Plan (Ref: LUAP/PLANNG/14 – Bob Jarvis, Chief Executive Officer)

APPLICATION

Council has been requested by the Bassendean Activity Centre Project Steering Group (PSG) to endorse the *Bassendean Activity Centre Preferred Concept Plan* (with qualifications) attached to this report.

ATTACHMENTS

Attachment No. 4:

Bassendean Activity Centre Preferred Concept Plan (LandCorp 2016);
Bassendean Community Working Group Summary Report (LandCorp 2016);
Bassendean Community Survey Results (LandCorp 2016);
Map of Crown Reserve 31252, being the site of the Town Administration Offices, Council Chambers and Seniors' Centre; and
Bassendean Town Centre Area strategy map adopted in 2007.

BACKGROUND

The Town is a partner and signatory to a 'tripartite' Development Agreement to plan and facilitate the redevelopment of the following land parcels contained within the Bassendean Town Centre:

1. Lot 9664 (Crown Reserve 37441) Park Lane Bassendean, commonly referred to as the 'Wilson Street' site;
2. Location 7401 (Crown Reserve 52332) and lot 236 (HN 140) Old Perth Road Bassendean, commonly referred to as Bassendean Oval; and
3. Crown Reserve 21150, (HN 10 Whitfield Street), commonly referred to as the 'BIC Reserve'.

The Development Agreement was approved by Council at its Ordinary Meeting in 2015:

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION -
ITEM 13.3**

OCM – 32/07/15

MOVED Cr Brinkworth, Seconded Cr Carter, that Council:

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

CARRIED BY AN ABSOLUTE MAJORITY 6/0

The Development Agreement was the guiding document for the current process (undertaken in partnership between LandCorp, Town of Bassendean and Swan Districts Football Club) which has resulted in the Bassendean Activity Centre Preferred Concept Plan which is the subject of this report, and this process has had oversight and endorsement from the Project Steering Group established under the Development Agreement. The Project Steering Group has continued to have three councillors as members and the members from Council since the elections in 2015 have been Crs Gangell, Bridges and McLennan.

The current project has its roots in the adopted Town Centre Area Strategy Plan which was adopted by Council unanimously at its Ordinary Council meeting in August 2007 and envisaged housing being developed on the Bassendean Oval, the BIC Reserve and Wilson Street car park. This plan was adopted in 2008 by Council as it Town Planning Policy #1 for Local Planning Scheme number 10. A copy of the plan is provided as an attachment. The plan was developed after considerable community consultation (which was also extended?) and it was introduced to the community by way of the January February Bassendean Briefings (Issue 54) to all residents, with a detailed plan on the front cover and advising of the public consultation process.

The March April 2007 Bassendean Briefings (Issue 55) announced an extension to the public consultation process and included a large fold out plan of the proposal, the cover also provides details of the additional public meetings available to the public to provide feedback on the plans.

The September October 2007 Bassendean Briefings (Issue 58) included a copy of the adopted plan on the cover announcing that Council had approved the plan based on the community consultation.

Several attempts at progressing the Strategy have been made leading up to the current process.

A brief chronology of the current process resulting from the adoption of the Development Agreement in August 2015 is shown in the following table:

Date	Action
August 2015	State Government approval
November 2015	Minister Day and Minister Redman announce the launch of the Bassendean Activity Centre
18 November 2015	Survey launched to learn what is important to the community about Bassendean
22 January 2016	Community survey close
February 2016	Community forums took place on Wednesday 24 and Saturday 27 February
March 2016	Community forum took place on Tuesday 1 March. Nominations for the Community Working Group closed on Friday 11 March. The first Community Working Group meeting took place on Wednesday 30 March
April 2016	The second Community Working Group meeting took place on Wednesday 6 April. Two Planning Design Forums took place on Wednesday 27 and Thursday 28 April. The community were invited to review the work completed to date at a community session 7pm to 8:30pm on Thursday 28 April.
May 2016	Final Planning Design Forum.
June 2016	Preferred concept plan refined following Community Working Group and Project Steering Group feedback.
July and August 2016	Preferred concept plan publically available and independent survey of Community Working Group members and Bassendean community, in line with ABS demographic profile.

STRATEGIC IMPLICATIONS

Adoption of the *Bassendean Activity Centre Preferred Concept Plan* (or any subsequent variants to it) has the potential to achieve or facilitate, at a broad level and in a direct way, the following Council objectives cited in its current strategic community plan (*Bassendean 2023: Strategic Community Plan 2013-2023*):

Town Planning and Built Environment

- Ensure Town provides choice in housing types
- Foster enhanced public space and street appearance
- The Town centre is a vibrant hub for the community

Economic Well-being and Prosperity

- Build a strong local business economy to benefit the community
- Redevelop and revitalise local Centres
- Build small business growth

It also has the potential, in an indirect way, the achievement or facilitation of the Arts, Heritage and Culture objective of 'encouraging and supporting community connections'.

COMMENT

The *Bassendean Activity Centre Preferred Concept Plan* is the culmination of an extensive community consultation and design process that had its origins back in 2002 with the Bassendean Town Centre Enquiry by Design.

This process has now reached the point where, as per the Development Agreement between the Town, LandCorp and Swan Districts Football Club for redevelopment of the subject lands within the Bassendean Activity Centre, consideration is to be given to the preferred concept being adopted by Council.

Notwithstanding that the preferred concept plan is a reflection of the Project Steering Group's (PSG) desired outcomes for redeveloping the subject lands, the PSG is also acutely aware that there remains considerable community concern with either the whole or parts of the preferred concept.

The PSG understands that most of these concerns pertain to the preferred concept in respect to Bassendean Oval and the BIC Reserve.

Principally, these concerns appear to be:

- Loss of public open space;
- Height, bulk, massing and orientation of some proposed buildings;
- Loss of tree cover (especially in regard to the Bassendean Oval site);
- Lack of community benefit; and
- Aboriginal heritage issues.

(It is acknowledged that there are also some concerns in respect to the height and bulk of proposed buildings within the Wilson Street site.)

The PSG considers that, in respect to the Wilson Street site and Bassendean Oval, the aforementioned concerns can be satisfactorily addressed and overcome by refining the preferred concept plan further through the statutory planning process.

The PSG is also aware of and acknowledges LandCorp's commitment to bring forward the structure planning process and/or formulation of design guidelines for these two sites earlier than planned in respect to the statutory planning process.

But it also understands that LandCorp requires Council to initiate the requisite amendments to LPS 10, and to support the request to the Western Australian Planning Commission (WAPC) to initiate the amendment to the Metropolitan Region Scheme (MRS) pertaining to Bassendean Oval, at the time the preliminary local structure plans and/or preliminary design guides are presented to Council for initiation of the formal approval process pertaining to these instruments.

In respect to the BIC Reserve, and in light of some of the comments made at the recently held Special Meeting of Electors (SME), the PSG suggests that consideration be given by Council to exploring the opportunity and scope to redevelop that part of Crown Reserve 31252 (comprising the existing Council Chambers, administration centre, community hall and the Senior Citizens Centre) in lieu of the BIC Reserve.

Having regard to all of this, and in respect to the obligation of all parties to the Development Agreement to act in good faith (*cf* clauses 4.3 and 4.4), the PSG recommends that Council resolve as per its recommendations contained in this report.

STATUTORY REQUIREMENTS

Nil at this stage.

Initiation of amendments to the Town's *Local Planning Scheme (LPS) 10* and the formulation and adoption of Local Structure Plans and Local Development Plans will be required to give effect to the *Bassendean Activity Centre Preferred Concept Plan* if it is adopted.

In other words, these statutory instruments become the mechanism by which the preferred concept plan is implemented.

These instruments also provide scope for the preferred concept plan to be modified or refined as necessary, especially where further technical studies (eg. traffic modelling, engineering studies, heritage and environmental investigations etc) warrant this.

FINANCIAL CONSIDERATIONS

Nil at this stage.

Should Council resolve as per recommendation 8 of the Bassendean Activity Centre Project Steering Group (BACPSG) Recommendation in this report, it will need to fund (perhaps fully or partially) a business case to investigate the viability of redeveloping part of Crown Reserve 21150 (lot 8701 Old Perth Road) containing the existing Council Chambers, administration centre, community hall and the Senior Citizens' Centre in lieu of the BIC Reserve.

The expense of such a study might be in the order of \$50,000.

BASSENDEAN ACTIVITY CENTRE PROJECT STEERING GROUP RECOMMENDATION — ITEM 10.3

That Council:

1. Endorses that part of the *Bassendean Activity Centre Preferred Concept Plan* pertaining to lot 9664 (Crown Reserve 37441) Park Lane Bassendean, commonly referred to as the 'Wilson Street' site;
2. Initiates an amendment to LPS 10 to facilitate the redevelopment of lot 9664, concurrent with lodgment to Council of a preliminary local development plan (LDP) that informs the proposed amendment and prior to the amendment being initiated;
3. Requires that the aforementioned preliminary LDP has particular regard to the Town's *Local Planning Policy (LPP) 1* and other applicable local planning policies;

4. Requests LandCorp to revise that part of the *Bassendean Activity Centre Preferred Concept Plan* applying to Location 7401 (Crown Reserve 52332) and lot 236 (HN 140) Old Perth Road Bassendean (Bassendean Oval) to the satisfaction of Council, particularly in respect to matters of height, scale, bulk, massing and orientation of future buildings, especially any future dwellings; comprehensive landscaping of the Oval site; and adequate provision of pedestrian links/connections from surrounding streets to the Oval acknowledging that these and any other revisions will be reflected in a preliminary local structure plan (LSP) and/or preliminary design guidelines for the Oval site and allow for the initiation of an amendment to LPS 10 and the *Metropolitan Region Scheme* (MRS);
5. Establishes a community reference group to provide input and feedback to Council into the aforementioned preliminary local structure plan (LSP) and/or preliminary design guidelines;
6. Upon the receipt of the aforementioned preliminary local structure plan (LSP) and/or preliminary design guidelines, initiates an amendment to LPS 10 and supports an amendment to the *Metropolitan Region Scheme* (MRS) to facilitate the redevelopment of Bassendean Oval;
7. As an alternative to developing Crown Reserve 21150, (HN 10 Whitfield Street) ('BIC Reserve') as per the *Bassendean Activity Centre Preferred Concept Plan* for this site, investigates and considers redeveloping that part of Lot 8701 (Crown Reserve 31252) comprising the Town's existing Council Chambers, administration office, community hall, and Senior Citizens Centre for a similar concept as well as considering for inclusion a replacement Town Civic Centre (Town Hall, Council Chambers and administration), a replacement Senior Citizens' Centre and a replacement Child Health Clinic;
8. As part of the aforementioned investigation, undertakes a business case (in collaboration with the State) to establish the viability of redeveloping the aforementioned part of lot 8701 in line with the preferred concept plan for the BIC Reserve and the consideration of including a replacement Town Civic Centre (Town Hall, Council Chambers and administration), a replacement Senior Citizens' Centre, and a replacement Child Health Clinic; and

9. Is only prepared to surrender each management order applying to the respective Crown Reserves upon all the requisite statutory planning processes pertaining to each of the respective Crown Reserves having been completed to the satisfaction of Council.

In light of comments from the community and Councillors, the following is presented:

OFFICER RECOMMENDATION – ITEM 10.3

That Council:

Wilson Street

1. Endorses that part of the *Bassendean Activity Centre Preferred Concept Plan* pertaining to lot 9664 (Crown Reserve 37441) Park Lane Bassendean, commonly referred to as the 'Wilson Street' site;
2. Will initiate an amendment to LPS 10 to facilitate the redevelopment of lot 9664, subject to lodgment to Council of a preliminary local development plan (LDP) and preliminary design guidelines acceptable to Council that informs the proposed amendment and prior to the amendment being initiated;
3. Requires that the aforementioned preliminary LDP has particular regard to the Town's *Local Planning Policy (LPP) 1* and other applicable local planning policies;

Bassendean Oval

4. Requests LandCorp in conjunction with the Town of Bassendean, to revise that part of the *Bassendean Activity Centre Preferred Concept Plan* applying to Location 7401 (Crown Reserve 52332) and lot 236 (HN 140) Old Perth Road, Bassendean (Bassendean Oval) to the satisfaction of Council, particularly in respect to matters of height, scale, bulk, massing and orientation of future buildings, especially any future site coverage for dwellings; comprehensive landscaping (inclusive of a viewing bank) of the Oval site; and adequate provision of pedestrian links/connections from surrounding streets to the Oval acknowledging that these and any other revisions will be reflected in a preliminary local structure plan (LSP) and preliminary design guidelines for the Oval site acceptable to Council and allow for the initiation of an amendment to the *Metropolitan Region Scheme (MRS)* and LPS 10;

5. Establishes a community reference group to provide input and feedback to Council into the aforementioned preliminary local structure plan (LSP) (Bassendean Oval) and preliminary design guidelines;
6. Upon the receipt of the aforementioned preliminary local structure plan (LSP) and preliminary design guidelines, acceptable to Council, is prepared to initiate an amendment to the *Metropolitan Region Scheme* (MRS) and LPS 10 and supports an amendment to facilitate the redevelopment of Bassendean Oval;

BIC Reserve

7. Does not support developing Crown Reserve 21150, (HN 10 Whitfield Street) ('BIC Reserve') as per the *Bassendean Activity Centre Preferred Concept Plan* for this site, and as an alternative, investigates and considers redeveloping that part of Lot 8701 (Crown Reserve 31252) comprising the Town's existing Council Chambers, administration office, community hall, and Senior Citizens' Centre for a similar concept as well as considering for inclusion a replacement Town Civic Centre (Town Hall, Council Chambers and administration), a replacement Senior Citizens' Centre and a replacement Child Health Clinic;
8. As part of the aforementioned investigation, undertakes a business case (in collaboration with the State) to establish the viability of redeveloping the aforementioned part of lot 8701 and the consideration of including a replacement Town Civic Centre (Town Hall, Council Chambers and administration), a replacement Senior Citizens' Centre, and a replacement Child Health Clinic; and

All Sites

9. Is only prepared to surrender each management order applying to the respective Crown Reserves upon all the requisite statutory planning processes pertaining to each of the respective Crown Reserves having been completed to the satisfaction of Council.

Voting requirements: Simple Majority

10.4 Joint Metropolitan Central Development Assessment Panel Application for 10 Multiple Dwellings - Lot 3 (No. 8) Walter Road East, Bassendean, Owner: 8 Walter Road East, Bassendean Pty Ltd, Applicant: Planning Solutions (Ref: DABC/BDVAPPS/2016-100 – Christian Buttle, Senior Planning Officer)

APPLICATION

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

ATTACHMENTS

Attachment No. 5:

1. Development Application Report & Plans dated 26 May 2016;
2. Amended Plans Letter dated 31 August 2016 incorporating revised drawings which are the subject consideration by Council;
3. Local Planning Policies Nos 2, 3, 8, 15 & 18; and
4. Energy Efficient Design Policy Credit Points Checklist

The proposed development incorporates 10 Multiple Dwellings and has a specified value of \$2M. The applicant has elected to have the application decided by the JDAP in lieu of Council (the criteria for opt in applications specify a minimum of 10 dwellings and a minimum project value of \$2M).

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

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

Council's members on the JDAP are Councillor Bridges and Councillor Pule. Alternate members, should the need arise, are Councillor McLennan (alternate member 1) and Mayor Gangell (alternate member 2).

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

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

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

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

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

OFFICER RECOMMENDATION — ITEM 10.4

That Council endorses the Senior Planning Officer’s report and recommendation to the Metropolitan Central Joint Development Assessment Panel for the proposed 10 Multiple Dwellings on Lot 3 (No. 8) Walter Road East, Bassendean.

Voting requirements: Simple Majority

Form 1 - Responsible Authority Report
(Regulation 12)

Property Location:	Lot 3 (No. 8) Walter Road East, Bassendean
Application Details:	Proposed 10 Multiple Dwellings
DAP Name:	Metropolitan Central JDAP
Applicant:	Planning Solutions
Owner:	8 Walter Road East Pty Ltd
LG Reference:	DABC/BDVAPPS/2016-100
Responsible Authority:	Town of Bassendean
Authorising Officer:	Christian Buttle, Senior Planning Officer
Department of Planning File No:	DAP/16/01058
Report Date:	12 September 2016
Application Receipt Date:	3 June 2016
Application Process Days:	90 Days
Attachment(s):	<ol style="list-style-type: none"> 1. Applicant’s original submission dated 26 May 2016 incorporating waste management plan. 2. Plans of the proposed development all dated 29 August 2016 Rev E comprising: <ol style="list-style-type: none"> (i) A01: Existing Site Plan;

	<p>(ii) A02: Ground Floor & Site Plan; (iii) A03: Upper Floor Plan; (iv) A04: Elevations; (v) A05: Landscape & Open Space; and (vi) A06: Plot Ratio.</p> <p>3. Applicant's correspondence dated 31 August 2016 incorporating:</p> <ul style="list-style-type: none"> • Design principle justification; • Amended development plans; • Stormwater Management Plan and Water Sensitive Urban Design Checklist; and • Bus Timetables (current and superseded). <p>4. Town of Bassendean Local Planning Policies:</p> <p>(i) No. 2 – Energy Efficient Design; (ii) No. 3 – Water Sensitive Design; (iii) No. 8 – Parking Specifications; (iv) No. 15 – Percent for Art Policy; and (v) No. 18 – Landscaping with Local Plants.</p> <p>5. Town of Bassendean Energy Efficiency Assessments for each dwelling.</p>
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Officer Recommendation:

That the Metro Central JDAP resolves to:

Approve DAP Application reference DAP/16/01058 and accompanying plans:

Dwg No.	Drawing Name	Rev No.	Dwg Date
A01	Existing Site Plan	E	29.08.2016
A02	Ground Floor & Site Plan	E	29.08.2016
A03	Upper Floor Plan	E	29.08.2016
A04	Elevations	E	29.08.2016

in accordance with Clause 10.3 of the Town of Bassendean Local Planning Scheme No. 10, subject to the following conditions:

1. Revised drawings being submitted in advance of, or in conjunction with the application for a Building Permit, and such drawings demonstrating compliance with the following requirements, to the satisfaction of the Town:
 - (a) Pedestrian paths being widened to 1200mm minimum opposite the meals area of U1 and in front of the entrance of U4.
 - (b) The brick fence forward of the boundary wall of U1 being lowered in height to a maximum of 1.8m above ground level.
 - (c) The driveway and car parking bays being constructed of segmented brick paving in lieu of concrete.
2. A detailed and professionally prepared landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full

detail of the scope of works to be undertaken in both the private and public realms adjoining the development site, including, but not limited to:

- (a) the location, type and size of proposed trees, shrubs and ground cover to be planted;
- (b) reticulation methods, including arrangements incorporated into the design to minimize water use; and
- (c) landscaping of the verge forward of the development site, including the provision of a street tree of a minimum pot size of 90L at the time of planting in accordance with the Town's adopted Street Tree Masterplan (*Eucalyptus todtiana*).

Landscaping design and species selection shall pay particular attention to provisions contained within the Town of Bassendean Local Planning Policy No. 18 – Landscaping with Local Plants.

3. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter.
4. Submission of a plan detailing the location of all external lighting, to the satisfaction of the Town prior to or in conjunction with the application for a building permit. The lighting plan shall take particular account of the need to for lighting to be provided to pedestrian paths and car parking areas. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.
5. The sealing and kerbing of all car parking areas and access ways to the Town's specifications.
6. The on site car parking spaces and access ways being constructed and maintained thereafter to the Town's specifications.
7. Each dwelling being provided with one car parking space. Such arrangement being reflected on any subsequent strata plan for the property.
8. Visitor parking spaces being clearly marked for "Visitors Only" and used as such.
9. A minimum of 4 bicycle parking spaces shall be provided for residents, and a minimum of 1 bicycle parking spaces shall be provided for visitors. The bicycle parking spaces shall be provided in the location and manner shown on the approved drawings and in accordance with the provisions of AS 2890.3 (as amended).
10. A construction management plan being submitted for the Town's approval prior to the issue of a building permit.
11. The existing redundant crossover being removed and the verge and kerbing being reinstated to the satisfaction of the Town.
12. Each dwelling being provided with a solar pergola as shown on the approved drawings. The solar pergolas shall be constructed with fixed louvres that are angled at 34 degrees to the north, and detailed construction drawings of the solar pergolas demonstrating compliance with this requirement shall be incorporated within the drawings that are the subject of an application for a building permit.
13. All storm water being contained and disposed of on site. Details of the method of storm water containment and disposal being included with the drawings submitted for a Building Permit.

14. The street number being prominently displayed at the front of the development.
15. Individual unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling.
16. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height. Where the ground levels vary on either side of the fence, the required height shall be measured above the higher ground level.
17. A separate application and approval being obtained for any fencing which is not shown on the approved drawings and which sits forward of the building line.
18. Visual privacy screening, where shown on the approved drawings, extending from floor level to a minimum height of 1.6 metres above floor level and incorporating a maximum 50mm gap between slats and no more than 25% of the surface area of the screened area being open.
19. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street. Air-conditioning condenser units are to be located only in the positions shown on the approved drawings unless alternative positions are approved by the Town.
20. External clothes drying facilities for shall be provided for each dwelling in the positions shown on the approved drawings unless alternative positions are approved by the Town. All such facilities shall be installed so as to be screened from view of the street or other public place.
21. Waste Management arrangements for the development shall be undertaken in accordance with the stamped approved waste management plan. The Waste Management Plan shall be applied in perpetuity across the life of the development and shall be incorporated into the strata by-laws for the development.
22. The bin storage area is:
 - (a) To be surrounded by a 1.8 metre high minimum walls with a self-closing gate;
 - (b) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, connected to sewer, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
23. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles.
24. The surface finish of boundary walls on the common boundaries with adjoining properties to be the same finish as the external wall finish for the remainder of the dwellings, unless otherwise approved by the Town.
25. All building works to be carried out under this development approval shall be contained within the boundaries of the subject lot.
26. The incorporation of public art into the proposed development or a cash-in-lieu payment of one percent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 "Percent for Art Policy". Detailed arrangements and agreement with respect to art to be provided on

site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.

27. Prior to the issue of a building permit, an acoustic report shall be submitted to the Town for approval which shall be prepared by an acoustic consultant with relevant qualifications and experience equivalent to those required for admission as a Member of the Australian Acoustical Society (to the satisfaction of the Town's Health Services). The report shall be prepared in accordance with the provisions of State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning. Any measures recommended within the acoustic report shall be implemented to the satisfaction of the Town, and any costs associated with such implementation shall be the responsibility of the owner/applicant.
28. The buildings hereby approved shall not be occupied until all of the conditions of planning approval have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period.
29. Prior to the issue of a building permit, a development bond for the sum of \$5,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.
30. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

Advice Notes:

1. The issue of a Building Permit is required prior to the commencement of any works on site.
2. **Dial Before You Dig:**
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please telephone 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via Dial Before You Dig "1100" number in advance of any construction activities.

3. Telecommunications Act 1997 (Commonwealth):
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, please contact Telstra's Network Integrity Team on 1800810443.
4. If the planning approval lapses, no development shall be carried out without further approval having first been sought and obtained.
5. If an applicant is aggrieved by this determination there is a right of review under Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged within 28 days of the determination.
6. Separate approval being obtained from the Town's Asset Services for the proposed crossover.
7. The applicant is encouraged to undertake a dilapidation survey of adjoining properties prior to the commencement of work on-site.
8. The Town of Bassendean has no objection, in principle, to the design of the development being 'handed'.

Background:

Insert Property Address:	Lot 3 (No. 8) Walter Road East, Bassendean
Insert Zoning MRS:	Urban
TPS:	Residential (R20/40)
Insert Use Class:	Multiple Dwelling
Insert Strategy Policy:	Not applicable
Insert Development Scheme:	Town of Bassendean Local Planning Scheme No. 10 (District Zoning Scheme)
Insert Lot Size:	1,200 sq.metres
Insert Existing Land Use:	Single House
Value of Development:	\$2 million

The site is currently developed with a timber framed asbestos walled and tiled roof single house which was constructed in 1954.

Following the construction of the single house subsequent minor approvals were issued for ancillary development on the site as chronicled below:

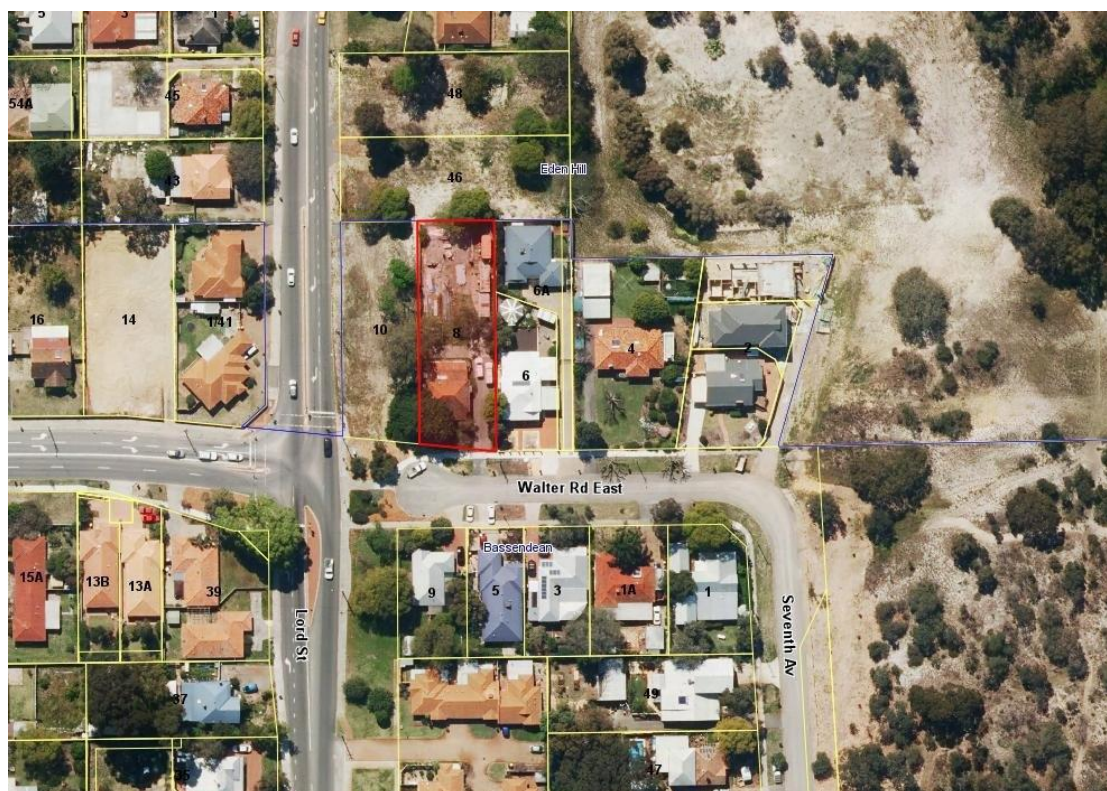
- 1973: Patio;
- 1974: Outbuilding;
- 1975: Carport;
- 1979: Patio Enclosure; and
- 1987: Outbuilding.

The development site is generally rectangular in shape with a frontage to Walter Road East of 20.22 metres, side boundaries of 58.64 metres and 60.75 metres and a rear boundary of 20.12 metres.

The site is situated within the cul-de-sac end of Walter Road East, just to the east of the junction of Walter Road East and Lord Street. Lots to the left hand side and rear of the development site are both vacant, both owned by the Western Australian Planning Commission and both affected in part by a Metropolitan Region Scheme (MRS) reservation for the future widening of Lord Street. The lot to the right hand side of the development site is developed with two single houses (each single storey) in a battle-axe configuration. Lots on the opposite side of the street are similarly developed with single storey single houses.

The application which is the subject of current consideration will necessitate removal of all existing improvements on site.

The relationship between the development site and other properties described above can be seen on the 2015 aerial photography extract which is provided below (development site is highlighted red):



Details: outline of development application

The proposed development incorporates the demolition of the existing single house and the construction of ten multiple dwellings. Each dwelling contains two bedrooms and two bathrooms (with the exception of ground floor apartment 1 which contains two bedrooms and one bathroom) along with an open plan kitchen/dining/living area. The five ground level dwellings are provided with associated ground level courtyards while the five upper level dwellings are each provided with balconies. Each dwelling is provided with a single car parking space and there are three visitor car parking spaces.

The multiple dwellings are contained within a series of 'buildings' which are each similar in character to two storey 'townhouses' with a communal driveway running along the left hand side of the development site.

The three visitor bays are located at the front of the site and forward of a security gate while the occupier bays are situated in the main beneath upper level building structures. Also accessed from the common property driveway is a communal bin store, a communal bike store and individual stores. A pedestrian path runs centrally through the site from the street front boundary of the site to the back buildings and this path connects directly to the entrances of the ground floor units and stairwells serving the upper floor units. The pedestrian path separates car parking spaces from the ground floor dwellings.

In order to receive approval, the application seeks discretion under the provisions of clause 5.3 of the Town of Bassendean Local Planning Scheme No. 10 (LPS10) for approval at the higher R40 density code.

In addition to discretion under LPS10, the applicant also seeks approval under the Design principles of the Residential Design Codes of Western Australia for components of the application relating to the following matters:

- (a) CI 6.1.1: Building Size;
- (b) CI 6.1.2: Building Height;
- (c) CI 6.1.4: Lot Boundary Setbacks;
- (d) CI 6.3.2: Landscaping
- (e) CI 6.3.3: Parking; and
- (f) CI 6.4.1: Visual Privacy.

Legislation & policy:

(a) Town of Bassendean Local Planning Scheme No. 10 including:

- Clause 1.6: The Aims of the Scheme;
- Clause 4.2.1: Objectives of Residential Zone;
- Clause 5.2: Residential Design Codes;
- Clause 5.3: Special Application of Residential Design Codes; and
- Clause 10.2: Matters to be Considered by Local Government.

Local Planning Scheme No. 10 can be accessed via the following link:
http://www.bassendean.wa.gov.au/7_info_feedback/pdfs/town_planning_docs/10-Lps-No10-gazetted.pdf

(b) Local Planning Policies

- Local Planning Policy No. 2 – Energy Efficient Design;
- Local Planning Policy No. 3 – Water Sensitive Design;
- Local Planning Policy No. 8 – Parking Specifications;
- Local Planning Policy No. 15 – Percent for Art Policy; and
- Local Planning Policy No. 18 – Landscaping with Local Plants.

(c) Town of Bassendean Strategic Community Plan

Town Planning and Built Environment

Objective

- Ensure Town provides choice in housing types

Strategies:

- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.

- Strive to ensure that higher density housing will have excellent design to ensure that development is people friendly and attractive.
- Strive to ensure that new housing, and particular high density housing has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability

State Government Policy

The following state government policies are of relevance when considering the application for development approval:

- (a) Perth and Peel @ 3.5 million / Draft Central sub-regional planning framework;
- (b) State Planning Policy 3.1 – Residential Design Codes of Western Australia; and
- (c) State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning

As the proposed development is within close proximity of Lord Street and the dwellings may be affected by road noise, it is recommended that the proposal be the subject of a noise assessment and that the development proceed in accordance with any recommendations that flow on from such assessment (this could, for example, result in a need for thicker glazing to be provided to windows or for an alternative balustrade treatment to be provided to upper floor balconies).

Local Policies

The application for development approval must be assessed against the Town's adopted Local Planning Policy No. 2 "Energy Efficient Design" and Local Planning Policy No. 3 "Water Sensitive Design". These policies are referenced by Clause 5.3 of Local Planning Scheme No. 10 and must be suitably addressed in order for the applicant to gain development entitlements at the higher R40 density code, as proposed.

Additionally, Local Planning Policy No. 8 – Parking Specifications, Local Planning Policy 15 – Percent for Art Policy and Local Planning Policy No. 18 – Landscaping with Local Plants are of relevance when considering the application.

Having regard to the value of the development (over \$1M) a public art requirement (equivalent to 1% of the project value) applies to the development.

Consultation:

Public Consultation

The application was referred to adjoining property owners inviting comment on components of the proposed development which did not meet the Deemed-to-comply provisions of the R-Codes by way of letter which included copies of the plans and invited comment within a period of 21 days in relation to the following components of the proposed development:

- Building Height;
- Primary Street Setback;
- Landscaping within Street Setback Area;
- Boundary Walls;
- Side Setbacks;
- Over height side boundary fencing;
- Filling and Retaining; and
- Visual Privacy.

In response to this consultation, two separate submission letters covering a variety of points were received. The detail of the submission letters, along with an officer response, is provided in the table below:

Submitters' Comment	Officer Response
<p><u>Boundary Walls</u></p> <p>Four sections of the houses are proposed to be built on the boundary. Walls will be up to 3.9m high and 2/3 of the length of the boundary. Maximum wall height should be 3.5m.</p> <p>Boundary walls will block light entering windows of west facing windows of dwelling.</p> <p>Concerns regarding structural damage associated with the construction of the boundary walls.</p> <p>Inability to affix anything to the boundary walls limiting ability to establish a vertical garden as the boundary walls will become the dividing fence separating the new development from the adjoining property.</p>	<p>When originally submitted, the proposed development incorporated four separate boundary walls with a total combined length of 24.68 metres and heights of up to 4.01m. The revised design which is the subject of JDAP consideration now incorporates three separate boundary walls with a reduced combined length of 18.77m and a maximum wall height of 3.076m and average wall heights of less than 3.0m.</p> <p>The boundary wall of unit 2 is situated adjacent to the side wall of the house at No. 6 Walter Road East within which openings exist, but the openings serve only non-habitable rooms (bathroom, laundry and toilet).</p> <p>This is not a relevant planning consideration. The proponent will be encouraged to undertake a dilapidation survey of the adjoining properties. Adjoining property owners can also pro-actively document the status of their properties prior to any works commencing.</p> <p>If the adjoining owner wishes to install a vertical garden to screen the view of wall on boundary, they have the potential to install a structure immediately adjacent to the wall (free standing) to which plants can grow to create the desired outcome.</p> <p>Further comment regarding boundary walls is provided in the R-Code assessment table of this report.</p> <p>Having regard to design adjustments that have been made, the submitters' comments are not supported.</p>

<p><u>Reduced Primary Street Setback</u></p> <p>The proposed development incorporates a 3m minimum setback in lieu of the prescribed 4m minimum setback. Such a reduced setback will compromise the front verandah and outlook generally from the front of the adjoining dwelling.</p>	<p>The primary street setback has been increased from that which was originally proposed to 4m minimum which meets the DTC provisions of the R-Codes. The average street setback of the development is also commensurate with that which would be provided at an R20 density code (6m average).</p> <p>Having regard to design adjustments that have been made, the submitters' comments are not supported.</p>
<p><u>Inconvenience Associated with Construction</u></p> <p>If development proceeds there will be a need to allow access for builders and the construction will likely occur over a period of around 12 months.</p>	<p>It is acknowledged that there will be a level of inconvenience for neighbouring property owners associated with the development of this property. A condition of approval has been recommended that requires the preparation and approval of a construction management plan which should assist in this regard.</p>
<p><u>Noise</u></p> <p>There will be 3 courtyards and 3 living rooms / bedrooms on the boundary which will have an adverse noise related impact on the adjoining property.</p>	<p>This is a matter for which there are no specific R-Code controls and accordingly the submitter's comments are not supported.</p>
<p><u>Character of Development</u></p> <p>Proposed development is out of character with the area –</p> <ul style="list-style-type: none"> • Most other developments are single storey in nature; • It is single storey homes for families that are required and not apartments for professionals; and • Approval of the development would conflict with the provisions of CI 4.2.1 (a) of LPS10 (residential zone objective) which is: <ul style="list-style-type: none"> (a) To maintain life long or long-time residents as an integral component of the Bassendean community. As a result of the proposed 	<p>While the concerns of the adjoining property owners are acknowledged, they can not be supported for the following reasons:</p> <ul style="list-style-type: none"> • Two storey buildings are accommodated by default throughout the Town; • The density of development which is proposed is accommodated by the Town's planning rules as they are currently structured; • Scheme objectives are set down within the Residential zone which could be said to promote development of this kind, including: <ul style="list-style-type: none"> 4.2.1(c) – recognising the role of Bassendean as a middle metropolitan area with respect to increased urban development and population growth; and 4.2.1(d) – make provision for housing

<p>development and the possibility of other similar development on adjoining properties my family will be moving away from Bassendean to find a home that recovers the suburban low/medium density lifestyle we will be losing here.</p>	<p>types that respond to declining occupancy rates.</p> <p>Although the concerns that have been raised by the adjoining owners are acknowledged, they can not be supported.</p>
<p><u>Limited Parking Availability for Construction Vehicles</u></p> <p>There is limited opportunity for the parking of trades vehicles having regard to the position of the development site at the end of a cul-de-sac.</p>	<p>This is a construction management issue that the site supervisor of the builder will need to control and which sits outside the ambit of planning controls. Rangers will be asked to patrol the street during construction and if any resident observes vehicles parked contrary to road rules, they can make direct contact with the Town's Rangers to address the matter.</p> <p>The submitters' comment is acknowledged and will be monitored during the construction period.</p>
<p>At a site inspection held 20 September 2016, adjoining property owners expressed a preference for the design to be 'handed'. The Town would be supportive of a design change in this respect and a footnote has been included within the recommendation to this effect.</p>	

Subsequent to the assessment of the original submission (which was the version of the plans advertised for public comment) the applicant amended the design by making the following changes:

- Lowering building height (but not to an extent which meets the DTC provisions of the Codes). This matter is the subject of more detailed discussion within the body of the report;
- Increasing primary street setback (to meet the DTC provisions of the R-Codes);
- Increasing extent of landscaping within the street setback area (to an extent that is 'deemed' to meet the DTC provisions of the R-Codes). This matter is the subject of more detailed discussion within the body of the report;
- Reducing length and height of boundary walls (but not to an extent which meets the DTC provisions of the Codes). This matter is the subject of more detailed discussion within the body of the report;
- Lowering the height of over height side boundary fencing forward of the boundary wall of U1 (but not to an extent that it now meets the normally expected 1.8 metre fence height). This matter is dealt with by way of a recommended condition of approval;
- Lowering the height of filling and retaining (to meet the DTC provisions of the R-Codes); and
- Adjustments to elevation drawings to show visual privacy screening not previously shown (but there are still components of the design which do not meet the DTC provisions of the R-Codes). This matter is the subject of more detailed discussion within the body of the report.

The amended drawings which are the subject of this report have not been the subject of further neighbour consultation.

No change was made in relation to upper floor setbacks relative to the rear property boundary which did not meet the DTC provisions of the R-Codes. This matter is the subject of more detailed discussion within the body of the report.

Consultation with other Agencies or Consultants

Having regard to the fact that the Western Australian Planning Commission owns the vacant lots to the left hand side and rear of the development site, and noting that variations to the DTC provisions of the R-Codes were proposed adjacent to each of these property boundaries, a consultation letter (including plans) was sent to the Department for Planning inviting comment on the proposed development on behalf of the Commission.

The Town's consultation letter was acknowledged, but no submission was made by the Department in relation to the proposed development.

No other external agency or consultant referral was undertaken.

Planning assessment:

The development site is zoned Residential with a dual density coding of R20/40 under the provisions of the Town's Local Planning Scheme No. 10. The objectives of the Residential Zone are:

- (a) to maintain life long or long-time residents as an integral component of the Bassendean community;*
- (b) to continue and increase the attraction for young families to reside and raise their families in the Bassendean community;*
- (c) to recognise the role of Bassendean as a middle metropolitan area that is well placed to contribute meaningfully to sustainable urban development for the Perth Region, and therefore facilitate the planned gradual increase in population growth in a manner that provides net environmental, social and economic benefit;*
- (d) to make provision for housing types that respond to the demands of an ageing population and declining occupancy rates;*
- (e) to limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- (f) to ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and*
- (g) to ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.*

The form of development which has been proposed is acceptable having regard to the existing planning framework and the location of the development site relative to services and facilities.

The development which has been proposed assists in accommodating population growth (1 dwelling replaced with 10 dwellings) while also providing a form of dwelling type that is

not well represented within the Town and which caters for a lower occupancy ratio to that of a traditional family dwelling.

A summary of the technical planning assessment is provided below:

Density of Development

Clause 5.3 of the Town’s Local Planning Scheme No. 10 (LPS10) is titled ‘Special Application of Residential Design Codes’.

Clause 5.3.1.1 of LPS10 states that:

Where a Split Density Code is depicted on the Scheme maps, any development shall conform to the lower density code applicable to the lot, unless Council determines that development up to the middle or higher density code is acceptable, having regard for sub-clause 5.3.1.2.

Clause 5.3.1.2 of LPS10 states that:

Subdivision or development in excess of the lower density coding shall be considered to be acceptable to Council where:-

- (a) in the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared access way, where required to service development to the rear;*
- (b) There is due regard for relevant Local Planning Policies;*
- (c) Identified heritage objectives are not compromised;*
- (d) The proposal demonstrates elements of water sensitive urban design; and*
- (e) The existing streetscape is being preserved.*

An assessment of the proposed development against the provisions of clause 5.3.1.2 of LPS10 is provided in the Table below.

	Scheme Requirement contained within clause 5.3.1.2 of LPS10	Officer Comment on Scheme Requirement
(a)	In the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared access way, where required to service development to the rear.	Scheme provision satisfactorily addressed. Although the configuration proposed (one dwelling on top of the other at the front of the development site facing the street in lieu of two dwellings side by side) does not meet the original expectation of the Scheme, it meets the literal wording. A shared access way serving dwellings to the rear of the site is provided along the left hand side of the development site.

(b)	There is due regard for relevant Local Planning Policies.	<p>Scheme provision satisfactorily addressed.</p> <p>The Town's Local Planning Policy No. 2 – Energy Efficient Design contains a checklist against which the application must be assessed and against which each dwelling must score a minimum score of 70 points out of an available 100 points.</p> <p>A copy of the assessment and associated score for each of the dwellings has been provided as an attachment to this report showing that each dwelling meets the required 70 point score.</p> <p>Dwellings have all been designed to provide outdoor living areas (courtyard ground floor or balcony upper floor) along with internal living areas that have a northern aspect. Eastern and western walls of dwellings have generally been designed to limit the number and size of openings in accordance with policy requirements.</p>
(c)	Identified heritage objectives are not compromised.	Scheme provision satisfactorily addressed. There are no heritage considerations that need to be taken into account in the assessment of the application for development approval.
(d)	The proposal demonstrates elements of water sensitive urban design.	<p>Scheme provision satisfactorily addressed.</p> <p>The Town's Local Planning Policy No. 3 – Water Sensitive Design provides the matters against which the application must be assessed.</p> <p>In summary, the development incorporates:</p> <ul style="list-style-type: none"> • Floor levels and finished ground levels to the development that are well above 1:100 year flood levels; • Retention of storm water run off on site; • Low water use / native focussed landscaping; and • The need for segmented paving will be incorporated as a recommended condition of approval.
(e)	The existing streetscape is being preserved.	<p>Scheme provision satisfactorily addressed.</p> <p>Although the proposed development incorporates two storey buildings in a section of street which is developed only with single storey dwellings (facing the street), the default height limit which applies to the scheme area permits such building height.</p> <p>The form and shape of the buildings are reflective of surrounding dwellings with pitched roofs.</p> <p>Sufficient landscaped area is now provided forward of the proposed buildings and street setbacks are commensurate with those that are specified for development at an R20 density code.</p>

R-Codes assessment:

The R-Codes assessment provided below is done so 'by exception'. Where there is no detailed comment provided in relation to a particular component of the R-Codes this is a result of the proposed development meeting the Deemed-to-comply provisions of the Codes.


Design Element	Residential Design Codes	Compliance / Officer Comments
6.1.1 Building size	<p>Maximum permissible plot ratio of 0.6 (or 720 sq.metres) at R40 density code.</p> <p>Proposed plot ratio of 0.608 or 730 sq.metres proposed.</p>	<p>Design principle assessment required.</p> <p>Plot ratio additional to that permitted by the DTC provisions of the Codes (10 sq.metres) equates to 1 sq.metre per dwelling, a figure that is so minor that it is indistinguishable in the context of the overall development.</p>
6.1.2 Building height	<p>Top of external wall 6m.</p> <p>Top of pitched roof 9m.</p>	<p>A small portion of the front building containing U1 & U6 incorporates a wall height of 6.297m and a small portion of the second building containing U2 & U7 incorporates a wall height of 6.254m.</p> <p>Wall height of all remaining buildings and top of roof height for all buildings fits within the DTC allowances.</p> <p>Additional wall height is acceptable as the additional wall height is minor in nature, does not result in overshadowing of an adjoining property, does not block views and the development presents to the street as a standard two storey dwelling, which is the form of development that the default height limits are intended to accommodate.</p>
6.1.4 Lot boundary setbacks	<p><u>Side setbacks generally</u></p> <p>As set out in Tables 2a and 2b. (see below for comment on boundary walls)</p>	<p>Side setbacks generally meet the requirements set down within Tables 2a and 2b with the exception of the upper floor north (rear) wall of units 9 and 10.</p> <p>Section of Wall Containing Screened Balconies to U9 & U10 DTC Setback = 1.5m Proposed Setback = 1.2m</p> <p>Section of Wall Containing Living Rooms of U9 & 10 DTC Setback = 2.0m Proposed Setback = 1.5m</p> <p>The affected rear adjoining property is vacant and the adjoining owner (the WAPC) was notified of the proposed</p>

		<p>setback and invited to make comment. As previously advised, no submission was made on behalf of the adjoining property owner. The proposed setbacks are acceptable as:</p> <ul style="list-style-type: none"> • The proposal has been the subject of neighbour consultation and no comment has been made by that adjoining owner; • The setbacks which are proposed will not have an adverse impact with respect to access to daylight and direct sun for any development which occurs on the adjoining property and should not adversely impact ventilation; • No privacy impact results from the proposed setbacks as the walls in question do not contain major openings; and • Any design prepared for the adjoining vacant land can be made in the knowledge of the positioning of buildings on the development site, reducing, for example, perceived impacts associated with building bulk.
	<p><u>Boundary walls</u></p> <p>Where the subject site and an affected adjoining site are subject to different density codes, in accordance with 6.1.4 C4.3, the length and height of the boundary wall on the boundary between them is determined by reference to the lower density code.</p>	<p>Three separate single storey boundary walls are proposed along the right hand (eastern) side of the development site adjoining the dwellings at Nos. 6 and 6A Walter Road East. As the adjoining properties are only developed to the base R20 density code, it is the R20 controls that apply to this component of the development.</p> <p>At an R20 density code, the R-Codes permit walls not higher than 3.5m with an average of 3m or less, for one-third of the balance of the boundary behind the front setback, to one side boundary only.</p> <p>The development site has a lot boundary length of 60.75 metres and the prescribed front setback at an R20 density code is 6m. Therefore the DTC allowance is for a wall of one-third of 54.75 metres which equals 18.25 metres.</p> <p>The proposed development incorporates three separate boundary walls; one each to</p>

		<p>unit 1, unit 2 and unit 3. These walls have the following dimensions:</p> <p><u>U1:</u> Length: 3.59m Max Height: 3.076m Avg Height: 2.926m</p> <p><u>U2:</u> Length: 7.59m Max Height: 2.983m Avg Height: 2.783m</p> <p><u>U3:</u> Length: 7.59m Max Height: 2.769m Avg Height: 2.719m</p> <p>As identified above, each of the walls fits within the DTC allowances with respect to average and maximum height, but the combined overall length of 18.77m exceeds the 18.25m length accommodated by the DTC provisions and therefore must be considered against the associated Design principles.</p> <p>The proposed boundary walls are acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The walls only marginally exceed the length allowed 'as of right' by the DTC provisions of the R-Codes (18.77m in lieu of 18.25m); • The maximum and average height of all walls are beneath that accommodated by the DTC provisions of the R-Codes; • The wall closest to the street is positioned behind the primary street setback line; • Having regard to the north-south orientation of the lots, the walls do not cause overshadowing to any habitable room windows or outdoor living areas; and • The extent of overall building bulk associated with the walls is commensurate with that anticipated by the DTC provisions of the R-Codes.
<p>6.3.2 Landscaping</p>	<p>Landscaping of open spaces in accordance with the following:</p> <p>(i) Street setback max 50% hard surface and no cars save for</p>	<p>Generally acceptable with the exception of pedestrian path provision.</p> <p>(i) Extent of soft landscaping is 'deemed' to meet the DTC provisions of the R-Codes as an area of soft landscaping greater than that specified is provided</p>

	<p>visitors bays;</p> <p>(ii) Separate wheelchair accessible pedestrian paths connecting entries to buildings with the public footpath and car parking areas;</p> <p>(iii) Landscaping between each 6 consecutive external car bays to include shade trees;</p> <p>(iv) Lighting to pathways, communal open space and car parking areas; and</p> <p>(v) Clear line of sight at pedestrian and vehicle crossings.</p>	<p>forward of ground floor unit 1 (a small portion of the landscaping is positioned behind the 4m setback line but forward of the building line).</p> <p>(ii) Minor adjustment to pedestrian path to meet specified 1.2m min width required alongside meals room of unit 1 (1.1m width shown in this location) and in front of entry to unit 4 (1.05m width shown in this location). This can be dealt with by way of conditions of approval.</p> <p>(iii) Not applicable.</p> <p>(iv) Detail not provided. Applicant has requested that this matter be dealt with by way of a condition of approval.</p> <p>(v) Clear lines of sight provided at pedestrian and vehicle crossings.</p>
<p>6.3.3 Parking</p>	<p>The following minimum number of on site occupier car parking spaces is provided per multiple dwelling – 1.25 per 2 bedroom apartments (12.5 i.e. 13 bays)</p>	<p>The application provides 1 bay per dwelling in lieu of the 1.25 bays per dwelling that is specified by the DTC provisions of the R-Codes for a 'Category B' location (the location that applies to this site – beyond 800m from a high frequency train station or 250m from a high frequency bus route).</p> <p>Instead, the 1 bay per dwelling provided is equivalent to that specified for development within a 'Category A' location (within 800m of a high frequency train station or 250m from a high frequency bus route)</p> <p>Parking provision at a ratio equivalent to that specified for development within a Category A location is supported for the following reasons:</p> <ul style="list-style-type: none"> • The development site is 22m from Lord Street, along which bus routes 340, 341

		<p>and 342 operate; and</p> <ul style="list-style-type: none"> The development site is within 600m (as the crow flies) of the Success Hill Train Station. <p>While neither of these bus or train services operate on what is technically classified as a high frequency service (defined by the R-Codes as a service every 15 minutes during weekday peak periods of 7am - 9am and 5pm to 7pm):</p> <ul style="list-style-type: none"> There are a combined 18 services within the morning peak (12 bus and 6 train) which equates to an <i>average</i> of 1 service for every 6.67; and There are a combined 20 services within the afternoon peak (13 bus and 7 train) which equates to an <i>average</i> of 1 service for every 6 minutes. <p>Three visitor car parking bays are also provided which meets the DTC requirement for this kind of development (1 bay per 4 dwellings).</p>
<p>6.4.1 Visual privacy</p>	<p>Major openings and unenclosed habitable spaces raised more than 0.5m above natural ground level and overlooking any other residential property behind its street setback set back in accordance with Table within cl 6.4.1 or are screened.</p>	<p>The proposed development complies with the DTC provisions with the exception of the following openings:</p> <p>Upper Floor West Facing Living Room window of U6: DTC Setback -6.0m Proposed Setback – 5.9m</p> <p>Upper Floor West Facing Living Room widow of U7: DTC Setback – 6.0m Proposed Setback – 5.86m</p> <p>Upper Floor West Facing Living Room window of U8: DTC Setback – 6.0m Proposed Setback – 5.86m</p> <p>The Living Room windows identified above are acceptable as proposed for the following reasons:</p> <ul style="list-style-type: none"> The proposed window configuration has been the subject of adjoining neighbour consultation and no submission was received in relation to this component of the proposed development; The setbacks which are proposed 5.86m – 5.9m will be indistinguishable from those which are allowed 'as of

		<p>right’;</p> <ul style="list-style-type: none"> • The adjoining property to the west of the development of site is vacant; and • The majority of the adjoining property to the west is reserved for future road widening with the surplus remaining portion of zoned land (which is the is area overlooked from the Living Room windows identified above) likely to serve nothing more than an access leg to WAPC owned properties at Nos. 46 and 48 Lord St to facilitate their development without the need to take direct vehicle access from Lord St. Refer to extract from LPS10 below:  <p>(Development Site highlighted red)</p>
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Council Recommendation:

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

Alternate Recommendation:

Not applicable.

Conclusion:

As identified within this report, the development site is zoned residential with a split coding of R20/40 under the provisions of the Town’s Local Planning Scheme No. 10 (LPS10) and the proposed development satisfactorily addresses requirements contained within LPS10 to qualify for development at the higher density code.

The proposed development has generally been designed to meet the Deemed-to-comply provisions of the R-Codes with minor discretion needing to be exercised in relation to certain aspects of the development as described within the report. For the reasons identified within the report it is recommended that such discretion be exercised and that the application be approved subject to the conditions recommended.

10.5 Reconsideration of Proposed Mobile Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean, Owner: Keppel Holdings Pty Ltd, Applicant: Hotchkin Hanly Lawyers (Ref: DABC/BDVAPPS/DA2015-246 - Timothy Roberts, Planning Officer)

APPLICATION

This report seeks council's reconsideration for a proposed mobile concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean. The matter was refused by Council at its June Ordinary Council meeting as the proposal was considered non compliant with the provisions of the Town of Bassendean Local Planning Scheme No. 10. As part of the State Administrative Tribunal appeal process and on receipt of further justification from the applicant, the Town has been invited to reconsider its decision.

ATTACHMENTS

Attachment No. 6:

1. Site plan
2. Proposed plan of development
3. Correspondence from Hotchkin Hanly Lawyers (The Applicant)
4. Town of Bassendean response letter to the applicant
5. Report to June Ordinary Council meeting
6. Buffer zone
7. Email correspondence from Department of Environment Regulation
8. Traffic management plan
9. CSBP redevelopment zoning map
10. Letter of recommendation from McLeods (Confidential Attachment No. 1)

BACKGROUND

The Town of Bassendean received a development application for a mobile concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean on 18 December 2015. Attachment 1 details the location of the site in relation to the surrounding industrial area and nearby residential housing. The applicant considered the application a 'deemed refusal' as it was not determined within the specified timeframes as detailed within the *Planning and Development (Local Planning Schemes) Regulations 2015*. The applicant subsequently lodged an appeal with the State Administrative Tribunal (SAT) on 15 March 2016 where after mediation and receipt of amended plans, the Town was invited to reconsider its decision by 28 June 2016.

The proposed development (see attachment 2) was referred to Council for reconsideration at its June Ordinary Council meeting where council resolved to refuse the proposed development due to non compliance with the objectives and provisions of both Town of Bassendean Local Planning Scheme No. 10 (LPS10) and Local Planning Policy No. 6 Industrial Zones Development Guidelines (LPP6). The unquantified impact of the proposed development on nearby sensitive land uses as well as traffic management concerns also formed reasons for refusal. A copy of the officer report along with council's resolution is attached as attachment 3 to this report. As such the matter was referred to a further directions hearing on 08 June 2016 where the following orders were made:

1. On or before 15 July 2016 the applicant is to write to the respondent seeking confirmation of the issues the respondent contends the applicant has not properly addressed.
2. On or before 29 July 2016 the respondent is to reply to the applicant setting out the issues the respondent contends the applicant has failed to properly address and what steps need to be taken to properly address them.
3. The proceeding is adjourned to a further directions hearing at 12 noon on 5 August 2016 at 565 Hay Street, Perth, Western Australia.

The applicant wrote to the Town on 12 July 2016 (see attachment 3) seeking further clarification with respect to traffic management, the need for a site specific technical analysis and incidental development within the unzoned (to be acquired) portion of the lot. The Town of Bassendean provided a written response (see attachment 4) further supporting its reasons for refusal. At the directions hearing the applicant was prepared to have the matter reconsidered again by Council with further information to be provided for the purpose of reconsideration. The following Orders were made

1. Pursuant to section 31 of the SAT Act the Town is invited to reconsider its decision on or before 27 September 2016.
2. There is a directions hearing for 30 September 2016, to program the matter to a hearing if required.
3. The final hearing dates of 5 and 6 December 2016 are listed.

The proposed mobile concrete batching plant is again being referred to Council for reconsideration in line with these Orders.

STRATEGIC IMPLICATIONS

The proposal has strategic implications for the surrounding area in that both the draft Central Sub-Regional Planning Framework and the Ashfield Precinct Plan identify portions of the nearby CSBP's and Wesfarmer's Landholdings for commercial mixed use and/or residential purposes. The proximity of the former CSBP site to the proposed concrete batching plant falls well within the prescribed buffer zone between industrial and sensitive land uses. Land parcels proposed for the redevelopment of the former CSBP site have been zoned commercial, general industry and public open space. Implications of the proposed concrete batching plant on the CSBP site redevelopment will be further discussed under the comments section of this report.

COMMENT

In considering applications for development approval within the General Industry zone, the local government shall have regard to the objectives for the zone, and all development shall have regard to the relevant provisions of LPP6. Fencing proposed is powdercoat black linkmesh fencing at a height of 2.1 metres. Fencing is proposed on the lot boundary as opposed to the required two metre setback behind the street alignment. The proposal is unclear as to how fencing will be incorporated assuming the future construction of the Wicks Street road reserve and further detail will be required to ensure future compliance. Shade trees in car parking areas have also not been provided as required under the policy.

It is considered that the above variations can be addressed by way of condition within any development approval. As part of the required SAT correspondence between parties, three essential issues were identified for the Applicant to address before the application could be recommended for approval. These three issues are the adequacy of the Traffic Management Report, the need for a site specific technical analyses and acquisition of and development within the Wicks Street road reserve. The Town has received additional supporting information and further justification, meaning a well informed assessment and decision can now be undertaken.

SEPARATION DISTANCES BETWEEN INDUSTRIAL & SENSITIVE LAND USES

The Western Australian Planning Commission (WAPC) State Planning Policy (SPP) 4.1 State Industrial Buffer Policy recommends that buffer distances outlined in the Guidance for the Assessment of Environmental Factors: Separation distances between industrial and sensitive land uses (EPA 2005) comply with the objectives of the policy, The guidance statement specifies a separation distance of 300-500m between concrete batching plants and sensitive land uses for batching plants where concrete is made (batched) and loaded for transport (see attachment 6).

Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. Some commercial, institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered 'sensitive land uses' Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.

The applicant has advised that the site is to be solely used for the batching of concrete and therefore the applicable required buffer zone is 300-500m (dependant on size). There are 53 residential dwellings (sensitive land use) within the prescribed 300-500m buffer zone. The buffer zone also extends into the City of Bayswater although there are no residential sensitive land uses within this portion of the buffer zone. It is unknown whether any of the nearby industrial properties within either the City of Bayswater or the Town of Bassendean fall within the definition of a sensitive land use. Additionally, the redevelopment of the former CSBP site proposes land uses that could be considered to be a sensitive land use.

The Applicant provided the following justification and supporting information in support of the application:

The Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 (Guidance Statement No. 3) specifically addresses generic distances between industrial and sensitive land uses to avoid conflicts between these land uses.

Appendix 1 of Guidance Statement No. 3 contains the separation distances between industrial and sensitive land uses. Appendix 1 of Guidance Statement No. 3 states a 'Concrete Batching Plant or Cement Products (Bricks) Manufacture' use would require a buffer distance of 300m to 500m, depending on size (as measured from the lot boundary of the industrial use and the lot boundary of the nearest sensitive land use).

The subject site is located approximately 420m from the nearest sensitive land use (being the residential properties to the south-east of Guildford Road)

Section 4.4.1 of Guidance Statement No. 3 states the following in relation to where a new industrial use is proposed near existing sensitive land use:

'Where the separation between the industrial and sensitive land uses is greater than the generic distance, there will not usually be a need to carry out site specific technical analyses to determine the likely area of amenity impacts due to emissions from the industry. The need for technical analyses is likely to be limited to such instances as major industrial development, industries using new or non-typical processing techniques, or areas subject to cumulative impacts.

As a separation distance greater than the generic minimum distance is provided a technical analyses is not necessary. Furthermore, the proposed use will operate in accordance with the requirements of the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998. As such, the proposed use will not use any non-typical processing techniques. The proposal will also operate in accordance with a Waste and Dust Management Plan.

It should be noted that the proposal was referred to the Environmental Protection Authority ('EPA') by the Town of Bassendean on 11 May 2016. Rowe Group provided the EPA with A Referral of a Proposal to the Environment Protection Authority under Section 38 of the Environmental Protection Act 1986.

As part of the referral process the EPA advertised the proposal for seven (7) days. No submissions were received during this time.

On 18 July 2016 the EPA issued a Notice under Section 39A(3) of the Environmental Protection Act 1986 stating that the proposal is not so significant as to require assessment by the EPA. No appeal was made against this decision within the 14 days following the date on the EPA's Notice.

Notwithstanding the above, Rowe Group has prepared the following draft condition of planning approval that could be imposed by the Town so as to mitigate any adverse impact on the amenity of the area within the maximum 500m generic buffer prescribed by the Guidance Statement No. 3:

'The proposed development is, at all times, to operate in accordance with the Waste and Dust Management Plan and the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.'

The Town of Bassendean sought clarification from the EPA with respect to the required 300-500m separation distance from sensitive land uses (dependant on size). The notation that the setback from sensitive land uses be dependent on size without attributing an average daily output to a distance within the buffer range raised uncertainty in the assessment process. The proposed mobile concrete batching plant is setback 420 metres from the nearest sensitive land use and proposes an approximate daily average of 350m³ of concrete to be batched on site. The EPA responded on 2 September 2016 and provided the following comment;

'Given the average daily production of 350m³ and the 420m distance to residential areas (which is within the recommended 300 to 500m separation distance), a site specific technical analysis would NOT be essential. The plant will require a works approval from the Department of Environment Regulation (DER) under Part V Division 3 of the Environmental Protection Act 1986, and during this process the DER would request further technical information if necessary. The plant will also be regulated via the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.'

ENVIRONMENTAL PROTECTION AUTHORITY

Section 48 of the *Environmental Protection Act 1986* (EP Act) makes provision for the referral to the Environmental Protection Authority (EPA) of a proposal by a third party. The proposed concrete batching plant was referred to the EPA on 11 May 2016 by the Town. The EPA makes a decision about the nature of the proposal and whether or not the proposal is suitable for an *Environmental Impact Assessment* under Part IV of the EP Act. At the time of the June council meeting, no comment had been received. Attachment 7 details correspondence between the Town and the Department of Environment Regulation, with the following comment provided:

'This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the Environmental Protection Act 1986 (EP Act). Accordingly, the EPA has determined not to assess this proposal. Nevertheless, the EPA expects that the proposal will be implemented in an environmentally responsible way.'

TRAFFIC MANAGEMENT

Clune Street is classified as an Industrial Access Road with Jackson Street classified as an Industrial Local Distributor under the MRWA Functional Road Hierarchy. In 2003, Jackson Street had daily volumes of 3,420 vehicles per day and in 2007 had daily volumes of 2,004 vehicles per day. No daily traffic volumes are available for Clune Street however the traffic management plan (see attachment 8) provided in conjunction with the application estimated daily traffic volumes along Clune Street as being approximately 1,500 vehicles per day. The maximum desirable traffic volume for an Industrial Local Distributor is 7,000 vehicles per day and 3,000 vehicles per day for an Industrial Access Road. The proposed number of vehicles accessing the proposed concrete batching plant will be approximately 100-120 vehicles per day. It is therefore considered that increased traffic numbers resultant from the proposed concrete batching plant will operate in accordance with the roads intended capacity. Whilst the proposed traffic numbers will operate in accordance with the road networks intended capacities, the intended future construction of the Wicks Street road reserve will further relieve traffic congestion concerns within the area.

The applicant provided the following justification and supporting information in support of the application;

The Transport Statement prepared by Shawmac and provided to the Town on 4 May 2016 demonstrates the expected traffic movements of the proposed concrete batching plant at the subject site and the surrounding streets.

As per the Orders issued by the Tribunal on 14 April 2016 the Town was to provide the Applicant with information regarding traffic estimates from the Outline Development Plan for Lot 10 Railway Parade, Bassendean ('the CSBP Land'). The Town provided the Applicant with a copy of a traffic report titled 'Eastern Access Assessment' prepared by Transcore (dated 12 November 2012) on 14 April 2016.

The 'Eastern Access Assessment' report does not contain any traffic estimates from the Outline Development Plan for the CSBP Land.

Discussions with Transcore on 4 August 2016 confirmed that traffic modelling for Clune Street and the future Wicks Street (which are the most relevant to the proposal) has not commented on in any report.

Correspondence from Mr Slarke on 4 August contained a copy of what appears to be an extract of a Draft Traffic Report relating to the Outline Development Plan for the CSBP Land. The correspondence from Mr Slarke stated that the Draft Traffic Report was received by the Town on 4 August 2016. The correspondence did not specify who provided the Draft Traffic Report. The Draft Traffic Report is untitled and it is unclear as to who is the author of the document.

The Draft Traffic Report states the CSBP Land would ultimately generate approximately 22,680 daily trips during a typical weekday with the area generating approximately 2,268 trips during the morning or evening peak hour. The Draft Traffic Report does not contain traffic estimates for Clune Street or the future Wicks Street.

Rowe Group attempted to confirm the validity of the Draft Traffic Report through correspondence to Transcore on 4 August and 18 August 2016. No response has been received to date.

Shawmac confirmed in correspondence dated 5 August 2016 that assumptions could be made based on the daily and peak hour traffic estimates generated by the CSBP Land described in the Draft Traffic Report, however without the traffic modelling being available it is impossible to accurately determine the potential traffic impact of the CSBP Land.

On the basis of the above, Rowe Group is of the view that it is inappropriate that the prospective leaseholder of the subject site be required to update the Transport Statement to reflect traffic estimates of the Outline Development Plan for CSBP Land for the following reasons:

- No traffic report appears to have been prepared or made public which contains traffic modelling for Clune Street or the future Wicks Street. The prospective leaseholder contends how the Town can require the Applicant to reflect the traffic modelling which they themselves have not seen, reviewed or supported;*

- *The proposal will generate an additional 256 trips per day (or approximately 26 trips per hour). In comparison to the proposed 22,680 trips generated by potential development at the CSBP Land, the proposal is so insignificant that any adverse impact cannot be expected; and*
- *No subdivision application has been lodged with the WAPC or a development application has been lodged with the City of Bayswater in relation to the CSBP land. Further, the property has been on the market. A purchaser may purchase the site with the intention of changing the zoning of this land or developing the site for some other use. Therefore there is too much uncertainty in relation to the future use(s) of the CSBP land.*

WICKS STREET ROAD RESERVE

The proposed development is located within close proximity to the former CSBP site within the City of Bayswater. This site (see attachment 9) has been the subject of comprehensive strategic planning with an Outline Development Plan (ODP) adopted by the City of Bayswater on 23 April 2013. The ODP is a fundamental planning tool to guide the future subdivision and redevelopment of the site in accordance with the intent and recommendations of the Ashfield Precinct Plan. The ODP provides for the subdivision of the former CSBP site into potentially 92 lots with associated areas allocated for drainage and public open space and critical site access and road layouts. The ODP identified that the extension of Wicks Street (currently unconstructed) into Jackson Street was the most suitable option for vehicle access. This culminated in a (Town of Bassendean) Council resolution on 23 April 2013 supporting traffic arrangements proposed for the CSBP site, including the construction of the Wicks Street road reserve, and resolved to initiate acquisition of lands required for such purpose. It should be noted that part of the required Wicks Street road reserve falls within the lot the subject of the proposed development.

Incidental development to the proposed usage is currently proposed on land required for the Wicks Street road reserve (truck parking and associated vehicle access). The proposed development should be designed on the basis of this portion of land being required for road purposes and being excised from the development site. Should council choose to approve the application subject to advice outlined within this report, future compliance with the Town of Bassendean crossover specifications post resumption of the unzoned portion of land can be conditioned within any planning approval.

The development proposes 18 truck parking spaces and once the unzoned portion of Wicks Street is acquired the development proposes the relocation of 15 on these truck parking spaces within the general industry zoned portion of the lot. There are no planning controls as to the number of commercial vehicles to be provided for a concrete batching plant however the future truck parking spaces proposed are required to work in accordance with '*Australian Standard 2890.2-2002: Off-street commercial vehicle facilities*'. It is evident that should the truck parking spaces be relocated as proposed, the design turning radius for a medium rigid vehicle would not comply with these standards for five of the truck parking spaces. Should council choose to approve the application subject to the advice outlined within this report, the relocation of truck parking spaces and required compliance with the Australian Standards can be conditioned within any planning approval.

On the 7 July 2016, The Town of Bassendean requested the assistance of State Lands to acquire the unzoned portion of the lot for the construction of a public road in line with council's June resolution. At this stage, there has been no response received from State Lands as to the status of the acquisition.

The applicant has provided the following justification and supporting comments in support of the application:

In relation to the statements made by the Town in the 19 July 2016 Letter, we provide the following comments. Note that the statements made by the Town in the 19 July 2016 letter have been refined to three (3) issues as outlined in the 29 July 2016 correspondence from Mr Slarke , two of which have been addressed above. The below section addresses the third issue; being the implication of the future Wicks Street road reserve.

The 29 July 2016 correspondence from Mr Slarke states that the primary issue of the future Wicks Street road reserve are:

- *It is not clear from the Site Layout plan how the facility will operate once the Wicks St land is resumed; and*
- *The crossover on Wicks St closest to Clune St will not be supported by the Town*

The proposal involves a two stage development. This is reflected on the development plans through a pre-Wicks Street construction and post-Wicks Street construction.

Until the resumption of Wicks Street is finalised, it is proposed that truck parking be permitted on the southern portion of the

subject site that is currently shown as 'No Zone' under the provisions of LPS 10.

When the resumption of Wicks Street is finalised, the truck parking will be relocated onto the northern portion of the subject site that is currently zoned 'General Industry' under the provisions on LPS 10 and crossovers will be constructed to allow access to the future Wicks Street. This is reflected on the updated plans.

We are of the view that this is a reasonable request whilst the southern portion of the subject site is still until private land ownership.

In relation to the location of the crossovers, the Town confirmed in its 5 August 2016 correspondence that the crossover closest to the intersection of Clune Street and the future Wicks Street and that opens onto the future Wicks Street is required to be set back 12m from the invisible truncation peg.

STATUTORY REQUIREMENTS

Relevant statutory considerations relating to the interpretation of LPS 10 and LPP 6 have been addressed within the associated June council report (see attachment 5) additional to a brief overview within the comments section of the report. The proposed variations to LPS 10 and LPP 6 are considered minor in nature and can be addressed as a condition of approval should council favourably view the proposal.

FINANCIAL CONSIDERATIONS

Refusal of the application could result in significant legal fees for the Town, in terms of defending the application for review.

CONCLUSION

From receipt of additional supporting information and further justification from the applicant in conjunction with receipt of traffic estimates and additional information from the Environmental Protection Authority, it is considered that Council is now in a position to make a comprehensive and well informed assessment and determination on the proposed development.

The Town's solicitors have provided further comment on the justification and supporting information provided by the applicant to formalise a recommendation as to whether a realistic prospect of a favourable outcome can be achieved at a final hearing in the SAT. This recommendation has been provided as confidential attachment 10 to the report.

OFFICER RECOMMENDATION — ITEM 10.5

That, in response to the s31 invitation made by the State Administrative Tribunal, Council approves the development application for the proposed mobile concrete batching plant at Lot 105 (Nos, 2-8) Clune Street, Bassendean, with the following conditions imposed:

1. Prior to the issue of a building permit, a development bond for the sum of \$10,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works;
2. A detailed landscaping plan being submitted for approval prior to or in conjunction with the application for a Building Permit which demonstrates compliance with the following requirements:
 - a. Provision of a minimum 6 shade trees for car parking spaces on site;
 - b. Shade trees being a minimum height of 2m at the time of planting;
 - c. Eucalyptus Leucoxydon Rosea to be planted with a minimum pot size at the time of planting of 100L;
 - d. All landscaped areas being reticulated;
 - e. A focus on the use of local species as specified within the Town's adopted Local Planning Policy – Landscaping with Local Plants;
3. All landscaped areas shall be reticulated and maintained for the life of the development in accordance with the approved plans;
4. Any fencing to be set back a minimum of 2 metres from the Clune Street frontage, behind the landscaping strip as marked in red on the approved drawings. Fencing is not permitted to be constructed along the alignment of the Clune Street property boundary. Fencing along the Wicks Street road reserve post resumption of the unzoned portion of the lot is to be subject of a separate planning application. Details of fencing to be submitted for the approval of the Town in conjunction with or prior to the issue of the Building Permit;
5. The proposed development is, at all times, to operate in accordance with the Waste and Dust Management Plan and the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998;

6. Production capacity of the plant not exceeding 350 cubic metres per day in line with the detail provided within the application, without the further approval of the Town first having been obtained;
7. No products, goods, materials or waste shall be stored outside of the building unless in a designated area that has been approved by the Town for this purpose;
8. A bin area is:
 - (a) To be provided of not less than 10m²;
 - (b) To be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m;
 - (c) To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - (d) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;
9. Bins are to be washed only in an approved wash down facility within the bin area, drained to a silt trap and disposal of via the Water Corporation sewer system or if this is not available, a leach drain soakwell system which is separate to the stormwater disposal system, or approved system, to the satisfaction of the Town of Bassendean;
10. Full details of the method of storm water disposal being included for the Town's approval in conjunction with the application for a Building Permit. The storm water design shall provide for storm water retention on site for storm events up to and including a 1:20 year average recurrence interval;
11. The 19 car parking space and 18 truck parking spaces and associated access ways shown on the approved drawings being constructed, kerbed, marked and maintained thereafter to the Town's satisfaction;
12. Car parking bays being setback 2 metre minimum from the existing corner truncation as marked in red on the approved plans;
13. Concrete mixer trucks are to be parked within an approved truck parking bay only;

14. Truck parking bays are to conform to the relevant Australian Standards. Future truck parking as marked on the approved plans are not approved as part of this planning application and subject to a future application for development upon resumption of the unzoned portion of the lot;
15. The required crossover post resumption of the unzoned portion of land shall be constructed to Council's specifications. (Note: Separate application and approval required);
16. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition;
17. No retail sales to be carried out from the premises;
18. Signage being subject to a separate application;
19. The street number being prominently displayed at the front of the development; and
20. The issue of a Building Permit prior to the commencement of any on site works.

Footnotes

- (i) Suitable arrangements are to be made with the City of Bayswater for the provision of the vehicle crossover to service the lot from Clune Street and will be subject to the City's crossover specifications and standards.

Voting requirements: Simple Majority

10.6 Strategic Planning Framework - Indicative Implementation Plan Year 1 (2016-17) (REF: LUAP/PLANNG/14 - Anthony Dowling, Director Strategic Planning)

APPLICATION

Council is requested to receive and adopt - as a guide only - the attached Indicative Implementation Plan – Year 1 (September 2016 – August 2017) outlining the series of tasks proposed to be undertaken within the first year of its adopted Strategic Planning Framework (SPF).

ATTACHMENTS

Attachment No. 7:

Bassendean Strategic Planning Framework 2016-2019 Indicative Implementation Plan – Year 1 (September 2016 – August 2017)

BACKGROUND

Council, at its Ordinary meeting held on 24 May 2016, unanimously resolved at OCM – 8/05/16 to:

1. *Receive the overview of the Scope of Works Report for the Strategic Planning Framework for the Town of Bassendean prepared by Taylor Burrell Barnett, Town Planning & Design and endorses the methodology contained within that report; and*
2. *Approves option two with a three year project timeframe and allocates funds for consideration for Year 1 of the Strategic Planning Framework in the 2016/17 draft Budget and includes Years 2 and 3 in the Long Term Financial Plan.*

Since then, the Town has:

- (i) Allocated \$262,000 in its current 2016-17 Budget to implement the first year of the Strategic Planning Framework (SPF); and
- (ii) Appointed an inaugural Director Strategic Planning (Mr Anthony Dowling) to oversee and manage the implementation of the SPF within a 3 year timeframe (2016 – 2019). Mr Dowling commenced employment with the Town on 16 August 2016.

An **indicative** Implementation Plan for implementing the first year of the SPF (2016-17) is attached for consideration and acceptance by Council (with or without modifications).

The plan is based upon the recommended SPF timetable as outlined in the Scope of Works prepared by Taylor Burrell Barnett (TBB) and considered and adopted by Council at its 24 May 2016 Ordinary Meeting.

STRATEGIC IMPLICATIONS

The indicative Implementation Plan Year 1 principally focuses on reviewing and revising the Town's existing Local Planning Strategy (LPS).

It also envisages commencing the structure planning process for the whole of the Bassendean Town Centre and review of Local Planning Scheme 10 (LPS 10).

The structure planning process for the Bassendean Town Centre will include a review of the *Bassendean Town Centre Area Strategy and Guidelines* (adopted as *Local Planning Policy 1* under LPS 10) and incorporation of any development plans adopted pursuant to the current development agreement between the Town, LandCorp and the Swan Districts Football Club (SDFC) during the first year.

COMMENT

As Council is aware, the SPF comprises 4 principal components (planning instruments) as follows:

- Local Planning Strategy
- Urban Intensification Plans
- Local Planning Scheme
- Design Guidelines

Notwithstanding the project schedule set out in the adopted SPF for undertaking these components (which follows a logical and sequential order), it is the intent of the Director Strategic Planning to commence undertaking each component within the first year of the implementation plan.

This is because the process of formulating, publishing and adopting these planning instruments invariably consumes a lengthy period of time, especially where there is a need to re-visit or be cognizant of previous studies, plans, reports, resolutions of Council, etc, that might apply or have relevance and which provide a context.

There is also a need to allow for any extenuating circumstances that might affect the completion of these undertakings within the project schedule timeframe.

However, the level of focus in progressing these components will be commensurate with its order prescribed in the adopted project schedule.

Further particular comments in respect to progressing each of these components are as follows:

Local Planning Strategy

Reviewing and revising the existing *Local Planning Strategy* will be the principal focus in the first year of implementing the SPF.

This is because the strategy is required to provide the rationale and spatial dimension for future desired or envisaged major land use and movement network changes within the Bassendean district. It also provides the 'lens' through which applicable State Planning policies, and desired development standards and controls, ought to be applied.

From this work, more detailed planning and design work usually follows or is derived, generally via the preparation and adoption of such instruments as local planning schemes, land use structure plans, and local development plans.

Urban Intensification Plans

A secondary focus in the first year of implementation is the progressing of the urban intensification plans. Foremost will be the commencement of structure planning for the whole of the Bassendean Town Centre (including the Success Hill locality) given the lead up work to date, viz. the *Bassendean Town Centre Area Strategy and Guidelines* adopted by Council in 2008 and the current concept planning being undertaken within the Bassendean Activity Centre by LandCorp.

Secondary to this will be the commencement of structure planning for the Ashfield Activity Centre, beginning with a desktop review of the previous Ashfield TOD planning, the Ashfield Community Action Plan 2009, and current proposals for the former Wesfarmers site.

This will be followed by initial structure planning, which will be very much dependent on the review of the Local Planning Strategy (LPS) being substantially completed.

Local Planning Scheme 10

At this stage it is unclear as to whether a new local planning scheme is required to replace LPS 10 or for LPS 10 to be suitably amended.

There are 2 options available to Council to consider.

The first option (Option 1) available is to revise and update LPS 10 via a scheme amendment. This can take 2 forms.

Firstly, a basic amendment can be undertaken where only administrative provisions are updated and any anomalies in the scheme are rectified. No public advertising of the amendment is required. Such an amendment will need to incorporate any Model Scheme Text (MST) provisions currently lacking and relevant 'deemed provisions' prescribed in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This amendment is relatively straight-forward and can be completed in less than 12 months (the oft-quoted minimum standard timeframe for completing scheme amendments). It can also be undertaken 'in-house', which the Manager Development Services has indicated a preference to do so.

Secondly, a 'standard amendment' or (more than likely) a 'complex amendment' (or amendments) is undertaken at a later date, addressing any desired and proposed changes to land uses, movement networks, development controls and standards etc identified through the revised LPS.

This work can also be undertaken 'in-house' but such an amendment is likely to be comprehensive and require substantial staff time to prepare. This will be affected by the availability of the Town's staff to prepare the amendment documentation, deal with other Town priorities, and devote time to progressing it expediently. Where this may be a concern or an issue, external expertise can be commissioned to assist.

The second option available (Option 2) is to prepare a new local planning scheme (ie, 'start-over'). This may be preferable if a fresh approach to planning for the whole of the Bassendean district is desirable, and/or wholesale changes to the existing urban form, movement networks, the development control regime etc across the whole district is envisaged or warranted.

Either option is acceptable although there are some points of difference between the two when weighing up which option to follow.

If it is decided to simply revise and update LPS 10, a consolidation of LPS 10 is required (*cf s88 of the Planning and Development Act 2005*) and will need to occur prior to commencing the LPS 10 revision/updating process.

Consolidating LPS 10 will lead to the generation of a report addressing the effectiveness of LPS 10 and hence, the identification of changes that may or will be required to LPS 10.

If it is decided to prepare a new local planning scheme within the prescribed SPF timeframe, a consolidation of LPS 10 will not be required.

In terms of timeframes, the preparation of a new local planning scheme (depending upon when the scheme preparation process commences) will ordinarily, take longer to complete than suitably amending LPS 10 (probably at least 2 years).

The other difference is that a new local planning scheme may be subject to a comprehensive environmental review (ER), potentially extending the timeframe to complete the new scheme, well beyond a 2 year timeframe.

Whilst any amendment to LPS 10 may also be subject to an ER, it is only the proposed land use changes wrought by the amendment that will be subject to a potential ER. Potentially, this may reduce the scope of work required to carry out an ER when compared to undertaking a new local planning scheme.

It is noted from the scope of works document produced by TBB that a period of at least 18-21 months was envisaged to review LPS 10. This appears reasonable if no substantial or extensive changes to LPS 10 are required. However, if extensive and substantial modifications are required, then this timeframe may be ambitious.

Initial advice from the DoP indicates that a number of local governments are pursuing option 1 rather than going down the pathway of preparing a new local planning scheme (option 2).

On the face of it, it may be preferable that the Town also go down this path (Option 1) as, potentially, it is likely to be more expedient and easier to deal with from a community consultation perspective. It provides the opportunity for the community to principally focus on land use changes etc rather than on proposed administrative changes and other technical matters.

However, a consolidation of LPS 10 will need to occur first, and sooner rather than later. Provision has been made for this to occur in year 1 of the implementation plan.

Even if the consolidation of LPS 10 reveals that the preparation of a new scheme is warranted, the preparation of a new local planning scheme can commence by November 2017 as scheduled in the SPF.

It may also be able to commence earlier, which will be preferable, in order to be able to adhere to the scheduled timeframe.

Design Guidelines

Although this final component is scheduled to occur between October 2018 and June 2019, it is considered opportune that any preparatory and lead-up work—such as reviewing existing design guidelines and any related planning policies—commences much earlier. Ideally, this ought to dovetail with the Town's intended review of its planning policies (which incorporates a number of existing design guidelines) proposed to commence before the end of 2016.

It will also be especially opportune to dovetail with the detailed Bassendean Activity Centre planning and design as well as encapsulating many of the desires expressed by the Town's community members and organisations for sustainable development design guidelines and policies.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

The Implementation Plan Year 1 envisages the expenditure of the allocated funds in the 2016-17 budget in commissioning appropriate consultants and professional expertise to assist in delivery of the SPF.

OFFICER RECOMMENDATION — ITEM 10.6

That Council adopts the *Bassendean Strategic Planning Framework 2016-2019 Indicative Implementation Plan – Year 1 (Sep 2016 – August 2017)*, as attached to the September 2016 Ordinary Council meeting, noting that the plan is a guide only and may be modified from time-to-time, subject to further approval or endorsement from Council.

Voting requirements: Simple Majority

10.7 Municipal Heritage Inventory: Heritage Incentives for Property Owners of Places Listed within the Heritage List (Ref: DABC/LIAIS/2 - Tim Roberts, Planning Officer)

APPLICATION

This report seeks Council's commitment of intent that all places listed within the Heritage List under Local Planning Scheme No. 10 will have access to a range of heritage incentives. The purpose of this report is also to seek clarity for category 3 property owners should they choose to opt in to the Heritage List under Local Planning Scheme No. 10 (LPS10) in order to access any heritage incentives that would otherwise be available to only category 1 and category 2 listed places.

BACKGROUND

When the Municipal Heritage Inventory (MHI) is adopted by Council after public advertising of the document, the next step is to establish and maintain a Heritage List within the Town of Bassendean Local Planning Scheme No. 10. The Heritage List is directed by the assessment and management category of places listed within the MHI. The objectives of a Heritage List are to ensure that development occurs with due regard to identified heritage values in the interest of the community. Currently, the Town of Bassendean does not have a Heritage List affording places of community interest the necessary statutory protection to facilitate the conservation of places of heritage value. Each local government should determine the threshold of significance that will be applied when considering whether a place should be included in the Heritage List.

At this stage of the MHI review, the consultants (Hocking Heritage Studio) have recommended 296 places for inclusion within the updated MHI. The State Heritage Office recommends that as a minimum all category one and category two places form the Heritage List and are afforded statutory protection. There are currently 12 category one places and 41 category two places proposed for inclusion within the draft MHI. Council on 23 August 2016 endorsed a model whereby category three places can be included within the Heritage List under an 'opt in' approach. Opting in to a heritage list means that the default position is for category three listed places not to be included in the heritage list, with a provision for the owner to request inclusion. The enticement for a category 3 property owner to opt in to the Heritage List is normally associated with access to heritage incentives that are only accessible to properties within the Heritage List.

At the 2016 August Ordinary Council meeting, Council resolved that the draft inventory be advertised for community consultation purposes and would consider allocating funds in the 2016/17 mid year Budget Review for preparation of a heritage strategy inclusive of heritage incentives and design guidelines for heritage precincts identified in the updated MHI. There is currently no adopted policy detailing these notional incentives and potential assistance available to owners of properties under the Heritage List. It is anticipated that when owners are invited to make submissions on their proposed management category and potential listing under the Heritage List, that the idea of a 'heritage listing' may be seen as a burden to realising the development potential of any site. With this in mind it is prudent that the notion of heritage incentives be explored with a commitment of intent given by council to assist with any concerns raised through the public advertising process.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 – 2023
Town Planning & Built Environment

Objective: Preserve our heritage for future generations.

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

Arts, Heritage & Culture

Objective: Maintain the rich culture of heritage of the community.

Strategies: Support a sense of place and belonging with residents through protection and retention of the rich history and heritage including pre-European history and culture.

Objective: Protect local history and heritage.

Strategies: Support the protection and maintenance of buildings on the State Register of Heritage Places and key buildings on the Municipal Heritage Inventory but at the same time, encourage that they are well utilised and functional buildings.

COMMENT

Access to incentives is a practical and accessible way for local governments to recognise the contribution of owners to the conservation of heritage places, and can also encourage participation in an optional listing. Incentives recognise that retention and conservation of heritage places provides a community benefit, and that the local government acts on behalf of the community to assist private owners in delivering this benefit.

Some local governments have added specific bonuses that can be accessed through conservation outcomes, or

provisions such as the capacity to transfer development potential from a heritage site to a non-heritage site. These incentives may also involve related processes that are not strictly planning incentives, such as the waiving of fees, access to specialist planning advice and other assistance that may be offered (eg, Heritage grants).

Effective heritage protection requires an integrated approach involving not only regulation, but also promotion and incentives. Most Local Planning Schemes allow for flexibility in the application of planning controls to encourage positive heritage outcomes. Planning incentives may include the relaxation of planning requirements in relation to land use, density, plot ratio, car parking and other works.

Currently clause 7.5 *'variations to scheme provisions for a heritage place or heritage area'* within the Town of Bassendean Local Planning Scheme No. 10 states:

'Where desirable to:

- (a) Facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under Clause 7.1.1; or*
- (b) Enhance or preserve heritage values in a heritage area designated under clause 7.2.1,*

The local government may vary any site of development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2'.

This provision gives owners of heritage places within the Heritage List some development flexibility when submitting a development application where owners of non-heritage places would usually not be required to. Clause 5.5.2 requires consulting affected parties if in the opinion of the local government, the variation is likely to affect adjacent or nearby land owners.

Council's policy on the restoration of Heritage Places allows a full or partial refund of Planning and Building Fees where a building is included on the State Register of Heritage Places or the Town of Bassendean's Municipal Heritage Inventory. Planning and Building Fees will be refunded on such applications where the authenticity of the place is not compromised by the new works. The extent of the refund will be considered in conjunction with the assessment of the proposal and the refund will occur following determination of the application.

Outside of the above two incentives, the Town of Bassendean is lacking incentives that can entice property owners to conserve and maintain heritage values of their property. The current review of the Municipal Heritage Inventory and future adoption of a Heritage List provides an opportunity to address this shortfall with the specific aim of preserving the streetscape and character of the Town. A number of local governments provide heritage conservation grants, rate concessions and other financial incentives to encourage the protection of their local heritage. Heritage awards can also serve to promote the benefits of heritage conservation in a local area, provide 'good news stories', promote good practice, and support owners who lead the way in conserving their own properties. Further assistance can include the transfer of development rights; development bonuses; free advice from a heritage consultant and heritage plaques programs.

HERITAGE AWARDS

Heritage awards recognise and award the types of building and conservation achievements that can include but are not limited to the following:

- The restoration or reconstruction of a building (or part of a building) to return it to a known earlier state;
- Repair and maintenance works that conserve and enhance older buildings;
- Sympathetic and innovative additions to existing residential, commercial or industrial buildings; and
- The sensitive adaptation of an existing building to make it suitable for another use, e.g. the conversion of the former Bassendean Masonic Lodge for use as residential dwelling and home business.

A heritage awards program is designed to recognise the effort made by individuals and groups in the conservation, promotion and enhancement of the Town's heritage. The aim of the heritage awards program is to promote a positive image of heritage and to recognise excellence in building design and conservation. Owners of places listed within the Town of Bassendean Heritage List under Local Planning Scheme No. 10 who undertake building works in accordance with one of the above categories will be eligible to enter the awards for a chance to receive a cash prize with minor awards in the form of certificates being presented to the finalists. Awards can also be extended to grant an individual or group who has made an outstanding contribution towards the education and promotion of the heritage of the Town of Bassendean.

INCENTIVES IN PLANNING

Other local governments invite applications for a 50% rate concession on their general rate levies, with the concession for commercial properties capped at \$2,000 per property. The concessions are to be applied for on an annual basis. To be eligible to receive the Heritage Rate Concession, properties must have full value building insurance and a current pest control certificate. As there may be a significant cost to Council with respect to rate concessions, it is considered that this option for heritage incentives would be best being considered under a future report.

There is also the ability for local government to apply a density bonus of up to 50% if the proposed development conserves or enhances an existing dwelling or existing dwelling worthy or retention. All category 3 places within an adopted MHI should be considered worthy of retention however only owners that choose to opt in to the heritage list will be eligible. A density bonus may increase the development potential of land if a heritage place is located on it. This is common practice as a heritage incentive as it gives property owners an option to retain their existing house whilst realising the full development potential of their property. This option also allows for the streetscape character of Bassendean to be retained and is therefore a heritage incentive that should be pursued. A scheme amendment may be required as the density variation would be considered a special application of the residential design codes.

There is also the opportunity for council to consider the transfer of a portion of unused permitted floor space from a heritage place to another site within the Town, in order to conserve the place of significance. The objectives of this are to establish plot ratio transfer as an incentive which, in conjunction with other incentives will assist in the conservation of heritage places. In general terms, the maximum transfer of plot ration to any eligible site will be 20% of that prescribed for the site. Plot ratio may be transferred directly to another site proposing development, 'banked' for a future development, or on-sold to a third party. Additional plot ratio can also be awarded in return for the provision of a community or other facility or amenity which may include the conservation of heritage places and heritage areas. A maximum of 20% bonus plot ratio should be approved above what is prescribed for a site. It is considered that the transfer of plot ratio is not appropriate for the Town of Bassendean.

GRANTS FOR OWNERS

A Heritage Assistance Fund provides financial assistance to persons who wish to undertake approved heritage conservation projects on places listed within the Town of Bassendean Heritage List under Local Planning Scheme No. 10. Eligible projects will be entitled to a percentage of the total cost of works subject to availability of the budget. This heritage incentive should be supported in principle by council and any allocation of funds (if any) can be decided as part of any budget review.

The *Heritage Loan Scheme* provided loans at reduced interest rates for heritage conservation works. The scheme encouraged owners of heritage places to undertake conservation works by offering significant savings in the cost of a loan. This partnership between Local Governments, the State Government and the private sector reflected a need to invest in the long term future of the State's local heritage and rich cultural history. The Heritage Loan Scheme was administered by the Western Australian Local Government Association and the Heritage Council of WA. The interest rate was set at a rate 3% lower than StateWest standard rates to encourage people to conserve their heritage value. The *Heritage Loan Scheme* is no longer in effect however it should it ever be initiated again is another heritage incentive that could be pursued.

The Heritage Grants Program is administered by the Heritage Council of Western Australia and is open to owners of State heritage listed places. Lotterywest also provide opportunity for not-for-profit organisations and local government authorities to apply for grants involving conservation of cultural heritage within the community. Priority is given to projects where the community will directly benefit from the enhancement of its cultural heritage. A wide variety of heritage related grants are also offered by both State and Commonwealth Governments. These heritage incentives will have no impact on the Town as they are all funded through external bodies however could be incorporated within any policy to entice category 3 listed property owners to opt in to the Heritage List in order to have access to these incentives.

It is recommended that council, in conjunction with its resolution to consider allocating funds in the 2016/17 mid year Budget Review for the preparation of a heritage strategy, commit to specific heritage incentives that will be accessible to property owners of a property listed within the Heritage List under LPS 10.

This commitment will also be used to entice property owners of category 3 listed places within the MHI to opt in to the Heritage List under Local Planning Scheme No. 10 in order to access these incentives.

STATUTORY REQUIREMENTS

Heritage Act of Western Australian 1990

Under section 45 of the Heritage Act of Western Australia, there is a requirement for local governments to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. The inventory required under the Act shall be updated annually and reviewed every four years after compilation. The inventory does not have statutory force and effect in terms of planning controls.

Town of Bassendean Local Planning Scheme No. 10

The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme. In the preparation of the Heritage List the local government is to have regard to the Municipal Heritage Inventory prepared by the local government under section 45 of the Heritage of Western Australia Act 1990 and include on the Heritage List the entries on the Municipal Heritage Inventory it considers to be appropriate. The inclusion or exclusion of places from a heritage list should be based on their degree of historic heritage significance, supported by the findings in the inventory, irrespective of whether they are privately or publicly owned. In considering a proposal to include a place on the Municipal Heritage Inventory and Heritage List, the local government is to notify the owner and occupier of the place and provide them with a copy of the place record form and the reasons for the proposed entry.

State Planning Policy 3.5 Historic Heritage Conservation

Effective heritage protection requires an integrated approach involving not only regulation, but also promotion and incentives. The Model Scheme Text provides for flexibility in the application of planning controls to realise positive heritage outcomes while also helping meet the expectations and aspirations of the property owners. Incentives may also include the relaxation of planning requirements in relation to land use, density, plot ratio, car parking or other works.

FINANCIAL CONSIDERATIONS

It is considered that the Heritage Awards Program would cost approximately \$2,000 per annum. The waiving of fees is an existing incentive and would have a minimal impact of approximately \$1,500 per annum.

Flexibility with statutory requirements such as the ability to vary development standards would see no extra costs incurred by Council. Any financial considerations with respect to the Heritage Assistance Fund would be determined as part of the budget review and subject to adoption by Council.

OFFICER RECOMMENDATION — ITEM 10.7

That Council supports, in principle, the following heritage incentives available to property owners of places of heritage value listed under the Heritage List in conjunction with public advertising of the draft Municipal Heritage Inventory:

- (a) Heritage Awards Program;
- (b) Waiving of Fees;
- (c) Variation to Scheme and R-Code Provisions;
- (d) Density Bonuses; and
- (e) Heritage Assistance Fund.

Voting requirements: Simple Majority

10.8 Bassendean Drainage Assessment Report (Ref: SEWD/MAINT/1 - Nicole Baxter- Engineering Technical Officer)

APPLICATION

This report is to inform the Council that the Bassendean Drainage Assessment Report has been received.

ATTACHMENT

Attachment No. 8:

Bassendean Drainage Assessment Report.

BACKGROUND

In September 2015, through the WALGA Preferred Supply Panel procurement process, Cardno (WA) Pty Ltd was engaged to undertake a Drainage Assessment, which was to include recommendation for Water Sensitive Urban Design options, and to make recommendations to improve the efficiency of the drainage network within the Town of Bassendean Local Government Area.

The Town drainage catchment area is approximately 9 km² and predominantly residential developments with Public Open Space and is primarily serviced by a system of drainage pipes and existing open drains which carry stormwater away from the study area.

The objectives of the Drainage Assessment Report were to:

- Establish the functionality of the drainage network;
- Where flooding is identified, recommend possible improvements (e.g. additional pipes or retention basins) to mitigate the flood risk to a level considered acceptable to the Town. The investigation should evaluate the overall performance of the proposed system after the upgrade is in place and provide sufficient information for design purposes;
- Where possible incorporate Water Sensitive Urban Design (WSUD) and stormwater harvesting techniques into the mitigation measures proposed; and
- Provide detailed estimates of anticipated costings for mitigation measures and recommend a priorities list for proposed mitigation measures.

STRATEGIC IMPLICATIONS

Environmental sustainability, protect and provide access to the Town's waterways.

Objectives: Strive to divert drainage water to recharge groundwater and ensure that run-off to the Swan River is of a high quality.

Strategies: Stormwater drainage network is managed in accordance with Council's Drainage Asset Management Plan and the Drainage Network Assessment for the proposed drainage service level.

COMMENT

In order to assess the hydraulic environment, Cardno developed and utilised a fully dynamic 1D/2D hydraulic model of the Town which was developed to assess the drainage and overland flood behaviours of the Town. This model was built using Light Detection and Ranging (LiDAR) data and information held by the Town relating to the underground pipe network and 12 infiltration basins.

Design rainfall hydrographs for events ranging from 10 minutes to 72 hours were developed for the 2, 5, 10 and 100 year Average Recurrence Interval (ARI) events. The pattern of flooding in the critical 100 year ARI event mirrors the flood pattern of the 2 and 10 year ARI events, with flood extent and depth increased due to the greater volume of water generated as part of the storm.

In consultation with officers of the Town, four areas were identified for mitigation measures and to be provided; Jubilee Reserve West, Jubilee reserve East, Lord Street and Eileen Street. The Town requested that the ARI event be assessed at each location and be based on the road hierarchy outlined in Liveable Neighbourhoods (WAPC 2007).

Flood mitigation measures were developed for each of the four identified areas, these ranged from incorporation of WSUD to plastic lining pipes to reduce friction. The resultant improvement in flood mitigation reduced the footprint of flooding (in the design storm event) seen in all locations taking buildings out of the floodplain, reducing flood depth of roads and improving visual amenity with the introduction of WSUD.

All mitigation measures were costed and prioritised based on the following criteria:

- Reduction in flood risk to property;

- Reduction of flood depth within road reserves;
- Utilisation of WSUDs; and
- Cost of works.

The following drainage project table has been developed by Cardno, to indicate major projects, which are required to be undertaken to improve the performance of the current drainage network:

Due to the high costs involved with implementing the drainage mitigation measures, the Town has requested that the proposed works be prioritised for completion over a number of years. Cardno recommends that, rather than splitting the completion of each project over a number of years, the projects are completed in their entirety in a single year but the number of projects undertaken each year is reduced.

Detailed drawings with design specifications are still to be developed in order to carry out the construction works. These projects will be included in the Town's Asset Management Program, as per the reports priority basis, over the coming years.

Area	Estimated Cost	Reasons for prioritisation
Jubilee Reserve East	\$724,580	<ul style="list-style-type: none"> • Reduces flood impact on ten properties • Opportunity to incorporate WSUD into design • Large scale reduction in flood impacts
Eileen Street	\$409,544	<ul style="list-style-type: none"> • Reduces flooding throughout the network • Flooding on Eileen Street has reduced from 0.45m to 0.3m
Lord Street	\$114,312	<ul style="list-style-type: none"> • Flooding did not affect any private properties • Reduced flood depths at the junction of Bradshaw Street and Lord Street • Opportunity to improve water quality into receiving waters
Bridson Street and Whitfield Street	\$68,380	<ul style="list-style-type: none"> • Implementation of mitigation measures reduces flood impact on ten properties in the 10yr ARI storm • Large scale reduction of flood impacts throughout the drainage network • Opportunity to incorporate WSUD into design and beautify existing parkland
Jubilee Reserve West	\$78,140	<ul style="list-style-type: none"> • Reduced flood depths along Northmoor Rd • Use of open space to implement WSUD
Ashfield Reserve	\$321,871	<ul style="list-style-type: none"> • Reduces flooding throughout the network within property boundaries • Opportunity to incorporate WSUD into design
Wilson Street	\$139,985	Reduces localised flooding
Hatton Court	\$130,310	Reduces flood impact within roadway

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

No drainage project works were listed in the Capital Budget 2016-17.

Under the Town's Fee and Services charges, as per Council Resolution (OCM- 7/5/15) when a developer or user connects to the Town's drainage network they are required to contribute to the cost of planned future infrastructure upgrade works throughout the district. The fee for 2016-17 is \$2,188.

All drainage projects will be included in the Town's Asset Management Program, as per the Drainage Reports priority basis, and over the coming years will be listed in the Capital Budget for Councils consideration.

OFFICER RECOMMENDATION — ITEM 10.8

That:

1. Council adopts the Bassendean Drainage Assessment Report attached to the September 2016 Ordinary Council meeting agenda; and
2. Based on the recommendations made by the consultant in the Bassendean Drainage Assessment Report, that Council includes future drainage works into the Town's Asset Management Drainage Program.

Voting requirements: Simple Majority

10.9 RFT CO 048 2015-16 - Provision of Garden Bed Watering for the Town of Bassendean (Ref: COUP/TENDNG/60 – Mandy Godfrey, Contracts Support Officer)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender (RFT) CO 048 2015-16 - Provision of Garden Bed Watering for the Town of Bassendean - and appoint the most suitable contractor.

ATTACHMENTS

Confidential Attachment No. 2 Full pricing and selection criteria weighting

BACKGROUND

Contractors were invited to tender for RFT CO 048 2015-16 Provision of Garden Bed Watering for the Town of Bassendean via an advertisement in the Western Australian Newspaper on 23 July 2016.

STRATEGIC IMPLICATIONS

Town Planning & Built Environment

Objectives: Foster enhanced public space and street appearance

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

COMMENT

In response to RFT CO 048 2015-16 - Provision of Garden Bed Watering for the Town of Bassendean; 11 tender responses were received prior to the tender deadline 10.00am on Monday 15 August 2016.

The contract is for a 5 year period commencing 1st October 2016 and will be subject to Council approval each financial year.

As per the Town's Procurement Guidelines, an evaluation panel was formed and required to assess each tender against the selection criteria.

The following index represents the selection criteria and weighting for this contract.

Index:

Selection Criteria 1: Experience on similar projects (20% weighting)

Selection Criteria 2: Key Personnel and Resources (20% weighting)

Selection Criteria 3: OH&S Procedures (20% weighting)

Selection Criteria 4: Tendered Price (40% weighting)

Pricing is regarded as commercial in confidence and therefore between the parties involved. Tables containing full pricing and selection criteria weighting is contained in a confidential attachment.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

The costs associated with this contract will be included in the Town of Bassendean's Operational Budget for each year of the contract.

OFFICER RECOMMENDATION – ITEM 10.9

That Council appoints Programmed Property Services to undertake the work as required in RFT CO 048 2015-16 - Provision of Garden Bed Watering for the Town of Bassendean, in accordance with the specifications and terms and conditions for a 5 year period commencing 1st October 2016.

Voting Requirement: Absolute majority

10.10 RFT CO 056 2016-17 Provision of Sanitary, Hygiene and Sharps Services for the Town of Bassendean (COUP/TENDNG/61 – Mandy Godfrey, Contracts Support Officer)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender (RFT) CO 056 2016-17 Sanitary, Hygiene and Sharps Services Town of Bassendean and appoint the most appropriate contractor.

ATTACHMENTS

Confidential Attachment No. 3:

Full pricing and selection criteria weighting

BACKGROUND

Contractors were invited to tender for RFT CO 056 2016-17 Provision of Sanitary, Hygiene and Sharps Services for the Town of Bassendean via an advertisement in the Western Australian Newspaper on Saturday 6th August 2016.

STRATEGIC IMPLICATIONS

Inclusive, Lifelong Learning, Health and Social Wellbeing

Provide a safe environment

COMMENT

In response to RFT CO 056 Sanitary, Hygiene and Sharps Services 2016-17 for the Town of Bassendean; 5 tender responses were received prior to the tender deadline of 10.00am on 30th August 2016.

The contract is for a 6 year period commencing 1st October 2016.

As per the Town's Procurement Guidelines, an evaluation panel was formed and required to assess each tender against the selection criteria.

All 5 Tenderers met the RFT compliance requirements. The following index represents the selection criteria and weighting for this contract.

Index:

Selection Criteria 1: Experience on similar projects (35% weighting)

Selection Criteria 2: Key Personnel and Resources (35% weighting)

Selection Criteria 3: Tendered Price (30% weighting)

Pricing is regarded as commercial in confidence and therefore between the parties involved. Tables containing full pricing and selection criteria weighting is contained in a confidential attachment.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

The costs associated with this contract will be included in the Town of Bassendean's Operational Budget for each year of the contract.

OFFICER RECOMMENDATION – ITEM 10.10

That Council appoints Hygiene Concepts to undertake the work as required in RFT CO 056 2016-17 - Provision of Sanitary, Hygiene and Sharps Services for the Town of Bassendean in accordance with the specifications and terms and conditions for a 6 year period commencing 1st October 2016.

Voting Requirement: Absolute majority

10.11 Water Efficiency Action Plan (File Ref. WATR/PLANNG/1 - Jeremy Walker, Senior Environmental Officer)

APPLICATION

The purpose of this report is to seek Council's endorsement for the proposed Water Efficiency Action Plan.

ATTACHMENTS

Attachment No. 9:

Water Efficiency Action Plan

BACKGROUND

In the past, the Town of Bassendean has actively participated in water efficiency and conservation related programs that have supported the implementation of many water wise features throughout the Town's facilities, educated the community and staff, as well as upgrading local natural areas to aid in the treatment of stormwater and runoff.

The Town previously participated in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign from 2004/05 to end of June 2013, completing all five milestones in the framework. The program included both water conservation and water quality management commitments and this informed the Town's Environmental Management Plan 2013-2023 which provides a strategic approach to environmental management activities, including water. ICLEI Water Campaign was de-funded in July 2015 by the Department of Water, which resulted in the Town adopting the EMRC supported Water Quality and Conservation Program to support the Town of Bassendean's continued progress in effective water management.

In 2008 Council received a report regarding the Water Conservation Plan (WCP) for the Management of Groundwater in the Town of Bassendean and endorsed (OCM-17/07/08) the Plan and as a result Council has been progressively allocating funds to implement the identified actions.

As part of the Town of Bassendean's Water Quality and Conservation Program (WQCP), it is the intention of the Town to become a Water wise accredited council under the Water wise Council Program in 2016.

The Waterwise Council program was launched in 2009 by Water Corporation and the Department of Water to “build a cooperative working relationship with local governments to improve water use efficiency in local governments and the community”. The program provides many benefits, including recognition of leadership in water management, educating local governments on potential water and financial savings, Waterwise training for staff, potential funded and co-funded water efficiency initiatives and promotion of the council as a sustainable water manager through Water wise branding.

The Town of Bassendean has a long history of action towards achieving water efficiency and the Water wise Council program provides an opportunity for the Town to demonstrate its leadership in water conservation. To be eligible for Water wise Council status, the Town of Bassendean will need to adhere to a set of criteria which includes a specific list of actions that are submitted to Water Corporation through a Council-endorsed Water Efficiency Action Plan (see attached).

The Water Efficiency Action Plan will support the priority water conservation actions for the Town, while a separate action plan as part of the EMRC’s WQCP will complement the Water Corporation’s Water wise Council Program with additional actions towards water efficiency and quality.

STRATEGIC IMPLICATIONS

The Town of Bassendean’s *Corporate Business Plan 2015-2019* and *Strategic Community Plan 2013-2023* vision states that:

By the Year 2030, the Town is widely recognised as an ideal, highly accessible urban hub location in which to participate in a cohesive, vibrant, and diverse community lifestyle and thriving local business economy within a high quality built and natural environment.

The Water Efficiency Action Plan is aligned to key areas of Environmental Sustainability in both of these plans as follows:

Objective: *Conserve, protect and provide access to the Town’s waterways.*

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

Other strategic documents that align with the Water Efficiency Action Plan include:

- Town of Bassendean Environmental Management Plan 2013-2023;
- Local Climate Change Adaptation Action Plan 2011;
- Nutrient and Irrigation Management Policy;
- Landscaping with Local Plants Policy;
- Energy Use Policy;
- Water Sensitive Urban Design and Water Conservation Policy;
- Stormwater Quality Management Policy;
- Sustainable Bassendean Policy; and
- Foreshore Management Policy.

COMMENT

The actions in the Water Efficiency Action Plan all have the potential to result in significant cost savings for the Town and are aimed at supporting the Town's conservation goals and improving local and regional water quality. The Water Efficiency Action Plan will support the priority water conservation actions for the Town.

Prioritisation of the actions will be based on:

- The estimated water conservation or quality benefit associated with the action;
- The cost of implementation of the action; and
- The social, economic and environmental value to the Town.

The Town of Bassendean, with assistance from the EMRC, began use of a new data management software system, Planet Footprint, to monitor energy and water usage for the Town, together with corporate carbon emissions. Planet Footprint allows the Town to view accounts and usage to better apply water and energy saving initiatives. Scheme water data from Water Corporation invoices is automatically uploaded into the system and data analysis reports can be generated.

Planet Footprint will also assist with identifying facilities that may have a leak, potential sites that would benefit from water efficient retrofits and assessing the difference in water usage on sites that have had measures implemented.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Actions identified within the Water Efficiency Action Plan (WEAP) were included in the 2016-17 Operational Budget as no capital purchases items were required.

OFFICER RECOMMENDATION – ITEM 10.11

That Council endorses the Water Efficiency Action Plan as attached to the September 2016 Ordinary Council meeting agenda.

Voting requirements: Simple majority

10.12 State Blackspot Program – Funding Approval (Ref: ROAD/PROGM/3) – Changeeka Jayakody, Engineering Technical Coordinator

APPLICATION

This report is to inform Council that the Town has recently been advised that an application for State Blackspot funding for the following three projects, median islands on the intersection of Ida Street and Walter Road East, pre deflection curves on Iolanthe Street approaching the Broadway intersection and pre deflection curves on Iolanthe Street approaching Anzac Terrace has been successful.

ATTACHMENTS

Attachment No. 10:

Plans for:

- Installation of median islands on Ida Street at the intersection of Walter Road East
- Installation of pre deflection curves in Iolanthe Street approaching the roundabout of Anzac Terrace
- Installation of pre deflection curves on both approaches of Iolanthe Street at the roundabout of Broadway.

BACKGROUND

In August 2015 the Town submitted an application for the following three 2016/17 State Black Spot Projects:

- Installation of median islands on Ida Street at the intersection of Walter Road East
- Installation of pre deflection curves in Iolanthe Street approaching the roundabout of Anzac Terrace
- Installation of pre deflection curves on both approaches of Iolanthe Street at the roundabout of Broadway.

The funding arrangement for State Blackspot Projects requires Main Roads WA to fund 2/3 of the submitted value of the project and the Local Government Authority (Town of Bassendean) to fund the other 1/3.

The timing of the 2016 Federal Election caused delays in Federal Budget Allocations and in the funding announcements of successful State Black Spot Projects. Due to these delays and that the three project criteria ratios were not high, compared to previous successful projects, the Town did not list the three submitted projects in the Capital Budget 2016/17 as there were no guarantees of funding.

STRATEGIC IMPLICATIONS

TOWN PLANNING AND BUILT ENVIRONMENT

Objectives: Provide safe access for all road users

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

COMMENT

The Town has been successful in obtaining State Black Spot funding over a number of years and it will become difficult in future years to obtain further funding as the project criteria ratio for the remaining identified projects is low and this low ratio, applied by Main Roads WA, may not qualify a project for funding unless a individual project Road Safety Audit rating is high and increases the ratio.

In 2015/16 the Town completed safety measures and asphaltting at the corner of Iolanthe Street and Walter Road East at a cost of \$165,000.

The following project details of the successful submissions are provided below and all work is required to be completed in the 2016-17 financial year.

Installation of median islands on Ida Street at the intersection of Ida Street and Walter Road East

Over the qualifying five year period there have been eight listed motor vehicles accidents at this intersection. Right angle turn movement's crashes were the most prolific.

The proposed solution is to install median islands in Ida Street approaching Walter Road East. The estimated cost for proposed works is \$42,000 of which 1/3 (\$14,000) will need to be funded by the Town and the remaining monies 2/3 (\$28,000) will be funded through the State Blackspot Program.

Roundabout at Iolanthe Street and Anzac Terrace, installation of pre-deflection curves on Iolanthe Street

Over the qualifying five year period there have been seven listed motor vehicle accidents at this intersection. Right angle turn movement crashes, through the roundabout, were the most prolific.

Most prolific collision at the roundabout is ninety degree collisions between northbound traffic on Iolanthe Street and west bound traffic on Anzac Terrace. Furthermore, approach speeds on Iolanthe Street seem to be rather high. Traffic investigations were carried out in May 2013 near 64 Iolanthe Street, where the 85th percentile speed is 62.6Km/hr; at 50 Iolanthe Street 85th percentile speed is 63.0km/hr. It is proposed to install pre-deflection curves on Iolanthe Street. In doing so, approach speeds could be controlled on either approach on Iolanthe Street. It is estimated that the cost of construction for the proposed works will incur cost of \$65,000 of which \$21,667 need to be funded by the Town. Remaining monies will be funded from the state blackspot funding.

Roundabout at Iolanthe Street and Broadway, installation of pre-deflection curves on Iolanthe Street

Over the qualifying five year period there have been thirteen listed motor vehicles accidents at this intersection. Right angle turn movement crashes, through the roundabout, were the most prolific.

Most prolific collision at the roundabout seems to be ninety degree collisions between southbound traffic on Iolanthe Street and east bound traffic on Broadway. It is proposed to install pre-deflection curves on Iolanthe Street. It is estimated that the cost of construction for the proposed works will incur cost of \$80,000 of which \$26,667 need to be funded by the Town. Remaining monies will be funded from the state blackspot funding.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The total cost for the three projects is \$187,000 of which the Town will need to fund \$62,334.

Project	Main Roads WA \$ 2/3	TOB \$ 1/3	Total Cost \$
Ida St / Walter Rd	\$28,000	\$14,000	\$42,000
Iolanthe St/ Anzac Tce	\$43,333	\$21,667	\$65,000
Iolanthe St / Broadway	\$53,333	\$26,667	\$80,000
Total	\$124,666	\$62,334	\$187,000

All State Black Spot Project are required to be completed within the funding financial year (2016-17) and if the Town were not to construct these projects in the 2016/17 financial year, funding will need to be returned and Main Roads WA may not look favourably upon Town's future submissions to blackspot funding.

Under the Capital Works Program 2016-17 it is envisaged that all footpaths and roadworks upgrade projects will be completed by early January 2017, and due to new contractual arrangements there is expected to be some savings in the total cost of all projects, which should be able to cover the additional \$62,334 in Black Spot funding required by the Town.

As no funding allocation has been allocated in the 2016-17 Capital Budget by Council for these projects and Officers will list the three State Blackspot Projects in the February Capital Budget Review process for Councils consideration.

OFFICER RECOMMENDATION — ITEM 10.12

That:

1. Council accepts the State Blackspot Program Funding for the three intersection projects on a 2/3 1/3 basis (Main Roads WA \$124,666 – TOB \$62,334 - Total \$187,000); and
2. The three Black Spot funding projects be included in the February Capital Budget 2016-17 Review for Council's consideration.

Voting requirements: Absolute Majority

10.13 Resignation of Cr McLennan as Deputy Member on Various Committees (Ref: GOVN/CCL/MEET/1 (Ref: Yvonne Zaffino, Council Support Officer))

APPLICATION

The purpose of the report is for Council to consider filling a number of vacant deputy member positions on internal and external Committees, due to Cr McLennan resigning from these positions.

BACKGROUND

On 2 September 2016, Cr McLennan advised the CEO that she is due to have another baby in October which will inevitably have some impact on her availability in future months, particularly when given short notice, to continue as a Deputy Member for a number of internal and external Committees. These are shown in the comment's section below.

COMMENT

Cr McLennan has advised that she wishes to resign as a Deputy Member for the following Committees:

- Local Studies Collection Management Committee;
- Municipal Heritage Inventory Review Committee;
- Eastern Districts Planning Advisory Committee; and
- Swan River Trust - Interagency Foreshore Working Group.

It should be noted that Cr McLennan wishes to continue as a Member on the Bassendean Activity Centre Project Steering Group, Liveable Town Advisory Committee and Town Planning Scheme Review Committee, and as Deputy Member on the Metropolitan Central Joint Development Assessment Panel.

The following table shows the vacant Deputy Positions that are required to be filled and current members of those Committees:

Committee	Member
Local Studies Collection Management Committee	Cr Pule
Municipal Heritage Inventory Review Committee	Crs Pule, Bridges & Brown
Eastern Districts Planning Advisory Committee	Cr Bridges
Swan River Trust - Interagency Foreshore Working Group	Crs Bridges and Brown

Membership of these Committees will cease at the Town's Local Government Election in October 2017, after which time the Council may appoint members for a further term.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.13

That Council appoints the following Councillors to fill the vacant positions expiring at the Local Government Elections to be held in October 2017:

1. Cr _____ as Deputy Member of the Local Studies Collection Management Committee;
2. Cr _____ as Deputy Member of the Municipal Heritage Inventory Review Committee;
3. Cr _____ as Deputy Member of the Eastern Districts Planning Advisory Committee; and
4. Cr _____ as Deputy Member of the Swan River Trust - Interagency Foreshore Working Group.

Voting requirements: Absolute Majority

10.14 Bassendean Youth Advisory Council Meetings held in May, June and July 2016 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie – Youth Development Officer)

APPLICATION

Council is requested to receive the report of the Youth Advisory Council (YAC) meetings held in May, June and July 2016.

ATTACHMENTS

Attachment No. 11:

Minutes of the Bassendean Youth Advisory Council of meetings held in May, June and July 2016

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

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

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

COMMENT

The May meeting of the Bassendean Youth Advisory Council focused on the upcoming federal election, with the June meeting focusing on the youth zone at the NAIDOC Family Day. The July meeting of the YAC focused on Act Local Be Global in Bassendean initiative.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.14

That Council receives the report on meetings of the Youth Advisory Council held on the 27 May, 24 June and 29 July 2016.

Voting requirements: Simple Majority

10.15 Bassendean River Parks Management Committee Meeting held on 17 August 2016 (Ref: GOVN/CCL/MEET/34 – Ken Cardy, A/Director Operational Services)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean River Parks Management Committee held on 17 August 2016.

ATTACHMENTS

Attachment No. 12:

Bassendean River Parks Management Committee Minutes of 17 August 2016.

STRATEGIC IMPLICATIONS

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

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

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

COMMENT

A GHD Senior Environmental Scientist provided a presentation of the Bindaring Park water sampling desktop draft report to the committee and advised that GHD will prepare a number of concepts designs of the park, which they will bring to the Committee and Council prior to commencing a community consultation process.

There were two areas, identified by committee members that were omitted from the draft report, being Lots 27, 33 and 35 Hyland Street and Lots 17,19, 21 and 23 Anstey Road. These parcels of land will be included in the final report to Council.

Furthermore, at the Committee meeting, the following items were listed for consideration:

Bassendean Foreshore Precinct Plan

The Committee requested that the report be available for the next meeting.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 7.1

RPMC – 1/08/16 MOVED Carol Seidel, Seconded Cr Bridges, that the Committee notes the officer's comments and requests the report be ready for the next meeting.

Bindaring Park – Water Quality and Hydrology Investigations

COMMITTEE/OFFICER RECOMMENDATION – ITEM 8.1

RPMC – 2/08/16 MOVED Cr Bridges, Seconded Carol Seidel, that:

1. The Town Notes GHD desktop report and presentation of the findings from Stage 1;
2. The Committee expresses its appreciation to GHD for the Bindaring Park presentation; and
3. The Committee notes the next stage of Bindaring Park project is to review the site opportunities and constraints taking into consideration the GHD report in order to develop a draft Concept Plan for Council, stakeholder & community engagement.

CARRIED UNANIMOUSLY 7/0

Ashfield Flats Reserve - Land Management

COMMITTEE RECOMMENDATION - ITEM 8.2(a)

RPMC – 3/08/16 MOVED Cr Brown, Seconded Lucy Bromell, that officers of the Town of Bassendean put forward to the WAPC that consideration be given to a concept supported by Ashfield CAN to develop a contemplative and wildlife observation park and lookout on the land situated on the escarpment overlooking Ashfield Flats adjacent to the Hardy Road and Kenny Street intersection.

COMMITTEE RECOMMENDATION – ITEM 8.2

RPMC – 4/08/16 MOVED Cr Bridges, Seconded Cr Brown, that the Committee:

1. Notes the interagency representatives' comments in the document attached to the 17 August 2016 Bassendean River Parks Management Committee agenda concerning the reviewed Ashfield Flats "Brief" for a Strategic Management Plan document; and
2. Respectfully requests the Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), to submit a 2017/2018 Riverbank Funding application for an Ashfield Flats Management Plan.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.15

That Council receives the report of the meeting of Bassendean River Parks Management Committee held on 17 August 2016.

Voting requirement: Simple Majority

10.16 Access and Inclusion Committee Meeting held on 7 September 2016 (Ref: GOVN/CCLMEET/16 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the minutes of the Access and Inclusion Committee Meeting held on 7 September 2016.

Attachment No. 13:

Access and Inclusion Committee Minutes of 7 September 2016

BACKGROUND

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

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

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

STRATEGIC IMPLICATIONS

The Access & Inclusion Committee:

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

COMMENT

Issues covered in the meeting included:

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

An update report was provided on the Seniors and Disability Services Business Unit.

Community engagement processes associated with the implementation of the National Disability Insurance Scheme (NDIS) was discussed.

The Committee was informed that the deteriorating tactile paving on West Road that was reported to the last meeting was replaced in less than a week of the meeting.

It was noted that this is the last scheduled meeting of Committee until March 2017. The Committee recommends that Council approves an additional meeting for 23 November 2016.

STATUTORY REQUIREMENTS

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

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.16

That:

1. An additional meeting of the Access and Inclusion Committee be held on 23 November 2016; and
2. The report on a meeting of the Access and Inclusion Committee meeting held on 7 September 2016, be received.

Voting requirements: Simple Majority

**10.17 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 August 2016		
Application No	Property Address	Description
201600088	32 IRELAND WAY, BASSENDEAN	CARPORT & PATIO
201500000	11 IVANHOE STREET, BASSENDEAN	CARPORT
201600250	31 PALMERSTON STREET, BASSENDEAN	GABLE PATIO
201600251	4/1 ANZAC TERRACE, BASSENDEAN	SPA AND SAFETY FENCE
201600212	12 SECOND AVENUE, BASSENDEAN	FOUR GROUPED DWELLINGS
201600216	15 WALKINGTON WAY, EDEN HILL	SWIMMING POOL
201600210	137 FIRST AVENUE, EDEN HILL	SINGLE DWELLING
201600218	138 WALTER ROAD EAST, BASSENDEAN	FENCE
201600213	38 REID STREET, BASSENDEAN	ADDITIONS AND ALTERATIONS
201600211	137 FIRST AVENUE, EDEN HILL	SINGLE DWELLING
201600219	11 FIFTH AVENUE, BASSENDEAN	SINGLE DWELLING & GARAGE WITH RETAINING WALLS
201600236	97 SECOND AVENUE, BASSENDEAN	PATIO
201600232	8 PRYDE WAY, EDEN HILL	MODIFICATION OF DWELLING APPROVED UNDER 201500286
201600238	19 JAMES STREET, BASSENDEAN	DEMOLITION
201600230	80 HARDY ROAD, ASHFIELD	SINGLE STOREY DWELLING
201600233	258 MORLEY DRIVE, EDEN HILL	MODIFICATION OF DWELLING APPROVED UNDER 201600145
201600237	28 IOLANTHE STREET, BASSENDEAN	SINGLE DWELLING AND GARAGE
201600235	32 IRELAND WAY, BASSENDEAN	CARPORT
201600231	23 ATKINS WAY, EDEN HILL	PATIO
201600239	19 WENDLEBURY WAY, EDEN HILL	REROOFING
201600220	42 PEARSON STREET, ASHFIELD	SINGLE DWELLING AND GARAGE
201600228	19 WENDLEBURY WAY, EDEN HILL	PATIO
201600222	80 SCADDAN STREET, BASSENDEAN	ADDITION OF STEEL PATIO
201600225	11 PRYDE WAY, EDEN HILL	FENCE APPLICATION

201600221	25 TROY STREET, BASSENDEAN	ADDITION OF PATIO TO SINGLE STOREY
201600223	17 TROY STREET, BASSENDEAN	PATIO
201600248	WEST ROAD, BASSENDEAN	PARTIAL FIT OUT - NATURAL THERAPY
201600246	101 WEST ROAD, BASSENDEAN	ALTERATION TO ROOF DWELLING
201600241	127 KENNY STREET, BASSENDEAN	CARPORT
201600243	264A MORLEY DRIVE, EDEN HILL	FENCE
201600247	17 CHAPMAN STREET, BASSENDEAN	6 X DWELLINGS - PERMIT RECORD ONLY - ISSUED BY DEPARTMENT OF HOUSING
201600201	67 MOOJEBING STREET, ASHFIELD	DWELLING
201600171	28 CHEDWORTH WAY, EDEN HILL	GARAGE EXTENSION
201600173	10 BROOK STREET, BASSENDEAN	RETAINING WALL
201600193	97 WEST ROAD, BASSENDEAN	RETAINING WALLS
201600142	51 DEVON ROAD, BASSENDEAN	SHED
201600183	137 FIRST AVENUE, EDEN HILL	DWELLING RETAINING & SCREEN WALL
201600184	12 ANZAC TERRACE, BASSENDEAN	SHADE SAIL AND SCREEN
201600108	51 DEVON ROAD, BASSENDEAN	PATIO
201600162	60 RUGBY STREET, BASSENDEAN	SHED

OFFICER RECOMMENDATION – ITEM 10.17

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

Voting requirement: Simple majority

10.18 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 9 September 2016			
Applic No.	Property Address	Type of Development	Determination
2015-146	18 SECOND AVENUE BASSENDEAN 6054	8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2015-197	42 WALTER ROAD EAST BASSENDEAN 6054	8 MULTIPLE DWELLINGS	REFUSED
2016-013	290 COLLIER ROAD BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO INDUSTRIAL BUILDING	DELEGATE APPROVED
2016-027	4 SMALLMAN PLACE ASHFIELD 6054	CARPORT	DELEGATE APPROVED
2016-074	UNIT 4 51 DEVON ROAD BASSENDEAN 6054	RETROSPECTIVE APPROVAL FOR OUTBUILDING & PATIO	DELEGATE APPROVED
2016-075	38 GALLAGHER STREET EDEN HILL 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2016-094	10 PROWSE STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-106	2 MARY CRESCENT EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-112	127 KENNY STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-120	12 ANZAC TERRACE BASSENDEAN 6054	VERTICAL SHADE SAIL SCREEN	DELEGATE APPROVED
2016-121	28 CHEDWORTH WAY EDEN HILL 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-126	UNIT A 33 IVANHOE STREET BASSENDEAN 6054	SINGLE HOUSE	STATUTORY ADVICE
2016-127	18 DEVON ROAD BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-131	101 NORTH ROAD BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-137	67 MOOJEBING STREET ASHFIELD WA 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-139	60 WILSON STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-140	31 PALMERSTON STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-146	105 WEST ROAD BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-151	69 WHITFIELD STREET BASSENDEAN 6054	AMENDED APPLICATION FOR SINGLE HOUSE	DELEGATE APPROVED

Subdivision Applications			
154028	53 ASHFIELD PARADE ASHFIELD 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
154112	50 HAMILTON STREET BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
154143	80 IOLANTHE STREET BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
755-16	87 PARKER STREET BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
804-16	296 MORLEY DRIVE EDEN HILL 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE
841-16	13 GALLAGHER STREET EDEN HILL 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
843-16	57 HARDY ROAD ASHFIELD 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 10.18

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

Voting requirement: Simple majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 14: List of Accounts

BACKGROUND

The monthly payments made for the period August 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 10.19

That Council receives the List of Accounts paid for August 2016, as attached to the Ordinary Council Agenda of 27 September 2016.

Voting Requirements: Simple majority

10.20 Financial Statements – July/August 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. 15: Financial Reports for July/August 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

July

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 2.0% ahead of Budget Year to date. Operating Grants are ahead of budget YTD forecasts, and Fees & charges are on target. Interests on Investments are currently behind estimates.

Total expenditure by nature & type for YTD is 17.4% below Budget YTD expectations. Employee costs, materials & contracts, Utilities and interest expenses are below anticipated budget levels. Insurance Premiums have been paid and are only over monthly budget expectations in the current reporting period.

August

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 7.8% ahead of Budget Year to date. Interest on investments, Operating Grants and other revenue are ahead of budget YTD forecasts, and Fees & charges are on target.

Total expenditure by nature & type for YTD is 28% below Budget YTD expectations. Employee costs, materials & contracts, other expenditure are below anticipated budget levels. Insurance Premiums have been paid and are only over monthly budget expectations in the current reporting period.

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period's ending the 31st July 2016 & 31st August 2016.

The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.20

That the:

1. Financial Reports for the period ending 31 July 2016 and 31 August 2016, as attached to the Ordinary Council Agenda of 27 September 2016, be received; and
2. Budget amendments listed for adoption in the Financial Statements as attached to the Ordinary Council Agenda of 27 September 2016, be approved.

Voting Requirements: Absolute majority

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

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

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

22/08/16 Deed of Indemnification - Proposed Single House at 137 Whitfield Street, Bassendean, between Ms Terese Marie Twomey and the Town of Bassendean, to indemnify the Town in the event that the additions, which were the subject of approval, are affected by flooding.

22/08/16 Notification Under Section 70A of the Transfer of Land Act between Gregory Da Rui, Julia Kay Da Rui and the Town of Bassendean to advise prospective purchasers that the land is located within the flood fringe of the Swan River and is subject to flooding.

OFFICER RECOMMENDATION – ITEM 10.21

That Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 27 September 2016.

Voting Requirements: Simple majority

10.22 Calendar for October 2016 (Ref: Sue Perkins, Executive Assistant)

Thu	6 Oct	9.30am	Local Studies Collection Advisory Committee Meeting – Council Chamber (Cr Pule)
Mon	10 Oct	1.00pm	Hyde Retirement Village Annual General Meeting – Ashfield Community Centre (Cr Gangell)
Tue	11 Oct	7.00pm	Liveable Town Advisory Committee Meeting – Council Chamber (Crs Gangell, Bridges & Brown (Deputy))
Wed	12 Oct	5.30pm	Audit & Risk Management Committee Meeting – Council Chamber (Crs Lewis, Pule & Bridges)
Tue	18 Oct	7.00pm	Briefing Session – Council Chamber
Thu	20 Oct	6.00pm	EMRC Council Meeting - EMRC – If Required (Crs Lewis & Bridges)
Tue	25 Oct	7.00pm	Ordinary Council Meeting – Council Chamber

OFFICER RECOMMENDATION - ITEM 10.22

That the Calendar for October 2016 be adopted.

Voting Requirements: Simple majority

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

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

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

Issue ID	Assigned To	Brief Description	Action Taken
91834	Graeme Haggart	OCM-17/6/16 - Liveable Town Advisory Committee (LTAC) Meeting held on 7 June 2016	Buster now not available to the Town in Term 4 either. Buster is to be de-funded under the current funding model: A submission for ongoing funding being prepared but will not include provision for the Town to receive service. Recommend deletion.
ROC16/1 07546	BRIAN REED	OCM 10/7/16 PROPOSED MODIFICATIONS/RELOCATION OF EXISTING TELSTRA TOWER - LOT 9000; NO. 2 DOBSON LANE EDEN HILL	APPLICANT ADVISED OF COUNCIL DECISION. Recommend deletion.
ROC16/5 1613	SIMON STEWERT-DAWKINS	OCM-21/08/16 - NOTICE OF MOTION - CR BRIDGES: PLANTING OF TREES UNDER POWERLINES	ASSET SERVICES STAFF HAVE BEEN ADVISED OF NOTICE OF MOTION RESOLUTION. Recommend deletion.
ROC16/1 07543	CHRISTIAN BUTTLE	OCM-8/7/16 SECTION 31 RECONSIDERATION FOR PROPOSED COMMERCIAL VEHICLE PARKING ON REAR (BRIDSON STREET FRONTAGE) OF LOT 153; NO. 48 WATSON STREET BASSENDEAN	APPROVAL ISSUED. Recommend deletion.
ROC16/5 1609	SALVATORE SICILIANO	OCM-6 & 7/08/16 - COMMUNITY SPORTING AND FACILITIES FUND APPLICATION	APPLICATION LODGED 31 AUGUST 2016. Recommend deletion.
ROC16/1 07549	SHARNA MERRITT	OCM-13/7/16 ACCEPTANCE OF THE WA POLICE STATE CCTV STRATEGY INFRASTRUCTURE FUND GRANT	QUOTATION SPECIFICATIONS BEING FINALISED. Recommend deletion.

ROC16/5 1608	SHARNA MERRITT	OCM-5/8/16 - REQUEST FOR RESTRICTED PARKING - FIFTH AVENUE EDEN HILL	LETTERS TO BE SENT TO LANDOWNERS AND RESIDENTS PRIOR TO RESTRICTIONS BEING INSTALLED. Recommend deletion.
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OFFICER RECOMMENDATION – ITEM 10.23

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 27 September 2016 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Cr Bridges: Bindaring Park

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

“That the CEO ensures that Friends of Bindaring Park are informed in advance of all planned spraying and the issue of RFQ’s or RFT’s for studies or work in Bindaring Park.”

11.2 Notice of Motion – Cr Bridges: Ashfield Parade Foreshore Reserve Project

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

“That the Town of Bassendean provide a report detailing and explaining any discrepancies between the information provided during the public consultation phase of 2008 and actual outcomes of 2016 in relation to the Ashfield Parade Foreshore Reserve Project.”

ATTACHMENT

Attachment No. 16:

Ashfield Parade Proposed Concept Plan and photographs to demonstrate the current site vegetation.

BACKGROUND INFORMATION – CR BRIDGES

From the outset, I wish to acknowledge there are some positive outcomes of the Ashfield Parade Foreshore Reserve Project (The Project) and emphasise this motion does not seek to destroy any tree. However, at a time when the Town grapples with public cynicism of our community consultation processes, this motion gains significance.

In 2008, a consultation company was engaged by the Town of Bassendean to develop a plan. The plan was to include a process of consultation with residents of Ashfield Parade and others affected by a proposal to halt erosion along the river adjacent to Ashfield Parade by stabilising the river bank. This was to be achieved, in part, by planting vegetation and building riverbank structures, and installing ‘temporary’ exclusion fencing.

Consultation literature, distinctive signage and public riverbank meetings unequivocally emphasised **‘Low Growing Vegetation (<600mm) be Planted Not to Restrict Views’**.

As a primary concern, this assurance placated local residents who, for generations, had enjoyed and shared with the entire community relatively open views of the river and beyond. So attractive was this section of the river that families picnicked on the grassed foreshore reserve.

The reality in 2016 is, of the thousands of plantings, more than **450** trees and shrubs significantly exceeding 600mm and as tall as six metres have been planted not only to deliberately obstruct views, but in some parts completely obliterate them.

Furthermore, hidden from public view, many of the costly anti-erosion (**‘Effective Erosion Control’**- The Project) measures installed on steep cliff faces at the eastern end of Ashfield Parade have failed catastrophically. The ‘temporary’ fence, which has proven to be no impediment to pedestrian traffic, but causes damaging pathways ‘along’ the bank, has become a permanent fixture and evolved into a trellis upon which impermeable hedge now grows. The road structure, touted as a drain to reduce runoff erosion and improve the quality of water entering the river via ‘Swales’ only succeeds, it seems, in reducing natural hydration of the reserve strip causing it to degenerate into a bleak, thorn infested sand patch during the dryer months.

Residents feel the project outcomes bear no resemblance to the rhetoric, written word and graphics presented to the community in 2008. It is fair to say they feel an injustice has been perpetrated that has adversely affected amenity and in some cases reduced property values.

OFFICER COMMENT

In September 2006 Council (OCM – 10/09/06) resolved to:

1. Adopt the Ashfield Parade Reserve Concept Plan prepared by Syrinx Environmental P/L – Plan No. 0524-C11, June 06; and
2. Submits the Ashfield Parade Reserve funding application to the Swan River Trust under the riverbank program.

Attached is a copy of the Council adopted concept plan which illustrates the vegetation projected growth sequence, together with two recent photographs to demonstrate the current site vegetation .

The Department of Parks & Wildlife have advised that under *Swan and Canning Rivers Management Regulations 2007* r.21, it states the following:

21. Vegetation, protection of

- (1) A person must not, unless the person has a permit to do so, destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or development control area.
Penalty: a fine of \$5,000.
- (2) Nothing in subregulation (1) applies to anything done -
 - (a) in the normal operations of a farm, orchard, plantation, vineyard or other commercial agricultural operation; or
 - (b) for the purpose of routine maintenance of any reserve under the *Land Administration Act 1997* or the *Conservation and Land Management Act 1984*, land owned by a Schedule 5 authority or any garden or grassed area; or
 - (c) by way of removal of plants usually regarded as weeds; or
 - (d) by way of fire control in the course of fighting a fire, including the making of fire breaks, providing access, burning or other means used to reduce fire hazards; or
 - (e) by way of fire hazard reduction carried out in accordance with a management programme; or
 - (f) in the creation of access tracks for fire hazard reduction in accordance with a management programme.

The foreshore restoration works undertaken have significantly reduce the erosion pressure and as a consequence improved the stability of the escarpment. As the vegetation has grown in height, the vistas or views to the river have naturally increased.

11.3 Notice of Motion – Cr Pule: Removal of Bus Shelter in front of the Hyde Retirement Village

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

“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.”

COMMENT

It was disappointing to hear that the PTA removed the Hyde Retirement Village bus shelter because, according to them, it did not have the required number that they arbitrarily set. This is a totally unacceptable outcome.

A better service standard needs to be set by the PTA.

The Town is losing a number of perfectly functional bus shelters under the guise of complying with disability standards. Disability compliance standards are set to improve services to people with disability not make it more arduous.

How a complete removal of a perfectly functional bus shelter can be touted as complying and providing a better service confound any logic. It is a poorly disguised cost cutting exercise by stealth and cost shifting to the Town.

So, I want to see at least the Hyde Retirement Village bus stop reinstated, made compliant for people with disabilities and reinstated for the benefit of the aged residents at the Hyde Retirement Village and the adjacent businesses.

This is part of the Long Term Strategic Plan - to improve the quality of life in Bassendean for seniors and people with disabilities and address compliance with disability standards.

OFFICER COMMENT

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 that Officers will be submitting a budget request for Council 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.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/05/14 6/0

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.

On Friday 16 September, the Public Transport Authority advised that its most recent survey data for Stop 15550 James Street, Bassendean (Opposite HRV) for on/of passengers at this bus stop was only 2 passengers per day, no offs.

This most recent survey confirms that the patronage numbers have not increased and from an asset management perspective, a shelter cannot be justified for the average of 2 passengers per day.

Due to the proximity to the HRV and as a compromise, perhaps Council could fund the purchase of a new bus seat, with the understanding that this would be a one-off funding allocation as the bus stop is opposite the HRV.

11.4 Notice of Motion – Cr McLennan: Bans on Single Use Plastic Bags

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

“That:

1. *The Town of Bassendean acknowledges the successful bans on single use plastic bags in the states of South Australia & Tasmania, the Northern Territory and Australian Capital Territory; and*

2. *Given the WA state government's failure to support local governments' previous attempts to take individual action on this issue, writes to both Albert Jacob, the Environment Minister & Chris Tallentire, the shadow minister, seeking a policy commitment to introduce a similar statewide initiative in Western Australia by 2018."*

BACKGROUND – CR MCLENNAN

Australians currently use around 4 billion plastic bags every year or approximately 10 million each day¹. Clean Up Australia estimate that around 50 million of these end up as litter and make their way into our waterways and ocean, having devastating effects on marine life².

South Australia, Tasmania, the Northern Territory and the ACT already have successful plastic bag bans in place. However there is yet to be a commitment to action on this issue by the four largest states, including Western Australia^{3,4,5}.

The Australian Senate recently completed an inquiry into the threat of marine plastic pollution and recommended it be placed on the Council of Australian Governments' agenda for urgent consideration⁶. Environment groups are now calling for a ban on single use plastic bags (including degradable and biodegradable bags) in those states that are yet to initiate bans, including WA, and support for a transition & education program⁵.

However, when a Western Australian local government (City of Fremantle) has attempted to take direct action & show leadership on this issue by introducing its own local law, the State Government has thwarted their efforts by passing disallowance motions on two occasions^{7,8}. These decisions have made it clear that action by individual local governments on this issue is not going to be supported. Therefore, the Minister for the Environment and the Shadow Minister need to be urged to commit to taking action on a statewide level to address this significant and growing concern.

References

1. Environment Australia, Plastic Shopping Bags – Analysis of Levies and Environmental Impacts – Nolan 2002 www.deh.gov.au/industry/waste/plasticbags/bags-analysis.html
2. Clean Up Australia: Plastic Bags Fact Sheet https://www.cleanup.org.au/PDF/au/cua_plastic_bags_fact_sheet.pdf
3. <http://www.zerowaste.sa.gov.au/plastic-bags>
4. http://www.zerowaste.sa.gov.au/upload/ExecSummary_PlasticBagBan_Research.pdf
5. <https://act.greenpeace.org.au/petitions/ban-the-bag-western-australia-1>
6. Toxic Tide: Threat of Plastic Pollution http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Marine_plastics/Report
7. <http://www.fremantle.wa.gov.au/news-and-media/1410-city-frustrated-blocking-innovative-fremantle-plastic-bag-law>
8. <http://www.abc.net.au/news/2015-10-14/fremantle-plastic-bag-bag-blocked-by-state-parliament-again/6852518>

11.5 Notice of Motion – Cr McLennan: Glyphosate Use in the Town of Bassendean

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

“That the relevant Town of Bassendean Officers:

- a) Prepare for Council, a comprehensive report identifying locations where glyphosate continues to be used within the Town of Bassendean including use by external agencies;
- b) Provide details of potential weed management alternatives to glyphosate in each of the identified locations as well as the cost & any other implications of each for Council’s consideration prior to the mid-year budget review; and
- c) Write to all external agencies (e.g. PTA) known to be using glyphosate within the Town of Bassendean and communicate Council’s previous resolution (OCM 12/04/16) to take a precautionary approach to glyphosate and the suspension of its use on hard surfaces and requesting that this policy be adhered to within its locality.

BACKGROUND – CR MCLENNAN

In April 2016 the Town of Bassendean Council resolved (OCM – 12/04/16) to suspend the use of the herbicide glyphosate on hard surfaces in the urban environment within the Town. This decision was reached as a precautionary response to emerging international concerns relating to potential carcinogenic links with exposure to and use of glyphosate.

However, it has become apparent that the previous resolution was not specific enough to achieve Council’s intention of protecting the public from exposure to this chemical. The use of glyphosate has continued within the Town in areas such as garden beds (e.g. along Old Perth Road) and in close proximity to playgrounds. As a result, there continues to be an unacceptable exposure risk to the public.

In addition, spraying of glyphosate has continued to be observed by external agencies, for example on the Principle Shared Path (PSP) along the train line by the Public Transport Authority. Once again this presents an unacceptable risk to the public using this bike path and does not comply with Council’s resolution and intentions.



(Photo taken: July 22nd 2016)

11.6 Notice of Motion – Cr McLennan: Establishment of a “Sustainability Advisory Group”

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

“That:

1. *Council supports the establishment of a “Sustainability Advisory Group”, with the (draft) objectives including:*
 - a) *Providing advice & making recommendations relating to:*
 - *The formulation of a community & Council vision for environmental sustainability & leadership; and*
 - *The development & implementation of environmental initiatives & programs.*
 - b) *Acting in an advisory capacity on matters referred to it by Council or by officers relating to the natural and built environment, with specific focus on:*
 - *Environmentally sustainable building design;*
 - *Water use and efficiency;*
 - *Energy efficiency and renewable energy;*
 - *Green spaces, urban vegetation and biodiversity;*
 - *Water in the environment (water quality and natural water sources); and*
 - *Waste minimisation & management.*

- c) *Consulting with the community and informing Council of sustainability matters of importance to the community.*
2. *Officers prepare a draft terms of reference for the “Sustainability Advisory Group” for consideration by Council.”*

BACKGROUND – CR MCLENNAN

Through recent community consultation activities, the Town of Bassendean community has made it clear that sustainability is a key area of concern and interest.

The Town is committed to environmental sustainability and as such has adopted the Greening Bassendean Policy 2.1 “Sustainable Bassendean” which includes the following strategies:

- Leading by example and playing our part in solving the global challenges of sustainability;
- Valuing and protecting our environment and ensuring the sustainable management and use of natural resources;
- Planning and encouraging our community to reduce its ecological footprint; &
- Supporting our community to fully participate in achieving a sustainable future¹.

There are many passionate community members with expertise in the area of sustainability who could contribute significantly to achieving the policy’s objectives given the opportunity. Therefore the formation of an expert advisory group would facilitate the Town of Bassendean being a leader in this important area.

1. Greening Bassendean – Policy 2.1 Sustainable Bassendean

http://bassendean.wa.gov.au/7_info_feedback/pdfs/Greening_Bassendean/Policy_2-1_Sustainable_Bassendean.pdf

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

13.0 **CONFIDENTIAL BUSINESS**

13.1 **Licence Fee for Swan Districts Football Club (Inc) to Acquire Corporate Sponsorship for Naming Rights to Bassendean Oval (Ref: A3180 – Graeme Haggart, Director Community Development)**

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

13.2 **Sports Achievement Awards (Ref: COMR/AWADP/4 –Tim Dayman, Recreation Development Officer)**

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

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 25 October 2016.