

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

MR GRAEME HAGGART
A/CHIEF EXECUTIVE OFFICER

24 July 2015

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

Cr Brinkworth will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice

Mr Don Yates

Mr Yates asked a question and the following response has been provided by the CEO on 15 July 2015:

“At the Town of Bassendean’s Ordinary Meeting of 23 June 2015 you asked the following question:

“Mr Yates asked for a list of the Town Planning Scheme amendments that the Mayor referred to in the Eastern Reporter of 23 December 2014.

There appears to be no such article in the edition of the 23rd December 2014, at least from the perusal of the edition by staff. If you can provide the page number of the article we will have another look.

If you were referring to the article which appeared the following week (30th December) you should note that the Mayor talks about the Local Planning Scheme being finalised and then a number of reviews and updates that will be undertaken, and the examples he gives are the Streetscape Master Plan and the Heritage Inventory. He does not specifically refer to scheme amendments.”

Mrs Fran Phelan

At the Ordinary Council meeting in June 2015, Ms Phelan referred to the two flooded gum trees at Kelly Park and commented that only one tree is marked significant. The sign should be changed to incorporate both trees.

Ms Phelan also requested the red flowering gum trees in James Street between Old Perth Road and Palmerston Street be listed as significant.

On 3 July 2015, the Mayor received a letter from Mrs Fran Phelan suggesting a number of trees be included into the Significant Tree Register. On 21 July 2015, the Director Operational Services wrote to Mrs Phelan and asked that she complete the Significant Tree nomination forms and submit to Council for consideration.

2.2 Public Question Time

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

2.3 Address by Members of the Public

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Apologies

Mr Bob Jarvis, Chief Executive Officer

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 23 June 2015
(Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 23 June 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 23 June 2015, be confirmed as a true record.

5.2 Special Council Meeting held on 7 July 2015
(Attachment No. 2)

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Council meeting held on 7 July 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Council meeting held 7 July 2015, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

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

At the June 2015 Ordinary Council meeting, it was resolved that this item be deferred and brought back to Council at a later date pending a briefing session with Syrinx.

This item is listed and is to be discussed under Confidential Business – Item 13.2 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.

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 28 July 2015:

Item	Report
10.2	Section 31 – Reconsideration for Proposed Three (3) Multiple Dwellings on Lot 41 (No. 11B) Fifth Avenue, Bassendean
10.3	Industrial Fencing Matters Comprising: <ul style="list-style-type: none"> • Application for Retrospective Approval for Front Fence – Lot 830 (No. 11) Purser Loop, Bassendean • Non-compliance with conditions of Retrospective Approval for Front Fencing – Lots 834 & 835 (Nos. 27 – 31) Purser Loop, cnr May Holman Drive, Bassendean • Unauthorised Front Fence – Lot 837 (No. 76) May Holman Drive, Bassendean
10.4	Draft Perth and Peel @3.5 Million
10.6	Integrated Planning and Reporting Framework - Review of the 2014-2018 Corporate Business Plan and Adoption of the 2015-2019 Corporate Business Plan
10.7	Determinations Made by the Principal Building Surveyor
10.8	Determinations Made by Development Services
10.9	Quarterly Reports for Quarter Ended 30 June 2015
10.10	Bassendean Youth Advisory Council Meetings held in April, May and June 2015
10.11	Economic Development Advisory Committee Meeting held on 17 June 2015
10.12	Children and Family Services Committee Meeting held on 1 July 2015
10.13	Accounts for Payment – June 2015
10.14	Financial Statements – June 2015
10.15	Implementation of Council Resolutions
10.16	Use of the Common Seal
10.17	Calendar for August 2015

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

Item	Report
10.5	Eden Hill Telecommunications Facility Feasibility Investigation: Applicant Visionstream Pty Ltd on behalf of Optus and Vodaphone
13.1	Offer to Purchase 10-14 Parker Street, Bassendean
13.2	Proposed Land Swap of 27L Hyland Street and Part Lot 271; 116 Hamilton Street, Bassendean (see Item 9.1)
13.3	Proposed Development Agreement Bassendean Activity Centre: Town of Bassendean/Swan Districts Football Club/LandCorp

10.2 Section 31 – Reconsideration for Proposed Three (3) Multiple Dwellings on Lot 41 (No. 11B) Fifth Avenue, Bassendean, Owner: RA & JM Byrne, Applicant: Momentum Wealth Projects Pty Ltd (Ref: DA 2014-132/ DR 338 of 2014 Christian Buttle, Senior Planning Officer)

APPLICATION

Council, by virtue of an order made by the State Administrative Tribunal, has been invited to reconsider the Town's decision to refuse an application for planning approval for the proposed development of three (3) multiple dwellings at No. 11B Fifth Avenue, Bassendean.

ATTACHMENTS

Attachment No. 3:

- Notice of determination dated 18 September 2014;
- Report on Petition considered at Council's Ordinary Meeting held November 2014;
- Order of the State Administrative Tribunal dated 24 June 2015;
- Revised drawings date stamped received 20 July 2015; and
- Marked up overshadowing diagram.

BACKGROUND

There is a lengthy history associated with the assessment of the application for planning approval as summarised in the timeline below:

July 2014:	Town receives application for planning approval.
September 2014:	Town refuses the application for planning approval under delegated authority for a number of reasons.
October 2014:	Altus Planning and Appeals submits an application for review (appeal) with the State Administrative Tribunal.
November 2014:	Mediation held by State Administrative Tribunal.
January 2015:	Mediation held by State Administrative Tribunal.
February 2015:	Directions hearing held by State Administrative Tribunal.

- March 2015: SAT hearing on preliminary matter (further comment on this matter provided below).
- May 2015: SAT hearing on preliminary matter concluded and determined in favour of applicant.
- June 2015: Further mediation held by State Administrative Tribunal in relation to remainder of issues.
- September 2015: SAT hearing (to determine remaining issues, if required) resumes.

Preliminary Matter – Compliance with provisions of cl 5.3 of Town of Bassendean Local Planning Scheme No. 10

The particulars of this development are that it incorporates three multiple dwellings on a block of 10m in width with the development configured to incorporate one ground floor dwelling along with an access driveway leading to a car parking area at the rear of the site along with two upper floor dwellings; one of which faces Fifth Avenue above the ground floor dwelling (which also faces Fifth Avenue) and the second upper floor dwelling toward the rear of the development site.

Where development is proposed at the higher density code (as is the case in this instance), clause 5.3 of the Town's Local Planning Scheme No. 10 (LPS10) specifies provisions which must be addressed, including that:

"in the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared accessway, where required to service development to the rear".

The original intent of this scheme provision was to require 'double width frontages' (which ordinarily would have been achieved through lot amalgamation or alternatively the development of a corner lot).

It was not envisaged that this Scheme provision could have been satisfactorily addressed by developing a lot of only 10m in width (as is proposed) with two dwellings in a configuration where one dwelling was positioned above another rather than two dwellings which were positioned in a side by side configuration.

Notwithstanding, in making its determination on this preliminary matter, the Tribunal was guided by the literal wording contained within the Scheme and the Tribunal ruled that the Scheme requirement for the lot to have sufficient frontage to allow at least two homes facing the street was met with the development as configured (one above the other in lieu of two dwellings alongside each other).

The Tribunal's ruling on this preliminary matter will have important implications for the Town's future dealing with other similar applications and results in the need for the Town to acknowledge that two dwellings (one above the other) is a configuration which can be accepted in lieu of development requiring two dwellings in a side by side configuration which has been the Town's directive to applicants since LPS10 was gazetted in 2008.

STRATEGIC IMPLICATIONS

Built Environment

Objective:

- Ensure Town provides choice in housing types.

Strategies:

- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.
- Strive to ensure that higher density housing will have excellent design to ensure that development is people-friendly and attractive.
- Strive to ensure that new housing and, in particular, higher density housing, has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

COMMENT

The application has been assessed against the provisions of the Local Planning Scheme No. 10, the Residential Design Codes (State Planning Policy 3.1) and relevant Local Planning Policies, including the Town's Energy Efficient Design Policy and Water Sensitive Design Policy.

ASSESSMENT

Land use

Multiple Dwellings are a permitted use in the residential zone under the provisions of Local Planning Scheme No. 10.

Housing Density

By virtue of Clauses 5.3.1.1 and 5.3.1.2 of LPS10, the site is to be considered as if the density code is R20, unless Council determines that it is appropriate to develop the site at the higher code of R40.

In order to develop the site at the higher code of R40, Council must be satisfied that the development complies with the following criteria:

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

The following comments are provided in response to each of the matters contained within clause 5.3.1.2:

- a) SAT has ruled that the development is satisfactory in this respect;
- b) The proposed design satisfactorily addresses the requirements contained within Local Planning Policy No. 2 – Energy Efficient Design (Note: in accordance with the provisions contained within clause 5.4 of the Policy, it is necessary for a sun shading device to be provided above the north facing Living Room windows of the ground floor living area of unit 1. This could be dealt with by way of a condition of approval in the event that the proposed development was considered suitable for approval);
- c) The site is vacant and no other identified heritage objectives are compromised;
- d) If the development were to incorporate brick paved vehicle access ways (as shown on the cover sheet of the drawings) in lieu of bitumen paving (as shown on the site and ground floor plans), the development would satisfactorily address this requirement.

This could be dealt with by way of a condition of approval, if Council were inclined to approve the development; and

- e) By virtue of revised drawings dated 20 July 2015 (drawing revision 8) which incorporate increased street setbacks, the development now presents satisfactorily to the street and the streetscape is preserved. Although the development incorporates three dwellings, the development is indistinguishable from a single house in terms of how the development presents to the street.

Having regard to the comments provided above, it is accepted that the proposed development suitably addresses the requirements identified in the Town's LPS10 to facilitate development at an R40 density code.

Compliance with the Residential Design Codes

The refusal issued by the Town in September 2014 listed non-compliance with 13 different areas of the R-Codes including street setback, lot boundary setbacks, open space, street walls and fences, outdoor living areas, landscaping, design of car parking spaces, vehicular access, stormwater management, visual privacy, solar access for adjoining sites, external fixtures, along with utilities and facilities. Some of the originally listed reasons for refusal have been addressed by way of revised drawings and/or additional information, however there are still various components of the design which require consideration and determination against the relevant Design principles contained within the R-Codes. Each of the areas against which the application for planning approval was originally refused is discussed below.

Street Setbacks (Cl 6.1.3 of R-Codes)

The refused plans incorporated a setback of 2.748m to the balcony of unit 2 and 5.148m to the main building structure.

The revised drawings dated 20 July 2015 increase the front setback to 4m minimum to the balcony and 6.5m minimum to the main building structure.

Additionally, the appearance of the front balcony has been 'lightened' by removing solid masonry side walls of 1600mm in height with slatted screens of the same height.

This matter has now been suitably addressed and the plans are acceptable as proposed.

Lot Boundary Setbacks (Cl 6.1.4 of R-Codes)

The proposed development incorporates various side and rear setbacks which do not demonstrate compliance with the DTC provisions of the R-Codes and which must be assessed against the associated Design Principles as described below:

Ground Floor:

Left hand (southern) side:

- Concrete support columns with associated beams above x 6 to side of driveway supporting upper floor units 2 and 3; and
- Steel support column x 1 alongside parking bay No. 1.

Rear (west):

- Boundary wall associated with stores 1 - 3

Right hand (northern) side:

- Boundary wall associated with kitchen and passageway between bed 1 and bed 2. These walls have a combined length of 10.290 metres;
- 1.2m side setback to wall containing major opening (Bed 2);
- Two concrete support columns with associated beams above x 2 supporting upper floor unit 3; and
- Steel support column x 1 alongside parking bay No. 3.

Upper Floor:

Right hand (northern) side:

- 1.64m setback to walls of unit 2 and 3 (measured wall length over 25m);
- 2.2m setback to balconies (measured wall length over 25m)

As the aspects of the development described above do not meet the DTC provisions of the R-Codes, it is necessary that they be considered against the associated Design principles which require:

“Buildings set back from boundaries or adjacent buildings so as to:

- *Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *Moderate the visual impact of building bulk on a neighbouring property;*
- *Ensure access to daylight and direct sun for adjoining properties; and*
- *Assist with the protection of privacy between adjoining properties.”*

The following comments are made in relation to the setback variations which have been proposed:

Left hand side boundary (adjacent to No. 11A Fifth Avenue):

The combined length of wall on boundary for the six concrete support columns and one steel support column is only 2.2 metres in total over an overall boundary length of 49.22 metres (4.5% of length of boundary).

Although the adjoining lot at No. 11A Fifth Avenue is vacant the Town has been provided with preliminary plans which have been prepared by Dale Alcock Homes for the development of a single storey single house on this lot.

Three of the concrete columns are situated alongside blank portions of wall based upon the preliminary plans with the remaining three being situated within the vicinity of habitable rooms. However, noting difference in levels between each of the development sites, each of these columns has a height which is generally commensurate with that of a standard dividing fence. On this basis, no concern is held in relation to the proposed positioning of columns adjacent to the southern boundary of the development site.

Rear boundary (adjacent to No. 16 Fourth Avenue)

The combined length of wall on the boundary for the stores is 8.06 metres and the wall has an average height of around 2.5 metres. As the wall on boundary is situated to the east of the property at No. 16 Fourth Avenue, has a low height and is situated well clear of habitable room windows, no concern is held in relation to adverse amenity impacts on this adjoining property.

Both the owners and occupiers of this property were notified of the proposed development, provided with copies of the plans and invited to make comment and no response was received.

Right hand side boundary (adjacent to No. 13 Fifth Avenue)

The most significant setback variations occur adjacent to No. 13 Fifth Avenue and it is perhaps these variations for which the most in depth consideration needs to be made.

The adjoining property owner has expressed a preference for the building to be set further from the boundary than that shown on the drawings to assist with noise attenuation. The adjoining owner has also expressed a concern that reduced setbacks along this boundary will also result in a more imposing building as viewed from No. 13 Fifth Avenue and add to the darkness and dampness which exists within the side setback area of their property.

The ground floor of the development incorporates two sections of wall on boundary to the kitchen of unit 1 and passageway between bed 1 and bed 2 with a combined length of 10.29 metres. Beyond this there are an additional two concrete support columns which are proposed to be built to the boundary (an additional 700mm in length) and a 100mm steel column (combined total length of 11.09 metres). A window to bed 2 of unit 1 is set back 1.2m from the boundary compared to the 1.5m setback requirement specified within the DTC provisions of the R-Codes. The ground floor walls are considered to be acceptable for the following reasons:

- The development site is located to the south of the adjoining property and accordingly no adverse overshadowing results;
- The southern side of the house at No. 13 Fifth Avenue is blank with the exception of one habitable room to a combined kitchen/dining room;
- The adjoining dwelling at No. 13 Fifth Avenue is set back 3 metres from the dividing boundary with the development site, meaning that there is a separation of 3 metres between the two building structures, even with a wall built to the boundary. This provides an acceptable arrangement from a 'building bulk' perspective; and
- The one habitable room window on the side of the dwelling at No. 13 Fifth Avenue is located within the vicinity of where there is a 'break' between the two sections of wall on the boundary.

While it is acknowledged that the upper floor setbacks are less than would ordinarily be accepted by the Town, on balance the design is considered to be acceptable for the following reasons:

- As the development is located to the south of the adjoining property, no overshadowing results;
- Subject to specified conditions of approval, the upper floor demonstrates compliance with the visual privacy provisions of the R-Codes;
- The majority of the wall in question sits alongside blank wall of the adjoining dwelling, with relatively small portions of the building projecting forward of, or behind, the dwelling at No. 13 Fifth Avenue;
- The 4.6 metre separation which results between the main building structure on the development site and the main building structure on the adjoining property (noting 1.6m setback on development site and 3m setback of adjoining building) is equivalent to the maximum separation distance expected between buildings under the DTC provisions of the R-Codes; and
- The design has been modified in ways which assist the reduction of building bulk as viewed from the adjoining property including: 'breaking' the roof line between the two upper floor dwellings (the original design incorporated one long continuous roof with no visual relief), replacing solid masonry sides to balconies front and rear with more lightweight slatted privacy screens, and use of 'lightweight' cladding to the upper floor wall.

Lot Open Space (Cl 6.1.5 of R-Codes)

The drawings now demonstrate compliance with the DTC provisions of the R-Codes with respect to this matter.

Street Walls and Fences (Cl 6.2.2 of R-Codes)

The drawings now demonstrate compliance with the DTC provisions of the R-Codes with respect to this matter.

Outdoor Living Areas (Cl 6.3.1 of R-Codes)

With the exception of a drafting error (the floor plan drawing erroneously shows the location of balcony balustrade to U2) the drawings now demonstrate compliance with the DTC provisions of the R-Codes. The balustrade matter could be dealt with by way of a condition of approval in the event that the proposed development were considered suitable for approval

Landscaping (Cl 6.3.2 of R-Codes)

The drawings now demonstrate compliance with the Deemed-to-comply provisions of the R-Codes with respect to the amount of soft landscape within the street setback area.

The design does rely on a 'shared space' arrangement with respect to vehicular access and pedestrian path linking car parking areas to entries of the building and the street. This is considered to be acceptable in this instance given that the driveway is only serving three dwellings if paving treatment is differentiated by colour (as shown on the applicant's drawings).

(Bicycle) Parking (Cl 6.3.3 of R-Codes)

Although the drawings were previously acceptable in relation to this matter, the new drawings do not provide a satisfactory arrangement with respect to the requirements of the Codes as they relate to bicycle parking. The R-Codes (through AS 2890.3) require the provision one secure weather protected bicycle parking space for occupiers of the dwellings and an additional visitor bicycle parking space. The application is problematic in that it shows four spaces, however:

- None are secure;
- None are weather protected;
- Two are inaccessible due to the 'tandem' layout which is shown; and
- The 'bays' generally are under width.

If the development as a whole were considered to be suitable for approval, it would be possible to find a location on site to accommodate the required bicycle parking spaces which incorporates specified design requirements and accordingly, this matter could be dealt with by way of a condition of approval.

Design of Car Parking Spaces (Cl 6.3.4 of R-Codes)

The three dwellings are each provided with a single car parking bay along with one visitor bay. Although the number of parking spaces meets R-Code requirements, the design of these car parking spaces, and in particular the number of turning movements which were required to enter and/or exit the car parking spaces, had been a major concern associated with the development, but this has now been resolved with the introduction of a turning plate / vehicle turntable within the parking area on the drawings dated 20 July 2015. The turning plate will now allow vehicles to be positioned to leave the site in an acceptable manner, but it would be appropriate to impose conditions requiring full details of this infrastructure to be provided in conjunction with any building permit and for the turning template to be maintained in an operational manner throughout the life of the development, should planning approval be granted.

The visitor parking space is located at the rear of the site beneath upper floor unit 3. This does not meet the DTC provisions of the R-Codes which require visitor car parking spaces to be *“located close to or visible from the point of entry to the development”*. As such, it is necessary for this aspect of the development to be considered against the associated Design principle which requires car parking spaces to be located so as to be *“conveniently accessed, secure, consistent with the streetscape and appropriately manage stormwater to protect the environment.”*

There are competing demands in relation to this matter: while it would be more convenient for the visitor parking space to be located close to the front of the site (and indeed this is the Town’s normal design expectation), it is more preferable from a streetscape perspective given the very narrow width of the development site, for the visitor bay to be located at the rear of the site as shown on the drawings.

Given:

- (a) The small size of the development (three dwellings only);
 - (b) The very narrow width of the development site;
 - (c) The nature of the street (cul-de-sac / no through road);
- and

- (d) The small number of dwellings within the street (17 existing, a further three proposed for 11B Fifth Avenue and another expected at 11A Fifth Avenue);

it is considered reasonable for the visitor parking space to be located at the rear of the site in this instance noting that:

- (a) It is preferable from a streetscape perspective noting the narrow width of the development site;
- (b) A condition could be imposed on any approval requiring the positioning of the visitor bay to be signposted from the front of the development site, and
- (c) In addition to the visitor bay at the rear of the site, additional kerb side visitor parking is also available at the front of the development site.

If this configuration were to be approved in this instance, it is not anticipated that this would create an undesirable precedent as the overwhelming majority of development sites upon which multiple dwellings are proposed within the Town have a frontage of 20m or more. In these cases, the capacity to provide visitor car parking within the street setback area of the development site is greater and the associated impact of such parking on the streetscape (linked to the dominance of car parking) is proportionately reduced.

Vehicular Access (Cl 6.3.5 of R-Codes)

As previously mentioned, car parking spaces for the development are located to the rear of the site, with occupier spaces being some 41.5 metres from the front property boundary.

The DTC provisions of the R-Codes requires driveways which are designed for two way access to allow for vehicles to enter the street in forward gear where the distance from a car space to the street alignment is 15m or more.

The associated Design principle requires *“vehicular access provided so as to minimise the number of crossovers, to be safe in use and detract from the streetscape.”*

A passing/holding bay has been incorporated into the design alongside the visitor parking bay. This allows vehicles leaving the site to pull into this area if a vehicle has concurrently accessed the site and is moving toward the parking bays.

Notwithstanding the longer than usual driveway length, the single width driveway is considered to be acceptable in this instance given the fact that:

- (a) A passing / holding bay has been incorporated into the design at the rear of the site; and
- (b) The driveway is only serving 3 dwellings and 4 parking spaces in total, meaning that the likelihood of conflict from vehicles passing in opposite directions on the driveway is extremely minimal.

The arrangements above could be supplemented with the need for a 'give way to oncoming vehicles' sign to be erected in the vicinity of the passing area at the rear of the site (so that it is clear to all that vehicles entering the site have priority to vehicles leaving the site) in the event that planning approval were to be granted for the development.

Additionally, it is also necessary for the small landscaping strip which is located to the south of bed 2 of ground floor unit 1 to be removed and replaced with paving to ensure that an adequate driveway width is maintained in this location. Once again, this can be dealt with by way of a condition in the event that the development were to be approved.

At the Councillors' site inspection, a question was asked in relation to whether or not the design incorporated sufficient clearance for vehicles, noting that it is necessary for vehicles to drive beneath the upper floor dwellings to access the car parking area at the rear of the site.

AS 2890.1 – Parking Facilities Part 1: Off-street car parking (clause 5.3) deals with this matter. It states that *“to permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2200mm”*. It also goes on to say that the minimum available clearance shall be signposted at all entrances and that *“appropriate warning devices such as flexible striker bars shall be provided in conjunction with the signs wherever the clearance shown on the signs is less than 2.3m”*. The drawings show a clearance of approximately 2330mm, however to ensure that compliance with AS2890.1 is maintained in conjunction with the preparation of working drawings for a building permit, it would be appropriate to reinforce these requirements by way of conditions in the event that approval were granted.

Stormwater Management (Cl 6.3.8 of R-Codes)

The drawings now demonstrate compliance with the Deemed-to-comply provisions of the R-Codes with respect to this matter.

Visual Privacy (Cl 6.4.1 of R-Codes)

Although the drawings can be said to demonstrate compliance with the Deemed-to-comply provisions of the R-Codes, the adjoining property owner at No. 13 Fifth Avenue has expressed a desire to see visual privacy screening to the opening on the northern side of the building between the upper floor bed 2 of each dwelling and for any visual privacy screening on the northern side of the building to be 1.8 metres in height in lieu of 1.6 metres in height. In the context of the development this is considered reasonable and could be imposed on any approval that was to be issued for the development.

Solar Access for Adjoining Sites (Cl 6.4.2 of R-Codes)

As previously identified, the adjoining property to the south (which is 494 sq. metres in area) is undeveloped, although the Town has been provided with preliminary plans for the development of a single storey single house on this lot.

For assessment purposes, the adjoining property must be assessed against the R-Code provisions as they apply at an R20 density code (DTC provisions allow for 25% shadow to be cast at noon on 21 June 2015). Having regard to the 494 sq. metre lot size, this equates to an 'as of right' entitlement for up to 123.5 sq. metres of the adjoining property at No. 11A Fifth Avenue to be cast in shadow by the proposed development.

The applicant's drawings show that the proposed development will cast approximately 163 sq. metres or 32.9% shadow on the adjoining property and accordingly this component of the application must be assessed against the associated Design principles which require:

“Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:

- *Outdoor living areas;*
- *North facing major openings to habitable rooms, within 15 degrees of north in each direction; or*

- *Roof mounted solar collectors.”*

The adjoining property is of the kind that is most vulnerable to being overshadowed, being a narrow east west oriented lot which is located to the south side of the development site.

The R-Codes acknowledge in these circumstances that a degree of overshadowing is unavoidable and that the primary focus of consideration should be on what is being overshadowed rather than the specific percentage of overshadowing.

In this respect, an analysis of the plans which have been submitted for approval along with the preliminary plans that have been provided for the adjoining property shows that if the extent of shadow were reduced by 1.02 metres in depth along the length of the proposed development, compliance with the DTC provisions of the R-Codes would be achieved, but would be no discernible improvement provided to the adjoining property owner as the additional area which would be 'relieved' of shadowing would primarily be roof area, while there would be no change to key areas which could benefit from reduced shadowing, such as habitable room windows along the side of the proposed building.

The draft drawings for the adjoining property show an outdoor living area to the rear of the dwelling (including Alfresco) of approximately 160 sq. metres, approximately 21 sq. metres of which (13%) is affected by the shadow. The extent of outdoor living area affected by shadowing is acceptable.

A marked up plan which provides a diagrammatic explanation of what is discussed in this component of the report has been provided as an attachment.

On this basis, it is concluded that the extent of shadow cast by the proposed development, while not demonstrating compliance with the DTC provisions of the R-Codes would not necessarily provide any distinguishable improvement to the adjoining property and on this basis it is concluded that the shadowing can reasonably be accepted.

External Fixtures (Cl 6.4.5 of R-Codes)

The drawings now demonstrate compliance with the Deemed-to-comply provisions of the R-Codes with respect to this matter.

Utilities and Facilities (CI 6.4.6 of R-Codes)

The drawings now demonstrate compliance with the Deemed-to-comply provisions of the R-Codes with respect to this matter.

Neighbour Consultation

Neighbour consultation was most recently undertaken in relation to amended plans dated 30 June 2015 with owners to both sides and rear of the development site. This was the first time that the proposed development had been advertised to the owners of the property to the rear of the development site, and resulted from a design change which pushed storerooms to the back boundary (these stores had previously been set off the boundary).

Although the amended plans were discussed with neighbours, no new submissions were made as a result of this advertising beyond those which had previously been made to the Town. Separate to this advertising, a neighbouring property owner expressed traffic related concerns which are summarised as follows:

- The narrowness of the road pavement and the associated high levels of street parking which already occur within this section of Fifth Avenue which would be exacerbated with the proposed development; and
- Lack of sight lines associated with the crest of the hill which is located within the vicinity of No. 5 Fifth Avenue and associated safety concerns.

Comments previously provided in relation to the proposed development, along with an Officer response, are addressed below:

Submitters' Comment:

Lack of access for emergency vehicles, other vehicles and traffic hazard generally. The narrow width of road pavement within this section of Fifth Avenue (approximately 5.25 metres).

Officer Response:

It is acknowledged that the width of the road pavement within this section of Fifth Avenue (at approximately 5.25 metres) is narrower than the majority of streets within the Town.

The Councillors' site inspection held Tuesday 21 July was attended by a large number of local residents.

Notwithstanding the outcome of the determination of this application, it would be prudent for the Town's Operational Services Directorate to undertake a review of parking arrangements within the cul-de-sac section of Fifth Avenue to ascertain whether or not there is a need to consider parking restrictions on one side of the street to alleviate concerns that have been raised in relation to emergency vehicle access, traffic hazard and congestion within the street generally linked to parked vehicles.

If this matter was reviewed and changes implemented (if deemed appropriate following such review) it is considered that this has the capacity to address much of the concern that local residents have expressed in relation to the proposed development.

Submitters' Comment:

Precedent for future development.

Officer Response:

Each application for planning approval needs to be judged on its own individual merits, so if planning approval were to be granted for the proposed development it wouldn't act as a precedent per se. Whichever way the application is determined, it is acknowledged that a precedent has been set by the State Administrative Tribunal in relation to the 'two dwellings facing the street' requirement of the Town's LPS10.

Submitters' Comment:

Community values and expected form of development. Higher density housing should be situated in more appropriate locations such as the Town Centre or close to a train station but not in a cul-de-sac with a traditional form of development with limited vehicular access.

Officer Response:

While the submitter's comments are acknowledged, the development site is situated within around 550m walking distance of the Bassendean train station which is a locational siting which places it within an area for intensified development by both the Town via the Local Planning Strategy and the State Government.

Submitters' Comment:

R-Code and Local Planning Scheme compliance. Concerns identified in relation to height, overshadowing, privacy, and narrow width of block for type of development proposed.

Officer Response:

The proposed development sits within the two storey height limit which is assigned to all residential zoned land within the Town. Detailed comments in relation to other R-Code matters have been provided elsewhere within this report.

In relation to the narrow width of the block relative to the type of development which has been proposed, the Town acknowledges and shared this concern, but unfortunately was unsuccessful in the SAT process which has already run in relation to this matter.

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10 and the Residential Design Codes of Western Australia.

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

- “(b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (y) any relevant submissions received on the application;*

- (z) *the comments or submissions received from any authority consulted under clause 10.1.1; and*
(za) *any other planning consideration the local government considers relevant.”*

In the event that Council was to refuse the application for planning approval, the application for review would proceed to a final hearing.

FINANCIAL CONSIDERATIONS

If Council were not to endorse the Officer recommendation contained within this report, there would be need to engage an external planning consultant to defend Council’s decision and costs would be incurred in relation to the planning consultants subsequent dealings with the application for review.

Conclusion

As identified within this report, the application for planning approval was originally refused by the Town under delegated authority in September 2014 for perceived non-compliance with the provisions of LPS10 relating to the insufficient frontage of the development site to accommodate the form of development proposed, along with a number of areas where the proposed development was non-compliant with provisions of the R-Codes.

SAT has already ruled on the Scheme matter, and many of the R-Code components of the development have also been satisfactorily addressed. It is acknowledged, however, that there are remaining R-Code matters which Council must be comfortable have been suitably addressed if it were inclined to support the development, in relation to the following matters:

6.1.4 – Lot Boundary Setbacks and associated Design Principles, requiring:

“Buildings set back from boundaries or adjacent buildings so as to:

- *ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *moderate the visual impact of building bulk on a neighbouring property;*
- *ensure access to daylight and direct sun for adjoining properties; and*
- *assist with the protection of privacy between adjoining properties”;*

in relation to zero setbacks on the ground floor adjacent to the left hand (southern), rear (western) and right hand (northern) boundaries of the development site and upper floor side setbacks adjacent to the right hand (northern) property boundary.

6.3.2- Landscaping and associated Design Principles, requiring:

“The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:

- *meets the projected needs of the residents;*
- *enhances security and safety for residents; and*
- *contributes to the streetscape”;*

in relation to the need for pedestrian safety having regard to the need to share the same space as vehicles.

6.3.3 – Parking and associated Design Principles, requiring:

“Adequate car and bicycle parking provided on-site in accordance with projected need related to:

- *the type, number and size of dwellings;*
- *the availability of on-street and other off-site parking; and*
- *the proximity of the proposed development in relation to public transport and other facilities”;*

in relation to bicycle parking provision which is designed to meet the standards specified within AS2890.3 (as amended).

6.3.4 – Design of Car Parking Spaces, requiring:

“Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with streetscape and appropriately manage stormwater to protect the environment”;

in relation to the positioning of the visitor car parking space on site.

6.3.5 - Vehicular Access, requiring:

“Vehicular access to be provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape”;

in relation to the driveway design not allowing two way vehicle movement.

6.4.2 - Solar Access, requiring:

“Development designed to protect solar access for neighbouring properties taking account of the potential to overshadow existing:

- *outdoor living areas;*
- *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
- *roof mounted solar collectors”;*

in relation to the extent of shadow that the proposed development would cast on the adjoining property to the south.

Having regard to the comments that have been provided within the report, and on balance, having regard to the development that has been proposed, Officers have formed the position that the development as proposed (and subject to suitable conditions, including special conditions to address the areas identified within the report), should be approved.

It is clear, having regard to the petition which was submitted during the assessment of the application and from comments made during the Councillors’ inspection of the site, that a major concern of local residents relates to traffic, parking, street congestion and associated safety concerns.

Accordingly, and in order to address this local resident concern which has been expressed in this respect, it is recommended that in addition to this particular development being approved, that a review of traffic controls and parking restrictions within the cul-de-sac section of Fifth Avenue between Railway Parade and Anzac Terrace be undertaken by the Town’s Operational Services Directorate and that a further report on findings and associated recommendations for change (if any) be presented to Council for consideration.

OFFICER RECOMMENDATION — ITEM 10.2

- (a) That in response to the invitation given by the State Administrative tribunal in its Order dated 24 June 2015 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants planning approval for the proposed three (3) multiple dwellings at Lot 41 (No. 11B) Fifth Avenue, Bassendean, subject to the following conditions:
1. Full detail of the vehicle turning plate / turntable being provided in conjunction with the application for a building permit to the satisfaction of the Town;
 2. The vehicle turning plate / turntable being installed and maintained in an operational manner throughout the life of the development;
 3. The building being provided with a sun shade of 750mm in depth and covering the full length of sliding door to the north face of the ground floor living room of unit 1 being provided to the building;
 4. The vehicular driveway being brick paved in lieu of bitumen paved and being flush with, but of a contrasting paving colour to the paving associated with pedestrian access;
 5. The positioning of balcony balustrade on the street side of the balcony to unit 2 being adjusted in order that it matches the location of the balcony balustrade on the rear face of the balcony of unit 3;
 6. Bicycle parking spaces shown on the approved plans being removed and replaced with a minimum of 2 replacement spaces, 1 of which shall be secure and weather protected and both of which shall be designed to address the requirements contained within AS2890.3 (as amended);
 7. The location of the visitor parking bay at the rear of the site shall be sign posted from the front of the site to the satisfaction of the Town;
 8. A 'give way to oncoming vehicles' sign shall be located within vicinity of the exit from the rear parking area to the satisfaction of the Town;
 9. The minimum available vehicle clearance being signposted at the vehicular entrance to the building as specified within clause 5.3 of AS 2890.1 – Parking Facilities Part 1: Off-street car parking;

10. The drawings submitted for a building permit maintaining compliance with the 2200mm clearance from vehicular paving level to any overhead obstruction as specified within AS 2890.1 – Parking Facilities Part 1: Off-street car parking;
11. The landscaping between the pedestrian path and vehicle driveway which is located to the south of the bed 2 window of unit 1 shall be removed and replaced with vehicle driveway;
12. Visual privacy screening shall be provided to the opening between bed 2 of unit 2 and bed 2 of unit 3 to 1.8 metres above the floor level of the upper floor dwellings;
13. Visual privacy screening to upper floor balconies and other elevated walkways, where shown on the approved drawings or required by way of conditions of approval, shall be 1.8 metres in height above floor level and shall incorporate a maximum 50mm gap between slats and no more than 25% of the surface area being open;
14. A detailed and professionally prepared landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public realm adjoining the development site, including, but not limited to:
 - (a) Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
 - (b) Low water use;
 - (c) Landscaping of the verge area adjacent to the development site, including the provision of one street tree of a minimum of 2.0 metres in height at the time of planting of a species which accords with the Town's adopted Street Tree Master Plan; and
 - (d) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months;

Landscaping design and species selection shall pay particular attention to provisions contained within the Town of Bassendean Local Planning Policy No. 18 – Landscaping with Local Plants. Artificial turf shall not be used in any component of the proposed landscaping;

15. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
16. Provision of lighting to pathways and car parking areas;
17. Separate approval being obtained from the Town's Asset Services for the proposed crossover and the crossover being constructed in accordance with that approval. The pedestrian path within the verge area alongside the crossover and the bin collection pad shall be deleted from the plans;
18. The existing crossover being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
19. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
20. Each dwelling being provided with one car parking space. Such arrangement shall be reflected on any subsequent strata plan for the property;
21. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
22. Details of stormwater disposal being submitted for the approval of the Town in conjunction with or prior to the issue of the Building Permit, in accordance with Local Planning Policy No. 14 – On-Site Stormwater Policy;
23. Prior to the issue of a building permit a development bond for the sum of \$1,500 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;
24. The street number being prominently displayed at the front of the development;
25. The unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling;
26. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height. Where the ground levels vary on either side of the fence, the required 1.8 metre height shall be measured above the higher ground level;
27. The provision of letterboxes in materials to complement the development to the satisfaction of the Town;
28. Any external clothes drying facilities being screened from view from the street or any other public place at all times;

29. Air-conditioning units and external fittings shall be incorporated into the building or screened from view. External air-conditioning condenser units shall be positioned as shown on the approved drawings unless otherwise approved by the Town;
30. A Waste Management Plan (WMP) is to be submitted for the Towns approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
 - (a) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the on site separation of materials for recycling and the expectations of owners and/or tenants;
 - (b) Site Plan showing the location and size of the on-site rubbish disposal area, including the number of general rubbish and recycling bins to be provided for the development, including sharing arrangements where the number of bins is less than the number of dwellings;
 - (c) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
 - (d) Details of arrangements for transferring bins from the bin storage area to the verge for collection and subsequently from the verge back to the bin storage area, including timeframes at each stage;
 - (e) Details of where the bins would be located when waiting collection;
 - (f) Details of advice to be provided to owners and occupiers regarding the WMP; and
 - (g) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development;

31. The bin storage area is:
 - (a) To be provided with a self closing gate;
 - (b) To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;
 32. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles;
 33. Boundary walls being finished to the satisfaction of adjoining property owners or in the case of a dispute to the satisfaction of the Town;
 34. The buildings hereby approved shall not be occupied until all of the conditions of planning consent have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period; and
 35. The issue of a building permit prior to the commencement of any on-site works;
- (b) A review of traffic controls and parking restrictions within the cul-de-sac section of Fifth Avenue between Railway Parade and Anzac Terrace be undertaken by the Town's Operational Services Directorate and that a further report on findings and associated recommendations for change (if any) be presented to Council for consideration; and
 - (c) The applicant, submitters, petitioners and the State Administrative Tribunal be advised of Council's decision.

Voting Requirement: Simple majority

10.3 Industrial Fencing Matters comprising:

(a) Application for Retrospective Approval for Front Fence – Lot 830 (No. 11) Purser Loop, Bassendean, Owner: Special Piping Materials (WA) Pty Ltd, Applicant: Vespoli Constructions (Ref: 2015-025)

(b) Non-compliance with conditions of Retrospective Approval for Front Fencing – Lots 834 & 835 (Nos. 27 – 31) Purser Loop, cnr May Holman Drive, Bassendean. Owner: Levata Pty Ltd (Ref: 2014-074)

(c) Unauthorised Front Fence – Lot 837 (No. 76) May Holman Drive, Bassendean, Owner: C.W. & Y.M. Cunningham (Ref: 2013-125 - Christian Buttle, Senior Planning Officer)

APPLICATION

This report covers three industrial fencing matters being:

1. Dealing with an application for retrospective approval for a front fence at Lot 830 (No. 11) Purser Loop, Bassendean;
2. Considering whether or not prosecution action should be commenced in relation to a breach of planning approval associated with the planning approval issued for front fencing at Nos. 27-31 Purser Loop, cnr May Holman Drive, Bassendean; and
3. Considering whether or not some form of enforcement action should be commenced in relation to an unauthorised front fence that has recently been constructed at No. 76 May Holman Drive.

ATTACHMENTS

Attachment No. 4:

- Location Plan showing properties which are the subject of the report (red pinned);
- Conditions of Planning Approval for Development at No. 11 Purser Loop, Bassendean; and
- Council's adopted Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines.

BACKGROUND

An application for the return of a development bond for the completed industrial development at No. 11 Purser Loop was received in December 2014. The site was inspected on 18 December 2014, at which time it was observed that front fencing (along the front property boundary) had been constructed in conjunction with the development. The plans upon which the Town issued planning approval for on 30 October 2013 showed no front fencing for the development and condition 2 of the planning approval for the development stated *“all fencing to be set back a minimum of 2 metres from the primary road frontage, behind the front landscaping strip.”*

Owing to the non-compliance with conditions of planning approval, the Town declined to release the development bond which was being held for the property. In response, Vespoli Constructions (the builder) made application for retrospective planning approval in an attempt to address the matter.

In considering the application, it became apparent that there was a breach of conditions of planning approval for the properties at Nos. 27-31 Purser Loop (for which the same type of fencing matter was considered by Council in 2014) (Nos. 27-31 Purser Loop and No. 11 Purser Loop are separated by only three lots). It was then further observed that an unauthorised fence had recently been constructed at No. 76 May Holman Drive (No. 76 May Holman Drive is located directly opposite No. 31 Purser Loop). Having regard to the circumstances described above it was considered appropriate to report on all three matters concurrently.

STRATEGIC IMPLICATIONS

Built Environment

Objective:

- Foster enhanced public space and street appearance.

Strategy:

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

COMMENT

11 Purser Loop, Bassendean

As discussed in the background section of this report, the existence of the fence at No. 11 Purser Loop became apparent late last year after the Town had been called upon to return a development bond. An application for retrospective planning approval was subsequently made to the Town with the following supporting written advice:

“The main issue in the above list is the fence being installed in the wrong location and not meeting condition 2 in the approved DA. To resolve this we propose to increase the number of small shrubs in the landscaping area. By doing this we will increase the look of the landscaping and go over the minimum requirements, we hope this meets the satisfaction of the Bond agreement as to remove the fence and relocate will be an extremely costly exercise and the block being on a cul-de-sac kind of setup I don't feel the fence is obstructing any line of site going around the corner or causing any obstruction to adjoining lots. Vespoli constructions would deeply appreciate it if we can resolve this and work together with the Town of Bassendean.”

During the assessment of the application for planning approval, the applicant was asked what had led to the fence being constructed, as it had been in conflict with the planning approval that had been issued for the site. The following response was provided:

“During the working drawings stage after the DA was approved the client requested a fence to the front and right side boundary, this was included on the building permit, we placed the fence on the boundary matching what was done in the areas as 75% of the adjoining lots had the fence on the boundary (some photos attached). I didn't see the DA condition stating that it had to be installed 2m from the boundary and leads us to where we are now.”

During the Councillors site inspection held 21 July 2015, it was noted that the fence at the property alongside the development site (No. 7 Purser Loop) was set back in accordance with Policy requirements.

The key question for consideration is whether or not the configuration that is now proposed would have been approved if it had been shown as part of the original application.

This question was considered by Officers following receipt of initial contact by the builder and it was determined that such a configuration would not have been supported, as it was inconsistent with Council's adopted policy position, and there was no apparent planning argument in support of the alternative configuration.

27-31 Purser Loop, Bassendean

At its meeting held 28 May 2014, Council considered an application for retrospective approval for a front fence at Nos. 27-31 Purser Loop and resolved to refuse the application for the following reasons:

- "1. The granting of retrospective approval for the fencing would be contrary to the substantive planning approval issued for development of the site in 2012; and*
- 2. The granting of retrospective approval for the fencing would be contrary to the provisions of Council's adopted Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines."*

An application for review was subsequently made to the State Administrative Tribunal and as a part of that review process, Council was invited to reconsider its original decision to refuse the application for planning approval. The matter was subsequently further considered by Council at its meeting held 23 September 2014, at which time Council resolved to approve the application for planning approval subject to the following conditions:

- "1. Landscaping to be completed in accordance with the approved landscaping plan and maintained in perpetuity.*
- 2. Landscaping around the entirety of the perimeter of both Lots 834 and 835 shall be completed by no later than 30 November 2014.*
- 3. The remainder of the verge area of both lots shall be developed with grass and street trees in accordance with the Town's approved street tree master plan.*
- 4. The verge areas being reticulated."*

Recent inspections (including during Councillors' site inspections on 21 July 2015) show that the conditions of approval requiring the site to be landscaped in accordance with approved landscape plan (which included 460 plants) along with street trees in accordance with the Town's approved Street Tree Master Plan is not being complied with.

It is recommended that the owner be invited to be rectify the situation within 28 days, and if they fail to do so within this timeframe, that the Town's solicitors be engaged to commence formal prosecution action with a view to facilitating the completion of required works in a timely manner.

76 May Holman Drive, Bassendean

On 24 February 2014, the Town granted planning approval for the development of a Warehouse, Workshop and Office at No. 76 May Holman Drive, Bassendean.

During the assessment of the application for planning approval, the drawings included a front fence which was shown to be constructed along the front property boundary. The designer, project manager and property owner were invited to set the alignment of the fence back behind the landscaping strip in accordance with the provisions of the Town's adopted Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines. The response to this invitation was to remove the fence from the drawings and following this design, change, along with other required design adjustments, planning approval was subsequently granted.

Condition 5 of planning approval for this development requires *“any fencing to be set back a minimum of 2 metres from the primary road frontage, behind the front landscaping strip.”*

The development was subsequently completed and inspected during March 2015. Although a fence was not present at that time, a fence was subsequently observed during the assessment of the application for retrospective approval of fencing at No. 11 Purser Loop.

The property owner has been invited to either:

- (a) Relocate the fence to accord with the planning approval for the site; or
- (b) Make formal application for retrospective planning approval in an attempt to have the fence approved on the alignment to which it has been constructed.

Although the owner is yet to pursue either of these alternatives, it was considered to be prudent to also include this property within this report, given its proximity to the other properties for which the report also relates.

During the site inspection that was held on 21 July 2015, it was observed that the alignment upon which the fence at No. 76 May Holman Drive had been constructed, matched the alignment of fencing for properties to the left at No. 80 May Holman Drive and to the right at No. 72 May Holman Drive. A check of the Town's records for these properties during the preparation of this report shows that:

- No 80 May Holman Drive (left hand side): Planning Approval was issued November 2011. No fencing was shown on the approved drawings. Fencing has been erected post February 2014 and was installed without application being made to the Town (and contrary to the Town's requirements); and
- No. 72 May Holman Drive (right hand side): Planning approval for the main development was issued in 2008 and a fence approval was issued by the Town in January 2011, at a time when Council's policy did permit fencing on the front property boundary.

The discovery that the fence at No. 80 May Holman Drive, cnr Alice Street, has also been constructed contrary to the Town's requirements and without approval puts a different perspective on what was observed on site on 21 July 2015 (where it was observed that the fence at No. 76 May Holman Drive would have been the exception, if it had been set back) and leads to consideration that it would be appropriate for a wider audit of this matter to be undertaken and for the fencing provisions within the Town's LPP6 to be considered in conjunction with this review. A Compliance Officer is soon to be employed by the Town and it would be appropriate to task this compliance audit to this Officer.

STATUTORY REQUIREMENTS

The application for retrospective planning approval for No. 11 Purser Loop is subject to the provisions of the Town's adopted Local Planning Scheme No. 10. Clause 10.2 of LPS 10 identifies matters that are to be considered by the Local Government when dealing with an application for planning approval.

Council's adopted Local Planning Policy No. 6 (LPP6) – Industrial Zones Development Design Guidelines, sets down the detailed relevant statutory development controls for Council's consideration. LPP6 is adopted pursuant to the provisions of the Town's Local Planning Scheme No. 10.

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

FINANCIAL CONSIDERATIONS

There are no financial considerations for the Town linked to the determination of the application for retrospective planning approval.

Legal costs will be incurred should there be a need to commence prosecution action in relation to the owner of the properties at Nos. 27-31 Purser Loop.

OFFICER RECOMMENDATION — ITEM 10.3

That:

- (a) In relation to the application for retrospective fencing on Lot 830 (No. 11) Purser Loop, Bassendean:
 - 1. Council refuses to grant retrospective planning approval for the fencing on Lot 830 (No. 11) Purser Loop, Bassendean, as shown within application 2015-025, for the following reasons:
 - (i) The granting of retrospective approval for the fencing would be contrary to the substantive planning approval issued for development of the site in 2013; and
 - (ii) The granting of retrospective approval for the fencing would be contrary to the provisions of Council's adopted Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines;
 - 2. The property owner be instructed to remove the fencing which is in conflict with the specifications contained within the Town's Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines within 28 days from the date of Council's determination;
 - 3. The Manager Development Services be authorised to undertake appropriate prosecution action with respect to this matter, including engaging the Town's solicitors, if required;

- (b) In relation to the non-compliance with conditions of approval for the development at Lots 834 and 835 (Nos. 27 – 31) Purser Loop, Bassendean:
 - 1. The owner be advised of Council's consideration of this matter and be instructed to bring the site into compliance with conditions of approval contained within DA 2014-074 within 28 days;
 - 2. In the event that the property owner does not address required remedial actions to the Town's satisfaction, the Town's solicitors be engaged to commence appropriate prosecution action;
- (c) In relation to the unauthorised fence at Lot 837 (No. 76) May Holman Drive, Bassendean, and the further unauthorised fence at Lot 836 (No. 80) May Holman Drive, Bassendean, formalised enforcement action be held in abeyance pending the results of further investigations into fencing within the Tonkin Park Industrial Estate; and
- (d) An audit of fencing to industrial properties within the Tonkin Park Industrial Estate be undertaken by the Town and the results of that audit be reported to Council for further consideration, along with an associated report detailing recommended modifications (if any) to fencing provisions contained within the Town's Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines.

Voting requirements: Simple Majority

10.4 Draft Perth and Peel @3.5 Million (Ref: GOVR/LREGLIA/3 - Brian Reed, Manager Development Services)

APPLICATION

The Western Australian Planning Commission (WAPC) has released strategic documents/plans for Perth and Peel entitled 'Perth and Peel @3.5 million – what will Perth and Peel look like in 2050 for public comment, with submissions required by 31 July 2015.

The documents that directly impact on the Town are the Draft Perth and Peel @ 3.5million Spatial Framework and the Draft Central Sub-Regional Planning Urban Consolidation Principles and Spatial Framework

Council consideration is required to:

1. Receive the information in this report; and
2. Consider the Town's comments on the draft 'Perth and Peel @ 3.5million' documents.

ATTACHMENTS

Councillors have been provided with the documents as part of the Bulletin on Friday, 17 July 2015. A public copy of the documents will be available at the meeting.

BACKGROUND

The WAPC has released the draft 'Perth and Peel @3.5million' report and associated draft sub-regional planning frameworks for the Central, North-West, North-East and South Metropolitan Peel sub-regions. The WAPC is seeking comment from local governments and other interested parties by Friday, 31 July 2015.

'Perth and Peel @3.5million' is intended to build upon and replace the current strategic planning framework for the Perth and Peel region entitled, *Directions 2031 and Beyond* (Directions 2031) which advocated the benefits of a more compact and environmentally sustainable city of 2.2 million inhabitants by around the year 2030.

The planning horizon for the new documents is 2050 with an estimated population of 3.5million.

Council received a briefing on the draft Perth and Peel @3.5 million main document and what it intended to achieve by Mr Eric Lumsden, PSM Chairman - WAPC on 21 July 2015.

In brief, the drivers are:

- Planning for 3.5million people
- Certainty for urban, industrial and rural development
- Climate change - reducing rainfall - warmer summers stronger climatic events – wind, floods, bushfires
- Demographic change - an ageing population and increasingly diverse households.
- Infrastructure demands – capital and recurrent costs
- Extending the strategic framework beyond 2031
- Increasing housing choice/affordability and liveability
- A greater emphasis on Infill versus greenfield
- 800,000 new dwellings to accommodate the extra people.
- 380,000 – will be through infill development
- Making better use of Infrastructure-water- power-transport
- Revitalising suburbs
- Increasing employment self sufficiency
- Protecting important environmental assets.
- Enable public transport and land use integration

STRATEGIC IMPLICATIONS

The following is taken from the current Corporate Plan:

TOWN PLANNING AND BUILT ENVIRONMENT

Objectives

Ensure Town provides choice in housing types

Strategies

- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.
- Strive to ensure that higher density housing will have excellent design to ensure that development is people friendly and attractive.
- Strive to ensure that new housing, and particular high density housing has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

COMMENT

Central Sub-Regional Planning Framework

For the Town of Bassendean, the relevant draft Framework/sub-regional Structure Plan is the draft Central Sub-regional Framework (CSRF). The Central Sub-region covers 19 local government areas and has the largest concentration of both people and jobs, when compared to the other sub-regions. The CSRF focuses particularly on achieving higher rates of urban infill development (including residential and employment) within the existing built environment by making better use of established infrastructure.

The CSRF advocates for greater utilisation of land within activity centres, and transport corridors to support a diversity of higher-density accommodation that is close to jobs and amenities, while ensuring urban development does not encroach on existing industrial centres and open space networks.

The following urban consolidation principles have been applied to the CSRF:

Housing

Provide for a diversity of quality higher-density residential housing to match the changing demographics of the population and ensure that the scale and design of development integrates into the surrounding neighbourhood.

Character and heritage

Ensure the attractive character and heritage values within suburbs are retained and minimise changes to the existing urban fabric.

Activity centres

Support urban and economic development of the activity centres network as places that attract people to live and work by optimising land use and transport linkages between centres; and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres.

Station precincts

Where appropriate, focus development in and around station precincts (train stations or major bus interchanges) and promote these precincts as attractive places to live and work by optimising proximity to public transport while ensuring

minimal impact on the operational efficiency of the regional transport network.

Industrial areas

Maintain the current supply of industrial areas as key employment nodes and prevent incompatible residential encroachment on these areas.

Public transport

Ensure that existing and planned high-quality, high-frequency public transport routes are supported by quality higher-density residential land uses and identify where new public transport services will be needed to meet long-term growth.

Transport corridors

Protect existing and proposed major transport corridors and freight operations from incompatible urban encroachment and avoid buffers to promote a system where land use developments and transport infrastructure are mutually compatible.

Infrastructure

Ensure more efficient use of existing and planned service and social infrastructure to achieve a more sustainable urban environment.

Green network

Preserve and enhance the green network of parks, rivers, recreation areas, conservation and biodiversity areas, and areas with a high level of tree canopy coverage.

Protection

Avoid, protect and mitigate environmental attributes and promote development that contribute to maintaining air quality and minimises risks of inundation from sea-level rise, flooding or storm surge events and that minimises the risks of bushfire damage.

Key statistics for the central sub-region:

- The population is expected to increase from 782,947 (2011) to 1.2 million (2050);
- The number of jobs is predicted to increase to approximately 780,000 (2050) jobs, up from 546,121 (2011);
- More than 11,000 hectares of land will form part of the green network (open space); and

- 215,000 additional dwellings will be needed to reach the 2050 infill target.

Implications for the Town of Bassendean

The infill development target for the Town of Bassendean under Directions 2031 is 3000 additional dwellings by 2031 which equates to roughly 100 new dwellings per year on average. The CSRF sets a new target for the Town of 4,200 dwellings by 2050 which equates to an average of 105 new dwellings per year on average.

The CSRF identifies various urban consolidation areas within the Town to accommodate the above dwelling targets including Activity Centres, and corridors.

Activity Centres are defined as community focal points. They comprise uses such as commercial, retail, higher-density housing, entertainment, tourism, civic/community, higher education and medical services.

Activity centres vary in size and diversity and are designed to be well-served by public transport.

Corridors are identified as key public transport corridors, as providing significant opportunities to accommodate increased medium-rise higher density residential development. Corridors provide connections between activity centres and maximise the use of high-frequency public transport. Corridors shown in the framework represent existing and future corridors served by good quality, high-frequency public transport.

Activity Centres within the Town of Bassendean

Bassendean, including Success Hill, are included in the one Bassendean Activity Centre.

Ashfield is also included an Activity Centre.

The Town will be required to prepare Structure Plans for each of the Centres, amongst other things examining the core of the Activity Centre, where the commercial and other civic uses will be contained, parking provision, open space provision, infrastructure provision and urban design controls.

While the Manager Development services considered that is appropriate to classify Bassendean as an Activity Centre, applying this classification to Ashfield is somewhat questionable.

It is understood that Ashfield is included on the back of the Ashfield Precinct Plan which was premised on the relocation of train station, the introduction of a new Town Centre, centered around Pearson Street, and the realignment of Guildford Road - none of these actions will occur and certainly not in the foreseeable future.

Corridors

Guildford Road, Ivanhoe Street and sections of Scaddan Street, Iolanthe Street are included as corridors which are considered to be candidates for higher density development in close proximity to those corridors.

The CSRF envisages that 75% of new infill development will occur within the above mentioned urban consolidation areas comprising, urban corridors and activity centres. The remaining 25% of infill will occur as a result of incremental infill growth in existing built-up areas within traditional suburban streets.

Once finalised by the State Government, the sub-regional structure plans will inform the preparation, review and amendment of local planning schemes, strategies and policies. This will ensure that the urban consolidation areas set out in the draft CSRF are adequately reflected in local government planning. It is noted that local governments will be accorded a certain level of flexibility to implement the CSRF so that it reflects local circumstances. Namely, by:

- Taking into consideration the nature and significance of local suburb characteristics;
- Targeting urban consolidation area for the development of higher residential and employment densities (where appropriate);
- Considering additional or alternative urban consolidation areas outside of those identified in the framework such as locations having a high level of accessibility or amenity; and
- Determining the relevant measures or suitable provisions that could be adopted to implement and activate the urban consolidation areas.

Urban consolidation principles

It is considered that the consolidation principles are generally appropriate. However concern is expressed that allowing Multiple Dwellings to be built in areas coded R40 based on plot ratio controls is undermining areas of the Town of Bassendean targeted primarily for family accommodation. Developments of this type “do not integrate into the surrounding neighbourhood”.

Similarly concern is expressed that controlling the design of multiple dwellings based on part 6 of the Residential Design Codes does not ensure that this form of development provides quality higher-density residential housing. Consideration should be given to introducing environmental standards governing the design of apartments in Western Australia. These standards should be, at a minimum, similar to those found in NSW’s State Environmental Planning Policy.

In terms of infrastructure, the urban consolidation principles will necessitate a substantial upgrade to the Town’s drainage infrastructure which has been estimated to cost around \$7million to accommodate the additional dwellings proposed. The cost of this upgrade will need to be passed on to developers in a similar way that it would if the development were to occur on a greenfield site.

In terms of the green networks, the CSRF only identifies three Green networks in Bassendean, being the reserved portion of Pyrton, Jubilee Reserve and Ashfield Flats. The CSRF indicated that local governments can build on this resource to develop a “local green network strategy”.

In regards to the 10 Urban Consolidation Principles that have been prepared, that the 10th Protection principal states:

“Avoid, protect and mitigate environmental attributes and promote development that contribute to maintaining air quality and minimises risks of inundation from sea-level rise, flooding or storm surge events and that minimises the risks of bushfire damage”

This protection principle needs to be expanded to include the Urban Consolidation impact from the urban heat load by ensuring all new developments mitigate the offsetting the loss of vegetation by contributing funds to purchase new Public Open Space in localities where there is insufficient for the housing density locality, for the planting of trees and revegetation program within the Local Authority Area.

CONCLUSION

While Perth and Peel @3.5 million build on Directions 2031 and the housing targets are similar for the Town, its approach in defining indicative Activity Centre boundaries and Corridors is more detailed, and takes a different approach to the adopted Local Planning Strategy which relies on Transport Orientated Development Precincts around the town's three railway stations.

Overall the suite of documents is supported. This report also includes recommendations taken from the above section on urban Consolidation principles which Council may wish to endorse.

STATUTORY REQUIREMENTS

State Government in terms of amendments to the Local Planning Scheme No. 10 will be required once adopted.

FINANCIAL CONSIDERATIONS

Nil at this stage

OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Receives the information in this report relating to the planning reform discussion paper;
2. Advises the Western Australian Planning Commission (WAPC) of the following comments in relation to draft Perth and Peel @3.5 million suite of documents:

The Town of Bassendean:

- Supports in principle the draft 'Perth and Peel @3.5 million suite of documents;
- Supports the classification of Ashfield in principle as an Activity Centre;

- Expresses concern that allowing Multiple Dwellings to be built in areas coded R40 based on plot ratio controls is undermining areas of the Town of Bassendean targeted primarily for family accommodation. Developments of this type “do not integrate into the surrounding neighbourhood;
- Expresses concern that controlling the design of multiple dwellings based on part 6 of the Residential Design Codes does not ensure that this form of development provides quality higher-density residential housing. Consideration should be given to introducing environmental standards governing the design of apartments in Western Australia. These standards should be, at a minimum, similar to those found in NSW’s State Environmental Planning Policy;
- In terms of infrastructure, the urban consolidation principles will necessitate a substantial upgrade to the Town’s drainage infrastructure which has been estimated to cost around \$7million to accommodate the additional dwellings proposed. The cost of this upgrade will need to be passed on to developers in a similar way that it would if the development were to occur on a greenfield site.
- In terms of the protection principle, this area needs to be expanded to include the Urban Consolidation impact from the urban heat load by ensuring all new developments mitigate the offsetting the loss of vegetation by contributing funds to purchase new Public Open Space in localities where there is insufficient open space for the housing density locality, for the planting of trees and revegetation program within the Local Authority Area.

Voting requirement: Simple majority

10.5 Eden Hill Telecommunications Facility Feasibility Investigation: Applicant Visionstream Pty Ltd on behalf of Optus and Vodaphone (Ref: ESAT/MAINT/2 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider a proposal to establish a new 40m steel monopole and associated equipment in place of the existing light pole structure at Jubilee Reserve.

ATTACHMENTS

Attachment No. 5:

- Heads of Terms Agreement of Proposed Commercial Terms of Lease Agreement (Confidential Attachment).
- 40m Monopole Montage.
- Eden Hill Telecommunications Facility Feasibility Investigation.

BACKGROUND

This matter was last considered by Council at its meeting held in March 2015 when it was resolved by OCM – 6/03/15 that the Chief Executive Officer be authorised to enter into further discussions with Visionstream regarding the feasibility of establishing a new telecommunication infrastructure site on Jubilee Reserve, Mary Crescent Reserve or any other alternative sites, that can accommodate all carriers and include some aesthetic treatments to minimise the visual impact.

STRATEGIC IMPLICATIONS

The following is taken from the current Corporate Plan:

THEME

Economic Wellbeing and Prosperity

Objective

Build a strong local business economy to benefit the community

Strategy

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

COMMENT

In terms of the current proposal before Council, the following points are made in terms of Council's earlier resolution:

The current proposal has not contemplated other sites but has honed in on the site at Jubilee Reserve. From the applicant's point of view this site is seen preferable in minimising visual impacts, and to note the land is Council owned, so any leasing would be directly with the Town of Bassendean.

While the pole clearly is of a monopole design, it has been designed to incorporate the existing lighting array, and to maintain uniformity with the lighting towers in the park, albeit at a greater height of 10m.

The current proposal is a joint venture between Optus and Vodafone and will support these two carriers. Telstra's decision to co-locate on this proposed pole will depend on their coverage requirements for the Eden Hill area. In any case we do not anticipate any objections from Optus should Telstra seek to co-locate on the pole in the future. At the current point in time no discussions have been held with Telstra regarding their willingness to collocate with the proposed facility at Jubilee Reserve.

In considering the current request Council should be aware of the following issues:

The 40 m monopole replaces a 30m floodlight tower.

The chosen site is within approximately 40m of residential properties which **may** cause objection if and when the proposal is advertised

There is no guarantee that the selected site will meet the needs of Telstra.

The leasing of the land becomes a disposition of a property under section 3.58 of the Local Government Act 1995, and any proposal to lease the land will require local public notice, giving details of the proposed financial considerations, and inviting submissions not less than 2 weeks after the notice is first given.

The proposal will also require planning consent under the Local Planning Scheme No. 10, and it is normal practice to advertise proposals for telecommunication facilities.

At this stage Councils options are to:

1. Reject the proposal to establish a telecommunication facility at Lot 2, Second Av, Eden Hill, WA 6054 - Lot 2 on Diagram 41399;

OR

2. Authorise the advertising of the proposed land disposition to allow the establishment of a telecommunication facility at Lot 2, Second Av, Eden Hill, WA 6054 - Lot 2 on Diagram 41399.

It is considered premature to sign any heads of agreement as there is a prerequisite for the Town to advertise the proposal prior to entering into any agreement.

Assuming that there is general support for the land disposition, Council would then be in a position to sign the heads of agreement, and to advertise the planning proposal to site the facility at Jubilee Reserve.

If Council elects to pursue option 1, then the carrier will need to find another site for the facility.

While this report recommends supporting of the proposed disposition and advertising the proposal in line with option 2, it is absolutely within Council's right to pursue option 1.

STATUTORY REQUIREMENTS

3.58. Disposing of property – Government Act 1995.

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and

- (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

FINANCIAL CONSIDERATIONS

The proposed lease terms are included in the proposed “Heads of Terms Agreement of Proposed Commercial Terms of Lease Agreement” which is included as a confidential attachment.

The estimated cost to obtain a valuation and advertise the proposal is estimated to be below \$1,000 and can be funded out of the Town Planning operational accounts Account No. 261359.

OFFICER RECOMMENDATION — ITEM 10.5

That Council:

1. Agrees in principle to the proposed land disposition to allow the establishment of a telecommunication facility on part of Lot 2, Second Av, Eden Hill, WA 6054 - Lot 2 on Diagram 41399, in accordance with section 3.58 of the Local Government Act 1995;
2. Advertises the proposed land disposition to allow the establishment of a telecommunication facility on part of Lot 2 Second Avenue, Eden Hill, WA 6054 - Lot 2 on Diagram 141399; and
3. Advises Visionstream of Council's intention to advertise the proposal land disposition.

Voting requirements: Absolute Majority

10.6 Integrated Planning and Reporting Framework - Review of the 2014-2018 Corporate Business Plan and Adoption of the 2015-2019 Corporate Business Plan (Ref: CORM/POLCY/1 - Bob Jarvis, CEO, and the Executive Management Team)

APPLICATION

The purpose of the report is for Council to adopt the revised Corporate Business Plan in accordance with the Local Government Act.

ATTACHMENTS

Attachment No. 6: Revised Draft 2015-19 Corporate Business Plan

BACKGROUND

Council is required to review the Corporate Business Plan prior to adoption of the 2015/16 Budget and ensure that it continues to align with the Community Strategic Plan, which was adopted in February 2013.

Council held a workshop on the review of the Draft Plan presented to Council at the Special Council meeting held on the 7 July 2015. The workshop enabled Councillors to provide feedback on the outcomes and measures of success contained in the draft plan.

STRATEGIC IMPLICATIONS

The adoption of the Community Strategic Plan and development of the Corporate Business Plan and informing strategies will provide long term plans that must be taken in to consideration in the future development of the Town of Bassendean.

The Town is required to develop the following:

- Community Strategic Plan - (reviewed every 4 years);
- Corporate Business Plan - (reviewed annually); and
- Informing Strategies - Asset Management Plan, Workforce Plan and Long Term Financial Plan.

COMMENT

The Corporate Business Plan provides links to the Community Strategic Plan which provides the visions and aspirations of the Community. In order to ensure there are those linkages, information (whether financial or not), has been provided on the following themes:

- Town Planning and Built Environment;
- Environmental Sustainability and Adaptation to Climate Change;
- Economic Well-being and Prosperity;
- Arts, Heritage and Culture; and
- Inclusiveness, Lifelong Learning, Health and Social Well-being.

The workshop held on the 21 July 2015, revised the draft 2014-2018 Corporate Business Plan to ensure that it incorporated the current and future developments as well as operational functions for the ensuing 4 years.

STATUTORY REQUIREMENTS

Section 5.56 of the Local Government Act.
Regulation 19D, 19DA & 19DB of the Local Government (Administration) Regulations.

FINANCIAL CONSIDERATIONS

The 2014-2018 Corporate Plan has been reviewed to provide the basis of the financial criteria for the development of the 2015/16 Draft Budget.

OFFICER RECOMMENDATION – ITEM 10.6

That Council adopts the revised Draft 2015-2019 Corporate Business Plan attached to the Council Agenda of 28 July 2015.

Voting requirement: Simple majority

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

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

Building Applications Determined in the Month of June 2015		
Application No	Property Address	Description
201500041	2 BARTON PARADE, BASSENDEAN	PATIO
201500086	41 DEVON ROAD, BASSENDEAN	STEEL WORKSHOP
201500080	28 WALKINGTON WAY, EDEN HILL	COLOURBOND STEEL GABLE CARPORT
201500098	28 FIFTH AVENUE, BASSENDEAN	ALTERATIONS/ADDITIONS
201500093	2 DAYLESFORD ROAD, BASSENDEAN	SINGLE DWELLING
201500057	2G IOLANTHE STREET, BASSENDEAN	RETROSPECTIVE PATIO APPROVAL
201500149	113 SECOND AVENUE, BASSENDEAN	DWELLING ADDITIONS
201500140	69 PENZANCE STREET, BASSENDEAN	SHED
201500142	5 COLSTOUN ROAD, ASHFIELD	DWELLING
201500160	37 IOLANTHE STREET, BASSENDEAN	PATIO ROOF
201500166	131 KENNY STREET, BASSENDEAN	REMOVE INTERNAL WALL
201500167	131 KENNY STREET, BASSENDEAN	ENSUITE EXTENSION
201500159	18 GALLAGHER STREET, EDEN HILL	FENCE APPLICATION
201500155	26 ROBINSON ROAD, EDEN HILL	SHED RE-ROOFING
201500153	19 EILEEN STREET, BASSENDEAN	ADDITION/ALTERATION
201500157	100 HAMILTON STREET, BASSENDEAN	DEMOLITION
201500156	6 WALTER ROAD EAST, BASSENDEAN	GARAGE
201500158	221 ANZAC TERRACE, BASSENDEAN	PATIO
201500119	3 THIRD AVENUE, BASSENDEAN	CARPORT
201500170	44 CYRIL STREET, BASSENDEAN	PATIO
201500173	87 ANZAC TERRACE, BASSENDEAN	DEMOLITION
201500171	38 HAMILTON STREET, BASSENDEAN	DEMOLITON
201500179	14 WALTER ROAD EAST, BASSENDEAN	FULL DEMOLITION
201400415	292 MORLEY DRIVE, EDEN HILL	GARAGE
201400408	86 BROADWAY, BASSENDEAN	SWIMMING POOL

OFFICER RECOMMENDATION – ITEM 10.7

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

Voting requirement: Simple majority

10.8 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 17 July 2015			
Applic No	Property Address	Type of Development	Determination
	Applications for Planning Approval		
2014-230	43 LORD STREET BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2014-243	22-24 OLD PERTH ROAD BASSENDEAN 6054	CHANGE OF USE TO SHOWROOM AND CAFE	DELEGATE APPROVED
2015-008	3 IVANHOE STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-013	3D HARDY ROAD BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2015-026	18 WATSON STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-029	45 LORD STREET EDEN HILL 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2015-038	2 RUGBY STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-053	28 WALKINGTON WAY EDEN HILL 6054	CARPORT	DELEGATE APPROVED
2015-055	Unit 3 109 KENNY STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-056	19 WATKINS STREET EDEN HILL 6054	TWO GROUPED DWELLINGS	DELEGATE APPROVED
2015-057	36 WALKINGTON WAY EDEN HILL 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2015-060	UNIT B 11 CLARKE WAY BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2015-061	2 CLARKE WAY BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-067	27 BLACKTHORN ROAD EDEN HILL 6054	CARPORT	DELEGATE APPROVED
2015-068	31 OLD PERTH ROAD BASSENDEAN 6054	FAST FOOD OUTLET (ICE CREAMERY AND TAKE AWAY COFFEE)	DELEGATE APPROVED
2015-070	UNIT A 125 OLD PERTH ROAD BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-071	12 LYNEHAM PLACE BASSENDEAN 6054	REVISED APPLICATION FOR TWO GROUPED DWELLINGS	DELEGATE APPROVED
2015-074	2 BARTON PARADE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-075	82 SECOND AVENUE BASSENDEAN 6054	CARPORT	DELEGATE APPROVED

2015-076	3 THIRD AVENUE BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2015-078	85 BROADWAY BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2015-079	53 HAMILTON STREET BASSENDEAN 6054	REVISIONS TO TWO (2) GROUPED DWELLINGS	DELEGATE APPROVED
2015-081	69 PENZANCE STREET BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2015-082	74 BROADWAY BASSENDEAN 6054	CARPORT & PATIO	DELEGATE APPROVED
2015-085	28 FAULKNER WAY EDEN HILL 6054	PATIO	DELEGATE APPROVED
2015-091	148 WHITFIELD STREET BASSENDEAN 6054	CARPORT & PATIO	DELEGATE APPROVED
2015-092	31 IRELAND WAY BASSENDEAN 6054	CARPORT, PATIO & PORTICO	DELEGATE APPROVED
2015-093	UNIT A 5 COLSTOUN ROAD ASHFIELD 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-102	16 ROSETTA STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-108	UNIT 25 61 SCADDAN STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-112	UNIT A 44 CYRIL STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-116	127 KENNY STREET BASSENDEAN 6054	PATIO & RE-ROOFING	DELEGATE APPROVED
2015-119	21 LUKIN WAY BASSENDEAN 6054	PATIO	DELEGATE APPROVED
	Subdivision Applications		
515-15	88 SECOND AVENUE BASSENDEAN 6054	FOUR LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 10.8

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

Voting requirement: Simple majority

10.9 Quarterly Reports for Quarter Ended 30 June 2015 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive the Quarterly Reports for the period ended 30 June 2015.

ATTACHMENTS

Attachment No. 7: Quarterly Reports

BACKGROUND

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables, and the 2014-2018 Corporate Business Plan.

As part of the Strategic Plan, several lobbying strategies have been incorporated into the Quarterly Report to provide a continuously updated record of lobbying activities against the plans. At the request of Councillors, the Quarterly Report also provides information on the progress of Cash In Lieu projects and grants applied for and received in each quarter.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

OFFICER RECOMMENDATION – ITEM 10.9

That Council receives the Quarterly Reports for the quarter ended 30 June 2015.

Voting requirements: Simple majority

10.10 Bassendean Youth Advisory Council Meetings held in April, May and June 2015 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie – Youth Development Officer)

APPLICATION

The purpose of the report is for Council to receive the minutes of the Youth Advisory Council (YAC) meetings held on 24 April 29 May and 26 June 2015.

ATTACHMENT

Attachment No. 8: Youth Advisory Council minutes of 24 April, 29 May and 26 June 2015.

BACKGROUND

The Bassendean YAC meets monthly to consider issues of relevance to young people of the Town.

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

STRATEGIC IMPLICATIONS

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

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

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

COMMENT

The April 2015 meeting the Youth Advisory Council was used as a planning meeting to discuss future project and events for young people in the Town of Bassendean.

At the May 2015 meeting, the Youth Advisory Council discussed the Youth Needs Survey.

During the June 2015 meeting the Youth Advisory Council discussed Public Art and Smoking Paraphernalia Stores.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.10

That Council receives the report on the Youth Advisory Council meetings held on the 24 April, 29 May 2015 and 26 June 2015.

Voting requirements: Simple Majority

10.11 Economic Development Advisory Committee Meeting held on 17 June 2015 (Ref: GOVN/CCLMEET/13 – William Barry Economic Development Officer)

APPLICATION

Council is requested to receive the report on the meeting of the Economic Development Advisory Committee held on 17 June 2015.

ATTACHMENTS

Attachment No. 9: Economic Development Advisory Committee Minutes of 17 June 2015.

STRATEGIC IMPLICATIONS

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

COMMENT

Guest speaker, Kim Charles of Business Station, gave a presentation on “Business Local” as the new approach by State Government to business assistance, replacing the Small Business Centres located in 9 premises across the metropolitan area.

Senior Economic Development Officer advised the Committee that the Instrument of Appointment and Delegation for the Committee was amended and adopted by Council. Membership on this Committee will now focus on skills that can be offered. All positions will become vacant at the October Council Elections.

On the topic of information and communication technology, outcome of discussions was to have to have a very clear branding message before launching the Town’s website and social media.

In discussions on training and employment, the Committee touched on the need to build employment opportunities in the Town and Committee Members will meet with the Principal of Cyril Jackson Senior Campus to explore collaborative ideas.

Peter Gardner discussed the progress of the 2015 CEBA business awards, with the People’s Choice category proving quite popular. However, other categories were still looking to attract more applicants.

Beverley Johnson spoke on her report summarising the Swan Connect Economic Forum and how it could be applied to the Town of Bassendean.

With regard to marketing and branding, the Economic Development Officer advised the group of recent discussions held with major land holder regarding the vacancy arising in Tomorrow's Memories premises.

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.11

That Council receives the report on the meeting of the Economic Development Advisory Committee held 17 June 2015.

Voting requirement: Simple majority

10.12 Children and Family Services Committee Meeting held on 1 July 2015 (Ref: GOVN/CCLMEET/24 – Graeme Haggart, Director Community Development)

APPLICATION

This report is to inform Council on the meeting of the Children and Family Services Committee held on 1 July 2015.

ATTACHMENTS

Attachment No. 10: Children and Family Services Committee Minutes of 1 July 2015

BACKGROUND

The Children and Family Services Committee meets quarterly on the second (or third) Wednesday in the months of February, May, July and October.

The roles of the Committee have been defined as objectives within the Committee's Instrument of Appointment and Delegation as being:

1. To advise Council on current trends and issues relating to services for children and their families and recommend associated strategies, policies and programs to meet the needs of current and future residents and visitors to the Town of Bassendean.
2. To make recommendations to Council for establishing equality of service provision in terms of services for Children and Families, Seniors and Youths
3. To identify aspirations and needs of families and children within the Town in a community development framework to articulate emerging priorities for provision of services and infrastructure
4. To recommend to Council issues to be considered for inclusion within the Town's strategic plans.
5. To identify facilities which ensure that parents and children have access to quality services that are appropriate to their needs regardless of their family circumstances, linguistic and cultural background, sexual orientation, religious or political conviction, age or any other factor identified in the Equal Opportunity Act of 1984.

Membership of the Committee includes:

- Two Councillors of the Town of Bassendean;
- Up to six resident representatives, including one representing indigenous residents;
- One representative from Health Department;
- One representative from Department of Education and Training
- One Independent Industry Expert.

STRATEGIC IMPLICATIONS

The Children and Family Services 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

At the meeting Committee considered the following items:

1. Committee received a deputation from a not for profit organisation “Opt-in to life (Inc)” that is being established to support families living with perinatal mental health conditions, including postnatal depression. The organisation is seeking to develop links with Local Governments ahead of their website launch in Mental Health Week in October. It was agreed to support the group and to facilitate a workshop with agencies and others working in the Town within the perinatal-care field.
2. Committee Work Program:
 - a. Committee discussed the progress made with funding strategies to achieve the Regional Playground with the positive response received from the Department on the 20A Reserve request. It was acknowledged the request for access to cash in lieu funds to achieve the facility design remains current and that a meeting be arranged with the Ministers staff and the Mayor to expedite the request;

Committee was informed that capital works priority in the draft budget is to asset renewal and as a result funding for the BIC District Playground, the significant neighbourhood playground in Mary Crescent Reserve and existing playground upgrades may not be achieved in the coming financial period.

- b. "Tweenies" Forum: Details of the forum are to be circulated once available.
2. The Committee congratulated the Manager Children Services on being awarded the Director of the Year for the State in the annual Child Care Industry Awards. As a part of the Award, Mrs Hillary attended the National Awards presentation in Sydney. The Award has proved a career high moment.

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.12

That the report on a meeting of the Family and Children Services Committee held on 1 July 2015, be received

Voting requirement: Simple majority

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

APPLICATION

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

ATTACHMENTS:

Attachment No. 11: List of Accounts

BACKGROUND

The monthly payments made for the period 1 to 30 June 2015 are presented to Council, with details of payments made by the Town in relation to goods & services received.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with the allocated budgets.

OFFICER RECOMMENDATION - ITEM 10.13

That Council receives the List of Accounts paid for June 2015 as attached to the Ordinary Council Agenda of 28 July 2015.

Voting Requirements: Simple majority

10.14 Financial Statements – June 2015 (Ref: FINM/AUD/1 - Ken Lapham, Manager Corporate Services)

APPLICATION

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

ATTACHMENTS:

Attachment No. 12: Financial Statements for June 2015

BACKGROUND

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

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2014/15 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 Monthly Financial Statements for June 2015 are attached to the agenda. The attached statements as presented do not represent the final closing position for the period ended 30 June 2015.

Closing entries & adjustments to the Financial Statements are yet to be concluded. Once all financial transactions are completed, a closing position will be determined, this may indicate some savings on completed capital works and operational expenditure.

Once the audit is completed, the final statements will be presented to the Audit & Risk Management Committee in September for consideration.

The Summary of Financial Activity (Nature & type) is indicating that the Total income for the year to date is 8.8% over budget. Individually, Interest on investments is 6.5% over Budget estimates. Grants, Subsidies and Contributions, are 24.9% ahead of budget estimates, with Fees & charges being 3% over budget forecasts.

Overall expenditure by nature & type for YTD was \$22.2 million, 1.7% over Budget estimates. Employee costs were 4.7% over budget estimates. Materials & contracts are currently 10.5% under expended.

Infrastructure Capital expenditure peaked at 87% of budgeted levels.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION – ITEM 10.14

That the Financial Reports for the period ended 30 June 2015, as attached to the Ordinary Council Agenda of 28 July 2015, be accepted.

Voting Requirements: Simple majority

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

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

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

Issue ID	Assigned To	Brief Description	Action Taken
81559	Bob Jarvis	OCM-25/2/15 - Local Government Metropolitan Structural Reform and Integrated Long Term Planning Reporting following Announcement by the Minister for Local Government	Workforce Plan and Corporate Business Plan to OCM and Budget Meeting respectively, review of Community Strategic Plan in Draft 2015/2016 Budget. Recommend deletion.
82121	Graeme Haggart	OCM-28/3/15 - Effective Fire Safety Strategy for Ashfield Flats along Hardy Road, Ashfield	Officers report on the matter considered and dealt with at the June Council meeting. Recommend deletion.
84160	Graeme Haggart	OCM-32/6/15 - Bassendean Local Emergency Management Committee Meeting held on 20 May 2015	Actions completed. Feedback on the draft District Emergency Management Committee structure review made. Funding for the trailer mounted variable message board adopted in the budget. Recommend deletion.

84159	Simon Stewert-Dawkins	OCM-32/6/15 - Bassendean Local Emergency Management Committee Meeting held on 20 May 2015	On the 7 July 2015 the Town wrote to the Department of Planning and the Department of Water and requested they develop a Bushfire Management Strategy, similar to the document endorsed by Council (OCM-29/06/05) and they continue to implement the April 2005 Ashfield Flats Reserve preliminary Weed Management Plan in order to reduce the fire risk and to rehabilitate this important wetland and Bush Forever site in conjunction with those households on Hardy Road directly impacted by the fire threat, the Bassendean Preservation Group and Ashfield CAN. Recommend deletion.
84168	Simon Stewert-Dawkins	OCM-16/6/15 - SME 2 June 2015 - Guildford Road/Thompson Road	On 19 June 2015 the Town consulted with MRWA who advised they would be conducting a SIDRA Intersection and Corridor study to analysis the Guildford Rd and Lord Street road networks as part of the Perth & Peel planning framework report. The MRWA analysis will determine what actions can be taken. Recommend deletion.
84170	Simon Stewert-Dawkins	OCM-18/6/15 - OCM-16/6/15 - SME 2 June 2015: Moreton Bay Fig	Mid June 2015 the Town liaise with property owner of Lot 15, No. 8 Thompson Road, Bassendean, regarding the Moreton Bay Fig tree and subsequently engage an arborist to uplift the outside of the canopy to improve the natural light penetration under the tree and to increase the street light illumination of the thoroughfare. Recommend deletion.
84171	Simon Stewert-Dawkins	OCM-19/6/15 - SME 2 June 2015 - Street Lighting	Council (SCM – 2/07/15) adopted the 2015/2016 budget which included \$10,000 to engage a consult to prepare the required planning reports for a future Underground Power application. Recommend deletion.
84172	Simon Stewert-Dawkins	OCM-21/6/15 - - SME 2 June 2015	Note that a request has been made to WA Police and the Public Transport Authority to increase security patrols in the area in response to residents' concerns. Recommend deletion.

84173	Simon Stewert-Dawkins	OCM-22/6/15 - Security Patrols	Note that a request has been made to WA Police and the Public Transport Authority to increase security patrols in the area in response to residents' concerns. Recommend deletion.
84174	Simon Stewert-Dawkins	OCM-24/6/15 - - SME 2 June 2015 - Lord Street	On 19 June 2015 the Town consulted with MRWA who advised they would be conducting a SIDRA Intersection and Corridor study to analysis the Guildford Rd and Lord Street road networks as part of the Perth & Peel planning framework report. Council adopted (OCM 13/04/13) Local Area Traffic Management Plan recommends road modifications. The Corporate Business Plan - Project lists funding for Council consideration in the 2016/2017 financial year to commence detailed planning work. Recommend deletion.
84175	Simon Stewert-Dawkins	OCM-25/6/15 - Improve Traffic Access to Success Hill Area	On 19 June 2015 the Town consulted with MRWA who advised they would be conducting a SIDRA Intersection and Corridor study to analysis the Guildford Rd and Lord Street road networks as part of the Perth & Peel planning framework report. Council adopted (OCM 13/04/13) Local Area Traffic Management Plan recommends road modifications. The Corporate Business Plan - Project lists funding for Council consideration in the 2016/2017 financial year to commence detailed planning work. Recommend deletion.
84553	Simon Stewert-Dawkins	PQT July OCM - Mrs Phelan	On 3 July 2015 the Mayor received a letter from Mrs Fran Phelan suggesting a number of trees be included into the Significant Tree Register. On 21 July the Director Operational Services wrote to Mrs Phelan and asked that she complete the Significant Tree nomination forms and submit to Council for consideration. Recommend deletion.
63205	Brian Reed	OCM-7/11/12, OCM-5/10/12 - Proposed 3 Grouped Dwellings - Lot 100; No. 27 Hyland Street, Bassendean	Sites reported to Contaminates Sites Branch of DER 8 July 2015/ Recommend deletion.

84147	Brian Reed	OCM-8/6/15 - Proposed Eight Multiple Dwellings on Lots 200 & 201 (No. 78) Anzac Terrace, Bassendean	Planning Approval issued in accordance with Council's determination. Recommend deletion.
84148	Brian Reed	OCM-9/6/15 - Proposed Eight Multiple Dwellings on Lot 23; No. 12 Second Avenue, Bassendean	Planning Approval issued in accordance with Council's determination. Recommend deletion.
84149	Christian Buttle	OCM-10/6/15 - Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lot 37; No. 5 Fourth Avenue, Bassendean	Planning Approval granted in accordance with Council's resolution. Recommend deletion.
84150	Christian Buttle	OCM-11/6/15 - Proposed Additions and Alterations to Single House – Lot 66 (No. 31) Clarke Way, Bassendean	Planning Approval issued in accordance with Council's determination. Recommend deletion.
82119	Sharna Merritt	OCM-27/3/15 - Notice of Motion – Cr Pule: Street Hazard on Kenny Street, Bassendean	No further action. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.15

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 27 July 2015 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

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

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

19/06/15 Deed of Subdivision – Lot 12; 14 Water Road East, Bassendean, between PS & MS Vlaskovsky and the Town of Bassendean

OFFICER RECOMMENDATION – ITEM 10.16

That Council authorises the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 28 July 2015.

Voting Requirements: Simple majority

10.17 Calendar for August 2015 (Ref: Sue Perkins, Executive Assistant)

Wed	5 Aug	5.30pm	Economic Development Advisory Committee Meeting – Council Chamber (Crs Gangell & Lewis)
Thu	6 Aug	9.30am	Local Studies Collection Management Committee Meeting – Council Chamber (Cr Brinkworth)
Fri	14 Aug	11.00am	Vietnam Veterans’ Day Remembrance Service – Bassendean War Memorial
Thu	20 Aug	6.00pm	East Metropolitan Regional Council Meeting (If required) – EMRC (Crs Pule & Carter)
Tue	25 Aug	7.00pm	Ordinary Council Meeting – Council Chamber
Thu	27 Aug	6.00pm	WALGA East Metropolitan Zone Meeting EMRC (Crs Gangell & Pule)
Fri	28 Aug	5.00pm	Youth Advisory Council Meeting – Youth Services

OFFICER RECOMMENDATION - ITEM 10.17

That the Calendar for August 2015 be adopted.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Pule: Town of Bassendean Support for WALGA advocacy to restore indexation to the Financial Assistance Grants

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

“That the Town of Bassendean writes to WALGA and the Minister, indicating support for WALGA advocating that:

- 1. The Federal Government should restore the indexation of Financial Assistance Grants;*
- 2. The Federal Government should review the quantum of the Financial Assistance Grant pool;*
- 3. Asks WALGA and the Minister to note the resolution of Council Resolution Item 10.10 of the Ordinary Council Meeting of 28 April 2015:*

OCM – 18/04/15 MOVED Cr Pule, Seconded Cr Bridges, that Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants for the continued delivery of services and infrastructure;*
- 2. Acknowledges that the Town will receive \$330,000 in the 2014/15 financial year;*
- 3. Seeks the Federal Government’s agreement not to freeze the indexation of the grant that will cost Local Government some \$925 million over the next 3 years and which will:*
 - a) have a detrimental affect on the services and infrastructure currently being funded with the assistance of the Financial Assistance Grant; and*
 - b) ensure that the Federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council’s publications, including Annual Reports.”*

Comment – Cr Pule

The Federal Government has placed a moratorium on indexation of the Financial Assistance Grants until 2016 . The Grants (FAG) are untied grant payments made through the States via Local Government Grants Commissions (LGGCs). The Grants arise from the Federal Government. The Federal Government has removed indexation, over three years from the Financial Assistance Grants (to 2016). This has impacted on the capacity of Local Governments to provide services and manage assets.

The Australian Government has provides \$46 Billion under Financial Assistance Grant Programmes to Local Governments since 1974-75 and including 2015.

The Financial Assistance Grant Programme fund pool remains at \$2.3 billion as a result of the 2014-15 Budget announcement by the Government that indexation applied to the Programme would be paused for three years (2014 to 2016/17).

Western Australia's share for 2014-15 is \$282,720,564 so indexation represents a sizeable amount.

Looking at the overall pool of Commonwealth payments to Local Governments WALGA believes there is a case for increasing the proportion of untied funds.

This is part of the long term Strategic Plan...*to improve the quality of life in Bassendean* and part of the Town of Bassendean financial resourcing.

COMMENT

Council resolution OCM-18/04/15 has been actioned and correspondence provided to ALGA. Therefore, this Notice of Motion is not required.

11.2 **Notice of Motion – Cr Pule: Review or Renew Right of Way/Laneways Strategy**

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

“That the Town of Bassendean review, renew or prepare a Right of Way/Laneways Strategy taking into account the growing needs of the Town for access ways to our fast growing development, Local Area Plans being developed, Plans for the Future and the uncertain or fragmented ownership impact that has on the best use of this valuable asset of the Town.”

Comment – Cr Pule

The Town has a Right of Way Policy which dated back to a very long time ago (about 20 years) and was put in place for altogether different purposes, which are now truly outdated. Decisions on right of ways and laneways have lacked a holistic and strategic purpose and do not address the fast growing modern needs of the development of the Town.

Right of ways have, at times, been given decisions that have not addressed the modern needs due to the lack of a comprehensive Strategy that meets modern needs.

Many developments are now being applied for, that need access from right of ways that are often at a very basic level of maintenance, have become land locked and are fragmented in how they are being used and the ownership is outmoded.

An assessment of this valuable asset of the Town needs to be done and then a comprehensive holistic strategy needs to be prepared to obtain best use and practice for modern needs.

A very good example of how well a right of way can be developed is the one upgraded by the Town in Ashfield from Colstoun Road to Pearson Street, which is now a road way with development and access from there.

Another good example is the right of way access and modern development on the other side of the railway at Prospector Loop.

With Local Area Plans now being considered, it is appropriate to have such an analysis.

This is part of the long term Strategic Plan...*to improve the quality of life in Bassendean* and part of the Bassendean plans for the future.

OFFICER COMMENT

The Rights-of-Way Study for the Town of Bassendean was conducted in March 1993. The document is in need of review and Officers will develop a planning policy dealing with the use of rights of ways within the Town, as part of the suite of policies.

11.3 Notice of Motion - Cr Bridges

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

“That the up to six lots owned by the Town of Bassendean forming part of Bindaring Park identified as containing contaminated material, be reported to the Department of Environmental Regulation.”

OFFICER COMMENT

The above lots were reported to the Contaminated Site Branch of the Department of Environmental Regulation on 8 July 2015. Therefore this Notice of motion is not required.

11.4 Notice of Motion – Cr Carter

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

“That Council establish a ‘Green Network’ or Environmental Consultative Committee comprising councillors, staff and residents of the Town of Bassendean. The committee’s task will be to work with Council to “preserve and enhance the green network” and to develop and maintain biodiversity corridors as defined in Perth and Peel @ 3.5 million Draft document (May 2015).”

BACKGROUND

LGA Section 5.8 states “A local government may establish committees. “In 2011, Council established the Tree Consultative Committee to review the Significant Tree Register. This Committee was abolished in 2014. Under the *Perth and Peel @ 3.5 million* Draft document (May 2015) it is imperative that Bassendean “preserve and enhance the ‘Green Network’ of parks, rivers, recreation areas, conservation and biodiversity areas, and areas with a high level of tree canopy coverage” as set out in Principle 9 of the Draft Document’s “Urban Consolidation Framework”. Given this key policy and the timeframe in which we are required to implement it, it is again essential that we seek community members’ assistance and collaboration. A Council advisory or consultative committee is one of the most effective ways of engaging our residents and garnering support.

OFFICER COMMENT

This item will be considered within the objectives of the Review of Committees to be considered at a workshop scheduled for 11 August 2015.

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13.0 CONFIDENTIAL BUSINESS

13.1 Offer to Purchase 10-14 Parker Street, Bassendean (Bassendean Fire Station) Ref: A4103-GOVN/COUNCILS/9 - Mike Costarella, Director Corporate 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 Proposed Land Swap of 27L Hyland Street and Part Lot 271; 116 Hamilton Street, Bassendean (Ref: DABC/BDVAPPS/ 2012-073 Brian Reed, Manager Development Services)

At the June 2015 Ordinary Council meeting, it was resolved that this item be deferred and brought back to Council at a later date pending a briefing session with Syrinx.

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.

13.3 Proposed Development Agreement Bassendean Activity Centre: Town of Bassendean/Swan Districts Football Club/LandCorp (Ref: LUAP/PLANNG2, Brian Reed - Manager Development Services)

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 25 August 2015.