

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, 15 December 2015 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

11 December 2015

Councillors, please note that the Briefing Session will commence at 5.00pm; a meal will be provided at 6.15pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Pule will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

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

2.2 Address by Members of the Public

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 24 November 2015
(Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 24 November 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 24 November 2015, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 **DECLARATIONS OF INTEREST**

9.0 **BUSINESS DEFERRED FROM PREVIOUS MEETING**

9.1 **Vandalism of Street Verge Tree Within the Town of Bassendean (Ref: COUP/MAINT/1 – Bob Jarvis, CEO and Ken Cardy, Manager Asset Services)**

APPLICATION

The purpose of this report is to advise Council on the legal advice obtained regarding the street verge tree which has been removed without permission.

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

ATTACHMENTS

Confidential Report

BACKGROUND

At its meeting held on 24 November 2015, Council resolved that (OCM – 27/11/15) the item be deferred to the December 2015 Ordinary Council Meeting to allow for further advice from staff on how to pursue legal action.

In the April 2015 Council (OCM – 15/04/15) approved the installation of vandalism awareness signs due to street trees being destroyed by an act of vandalism, approved the retention of the vandalised street trees until newly planted trees are sufficiently established; and noted that vandalised trees may require some minor pruning while in place to reduce any public risk issues.

In August 2015, Council (OCM – 11/08/15), deferred a decision concerning unauthorised pruning to 8 street trees and 2 unauthorised removals of street trees, pending a site inspection.

On Tuesday 15 September 2015, Elected Members inspected the 8 street trees that have been pruned without the Town of Bassendean's approval.

At the October 2015 Ordinary Council meeting (OCM-5/10/15), Council endorsed the Officer Recommendation shown in the Confidential Report attached to the Ordinary Council Agenda of 27 October 2015 relating to street trees that have been pruned or removed without permission.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023:

Environmental sustainability and adaption to climate change:

Objectives: *Maintain a healthy environment which supports a diverse range of flora and fauna.*

Strategies: *Continue to develop and maintain biodiversity corridors to provide breeding places and food sources for native flora and fauna.*

In April 2014, Council (OCM-22/04/14) revised the following policies to bring into line with Council's 2013-2023 Strategic Community Plan:

- Significant Tree;
- Verge Treatment and Maintenance;
- Street Tree Protection;
- Street Tree Pruning, Removal and Replacement; and
- Amenity Tree Evaluation.

These policies are in place to clearly articulate the value trees have to our community and the contribution they bring to the amenity, aesthetics and sense of place for the residents of the Town.

COMMENTS

Council Officers have undertaken an investigation into the unauthorised street tree removal in accordance with the Town's tree investigation form which can be viewed under **Confidential Attachment No. 1**

The tree investigation form provides a checklist for investigating breaches of a local law or Council policy and provides the estimated value of the street trees using the Amenity Tree Evaluation Policy.

Council's Amenity Tree Evaluation Policy provides a framework for a structured, consistent and effective method to determine the amenity value of trees and, as part of the evaluation; staff have referred to a 2009 Street Tree Audit and to historic photographs.

As part of the investigation, Rangers have communicated with the owner of the property and the resident advised they were the persons responsible for the removal of the tree adjacent to their property, as it was in an awkward spot and was too close to the electricity cable servicing the house.

The outcome of the investigation indicates that the street tree was illegally removed and therefore, in line with the October 2015 report, it is suggested that the appropriate response be taken to send a clear message to residents, contractors and developers that street trees are protected.

Whenever possible, the Town has an educational approach when dealing with breaches of local laws or Council policies. In the future, the Bassendean Briefings and the 2016 greenwaste information brochure will reiterate that residents and contractors are not permitted to prune or remove street trees.

In addition, the Town of Bassendean's website at www.bassendean.wa.gov.au - Information & Feedback / General Information Sheets, provides residents with information on a variety of matters including, but not limited to; Adopt-A-Street Tree, Street Tree Protection, Street Tree Planting, and advice that pruning and removal of street trees is not permitted.

As a result of the promotional material published and available on the Town's website, residents have in the past contacted the Town of Bassendean should they require assistance with the street tree adjacent to their property.

Under Council Policy, the removal of street trees shall not be permitted for any of the following reasons:

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

Considering all street trees contribute to environmental benefits, the amenity, aesthetics and sense of place for the residents of the Town, the following options may be considered appropriate:

1. In accordance with Council's (OCM – 15/04/15) previous resolution, approve the installation of vandalism awareness signs should a street tree be destroyed by a selfish act of vandalism, approve the retention of the vandalised street trees until newly planted trees are sufficiently established; and that these trees will be monitored for their safety;
2. Issue infringement letters to the property owner or person(s) that have been identified as having breached the Local Government Act 1995 - Schedule 9.1, clause 2 Disturbing local government land or anything on it and the Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1, Interfering with, or taking from, local government land or other relevant provisions under the Act.
3. Infringe the offender under the Town's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010.

STATUTORY REQUIREMENTS

In the event of a person illegally removing, damaging, pruning or poisoning a street tree, Council may prosecute the offender under the following:

- Local Government Act 1995 - Schedule 9.1, clause 2. Disturbing local government land or anything on it; and
- Local Government Act 1995 - Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 - Interfering with, or taking from, local government land or other relevant provisions under the Act. In addition to the value of the tree, a penalty of \$5,000 may be imposed.
- Council also has the option of issuing an infringement under its Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010. The prescribed penalty for removing a tree on the thoroughfare or verge is \$350.

FINANCIAL CONSIDERATIONS

Should Council resolve to prosecute an offender, the income received be allocated to the following account – Contributions to Work - GL 212161.

As the tree has been removed, there is no additional cost required for an Arborist Report.

OFFICER RECOMMENDATION – ITEM 9.1

That Council endorses the Officer Recommendation shown in the Confidential Report to the Ordinary Council Agenda of 15 December 2015, relating to the street tree that has been removed without permission.

Voting requirement: Simple majority

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 15 December 2015:

Item	Report
10.2	Proposed Single House on Lot 52 (No. 7) Carnegie Road, Bassendean
10.3	Proposed outbuilding on Lot 82 (No. 43) Maley Street, Ashfield
10.4	Application for change to conditions of approval for Animal Establishment (Animal Day Care) Lot 124 (No. 4/329) Collier Road, Bassendean
10.5	Proposed Outbuilding and Ancillary Dwelling on Lot 153 (No. 48) Watson Street, Bassendean
10.8	Proposed Amendment No. 7 to Local Planning Scheme No. 10 – Including an extra additional use of “Restaurant” within Schedule 2 – Additional Uses Lot 743 No’s 3 and 3A Broadway
10.9	Maintenance of Park and Reserve within the Estate Parkland
10.10	Underground Power
10.11	Request for Restricted Parking – Ivanhoe Street Bassendean
10.14	General Meeting of Electors Minutes held on 25 November 2015
10.15	Economic Development Advisory Committee Meeting held on 7 October 2015
10.16	Disability Access and Inclusion Committee Meeting held on 2 December 2015
10.18	Determinations Made by the Principal Building Surveyor
10.19	Determinations Made by Development Services
10.20	Accounts for Payment – November 2015
10.22	Implementation of Council Resolutions
10.23	Use of the Common Seal
10.24	Calendar for January & February 2016

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

Item	Report
10.6	Compliance Matter - Unauthorised Parking of Two Commercial Vehicles at Lot 100; No. 93 Kenny Street, Bassendean
10.7	Compliance Matter – Unauthorised Non-Residential Storage on Lot 130 (No. 107) Kenny Street, Bassendean
10.12	RFT CO 035 2015-16 Supply of Contract Personnel – Labour Hire
10.13	Bassendean Caledonian Soccer Club – Costs incurred from multiple break-ins to Clubrooms
10.17	Audit & Risk Management Committee Meetings held on 9 December 2015
10.21	Financial Statements – November 2015
13.1	Proposed Land Swap of 27L Hyland Street and Part Lot 271; 116 Hamilton Street, Bassendean
13.2	CEO's Remuneration Report

10.2 Proposed Single House on Lot 52 (No. 7) Carnegie Road, Bassendean, Owners/Applicant: Gregory and Julia Kay Da Rui (Ref: DABC/BDVAPPS/2015-151 – Dylan Stokes, Planning Officer, Development Services)

APPLICATION

The purpose of this report is for Council to consider a proposal for a single house which includes habitable rooms on the ground floor which does not meet the requirements of Local Planning Policy 4 in addition to variations to the 'Deemed-to-Comply' provisions of the Residential Design Codes of Western Australia (R-Codes).

ATTACHMENTS

Attachment No 2.

- Plans of proposed development;
- Local Planning Policy No 4 – Floodplain Management and Development Policy;
- A map showing the location of the flood fringe.

BACKGROUND

An application for approval to build an additional grouped dwelling on the subject lot was submitted on 10 September 2015. Despite the initial proposal comprising variations to the Deemed-to-comply provisions of the R-Codes, the application was not subsequently advertised as the applicant owned the adjoining houses to the east and south, with Carnegie Road to the west and freehold land owned by the Town of Bassendean to the north.

The site is zoned Residential with a code of R25, with a site area of 304m². There is a subdivision application pending for the site that will relocate the lot boundary into 24 Hyland Street to the south, effectively increasing the size of the subject lot to 463m² so that the lot size complies with the R-Codes. As the proposed development currently falls within both 24 Hyland Street and 7 Carnegie Street, the approval will be subject to the clearance of the subdivision.

STRATEGIC IMPLICATIONS

Objectives

Ensure Town provides choice in housing types

Strategies

Plan for the highest densities to be centered 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.

COMMENT

The application has been assessed against the provisions of the Local Planning Scheme No. 10, the Residential Design Codes (State Planning Policy 3.1) and Local Planning Policy 4 – Floodplain Management and Development Policy. The lot also falls within the Town Planning Scheme No. 4A and therefore will be subject to contribution costs.

ASSESSMENT

Compliance with the Residential Design Codes

The proposal complies with the Deemed-to-comply requirements of the R-Codes, with the following exceptions:

A rear setback variation to the second floor of the balcony;
A boundary wall length and height variation; and
A variation to the required wall and roof heights.

When the Deemed-to-Comply provisions of the R-Codes have not been achieved, a Design Principle assessment is considered by Council Staff. The three proposed variations are considered to meet the relevant Design Principles of the R-Codes. Furthermore, the applicant owns both of the affected neighboring properties to the east and south.

Compliance with Local Planning Policy 4 - Floodplain Management and Development Policy

Local Planning Policy 4 – Flood Plain Management (LPP4) is a policy that introduces regulations with the primary objective of establishing a framework for floodplain management. The policy was created using floodplain mapping provided by the Department of Water that simulates a major river flow that is expected to occur once every 100 years. The mapping shows the flood fringe areas that the floodplain will rise to in the event of a 1 in 100 year flood event. LPP4 provides additional planning requirements that must be achieved for any development that occurs within the flood fringe. No. 7 Carnegie Road falls within the Flood Fringe.

The following requirements apply to any development that falls within the Flood Fringe:

4.1 Habitable floor levels and all electrical installations should be a minimum of 0.50 metre above the 100 year ARI flood level, except depending on the circumstances in each case, Council may consider the granting of building licenses for the following:

- a) alternative housing forms to achieve the required habitable floor level, such as two storey developments with non-habitable rooms on the ground floor, stumped houses or raised pads, should be flood proofed (electrical/structural) and designed to ensure the building drains in the event of a flood. The minimum floor level of these non-habitable areas should be a maximum of 1.8 metres below the 100 year ARI flood level as determined by the Department of Water;*
- b) minor non-habitable outbuildings including sheds, which will not be used to store hazardous chemicals, may be exempt from the minimal floor level requirement, but should be flood proofed (electrical/structural) and designed to ensure the building drains in the event of a flood. Council may identify a lower flood level below which development will not be approved.*

The Department of Water (DoW) was contacted in order to provide the Australian Height Datum (AHD) levels that a 1 in 100 year flood event would achieve. The DoW indicated that for No 7 Carnegie, the floods in a 1 in 100 year flood event will achieve heights of 5.02 AHD. The DoW recommended that a minimum habitable floor level of 500mm above the 1 in 100 year event be enforced in conjunction with the report. Therefore, to comply with the policy and the advice provided by the DoW, the minimum required height for any floor levels should be 5.52 AHD for any habitable rooms and 3.22 AHD for a ground floor without habitable rooms. The application has proposed a floor level of 6.41 AHD for the second floor and 3.4 AHD for the ground floor.

However, as part of the proposed floor plans, the ground floor proposes four large rooms labelled as 'Workshop', 'Pool Store', 'Store 2' and 'Store 3'. Whilst these rooms don't fall within the definition of 'habitable room' as defined under the R-Codes, the configuration and design of the rooms suggests that they could be used for habitable purposes.

Each of the rooms is larger than 12m², with Store 2 being 27.5m² in size. All of the rooms have either windows or sliding doors, typical of habitable rooms, with Store 2 having direct access from the centre of the ground floor to the porch. The applicant was asked to provide justification as to the purpose and size of the rooms, to which the applicant stated that the purpose of the design is to 'hold up the top floor' without stating the use of the room.

Regardless of the labels shown on the proposed plans, staff are concerned that the rooms will ultimately be used for habitable purposes which results in a direct contradiction of the policy. Storerooms are typically around 4m² as required under the R-Codes, yet the ground floor proposes a total of 45.8m² store space. Furthermore, the initial application proposed 'Room 1' in place of the location 'Store 2' and 'Store 3' on the current plans. As there was no explanation provided as to the size and design of 'Room 1', which was subsequently changed to excessive storage space, this further raises suspicions in relation to the actual purpose of the 'Store' rooms being proposed. Furthermore, it is not envisaged that a room of size 14.5m² is required for the storing of pool related equipment, despite the large size of the proposed pool.

The applicant has indicated that the intent of the final design is to create a 'normal elevation' when viewed from the street and that meeting the requirements of the policy would result in a negative aesthetic impact to the streetscape as a result of using posts or piers to maintain the second floor. Council Staff believe that a design would be possible on the site that would present an acceptable façade to the streetscape without compromising LPP4 by relocating the supporting posts or piers to the rear of the site. Furthermore, whilst Council Staff recognise the importance of the appearance of dwellings to the streetscape, this should not take precedence over meeting the requirements of LPP4.

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Residential Design Codes of Australia and Local Planning Policy 4 – Floodplain Management and Development Policy.

In the event that Council was to refuse the application or was to grant approval subject to conditions, and the applicant was aggrieved by those conditions, they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

FINANCIAL CONSIDERATIONS

Nil to Council.

CONCLUSION

The application proposes variations to the R-Codes and LPP4. Whilst the variations to the R-Codes are considered to be acceptable by Council Staff, the design of the ground floor proposes rooms, lend themselves to being habitable and contradict the requirements of LPP4. On this basis, it is recommended that Council defers the application so that the design can be amended to achieve the requirements of LPP4. The justification for deferral as opposed to refusing the application is that it provides the applicant with the ability to redesign the application to achieve a compliant design. Despite Council Staff's recommendation, should Council perceive that the rooms on the ground floor are considered to be non-habitable, Council may wish to approve the application and in this case an appropriate resolution would be as follows:

"That Council grants development approval for the proposed Single House at Lot 52;(No. 7) Carnegie Road, Bassendean subject to the following conditions:

- 1. Prior to the issue of a Building Permit for this development, Lots 52 and 53 Carnegie Road shall be subdivided or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring subdivision to be completed within twelve months of the issue of a Building Permit, or the completion of development, whichever occurs earlier;*
- 2. Prior to the submission of a Building Permit the owner shall pay the Town Planning Scheme No. 4A contribution to the Town of Bassendean;*
- 3. The notification in the following terms shall be registered on the Certificate of Title for Lot 52 (No. 7) Carnegie Road, Bassendean under section 70A of the Transfer of Land Act 1893:*

Registered proprietors and prospective purchasers of the land are notified that the land is situated within the flood plain of the Swan River and is liable to be affected by flooding. The use of the ground floor of the dwelling for habitable purposes is prohibited.

Further information regarding anticipated flood levels and restrictions associated with the use of the dwelling is available upon request from the Town of Bassendean;

- 4. None of the ground floor of the building is approved for use for habitable purposes. No further enclosure or modification to the ground floor beyond that which is shown on the approved drawings shall be undertaken without the formal approval of the Town of Bassendean first having been obtained;*
- 5. The street verge adjacent to the lot being landscaped and maintained to the Town's satisfaction;*
- 6. All storm water being contained and disposed of on site;*
- 7. The street number being prominently displayed at the front of the development;*
- 8. Fencing (behind the building line) of 1.8 metres in height being provided to the south and eastern boundaries of the site. Where levels differ on either side of the fence, the required height shall be measured above the higher ground level;*
- 9. Details for the fencing to the northern and western boundaries shall be submitted in conjunction with the application for a building permit;*
- 10. The surface of the boundary wall on the common boundary with No. 22 Hyland Street shall be finished to the satisfaction of the adjoining property owner or in the case of a dispute to the satisfaction of the Town;*
- 11. External fixtures, including but not restricted to air-conditioning units, satellite dishes, non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street;*
- 12. Details of stormwater disposal being submitted for the approval of the Town in conjunction with the issue of the Building Permit, in accordance with Local Planning Policy No. 14 – On-Site Stormwater Policy;*
- 13. External clothes drying facilities being screened from view of the street;*

14. *The crossover being constructed to Council specifications (Separate application and approval required).*
15. *The issue of a Building Permit prior to the commencement of any works on site.*

Footnotes:

With regards to condition 2, the Town Planning Scheme No. 4A contribution is currently \$6,223. Please note that this contribution is reviewed annually in accordance with the Perth Land Index, which may be subject to change in the future.

In accordance with the provisions of the Town of Bassendean Local Planning Policy No. 4 "Floodplain Management and Development", the applicant / owner is hereby notified of the flood hazard associated with the land upon which the development is intended to be undertaken. The proponent should give detailed consideration to this matter in advance of proceeding with the development.

In accordance with the provisions of the Town of Bassendean Local Planning Policy No. 4 "Floodplain Management and Development" the dwelling should be designed in such a way that it drains in the event of a flood.

All electrical installations should be designed to achieve a minimum clearance of 500mm above the 1:100 ARI flood level, in accordance with the provisions of Council's Local Planning Policy No. 4 – Floodplain Management and Development, and be suitably insulated.

Building materials and finishes should be sympathetic to adjoining development, as identified within Clause 5.2(a)(ii) of Council's Local Planning Policy No. 4 – Floodplain Management and Development.

The applicant is advised that the proposed works are located within a high to moderate acid sulphate soil (ASS) risk area. If any ASS is exposed during the works, the Department of Environment and Conservation should be contacted for further advice or the soils managed in accordance with Treatment and management of soils and water in acid sulphate soil landscapes (DEC, 2011) and the Swan River Trust notified."

OFFICER RECOMMENDATION — ITEM 10.2

That Council defers the application for planning approval of the proposed Single House at Lot 52; No. 7 Carnegie Road, Bassendean, until a subsequent design has been provided that eliminates the rooms that could be used for habitable purposes within the ground floor.

Voting requirements: Simple Majority

10.3 Proposed outbuilding on Lot 82 (No. 43) Maley Street, Ashfield, Owner/Application: Vincent Schuurmans (Ref: 2015-173 – Timothy Roberts, Planning Officer)

APPLICATION

The application seeks Council's approval for a proposed outbuilding which includes variations to the 'deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to ridge height, wall height and total floor area for which a neighbour objection has been received.

The aspects of the development which do not meet the deemed-to-comply provisions of the R-Codes require assessment and determination against the relevant 'Design Principles'.

ATTACHMENTS

Attachment No. 3: Plans of the proposed development

BACKGROUND

By definition, the subject lot currently contains two outbuildings on site being a hot house and an existing shed. Currently, there is also a "lean to" on site that is being used for storage purposes. The proposal for a new outbuilding on site to replace the existing "lean to" and the existing shed is the subject of current consideration.

Variations to the 'deemed-to-comply' provisions of the R-Codes were the subject of consultation with adjoining owners to each side of the development site. The adjoining owners at Lot 83 (No. 39) Maley Street had signed off on the proposed plans prior to lodgement of the application to commence development. Submissions were received from the owners at Lot 81 (No. 45) Maley Street, who were notified of the proposed development.

The application is referred to Council for determination in the context of the objection that has been received from the adjoining owner.

STRATEGIC IMPLICATIONS

The application is subject to the provisions of the Residential Design Codes of Australia and Local Planning Policy 4 – Floodplain Management and Development Policy.

In the event that Council was to refuse the application or was to grant approval subject to conditions, and the applicant was aggrieved by those conditions, they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

COMMENT

The proposed development incorporates variations to the 'deemed-to-comply' provisions of the R-Codes as described below.

Outbuildings (Clause 5.4.3 of the R-Codes)

The deemed-to-comply provisions of the R-Codes allow for outbuildings that do not collectively exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser. The site area for Lot 82 (No. 43) Maley Street is 743m² (10% being 74.3m²) meaning that the allowable floor area for the site is 60m². The design incorporates variations to the deemed-to-comply provision of allowable total floor area for outbuildings. The proposed outbuilding requests a floor area of 72m². The hot house to be retained has a floor area of 15m². The total floor area of 'outbuildings' on site would be 87m².

The deemed-to-comply provisions of the R-Codes allow for outbuildings that do not exceed a wall height of 2.4 metres. The proposed outbuilding requests a variation to the allowable wall height for outbuildings within residential zoned lots. The proposed outbuilding has a proposed wall height of 3 metres.

The deemed-to-comply provisions of the R-Codes allow for outbuildings that do not exceed a ridge height of 4.2 metres. The proposed outbuilding requests a variation to the allowable ridge height for outbuildings within residential zoned lots. The proposed outbuilding has a proposed ridge height of 4.45 metres.

The natural ground level where the proposed outbuilding is to be located has been marginally excavated since lodging the initial application to commence development (up to 0.6 in parts) and since neighbour comment was sought. Building height is measured as the distance between where the base of the wall meets the natural ground level and measured to the highest point of a wall or roof of a building vertically above that point. As the finished ground level of the outbuilding will now be below natural ground level, the overall wall and ridge heights and perceived impact to visual amenity on the neighbouring property will be lower than originally proposed.

Design Principle Assessment

When a proposed development does not meet the deemed-to-comply requirements of the R-Codes, the proposal is required to be assessed against the relevant design principle. In this context the proposal should be considered against the following statement;

'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties'.

The applicant has confirmed that the outbuilding will be used as a storage facility for personal belongings, vehicles, electrical contracting tools and collectables. The applicant owns motorbikes and a boat that are currently stored at various sites and he would like to store them all within the proposed location. Additionally, the shed will also be used to perform electrical works and mechanical maintenance on personal vehicles consistent with his skills and trade. The vehicle component of the outbuilding will take up 50% of the outbuilding area, not too dissimilar to the dimensions and purpose of a garage. The shed is to be fully insulated to eliminate any noise disturbance to adjoining properties. The intended purpose of the shed is considered incidental to the residential objectives of the site.

Neighbour Consultation

Neighbour consultation was undertaken with the owners of properties to either side (No. 39 to the left and No. 45 to the right) of the development site. The owners of Lot 83 (No. 39) Maley Street provided no comment during the mandatory two week neighbourhood consultation period and had previously 'signed off' their support on application of the proposed development. Concerns raised by the adjoining property owner at Lot 81 (No. 45) Maley Street are summarised below, along with an Officer response.

Objector's Comment

The feature and contour survey does not show two existing sheds – both on our adjoining boundary, one near the pool and one on the other side of the alfresco has been relocated to where the proposed outbuilding will be located. We were informed the current shed in the location of the proposed outbuilding would be removed but if all of the outbuildings are collectively added (two sheds mentioned and hothouse), there will be a large portion of the block covered by outbuildings, greater than the R-Codes maximum of 60m².

Officer Comment

The applicant has confirmed and amended the development plans accordingly to demonstrate the existing lean to and existing shed are to be demolished should development approval be issued. The 'hot house' is enclosed in a transparent material and contains landscaping. Whilst by definition, the hot house is considered an outbuilding; the hot house is not visible from the objecting neighbouring property and therefore the effect of this additional 'outbuilding' on the objecting neighbouring property (as per the required design principle assessment) is negligible.

Objector's Comment

The property owner has verbally advised that he is willing to redesign the proposed outbuilding according to the following specifications:

- Reduce the ridge height to under 4.2m;
- Reduce the length of the shed (and therefore reducing the overall footprint). The size of the reduction was not discussed with the owner but we feel that a length of 9m is acceptable given other outbuildings exist on the property (hothouse approximately 15m² unknown size of other outbuildings).
- Increase the setback from our boundary. The setback was not discussed but we would be happy with a minimum setback of 3m from our common boundary.
- The property owner has also advised that the proposed development will be cladded so as to keep with the overall residential amenity of the area.

Provided the property owner amends the proposed outbuilding to keep within the amended specifications as outlined above, we are satisfied that the proposed development will not detract from the visual amenity of our property and ensure that access to sunlight and solar energy on our property is not adversely impacted.

Officer Comment

The proposed outbuilding is setback from the shared lot boundary at 2 metres. The deemed-to-comply setback requirement is 1 metre meaning that building bulk concerns have been reduced and addressed in the proposed siting of the outbuilding. The proposed finishings of the exterior of the outbuilding is to be finished in a colourbond material and cladded in a horizontal arrangement.

The proposed outbuilding is of a form and scale consistent with development in the area. The applicant has planted significant landscaping measures (established ornamental pears) along the shared lot boundary. When fully developed, these trees will further reduce the impact on amenity to the adjoining neighbouring property.

The setback from the shared boundary of both the proposed outbuilding at Lot 82 (No. 43) Maley Street and the adjacent dwelling at Lot 81 (No. 45) Maley Street ensure that overshadowing requirements are not compromised. The dwelling at Lot 81 (No. 45) Maley Street is two-storey in height and setback appropriately from the shared boundary meaning that the perceived impact to sunlight and solar energy will not be adversely impacted.

The applicant has undertaken excavation on site meaning that the finished floor level of the outbuilding will now be below natural ground level. As defined under the deemed-to-comply requirements of the R-Codes, this means that the ridge height of the outbuilding will now be meet the 4.2 ridge height requirement where the outbuilding faces your property.

The owner of Lot 82 (No. 43) Maley Street could potentially subdivide the property to create two lots in the future. In this context, higher allowable height limits would apply being 6 metres to the top of an external wall and 9 metres to the top of a pitched roof. The requested variation to the height of the proposed outbuilding (being a 3 metre wall height and 4.45 metre ridge height) is significantly lower than the development potential for the site.

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10 and section 5.4.3 of the Residential Design Codes of Western Australia that specifies development controls for outbuildings.

In considering an application for development approval the local government is to have due regards to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –

- (a) the aims of provisions of the Scheme and any other local planning schemes operating within the Scheme area;

- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;

and

- (y) any submissions received on the application.

In the event that Council was to refuse the application, and the applicant or landowner was aggrieved they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.3

That Council grants development approval for a proposed outbuilding on Lot 82 (No. 43) Maley Street, Ashfield, subject to the following conditions:

1. The exterior of the outbuilding is to be clad in a material to the satisfaction of the Town;
2. The driveway being constructed and drained to the specifications of the Town;
3. The crossover shall be constructed to Council specifications (separate application and approval required);

4. All stormwater being contained and disposed of on site. Details of the method of storm water being submitted for approval in conjunction with the application for a Building Permit;
5. The proposed structure shall not be used for habitable or commercial purposes;
6. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot; and
7. The issue of a building licence prior to the commencement of any on-site works.

Voting requirements: Simple Majority

10.4 Application for change to conditions of approval for Animal Establishment (Animal Day Care) Lot 124 (No. 4/329) Collier Road, Bassendean (Ref: DA 2015-211 - Christian Buttle, Senior Planning Officer)

APPLICATION

To consider an application for development approval which seeks to modify a condition of approval relating to the permitted number of dogs in care for an existing approved Animal Establishment (Animal Day Care) at Lot 124 (No. 4/329) Collier Road, Bassendean.

ATTACHMENTS

Attachment No. 4:

- Agenda Item 10.4 from Ordinary Meeting of Council held 26 November 2013.
- Agenda Item 10.2 from Ordinary Meeting of Council held 28 October 2014.
- Correspondence from applicant date stamped 23 September 2014.
- Correspondence from applicant dated 22 October 2015 in support of current application for planning approval.

BACKGROUND

At its Ordinary Meeting held 26 November 2013, Council considered an application for planning approval for the establishment of an Animal Establishment (Animal Day Care) at the subject property. Approval was granted for the establishment to commence for a 'trial' 12 month period

At its Ordinary Meeting held 28 October 2014, Council considered an application for planning approval for the continued (and timeframe unlimited) use of the premises as an Animal Establishment (Animal Day Care) and granted approval subject to the following three conditions:

1. The animal establishment (animal day care) operating in accordance with the applicant's letters date-stamped received 23 September 2013, which forms part of this approval;
2. The animal establishment (animal day care) shall operate in accordance with the approved refuse management; and
3. The animal establishment (animal day care) shall not exceed a maximum intake of forty (40) dogs per day without further approval from the Town of Bassendean.

An Intra maps image showing the subject property is provided below:



STRATEGIC IMPLICATIONS

Economic Wellbeing and Prosperity

Objectives

Build a strong local business economy to benefit the community.

Strategies

Identify land assets to boost economic development activities and reduce the rates burden on the community.

Objectives

Build small business growth.

Strategies

Adopt a welcoming stance and attitude to businesses, and showcase local business capabilities.

COMMENT

Correspondence dated 22 October 2015 explains the request which is the subject of current consideration, which is to increase the allowable number of dogs in care from 40 to 50 dogs per day. All other components of the operation will remain unchanged from those which have previously been approved.

The earlier reports to Council from November 2013 and October 2014, which are each attached to this report, provide detailed comment in relation to the planning considerations which were undertaken when approval was originally granted. These considerations extended to matters such as:

- The appropriateness of the land use within the assigned General Industry zoning which applies to the land;
- Hours of operation;
- Matters arising from neighbour consultation (car parking provision, noise etc); and
- Welfare of animals in care.

As the use of land for the Animal Establishment is already approved on an ongoing basis following Council's approval issued in October 2014 it is seen that the main areas against which the current application should be considered against are car parking and noise.

Car Parking

The business currently operates Tuesday to Friday with drop off time in the morning from 7am to 9am and pick up time in the evening from 4pm to 6pm. An inspection of the property has shown that there is more than ample car parking available at the property and that there will be no adverse parking related impacts associated with the proposal. Of significance in considering car parking demand linked to the business model is that the two hour drop off period in the morning and the two hour pick up period in the afternoon means that individual car parking bays can be used on multiple occasions by different customers as they are each only on site for short periods of time (for drop off or pick up) within each of the respective two hour drop off or pick up periods.

Noise

Concern has previously been expressed in relation to noise emitted from the premises and this matter was given detailed consideration at the time of reporting on the proposal in October 2014. At that time it was determined that the noise levels emitted from the premises are "not unreasonable, taking into consideration the duration, frequency of the barking and the assigned noise levels, which being an industrial area are high."

Of relevance in relation to this matter is written correspondence from the owner of the premises from which greatest concern has previously been expressed in relation to noise concerns. This owner states "*40 dogs 50 dogs 100 dogs.....utterly no difference!*" The Town's Ranger Services have similarly commented that they would expect a negligible discernible difference (if any) in relation to noise impacts for external tenancies from the proposal to increase the number of dogs from 40 to 50.

Neighbour Consultation

As part of the assessment of the current application for planning approval, consultation notices were sent to 4 owners and 5 occupiers (9 consultation notices in total). These notices provided the opportunity for the owners and occupiers of the five other strata titled industrial premises at No. 329 Collier Road to make comment in relation to the proposal.

In response to this consultation, one owner provided written comment and advised that:

- Much time and effort was invested into commenting on the earlier proposals for the establishment and continued operation of the Animal Establishment so there is “no point in making any further formal comment at this time”.
- Their tenants are being forced out of their premises after 21 years of occupancy due to adverse noise effects from the Animal Establishment. Once the current tenants vacate the tenancy, the property will be unlettable and / or difficult to sell.

This submitter also on forwarded an email from their tenants within which they comment that a couple of times they made complaints to the Town in relation to dog barking, but they received little support and were advised that the animal establishment met the Town’s regulations.

More detailed comments in relation to this matter have been provided in the earlier reports to Council and the comment section of this report.

STATUTORY REQUIREMENTS

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application -

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
 - (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

In the event that Council was to refuse the application, and the applicant or landowner was aggrieved they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.4

That Council grants development approval for the proposal to change conditions of approval for the Animal Establishment at Lot 124 (No. 4/329) Collier Road, Bassendean, subject to the following conditions:

1. The animal establishment (animal day care) operating in accordance with the applicant's letters date stamped received 23 September 2014;
2. The animal establishment (animal day care) shall operate in accordance with the approved refuse management plan for the business;
3. The animal establishment (animal day care) shall not exceed a maximum intake of fifty (50) dogs per day without further approval from the Town of Bassendean.

Advice Notes:

1. A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
2. The owner or occupier of premises where animals or birds are kept shall, when directed by the Senior Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

Voting requirements: Simple Majority

10.5 Proposed Outbuilding and Ancillary Dwelling on Lot 153 (No. 48) Watson Street, Bassendean (Ref: DA 2015-207 Christian Buttle, Senior Planning Officer)

APPLICATION

To consider an application for a proposed development comprising an Ancillary Dwelling and an Outbuilding on Lot 153 (No. 48) Watson Street, Bassendean.

ATTACHMENTS

Attachment No. 5:

- Plans of the proposed development date stamped received 27 November 2015; and
- Applicant's supporting written documentation date stamped received 27 November 2015.

BACKGROUND

An application for a proposed outbuilding at the subject property was originally submitted to the Town in late March 2015.

The outbuilding which was the subject of the original application for planning approval was 180 sq.metres in area and comprised a range of variations to the Deemed-to-comply provisions of the Residential Design Codes of Western Australia including floor area, wall height and ridge (or top of roof) height, along with variations to setbacks from side and street boundaries.

Consultation was undertaken with the owners of the adjoining properties at Nos. 15 and 19 Bridson Street and an objection was received from each of the adjoining owners during the assessment of this application.

This application was subsequently cancelled (in advance of formal determination being made) following receipt of the new application for planning approval (for an outbuilding along with an ancillary dwelling) which is the subject of Council's current consideration.

The following table provides relevant background information in relation to the current application:

Zoning	Residential
Use Class	Ancillary Dwelling; and Outbuilding appurtenant to Single House
Lot Size	1,012 square metres
Existing Land Use	Single House

STRATEGIC IMPLICATIONS

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

COMMENT

The development site is 1,012 square metres in area and is developed with a single house which faces Watson Street. The site has dual street frontage and the proposed Outbuilding and Ancillary Dwelling each located on the Bridson Street side of the property.

The portion of the development site which is intended to be developed with the Outbuilding and Ancillary Dwelling is adjoined by Single Houses at Nos. 15 and 19 Bridson Street. An Intramaps extract showing the relationship between the development site (highlighted in red) and dwellings on adjoining properties is provided below.



Assessment

An assessment of the proposed development against relevant provisions within the R-Codes for Outbuildings and Ancillary Dwellings is included within the Table, below:

Design Element	Residential Design Codes	Compliance / Officer Comments
5.4.3 – Outbuildings	Outbuildings that:	
	(i) Are not attached to a dwelling;	Complies.
	(ii) Are non-habitable;	Complies (this would ordinarily be reinforced by conditions of approval, where appropriate).
	(iii) Collectively do not exceed 60 m2 in area or 10 per cent in aggregate of the site area, whichever is the lesser;	Does not comply. Design principle assessment required. See detailed comment below.

5.4.3 (iii) – Detailed Comments

The Deemed-to-comply (DTC) provisions of the R-Codes permit the development of an outbuilding with a maximum floor area of 60 sq.metres or 10% in aggregate of the site area, whichever is the lesser (i.e. 60 sq.metres). In this instance the outbuilding has a floor area of 70.57 sq.metres.

Where the DTC provisions of the R-Codes are not met, the application must be considered against the associated Design principles which require “outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties”.

The explanatory guidelines of the R-Codes make the following further comments:

“...there is a case for relaxed standards for some outbuildings. The criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape. This means that any outbuilding that is to be exempt from the residential or dwelling standards should be:

- *Relatively small in area;*
- *Relatively low in height;*
- *Sited so as to preserve the use and amenity of open space;*
- *Set back sufficiently from boundaries;*
- *Confined to single houses and grouped dwellings; and*
- *Excluded from street setback areas.”*

In their supporting written documentation, the applicant states that although the proposed structure is over 60 sq.metres in area, it is less than 10% of the 1012 sq.metre site area.

Noting that in addition to having an increased floor area the outbuilding is not low in height, is not set back from the side boundary as prescribed and is situated within the street setback area relative to adjoining dwellings, the Design principle requirement (outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties) is not met.

	(iv) Do not exceed a wall height of 2.4m;	Does not comply. Design principle assessment required.
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<p>5.4.3 (iv) – Detailed Comments</p> <p>The Deemed-to-comply provisions of the R-Codes limit the wall height of an outbuilding to 2.4 metres. As identified within the associated explanatory guidelines, there is an expectation that outbuildings will be “relatively low in height”.</p> <p>In their supporting written documentation, the applicant states that an increased wall height has been proposed to accommodate recreational vehicles (e.g. caravan / boats) with the height exceeding the 2.4 metre limit to mirror the image of the concurrently proposed Ancillary Dwelling.</p> <p>At a full two storey height (as proposed) the outbuilding does not address the requirements of the R-Codes to not detract from streetscape, not detract from the visual amenity of residents or neighbouring properties and matching the height of the Ancillary Dwelling is at odds with the expectations of the R-Codes that a structure of this kind will be an ancillary or minor structure relative to a main dwelling.</p>		
	<p>(v) Do not exceed a ridge height of 4.2m;</p>	<p>Does not comply. Design principle assessment required.</p>
<p>5.4.3 (v) – Detailed Comments</p> <p>The Deemed-to-comply provisions of the R-Codes limit the ridge (or top of roof) height of a building to 4.2 metres.</p> <p>Comments for and against this matter are the same as those for 5.4.3(iv) above.</p>		
	<p>(vi) Are not within the primary or secondary street setback area;</p>	<p>Complies.</p>
	<p>(vii) Do not reduce the amount of open space required in Table 1; and</p>	<p>Complies.</p>
	<p>(viii) Are set back in accordance with Tables 2a and 2b.</p>	<p>Does not comply. Design principle assessment required.</p>

5.4.3 (viii) – Detailed Comments

The Deemed-to-comply provisions of the R-Codes specify that the Outbuilding is to have a 1.0m minimum setback from the side property boundary whereas a nil side setback is proposed.

The applicant states that “the outbuilding will be finished in the same material and specs of the ancillary dwelling to enhance the exterior finish and appear aesthetically pleasing.”

Noting that the proposed outbuilding sits immediately alongside the outdoor living area of the adjoining dwelling at No. 15 Bridson Street, and sits well forward of the main building line of the adjoining dwelling, the proposed outbuilding does not meet the Design principle which allows for outbuildings which “...do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”

5.5.1 – Ancillary Dwellings	Ancillary dwelling associated with a single house and on the same lot where:	
	(i) The lot is not less than 450m ² in area;	Complies.
	(ii) There is a maximum plot ratio area of 70m ² .	Complies.
	(iii) Parking provided in accordance with clause 5.3.3 C3.1; and	Complies.
	(iv) Complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses: (a) 5.1.1 Site area; (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and	Does not comply. Design principle assessment required.

	(c) 5.3.1 Outdoor Living Areas.	
<p>5.5.1 (iv) Detailed Comments</p> <p>The Deemed-to-comply (DTC) provisions of the R-Codes require the Ancillary Dwelling to comply with all requirements as they apply to a single house with the exception of those clauses identified above. The proposed dwelling incorporates variations to the following R-Code provisions:</p> <p>5.1.2 – Street Setback (the DTC provisions state that buildings are to be set back from the primary street boundary in accordance with Table 1).</p> <p>5.1.3 – Lot Boundary Setback (the DTC provisions state that buildings are to be set back from side boundaries in accordance with Table 1, Tables 2a and 2b).</p> <p>5.2.1 – Setback of Garages and Carports (the DTC provisions state that garages are to be set back 4.5 metres from a primary street boundary).</p> <p>5.3.4 / 5.3.5 – Design of Car Parking Spaces and Vehicular Access (the DTC provisions require car parking spaces and manoeuvring areas designed in accordance with AS2890.1; driveways which are adequately paved and drained, and driveways which in aggregate are no greater than 9m for any one property)</p> <p>The applicant makes the following submissions in relation to each of the matters identified above:</p> <p>5.1.2 – Street Setback – Bridson Street should be treated as a secondary street setback and accordingly a 1.5m setback should be applied to the proposed development;</p> <p>5.1.3 – Lot Boundary Setback – Walls of 9m in length adjacent to both side boundaries ‘shares the load’ between each of the adjoining owners as opposed to the DTC provisions of the R-Codes which would have allowed a wall of up to 14.8 metres in length to be constructed adjacent to one side boundary;</p> <p>5.2.1 – Setback of Garages and Carports – Bridson Street should be treated as a secondary street setback and accordingly a 1.5m setback should be applied to the proposed development; and</p> <p>5.3.4/5.3.5 – Design of Car Parking Spaces / Vehicular Access – Turf reinforcement system to two driveways.</p>		

The specified Design principles for each of these matters requires (in summary):

5.1.2 – Street Setback – Buildings set back from street boundaries an appropriate distance to ensure they:

- Contribute to, and are consistent with, an established streetscape;
- Provide adequate privacy and open space for dwellings;
- Accommodate site planning requirements such as parking, landscape and utilities; and
- Allow safety clearances for easements for essential services.

5.1.3 – Buildings set back from lot boundaries so as to:

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties;
- Does not have any adverse impact on the amenity of the adjoining property;
- Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- Positively contributes to the prevailing development context and streetscape.

5.2.1 – The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views from the street and vice versa.

5.3.4/5.3.5 – Parking facilities to be (amongst other requirements) conveniently accessed, secure, consistent with streetscape, reduced impact of access points on streetscape and minimal crossovers.

The Ancillary Dwelling is a dwelling in its own right as defined by the R-Codes and Bridson Street is the primary street to which this dwelling has frontage. Accordingly, it is the primary street (and not secondary street) setback requirements which apply to this dwelling. Accordingly the applicant is not correct in suggesting that this dwelling should be assessed against the secondary street setback requirements.

As the proposed ancillary dwelling projects far closer to the Bridson Street property boundary than either of the adjoining dwellings at Nos. 15 and 19 Bridson Street do, it meets neither the Deemed-to-comply provisions of the R-Codes nor the associated Design principles contained within CI 5.1.2 relating to street setback and CI 5.2.1 relating to the setting back of carports or garages.

As the proposed Ancillary Dwelling projects far closer to the Bridson Street property boundary than the immediately adjoining dwelling (while also incorporating a zero side setback), it does not meet the Design principles contained within CI 5.1.3 of the R-Codes which allows for buildings to be constructed to lot boundaries where this will not have any adverse impact on the amenity of an adjoining property or where such siting will contribute positively to the streetscape.

Car Parking and Vehicular Access requirements are problematic in the following respects:

- Crossovers not designed to meet Town specifications;
- Driveway gradients (where the driveways cross a property boundary or a building line) exceed those accommodated by AS2890.1 – Parking Facilities – Off Street Parking;
- The design shows two access points while the design also caters for an third ‘informal’ access point associated with the ‘breezeway’; and
- A design which incorporates three access points does not meet the Design principle which calls for the number of crossovers to be minimised.

Neighbour Consultation

Consultation was undertaken with neighbours on either side of the proposed development at Nos. 15 and 19 Bridson Street, with strong written objection from each of these owners for reasons including the following:

- Scope and extent of ‘variation’ from the Deemed-to-comply provisions of the R-Codes (particularly in relation to floor area, wall height, ridge height);
- Potential for non-residential land use to be associated with the proposed development;
- ‘Non-residential’ size and scale of the proposed development;
- Adverse impact on light and view;
- Adverse impact on property values;

- Traffic conflict (Two crossovers proposed along with third vehicle access point associated with 'Breezeway'); and
- Adverse impact on street tree(s);

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10 (LPS10) and the Residential Design Codes of Western Australia (R-Codes). Relevant provisions in the R-Codes include:

- 5.4.3 – Outbuildings; and
- 5.5.1 – Ancillary dwellings.

In considering an application for development approval under LPS10, the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application—

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

In the event that Council was to refuse the application, and the applicant or landowner was aggrieved they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.5

That Council refuses to grant development approval for the proposed Outbuilding and Ancillary Dwelling at Lot 153 (No. 48) Watson Street for the following reasons:

1. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.1.2 'Street Setback';
2. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.1.3 'Lot Boundary Setback';
3. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.2.1 'Setback of Garages and Carports';
4. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.3.4 'Design of Parking Spaces';
5. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.3.5 'Vehicular Access';
6. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.4.3 'Outbuildings';

7. Non-compliance with the Deemed-to-comply and Design principle provisions of the Residential Design Codes of Western Australia 2015 in relation to Clause 5.5.1 'Ancillary Dwellings'; and
8. The cumulative impact of this lack of compliance will have a negative impact on adjoining properties and the immediate neighbourhood.

Voting requirements: Simple Majority

10.6 Compliance Matter - Unauthorised Parking of Two Commercial Vehicles at Lot 100; No. 93 Kenny Street, Bassendean, Property Owner: J Hunter (Ref: A3148 – Christian Buttle, Senior Planning Officer)

APPLICATION

To authorise the Chief Executive Officer to commence formal prosecution action, should the need arise, in relation to a compliance matter under investigation at Lot 100 (No. 93) Kenny Street, Bassendean.

ATTACHMENTS

Attachment No. 6: Photographs of two trucks taken 4 December 2015.

BACKGROUND

The Town has received complaints regarding the parking of commercial vehicles at No. 93 Kenny Street.

The Town previously dealt with a separate compliance matter relating to the long term placement of a sea container within the front setback area of the lot in late 2012.

An Intra maps image showing the subject property is provided below:



STRATEGIC IMPLICATIONS

Built Environment

Objective

Foster enhanced public space and street appearance

Strategies

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

COMMENT

The Town has received complaints regarding the parking of two trucks on the subject property.

The parking of two trucks on the property has been verified through inspection of the site and discussion with the property owner. The owner of the property has acknowledged his awareness of the truck parking being problematic and indicated that he had been expecting to receive contact from the Town in relation to the truck parking and that he would instead utilise a truck parking facility on Warton Road at a cost of \$30 per week now that the matter had been raised formally by the Town.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10 (LPS10).

Under LPS10, an owner or occupier of land is not allowed to park commercial vehicles on land zoned for residential purposes, without the approval of the Town first having been obtained and subject to specified limits on the size and type of the vehicle. An extract from LPS10 is reproduced below.

5.7.11 Parking of Commercial Vehicles

1. No person shall park, or cause to be parked or permit to be parked any commercial vehicle in excess of three (3) tonnes combined tare weight on any lot within the Residential, Town Centre or Local Shopping zones without the planning approval of Council.
2. The parking of any commercial vehicle on any lot within the residential, Town Centre or Local Shopping zones, shall at all times comply with the following standard requirements:

- (a) The commercial vehicle shall not exceed 9 metres in length and 3 metres in height;
- (b) There shall be a limit of one (1) commercial vehicle per lot;
- (c) The operating of refrigeration units and or undertaking of mechanical repairs and or loading and unloading of the commercial vehicle shall be prohibited; and
- (d) Commercial vehicles used to carry livestock or hazardous materials shall be prohibited.

Local Planning Scheme No. 10

Clause 11.4 of Local Planning Scheme No. 10 states that:
“A person must not:

- (a) *contravene or fail to comply with the provisions of the Scheme;*
- (b) *use any land or commence or continue to carry out any development within the Scheme area:*
 - (i) *otherwise than in accordance with the Scheme;*
 - (ii) *unless all approvals required by the Scheme have been granted and issued; and*
 - (iii) *otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (iv) *otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.”*

Planning and Development Act 2005

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

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

Where an offence is committed, Section 223 of The Act states that *“a person who commits an offence under this Act is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues, in the case of a company, the fines are \$1,000,000 and \$125,000 per day.”*

FINANCIAL CONSIDERATIONS

If formal prosecution action were to be commenced legal fees would be incurred.

OFFICER RECOMMENDATION — ITEM 10.6

That Council:

1. Advises the owner of Lot 100 (No. 93) Kenny Street, Bassendean, to immediately cease using the property for commercial vehicle parking in contravention of Local Planning Scheme No. 10; and
2. Authorises the Chief Executive, or a delegate on his behalf, to immediately commence formal prosecution action if the property continues to be used for commercial vehicle parking in contravention of Local Planning Scheme No. 10.

Voting requirements:

Point 1 - Simple Majority

Point 2 – Absolute Majority

10.7 Compliance Matter – Unauthorised Non-Residential Storage on Lot 130 (No. 107) Kenny Street, Bassendean (Ref: A3094 - Christian Buttle, Senior Planning Officer)

APPLICATION

To authorise the Chief Executive Officer to commence formal prosecution action, should the need arise, in relation to a compliance matter under investigation at Lot 130 (No. 107) Kenny Street, Bassendean.

BACKGROUND

Late last year (2014) the Town received a complaint regarding what was described as builders storage yard at the rear (Hatton Street frontage) of the property at Lot 130 (No. 107) Kenny Street, Bassendean. This matter was subsequently brought to a close without formalised prosecution action having to be commenced. The Town has now received further complaint that the unauthorised use of the property as a storage yard has recommenced.

An Intra maps image showing the subject property is provided below:



The property is developed with a single house and has a lot area of 1,818 sq.metres.

STRATEGIC IMPLICATIONS

Built Environment

Objective

Foster enhanced public space and street appearance

Strategies

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

COMMENT

The Town has received a complaint that commercial storage on the rear portion of the site (Hatton Court frontage) has recommenced. This has been verified through inspection of the site which confirmed that commercial quantities of building materials and associated equipment are being stored at the property.

Officers have spoken to the owner of the property who has acknowledged the non-compliance and the need for the unauthorised storage to cease (with materials being removed from the site) and has asked that he be given to 27 December 2015 to rectify the situation.

In addition to the unauthorised use of land, the owner of the subject property has also installed a non-standard crossover on the Hatton Court frontage of the lot (without approval) and installed gates which swing out from the property in to the Hatton Court road reserve (once again without approval). These are further offences which each need to be rectified.

The use of land as a non-residential storage yard constitutes development under the provisions of the Planning and Development Act 2005 for which approval would be required under the Town's Local Planning Scheme No. 10 (LPS10).

'Storage' (defined by LPS10 as premises used for the storage of goods, equipment, plant or materials) is an 'X' (prohibited) land use within the residential zone meaning that approval could not be granted, even if a formal application for planning approval were submitted for the land to be used in this manner.

STATUTORY REQUIREMENTS

As the use of the land for storage purposes can not be approved, the establishment of a non-residential storage yard at this residential property constitutes a breach of the Town of Bassendean Local Planning Scheme No. 10, which in turn is an offence under Section 218 of the Planning and Development Act 2005 (The Act).

Local Planning Scheme No. 10

Clause 11.4 of Local Planning Scheme No. 10 states that:

“A person must not:

- (c) contravene or fail to comply with the provisions of the Scheme;*
- (d) use any land or commence or continue to carry out any development within the Scheme area:*
 - (v) otherwise than in accordance with the Scheme;*
 - (vi) unless all approvals required by the Scheme have been granted and issued; and*
 - (vii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (viii) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.”*

Planning and Development Act 2005

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

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

Where an offence is committed, Section 223 of The Act states that *“a person who commits an offence under this Act is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues, in the case of a company, the fines are \$1,000,000 and \$125,000 per day.”*

The installation of a non-standard crossover without Council approval is a breach of the Local Government (Uniform Local Provisions) Regulations 1996 (made pursuant to the provisions of the Local Government Act 1995).

FINANCIAL CONSIDERATIONS

Nil at this time. If formal prosecution action were to be commenced, legal fees would be incurred.

OFFICER RECOMMENDATION — ITEM 10.7

That Council:

1. Instructs the owner of the land at Lot 130 (No. 107) Kenny Street to:
 - (i) Cease the use of the property as a storage yard and remove all associated materials by 24 December 2015;
 - (ii) Remove the unauthorised gravel crossover and reinstate the verge to the satisfaction of the Town by 24 December 2015; and
 - (iii) Prevent gates from opening into the Hatton Street road reserve by 24 December 2015;

and

2. Authorises the Chief Executive Officer, or a delegate on his behalf, to commence formal prosecution action if the property continues to be used for storage purposes, or if the verge is not reinstated or gates continue to have the capacity to open outwards into the road reserve, in advance of 24 December 2015.

Voting requirements:

Point 1 - Simple Majority

Point 2 – Absolute Majority

10.8 Proposed Amendment No. 7 to Local Planning Scheme No. 10 – Including an extra additional use of “Restaurant” within Schedule 2 – Additional Uses Lot 743 No’s 3 and 3A Broadway, Owner: Jenny Waterhouse/Applicant: TPA Town Planning (Ref: LUAP/PLANNING/18 – Brian Reed, Manager Development Services)

APPLICATION

Correspondence has been received from TPA Town Planning, including Scheme amendment documents, requesting that Council initiates a Scheme Amendment to give the above property an extra additional use as a Restaurant

ATTACHMENTS

Attachment No. 7: Draft Scheme Amendment Documents

BACKGROUND

The above property is zoned for residential purposes and enjoys an additional use for a hairdresser and shop. The property is currently signed /used as a dog grooming establishment.

An additional use allows properties to be used for specific uses that are not normally allowable within the zoning table for that particular zone.

The current request relates to allowing the property to be used as a restaurant in addition to the current additional uses as a shop/ hairdresser.

COMMENT

The property already enjoys an additional use and may be used for limited commercial purposes.

Development of the property will still require the development approval of the Town prior to any alternative use being permitted.

As noted in the Scheme Amendment documents, a restaurant is likely to require additional parking over the existing use, and based on the indicative plans, would require one additional car parking space. The existing premises, due to its age, currently relies on street parking, however there is the opportunity to provided limited formal parking off the right of way at the rear of the property.

The Manager Development Services supports the amendment being initiated to elicit community comment on the proposal.

STATUTORY REQUIREMENTS

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

Under the new Regulations, which became operational on 19 October 2015, Council is now required to:

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

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

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

- (a) an amendment to correct an administrative error;
- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (e) an amendment to the scheme so that it is consistent with a State planning policy;
- (f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;
- (h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;

- (i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area;

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

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

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

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

- (g) any other amendment that is not a complex or basic amendment.

FINANCIAL CONSIDERATIONS

All costs in administering the amendment will be met by the applicant.

OFFICER RECOMMENDATION – ITEM 10.8

That:

1. The Town of Bassendean, by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme No. 10 by:
 - a) amending the Scheme Text by including restaurant within additional use No 7 for lot 743 3a &3b Broadway; and
 - b) amending the description of the land from Railway Parade to Broadway ;

and

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

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

Voting requirements: Simple Majority

10.9 Maintenance of Park and Reserve within the Estate Parkland (Ref: PARE/MAINT/73) – Ken Cardy, (Manager Asset Services)

APPLICATION

The purpose of this report is to advise Council that additional reticulation upgrades are required within the Estate Parkland reserves and parks. Currently officers are not able to maintain the parks and reserves to the appropriate service level as the reticulation wiring system is antiquated and continues to break down.

ATTACHMENT

Confidential Attachment 2: Commercial quote - reticulation rewiring works

BACKGROUND

The Town, in mid 2010, was handed over the responsibility of maintaining the reserves and parks by the property developer “Australand”, and it was noted at the time that there were minor reticulation system problems, such as bore staining, and a requirement for sprinkler reconfiguration.

In October 2011, a consultant was engaged to provide redesigned reticulation drawings of the Park Estate Reserve and park areas that would bring the area back to a suitable standard. The modification works that were identified by the consultant and illustrated within the drawings, commenced early November 2011. But due to a further problem, as a result of the type of technology initially installed by the developer, the reticulation field receivers failed. Reticulation technicians were again engaged to rectify the problem and all work was completed in January 2012.

In early March 2012, a further electrical problem occurred, not related to those previously identified, and delayed the maintenance program again. This also related to the quality of the initial reticulation system supplied, and this problem was rectified on 12 March 2012.

Officers of the Town sought additional funding in the 2011/12 February Budget review and Council approved an additional \$4,000 in the maintenance budget and an additional \$15,000 for further tree and turf planting in the Park Estate, which was undertaken in May/June 2012 in line with the winter season.

Then in the June 2012 (OCM 13/06/12) Capital Budget Council resolved to update the Bore and Dosing Unit at a cost of \$29,500.

The Town continues to have maintenance issues with the reticulation system. The initial reticulation system, a two-phase system, installed by the developer continually requires maintenance upgrades, and furthermore, the trickle watering system within the garden beds is not appropriate as this installation type is not supplying sufficient water to the tree and plant root systems. Currently the Town has been supporting the reticulation system by watering the affected areas of the Estate's garden beds through the utilisation of the Town's watering truck.

STRATEGIC IMPLICATIONS

Strategic Corporate Business Plan 2015-2019:

Town planning and 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.*

COMMENTS

Since 2010 the Town has updated the Bore and Dosing Unit, reconfigured part of the reticulation system and planted additional plants and trees to replace those initially damaged through lack and inferior water. Furthermore, in line with Council's resolution (OCM-8/03/12) and eco-zoning in accordance to the Town's Ground Water Management Plan identified areas within the reserve, we have undertake hydra-zoning making it more water efficient for the future.

The reticulation rewiring will only be undertaken in areas outside hydro-zoned locations and if the wiring upgrade is approved by Council, once completed, the entire reticulation system throughout the Estate will have been upgraded or replaced since 2010.

If Council resolves to provide additional funding for the replacement of the reticulation wiring system from two-phase to three-phase, then prior to work being completed, the Town will continue to utilise the watering truck, at an estimated cost of \$350 per week, to support the growth of the park, as well as replace some plants and trees, until the reticulation difficulties are rectified.

STATUTORY REQUIREMENTS

Government of Western Australia – Department of Water
Rights in Water and Irrigation Act (1914)

FINANCIAL CONSIDERATIONS

Officers have received an indicative quote of \$16,700 for the upgrade of the reticulation wiring system from two-phase to three-phase.

If Council resolves to provide additional funding, officers will commence the procurement process in line with the Town's Procurement Policies to select a suitable contractor to undertake the reticulation work.

OFFICER RECOMMENDATION – ITEM 10.9

That the modifications and upgrade costs of the reticulation wiring system outlined in the Officer's report of the Ordinary Council Agenda of 15 December 2015, be included for consideration in the February 2015-16 Capital Budget review.

Voting requirement: Simple majority

10.10 Underground Power (Ref: ESAT/CNCTN/1 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of the report is for Council to consider recent advice from the Government of Western Australia, Department of Finance; Public Utilities Office regarding Round Six of the Underground Power Program.

ATTACHMENTS

Attachment No. 8: Fact Sheet: Changes to the State Underground Power Program

BACKGROUND

In January 2010 Council (OCM1–14/01/10) resolved to submit an Expression of Interest application for Round Five of the Undergrounding of Power Program for the suburb of Ashfield.

In 2010, the State Government Underground Power Steering Committee received 89 expressions of interest applications and of these, only 10% were selected to receive underground power.

The Town of Bassendean application was successful and in February 2012, the Underground Power Project commenced in Ashfield in partnership with the Office of Energy, Western Power and the Town of Bassendean ratepayers.

The aim of the Ashfield underground power project was to improve security of power supply, reduce greenhouse gas emissions and improve residential amenity.

On 28 February 2013, the removal of the last power pole in Ashfield signalled the completion of the Ashfield Underground Power Project.

Western Power have previously advised the Ashfield underground program installed 13% more street lights to achieve the current Australia Standards and that the new energy efficient lighting installed achieved estimated saving of 41,323 kilowatts per hour in energy, which is the equivalent of an estimated 53,270 kg of greenhouse gases.

The Town's Environmental Management Plan 2014-2024 (OCM-18/03/14) outlines the numerous plans which are currently being implemented to strategically guide the Town's environmental management activities over the next 10 years in order to protect and enhance the Town's natural assets and reduce the Town's carbon footprint, and is an important mitigating option for disruption to power services.

In mid-November 2015, the Energy Minister Mike Nahan, announced changes to Round Six of the State's Underground Power Program and advised that "Local Governments will now be able to offer a larger share of project costs to make proposal more competitive in the selection process".

On Friday 4 December 2015, the Department of Finance released to the Local Governments, the Round 6 Guidelines for the State Underground Power Program for Major Residential Projects.

STRATEGIC IMPLICATIONS

Bassendean Strategic Community Plan 2013-2023

Town Planning & Built Environment

Objectives: Foster Enhanced public Space & street appearance.

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

Objectives: Reduce adverse impacts of climate change.

Strategies: Pursue energy efficient lighting, water-saving and power-saving technologies, and continue to work with the community to assist residents to reduce their utility costs.

COMMENT

The State Underground Power Program guidelines for Round Six Major Residential Projects state that the expected timetable for submission, selection and development process will be as follows:

- 31 March 2016 - Lodgement of Expression of Interest.
- August 2016 - Compliance Check – evaluation of proposals to determine whether they meet stated minimum requirements.

- Assessment of Proposal – conforming proposals evaluated through structured process to identify applications that best satisfy selection criteria.
- Shortlist of Proposals – Community survey for the highest ranked proposals to determine the level of community support and final ranking for the Minister for Energy’s consideration.
- September 2016 – Minister for Energy approves and Local Government is then required to confirm commitment. Western Power and Local Government examine proposal in detail to finalise project budget, designs and technical aspects.
- Agreement and Commencement – Legal agreement between State, Western Power and Local Government.
- March 2017 - Commencement of first Major Residential Project

Round Six Underground Power proposals will be assessed to ensure they meet the following mandatory requirements:

- Only one submission for each proposal area is allowed.
- The proposal should contain 500 to 800 property allotments.
- Proposals outside this range may be considered under exceptional circumstances.
- Consideration of proposals outside this range under exceptional circumstances will be at the discretion of the Steering Committee.
- The proposal area must be predominantly zoned residential.
- The proposal must be endorsed by the local government Mayor/President and Chief Executive Officer.
- The proposal must provide details of the approach the local government will use to fund its contribution towards project costs.

Local Government proposals that do not meet the above requirements will be excluded from the selection process.

Should Council resolve to submit an expression of interest, the next stage will be to invite quotes from a suitably qualified consultant to review Town Planning Scheme No. 10 and to collate 500 to 800 property allotments within the suburb of Bassendean which has approximately 5,285 properties.

Round Six guidelines suggest submitting the collated property allotment plans initially to Western Power to provide feedback on the electricity network priorities.

This information will enable the Town to formalise proposals which target ageing infrastructure and advance the maintenance to the distribution system.

FUNDING STRATEGY

As Council is aware, for Round Five of the Underground Power Program, the ratepayers of Ashfield received a 15% discount from the State Government due to the socio economic demographic of the locality, and therefore contribute 35% of the cost instead of the usual 50% that the majority of metropolitan ratepayers had to contribute.

The total cost of the Ashfield project was estimated at \$6,086,702 of which Ashfield Ratepayers portion of 35% equated to \$2,130,346.

In accordance with section 6.38 of the Local Government Act, Council (OCM – 5/03/12) resolved in March 2012 to levy Ashfield Ratepayers a service charge for the 35 % portion of the underground power over a 4 years period to assist property owners with the affordability of the underground power program, based on the following:

- a. Network Charge
- b. Connection Charge

The loan term ends in February 2016.

At that time, Council resolved that the network charge could be reduced by 50% to properties where there is existing infrastructure and if there was an existing electric pillar and the property was connected to this pillar, then the ratepayer would receive a 25% discount on the connection fee.

The Ashfield underground power levy amount reflected one property, one service. In the case where there was more than one connection, an additional amount was charged and did not include any rebate that the property owner is entitled to under the Rates and Charges (Rebate and Deferments) Act 1992 (Pensioners and Seniors Concession Scheme).

In regards to Round Six, the 15% discount no longer applies and Councils (ratepayers) will be required to make at least a 50% contribution to the cost of underground power. The Town will need to fund its portion of the cost with loan funds. The repayment of the principal and interest on the loan will be funded by the service charge on each property over a number of years (similar to the Ashfield project).

The calculation of the cost for individual properties will be provided following the:

- Application approval;
- Area defined and number of properties; and
- Loan funds to be raised.

If an expression of interest application is successful, Council will need to initially fund the Town of Bassendean contribution and Ratepayer contribution by raising a loan and then on an annual basis apply a service charge for the duration of the loan.

In regards to Round Five projects that have been undertaken (to date), the minimum, maximum and average cost per allotment has been about \$9,500, \$13,000 and \$11,000 respectively.

The Department of Finance has advised in the Round Six guidelines that after allowing for inflation an estimated average of \$12,500 per allotment could be used as a preliminary guide, however Council should be aware this estimated average figure will most likely change at the time the Department of Finance and Western Power evaluate the proposals submitted, amount of the loan, and the commencement date of the project.

The undergrounding of power is a highly specialised and costly activity that requires Western Power, the owner of the infrastructure, and the Department of Finance – Public Utilities Office, approval of any underground power program.

Should Council wish to submit an Expression of Interest application for Round Six, the Town will liaise with the Department of Finance to obtain (prepared by Western Power), an estimate of the total cost of a proposal prior to submitting the Expression of Interest application.

In regards to Round Six Underground Power program, the Department of Finance, Public Utilities Office has advised in the guidelines, the funding requirements for each project will be determined by the following:

- Local governments will contribute between 50 and 100 per cent of the project cost as specified in the project proposal.
- Western Power's project funding contributions will vary according to the project costs that meet the New Facilities Investment Test.

- Where the sum of the local government contribution and the Western Power contribution exceeds 100 per cent of the expected project value, the Western Power contribution will reduce by the amount that exceeds 100 per cent.
- The remaining balance (if any) will be provided by the Government of Western Australia through the Department of Finance, Public Utilities Office.

The Department of finance has advised that a total cost cap of \$11 million will be applied to individual project funding to maximise the number of projects the underground power program is able to deliver. If a project will cost more than this amount, the local government will be required to pay 100 per cent of the additional costs.

The Director Corporate Services has made enquiries with Department of Treasury to find out the Town of Bassendean's current borrowing capacity for a loan. Preliminary advice suggests that the Town can borrow up to \$6 million given the debt service cover ratios within the 2015/16 budget. At this early stage a full assessment has not been undertaken, however in effect this figure will allow Council to submit two 500 allotment expressions of interest submissions.

It is the responsibility of the Town of Bassendean Council to determine its financial arrangements in regards to discounts it is may provide to ratepayers. The Round Six guidelines state that local governments might consider:

- raising part of the local government contribution from the general rate base in recognition of reduced tree pruning costs and general improvement to amenity of the local government area; and
- where funding is raised from property owners in the proposal area:
 - it should be in accordance with the Local Government Act 1995;
 - discounts may be offered to owners of properties adjacent to transmission lines (33,000 volts or more) that will not be placed underground (State Government and Western Power funding will only apply in relation to undergrounding local distribution lines);
 - discounts should be offered to owners of properties where the electricity supply connection is already underground;

- discounts may be offered to owners of properties that do not receive the full amenity benefit from the project, such as where a transformer, switchgear or an interface with the overhead network is located on the front verge;
- special consideration may be given to owners of commercial properties, non-rateable properties and where there are multiple connections on one allotment;
- measures may be offered to assist affordability of underground power charges, such as offering extended payment plans to property owners; and
- rebates should be offered to pensioners and concession card holders in accordance with the Pensioners and Seniors Rebate Scheme.
- local governments must consult with the Office of State Revenue to ensure arrangements are made in accordance with the Rates and Charges (Rebates and Deferments) Act 1992.

All Local Governments submitting an Expression of Interest application need to advise the following:

- The percentage of project costs the Local Government is offering to contribute (a minimum of 50 per cent is required).
- If the Local Government will be offering rebates to pensioners and concession card holders in accordance with the State Government's Pensioners and Seniors Rebate Scheme.

The Round Six Expression of Interest application for Underground Power is a competitive process, therefore proposals will be ranked using the information provided by the relevant local governments and the proposals submitted cannot be altered at a later stage in the evaluation process. (Some minor adjustments to proposal boundaries might occur for technical reasons, based upon advice from Western Power.)

Expression of Interest project proposals must offer to pay a minimum of 50 per cent contribution. If a greater percentage of project costs contribution is submitted, a larger funding contribution score will be allocated in the selection process; however this additional percentage offer may be offset when the Community Survey is being undertaken and property owners' level of support is less due to the increased level of contribution.

The Expression of Interest proposal needs to indicate the percentage of contribution and this percentage cannot be altered once submitted.

If the Department of Finance receives a large number of proposals, the lowest scoring proposals may not undergo Stage Two evaluation. This is because only a limited number of proposals will be selected for the Short List and Reserve List and the cost of further evaluation of less competitive proposals (including community survey costs) is not warranted.

An option outlined above is that Council may wish to consider raising part of the local government contribution from the general rate base, in recognition of reduced tree pruning costs and general improvement to amenity of the Town of Bassendean area.

Considering the Town was only provided the Round 6 guidelines in early December and the Expression of Interest proposals need to be submitted by the end of March 2016. Staff will prepare a draft general rate base scheme and also prepare a proposal prior to that date, for Council's consideration.

CONSULTATION

After a 2006 Community Survey, Council resolved (OCM-19/02/06) to underground power initially in Ashfield, then Bassendean and finally Eden Hill.

In 2009, a community survey was conducted with a cross section of ratepayers from the suburbs of Ashfield, Bassendean and Eden Hill to ask a series of questions. At this time, the ratepayers who responded advised the following:

- 79% do not have underground power in their street;
- 17% have underground power in their street;
- 1% said they had it for their house, but not their street;
- 3% were unsure.

Among "ratepayer" respondents who said that they did not have underground power in their street, they advised the following:

- 80% support the installation of underground power in their street along with the removal of the existing overhead poles and wires;
- 67% would prefer to pay in instalments with the rates notice.

As Council is aware, the Ashfield undergrounding of power expression of interest application was successful as the ratepayers from this suburb expressed a high level of interest in the proposal.

It should be noted that the Round Six guidelines state after the local governments have submitted their Expressions of Interest and they have been determined a suitable proposal, the State's Evaluation Team will conduct a survey of property owners located in the areas subject to proposals.

Given the high level of competition between proposals and the importance of obtaining an accurate indication of project support, an independent survey specialist company will be engaged to perform the surveys and a standard survey format will be used using the names and addresses from Council's ratepayer data base to enable the survey to be sent to property owners.

It is recognised that the Town's ratepayer database information is confidential and mechanisms will be implemented to ensure the information is kept secure.

Properties owned by the State Government and participating local governments will be excluded from the survey so the results are not influenced by these organisations.

The survey will include an estimate of the average amount property owners will be asked to contribute towards each project. Western Power will use its cost estimation model and information in the proposal submission (including the number of properties in the proposal area) to calculate this estimate.

Once the community support surveys have been completed and scores allocated, each of the three selection criteria scores will be combined to produce overall scores. The overall scores will determine the final ranking of each proposal that is evaluated in Stage Two.

The final proposal ranking and selection will be based upon a score between zero and 100 points as follows:

- Network priority - maximum score 50
- Local government contribution - maximum score 25
- Community support - maximum score 25

The State Government's Evaluation Team will then prepare an evaluation report that will include recommended proposals for a Short List and a Reserve List. The evaluation report will be presented to the State Government's Steering Committee for endorsement prior to being forwarded to the Minister for Energy for consideration.

Upon approval of the Short List and Reserve List by the Minister for Energy, local governments with short-listed proposals will be invited to develop detailed proposals in consultation with Western Power and the Steering Committee.

For a proposal to be considered for short-listing or reserve-listing, the community survey must show that at least 50 per cent of property owners who respond support paying the estimated cost to get undergrounding power.

STATUTORY REQUIREMENTS

Local Govt Act 1995.

FINANCIAL CONSIDERATIONS

Round Six guidelines advised that local governments are responsible for the cost of preparing and submitting Expression of Interest proposals.

The benefits of underground power can be summarised as follows:

- Improved energy security and reliability;
- Improve the electrical distribution system;
- Improved street lighting;
- Removal of overhead powerlines and therefore improved streetscape appearance and reduce maintenance costs; and
- According to the Western Australian Valuer General in 1998: "higher land values have been recognized in areas with underground power".

Council allocated \$10,000 in the 2015/2016 Budget to assist with identifying and collating the required property allotments shown in Town Planning Scheme 10 for the Town's Expression of Interest proposals.

Street lighting arrangements will be finalised during the detailed proposal stage. Local governments may elect to have Western Power street lighting or private street lighting installed.

Streetlights funded as part of the project will use Western Power standard powder coated poles and luminaires that will provide lighting levels to Australian Standards.

Enhanced street lighting, such as the use of decorative poles/luminaires or increasing the light levels to a higher Australian Standard category, may be installed at an additional cost to the local government.

Increasing light levels will incur greater tariff charges for street lighting; and decorative lighting will require a separate contract prior to the project agreement being signed.

For the Ashfield Underground Power project Council resolved to powder-coat poles “Ebony” Colorbond Night Sky™ and requested improved energy rated luminaires. For the suburb of Bassendean, the matching colour poles are proposed to be used along with Western Power’s improved energy rated luminaires.

OFFICER RECOMMENDATION – ITEM 10.10

That Council:

1. Submits Expression of Interest proposals for the suburb of Bassendean in accordance with the State Underground Power Program Round Six Guidelines;
2. Notes that the Town will initially submit collated property allotment plans to Western Power to provide feedback on the electricity network priorities in order to determine the Expression of Interest proposals areas within the suburb of Bassendean;
3. Confirms a 50% minimum project contribution towards the suburb of Bassendean for the Round Six State Underground Power Program in accordance with the with the Local Government Act 1995, and offers –
 - a) An annual service charge to assist property owners with the affordability of the underground power charges;
 - b) discounts to owners of properties adjacent to transmission lines (33,000 volts or more) that will not be placed underground (State Government and Western Power funding will only apply in relation to undergrounding local distribution lines;
 - c) discounts to owners of properties where the electricity supply connection is already underground;

- d) discounts to owners of properties that do not receive the full amenity benefit from the project, such as where a transformer, switchgear or an interface with the overhead network is located on the front verge;
 - e) special consideration to owners of commercial properties, non-rateable properties and where there are multiple connections on one allotment;
 - f) rebates to pensioners and concession card holders in accordance with the Pensioners and Seniors Rebate Scheme in accordance with the Rates and Charges (Rebates and Deferments) Act 1992.
4. Notes that further report will be presented to Council prior to submitting the Expression of Interest proposals

Voting requirement: Simple majority

10.11 Request for Restricted Parking – Ivanhoe Street Bassendean (Ref: LAWE/REPRNG/3 – Sharna Merritt, Senior Ranger)

APPLICATION

The Town has received requests and a petition to review the current parking arrangements along the verge at the units located at 36 Ivanhoe Street, Bassendean. Concerns have been raised mainly regarding the unit complex maintaining the verge adjacent to the property.

ATTACHMENTS

Attachment No. 9: Petition

BACKGROUND

Over the last 6 months, the Rangers have received several complaints regarding the parking of unauthorised vehicles on the verge at the units at 36 Ivanhoe Street, Bassendean. The Body Corporate have installed “No Verge Parking” restrictions along the verge and have entered into an agreement with the Rangers authorising the Rangers to infringe vehicles parked on the verge without permission.

Since the Authority to Infringe Agreement, Rangers have been informed of several vehicles parked on the verge over the previous few months. It has also been reported to Rangers, however, that vehicles that do not belong to the residents or their guests continue to park on the verge regardless of the signs on the property boundary, damaging the lawn and reticulation system.

Rangers have been investigating this location and have carried out a site visit with the Secretary. Through the Secretary of the Body Corporate, residents in the units have provided the Rangers with a petition (see attached). They are requesting Council restrict parking on the verge only, to prevent further damage, as the current arrangement is not preventing vehicles parking on the verge and they are unable to continuously monitor and report unauthorised vehicles.

The Secretary, on behalf of the Body Corporate and residents, believes that the installation of verge restrictions will not adversely affect the residents as they have internal designated parking bays. Mrs Watson has noted on the petition that not all of the residents were present at the time of signing, however, she has advised that she has spoken to them via telephone and she has signed on their behalf where appropriate.

COMMENT

Rangers have determined from the nature of the complaints that 'No Parking on the Verge' restrictions would help alleviate the concerns and would not adversely affect the residents or other users of the street, as the restrictions would not include street parking.

There are self-installed signs and restrictions at this location currently, however, enforcement is limited as it is on complaint only and a passing Ranger will not action any parking in the location if a complaint has not been received. Rangers have received a number of complaints since the installation of No Verge Parking signs by the Body Corporate, however, we have also been notified that there are many cars that go unreported and that regardless of reporting or not, the alleged damage to the verge or reticulation has occurred.

It is not generally Council policy to install restrictions for individual properties unless there is a safety hazard to the greater community and maintenance of verges is the responsibility of the adjacent property owner, however, in this instance it is at the request of a unit complex Body Corporate and has the support of the majority of the residents that would be affected by the installation of restrictions.

As this request has not been submitted as a safety concern, nor does the parking in this location appear to create a hazard, further consideration was given as it may set a precedent so that other private residences or unit complexes may request the Town to install restrictions on their verges throughout the Town. In this instance, the Rangers support the request for verge parking restrictions as it is provided by the Body Corporate, there is majority support from the affected residents and there have been previous attempts by the complainant to restrict, monitor and control the parking on this verge.

STATUTORY REQUIREMENTS

Local Government Act 1995
Parking and Parking Facilities Local Law 2010

FINANCIAL CONSIDERATIONS

If restrictions are to be installed, provision for signage would be in the 2015/16 Operational Budget.

OFFICER RECOMMENDATIONS – ITEM 10.11

That Council:

1. Receives the petition attached to the Ordinary Council Agenda of 15 December 2015, from the residents of the units at 36 Ivanhoe Street, Bassendean, for verge parking restrictions; and
2. Approves the installation of “No Verge Parking” restrictions on the verge of the units at 36 Ivanhoe Street, Bassendean.

Voting Requirements: Simple Majority

10.12 RFT CO 035 2015-16 Supply of Contract Personnel – Labour Hire (HR/TENDNG/3 – Mandy Godfrey, Contracts Officer & Ken Cardy Manager Asset Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender (RFT) CO 035 2015-16 Supply of Contract Personnel – Labour Hire and appoint the most advantageous panel of contractors.

ATTACHMENTS

Confidential Attachment No. 3: Full pricing schedule

BACKGROUND

Contractors were invited to tender for RFT CO 035 2015-16 Supply of Contract Personnel – Labour Hire via an advertisement in the Western Australian Newspaper on Saturday 24 October 2015.

The current contract expires on 23 December 2015.

STRATEGIC IMPLICATIONS

Town of Bassendean Corporate Business Plan 2015-19

Leadership and Governance

Objectives: Improve capability and capacity.

Strategies: Monitor and enhance organisational performance and service delivery.

Review and develop the workforce to meet changing needs.

COMMENT

In response to RFT CO 035 2015-16 - Supply of Contract Personnel – Labour Hire; six tender offers were received prior to the tender deadline 2.30pm Thursday 19 November 2015.

The contract is for a 3 year period commencing 24 December 2015.

The Tender evaluation panel consisted of the following four officers; Human Resources Officer, Human Resources OHS Officer, Engineering Technical Officer and the Asset Services Administration Officer. The panel was required to assess each tender against the selection criteria.

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

Index

- Selection Criteria 1: Relevant Experience (30% weighting)
- Selection Criteria 2: Referees (30% weighting)
- Selection Criteria 3: 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 report to the Council.

STATUTORY REQUIREMENTS

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

FINANCIAL CONSIDERATIONS

Each Business Unit, within the Town, has an allocation within their Operational Budget for Contractor/Personnel short term expenditure. No additional funding is required.

OFFICER RECOMMENDATION – ITEM 10.12

That Council appoints DFP Recruitment, Staff Link Personnel, LOGO Appointments and Hays Specialist Recruitment as the panel of contractors to undertake the work as required in RFT CO 035 2015-16: Supply of Contract Personnel – Labour Hire in accordance with the specifications and terms, for a three year period commencing 24 December 2015.

Voting Requirement: Absolute majority

10.13 Bassendean Caledonian Soccer Club – Costs incurred from multiple break-ins to Clubrooms (Ref: LEGL/AGMT/10 - Salvatore Siciliano, Manager Recreation and Culture)

APPLICATION

Council is required to consider a request from the Bassendean Caledonian Soccer Club (BCSC) for a financial contribution towards costs incurred as a result of multiple break-ins to the BCSC clubrooms.

ATTACHMENTS

Attachment No. 10: Letter from Bassendean Caledonian Soccer Club

BACKGROUND

The BCSC operates out of a leased facility at Jubilee Reserve. The Club has a lease agreement with the Town which includes responsibility for maintenance of their clubhouse.

The BCSC experienced a high number of break ins during the 2015 soccer season resulting in regular damage to the club's premises such as entry/exit doors, roller shutters, club safe and bar area.

This financial year Officers from Asset Services undertook repairs to secure the premises, at a cost of \$1,865, which was covered by the Town's insurer after the break-ins, and \$439 for additional work not related to the insurance claim but to support the security of the building.

A target hardening workshop was held on Tuesday 11 August 2015 which was facilitated by Kiara Police to identify security gaps and possible strategies to reduce/eliminate the frequency of break ins.

As a result of the workshop, it was identified that the original security alarm system was inadequate for the area where the BCSC was located as well as the purpose for which the club/social rooms were being utilised.

In accordance with the current lease agreement, the BCSC requested permission from the Town on 24 August 2015 to install a more suitable new security alarm system with alarm monitoring.

Officers provided permission in a letter to the BCSC on 25 August 2015 that permission was granted for the Club to proceed with the installation.

Under the current lease agreement between the Town and the BCSC, the lease requires that the Club pay for the installation of a security alarm and bear all costs for alarm monitoring.

The BCSC have indicated that a total of \$7924 has been expended by the club over the 2015 soccer season to adequately secure the club premises and to conduct repairs. A summary of costs include the following:

Cash Stolen	\$4,331
Lock work	\$ 170
New Alarm	\$1,330
Extra sensors	\$ 473
New safe	\$ 970
Safe repairs	\$ 380
Guard Callout	\$ 150
New internal door	\$ 120
Total	\$7,924

The BCSC also estimates that club volunteers have given 70 man hours in terms of waiting on forensics, maintenance teams, police and cleaning up mess as a result of the break-ins.

The BCSC operates under a lease from the Town which at is \$6,906.60 per annum from the 1 July 2012 to 30 June 2017. The club is responsible for utility charges and insurance costs on their leased facility, as well as ground hire charges for use of Jubilee Reserve.

STRATEGIC IMPLICATIONS

The issue of Council considering a financial contribution to the BCSC for the costs incurred as a result of multiple break-ins is consistent with the following theme and objectives of the Corporate Business Plan 2015-2019:

Theme: *Inclusiveness, lifelong learning, health and social wellbeing.*

Objectives: *Build a sense of belonging and connectivity in community*
Provide a safe environment

COMMENT

The amount of damage caused by break-ins and associated costs to undertaking repairs and adequately securing the BCSC club premises has been substantial over the past 12 months.

As part of the dual responsibility for the maintenance and management of the BCSC clubrooms, work undertaken by Asset Services staff has been covered by the Town's insurer as well as the BCSC utilising their own cash reserves to further secure the club premises.

As the repair costs have been a financial burden to the BCSC, they have requested for Council to consider making a financial contribution towards costs incurred.

The Town has a number of options in dealing with the Club's request. They include:

- Advise the BCSC that it is not in a position to assist financially towards costs incurred;
- Adopting a dollar figure equating to a percentage of the costs incurred and agree to contribute the agreed dollar figure with payment to be made on the value of the invoices produced; or
- The Town to agree to an amendment to the Lease agreement whereby it waives the annual lease for these premises for a 3 month period, to assist the BCSC in recouping some of the costs incurred.

The options outlined above are consistent with a similar request made by the Ashfield Sports Club (OCM1-9/11/10) for Council to consider a financial contribution for the costs incurred by the club in 2010 as a result of multiple break-ins.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The current lease fee for the BCSC is \$6,906.60 per annum paid in monthly instalments of \$575.55. The total cost of repairs as supplied by the BCSC is \$7,924.

As stated above, Council has assisted the Ashfield Sports Club in 2010 by foregoing fees owing to the Town totaling \$1,380.95 and was the waived of lease fees from 1 November 2010 to 31 October 2011.

The Manager Recreation & Culture considers that if Council is prepared to assist the BCSC, a comparable level of support would be to forego three (3) months of lease fees being \$1,726.65.

The Manager Recreation & Culture recommends that Council waives lease fees for the period 1 January to 31 March 2016.

OFFICER RECOMMENDATION – ITEM 10.13

That:

1. Council waives the cost of three monthly instalments of \$575.55 (\$1,726.55) of lease fees for the Bassendean Caledonian Soccer Club for the period 1 January 2016 until 31 March 2016, as its contribution towards the cost incurred as a result of building damage and other costs incurred from multiple break-ins during the 2015 soccer season;
2. Council advises the Bassendean Caledonian Soccer Club that this is a “one-off” contribution towards the costs incurred to date;
3. Amends the income account for the Lease rental on Jubilee Reserve Account No. 132141 by reducing the budget income by \$1,726.55; and
4. The 2015/16 budget be amended accordingly.

Voting requirement: Absolute majority

10.14 General Meeting of Electors Minutes held on 25 November 2015 (Ref GOVN/CCLMEET/6 – Bob Jarvis, CEO)

APPLICATION

The purpose of this report is to consider the minutes of the General Meeting of Electors held on 25 November 2015 in accordance with the Local Government Act 1995.

ATTACHMENTS

Attachment No. 11: General Meeting of Electors Minutes held on 25 November 2015

BACKGROUND

The General Meeting of Electors for the 2014/15 financial year was held on Wednesday 25 November 2015.

17 members of the public attended the meeting and Councillors, the CEO and Executive staff were in attendance. The main content of the meeting was the presentation of the 2014/15 Annual Report and general business.

Questions Taken on Notice

Ms Hamilton asked if there is an itemised list of funds spent by Council on consultants and commented that the money could be better spent on employing staff.

Town staff responded that the question would be taken on notice and a written response will be provided to Ms Hamilton.

STRATEGIC IMPLICATIONS

Leadership and Governance

- We will provide leadership and build a sustainable place through our regional and government partnerships.
- We will be accountable and make decisions for the good of the community.
- We will engage with our community, building cohesive community and support community participation.

COMMENT

At the meeting, the Annual Report for the 2014/15 financial year was accepted and there were a number of questions also raised during General Business. Within General Business the attendees discussed the following matters:

- Pensioner Guard Cottage;- 1 Surrey Street
- Town Planning Scheme 4A;
- Development of the Bassendean Oval/Landcorp;
- Multi dwelling development;
- Bassendean Shopping Centre;
- Roads to Recovery funding;
- Cash in lieu funds;
- Commercial premises health inspections;
- Lighting and transport Issues in Thompson Road;
- Perth to Midland bike path;
- Bassendean Fire Station;
- Volunteer contribution through the volunteer resource centre;
- Availability of Annual Report;
- Lighting in Old Perth Road;
- Community input on public art; and
- Method used for appointing the Mayor.

Resolutions and Recommendations to Council

The following resolutions were passed at the meeting:

Town Planning Scheme 4A

MOVED Tina Klein, Seconded Don Yates, that Council wind up Town Planning Scheme 4A by the end of the 2015/2016 financial year and that staff provide a clear plan to be presented to Council in February 2016 giving four months to complete the procedure.

In 2010, Council resolved not to wind up the Scheme, as per the resolution shown below:

“(OCM1 – 20/06/10) - MOVED Cr Butler, Seconded Cr Yates, that:

1. *Council does not attempt to revoke Town Planning Scheme No. 4A at this point in time;*
2. *That Council requests scheme amendment documents to be prepared showing:*

- a) *Lots 160 and 161 Anstey Road being zoned Residential with a density code of R25.*
 - b) *Lot 113 Harcourt Street to be zoned residential with a density code of R25, and Lot 130 Anstey Road being zoned Residential with a density code of R20.*
 - c) *the whole of Lot 202 Hyland Street being reserved for recreation.*
 - d) *the whole of Lot 203 Hyland Street being reserved for recreation.*
 - e) *Lot 100 Hyland Street being reserved for recreation.*
 - f) *the whole of Lot 206 Hyland Street being reserved for recreation.*
3. *The outstanding commitments to the Town Planning Scheme No. 4A be included on the Town of Bassendean's Strategic Plan for the Future.*

CARRIED 6/1”.

A report will be presented to the February 2016 OCM that provides Council with a comprehensive overview of the performance of the Scheme during the life of this and previous Councils, including decisions that have either advantaged or disadvantaged the resolution of the Scheme.

General Meeting of Electors Advertising

MOVED Ms Val Dreyer, Seconded Mr Steven Szydlowski, that the Town of Bassendean advertise the Annual Electors Meeting openly and honestly such that the community are aware of the meeting.

STAFF COMMENT

The General Meeting of Electors meeting date is firstly included in the agenda item to Council which is available publicly, at least one month prior to the meeting.

The Local Government Act – Section 1.7 – Local public notices states:

- “(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
- (a) published in a newspaper circulating generally throughout the district; and*
 - (b) exhibited to the public on a notice board at the local government's offices; and*
 - (c) exhibited to the public on a notice board at every local government library in the district.”*

The meeting is advertised in the Eastern Reporter and included on the Town's website and public notice boards. A number of advertising signs are placed around the district advertising the meeting, which is not a requirement under the Act.

It is therefore unreasonable to state that the Town does not advertise this meeting appropriately.

Bassendean Village Shopping Centre Entry- West Road

MOVED Mr Don Yates, Seconded Ms Tina Klein, that the Town of Bassendean seek negotiations with Hawaiian Management regarding the Bassendean Village Shopping Centre, to correct the shortcomings of the main entry into the shopping centre, so it complies with Australian Standard 2890.

Staff Comment

Since the General meeting of Electors, it has been confirmed by two separate qualified sources, independent of the Town, that the access to the shopping centre complies with AS 2890. It is acknowledged that some improvement to the West Road entry in the shopping centre could be improved and these will be discussed with the owner of the shopping centre.

Land Valuations

MOVED Ms Katherine Hamilton, Seconded Mr Don Yates, that disclosure of individual valuations for Council owned land and buildings be made publically available within 90 days of possession.

Staff Comment

Valuations of Council's Assets by each classification is revalued on a tri-yearly basis and is available to the public on request.

Leasing of Council Properties

MOVED Ms Katherine Hamilton, Seconded Mr Don Yates, that there be the publication of an annual on-line list register detailing occupancy and rental arrangements for external organisations accessing Council owned land and buildings

Staff Comment

The Lease can be made available publicly with the exception of any part of the lease that was dealt by Council under confidential business which is subject to privacy provisions. A community directory of organisations operating in the Town is maintained by the organisation, many of whom are users of Council facilities.

Councillor Expense Claims

MOVED Ms Katherine Hamilton, Seconded Ms Tina Klein, that there be an on-line register disclosing Councillors' expense claims, to be updated quarterly.

Staff Comment

Councillors are entitled to claim reimbursement for expenses relating to the role of a Councillor under the Act, however, at the Town of Bassendean, Councillors are provided with an amount of \$8,000 in the budget for training and development. No other amounts have been claimed in the 2014/15 financial year.

Bassendean Oval Redevelopment

MOVED Mr Graham King, Seconded Ms Tina Klein, that Council issues a special Bassendean Briefings before Christmas including as much detail as possible on the Bassendean Oval redevelopment.

Staff Comment

The Mayor announced at the GME that the Town will be providing a special edition of the Bassendean Briefings prior to Christmas. Distribution will commence on Monday, 14 December 2015.

STATUTORY REQUIREMENTS

The Local Government Act at Section 5.32 requires the CEO to ensure that minutes of the General Meeting of Electors are available for public inspection and that any decisions made at the meeting are considered at the next Ordinary Council meeting.

It should be noted that apart from receiving the Annual Report, no other decisions were made at the meeting pursuant to Section 5.32 of the Local Government Act 1995.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.14

That Council

1. Receives the report on the General Meeting of Electors held on 25 November 2015, and notes the responses provided by the Mayor and staff members.
2. In relation to the resolution passed at the meeting, endorse the following:
 - a. Advise the public that given the requirements to windup **Town Planning Scheme 4A**, (ie, purchase of land and resale of land, etc) it is unlikely that the scheme will be completed in the 2015/16 financial year, however Staff will provide a report to Council on the progress of the TPS4A and the implications of winding up the Scheme;
 - b. Advise the public that the **Advertising of the Annual General** meeting has been done to a much higher degree than is required by the Local Government Act;
 - c. Advise the public that the **entry into the shopping centre on West Road** complies with the requirements of AS2890, however officers will hold discussions with the property owners to improve access to the carpark from West Road;
 - d. Advise the public that the **valuations for Council owned land and buildings** are completed on a tri-annual basis in accordance with the Local Government Act, and are available for inspection to the public on request;
 - e. Advise the public that the **leasing of Council properties** are available for inspection to the public on request with the exemption of the matter dealt by Council as Confidential matters which is subject to privacy provisions;

- f. Advise the public that **payment of Councillors' expense claims** are included in the adoption of the Annual Budget and are available for inspection to the public on request; and
- g. Advise the public that a **special edition of the Bassendean Briefing** will be provided to all residences prior to Christmas.

Voting requirements: Simple majority

10.15 Economic Development Advisory Committee Meeting held on 7 October 2015 (Ref: GOVN/CCLMEET/13 – William Barry, Economic Development Officer)

APPLICATION

Council is requested to receive the report on the meeting of the Economic Development Advisory Committee held on 7 October 2015.

ATTACHMENTS

Attachment No. 12 :

Economic Development Advisory Committee Minutes of 7 October 2015

STRATEGIC IMPLICATIONS

The Strategic Community Plan (2013 – 2023) and the Corporate Business Plan (2013 – 2017) identify “Economic wellbeing and prosperity” as a core theme for the Town.

COMMENT

The Committee was advised of Council’s decision to disband the Economic Development Advisory Committee and establish the Liveable Town Advisory Committee.

Some members of the Committee indicated a willingness to put their name forward to take a position on the Liveable Town Advisory Committee and thereby bring an ongoing focus on Economic Development in the new Committee. Other members indicated a willingness to participate in working groups, if they were established to deal with specific Economic Development issues.

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.15

That Council receives the report on the meeting of the Economic Development Advisory Committee held on 7 October 2015.

Voting requirement: Simple majority

10.16 Disability Access and Inclusion Committee Meeting held on 2 December 2015 (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 2 December 2015.

ATTACHMENTS

Attachment No. 13: Disability Access and Inclusion Committee Minutes of 2 December 2015

BACKGROUND

The Bassendean Access and Inclusion Committee meets quarterly on the first Wednesday in the months March, June, September and December.

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

This being the first meeting of the Committee in this term, the Committee elected Annie Klaassen to be Presiding Member and Dave Potter as Deputy Presiding Member.

Issues covered in the meeting included:

1. The Instrument of Appointment and Delegation was reviewed and confirmed to be current and up to date.
2. One Committee position remains vacant and members will encourage suitable community members to nominate when next advertised.
3. Progress reporting on the implementation of the Town's adopted Disability Access & Inclusion Plan (DAIP) was considered and received.
4. An update report was provided on the Seniors and Disability Services Business Unit in which it was noted that the main focus of attention remains the change in operating model to client directed care.
5. Feedback was received that the Colin Smith Reserve in Eden Hill is not accessible and it was agreed access improvements should be considered.
6. Networking opportunities across Local Government were discussed. Following on the recent successful hosting of the Bayswater DAIC, it was agreed to host the DAIC of another nearby LGA in the first half of 2016.
7. Strategies to linking people with service providers was briefly discussed.

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 the report on a meeting of the Disability Access and Inclusion Committee held on 2 December 2015, be received.

Voting requirements: Simple Majority

10.17 Audit & Risk Management Committee Meetings held on 9 December 2015 (Ref: GOVNCCL/MEET/3, Michael Costarella, Director Corporate Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Audit & Risk Management Committee held on 9 December 2015..

ATTACHMENTS

Attachment No. 14 Minutes of the Audit & Risk Management Committee meetings held on 9 December 2015.

Confidential Attachment No. 4:
Confidential report and attachments

COMMENT

Meeting held on 9 December 2015 commencing at 9.30am

The following items were discussed:

ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

The meeting was declared open by the Director Corporate Services and the Director called for nominations for the position of Presiding member. Cr Pule and Cr Lewis nominated for the position and a ballot was conducted for the position.

An election was held for Presiding Member in accordance with Section 5.12 of the Local Government Act (1995) and pursuant, therefore, to Schedule 2.3 Division 1 of the Local Government Act (1995). There being an equality of votes (Schedule 2.3 Division 1 part 5) at the first meeting, the officer conducting the election adjourned the meeting until 5.30pm of the same day.

Meeting held on 9 December 2015 commencing at 5.30pm

ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

The meeting was reconvened and the Director called for nominations for the position of Presiding Member. Cr Pule and Cr Lewis were nominated and a ballot was conducted for the position and Cr Pule was elected Presiding Member. The Presiding Member then called for the position of Deputy Presiding Member. Two nominations were received from Ms Michelle Rutherford and Cr Lewis. Following a ballot, Cr Lewis was elected Deputy Member.

**Request for a Rate Concession – Morley Baptist Church
33 Hanwell Way Bassendean (Ref: RAT&VAL/RTPAYMT/2
– Mike Costarella, Director Corporate Services)**

APPLICATION

The purpose of this report is to provide Council information to assess whether a concession from Council Rates could be granted under Section 6.47 of the Local Government Act.

**Underground Power Charge - (Ref: EAST/CONCTN/2-Mike
Costarella, Director Corporate Services)**

APPLICATION

The owner of an Ashfield property, is seeking reimbursement of the underground power charges, in the view of the unsatisfactory performance by Western Power and inadequate process used for the sighting of a transformer box, poor communication and other issues.

COMMITTEE RECOMMENDATION – ITEM 10.17

That Council:

1. Endorses the Officer Recommendation shown in the Confidential Report of the Audit and Risk Management Committee Agenda of 9 December 2015; and
2. Pursuant to Section 6.26(2) (d) of the Local Government Act, approves a Rate Exemption on 33 Hanwell Way, Bassendean, to the Trustees of the Morley Baptist Church Inc. for the 2015/16 financial year, on the basis that it be used exclusively as a place of worship; and

Voting requirement:

Items 1 - Simple majority

Item 2 - Absolute Majority

**10.18 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 November 2015		
Application No	Property Address	Description
201500045	77-83 OLD PERTH ROAD, BASSENDEAN	ALTERATIONS & ADDITIONS
201500151	1 CARNEGIE ROAD, BASSENDEAN	SWIMMING POOL TIMBER DECK & POOL FENCING
201500264	98 ANZAC TERRACE, BASSENDEAN	SECOND STORY ADDITION
201500346	8 ELDER PARADE, BASSENDEAN	2 X PATIOS
201500342	33 IOLANTHE STREET, BASSENDEAN	SWIMMING POOL
201500340	43 FOURTH AVENUE, BASSENDEAN	PATIO
201500344	7 WATSON STREET, BASSENDEAN	VERANDAH
201500343	46 BROADWAY , BASSENDEAN	ADDITIONS
201500347	166 WEST ROAD, BASSENDEAN	STEEL SHED
201500345	11 FOURTH AVENUE, BASSENDEAN	DWELLING
201500349	38 GALLAGHER STREET, EDEN HILL	DEMOLITION
201500306	260 MORLEY DRIVE, EDEN HILL	DWELLING
201500304	40 PROSPECTOR LOOP, BASSENDEAN	PATIO
201500305	8 THIRD AVENUE, BASSENDEAN	PATIO
201500309	19 CYRIL STREET, BASSENDEAN	GARAGE
201500366	13 EIGHTH AVENUE, BASSENDEAN	ADDITIONS & ALTERATIONS
201500364	264A MORLEY DRIVE, EDEN HILL	DWELLING
201500360	87 ANZAC TERRACE, BASSENDEAN	SWIMMING POOL
201500367	52 PARKER STREET, BASSENDEAN	FENCE
201500285	3 NAUNTON CRESCENT, EDEN HILL	PATIO
201500361	11 LAMB STREET, BASSENDEAN	SWIMMING POOLS
201500365	81 IVANHOE STREET, BASSENDEAN	OUTDOOR AREA
201500287	18 WATSON STREET, BASSENDEAN	SINGLE STOREY DWELLING
201500324	18 DOBSON LANE, EDEN HILL	NEW DWELLING
201500327	260A MORLEY DRIVE, EDEN HILL	NEW DWELLING
201500323	14 DOBSON LANE, EDEN HILL	NEW DWELLING
201500314	141 FIRST AVENUE, EDEN HILL	NEW DWELLING
201500318	8 DOBSON LANE, EDEN HILL	DWELLING
201500316	10 PRYDE WAY, EDEN HILL	NEW DWELLING
201500311	123 WHITFIELD STREET, BASSENDEAN	PATIO
201500315	3 PRYDE WAY, EDEN HILL	DWELLING
201500313	262 MORLEY DRIVE, EDEN HILL	NEW DWELLING
201500317	11 PRYDE WAY, EDEN HILL	DWELLING
201500350	23 BARTON PARADE, BASSENDEAN	PATIO
201500358	13 NURSTEAD AVENUE, BASSENDEAN	SHED
201500356	43 SEVENTH AVENUE, BASSENDEAN	SPA & FENCE

201500352	49 SCADDAN STREET, BASSENDEAN	PATIO
201500330	107 OLD PERTH ROAD, BASSENDEAN	PATIO & FENCE
201500334	92 HAMILTON STREET, BASSENDEAN	PATIO/CARPORT
201500332	28 FISHER STREET, BASSENDEAN	PATIO
201500339	51 WILSON STREET, BASSENDEAN	PATIO
201500333	31 EILEEN STREET, BASSENDEAN	ADDITION (GRANNY FLAT)
201500298	10 DOBSON LANE, EDEN HILL	RESIDENTIAL DWELLING

OFFICER RECOMMENDATION – ITEM 10.18

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

Voting requirement: Simple majority

10.19 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 4 Dec 2015			
Applic No	Property Address	Type of Development	Determination
Applications for Planning Approval			
2015-080	1 VILLIERS STREET EAST BASSENDEAN 6054	RETAINING WALL	Delegate Approved
2015-110	UNIT A 36 SCHOFIELD STREET EDEN HILL 6054	GROUPED DWELLING	Delegate Approved
2015-163	16 CHESTERTON ROAD BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2015-166	98 ANZAC TERRACE BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO GROUPED DWELLING	Delegate Approved
2015-169	7/1 ANZAC TERRACE BASSENDEAN 6054	GROUPED DWELLING	Delegate Approved
2015-179	3 NAUNTON CRESCENT EDEN HILL 6054	PATIO	Delegate Approved
2015-181	UNIT A 21 HAMILTON STREET BASSENDEAN 6054	RETAINING WALLS	Delegate Approved
2015-190	UNIT 1 57 MICKLETON TERRACE BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO GROUPED DWELLING	Delegate Approved
2015-199	40 PROSPECTOR LOOP BASSENDEAN 6054	PATIO	Delegate Approved
2015-212	20 HAMILTON STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS (BELL TOWER) TO PLACE OF WORSHIP	Delegate Approved
2015-222	UNIT A 43 SEVENTH AVENUE BASSENDEAN 6054	PATIO	Delegate Approved
Subdivision Applications			
1211-15	31 ASHFIELD PARADE ASHFIELD 6054	TWO LOT SURVEY STRATA	Delegate Approved
1290-15	47 ASHFIELD PARADE ASHFIELD 6054	TWO LOT SURVEY STRATA	Delegate Approved
1291-15	69 VILLIERS STREET WEST BASSENDEAN 6054	TWO SURVEY STRATA	Delegate Approved
152836	114 BROADWAY BASSENDEAN 6054	TWO LOT SUBDIVISION	Delegate Approved
152871	67 IDA STREET BASSENDEAN 6054	THREE LOT SUBDIVISION	Delegate Approved

OFFICER RECOMMENDATION – ITEM 10.19

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

Voting requirement: Simple majority

10.20 Accounts for Payment – November 2015 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

ATTACHMENTS:

Attachment No. 15: List of Accounts

BACKGROUND

The Monthly payments made for the period 1 November to 30 November 2015 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 the allocated budgets.

OFFICER RECOMMENDATION - ITEM 10.20

That Council receives the List of Accounts paid for November 2015, as attached to the Ordinary Council Agenda of 15 December 2015.

Voting Requirements: Simple majority

10.21 Financial Statements – November 2015 (Ref: FINM/AUD/1)
Ken Lapham, Manager Corporate Services)

APPLICATION

The purpose of this report is to present to Council various Financial reports in accordance with Local Government Financial Management Regulations.

ATTACHMENTS:

Attachment No. 16: Financial Statements for November 2015

BACKGROUND

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget.

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances.

For the 2015/16 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

Leadership and Governance

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

COMMENT

Income

The Summary of Financial Activity (Nature & type) is indicating that the total income for the year to date is \$6.4 million, which is 4% over budget YTD estimates. Individually, Grants, Subsidies and Contributions, is 8% ahead of budget estimates. Interest Earnings & other revenue being ahead of budget forecasts.

Expenditure

The total operating expenses at the end of November were \$8.8 million, which is 15% under Budget estimates. Materials and Contracts is 30% less than budget estimates. Employee costs are 8.7% under budget estimates. Utilities charges are 2% behind budget estimates.

Capital Expenditure

Minimal expenditure on Infrastructure Capital projects has been incurred to the end of the reporting period. This can be attributed to either the projects being in the planning stage or processes are in place to initiate procurement by Asset Services. Various items of Property Plant & equipment have been purchased.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

The Financial Statements provide a comparison between actual and budget income and expenditure estimates for the period ended 30 November 2015. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.21

That:

1. The Financial Reports for the period ended 30 November 2015, as attached to the Ordinary Council Agenda of 15 December 2015, be received; and
2. Additional 2015/16 budget amendments listed for adoption in the Financial Statements, as attached to the Ordinary Council Agenda of 15 December 2015, be endorsed.

Voting Requirements:

Item 1 - Simple majority

Item 2 - Absolute Majority

10.22 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
76705	Graeme Haggart	OCM-18/07/14 - Regional Playground application to Minister for Planning to use cash in lieu reserve funds	Council has resolved to fund designing the facility from other than CIL reserves. Recommend deletion.
86774	Michael Costarella	OCM-15/10/15 - Audit & Risk Management Committee Meeting held on 14 October 2015	The matter will be referred to the December Audit & Risk Management and then onto the OCM for confirmation. Recommend deletion.
87570	Michael Costarella	OCM-Esperance Fire Disaster - Council Donation	After discussion with the Shire of Esperance, a donation of \$2,000 was sent to the Lord Mayor Relief fund. We received acknowledgement and thanks from the Shire of Esperance for the donation. Recommend deletion.
84159	Simon Stewert-Dawkins	OCM-32/6/15 - Bassendean Local Emergency Management Committee Meeting held on 20 May 2015	On the 7 July 2015 the Town wrote to the Department of Planning and the Department of Water and requested they develop a Bushfire Management Strategy, similar to the document endorsed by Council (OCM-29/06/05) and they continue to implement the April 2005 Ashfield Flats Reserve preliminary Weed Management Plan in order to reduce the fire risk and to rehabilitate this important wetland and Bush Forever site in conjunction with those households on Hardy Road

			<p>directly impacted by the fire threat, the Bassendean Preservation Group and Ashfield CAN. In October 2015 a follow up letter was written to both departments seeking feedback. The Department of Water subsequently suggested the Town forward the correspondence onto the Water Corporation which has been undertaken. Commencing Monday 16 November 2015 the Town engaged a contractor to conduct some clearing works of invasive weed species and dead plant matter to reduce fire load and extend the fire break between property fence line and the bushland, the extended fire break will allow fire emergency services better access to the reserve.</p> <p>Recommend deletion.</p>
81550	Simon Stewert-Dawkins	OCM-18/2/15 - 1 Surrey Street – Heritage Architects Detailed Design Options	<p>In early December 2015, the Town wrote to SIA Architects and provided a copy of the OCM-18/2/15 Council resolution. SIA Architects have been requested to commence Phase 3: Design Development & Documentation. SIA Architects will liaising with the Town & Stakeholders seeking further information to assist with the detailed design process.</p> <p>Recommend deletion.</p>
70869	Brian Reed	OCM-15/11/13 - Summary of Ashfield Precinct Plan Implementation Working Group (IWG) Achievements	<p>Manager Development Services wrote to the Department of Housing and Landcorp on 23 September 2015, enquiring as to whether the organisations are still interested in pursuing the project. No response has been received.</p> <p>Recommend deletion.</p>
78821	Brian Reed	OCM-14/10/14 - Proposed Amendment to Planning Policy No. 4 - Floodplain Management & Development Policy	<p>Under Clause 5.2 of the Planning and Development (Local Planning Schemes) Regulations 2015 a Local Government may amend a planning policy without advertising the amendment, if in the opinion of the Local Government the amendment is minor in nature, the change in the policy replaced the need for a legal agreement and a caveat for a Section 70A notification in terms of advising owners of the flood risk.</p> <p>Recommend deletion.</p>

87564	Brian Reed	OCM-4/11/15 - Proposed Change of Use and Additions to Existing Building to Form Primary School - Lot 6 (No. 1) Earlsferry Court, Bassendean	Refusal of Development application issued. Recommend deletion.
87577	Yvonne Zaffino	OCM-28 to 36/11/15 - Appointment of Members to Committees – 2015 to 2017	All successful nominees and organisations and non successful nominees have been advised of Council resolutions. Those vacant positions will be advertised in early 2016. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.22

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 15 December 2015 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

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

26/11/15 Notification Under Section 70A of the Transfer of Land Act 1893 as amended between Sarah Jane Watts of 7A Nurstead Avenue, Bassendean, and the Town of Bassendean, in relation to the installation of a stormwater detention system at the property.

OFFICER RECOMMENDATION – ITEM 10.23

That Council authorises the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 15 December 2015.

Voting Requirements: Simple majority

10.24 Calendar for January & February 2016 (Ref: Sue Perkins, Executive Assistant)

Fri	1 Jan		Public Holiday – all offices closed
Tues	19 Jan	6.30pm	Municipal Heritage Inventory Committee Meeting – Council Chamber (Crs Pule, Bridges & Brown)
Tue	26 Jan	10.00am	Australia Day Citizenship Ceremony – Swan Districts Football Club, Bassendean Oval, Old Perth Road, Bassendean
Tue	26 Jan	5.00pm	Australia Day Celebrations at Ashfield Reserve
Wed	3 Feb	3.30pm	Local Emergency Management Committee Meeting – Council Chamber (Crs Pule & Brown)
Tue	9 Feb	7.00pm	Liveable Town Advisory Committee Meeting – Council Chamber (Crs Gangell, Bridges & McLennan)
Wed	17 Feb	10.00am	Bassendean River Parks Management Committee Meeting – Council Chamber (Crs Bridges & Brown)
Thu	18 Feb	6.00pm	EMRC Council Meeting – EMRC (Crs Lewis & Bridges)
Tue	23 Feb	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	26 Feb	5.00pm	Youth Advisory Council – Youth Services, West Road, Bassendean

OFFICER RECOMMENDATION - ITEM 10.24

That the Calendar for January and February 2016 be adopted.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Pule: Awards

Cr Pule has advised in writing that he wishes to move a Confidential motion at this meeting. The motion can be found as **Confidential Attachment No. 5**.

11.2 Notice of Motion – Cr Pule: Children of Bassendean Community Christmas Party

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

“That a report be brought for consideration to the first meeting of the Liveable Town Advisory Committee to be held 9 February 2016, for that Committee to consider establishing an annual Children of Bassendean Community Christmas Party starting December 2016.”

COMMENT – CR PULE

The most liveable aspect of any Community is the children of that community. The Town of Bassendean's Strategic Community Plan 2013 -2023 (Now 2015 - 2025) endorses Council's Vision 2030 Community Plan (adopted in 2005 and states that the Strategic Plan is to be a "Living Document ".

1. The Town of Bassendean Strategic Community Plan; Economic Wellbeing and Prosperity has a three plank approach and addresses quality of Life issues. A focus on Children at Christmas addresses all three aspects, in that it improves the quality of life by improving social wellbeing, stimulates economic development and contributes to the sense of prosperity of the community.
2. The Town of Bassendean Strategic Community Plan; Inclusiveness, Lifelong Learning, Health and Social Wellbeing addresses building a sense of belonging and connectivity in the community and there is no better way to build community than through the children of Bassendean.

3. A feasibility report to address the Children of Bassendean Community Christmas Party can include:
 - a) Stakeholders and event considerations. For example the Children of Bassendean Community Christmas Party can be held with many stakeholders involved as well as the Town of Bassendean, at the December Old Perth Road Markets (2016), with the Vintage Fire Engine and the Bassendean Fire Brigade Members bringing presents to the Children and celebrating Christmas which is the Birthday of a very special child.
 - b) A working party can be formed of parents, grandparents etc to organise the details.
 - c) Officers of the Town of Bassendean and the Working Group can prepare an Agenda and the Criteria for the Structure of this " Children's event, " and the Liveable Town Advisory Committee can oversight the work and present it for Council approval.
 - d) The Children of Bassendean Community Christmas Party would be a " first " Dedicated Major Children Event for the Town and addresses the " Visionary Aspirations " sought by Councillors and the Bassendean Community.

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

OFFICER COMMENT

A number of neighbourhood level events that are organised by the community are conducted annually in the Town in the lead up to Christmas. Self reliance and capacity building are fundamental community development principles. While the intention in the Notice of Motion is understood and valued, there exists concern that in implementation, the many local community level events may experience unintended "collateral damage" and be disadvantaged. Council may, as an alternative, consider how best to support the existing events and encourage other "organic" neighbourhood events to be developed at this time of the year as an enabler for connecting nearby residents, and this could be the subject of a report to an early meeting of the Livable Town Advisory Committee.

11.3 Cr McLennan - Changes to Briefing Sessions

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

“That Council, in an effort to facilitate increased transparency, accountability and effective decision-making:

- a. Agrees to have a six-month trial, commencing February 2016, of opening Council Briefing Sessions for observation by members of the public;*
- b. Agrees to have a six-month trial, commencing February 2016, of scheduling Briefing Sessions at least one week prior to the Ordinary Council Meeting;*
- c. Requests an Officers’ report at the August 2016 Ordinary Council Meeting outlining the impact of the trialed changes including staff workload, additional expenses incurred, community feedback received & any other relevant information; and*
- d. Reviews the arrangements for briefing sessions after receipt of the Officer’s report in August 2016.”*

OFFICER COMMENT

The briefing session and its purpose and timing was first considered by Council in 2009 (OCM2 – 7/11/09) where it was resolved that:

- “1. Ordinary Council Meetings and Briefing Sessions be held every second and fourth Tuesday of the month, except for January and December, commencing January 2010 until December 2010 inclusive, as a trial to be reviewed at the end of this period;*
- 2. Briefing sessions will not be open to the public as no debate will be entered into and Councillors can then ask questions freely without the impediment of the Standing Orders;***
- 3. Policy 1.2, Council Meeting Schedule, be amended accordingly; and*
- 4. Local public notice be given advertising the change of schedule to comply with Regulation 12(2) of the Local Government (Administration) Regulations.”*

The briefing sessions with these purposes have survived subsequent changes to meeting schedules and the policy was most recently confirmed at the review of the Council's Policies in 2014:

6.2 Council Meeting Schedule

Objective

The objective of this Policy is to establish the timing for Town of Bassendean Council meetings.

Strategy

To provide efficiency and timely effectiveness of the decision making process, Council will hold a Council meeting on the fourth Tuesday of the month commencing at 7.00pm. Councillor Briefing Sessions will be held on the same day prior to the Council meeting and will commence at 5.00pm.

The Councillor Briefing Session has no delegated powers and provides the Chief Executive Officer the opportunity to inform Councillors of:

*Matters of strategic and important significance;
Projects being progressed by the Town;
Potential matters for future consideration by Council; and
Matters in early development that need initial guidance.*

No Council decisions are made at Briefing Sessions and they are therefore closed to the public.

Where a public holiday falls on a Tuesday the respective Meeting of Council will be held on the following working day. Special Council Meetings will be scheduled as decided by the Mayor or Council.

Application

Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed every three years.

Officers are of the view that the timing of the briefing session seven days before the Council meeting will mean that the agenda will need to be ready at that time, and this will mean that the Administration is almost constantly in agenda mode. It would be a preferable alternative to not have the current briefing session at all, so that questions on items which are not confidential are asked at the Council meeting, and questions on confidential matters are asked directly of officers by e-mail in the 24 hours preceding the meeting.

This will have the desired effect of questions and answers being in the public arena.

The advantage of the current system is that conversations can be more frank and open and informal without Standing Orders.

If the public was given access to briefing sessions, in its current format, they would be subject to the Rules of Conduct Regulations for elected members and it would therefore be desirable that they are recorded.

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

11.4 Notice of Motion – Cr McLennan: Town of Bassendean Financial Sustainability Policy 6.15

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

“That in accordance with the Town of Bassendean Financial Sustainability Policy 6.15, that requires the Town to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity (See Section 1.3 of the Local Government Act),

1. *The Town of Bassendean Investment Policy 6.18 be amended to incorporate deliberative preference for investment with financial institutions that do not invest in or finance the fossil fuel industry where:*
 - a) *the investment is compliant with Council's investment policy with regards to risk diversification & credit rating;*
 - b) *the investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of investment.*

2. *Council divest its term investment portfolio from all fossil fuel aligned financial institutions and that as Council's current term investments expire these funds are to be re-invested only with non-fossil fuel aligned financial institutions.*
3. *The matter is referred to the next Audit and Risk Management Committee meeting to review the Investment Policy 6.18; and*
3. *Council requests a 6 monthly report on the state of its divestment from fossil fuels."*

STAFF COMMENT

The investment of surplus funds by a local government is governed by Section 6.14 of the Local Government Act and 19 (c) of the Financial Management Regulations. Council is also required to adopt a policy that includes the conditions that staff must abide by to invest the surplus funds. The policy provides information (in part) on:

- Overall portfolio limits;
- Counterparty credit limit;
- Preservation of Capital;
- Prudent Person Rule; and
- Authorised institutions.

The policy is revised every 2 years and was recently reviewed and adopted in April 2014.

In 2012, there was an amendment to the Financial Management Regulations which restricted the investment of funds for a limited period, and this was a result of the losses incurred by some local governments during the GFC. The Town of Bassendean did not suffer any losses and has achieved an excellent rate of return for its investments since the adoption of the new policy in July 2012. The interest return are as follows:

INTEREST ON INVESTMENTS 2011/12 TO 2014/15			
	MUNICIPAL FUND	RESERVE FUND	TOTAL CONSOLIDATED INTEREST
2011/12	\$ 325,305.00	\$ 107,595.00	\$ 432,900.00
2012/13	\$ 260,620.00	\$ 207,047.00	\$ 467,667.00
2013/14	\$ 224,434.00	\$ 176,017.00	\$ 400,451.00
2014/15	\$ 242,744.00	\$ 154,328.00	\$ 397,072.00
TOTAL	\$ 1,053,103.00	\$ 644,987.00	\$ 1,698,090.00

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

13.0 **CONFIDENTIAL BUSINESS**

13.1 **Proposed Land Swap of 27L Hyland Street and Part Lot 271; 116 Hamilton Street, Bassendean (Ref: DABC/BDVAPPS/ 2012-073 Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is for Council to consider a proposal to undertake and advertise a land swap of Lot 100; No 271 Hyland Street, Bassendean, owned by Mr Herbert for land owned freehold by the Town located at Lot 271 Hamilton Street.

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

13.2 **CEO's Remuneration Report**

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

14.0 **CLOSURE**

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