

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

GRAEME HAGGART
A/CHIEF EXECUTIVE OFFICER

9 December 2016

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

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

2.2 Address by Members of the Public

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

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Leave of Absence

Cr Bob Brown

4.0 DEPUTATIONS

Mr Craig Lucanus has advised that he wishes to make a deputation to Council relating to Item 10.5 - Proposed Omnibus Amendment to the Local Planning Scheme No. 10 of the Ordinary Council Minutes of 25 October 2016.

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 22 November 2016 **(Attachment No. 1)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 22 November 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 22 November 2016, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

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

Standing Orders Local Law 2011, Clause 5.4 states:

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 13 December 2016:

Item	Report
10.2	Retrospective Change of Use from Warehouse to General Industry (Brewery) of Lot 123; No. 323 Collier Road, Bassendean
10.3	Proposal to Rename Clarke Way Reserve
10.5	West Road Traffic Calming Devices and Parking Issues
10.8	Approval of Mary Crescent Reserve Playground Concept Plan
10.12	Bassendean River Parks Management Committee Meeting held on 16 November 2016
10.13	Access and Inclusion Committee Meeting held on 23 November 2016
10.14	General Meeting of Electors Minutes held on 23 November 2016
10.16	Determinations Made by the Principal Building Surveyor
10.17	Determinations Made by Development Services
10.18	Use of the Common Seal
10.19	Calendar for January 2017
10.20	Implementation of Council Resolutions
10.21	Accounts for Payment – November 2016

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

Item	Report
10.4	Public Health Act 2016 – Changes in Local Government Role to Administer Public Health Legislation
10.6	RFT CO 060 2016-17 Provision of Dog and Cat Impound for the Town of Bassendean
10.7	RFT CO 053 2016-17 Purchase of Client Management Software for the Town of Bassendean
10.9	Nature-Based Regional Playground Location
10.10	Council Meeting Briefings Schedule
10.11	Review of Policies
10.15	Audit & Risk Management Committee Meeting held on 7 December 2016
10.22	Financial Statements – November 2016
11.1	Notice of Motion – Cr Pule: Revocation of part of Item 10.5 - Ordinary Council Meeting of 25 October 2016
11.2	Notice of Motion – Cr Pule: Improving service delivery to the Bassendean Community by expanding Ranger Services to include Lux meter readings to monitor streets and parks lighting
11.3	Cr Bridges – Representative on Bassendean River Parks Management Committee
11.4	Notice of Motion - Cr Bridges: Standing Orders Local Law Review
11.5	Notice of Motion – Cr Pule: BBQ Facilities at the BIC
13.1	Registration of Interest for the Purchase and Development of Lot 5 (No. 246) Morley Drive, Eden Hill
13.2	CEO's Remuneration Report

10.2 Retrospective Change of Use from Warehouse to General Industry (Brewery) of Lot 123; No. 323 Collier Road, Bassendean, Applicant: Brewcorp PTY LTD, Owner: Vanity Holdings PTY LTD, (Ref: DABC/BDVAPPS/2016-111 – Dylan Stokes, Planning Officer)

APPLICATION

The purpose of this report is for Council to consider a retrospective Change of Use to a Brewery at Lot 123, 323 Collier Road, Bassendean.

ATTACHMENTS

Attachment No. 2:

- Site plan and floor plan of the Change of Use.
- Supporting report provided by Formscape Planning Consultants.
- Supporting documentation provided by applicant.

BACKGROUND

Brewcorp (owners of Feral and Nail beers) has an existing approval to operate at 301 Collier Road Bassendean. Due to a limited restriction of floor space, the applicant has sought to relocate the business to a larger site in the Town of Bassendean. An application was received by the Town for a Change of Use application at 323 Collier Road to a General Industry Use from an existing Warehouse to cater for the Brewery. After a full assessment had been completed, the Town identified a significant car parking variation to the existing site, which would be exacerbated by the higher parking requirements imposed as a result of the Change of Use application.

Further discussions with the applicant indicated that despite the shortfall of bays on site, the business would only require an additional 10 employees. Council staff agreed the application could be considered with a substantial variation to parking, but a legal agreement will be required to restrict the use of the property to a brewery and that due to the extent of the variation, the application should be presented to Council for final determination.

STRATEGIC IMPLICATIONS

Objectives

Build small business growth

Strategies

- Develop conspicuous policy to encourage and support working from home.

- Adopt a welcoming stance and attitude to businesses, and showcase local business capabilities.
- Encourage 'Employ Local' policies for local businesses.

COMMENT

Prior to the gazettal of Local Planning Scheme No.10 (LPS 10) on 24 June 2008, Town Planning Scheme No. 3 (TPS 3) was the operative Town Planning Scheme. Clause 5.7.2 of LPS 10 requires that car bays are provided under Table 2 of the Scheme which corresponds to differing land uses. Both TPS 3 and LPS 10 have identical parking requirements relating to the following industrial uses:

- Warehouse Use – 1 bay per 100sqm of net lettable floor area.
- General Industry Use – 1 bay per 50sqm of net lettable floor area.
- Office Use – 1 bay per 20sqm of net lettable floor area.

The initial application for the site in 1994 approved two warehouses for a total net lettable floor area of 4986sqm and with 94 bays being provided on the plans with 49.85 (50) bays being required for the two warehouses. A further application was submitted to the Town in 2006 to convert a portion of the existing warehouse into offices, with a second level being proposed with additional offices and storage space. The proposed Offices and additions resulted in 79.8 (80) bays being required on site in total.

Under LPS 10, the General Industry (Brewery) use requires 1 bay per 50sqm of net lettable floor area, a higher requirement than the existing Warehouse use. The applicant has also requested that areas of approved storage space to the front of adjoining warehouse to the south being converted to additional office area. This results in the required bays on site increasing to 119.47 (120) in total.

A site visit was conducted on 24 October 2016 where it was identified that operations and works related to the Brewery had substantially commenced on site without any form of approval being issued. Furthermore it was identified that of the 80 bays required as per the previous application, only 31 bays has been marked on site. It was evident from the site visit that there was a lack of unused parking bays on site during operating hours.

As part of the report provided by Formscape, it was anticipated that no more than 10 employees will be working on site between 6am to 6pm, with no direct customer sales occurring at the site. The following information was included in the report justifying the variation to parking:

- There is a large disparity between the 50 parking bays specified by LPS 10 and the reality of only needing to provide parking for a workforce of 10 employees.
- For the Brewcorp business, there is an allocation of 13 bays to cater for a potential growth of the Brewery and a dedicated loading/service bay to be provided exclusively for trades who routinely visit to inspect and maintain machinery.
- For the existing Warehouse and a portion of the offices, there is an allocation of 18 bays for existing employees currently working on site and an anticipated 2 bays for visitor use. The vacant offices have been allocated 20 bays, with the remaining 25 bays for surplus and general use between all of the businesses on site.

Clause 5.5 of Local Planning Scheme No. 10 permits Council to approve a development that does not comply with a standard or development requirement under the Scheme. This clause also enables Council to impose any relevant conditions as it sees fit on such a development.

Any approval that is issued for a Change of Use application runs with the land and no further approval would be required for a future General Industry Use that would replace the Brewery. In order to ensure that a potential future General Industry land use does not cause parking issues on site due to the parking variation, it is recommended that the Town enter into a legal agreement with the landowner Vanity Holdings through the way of a condition on the approval that restricts the employees that are permitted to work on the site relating to the Brewery does not exceed 12 employees for the life of the land use. The applicant is satisfied with entering into a legal agreement to restrict employees working as part of the Brewery.

It should be noted by Council that an application has been supported previously by Council for Lot 848, No 11 Yelland Way for a Factory/Warehouse in July 2010. This application had similar circumstances with the inability for the applicant to put additional bays on site and the applicant requested approval through Council with a condition requiring a legal agreement.

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town of Bassendean Local Planning Scheme No. 10. Clause 67 of the Town Planning Regulations identifies matters that are to be considered by the Local Government when dealing with an application for planning approval including:

- (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 relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (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.

FINANCIAL CONSIDERATIONS

Nil to Council.

OFFICER RECOMMENDATION — ITEM 10.2

That Council grants retrospective development approval for the Change of Use at Lot 123 (323) Collier Road, Bassendean, subject to the following conditions:

1. Within 60 days of the date of this approval, the landowner entering into a legal agreement with the Town of Bassendean, in a form to be approved by the CEO, to create a caveatable interest to be lodged on the title of Lot 123, restricting the use of the land to a Brewery with a specific provision requiring additional parking in the event of a change of land use at the property;
2. The legal agreement and lodging of the caveat on the title shall be at the landowner's expense;
3. The 78 car parking bays and associated access ways shown on the approved drawings being constructed, kerbed, marked and maintained thereafter to the Town's satisfaction within 30 days of the date of approval;
4. This approval is for the use of the buildings as a General Industry (Brewery), Warehouse and Offices only as marked

on the approved plans. Any alternative use of the premises will require the submission of an application to Council for a change of use;

5. Operation of the use described in condition 4, above, is to be in accordance with details provided in correspondence from the applicant date stamped received 24 June 2016. Any changes to the operations will require lodgement of a new application for development approval for consideration by the Town;
6. No products, goods, materials or waste shall be stored outside of the building unless in a designated area that has been approved by the Town for this purpose;
7. All waste being contained in bins within the designated bin storage area. Bins are not to be stored within any of the approved parking bays or associated access aisles;
8. This approval does not include modification to the exterior of the premises. Any proposed external modifications for the development to be the subject of a separate application;
9. No retail or wholesale sales being carried out from the premises unless the sales are incidental and ancillary to the approved use of the premises;
10. This approval does not include any approval for signage. A separate approval shall be obtained for any signage which is proposed; and
11. Submission of a Building Approval Certificate for any retrospective works related to the Brewery within 30 days of the date of approval.

Voting requirements: Simple Majority

10.3 Proposal to Rename Clarke Way Reserve (Ref: LUAP/SUBDIV/1/A4445 - Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is for Council to consider a request to rename the Clarke Way Reserve as well as determining the extent of the reserve to be named.

ATTACHMENTS

Attachment No. 3:

- Town of Bassendean Nomenclature Register
- Aerial image of Clarke Way Reserve

BACKGROUND

At the May 2015 Council meeting, the following motions were passed:

- “1. The residents of Clarke Way and adjacent Reid Street between Elder Parade and Hamilton Street, be consulted as to the renaming of Clarke Way Reserve as Abell Reserve in honour of the community contribution to this Town made by Clive and Carol Abell, both now deceased; and*
- 2. Council seeks an officer report into the protocols and process required to implement a name change and possible extension to the reserve area.”*

STRATEGIC IMPLICATIONS

OBJECTIVE:

Foster enhanced public space and street appearance.

STRATEGY:

Plan to ensure access to open space and play equipment is maintained and improved.

COMMENT

This report focuses on part one of the resolution. Clarke Way Reserve has an area of 2,036m² (see attachment 2) and is identified as Local Public Space under the Town's Public Open Space Strategy. The motion carried at the May 2015 Ordinary Council Meeting recommended recognition of Clive and Carol Abell for service to the community.

The Town's Local Studies Librarian, Janet Megarrity was able to provide the following information on his life. Clive was a life member of the SES Volunteers Association of Western Australia for his services to the organisation including holding the position of president. He also served as a volunteer with the Bassendean SES unit as Local Manager.

In 2008, Clive was posthumously awarded the Fire and Emergency Services Authority's (FESA) Outstanding Achievement Medal. The FESA Outstanding Achievement Medal (FOAM) is the highest and most prestigious internal FESA award. The FOAM award recognises outstanding contributions by emergency service volunteers, either over an extended period of time, or in relation to an isolated event, that have helped the organisation to achieve its vision of 'A Safer Community'.

The FOAM is awarded to FESA members who have performed over and above what would normally be expected of a person in a similar role/situation. The award recognised Clive's professional approach and the enduring respect that he earned from his colleagues and peers.

The Town of Bassendean recognised Clive's commitment to the local community in 2000 by awarding him the Town's Citizen of the Year Award. Clive had been an active member of many Town of Bassendean committees, such as the Public Events, Centenary of Local Government and Bicentennial Committees and was instrumental in organising the 'World Wobble Board Championships' at the Bassendean Fair in 2001. He was a member of the Bassendean Historical Society and the Bassendean Preservation Group. Clive was actively supported by his wife Carol who passed away aged 68 in 2015. Clive passed away aged 60 in 2008 and is survived by his children Paul, Karen and Helen.

The Town of Bassendean maintains a Nomenclature Register (see attachment) with a list of names considered suitable for the future naming of streets, reserves and the like. Maintaining the nomenclature register is currently reactive meaning that submissions are received by the general public with input from the Local Studies Historian. No community consultation has been undertaken to capture a greater range of community members. Whilst it is usually the Town's standard practice for a name to be taken from this register, Council has requested that Clive's service to the community be recognised.

The Policies and Standards for Geographical Naming in Western Australia document has been developed to provide a basis on which the assignment of names to places, features, administrative boundaries and roads can be undertaken.

These standards serve the long-term interests of the community by identifying, protecting and reflecting our culture, heritage and landscape. Local government and government departments/authorities responsible for the administering of land within Western Australia are required to make submissions to Landgate for any naming proposals for place names, features, administrative boundaries, localities or roads within their jurisdiction.

The Minister for Lands is responsible for the Land Administration Act 1997. Through delegated authority, the Minister enables Landgate to review submissions and identify, capture and maintain new place names, features, administrative boundaries, localities and roads within Western Australia and formally approve these on the Minister's behalf. It should be noted that 'Clarke Way Reserve' is not an official recognised name for the reserve and is a name assigned by the local government for infrastructure management purposes.

Any naming/renaming of a park/reserve is to follow the guidelines laid out within these policies and standards. Clarke Way Reserve, by today's standards, would not be considered an appropriate name for a park in that incorporation of road types into park names (eg. street, road & way) is not generally supported.

All local parks and recreational reserves should be named and formally approved by Landgate. It is in the public interest and important for the ease of identification and dispatch of emergency services that local parks and recreational reserves are officially named.

It is Landgate's preference that all local park or recreation reserves use the feature class 'park' as part of the name. The word 'reserve', may only be used as part of a name if the whole of the area to be named is an official reserve under the Land Administration Act 1997 and it has been allocated an official reserve number. Clarke Way Reserve, 94 Hamilton Street and the adjoining drainage reserve have all been allocated an official reserve numbers.

It is expected that all new local parks or recreational reserves will be named after an adjoining road name. The same name shall only be applied to contiguous land parcels and will not be applied to unconnected land parcels. It is not uncommon for topographical features and places in Western Australia to be named after people with a long association to the community. The Geographic Names Committee (GNC) recognises the significance of historic commemorative naming and continued recognition of outstanding achievements, contributions to the community and significant events.

The following policies shall apply to all future commemorative naming proposals:

- All commemorative name proposals shall meet the same criteria required of any other name proposal;
- All commemorative naming proposals must include evidence of support by the wider community and reach beyond a single local government, person or special interest group;
- A commemorative name shall not be used to commemorate victims of, or mark the location of, accidents or tragedies;
- Prior or current ownership of land does not confer the right or entitlement to apply a commemorative name;
- The use of unofficial commemorative names in publications, or in landscape dedications or markers, is no assurance that they will be adopted into official names records; and
- A commemorative name shall not be considered for adoption if a well-established and acceptable name already exists for the feature.

The approval of a name to commemorate an individual will only be considered if:

- Such application is in the public interest;
- There is evidence of broad community support for the proposal;
- The person has been deceased for at least two (2) years;
- The applicant requesting the new name is not an immediate relative, written permission of the family should be obtained;
- The person being honoured by the naming has had either some direct and long-term association, twenty (20) or more years, with the feature;
- Has made a significant contribution to the area in which it is located;
- The proposed commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located.

From the above, it is considered that the toponym 'Abell' is appropriate for officially naming Clarke Way Reserve. The officer has made contact with Landgate to gauge their level of support and ease of application when naming the 'Clarke Way Reserve'. 'Abell' is considered a unique name and would be supported for that reason additional to ease of access for emergency services. Landgate has recommended that the feature class 'Park' be used instead of 'Reserve'. It is therefore recommended that the toponym 'Abell Park' be approved by Council for the purposes of public advertising.

STATUTORY REQUIREMENTS

Land Administration Act 1997
Policies & Standards for Geographical Naming in Western
Australia (Landgate 2015)

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.3

That:

1. Permission be sought from the relatives of Clive and Carol Abell to formally name 'Clarke Way Reserve' to 'Abell Park';
2. Council approves the toponym (topographic name) 'Abell Park' for the purposes of public advertising;
3. The proposed renaming of 'Clarke Way Reserve' to 'Abell Park' is advertised and a minimum period of 42 days be allowed for receipt of submissions; and
4. On completion of public advertising, the outcomes be referred back to Council for consideration and a final recommendation.

Voting requirements: Simple Majority

10.4 Public Health Act 2016 – Changes in Local Government Role to Administer Public Health Legislation (Ref: PUBH/LEGLTN/1 - Maria Fatouros, Senior Environmental Health Officer)

APPLICATION

To advise Council of the implementation of new health legislation in Western Australia, known as the *Public Health Act 2016* which will be enforced by Local governments, and seek Council to delegate to the Chief Executive Officer, the authority, to designate authorised officers under the *Public Health Act 2016* in accordance with section 21 (1) (b) (i).

BACKGROUND

The *Public Health Act 2016* (the new Act) and the supporting *Public Health (Consequential Provisions) Act 2016* received Royal Assent on 25 July 2016. The *Health Act 1911* (the old Act) will be phased out over a period of 3-5 years through a staged process and replaced by the new Act.

A significant amount of work will be required to transition to the new Act, therefore, it will be rolled out in a staged manner over the next 3 to 5 years. The Department of Health WA (DoH) has advised that there are 5 stages of implementation:

Stage 1 and 2

This involved various technical matters on day 1 and 2 following Royal Assent, to transition the old Act to the new Act. There were no practical implications for local governments. The old Act and any Regulations, By-laws and Local laws made under it, continue to remain in operation.

Stage 3

The set date for stage 3 is 24 January 2017. On this date, the old Act will be renamed the *Health (Miscellaneous Provisions) Act 1911*, and all of the Regulations made under it will continue to be in effect until such time as they are repealed during stage 5. The key administration matters which are required to be prepared by the local government by the set date are:

1. Identify all persons who hold a current appointment as an Environmental Health Officer who are to be automatically designated as an Authorised Officer under section 312 (this will apply to the Town's Senior Environmental Health Officer);
2. Issue the Authorised Officer with a certificate of authority in accordance with section 30 of the *Public Health Act 2016*;

3. Determine the designation requirements (e.g. the Acts that the Authorised Officer will be designated or any restrictions / limitations to the designation) to be included on the certificate of authority in accordance with sections 30 and 312 of the *Public Health Act 2016*;
4. Prepare and maintain a list of those Authorised Officers in accordance with section 27 of the *Public Health Act 2016*; and
5. Review and update all Town correspondence, website content, information sources and standard forms, with the new terminology.

During this stage, amendments will be made to relevant legislation such as the *Health Act 1911*, Regulations and Local-laws made under the Act to replace the following:

- “*Health Act 1911*” with “*Health (Miscellaneous Provisions) Act 1911*”;
- “Executive Director Public Health” with “Chief Health Officer”; and
- “Environmental Health Officer” with “Authorised Officer”

An amendment will be made to section 3.5 of the *Local Government Act 1995* to authorise Local Laws relating to public health to be made. The DoH is encouraging local governments to utilise this mechanism for all new local laws in anticipation of the repeal of the local law making powers provided by the *Health (Miscellaneous Provisions) Act 1911* in stage 5. The DoH will coordinate a working group with the Western Australian Local Government Association (WALGA) and local governments to consider the new regulatory framework and the impact upon existing local laws.

Under the provisions of the old Act, all Environmental Health Officers (EHOs) employed by local governments were “approved” by the Executive Director Public Health (EDPH) to perform the functions of the Act. The EDPH was a specified role within the *Health Act 1911* and the person assigned to that role was an employee of the Department of Health WA (DoH). Each time a Local Government appointed an EHO, it had to seek “approval” from the EDPH for that EHO to undertake the duties of the *Health Act 1911*. This application process could take several weeks with the EHO being ultimately issued with an authority card through the DoH.

The new Act will see EHOs be referred to as Authorised Officers. Authorised Officers are responsible for enforcing the provisions of the *Public Health Act 2016* and investigating any

public health matter within their local government boundary. Authorised Officers are to be designated and authorised by the Local Government that employs them, and no longer relies on “approvals” from the DoH.

Under the provisions of Section 21 of the new Act, the Local Government, also referred to as an enforcement agency, has the power to delegate the duty conferred or imposed on it, to its Chief Executive Officer. As such, the administrative process for issuing approvals for Authorised Officers can be undertaken with minimum delay and the Authorised Officers can be given authority to perform their functions almost immediately after they are employed through the delegation of that duty to the Chief Executive Officer.

Section 30 of the new Act specifies that Authorised Officers must be issued a certificate of authority card by the Local Government. It is envisaged that this certificate of authority card would be signed or approved by the delegate of the Council who it is recommended would be the Chief Executive Officer.

Stage 4

The commencement of provisions of the new Act (on a date fixed by proclamation) relating to:

- Infectious diseases and related conditions;
- Prescribed conditions of health;
- Serious public health incident powers; and
- Public health emergencies.

No action is required by local government at this stage.

Stage 5

The commencement of all remaining provisions of the new Act (on a date fixed by proclamation) and the repeal of the equivalent provisions provided under the *Health (Miscellaneous Provisions) Act 1911* and regulations / by-laws made thereunder. The DoH have advised that they will work closely with local governments in the lead up to this stage.

STRATEGIC IMPLICATIONS

In accordance with the *Town of Bassendean Strategic Community Plan 2013-2023*, the following applies:

Theme: Inclusiveness, lifelong learning, health and social wellbeing

Objective: Provide a safe environment

Strategies: Participate in collaborative action on identified community health and safety issues.

COMMENT

In preparation of stage 3 of the implementation of the *Public Health Act 2016*, local governments are required to identify all officers who hold a current appointment as an Environmental Health Officer, issue new certificates of authority and maintain a list of Authorised Officers.

In accordance with section 312 of the *Public Health Act 2016*, existing Environmental Health Officers are deemed to be designated as "Authorised Officers" and will only require the issuance of certificates of authority, however, any new Authorised Officers in the future will need to be designated by the Local Government.

To reduce administrative burdens, the designation of new Authorised Officers under the *Public Health Act 2016* could be delegated to the Chief Executive Officer as follows:

Power/Duty Delegated:	Public Health Act 2016 s21. Enforcement agency may delegate
Description of Power Delegated:	Authority to appoint persons or classes of persons as authorised officers for the purpose of fulfilling prescribed functions within the relevant legislation.
Delegation to:	Chief Executive Officer
Sub-delegated to:	Nil.
Conditions:	Must appoint authorised officers in writing and issue certificates of authority in accordance with the Public Health Act 2016 and require appointed officers to produce such certificate on being asked to do so by a person in respect of whom they exercise, have exercised, or are about to exercise any such power.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	<p>Delegate power to the Town's Chief Executive Officer to designate Authorised Officers under the <i>Public Health Act 2016</i>.</p> <p>Estimated Cost: Nil</p>	<ul style="list-style-type: none"> Reduce administrative burden. Faster/ more cost effective process for authorising officers. The Town will maintain a list of authorised officers. 	<ul style="list-style-type: none"> Nil.
2.	<p>Council designates authorised officers under the Public Health Act 2016.</p> <p>Estimated Cost: Officer time associated with preparing reports and costs associated with delayed response to public health issues.</p>	<ul style="list-style-type: none"> Council will have the responsibility of designating officers. 	<ul style="list-style-type: none"> Officers will have no power to enforce the legislation until they have been designated as an authorised officer. Time and resources spent preparing reports for each appointment of an authorised officer.
3.	<p>Council does not designate future authorised officers or delegate power to the Chief Executive Officer to designated authorised officers.</p> <p>Estimated Cost: Costs associated with not responding to public health issues.</p>	<ul style="list-style-type: none"> No administrative burden. 	<ul style="list-style-type: none"> Officers will have no power to enforce the legislation until they have been designated as an authorised officer. Delayed response to public health issues. Potential reputational and legal issues.

The *Public Health Act 2016* will replace the *Health Act 1911* and will be implemented in a staged process over the next 3-5 years. During this time the *Health Act 1911* will be known as the *Health (Miscellaneous Provisions) Act 1911*.

In accordance with section 312 of the *Public Health Act 2016*, the Town's existing "Environmental Health Officer" will become an "Authorised Officer", however, any future appointment will need to be made by the local government.

In order to minimise administrative burdens and time delays in regards to new officers administering the legislation, it would be prudent for Council to consider Option 1.

STATUTORY REQUIREMENTS

The *Public Health Act 2016* will replace the *Health Act 1911*.

S 21 (1)(b)(i)

“A power or duty conferred or imposed on an enforcement agency may be delegated if the enforcement agency is a local government, to the Chief Executive Officer of the local government”.

FINANCIAL CONSIDERATIONS

There are likely to be costs associated with Option 2 and Option 3, however these are variable.

There may be costs associated with stage 4 and 5, in regards to reviewing, amending or repealing Local Laws, and developing a Public Health and Wellbeing Plan, however these are not quantifiable at this point in time as the necessary framework is yet to be developed

OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Notes the staged implementation of the *Public Health Act 2016* and the impacts upon the Town of Bassendean;
2. Delegates to the Chief Executive Officer, the power under Section 21(1)(b)(i) of the *Public Health Act 2016*.

Voting requirements:

Point 1: Simple Majority

Point 2: Absolute Majority

10.5 West Road Traffic Calming Devices and Parking Issues (near Bassendean Primary School) (Ref: ROAD/PROGM/3 – Ken Cardy, Manager Asset Services and Nicole Baxter, A/Engineering Technical Co-ordinator)

APPLICATION

The purpose of this report is to provide Council with a response to a resolution passed at the Ordinary Council Meeting held on 22 March 2016 (OCM-22/3/16) regarding traffic calming devices, widening of parking bays and the installation of a school crossing near the Bassendean Primary School.

ATTACHMENTS

Attachment No. 4:

- Plan indicating location of existing speed cushions and proposed “Type A” crossing to be installed - West Road.
- Location of where existing street embayment upgrades are required to meet Australian Standards.
- Children’s Crossing Drawings
- Watts Crossing Drawing

BACKGROUND

At the Ordinary Council meeting in March 2016 (OCM–12/03/16), it was resolved that officers list in the draft 2016/17 Capital Budget, for Council’s approval, the following work that is to be undertaken to improve the functionality of the speed plateaus in West Road:

- a) Consideration and costing of alternatives to the current calming devices as requested in SME Motion 2 with the plans being referred to the School P and C;
- b) Costings for the widening of the parking bays adjacent to the West Road deli to relevant Australian Standard; and
- c) Funding for both school crossings in West Road and Whitfield Street, subject to approval.

COMMENT

Currently, there are speed plateaus on West Road, near the Bassendean Primary School, to regulate the speed of traffic within the area. One on the south side of the Devon Road and West Road intersection, and two on the south side of the Harcourt Street and West Road intersection.

West Road has been resurfaced a number of times since the speed plateaus were constructed and each time West Road

was resurfaced, the functionality of the speed plateaus were compromised, due to the build up of asphalt.

At present, many students use the speed plateaus as a crossing point. Legally, drivers do not have to give way to pedestrians, utilising the plateaus, however, a number of vehicles do. The Bassendean Primary School is aware of this issue and has run several student educational programs on this matter.

To ensure students have a safe way to cross West Road, the recommendation is to remove the existing flat top speed plateaus, at each location, along with any infrastructure that would encourage pedestrians to use the speed plateaus and install a "Watts Profiled Speed Hump" that will encourage the traffic to slow down.

The estimated cost, for associated works to the remove the flat top speed plateaus and install three new "Watts Profile Speed Hump", is \$33,500.

As Council is aware from previous reports, the Bassendean Primary School's Principal advised that the School's Parents & Citizens' Association submitted an application for a WA Police "Type A" Children's Crossing to be constructed in West Road opposite the School.

The School was successful in its application. The Town supported the application and the application proceeded on the proviso that the Town would construct the necessary infrastructure for the crossing point. The proposed location for the "Type A" crossing is on the northern side of the West Road and Harcourt Street intersection.

The Whitfield Street application for the construction of a "Type A" crossing was not successful.

The estimated cost to complete the associated works for the installation of a "Type A" crossing, at the northern side of the West Road and Harcourt Street intersection is \$19,000.

The parallel parking bays (on-street embayment) on the eastern side of West Road, near the delicatessen and lunch-bar, do not meet current Australian Standards. The width of the on-street embayment is 1.6m-1.7m. Australian Standards call for a width of 2.3m.

At present, a parked car utilising this embayment area encroaches into the traffic lane which means children and parents are disembarking into the traffic lane.

The estimated cost to complete the associated works for the upgrade the on-street embayment (parking bays), on the eastern side of West Road, is \$ 25,500.

As requested by Council, Officers have provided the Bassendean Primary School P & C Association with the proposed plans of the above works. The P&C Association's President provided the following response:

"I am writing in response to a request made by the Principal of Bassendean Primary School in relation to the proposed Children's Crossing outside Bassendean Primary School on West Road.

The P&C has been encouraging for this project to commence and at our last meeting held on October 25; we saw the proposed plans and endorse them.

Thank you for keeping us informed of the progress of this project, and we look forward to having a safer area for our children to walk to and from school"

As there is no approved funding for this project and it was not listed in the Capital Budget 2016-17 officers have discussed, with Main Roads WA, the possibility of staging the project over two financial years. The installation of the "Type A" crossing (\$19,000) and the upgrading of the on-street embayment's in West Road (25,500) is recommended for stage one and the removal and replacement of the three speed humps (\$33,500) would be stage two.

Their response was: *It is possible to stage the project over two years but preference would be to complete it in one year.*

If funding was available and Council resolved to undertake this work, Officers have contacted Private Road Maintenance Contractors to see it was possible to complete this work during the School 2016-17 school summer break. The feedback received was, if the contractor was authorised to commence the work, the work could be completed late January prior to children returning to school or in the April 2017 school holidays.

Potentially, "Roads to Recovery Funding" (R2R) could be used for the entire project and officers have contacted the Department of Infrastructure and Regional Development (Roads 2 Recovery) on this issue and the following response was provided:

The Town is required to write to Roads to Recovery Officers requesting an additional project for this year, the inclusion of this project, if approved, will take the Towns annual Roads to Recovery allocation over its annual allocation budget of \$254,000. The Towns current allocation over the five year period is \$940, 412 (5 year period)

In this year's funding approvals the Department of Infrastructure (R2R) is part funding the Devon Road project and fully funding the Anzac Terrace project (\$200,000).

R2R Officers will check the funds and all other council anticipated projects to see if this can be accommodated but there is no guarantee it will be approved

If the project was to proceed, in the January 2017 quarterly report, the Town will need to request the \$78,000 (full project cost) or the \$40,000 (Stage 1 only) for the project and if approved these funds would be paid to the Town in March 2017. Work will be able to be undertaken in April 2017 (School holidays).

However, using Roads to Recovery funds for this project may delay other Asset Management Plan priority roadworks for 2017/18.

MRRG Funding (2017-18) for Asset Management Planned programmed road projects has been submitted and conditional approval has been provided. (Pending Australian Government & WA Government Budget approval)

The Roads to Recovery project for 2017-18 (Old Perth Road Resurfacing) will not be submitted, for approval, until May/June 2017.

If the additional funding is not approved by R2R Council may resolve to review the Asset Management Plan program priority of 2017-18 R2R projects (Old Perth Road resurfacing) and the Council fully funded project (Lord Street Walter Road "T" section upgrade) so the West Road project can commence.

The following list indicates planned road upgrade works for 2017-18 and approved funding source. MRRG funding will provide two thirds of the project and the Town one third. R2R funding is determined by Council's road works funding commitments.

Road / Street specifications	Estimated Cost	Funding Source	TOB Commitment (Est)
Palmerston Street (Hamilton – Guildford Road) - Resurfacing	\$180,000	MRRG (Pending final approval) \$120,000	\$60,000
Colstoun Road (Guildford Road to Haig Road) Resurfacing	\$75,000	MRRG (Pending final approval) \$50,000	\$25,000
Colstoun Road (Haig to Margaret Street) Resurfacing	\$25,000	0	\$25,000
Colstoun Road (Maley Street Intersection) Resurfacing	\$3,000	0	\$3,000
West Road Old Perth Road Roundabout and approaches - Resurfacing	\$33,000	MRRG (Pending final approval) \$22,000	\$11,000
West Road (Old Perth Road to Guildford Road) Resurfacing	\$125,000	MRRG (Pending final approval) \$83,000	\$42,000
Shackleton Street (Kenny to Geraldine Streets) Resurfacing, Central Medium Island and Water Urban sensitive design)	\$320,000	MRRG (Pending final approval) \$130,000	\$190,000
Old Perth Road (West Road to Brook Street) Resurfacing	\$310,000	R2R (not listed at this time) \$105,000	\$205,000
Lord Street Walter Road “T” section upgrade (OCM 10/4/13) As per local area Traffic Management Plan.	\$240,000	0	\$240,000
Total	\$1,311,000	\$510,000	\$801,000

The Lord Street Walter Road “T” section upgrade has been listed for Council’s budget consideration previously and can be delayed for an additional year, if Council resolves to do so.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment:

Objectives: Provide safe access for all road users

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

FINANCIAL CONSIDERATIONS

There is no current allocation in the 2016/17 Capital Budget for these works to be undertaken. The total cost for all proposed work is estimated to be \$78,000.

In April 2013, Council (OCM-13/04/13) adopted the Local Area Traffic Management Plan and the West Road Traffic Calming Devices and Parking Issues near Bassendean Primary School were not included in this list of priority works.

If the above West Road treatments are to proceed, there is no eligible funding available through the Metropolitan Region Roads Group (MRRG) or Black Spot funding process.

Potentially, "Roads to Recovery Funding" could be used to upgrade the on-street parking bays, on the eastern side of West Road, and the construction of the "Watts Profile Speed Humps".

However, using Roads to Recovery funds may delay other Asset Management Plan priority roadworks that have been programmed, using this funding source for the future.

If no additional R2R funding is available, Officers are recommending that the West Road project near the Bassendean Primary School be included in the 2017/18 Asset Management Plan for consideration in the 2017/18 draft Capital Budget.

If R2R additional funding is approved, it will be fully funded by R2R and no municipal funding is required. If not, Council may resolve to review the Council funded Lord Street/Walter Road "T" intersection project for possible relisting for funding in the 2018-19 Capital Budget. If Council resolves to take this option, any funds remaining can be allocated to other Asset Management priority projects that may not have been allocated funds in 2017-18.

OFFICER RECOMMENDATION – ITEM 10.5

That Council:

1. Receives the information in this report;
2. Requests the Chief Executive Officer to seek additional funding from Roads to Recovery of \$78,000 to complete the West Road project;
3. Notes the using Roads to Recovery funds may delay other Asset Management Plan priority roadworks that have been programmed, using this funding source for the future;
4. Includes the West Road Project cost of \$78,000 in the Town's Asset Management Plan for consideration in the Capital Budget 2017-18; and

5. Writes to the Bassendean Primary School advising that the Town is seeking funding opportunities for this financial year to undertake the project and if unsuccessful will list the project in draft 2017/2018 Capital Works Budget for Council's consideration.

Voting Requirements: Simple Majority

10.6 RFT CO 060 2016-17 Provision of Dog and Cat Impound for the Town of Bassendean (LAW/TENDNG/1 – Mandy Godfrey Contracts Support 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 060 2016-17 - Provision of Dog and Cat Impound for the Town of Bassendean and appoint the most appropriate contractor.

ATTACHMENTS

- Confidential Attachment No. 1

BACKGROUND

Contractors were invited to tender for RFT CO 060 2016-17 Provision of Dog and Cat Impound for the Town of Bassendean via an advertisement in the Western Australian Newspaper on Saturday 24th September 2016.

Currently the RSPCA is contracted, until 3 January 2017, to undertake the provision of the above works and has performed this service to a satisfactory standard.

STRATEGIC IMPLICATIONS

Inclusiveness, lifelong learning, health and social wellbeing

Objectives: Provide a safe environment

Strategies: The standards of provision for services addressing safety and health in the community meet the community's needs.

COMMENT

In response to RFT CO 060 2016-17 - Provision of Dog and Cat Impound for the Town of Bassendean received two (2) tender responses that were received prior to the tender deadline 10.00am on Friday 14 October 2016.

The contract is for a five year period commencing 4th January 2017.

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

Both (2) Tenderers met the RFT compliance requirements. The following index represents the selection criteria and weighting for this contract.

Index:

Selection Criteria 1: Methodology/Approach (60% weighting)

Selection Criteria 2: Tendered Price (40% weighting)

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

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION – ITEM 10.6

That Council appoints the City of South Perth to undertake the work as required in RFT CO 060 2016-17 - Provision of Dog and Cat Impound for the Town of Bassendean in accordance with the specifications and terms and conditions for a five year period commencing 4th January 2017.

Voting Requirement: Absolute majority

10.7 RFT CO 053 2016-17 Purchase of Client Management Software for the Town of Bassendean (INFT/TENDNG/4 – Mandy Godfrey Contracts Support Officer)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender RFT CO 053 2016-17 - Purchase of Client Management Software for the Town of Bassendean (Seniors & Disability Services) and appoint the most appropriate contractor.

ATTACHMENTS

Confidential Attachment No. 2

BACKGROUND

Contractors were invited to tender for RFT CO 053 2016-17 Purchase of client management software for the Town of Bassendean via an advertisement in the Western Australian Newspaper on Saturday 8th October 2016.

STRATEGIC IMPLICATIONS

Inclusiveness, Lifelong learning, Health and Social wellbeing

Objectives: Build a sense of belonging and connectivity in community

Strategies: Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes.

COMMENT

In response to RFT CO 053 2016-17 - Purchase of Client Management Software for the Town of Bassendean (Seniors & Disability Services), no tender responses were received prior to the tender deadline 10.00am on 26 October 2016.

In line with the above Local Government Regulation the Manager Seniors and Disabilities Services sought a quotation from Adamas Corporate Solutions for the above service.

The quote received from Adamas Corporate Solutions still needed to be evaluated through the tender evaluation process to ensure it achieved the required weighting and met all criteria standards.

The contract is for the initial purchase and installation of a Client Management System software package, with annual subscription fees being subject to Council Budget approval.

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

Index:

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

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

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

Selection Criteria 4: Tendered Price (40% weighting)

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

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

Under the Local Government (Functions and General) Regulations 1996 Provision of goods and services Part 4, it states under 11.2(c)(i) Tenders do not have to be publicly invited according to the requirements of the Division if – within the last six months – the local government has according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.

FINANCIAL CONSIDERATIONS

At the OCM-16/7/2016, Council approved access of up to \$100,000 from HACC Asset replacement Reserves for the purpose of purchasing a new Client Management Software (CMS) to replace the current software program CareAssist.

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

OFFICER RECOMMENDATION – ITEM 10.7

That Council:

1. Appoints Adamas Corporate Solutions to undertake the work as required in RFT CO 053-2016-17 - Purchase of Client Management Software; and
2. In accordance with the specifications, terms and conditions for the initial purchase installation and annual maintenance of the Client Management System software package to 30 June 2020.

Voting Requirement: Absolute majority

10.8 Approval of Mary Crescent Reserve Playground Concept Plan (Ref: PARE/MAINT/13 - Tim Dayman, Recreation Development Officer)

APPLICATION

The purpose of this report is for Council to receive and approve the concept plan, designed by EcoScape for the Mary Crescent Reserve nature based playground and provide direction as to whether or not further community feedback is required.

ATTACHMENT

Attachment No. 5:

Mary Crescent Reserve Playground Concept Plan

BACKGROUND

In 2015, Council approved the allocation of \$150,000 for the redevelopment of Mary Crescent playground (OCM-22/02/15). On advice from the Children and Family Services Committee, it was recommended that Nature Play be included in all significant play infrastructure going forward, which included the redevelopment of the Mary Crescent Reserve playground. This figure was amended to \$250,000 in July 2016 to accommodate all ancillary works at the site outside of the playground construction.

After receiving three quotes for the community engagement and design of the new Nature Based Playground at Mary Crescent in July 2016, EcoScape were chosen as the preferred contractor. The Town has now completed the community engagement phase which included an online survey, a workshop held at Alf Faulkner Hall and engagement with the local primary school and child care organisations.

A concept plan was submitted to the Town in early November 2016, based upon feedback and input from the community members who took part. The Town is now at the stage for Council to assess the design and determine whether further community feedback is required prior to the project going to tender for the construction phase of the project in early 2017.

STRATEGIC IMPLICATIONS

This project relates to the following areas in the Town's Corporate Business Plan (2016 -2020):

- Foster enhanced public space;
- Enhanced sense of belonging with residents; and
- Provide a safe environment.

COMMENT

Officers have been meeting regularly as part of a working group, both on and off site with EcoScape to design a concept plan based on community input. The working group has sought advice from the Bassendean Aboriginal Advancement Group and it has been received well.

The Section 18 approval has also been achieved so the Town can conduct works at the site, however, the Town will continue informing the Department of Aboriginal Affairs on the proposed new developments, as per the Conditions of Consent drawn up in 2005. Officers will also consult with the South West Aboriginal Land and Sea Council and provide advice about the playground, in accordance with the March 2005 Aboriginal consultation process, the Department of Aboriginal Affairs' Conditions of Consent and the attached concept plan. A meeting will be held with relevant Aboriginal Elders to obtain their feedback on the draft detailed designs for the playground.

The concept plan has also been forwarded to LGIS for its professional opinion in regards to possible liability and risk management issues that will need to be considered in managing the playground.

EcoScape has also provided an opinion of probable cost which meets the Town's original budget from cash in lieu funds from the Eden Hill Shopping Centre site, which is currently being pursued.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The project is listed in the 2016/17 Budget with a \$250,000 allocation for construction. As cash in lieu funds are to be used for construction only, an additional allocation was made for the design process.

The application for approval to access the cash in lieu funds remains to be confirmed. The project will only proceed once that approval has been received.

OFFICER RECOMMENDATION — ITEM 10.8

That Council approves the concept plan provided by EcoScape for the Mary Crescent Reserve playground.

Voting requirements: Simple Majority

10.9 Nature-Based Regional Playground Location (Ref: PARE/DESCONT/10 - Graeme Haggart, Acting Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive advice of the Regional Playground Working Group of the Liveable Town Advisory Committee on the preferred site for the Nature-based Regional Playground and for Council to resolve at which location the facility is to be built.

ATTACHMENT

Attachment No. 6:

Map of the four sites assessed for the Nature-based Regional Playground

BACKGROUND

This report is being referred directly to Council for determination as the Liveable Town Advisory Committee Meeting scheduled for 29 November was cancelled due to a lack of a quorum. It was intended the item be referred to Council as a recommendation having been considered by the Liveable Town Advisory Committee.

The Town has engaged Nature Play Solutions (consultants) to consult with the community; design the facility; prepare the tender documents; assist with the tender process and selection of builder; and then assist the Town with supervision of construction.

An early priority outcome required of the consultants is to assist with site selection for the facility.

A major consideration in facility design is site location, such that the facility is designed to suit the topography and geographical features of the site.

The consultants met with the Regional Playground Working Group (Working Group), a community reference group of the Liveable Town Advisory Committee on 16 November.

The Working Group is comprised of seven community members and two Councillors (Crs Gangell and McLennan) and has been established to assist with achieving the Regional Playground facility.

At the meeting the Working Group workshopped with the consultant, the community engagement plan and the preferred location for the facility.

Community Engagement Plan

Since mid November, the consultant has been undertaking a program of community engagement to identify community's expectations for the facility.

This has included a web-based survey (that was also available in hard copy from various Council customer service points), an interactive display in the Library (with the information captured daily), a staffed display at the Old Perth Road Markets on 26 November, and a staffed display at the Sundown Showdown event conducted at Sandy Beach Reserve on Saturday 19 November.

Strategies to promote the survey were workshopped by the Working Group, including the role of the Working Group members to promote the engagement opportunities. The Working Group manages a Facebook page for the project.

Locations

The advantages and disadvantages of four identified potential sites were discussed with the Working Group.

The sites included:

- The end of Hamilton Street and including the slope to Ashfield Flats;
- The irrigated area that is Sandy Beach Reserve;
- Part of Lot 646 Kitchener Road, being a parcel of WAPC land to the south of the Sandy Beach Reserve access road (opposite the toilet block); and
- 37A Hardy Road, being the area below the small car park on Hardy Road.

All four sites have advantages and disadvantages.

Regardless of the advantages inherent at both sites, Hamilton Street and Hardy Road sites have major constraints in that car park facilities and ablutions are required to be constructed as part of the project.

With the Hardy Road site, an access road will also be required to be constructed, while the Hamilton Street site has significant additional potential remediation costs. The facility will require to be built on a "clean" site.

It is assumed the cost of this infrastructure and remediation is to be considered a project cost and be borne by the project budget.

In doing so, the effective funding for the actual facility is reduced by one third or more. This was deemed a major determining factor against these sites.

The irrigated Sandy Beach Reserve has the fewest constraints being owned by the Town, and as the supporting infrastructure constraints for Hamilton Street and Hardy Road sites, do not apply. It was however, noted that constructing the facility on the existing reserve will by more than half reduce the accessible space for passive recreation, events and other activity. This was also considered a significant disadvantage.

The fourth site considered, being on the river side and south of Sandy Beach Reserve, is not constrained by supporting infrastructure, but has the limitation of being on WAPC owned land.

WAPC has expressed support for a vesting order over the land being made in favour of the Town.

There exists some concerns within the administration that the Town will be taking on additional river frontage and therefore unknown recurrent maintenance costs.

Close to the river is subject to Aboriginal Cultural Heritage consultation requirements and acid sulphate soil constraints have also been alluded to.

Proximity to the river has the potential for flooding and child safety issues. The facility will be insured and repairable in the event of a flood and fencing, signage and other engineering methods can address child safety.

Having considered the advantages and disadvantages of the four sites, the Working Group agreed to recommend the preferred site for the facility be the WAPC land to the south of the Sandy Beach Reserve access road adjacent to the carpark.

STRATEGIC IMPLICATIONS

This project relates to the following areas in the Town's Corporate Business Plan (2016 -2020):

- Foster enhanced public space;
- Enhanced sense of belonging with residents; and
- Provide a safe environment.

COMMENT

Achieving a Regional Playground facility at Sandy Beach Reserve has been a long held ambition of the community and of Council.

Consideration to Sandy Beach being the site for the development of a Regional Playground was first flagged with the community consultation in the preparation of the 2002 Playground Development Plan.

Achieving a Regional Playground has been a work program item of the Children and Family Services Committee over four terms (8 years) of the Committee until it was disbanded in 2014.

The 2009 Playground Implementation Plan references the Regional Playground for Sandy Beach Reserve.

At the May 2014 Ordinary Council Meeting, Council resolved (OCM-20/05/14) to “consider allocating funding in the 2014/15 Budget for the development of a regional playground in accordance with the Town of Bassendean’s Long Term Financial Plan”.

Council also resolved (OCM-16/5/14) at the May 2014 Council Meeting to purchase Lot 7227 Lord Street, and 48 Chapman Street, Bassendean at nominally 5% their unimproved value from the Crown, and having gained community support, intends to rezone and sell both properties for the proceeds to be directed to developing the Sandy Beach Reserve Regional Playground. This process has now progressed to the Town having signed a Contract for Sale and paying a deposit for each property.

An allocation was made in the 2016/17 Budget to facilitate the engagement of a consultant to design the facility. Following a Request for Quote process, Nature Play Solutions was appointed in October 2016 and has been engaged in consultation with the community over design features since November.

Determining the site for the facility remains a priority, such that the design specific for that space can then proceed.

Following due consideration to various sites “on or near Sandy Beach Reserve”, the Community Working Group established by the Town’s Liveable Town Advisory Group to assist in achieving a Nature-based Regional Playground has recommended that Council resolve to build the Nature-based Regional Playground on part of Lot 646 Kitchener Road, being the WAPC land adjoining Sandy Beach Reserve.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The project design funds are included in the 2016/17 adopted Budget.

OFFICER RECOMMENDATION — ITEM 10.9

That Council:

1. Agrees to the Nature-based Regional Playground being located on part Lot 646 Kitchener Road; and
2. Accepts the responsibility for the ongoing maintenance (ie, Management Order) for that part of Lot 646 Kitchener Road that is required for the facility.

Voting requirements:

Point a - Simple Majority

Point 2 - Absolute Majority

10.10 Council Meeting Briefings Schedule (Ref: GOVN/CCLMEET/1 – Graeme Haggart, A/CEO)

APPLICATION

This report is presented to allow Council consider the success or otherwise of conducting Council Meeting briefing sessions one week ahead of the Ordinary Council Meeting and to then determine what action to take.

BACKGROUND

At the May 2016 Ordinary Council Meeting it was in part resolved (OCM – 29/05/16) that:

“2. Council amends the Council meeting calendar to schedule briefing sessions one week prior to the monthly Ordinary Council Meeting on the third Tuesday of the month commencing at 7.00pm, starting July 2016 for a trial period of six months to be reviewed in December 2016.”

COMMENT

December 2016 marks the end of the six month trial period. Council is requested to consider whether to make the arrangement permanent, or to change the schedule.

Conducting briefing sessions on agenda items one week in advance of the Council Meeting does not necessarily mean an additional meeting date for Councillors, as any inspections are carried out on that same day. However, it does result in spending an additional night in meetings. The question to be asked is whether this additional investment in Councillors' time adds to the understanding of the issues and whether it improves the quality of the report when it reaches Council.

It was articulated in earlier reports on the matter that the briefing sessions are merely question and answer times for clarification purposes and not a place for discussion.

With the Briefing Agenda, confidential information is not provided; financial information is not tabled (as the reconciliation for the month has not been completed); Notice of Motions are not considered; frequently, committee minutes are not included in the briefing agenda as the meetings fall too close to the Briefing to be completed; and Officer reports may be amended following the Briefing Session, such that two versions of the same reports are produced and in the public domain.

While not overcoming the duplication of Agendas issued, the Briefing Session Agenda can be made available electronically to Councillors and on request in electronic form to the public.

Electronic copy would save a considerable amount of staff time and paper with photocopying.

It was also articulated that reports not presented to the Briefing Session may need to wait for up to 6 weeks prior to being presented to Council for determination. It has proved that urgent items are accepted to be included in the Agenda and go directly to Council for determination, such that no extended delay is experienced. This appears has been managed well with satisfactory outcomes.

Options available to Council should it be decided to consider making a change include:

- Returning to conducting the Briefing Session prior to the Council Meetings;
- Holding the Briefing Session on a different night or on a Monday night prior to the Ordinary Council meeting on Tuesday.
- Doing away with Briefing Sessions altogether.

If the decision is to move away from the current meeting schedule, then a change will be required to Policy 6.2 (Council Meeting Schedule) to reflect the change.

STATUTORY REQUIREMENTS

Local Government Act 1995
Policy 6.2 (Council Meeting Schedule)

FINANCIAL CONSIDERATIONS

There is significant staffing opportunity costs associated with holding the Briefing Session one week prior to the Council Meeting. In addition to the Executive, up to eight Officers and Managers can be involved in the Briefing Session. While Executive Officers are salaried, Officers and Managers are entitled to time in lieu and a meal if they are required to be in attendance. The cost for Officers and Managers attending the Briefing Session is estimated to be in the order of \$3,000 per month.

The Council Support Officer estimates that she spends 28 hours to prepare the agenda (although this is likely partly offset by reduced preparation time for the Council Agenda), 3 hours photocopying and one hour setting up the venue.

There are currently significant printing costs given the draft Briefing Agenda is printed for an Agenda Settlement meeting for Officers; reprinted once finalised along with the attachments for Councillors, staff and community members, and then reprinted again as the Council Meeting agenda.

OFFICER RECOMMENDATION – ITEM 10.10

That:

Option 1

1. The current Council Meeting Briefing Session be retained unamended and be conducted one week prior to the Council Meeting and ordinarily be on the third Tuesday of each month;

Or

Option 2

1. Some other option as determined by Council;
2. Should the Council Meeting Briefing Session be changed that Policy 6.2 - Council Meeting Schedule, be amended and local public notice be given advertising the change of schedule to comply with Regulation 12(2) of the Local Government (Administration) Regulations; and
3. The agenda for the Briefing Sessions be made available electronically to Councillors and Staff only and on request to public members.

Voting Requirements: Simple majority

10.11 Review of Policies (Ref: GOVN/CCLMEET/1 - CMT)

APPLICATION

For Council to receive the outcome of a review of Policies and consider the action to take.

ATTACHMENTS:

Attachment No. 7:

- Table of policies with the review outcome by the Responsible Officer for each policy.
- Policies not requiring any change.

BACKGROUND

At the April 2014 meeting, Council adopted (OCM – 8/04/14) the revised Council policies following a process that commenced in August 2013 with the adoption of a new policy framework that saw the suite of policies reduced from 12 Sections to 6 Key Result Areas to align with and reflect the Strategic Community Plan. A principle was adopted in August 2013 for the Policies to be re-written to a new standard format including headings of Objectives, Strategies and Application. These were intentionally made “high level” policies eliminating “procedural content” such that the policies are more robust, requiring less frequent amendment.

The six key themes of the policy framework are:

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

All adopted policies are to be reviewed by December 2016.

COMMENT

With the review of the Strategic Community Plan, it is proposed to merge the “Arts, heritage and culture” and “Inclusiveness, lifelong learning, health and social wellbeing” Key Result Areas to being a single “Social Wellbeing” Key Result Area.

In keeping with the principle of aligning policies with the Strategic Community Plan, it is therefore proposed that the six Key Result Areas will be amended to reflect the change.

Officers have reviewed all policies and determined whether they should be recommended to be deleted or retained.

If the recommendation is that the policy be retained, Officers have then assessed whether the Policy:

- Remains unchanged;
- Requires minor changes to correct errors, anomalies, punctuation etc which do not alter or change the tenor of the policy; or
- Requires more substantive changes.

Policies proposed to be deleted or requiring change are recommended to be referred to a Councillors' Workshop to be held at a date to be determined in 2017.

A number of new policies, including a series of Social Justice Policies, are either in draft form or are to be drafted. It is proposed the new policies also be referred to the Workshop for consideration.

The policies to be considered at the Councillors' Workshop will then be referred to Council for endorsing for a public comment period where deemed appropriate. The outcome of which will then be referred back to Council for the policies to be adopted.

It is recommended that all policies that do not require amending are reconfirmed by Council without further consideration.

However, Council may determine to withdraw select policies for further consideration at the Councillors' Workshop or indeed to refer all policies to a workshop process. Given the extent of work conducted on re-writing the policies in 2014 and of Council's significant input to that process, it is the view of Officers that this is not necessary. Should Council determine to refer all policies off to be workshopped, it is likely a series of workshops will be required.

A further comprehensive review of all of the Town's Local Planning Policies (LPP) will be conducted as part of Council's Strategic Planning Framework (SPF).

Minor changes to several of the LPPs are proposed as they are deemed to not alter or change the tenor of the policies.

In terms of the policies adopted under the Scheme, an amendment may be made to policies without advertising where in the opinion of the local government, the amendment is a minor amendment.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION - ITEM 10.11

That Council:

1. Adopts the revised policy framework to merge the “Arts, heritage and culture” and “Inclusiveness, lifelong learning, health and social wellbeing” Key Result Areas to being a single “Social Wellbeing” Key Result Area;
2. Adopts the following Policies as current and not requiring amendment:

Section 1: TOWN PLANNING AND BUILT ENVIRONMENT	
1.1	CONSERVATION POLICY AND DEVELOPMENT GUIDELINES
1.2	TRAFFIC MANAGEMENT TREATMENT POLICY & GUIDELINES
1.4	STREET NAME & DIRECTIONAL SIGNS
1.6	MAINTENANCE OF RIGHTS OF WAY
1.7	ROAD CONSTRUCTION - UNSERVICED LOTS
1.8	SIGNIFICANT TREE
1.10	STREET TREE PROTECTION
1.12	AMENITY TREE EVALUATION
1.13	DANGEROUS TREES ON PRIVATE PROPERTY
1.14	DESIGN REVIEW PANEL
1.15	ADMINISTRATIVE POLICY FOR DEALING WITH UNREGISTERED HOME OCCUPATIONS
1.16	DEVELOPMENT BONDS - COMPLIANCE WITH CONDITIONS OF PLANNING CONSENT
1.17	FINANCIAL INCENTIVES FOR MUNICIPAL HERITAGE INVENTORY LISTED BUILDINGS
1.18	PUBLIC (PEDESTRIAN) ACCESSWAY CLOSURE
1.19	RIGHT-OF-WAY CLOSURE
1.21	GUIDANCE FOR STREET NUMBERING
Section 1: TOWN PLANNING AND BUILT ENVIRONMENT LOCAL PLANNING SCHEME NO. 10 POLICIES	
LOCAL PLANNING POLICY NO. 1	BASSENDAN TOWN CENTRE AREA STRATEGY
LOCAL PLANNING POLICY NO. 6 -	INDUSTRIAL ZONES DEVELOPMENT DESIGN GUIDELINES
LOCAL PLANNING POLICY NO. 10	WINDOW SECURITY FOR NON-RESIDENTIAL PROPERTY FACADES
LOCAL PLANNING POLICY NO. 13	TREES ON DEVELOPMENT SITES
LOCAL PLANNING POLICY NO. 17	GRADE SEPARATION AT THE CORNER OF GUILDFORD ROAD AND OLD PERTH ROAD

Section 2: ENVIRONMENTAL SUSTAINABILITY AND ADAPTATION TO CLIMATE CHANGE	
2.1	SUSTAINABLE BASSENDEAN POLICY
2.3	NATURAL AREAS MANAGEMENT
2.4	LOCAL BIODIVERSITY
2.5	LANDSCAPING WITH LOCAL PLANTS
2.6	FORESHORE RESTORATION
2.7	ACID SULFATE SOILS
2.9	WATER SENSITIVE URBAN DESIGN AND WATER CONSERVATION
2.10	NUTRIENT AND IRRIGATION MANAGEMENT
2.11	WETLANDS
2.14	PLACEMENT OF ROADSIDE LITTER BINS
Section 3: ECONOMIC WELLBEING AND PROSPERITY	
3.1	HOME BASED BUSINESSES
Section 4: ARTS HERITAGE AND CULTURE	
4.2	PUBLIC ART ACQUISITION & MANAGEMENT POLICY
4.4	FEE FOR SERVICE, COMMUNITY GROUPS, PUBLIC EVENTS
4.5	BANNER POLES
4.6	CIRCUS POLICY
4.7	RECYCLABLE & BIODEGRADABLE PRODUCTS AT TOWN OF BASSENDEAN EVENTS AND FUNCTIONS POLICY
Section 5: INCLUSIVENESS LIFELONG LEARNING, HEALTH AND SOCIAL WELLBEING	
5.2	COMMUNITY AWARDS
5.3	OFFENCES UNDER COUNCIL'S LOCAL LAWS
5.4	FIRE RISK MANAGEMENT POLICY AND MANAGEMENT PRACTICES
5.5	DISUSED VEHICLE
5.6	GRAFFITI
5.7	RODENT CONTROL
5.8	TEMPORARY HOLIDAY ACCOMMODATION IN CARAVANS
5.9	KEEPING OF OTHER CAGE-BIRDS & POULTRY POLICY
5.10	DISABILITY ACCESS and INCLUSION POLICY
5.11	ACTIVE AGEING POLICY
5.12	SERVICES FOR CHILDREN AND FAMILIES
5.13	HYDE RETIREMENT VILLAGE
5.15	SERVICES TO YOUNG PEOPLE
5.17	SPORTS LIGHTING POLICY
5.18	FOOD/SAFE CATERING POLICY
5.19	ALCOHOL AND OTHER DRUGS POLICY
5.20	SUN PROTECTION POLICY
5.21	MENTAL HEALTH POLICY
5.22	RESERVES SPONSORSHIP SIGNAGE POLICY
Section 6: LEADERSHIP AND GOVERNANCE	
6.1	COUNCIL DELEGATES
6.3	COUNCIL PROTOCOLS
6.5	COUNCILLOR PROFESSIONAL DEVELOPMENT
6.6	GIFTS TO DEPARTING COUNCILLORS
6.8	NOTICE OF MOTION
6.9	PUBLICATIONS BY INDIVIDUAL COUNCILLORS
6.10	RECRUITING COMMUNITY MEMBERS ON COUNCIL COMMITTEES
6.13	DONATIONS – FINANCIAL ASSISTANCE
6.14	FESTIVE SEASON OFFICE CLOSURE (ADMINISTRATION)
6.16	PURCHASING
6.18	INVESTMENT
6.22	COUNCILLOR CONTACT WITH ADMINISTRATION
6.24	ASSET MANAGEMENT
6.25	COUNCILLORS' CONTACT WITH DEVELOPERS

3. Holds a Councillors' Workshop in early 2017 to consider the following policies that requirement amendment:

Section 1: TOWN PLANNING AND BUILT ENVIRONMENT		
1.3	PATH NETWORK PLANNING POLICY & GUIDELINES	Amend
1.5	CROSSOVER	Amend
1.9	VERGE TREATMENT AND MAINTENANCE	Amend
1.11	STREET TREE PRUNING, REMOVAL & REPLACEMENT	Amend
1.20	STANDARDS FOR STREET NUMBERING	Amend
Section 1: TOWN PLANNING AND BUILT ENVIRONMENT LOCAL PLANNING SCHEME NO. 10 POLICIES		
LOCAL PLANNING POLICY NO. 2	ENERGY EFFICIENT DESIGN	Amend
LOCAL PLANNING POLICY NO. 3	WATER SENSITIVE DESIGN	Amend
LOCAL PLANNING POLICY NO. 4	FLOODPLAIN MANAGEMENT & DEVELOPMENT	Amend
LOCAL PLANNING POLICY NO. 5	EARLSFERRY HOUSE DESIGN GUIDELINES	Amend
LOCAL PLANNING POLICY NO. 7	LOCAL SHOPPING ZONE DESIGN GUIDELINES	Amend
LOCAL PLANNING POLICY NO. 8	PARKING SPECIFICATIONS	Amend
LOCAL PLANNING POLICY NO. 9	INCORPORATION OF EXISTING DWELLINGS INTO GROUP HOUSING DEVELOPMENTS	Amend
LOCAL PLANNING POLICY NO. 11	LOT 2; 1 ANZAC TERRACE DESIGN GUIDELINES	Amend
LOCAL PLANNING POLICY NO. 12	DEVELOPMENT WITHIN THE STREET SETBACK AREA	Amend
LOCAL PLANNING POLICY NO. 14	ON-SITE STORMWATER POLICY	Amend
LOCAL PLANNING POLICY NO. 15	PERCENT FOR ART POLICY	Amend
LOCAL PLANNING POLICY NO. 16	CONTROL OF ADVERTISEMENTS UNDER THE LOCAL PLANNING SCHEME NO. 10	Amend
LOCAL PLANNING POLICY NO. 18	LANDSCAPING WITH LOCAL PLANTS	Amend
LOCAL PLANNING POLICY NO. 19	PARKING OF COMMERCIAL VEHICLES	Amend
Section 2: ENVIRONMENTAL SUSTAINABILITY AND ADAPTATION TO CLIMATE CHANGE		
2.2	TREATMENT OF WEEDS AND NOXIOUS PLANTS	Amend
2.8	ENERGY USE	Amend
2.12	BULK RUBBISH, GREENWASTE/PICKUP COLLECTIONS PUBLICITY	Amend
2.13	BULK RUBBISH AND GREENWASTE PRUNING PICKUP SERVICE	Amend
Section 3: ECONOMIC WELLBEING AND PROSPERITY		
3.2	OUTDOOR EATING FACILITIES IN PUBLIC PLACES	Amend
3.3	TRADING IN PUBLIC PLACES	Amend
Section 4: ARTS HERITAGE AND CULTURE		
4.1	LOCAL STUDIES COLLECTION - PHOTOGRAPHIC REPRODUCTION POLICY	Amend
4.3	PUBLIC ART POLICY	Amend
Section 5: INCLUSIVENESS LIFELONG LEARNING, HEALTH AND SOCIAL WELLBEING		
5.1	VOLUNTEERING	Amend
5.14	LOCAL STUDIES COLLECTION PHOTOGRAPHIC REPRODUCTION POLICY	Amend
5.16	USE OF COMMUNITY FACILITIES POLICY	Amend

Section 6: LEADERSHIP AND GOVERNANCE		
6.4	COUNCILLOR ALLOWANCES AND EXPENSES	Amend
6.7	ELECTRONIC RECORDING MINUTES OF COUNCIL MEETINGS	Amend
6.11	COLLECTION OF OUTSTANDING RATES AND CHARGES	Delete
6.12	COMMUNICATION & CONSULTATION, COMMUNITY & STAKEHOLDERS	Amend
6.15	FINANCIAL SUSTAINABILITY	Amend
6.17	RISK MANAGEMENT	Amend
6.19	CHIEF EXECUTIVE OFFICER AND EXECUTIVE OFFICERS EMPLOYMENT	Amend
6.20	EMPLOYMENT RELATED BENEFITS	Amend
6.21	PRESENTATION TO STAFF	Amend
6.23	RECORDS KEEPING	Amend

Voting requirement: Absolute majority

10.12 Bassendean River Parks Management Committee Meeting held on 16 November 2016 (Ref: GOVN/CCL/MEET/34 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean River Parks Management Committee held on 16 November 2016.

ATTACHMENTS

Attachment No. 8:

Bassendean River Parks Management Committee Minutes of 16 November 2016.

STRATEGIC IMPLICATIONS

Environmental sustainability and adaption to climate within the Corporate Business Plan 2016-2020:

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

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

COMMENT

Bindaring Park – Final Bindaring Park Desktop Assessment and Stage 2 Specifications

On 17 August 2016, the Committee reviewed and provided feedback to the Town regarding the draft Desktop Assessment. The revised Final desktop report was tabled for the November 2016 Bassendean River Parks Management Committee's consideration

COMMITTEE/OFFICER RECOMMENDATION – ITEM 8.1

RPMC – 1/11/16 MOVED Cr Bridges, Seconded Stephen Lloyd, that the Committee:

1. *Notes the GHD Final desktop report and findings from Stage 1.*
2. *Notes specifications for Stage 2 of Bindaring Park project.*
CARRIED UNANIMOUSLY 7/0

Bassendean Foreshore Precinct Plan

A report was submitted outlining the project proposal to develop a foreshore precinct plan which guides the future use and management of the Bassendean foreshore and the development interface with the Parks and Recreation reserve.

Once the plan is completed it will define acceptable development and land use along stretches of the river park based on an understanding of the wider river system, defining landscape characteristics, local/regional community aspirations and the environmental and cultural values of a locality.

COMMITTEE/OFFICER RECOMMENDATION — ITEM 8.2

RPMC – 2/11/16 MOVED Cr Bridges, Seconded Lucy Bromell, that the Committee notes the status report on the Bassendean Foreshore Precinct Plan.

CARRIED UNANIMOUSLY 7/0

Ashfield Flats Reserve - Land Management

A report was provided to the Committee to provide an update on correspondence written to the Western Australian Planning Commission and the Department of Planning.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 8.3

RPMC – 3/11/16 MOVED Alex Harrison, Seconded Nonie Jekabsons, that the Committee notes the letters written to the Western Australian Planning Commission (WAPC) concerning Ashfield CAN proposal to develop a contemplative and wildlife observation lookout and a separate letter to the WAPC concerning 2017/2018 Riverbank Funding application for an Ashfield Flats Management Plan

CARRIED UNANIMOUSLY 7/0

Water Corporation Stormwater Drains

In October 2016 Council (OCM – 35/10/16) resolved to:

1. *Seeks input from community members/groups and officers for innovative ideas on how to take advantage of the existing green spaces next to Water Corporation stormwater drains in the Town for the purpose of submitting an application/s for the Water Corp Drainage for Liveability Project; and*
2. *Requests that officers collate submissions received and, based on these, prepare a draft application for the Drainage for Liveability Project for consideration by Council.*

The Bassendean River Parks Management Committee, which includes community representatives, suggested two sites to potentially improve water quality and public accessibility for Council's consideration being:

COMMITTEE/OFFICER RECOMMENDATION – ITEM 8.4

RPMC – 4/11/16 *MOVED Lucy Bromell, Seconded Nonie Jekabsons, that the Committee notes Council (OCM – 35/10/16) resolution concerning the Water Corporation's Drainage for Liveability Project and suggests an expression of interest application be collated for:*

1. *The Chapman Street drain between the outlet and the Villiers Street road reserve; and*
2. *The site 17 drain at the corner of Railway Parade and May Holman Drive; and*
3. *Be presented to Council for consideration.*

CARRIED UNANIMOUSLY 7/0

On Tuesday 6 December 2016 at the Council Briefing Session, Councillors noted the Committee's suggestions for the Water Corporation's Drainage for Liveability Project and asked that the broader community be given the opportunity to provide their suggestions.

To reach out to the broader community, the Town will promote the Water Corporation's Drainage for Liveability Project on the Town's Webpage, via the Town's Facebook page and promotional material will be placed at 35 Old Perth Road and the Bassendean Library.

Once the broader community has provided their suggestions to make better use of the green spaces around Storm Water Drains, a further report will be provided outlining the broader community and Committee's suggestions, together with a draft proposal for the Drainage for Liveability Project for Council for consideration.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

In regard to the Bindaring Park project, funding is allocated in the 2016/2017 Budget to progress the specifications for Stage 2 of the Bindaring Park project.

It should be noted that funding has not been listed in the Budget to undertake any works in the Water Corporation drains or associated drainage for the liveability project.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.12

That Council:

1. Notes that once the broader community has provided their suggestions to make better use of the green spaces around Storm Water Drains, a further report will be provided outlining the broader community and Committee's suggestions, together with a draft proposal for the Drainage for Liveability Project for Council for consideration; and
2. Receives the report of the meeting of Bassendean River Parks Management Committee held on 16 November 2016.

Voting requirement: Simple Majority

10.13 Access and Inclusion Committee Meeting held on 23 November 2016 (Ref: GOVN/CCLMEET/16 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Access and Inclusion Committee held on 23 November 2016.

ATTACHMENTS

Attachment No. 9:

Access and Inclusion Committee Minutes of 23 November 2016

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

The main items considered at the meeting included:

NDIS

The Director Engagement with the Perth Hills Trial Site for the National Disability Insurance Agency attended and made a presentation to the Committee.

Ms Stopher discussed that in Western Australia, two systems of delivering NDIS are being trialled – the Commonwealth system that operates in all other states; and the My Way, State based program. The Hills area (Swan, Kalamunda and Mundaring) is the Commonwealth model trial area. The Hills trial area will be expanded from early in 2017 to include Bassendean and Bayswater. At this time, there is no indication as to which model will ultimately be the state-wide model, however, both systems operate under the same principles and from her perspective there appears little difference in outcome for clients.

NDIS has a \$22b recurrent budget and is anticipating registering more than 450,000 clients over the next 3 years Australia-wide. NDIS is the most significant social reform in Australia since the introduction of Medicare.

Shopping Centre Passageway

A report was presented on the outcome of enquiries that were initiated at the last meeting where the issue of the narrow passageway in the Shopping Centre was raised.

The passage to the toilets is almost certainly non-compliant now, but was at the time the Centre was constructed. There was no compulsion to bring the passage to current standards at the time the Centre was renovated. Certification was by an independent Building Surveyor.

The Manager Development Services commented that one avenue that could be explored is whether compliance with universal access requirements can be assessed through the planning process, as in its determination of an application for approval under the Local Planning Scheme, the Local Government is required to have regard to “access by older people and people with disability”.

While this will not address limitations in universal access in the Shopping Centre, it may be a means of assisting with future developments.

The Committee recommends Council resolve the Manager Development Services be asked to prepare a report addressing the ability of the Town to address universal access requirements through the Town Planning process.

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

COMMITTEE/OFFICER RECOMMENDATION — ITEM 10.13

That the:

1. CEO be requested to prepare a report addressing the ability of the Town to address universal access requirements through the Town Planning process; and
2. Report on a meeting of the Access and Inclusion Committee held on 23 November 2016, be received.

Voting requirements: Simple Majority

10.14 General Meeting of Electors Minutes held on 23 November 2016 (Ref GOVN/CCLMEET/6 –Mike Costarella Director Corporate Services)

APPLICATION

The purpose of this report is to consider the minutes of the General Meeting of Electors held on 23 November 2015 in accordance with the Local Government Act 1995.

ATTACHMENTS

Attachment No. 10:

General Meeting of Electors Minutes held on 23 November 2016

BACKGROUND

The General Meeting of Electors for the 2015/16 financial year was held on Wednesday 23 November 2016.

24 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 2015/16 Annual Report and general business.

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, there were some concerns expressed about the content of the Annual Report for the 2015/16 financial year and following discussions on the matters raised, the 2015/16 Annual Report was accepted. There were a number of questions also raised during General Business and attendees discussed the following matters:

- Auditors Report for 2015/16;
- Bassendean Oval/LandCorp development Proposal;
- Town Planning Scheme 4A;
- Ashfield Reserve – Soccer West Proposal;
- 1 Surrey Street Project;

- Lease of Council owned Land;
- Internal Audit Report;
- Complaints Register; and
- Structure Plan Requirements.

Resolutions and Recommendations to Council

The following resolution was passed at the meeting:

MOVED Ms Megan Longwill, Seconded Mr Warren Wright, that a vote of no confidence be shown for Mr Bob Jarvis, CEO and Cr John Gangell, Mayor.

CARRIED 15/2

*15 electors voted in favour of the motion.
2 electors voted against the motion.*

COMMENT

The Acting CEO received the following advice from the Director, Local Government Regulation and Support, Department of Local Government and Communities:

“The decision on whether an elected member should stand down (resign) is for the elected member to make. It’s not a matter that Council can resolve.

Council should note the resolution. It could add a statement similar to my comment above if it felt inclined to do so.

With regard to the CEO, his performance is a matter where Council has jurisdiction. It is not appropriate to discuss his performance issues (if in fact Council has any) in a public forum. I would note the resolution and if needs to be addressed later, do so in the appropriate forum at a later date – ie through a CEO performance review.”

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 receives the report on the General Meeting of Electors Minutes held on 23 November 2016, and the proceedings of the meeting.

Voting requirements: Simple majority

10.15 Audit & Risk Management Committee Meeting held on 7 December 2016 (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 7 December 2016 and adopt the recommendations from the Committee.

ATTACHMENTS

Attachment No. 11:

Minutes of the Audit & Risk Management Committee held on 7 December 2016.

COMMENT

The following items were discussed:

2016/17 Opening Surplus Adjustment/Budget Review

The purpose of this report is to review the opening position of the 2016/17 adopted Budget and propose an amendment to the opening balance, in line with the Audited Annual Financial Statements for the 2015/16 financial year. This item was deferred at the last meeting.

Risk Management Framework - Review on Appropriateness and Effectiveness in accordance with Local Government Audit Regulations

The Committee was requested to consider the CEO's review of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance. This is in accordance with the requirements of the new Audit regulation 17 which requires the report to be submitted to the Audit & Risk Management Committee prior to 31 December 2016.

Outstanding Item from Interim Audit Report 2015/16 (IT Controls – Disaster Recovery Plan

The purpose of this report is for Council to receive the draft Disaster Recovery Plan. The plan outlines the necessary actions to confirm the appropriate procedures are in place to ensure continuity of data processing where a disaster has occurred.

The objective of the DRP is to have in place the required actions to enable speedy recovery and restoration of IT Services that could be disrupted.

COMMITTEE RECOMMENDATION – ITEM 10.15

That the Audit and Risk Management Committee recommends that Council:

1. Receives the report on the meeting of the Audit and Risk Management Committee Meeting held on 7 December 2016;
2. Endorses the following amendments be made to the 2016/17 Budget:

Account Number	Project Name	Adopted Budget	Revised Budget	total Adjustment	Comment
	Transfers from Reserves	(380,000)	(470,000)	90,000	Transfer from the Municipal and Town Planning Reserve for the 1 Surrey Street project
AD1601	Anzac Tce Drainage	300,000	0-	300,000	Budget adjustment November OCM-
212011	Grant Funding for Anzac Tce	(85,022)	0	(85,022)	Budget adjustment November OCM-
131390	Consultant Design Playground	175,000	157,042	17,958	RFQ amount less than Budget
		\$9,978	\$312,958	\$322,936	

3. Accepts the report of the CEO on the review of appropriateness and effectiveness of the Risk Management Systems for the Town of Bassendean; and
4. Receives the Draft IT Disaster Recovery Plan for the Town of Bassendean included as a Confidential Attachment to the Audit and Risk Management Committee Agenda of 7 December 2016.

Voting requirement:
Point 2 - Absolute Majority
Points 1, 3 & 4 – Simple majority

**10.16 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 2016		
Application No	Property Address	Description
201600336	41 CYRIL STREET, BASSENDEAN	BEDROOM EXTENSION
201600330	53 PEARSON STREET, ASHFIELD	DWELLING
201600338	79 IVANHOE STREET, BASSENDEAN	DWELLING - RECORD ONLY - PERMIT ISSUED BY DEPARTMENT OF HOUSING
201600333	6 FREELAND WAY, EDEN HILL	SWIMMING POOL
201600335	95 IDA STREET, BASSENDEAN	STEEL/COLOURBOND ROOF PATIO
201600339	41 CUMBERLAND WAY, BASSENDEAN	DEMOLITION
201600331	31 PENZANCE STREET, BASSENDEAN	ROOF REPLACEMENT
201600298	10 PROWSE STREET, BASSENDEAN	NEW RESIDENTIAL DWELLING
201600272	10 NURSTEAD AVENUE, BASSENDEAN	SHED & PATIO ROOF & RETAINING
201600312	93 OLD PERTH ROAD, BASSENDEAN	INTERIOR OFFICE FIT OUT T28
201600316	69 SCADDAN STREET, BASSENDEAN	SHED
201600314	6 FREELAND WAY, EDEN HILL	POOL FENCE
201600318	69 KENNY STREET, BASSENDEAN	DEMOLITION
201600317	13 CLARKE WAY, BASSENDEAN	PATIO & DECK
201600313	50 HAMILTON STREET, BASSENDEAN	FULL DEMOLOTION
201600319	21 THIRD AVENUE, BASSENDEAN	DEMOLITION
201600234	81 VILLIERS STREET WEST, BASSENDEAN	CARPORT
201600308	9 RIVER STREET, BASSENDEAN	SWIMMING POOL
201600306	2 MARY CRESCENT, EDEN HILL	SINGLE DWELLING AND GARAGE
201600307	31 PARKER STREET, BASSENDEAN	FENCE
201600267	27 NORTHMOOR ROAD, EDEN HILL	CARPORT & DWELLING ADDITIONS
201600341	10 WENDLEBURY WAY, EDEN HILL	FULL DEMOLITION
201600343	2 COLSTOUN ROAD, ASHFIELD	SOLAR PANELS
201600342	30 WILSON STREET, BASSENDEAN	SOLAR ENERGY SYSTEM INSTALLATION

201600340	48 WATSON STREET, BASSENDEAN	FENCE & OUTBUILDING
201600344	70 MARY CRESCENT, EDEN HILL	SOLAR PANELS
201600328	12 BRADSHAW STREET, EDEN HILL	COLORBOND GARAGE PATIO
201600320	41 HARCOURT STREET, BASSENDEAN	MASTER SUITE ENSUITE & WIR
201600324	85 WALTER ROAD EAST, EDEN HILL	INTERNAL FIT OUT FOR DENTAL CLINIC
201600322	32 WALTER ROAD EAST, BASSENDEAN	SWIMMING POOL
201600325	8 TROY STREET, BASSENDEAN	SINGLE DWELLING
201600321	89 FREELAND WAY, EDEN HILL	PATIO
201600323	33 IVANHOE STREET, BASSENDEAN	FIBREGLASS POOL & FENCE

OFFICER RECOMMENDATION – ITEM 10.16

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

Voting requirement: Simple majority

10.17 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 25 November 2016			
Applic No.	Property Address	Type of Development	Determination
2015-145	38 THIRD AVENUE BASSENDEAN 6054	8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2016-119	28 THIRD AVENUE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-133	21 CARMAN WAY BASSENDEAN 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2016-179	123 OLD PERTH ROAD BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2016-180	58 WHITFIELD STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-183	83 IVANHOE STREET EDEN HILL 6054	PATIO	DELEGATE APPROVED
2016-186	13 HAMILTON STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-190	65 WEST ROAD BASSENDEAN 6054	PATIO	STATUTORY ADVICE
2016-191	69 SCADDAN STREET BASSENDEAN 6054	AMENDMENT TO APPROVAL 2016-174 FOR OUTBUILDING	DELEGATE APPROVED

OFFICER RECOMMENDATION – ITEM 10.17

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

Voting requirement: Simple majority

10.18 Use of the Common Seal (Ref: INFM/INTPROP/1 – Yvonne Zaffino, Council Support Officer)

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

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

OFFICER RECOMMENDATION – ITEM 10.18

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

Voting Requirements: Simple majority

10.19 Calendar for January 2017 (Ref: Julie Klobas, A/Executive Assistant)

Mon	2 Jan		Public Holiday
Tue	3 Jan	8.30am	Offices re-open
Tue	24 Jan	7.00pm	Briefing Session – TBC
Thu	26 Jan	10.00am	Australia Day Public Holiday Citizenship Ceremony – Community Hall
		5.00-9.00pm	Australia Day Fireworks – Ashfield Reserve
Tue	31 Jan	12 noon	CEOAC - EMRC
Tue	31 Jan	7.00pm	Ordinary Council Meeting – Council Chamber

OFFICER RECOMMENDATION - ITEM 10.19

That the Calendar for January 2017 be adopted.

Voting Requirements: Simple majority

10.20 Implementation of Council Resolutions (Ref: Yvonne Zaffino, Council Support Officer)

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:

91831	Ken Cardy	OCM-7/11/16, 10/6/16 - Anzac Terrace Traffic Management	Once resurfacing of Anzac Road is completed, new traffic management rubber speed cushions will be installed. Recommend deletion
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REC_NO.	OFFICER	BRIEF_DESCRIPTION	ACTION_TAKEN
ROC16/51610	GRAEME HAGGART	OCM-8/08/16 - ASHFIELD CAN STORAGE CONTAINER PROPOSAL FOR GARY BLANCH RESERVE	THE STORAGE CUBE HAS NOW BEEN INSTALLED. RECOMMEND DELETION
ROC16/52332	SIMON STEWERT-DAWKINS	OCM-26/11/16 POINT RESERVE - ROAD CLOSURE	IN ACCORDANCE WITH OCM 26/11/16 RESOLUTION A LETTER HAS BEEN PREPARED FOR THE A/CEO'S SIGNATURE. LETTER POSTED 7TH DECEMBER 2016. RECOMMEND DELETION
ROC16/52330	BRIAN REED	OCM-23/11/16 NOTICE OF MOTION - CR BRIDGES: LOT 272 HAMILTON STREET BASSENDEAN	THIS PARTICULAR COMPONENT HAS BEEN REMOVED FROM THE PROPOSED OMNIBUS AMENDMENT. RECOMMEND DELETION
ROC16/52333	SALVATORE SICILIANO	OCM-27/11/16 AUSTRALIA DAY WA – CITIZEN OF THE YEAR AWARDS	M R&C IS IN THE PROCESS OF ADVISING ALL NOMINEES AND THE PEOPLE THAT NOMNATED THEM. RECOMMEND DELETION
ROC16/52328	YVONNE ZAFFINO	OCM-12/11/16 MEETING SCHEDULE AND CITIZENSHIP CEREMONIES FOR 2017	MEETING DATES WILL BE ADVERTISED IN ACCORDANCE WITH COUNCIL POLICY. RECOMMEND DELETION

OFFICER RECOMMENDATION – ITEM 10.20

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 13 December 2016 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 12: List of Accounts

BACKGROUND

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

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION - ITEM 10.21

That Council receives the List of Accounts paid for November 2016, as attached to the Ordinary Council Agenda of 13 December 2016.

Voting Requirements: Simple majority

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

APPLICATION

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

ATTACHMENTS:

Attachment No. 13: Financial Reports for November 2016

BACKGROUND

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

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

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

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

COMMENT

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 6.30% ahead of Budget Year to date. Interest on investments, Operating Grants and other revenue are ahead of budget YTD forecasts. Fees & charges are on target.

Total expenditure by nature & type for YTD is 12% below Budget YTD expectations. Employee costs, materials & contracts, other expenditure, and insurance premiums are below anticipated budget levels.

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period's ending the 30th November 2016.

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

OFFICER RECOMMENDATION – ITEM 10.22

That:

1. The Financial Report for the period ending 30th November 2016, as attached to the Ordinary Council Agenda of 13th December 2016, be received; and
2. The budget amendments listed for adoption in the Financial Statements as attached to the Ordinary Council Agenda of 13 December 2016, be approved.

Voting Requirements: Absolute majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Pule: Revocation of part of Item 10.5 of Ordinary Council Meeting of 25 October 2016 (Proposed Omnibus Amendment to the Local Planning Scheme No 10) of that part relating to the properties located substantially in the Flood Way, some 10 properties zoned density code of R5 and proposed to be rezoned R2 - this being section h) in the resolution

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

“That Council revoke that part of the Propose Omnibus Amendment to the Local Planning Scheme No 10 of Ordinary Council Meeting of 25 October 2016, relating to rezoning some 10 properties on West Road located substantially in the floodway from R5 to R2 (house numbers 180, 182, 183, 184, 186, 187, 193, 195 and 199 West Road and 155 Whitfield Street, Bassendean - Section h) in the resolution 10.5).”

Comment – Cr Pule

1. Whilst it is acknowledged that these properties have part of their area in the floodway; to rezone these properties from R5 to R2 makes a large erosion of the current value of these properties to the owners. It is unfair to expect the owners to suffer such a loss, without compensation.
2. The rezoning from R5 to R2 means a reduction of built area opportunity from 2000m² to 5000m² . Some blocks are only 4500m² and that would not even allow building one house.
3. The current policies allow buildings that do not obstruct flood flow by allowing double storey building, with the lower storey designed for clear flow of waters and habitable areas above.
4. This is part of the long term Strategic Plan to improve the quality of life in Bassendean.

Officer Comment

To rescind a Council resolution, it must be signed by 1/3 of the Members of Council.

Cr Brown has signed the Notice of Motion, however, is on Leave of Absence and as such, another Councillor will need to second the motion.

To rescind a Council resolution, would require an absolute majority vote.

The Town would not be liable for compensation if the land were to be down-coded. Local Planning Schemes confer development rights and they may also take away these rights. Compensation would only be available where all development rights were removed.

Each lot would be allowed to build a single dwelling above a 1:100 year flood event that does not obstruct flood waters
The current policy restricts development to a single house as described above.

The intention of the amendment is to restrict development potential to one single dwelling on each of the lots, which is the situation that applied prior to the Commission allowing further subdivision in the Floodway.

Council may consider it appropriate to remove the proposal from the forthcoming omnibus amendment to the Scheme, in which case the issue of the density code of properties located in the Flood way of the Swan River will be addressed as part of the review of the Local Planning Strategy /Scheme.

11.2 Notice of Motion – Cr Pule: Improving service delivery to the Bassendean Community by expanding Ranger Services to include Lux meter readings to monitor streets and parks lighting

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

“That the Town of Bassendean provide Lux Light monitoring meters for all Ranger vehicles with manuals and training for Rangers in their use, to deliver a better community service to Bassendean.”

Comment – Cr Pule

1. Town of Bassendean is always striving to deliver better service to the Bassendean community.
2. There are often inquiries from the public regarding street and parks lighting and having the capacity in our Rangers to take an effective reading results in improving our service delivery to the community and faster repairs.
3. Main Roads, Synergy and Western Power are tending to pull back on checks for standards compliance and fast repair delivery, therefore it is good practice for Local Government to have a better checking method that can verify problems in lighting.

Officer Comment

Hand-held self-contained, automatic luxmeters designed for illuminance measurement range in price from approximately \$400 to \$2,000. Each light meter has a designated range of lux levels it can detect for different situations and therefore the price range as the accuracy of the readings affects the credibility of future measurements.

On the few occasions when Council has requested a lighting assessment, the Town has engaged an independent lighting consultant to undertake the assessments and provide a report recommending what actions, if any, are required.

While taking a light reading is reasonably straight forward, Rangers do not have the training to provide lighting assessment reports.

In addition, the light meters need to be regularly calibrated before taking a measurement, to ensure traceable accuracy. If this calibration is not undertaken by a ISO accredited business, it can mean the difference between passing or failing a lighting assessment.

Considering the infrequency of lighting assessments, it is suggested that the Town engage suitably qualified lighting consultants, if and when required.

11.3 Cr Bridges – Representative on Bassendean River Parks Management Committee

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

“That the CEO write to the Department of Fire and Emergency Services (DFES) inviting them to appoint a representative to the Bassendean River Parks Management Committee (BRPMC) and the instrument of appointment for the BRPMC be amended to include a representative from DFES.”

Officer Comment

The Bassendean River Parks Management Committee’s current Instrument of Appointment states that the membership of the Committee shall consist of 11 members, comprising the following:

1. Two Councillors from the Town of Bassendean;
2. Two Officers from the Town of Bassendean;
3. Three community representatives;
4. One representative from the Department of Planning;
5. One representative from the Department of Parks and Wildlife;
6. One representative from the Department of Water; and
7. One representative from the AshfieldCAN group.

To amend the Instrument of Appointment and Delegation would require an absolute majority vote.

11.4 Notice of Motion - Cr Bridges: Standing Orders Local Law Review

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

“That a report be presented to Council to consider Council’s Standing Orders being amended to include an agenda item of matters of urgent business approved by the Mayor or CEO.”

Comment – Cr Bridges

The Eastern Metropolitan Regional Council agenda contains a standard item that reads ‘New business of an urgent nature approved by the chairman or presiding member or by decision of the meeting’. While this is rarely needed it does demonstrate a weakness in our agendas, probably as a result of the 1995 Local Government Act, in that there is no agenda provision for general business.

This has caused difficulties within committees that contain community representatives and that don't meet on a regular basis as it prevents the inclusion of matters those wish to raise that do not have a prior agenda listing.

While inconvenient these matters can be flagged for the following meeting with officers but there is no provision for inclusion. Rather than have to 'fudge' the minutes to allow discussion, but not a decision, it would be desirable that the chair or committee could determine if an urgent matter should be dealt with in a timely fashion.

This becomes important if grant funding is to be sought for a project and the funding body has a grant deadline. The Town has partially overcome this inconvenience through the formation of the Livable Town Advisory Committee which creates working groups that are less constrained when it comes to meeting procedures.

The intent of this motion is to give Council a level of flexibility to be nimble and able to respond to an unexpected eventuality that may require a determination by Council but not warrant the calling of a Special Meeting of Council.

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

(4) The CEO –

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

(5) A motion of which notice has been given is to lapse unless

–

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

Officer Comment

To amend a Local Law requires an absolute majority vote.

11.5 Notice of Motion – Cr Pule: BBQ Facilities at the BIC

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

1. That, at the February Budget Review, the Town of Bassendean install free gas BBQ facilities for the community, at the BIC post 2016 Budget, if funds are available or that the costs be included in the 2016/2017 Budget;
2. That a targeted program of installing free gas BBQ at other Reserves of the Town, be prepared, costed and scheduled.

Comment – Cr Pule

1. The community has clearly indicated they want value adding facilities on reserves and parks and the BIC has been given the top priority and need to be part of the long term Planning Strategy.
2. With the development already in place on Old Perth Road and further development in the Town Centre, BBQ facilities around the War Memorial is clearly needed and desired by the community.
3. Other main reserves and parks in the Town lack BBQ facilities and the Town has been talking about installing them, but it has not yet been done. It is now time to build BBQ at the BIC in the vicinity of the War Memorial immediately.

4. With the BIC now clearly to remain public open space, as requested by the community; it is unlikely that any community benefit from LandCorp would result in the installing of BBQ at the BIC. Therefore, it is now timely for the Town to prepare a suitable program for improving community services by providing better amenities at the BIC, namely free gas BBQs.
5. This is part of the long term Strategic Plan to improve the quality of life in Bassendean and part of improving Bassendean parks and reserves.

Officer Comment

In 2007, Council (OCM - 13/08/07) considered the 'Enquiry by Design' outcomes and adopted the Bassendean Town Centre Area Strategy & Guidelines, which stated in part, to "*investigate the feasibility of including a perfumed garden within the town park in addition to the water feature previously requested by Council, in the detailed design of the BIC reserve*".

Then in 2013 Council (OCM – 10/02/13) *approved the relocation of the Bassendean War Memorial to the BIC Reserve within a setting of a civic garden in accordance to the Heritage Architect artistic impression and schematic drawings attached to the Ordinary Council Agenda of 26 February 2013.*

As part of the Reconciliation Action Plan Council (OCM - 5/03/13) listed projects and indicative costings for a number of projects, one of which was to provide BBQ facilities at the BIC Reserve.

In addition, the Play Spaces Implementation Plan (OCM-8/3/09, OCM-9/3/09) outlines a proposal for playground equipment on the BIC Reserve.

In September 2016 Council (OCM – 12/09/16) resolved in part:

"BIC Reserve

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

8. *As part of the aforementioned investigation, undertakes a business case (in collaboration with the State) to establish the viability of redeveloping the aforementioned part of lot 8701 and the consideration of including a replacement Town Civic Centre (Town Hall, Council Chambers and administration), a replacement Senior Citizens' Centre, and a replacement Child Health Clinic."*

It is essential that prior to any new infrastructure listed for budget consideration for the BIC Reserve, that Council has in place a BIC Reserve Concept Plan that provides clear and orderly future development, and that the civic functions of the reserve are achieved and not compromised for future generations, due lack of planning.

The 2016/17 budget review considers the adopted capital works program and operating budget amounts to ensure that there are no major discrepancies between the estimated budget amount and the actual costs. If there are additional available funds from the budget review, Officers will refer to the Priorities 2 & 3 from the Capital Works program and if possible, include one or more of those projects.

It is not the practice of the Town to include new projects that have not been included in the Asset Management Plan as part of the budget review process.

Considering the recent Council (OCM – 12/09/16) resolution, it is recommended that initially this issue be resolved and then prior to any infrastructure being installed that funding be allocated to prepare a Concept Plan for the BIC Reserve civic gardens.

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13.0 CONFIDENTIAL BUSINESS

13.1 Registration of Interest for the Purchase and Development of Lot 5 (No. 246) Morley Drive, Eden Hill (Ref: A3693, Brian Reed Manager Development Services)

APPLICATION

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 31 January 2017.