

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

MR BOB JARVIS
CHIEF EXECUTIVE OFFICER

19 June 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 Lewis will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Country

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

Mrs Angie Piantadosi, 4 Jubilee Avenue, Eden Hill

At the May 2015 Council meeting, Mrs Piantadosi asked whether it is acceptable for businesses to hang their washing out the front of their premises in public view. Mrs Piantadosi also referred to a tree in Jubilee Avenue and asked why it was removed.

The Manager Development Services has advised Mrs Piantadosi that whilst there are no general rules applying to the particular business, in this case, the washing would actually be placed on the footpath and the Senior Environmental Health Officer has written to the owners advising them to desist from this practice.

The Manager Asset Services has advised Mrs Piantadosi that the tree removed was actually a sapling from the tree previously removed some 6-7 years ago and was in a dangerous condition. The week commencing 15 June 2015, the Parks & Garden Supervisor will arrange for additional street trees to be planted in this location.

Ms Fran Phelan, 15 River Street, Bassendean

At the May 2015 Council meeting, Ms Phelan asked about the gum trees at Kelly Park, as one is listed as a significant tree but the others are not. Ms Phelan also requested that the red gums on James Street be looked at.

The Director Operational Services has advised that the Council adopted (OCM 17/6/12) Significant Tree Register states that for Kelly Park – one Eucalyptus rudis (Flooded Gum) is listed and that five other trees in the park are sociable space of remnant vegetation and habitat. The two Eucalyptus citriodora (Lemon Scented Gum) trees located in the cul-de-sac at the end of James Street, near the BIC Reserve, are also listed on the Significant Tree Register.

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

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 26 May 2015
(Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 26 May 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 26 May 2015, be confirmed as a true record.

5.2 Special Meeting of Electors held on 2 June 2015
(Attachment No. 2)

It should be noted that a separate report is included in this agenda which addresses the motions carried at the Special Meeting of Electors.

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Meeting of Electors held on 2 June 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Meeting of Electors held 2 June 2015, be confirmed as a true record.

5.3 Special Council Meeting held on 8 June 2015
(Attachment No. 3)

OFFICER RECOMMENDATION – ITEM 5.3(a)

That the minutes of the Special Council meeting held on 8 June 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.3(b)

That the minutes of the Special Council meeting held 8 June 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

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 23 June 2015:

Item	Report
10.2	Proposed Eight Multiple Dwellings on Lots 200 & 201; (No. 78) Anzac Terrace, Bassendean
10.3	Proposed Eight Multiple Dwellings on Lot 23; No. 12 Second Avenue, Bassendean,
10.4	Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lot 37; No. 5 Fourth Avenue, Bassendean
10.5	Proposed Additions and Alterations to Single House – Lot 66 (No. 31) Clarke Way, Bassendean
10.6	Metropolitan Region Scheme Proposed Amendment 1275/57– Central Districts Omnibus 4
10.8	Special Meeting of Electors held on 2 June 2015
10.9	Review of 2015-2019 Workforce Plan and Corporate Structure
10.10	Council Street Trees – Lot 103; No. 40 Third Ave, Bassendean
10.11	Street Hazard - Kenny Street, Bassendean
10.12	Determinations Made by Development Services
10.13	Determinations Made by the Principal Building Surveyor
10.14	Children and Family Services Committee Meeting held on 13 May 2015
10.15	Bassendean Local Emergency Management Committee Meeting held on 20 May 2015
10.17	Accounts for Payment – May 2015
10.18	Financial Statements – May 2015
10.19	Implementation of Council Resolutions
10.20	Use of the Common Seal
10.21	Calendar for July 2015

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

Item	Report
10.7	Proposed Land Exchange for Two Crown Reserves - Lot 7557 Lord Street (A3280) Bassendean & 48 Chapman Street, (A742) Bassendean
10.16	Cultural Development Advisory Committee Meeting held on 27 May 2015
13.1	Proposed Land Swap of 27L Hyland Street and Part Lot 271; 116 Hamilton Street, Bassendean

10.2 Proposed Eight Multiple Dwellings on Lots 200 & 201 (No. 78) Anzac Terrace, Bassendean, Owner: Apartments Are Us Pty Ltd, Applicant: Tim Lewis-Jones (Ref: DA 2014-221 -Stephanie Radosevich, Planning Officer)

APPLICATION

The application seeks Council's approval for eight (8) multiple dwellings which includes variations to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to street setback, boundary walls and two-way vehicular access.

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

ATTACHMENTS

Attachment No. 4: Plans of the proposed development
Applicant's justification letter

BACKGROUND

An application for approval to build eight (8) multiple dwellings on the subject lot was submitted on 7 November 2014. Neighbour consultation was undertaken as the initial proposal comprised variations to the Deemed-to-comply provisions of the R-Codes, with respect to building height, lot boundary setbacks and boundary walls; whereby four (4) letters of objection were submitted to the Town in relation the proposed multiple dwellings.

The site is zoned Residential with a split density code of R20/R40, with a site area of 996 square metres. The proposal relates to a two-storey development which comprises eight (8) two bedroom apartments.

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.

Objective:

- Foster enhanced public space and street appearance.

Strategies:

- Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.
- Encourage the retention of trees on development site

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, Water Sensitive Design Policy and Percent for Art Policy.

ASSESSMENT

Land use

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

Housing Density

By virtue of Clauses 5.3.1.1 and 5.3.1.2 of the Local Planning Scheme No. 10, 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 proposal is considered to comply with points a) to d). With regards to point e), the existing streetscape is characterised by single storey dwellings which have been developed to in accordance with the R20 density code. These dwellings are provided with generous setbacks and complemented by significant landscaping and associated areas of open space.

The proposed development proposes more intense development; however the building setbacks compliment those of other dwellings within the street, with comparable areas of landscaping and associated areas of open space.

In light of the above, development is able to be assessed against the higher density code of R40. It is noted that the development potential for multiple dwellings at an R40 density code is controlled by plot ratio rather than a site area per dwelling requirement as applies for the development of grouped dwellings and single houses.

Compliance with the Residential Design Codes.

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

Street Setbacks

The proposed development is setback a minimum of 3.77 metres (the entry to unit 2 and laundry to unit 4) from Anzac Terrace, whereas the Deemed-to-comply provisions of Clause 6.1.3 'Street Setback' C3.1 of the R-Codes provides for a 4 metre minimum setback from Anzac Terrace.

In terms of the proposed street setback, buildings are required to be setback from street boundaries an appropriate distance to ensure they:

- contribute to the desired streetscape;
- provide articulation of the building on the primary and secondary streets;
- allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;

- are appropriate to its location, respecting the adjoining development and existing streetscape; and
- facilitate the provision of weather protection where appropriate.

The proposed minimum primary street setback of 3.77 metres to Anzac Terrace is considered to meet the Design Principles in this instance as the projection adds interest in the development without impacting on the bulk of the development over the site. As the portion of the building setback less than 4 metres, which relates to the entry to unit 2 and laundry to unit 4, projects 0.23 metres into the setback area and occupies 2.41 metres of the frontage, it is not considered to result in any undue building bulk on the street.

Further to the above it is noted that the proposed development is in keeping with the scale of development that is permitted for a Single House and Grouped Dwellings at the R20 density code under Part 5 of the R-Codes. It is noted that development at the R20 density code under Part 5 of the R-Codes permits a minimum primary street setback of 3 metres and an average primary street setback of 6 metres.

As the proposal comprises a minimum primary street setback of 3.77 metres and an average primary street setback of 6.42 metres to Anzac Terrace, the proposal is considered to be in keeping with the Design Principles of the R-Codes, as it does not result in any undue building bulk on the street.

The varying street setback of 3.77 metres to 6.73 metres is considered to provide articulation to the building as viewed from Anzac Terrace, with the proposal respecting the adjoining developments and existing streetscape, in accordance with the Design Principles of the R-Codes.

Boundary Walls

The proposal comprises four (4) boundary walls to the western boundary; whereas the Deemed-to-comply provisions do not provide for boundary walls for multiple dwellings developed in areas coded R40.

The western boundary walls comprise six (6) stores (to units 1, 2, 3, 4, 6 and 8) with a total length of 17.1 metres and a height of 2.23 metres.

In terms of the proposed boundary walls, buildings are required to be setback 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 proposed western boundary walls are considered to meet the Design Principles in this instance as the boundary walls have a similar impact to a standard 1.8 metre high boundary fence on top of 0.5 metres of fill, which is considered acceptable under the Deemed-to-comply provisions of the R-Codes.

Further to this, a Single House developed in accordance with the R20 density code, could build a boundary wall with a length of 16.61 metres with a maximum height of 3.5 metres and an average height of 3 metres. As the proposed boundary walls are in keeping with what could be approved for a Single House, it is considered to be in keeping with the Design Principles in this instance.

In light of the above, the boundary walls are not considered to have any adverse building bulk impacts on the adjoining western properties.

It is noted that the proposal is compliant with the Deemed-to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 and Clause 6.4.2 'Solar Access for Adjoining Sites' C2.1. In light of this, the proposed boundary walls are not considered to have any undue impact on overlooking or overshadowing in accordance with the Deemed-to-comply provisions of the R-Codes.

Vehicular Access

The proposal does not comprise two-way access for the full length of the vehicle access way. The Deemed-to-comply provisions provide for driveways to be designed for two-way access to allow for vehicles to enter the street in forward gear.

In terms of the proposed driveway, vehicular access is to be provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.

As the proposal comprises one crossover to the site, it aids in minimising the number of crossovers.

Further to this, as the driveway is located to avoid the street trees, it does not detract from the existing streetscape.

With regards to the driveway being safe in use, the proposed driveway width accommodates one-way access along unit 1. As the crossover and driveway along the visitor's bays provides for two-way access, this provides a spot for vehicles to wait as a vehicle exits the resident's spaces. The development also incorporates a viewing mirror to the rear of the driveway, which assists with residents leaving the site to be provided with a line-of-sight down the driveway. Further to this, the width of the rear portion of the driveway servicing the residents' bays provides for a second holding bay, allowing two vehicles to pass at the rear.

In light of the above, the proposed driveway is considered to be safe in use.

Local Planning Policy No 15 Percent for Art Policy

If the proposal is approved, it is subject to compliance with the Town's Percent for Art Policy. All development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1,000,000 shall be regarded as eligible proposals under this policy.

Neighbour Consultation

Neighbour consultation was undertaken with the adjoining property owners. Four (4) objections have been received in relation to the proposal; whereby the following comments were made:

1. Building Height

- (a) The breach of Clause 6.1.2 'Building Height' C2 of the R-Codes by the development causes an issue in relation to personal privacy as well as contravening the Council's objective of fostering an enhanced public space and street appearance. Consequently, the potential value of future rent receipts and/or sales proceeds of the adjoining properties is diminished.
- (b) The height of the development may restrict direct sunlight into the adjoining properties. The natural light that currently characterises the adjoining properties will be diminished and adjoining property owners will be forced to consume additional energy resources by using electric lighting alternatives.

- (c) By breaching Clause 6.1.2 of the R-Codes and proposing a building with a wall 100mm over the limit, the appearance of the adjoining properties will be affected. It is the Council's own strategic objective to ensure that higher density housing will have excellent design to ensure that development is people-friendly and attractive.
- (d) Outdoor living areas will be subject to a permanent view of an oversized building.

2. Lot Boundary Setbacks

- (a) The breach of Clause 6.1.4 'Lot Boundary Setbacks' C4.1 of the R-Codes, upper floor northern wall, by the development causes security, privacy and noise pollution concerns. In addition to the reduction of investment value of the adjoining properties, the breach of Clause 6.1.4 brings about a material safety hazard for infant family members.

3. Boundary Walls

- (a) The breach of Clause 6.1.4 'Lot Boundary Setbacks' C4.1 of the R-Codes, boundary walls, causes concern in relation to moderating the visual impact of building bulk on an adjoining property. Furthermore, there is a potential breach of an adjoining property's protection of privacy and personal security.
- (b) The building bulk caused by the boundary walls on the adjoining properties is considered to be excessive.
- (c) The addition of boundary walls may lead to individuals using the walls as a means to scale onto other adjoining properties. This leads to further crime and theft.

4. Property Value

- (a) Given that street appeal is fundamental to realising property values, there is an obvious concern that the development, in its current form, will mitigate the potential rental receipts or sales proceeds that an adjoining owner may receive on renting or selling their property.

5. Visual Privacy

- (a) The balconies of units 7 and 8 look into the adjoining properties. Notably, a privacy screen has been proposed in the development. However, this is only 160cm tall and is mesh in consistency (i.e. see through).

- (b) Children playing in the backyards of the adjoining properties may be subject to personal danger in the form of strangers observing them from a close distance.
- (c) There are concerns about the possible risk poses with the ability to be able to view children through the louvered privacy screens.
- (d) The development will encroach on the privacy of all of the adjoining properties.
- (e) Not one bit of consideration has been given to the surrounding properties in this proposal. It is noted that there are 1600mm high louvered privacy screens proposed for the top units. With most adults standing over 1600mm tall and there being louvered screens, it is questioned what actual privacy the screens will offer.

6. Privacy

- (a) Balconies located close to lot boundaries raises the potential issue of privacy, whereby an individual located on a balcony may be able to observe or listen to private conversations or other transmissions from adjoining properties.

7. Overshadowing

- (a) Whilst an overshadow plan has been enclosed, it is the shading that will take place at midday 21st June when very minimal shadow will be cast as this date coincides with the winter solstice. During the summer months from mid afternoon the adjoining southern property will be almost completely shaded by the proposed building.

8. Noise

- (a) There is potential noise pollution as contemplated by the Environmental Protection Act 1986. The Environmental Protection Act 1986 defines pollution as noise including vibration of any frequency, whether transmitted through air or any other physical medium. Moreover it is Local Governments which use the Environmental Protection Act 1986 (and associated regulation) to deal with domestic noise pollution.
- (b) Balconies located close to lot boundaries raises the potential issue of noise pollution derived from residents located in and around these proposed balconies.
- (c) The design of the driveway means that all vehicle movements to the rear set of units will be travelling alongside the adjoining property creating extra noise and disturbance compared to a single dwelling.

9. Dust and Noise

- (a) While dust and noise are usual expectations during the building process, this proposal will extend beyond the normal and be twice as much considering that two dwellings are to be built where as a simpler subdivision with a battle-axe block created would only necessitate one dwelling being built.

10. Local Planning Policies

- (a) If the proposal is approved (once amendments are made to the current development plan), the development should be subject to compliance with the Council's Percent for Art policy.

11. Local Planning Scheme No. 10

- (a) While the Council has discretionary powers awarded by Local Planning Scheme No. 10, to approve developments in breach of the R-Codes, Clause 5.3.3 (b) of the Local Planning Scheme reiterates that these powers may only be exercised if the Local Government is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality. As inhabitants of the locality, the adjoining property owners/occupiers are adversely affected.

12. Varying Structure Styles

- (a) The proposed design of double storey buildings does not fit in with the current surrounding area of single storey homes, the only double storey buildings in the area are the newly developed units at the intersection of Anzac Terrace and Second Avenue. To build a set of eight units on a block that should only be able to be developed into two residential homes does not fit into the current style of home and building currently in this area.

13. Number of Rubbish Bins

- (a) Council needs to consider that under this proposal there will be no less than 16 rubbish bins to go out on rubbish and recycling day, and eight on a normal rubbish collection week. With the narrow frontage of this block how will this number of bins be accommodated without encroaching on driveways.

The following comments are provided in response to the concerns that have been raised by the adjoining property owners:

1. Building Height

Amended plans have been provided demonstrating that the proposed wall height has been reduced from 6.1 metres to 6 metres in accordance with the Deemed-to-comply provisions of Clause 6.1.2 'Building Height' C2 of the R-Codes.

2. Lot Boundary Setbacks

Amended plans have been provided demonstrating that the proposed setback to the upper floor northern wall has increased from 1.6 metres to 1.97 metres in accordance with the Deemed-to-comply provisions of Clause 6.1.4 'Lot Boundary Setbacks' C4.1 of the R-Codes.

3. Boundary Walls

The proposed western boundary walls comply with the Design Principles of the R-Codes in this instance.

The proposed boundary walls are in keeping with what could be approved for a Single House, therefore the boundary walls are not considered to have any adverse building bulk impacts on the adjoining western properties.

4. Property Value

This is not a valid planning objection.

5. Visual Privacy

All windows and balconies are either setback in accordance with the cone-of-vision requirements or screened up to 1.6 metres above the finished floor level, in accordance with the Deemed to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 and C1.2 of the R-Codes. It is noted that Clause 2.5.4 states:

"The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy."

In light of the above, additional screening cannot be required to be provided in addition to the Deemed-to-comply provisions of the R-Codes.

6. Privacy
The setback of the upper floor balconies from the lot boundaries comply with the Deemed-to-comply provisions of Clause 6.1.4 'Lot Boundary Setbacks' C4.1 and Clause 6.4.1 'Visual Privacy' C1.1 and C1.2 of the R-Codes.
7. Overshadowing
The proposal complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' C2.1 of the R-Codes. Overshadowing is assessed as the shadow cast by the development at midday on 21 June, onto any other adjoining property. As the site has a north-south orientation, the shadow cast a midday on 21 June falls over the primary street setback area and the Anzac Terrace road reserve.
8. Noise
Noise associated with the proposed development is not considered to have any undue impact on the surrounding properties. It is noted that noise is covered under the *Environmental Protection (Noise) Regulations 1997*, whereby it outlines acceptable levels of noise.
9. Dust and Noise
Dust and noise associated with the construction of the development is monitored during construction process by the Town's Environmental Health Officer and Building Surveyor, if any concerns are identified at that time.
10. Local Planning Policies
It is a condition of approval that public art is incorporated into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development is paid in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'.
11. Local Planning Scheme No. 10
The R-Codes have been design to provide a clear choice for applicants to select a Design Principle approach for assessment, a Deemed-to-comply provision approach, or a combination of the two.

In a Design Principle assessment the onus is on the applicant to demonstrate that the proposal complies with the Design Principles.

Given the Deemed-to-comply provisions illustrate only one way of satisfactorily meeting the corresponding Design Principles, the use of the Deemed-to-comply provisions as an evaluation standard during a Design Principle assessment is generally not appropriate.

12. Varying Structure Styles

The subject site and adjoining properties are zoned Residential R20/R40. The subject site is proposing development in accordance with the higher R40 density code.

There is a two-storey height limit permitted for development on the subject site and the surrounding properties.

13. Number of Rubbish Bins

It is a condition of approval that a Waste Management Plan is submitted for the Town's approval, which includes the number of general rubbish and recycling bins to be provided for the development and details of where the bins would be located when waiting collection.

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

FINANCIAL CONSIDERATIONS

Nil.

Conclusion

The proposed development is seen to satisfactorily address the Design Principles specified within the R-Codes, for each of the areas where the building has not been designed to meet the relevant Deemed-to-comply provisions, for the reasons that have been discussed within the body of the report.

On this basis, it is recommended that Council grants approval for the proposed development in accordance with the recommendation presented below.

OFFICER RECOMMENDATION – ITEM 10.2

That Council grants planning approval for the proposed eight (8) multiple dwellings at Lots 200 & 201 (No. 78) Anzac Terrace, Bassendean, subject to the following conditions:

1. Prior to the issue of a Building Permit for this development, Lots 200 and 201 shall be amalgamated into a single lot on a Certificate of Title or the own shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a Building Permit, or the completion of development, whichever occurs earlier;
2. A detailed and professionally prepared landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public 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 species;
 - (c) Landscaping of the verge area adjacent to the development site, including the provision of street trees 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;

3. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
4. The street tree which sits within the verge and is not affected by the proposed development shall be protected by barricades during construction in accordance with the Town's Policy relating to street tree protection;

5. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, constructed at a level which is flush with the level of the main vehicular driveway on site. The colour of the pedestrian paths shall be clearly distinguishable from the colour of the main vehicular driveway;
6. Provision of lighting to pathways and car parking areas;
7. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Anzac Terrace frontage of the development site and this crossover being constructed in accordance with that approval;
8. The existing crossover being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
9. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
10. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction. Both the vehicular driveway and adjacent pedestrian path shall be constructed of brick paving which are of contrasting colours;
11. Each dwelling being provided with one (1) car parking space. Such arrangement shall be reflected on any subsequent strata plan for the property;
12. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
13. A minimum of three (3) and one (1) bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located generally in the area identified on the approved drawings with resident spaces being weather protected and secured with all spaces being constructed in accordance with the provisions of AS 2890.3 (as amended);
14. 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;

15. Prior to the issue of a Building Permit a development bond for the sum of \$4,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;
16. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
17. The street number being prominently displayed at the front of the development;
18. The unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling;
19. 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;
20. A separate application and approval being obtained for any proposed fencing within the street setback area;
21. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
22. External clothes drying facilities shall be screened from view of the street or any other public place at all times;
23. 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;
24. A Waste Management Plan (WMP) is to be submitted for the Town's 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 intended method of collection (private contractor or Council contractor);
- (e) 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;
- (f) Details of where the bins would be located when waiting collection;
- (g) Details of advice to be provided to owners and occupiers regarding the WMP; and
- (h) 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;

25. 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;

26. 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;

27. The proposed boundary walls shall be finished to the satisfaction of the Town;

28. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;
29. The building 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
30. The issue of a Building Permit prior to the commencement of any on-site works.

ADVICE NOTE:

- i. In relation to Condition 16, the owner/applicant is to liaise with the Town's Cultural Development Officer early in the process, if it is intended that the public art is to be provided on-site.

Voting Requirement: Simple majority

10.3 Proposed Eight Multiple Dwellings on Lot 23; No. 12 Second Avenue, Bassendean, Owner: Impera Pty Ltd, Applicant: Accumul8 WA Pty Ltd (Ref: DA2014-249 Stephanie Radosevich, Planning Officer)

APPLICATION

The application seeks Council's approval for eight multiple dwellings which includes variations to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to boundary walls and two-way vehicular access.

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

ATTACHMENTS

Attachment No. 5: Plans of the proposed development
Applicant's justification letter

BACKGROUND

An application for approval to build eight multiple dwellings on the subject lot was submitted on 12 December 2014. Neighbour consultation was undertaken as the initial proposal comprised variations to the Deemed-to-comply provisions of the R-Codes, with respect to lot boundary setbacks, boundary walls and outbuildings; whereby no letters of objection were submitted to the Town in relation the proposed multiple dwellings.

The site is zoned Residential with a split density code of R20/R40, with a site area of 1012 square metres. The proposal relates to a two-storey development which comprises eight (8) two bedroom apartments.

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.

Objective:

- Foster enhanced public space and street appearance.

Strategies:

- Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.
- Encourage the retention of trees on development site

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, Water Sensitive Design Policy and Percent for Art Policy.

ASSESSMENT

Land use

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

Housing Density

By virtue of Clauses 5.3.1.1 and 5.3.1.2 of the Local Planning Scheme No. 10, 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 proposal is considered to comply with points a) to d). With regards to point e), the existing streetscape is characterised by single storey dwellings which have been developed to in accordance with the R20 density code. These dwellings are provided with generous setbacks and complemented by significant landscaping and associated areas of open space.

The proposed development proposes more intense development; however the building setbacks compliment those of other dwellings within the street, with comparable areas of landscaping and associated areas of open space.

In light of the above, development is able to be assessed against the higher density code of R40. It is noted that the development potential for multiple dwellings at an R40 density code is controlled by plot ratio rather than a site area per dwelling requirement as applies for the development of grouped dwellings and single houses.

Compliance with the Residential Design Codes.

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

Boundary Walls

The proposal comprises four (4) boundary walls to the northern boundary; whereas the Deemed-to-comply provisions do not provide for boundary walls for multiple dwellings developed in areas coded R40.

The northern boundary walls comprise six (6) stores (to units 1, 2, 3, 4, 6 and 8) with a total length of 17.1 metres and a height of 2.23 metres.

In terms of the proposed boundary walls, buildings are required to be setback 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 proposed northern boundary walls are considered to meet the Design Principles in this instance as the boundary walls have a similar impact to a standard 1.8 metre high boundary fence on top of 0.5 metres of fill, which is considered acceptable under the Deemed-to-comply provisions of the R-Codes.

Further to this, a Single House developed in accordance with the R20 density code, could build a boundary wall with a length of 16.76 metres with a maximum height of 3.5 metres and an average height of 3 metres. As the proposed boundary walls are in keeping with what could be approved for a Single House, it is considered to be in keeping with the Design Principles in this instance.

In light of the above, the boundary walls are not considered to have any adverse building bulk impacts on the adjoining northern properties.

It is noted that the proposal is compliant with the Deemed-to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 and Clause 6.4.2 'Solar Access for Adjoining Sites' C2.1. In light of this, the proposed boundary walls are not considered to have any undue impact on overlooking or overshadowing in accordance with the Deemed-to-comply provisions of the R-Codes.

Vehicular Access

The proposal does not comprise two-way access for the full length of the vehicle access way. The Deemed-to-comply provisions provide for driveways to be designed for two-way access to allow for vehicles to enter the street in forward gear.

In terms of the proposed driveway, vehicular access is to be provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.

As the proposal comprises one crossover to the site, it aids in minimising the number of crossovers. Further to this, as there are no street trees located in front of the site, the driveway does not impact on any street trees and is not considered to detract from the existing streetscape.

With regards to the driveway being safe in use, the proposed driveway width accommodates one-way access along Unit 1. As the crossover and driveway along the visitor's bays provides for two-way access, this provides a spot for vehicles to wait as a vehicle exits the resident's spaces. The development also incorporates a viewing mirror to the rear of the driveway, which assists with residents leaving the site to be provided with a line-of-sight down the driveway. Further to this, the width of the rear portion of the driveway servicing the residents' bays provides for a second holding bay, allowing two vehicles to pass at the rear.

In light of the above, the proposed driveway is considered to be safe in use.

Local Planning Policy No 15 Percent for Art Policy

If the proposal is approved, it is subject to compliance with the Town's Percent for Art Policy. All development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1,000,000 shall be regarded as eligible proposals under this policy.

Neighbour Consultation

Neighbour consultation was undertaken with the adjoining property owners; whereby no comments were received in relation to the proposal.

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

FINANCIAL CONSIDERATIONS

Nil.

Conclusion

The proposed development is seen to satisfactorily address the Design Principles specified within the R-Codes, for each of the areas where the building has not been designed to meet the relevant Deemed-to-comply provisions, for the reasons that have been discussed within the body of the report.

On this basis, it is recommended that Council grants approval for the proposed development in accordance with the recommendation presented below.

OFFICER RECOMMENDATION – ITEM 10.3

That Council grants planning approval for the proposed eight (8) multiple dwellings at Lot 23 (No. 12) Second Avenue, Bassendean, subject to the following conditions:

1. Units 1 to 8 shall be provided with a solar hot water system (as shown on the approved drawings), details of which shall be incorporated into the working drawings submitted for a Building Permit to the satisfaction of the Town;
2. A detailed and professionally prepared landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public 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 species;
 - (c) Landscaping of the verge area adjacent to the development site, including the provision of street trees 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;

3. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
4. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, constructed at a level which is flush with the level of the main vehicular driveway on site. The colour of the pedestrian paths shall be clearly distinguishable from the colour of the main vehicular driveway;

5. Provision of lighting to pathways and car parking areas;
6. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Second Avenue frontage of the development site and this crossover being constructed in accordance with that approval;
7. The existing crossover being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
8. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
9. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction. Both the vehicular driveway and adjacent pedestrian path shall be constructed of brick paving which are of contrasting colours;
10. Each dwelling being provided with one car parking space. Such arrangement shall be reflected on any subsequent strata plan for the property;
11. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
12. A minimum of three and one bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located generally in the area identified on the approved drawings with resident spaces being weather protected and secured with all spaces being constructed in accordance with the provisions of AS 2890.3 (as amended);
13. 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;
14. Prior to the issue of a Building Permit a development bond for the sum of \$4,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;

15. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
16. The street number being prominently displayed at the front of the development;
17. The unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling;
18. 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;
19. A separate application and approval being obtained for any proposed fencing within the street setback area;
20. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
21. External clothes drying facilities shall be screened from view of the street or any other public place at all times;
22. 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;
23. A Waste Management Plan (WMP) is to be submitted for the Town's 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 intended method of collection (private contractor or Council contractor);
- (e) 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;
- (f) Details of where the bins would be located when waiting collection;
- (g) Details of advice to be provided to owners and occupiers regarding the WMP; and
- (h) 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;

24. 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;

25. 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;

26. The proposed boundary walls shall be finished to the satisfaction of the Town;

27. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;

28. The building 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
29. The issue of a Building Permit prior to the commencement of any on-site works.

ADVICE NOTE:

- i. In relation to Condition 15, the owner/applicant is to liaise with the Town's Cultural Development Officer early in the process, if it is intended that the public art is to be provided on-site.

Voting Requirement: Simple majority

10.4 Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lot 37; No. 5 Fourth Avenue, Bassendean, Owner: RA & JMA Jutras-Minett, Applicant: L Anderson (Ref: DA 2014-065/DR 169/2014 Christian Buttle, Senior Planning Officer)

APPLICATION

Council, by virtue of an order made by the State Administrative Tribunal, has for a second time been invited to reconsider its refusal to grant planning approval for the proposed development of multiple dwellings at No. 5 Fourth Avenue, Bassendean.

The application which is now before Council proposes the development of eight (8) multiple dwellings.

ATTACHMENTS

Attachment No. 6:

- Officer Report presented to December 2014 Council meeting for proposed 9 Multiple Dwellings.
- Notice of determination dated 16 December 2014 provided under the cover of correspondence dated 18 December 2014.
- Order of the State Administrative Tribunal dated 23 April 2015.
- Revised Drawings identified as Shire Amdt 9 (dated 16/05/2015) comprising sheets 1-8.
- Allerding & Associates correspondence dated 5 June 2015.

BACKGROUND

There is now a long and extensive history associated with the assessment of this application for planning approval dating back to March 2014, as identified in the timeline below:

March 2014

Town receives an application for planning approval which proposes the addition of five new multiple dwellings while retaining the existing house at No. 5 Fourth Avenue (proposed development adds two dwellings to the front of the existing house and a further three to the rear).

May 2014

An application against the 'deemed' refusal of this proposal is made to the State Administrative Tribunal (SAT).

June 2014

Application for review referred to SAT directions hearing for consideration.

July 2014

As part of the review process, the Town is invited to make a formal determination by SAT and the application is formally refused by the Manager, Development Services under delegated authority on 3 July 2014.

July 2014

Application was the subject of mediation between the Town and the Applicant on 22 July 2014.

August 2014

Application was the subject of mediation between the Town and the Applicant on 26 August 2014.

September 2014

Application was the subject of mediation between the Town and the Applicant on 12 September 2014.

October 2014

Application was the subject of mediation between the Town and the Applicant on 9 and 30 October 2014.

At this time, the Applicant was also invited to formally resubmit a revised proposal for consideration by Council at its November 2014 ordinary council meeting. As part of this process the Applicant was unable to meet specified submission deadlines and the invitation for Council to reconsider a revised proposal was changed to the December 2014 ordinary council meeting, with a revised submission to be made by the Applicant by 27 November 2014.

During the mediation process which ran from July 2014 through to late October 2014, the Applicant's development proposal changed from:

- Retain the existing Single House and add 5 Multiple Dwellings; to
- Demolition of the existing Single House and complete redevelopment of the site with 10 Multiple Dwellings; to
- Demolition of the existing Single House and complete redevelopment of the site with 9 Multiple Dwellings (it was this proposal that the Applicant settled upon to be forwarded to Council's December 2014 meeting for reconsideration).

December 2014

Council, by virtue of the s31 reconsideration, considered the proposal for nine (9) multiple dwellings at its ordinary meeting held 16 December 2014, at which time it resolved to refuse the application for various reasons, and a copy of both the officer report which was presented to the December 2014 council meeting and the associated notice of determination have each been provided as attachments to this report.

December 2014

On 19 December 2014 the application for review was considered at a further directions hearing at which time the proceeding was adjourned until March 2015 *“in order to await the determination of other proceedings involving development applications in the Town of Bassendean”*. The reference to other proceedings involving the Town of Bassendean related to the following two tribunal matters which were awaiting determination by the Town:

- DR 137 of 2014 relating to a proposal for 8 Multiple Dwellings on Lots 446 and 447 (Nos. 102-104) First Avenue, Bassendean; and
- DR 245 of 2014 relating to a proposal for 10 Multiple Dwellings on Lot 251 (No. 103) Guildford Road, cnr Shackleton Street, Bassendean.

A decision in relation to DR 137 of 2014 was subsequently handed down on 13 February 2015 and a decision in relation to DR 245 of 2014 was handed down on 16 March 2015. Each of these applications for review was allowed (i.e. the Applicant was successful in pursuing the appeal).

March 2015

Application was the subject of a directions hearing on 20 March 2015.

April 2015

Application was the subject of mediation between the Town and the Applicant on 23 April 2015.

The order of the SAT dated 23 April 2015 has been provided as an attachment to this report.

May 2015

The application was the subject of further mediation between the Town and the Applicant on 19 May 2015. Councillors were invited to attend the mediation, and in response to this invitation Cr Pule attended.

During the mediation held between March and May 2015 the development concept was changed from 9 Multiple Dwellings to 8 Multiple Dwellings.

June 2015

Council has now been invited to reconsider the proposal (the design concept now incorporating 8 Multiple Dwellings) at its ordinary meeting to be held 23 June 2015.

Site Details and Development Proposal

The development site is zoned residential with a split density code of R20/R40 and has an area of 1,018 square metres. The proposal relates to a two-storey development which comprises 7 two bedroom apartments and 1 three bedroom apartment (the application most recently considered by Council at its December 2014 meeting incorporated 2 one bedroom apartments, 6 two bedroom apartments and 1 three bedroom apartment).

Plans and a letter of justification as prepared by the Applicant are included as attachments.

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.

Objective:

- Foster enhanced public space and street appearance.

Strategies:

- Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.
- Encourage the retention of trees on development site

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, Water Sensitive Design Policy and Percent for Art Policy.

ASSESSMENT

Land use

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

Housing Density

By virtue of Clauses 5.3.1.1 and 5.3.1.2 of the Local Planning Scheme No. 10, 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.

While the proposal which was referred to Council's meeting in December 2014 was seen to meet points (a) to (d) only, the revised proposal which is the subject of current consideration is now seen to suitably address all of points (a) to (e), for the following reasons:

- Building setbacks from Fourth Avenue have been increased beyond those which were previously proposed;

- The extent of landscaping on site which sits between the front property boundary and the building alignment has been increased beyond that which was previously proposed; and
- Two storey built form within the context of an existing single storey streetscape was a matter considered by the State Administrative Tribunal (SAT) in dealing with other applications for review which have been referred to within this report. Such built form was seen to be acceptable in the context of the other applications, and there is nothing to differentiate the current application from those determined by SAT in this respect.

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 9 dwelling proposal which was considered by Council at its meeting in December 2014 incorporated a number of areas which required assessment and determination against the Design Principles of the R-Codes.

Comment in relation to each of these areas and in particular how the new 8 dwelling design has addressed the concerns that were identified in the old 9 dwelling design are provided below.

Street Setbacks

The proposed development was previously set back a minimum of 3.076 metres (balcony of unit 2) whereas the Deemed-to-comply provisions of Clause 6.1.3 'Street Setback' C3.1 of the R-Codes provides for a 4 metre setback from Fourth Avenue.

The revised proposal now incorporates a minimum setback of 5.866 metres from the front property boundary which is well in excess of the minimum specified for development at an R40 density code. Indeed, the street setbacks which are now proposed demonstrate compliance with those specified for development at an R20 density code.

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

Lot Boundary Setbacks

The proposed development retains a side setback of approximately 700mm for carports alongside the northern property boundary (right hand side) adjacent to a vacant Water Corporation parcel of land which is zoned for residential development in lieu of the 1.5 metre side setback prescribed by the Deemed-to-comply provisions of Clause 6.1.4 of the R-Codes.

In light of the vacant nature of the adjoining site and the lightweight nature of the structure in question, no concern is held in relation to this setback variation.

The Deemed-to-comply provisions of Clause 6.1.4 of the R-Codes also specify a requirement for separate multiple dwelling buildings facing each other on the same site to be set back from each other as though there were a boundary between them.

The 3.8 metre setback which had been proposed between the separate multiple dwellings at the front of the site (the buildings located on either side of the central driveway serving the rear multiple dwelling building) has now been increased to a setback of 4.18 metres. Owing to the fact that the side wall of one of the buildings contains 'major openings' to habitable rooms, this separation still requires an assessment to be made against the Design Principles of clause 6.1.4 of R-Codes which requires:

"Buildings to be 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 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 increased separation which is now proposed is acceptable for the following reasons:

- The 4.18m separation between the buildings exceeds that which would be expected by the R-Codes in relation to building bulk (i.e. determined by calculating setback requirements for the walls assuming no major openings); and
- Privacy protection between the dwellings is maintained.

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

Street Surveillance

The Deemed-to-comply provisions of Clause 6.2.1 'Street Surveillance' of the R-Codes provides for buildings with 'clearly definable entry points visible and accessed from the street'.

The associated Design Principle requires 'buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment'.

Traditional building design incorporates buildings which address the street with clearly definable entry points which are visible from the street.

Although some of the dwellings do not have clearly definable entry points which are visible from the public street, the design now incorporates a distinguishable pedestrian path which gives pedestrians a necessary visual 'cue' to lead them through the development from the visitor parking bays at the front of the site to each respective dwelling entrance within the development.

If this revised arrangement were coupled with clear numbering of the front door to each dwelling and a sign attached to the rear building within the vicinity of the store to unit 6 which directed visitors toward the entrance to units 6-8, the revised arrangement is considered to be acceptable. Relevant conditions have been incorporated into the recommendation reinforcing matters such as:

- The need for the differentiation in paving to delineate pedestrian path from vehicular path;
- The need for each individual dwelling to be clearly numbered;

- The need for a sign to be provided which directs visitors to units 6-8; and
- The need for lighting to be provided to pedestrian paths.

Outdoor Living Areas

Whereas the previous application incorporated some units with outdoor living areas of less than the 10 sq.metre minimum specified by the Deemed-to-comply provisions within clause 6.3.1 of the R-Codes, all dwellings are now provided with outdoor living areas of the specified size and associated dimension requirements and this matter is now suitably addressed.

Landscaping

The proposed development incorporates:

Landscaping within the prescribed 4m front setback area is slightly less than the 50% minimum prescribed by the Deemed-to-comply provisions of the R-Codes, however, landscaping which sits forward of the buildings (and which will 'read' as the setback area to any casual observer) overall equates to an area which is more than 50% of the area contained within the prescribed street setback. On this basis the proposed arrangements are supported.

As identified, the new proposal provides improved arrangements in relation to pedestrian access and a recommended condition will reinforce the lighting requirements contained within the R-Codes.

Parking

While the application considered by Council in December 2014 incorporated a greater number of parking spaces than that prescribed by the R-Codes, the ratio within which the bays were allocated varied from that specified by the Deemed-to-comply (DTC) provisions of the R-Codes (2 visitor car parking bays were provided whereas 3 were prescribed).

The design which is the subject of current consideration once again provides car parking at a number which exceeds the number called for by the DTC provisions of the R-Codes(10 versus 9), but now also incorporates an allocation which also meets the DTC provisions of the R-Codes (reduction in number of proposed dwellings from 9 to 8 reduces the visitor car parking requirement from 3 bays to 2 bays and 2 visitor bays are provided).

The proposed development shows space for three occupier bicycle parking spaces which accords with the number specified by the Deemed-to-comply provisions of the R-Codes along with 1 visitor bicycle parking space. A condition of approval specifies that installation must meet the requirements specified within AS2890.3 (Bicycle Parking Facilities).

Subject to the imposition of conditions as identified, the area of car parking provision is now suitably addressed.

Design of Car Parking Spaces

The application considered by Council in December 2014 included 4 under length parking bays and one bay which had a deficient length access aisle behind affecting access/egress.

All of the parking bays and associated access aisles now incorporate dimensions which address requirements specified within AS2890.1 'Off-street car parking'.

The application considered by Council in December 2014 incorporated a visitor parking bay which was located centrally within the site, contrary to the Deemed-to-comply provisions of the R-Codes.

The new application incorporates 2 visitor parking bays which each sit forward of the front dwellings on the site as required by the Deemed-to-comply provisions of the R-Codes.

Matters associated with the design of car parking spaces are now suitably addressed.

Vehicular Access

The development provides a combined pavement width (the combined pavement width includes paving which is designed for vehicular use only and a flush pedestrian path of a distinguishable colour which can be driven over if the need arises, such as in the event that two vehicles were needing to pass each other in opposing directions) of 5.5 metres in width which exceeds the 5.4 metre width previously provided. 5.5 metres is the minimum width specified by AS2890.1 to allow two way vehicle movements.

This arrangement is considered to be satisfactory, having regard to the number of dwellings which are proposed. As a comparison, where grouped dwellings are proposed (villas or townhouses), the requirement for a separate pedestrian path only comes into play where 10 or more dwellings are proposed.

A street tree is located within the verge forward of the development site and the drawings show a clearance of 607mm between the crossover and this tree.

The Town's Parks and Gardens Supervisor has advised that the verge tree will not survive with a separation of only 607mm to the crossover and can be removed by the Town at a cost of \$924.20 to the applicant. If the street tree were removed, the proposed crossover could then be aligned with the driveway on site which would be preferable for the occupiers of the dwellings (the current design shows a crossover which is off-centre in order to try and facilitate the retention of the tree).

If this established street tree were to be removed, it would also be appropriate that in addition to paying the cost of \$924.20 for removal, that the applicant pay for the installation of two advanced replacement trees (2m minimum height at the time of planting) to either side of the new crossover, with species to be used being in accordance with the Town's adopted street tree master plan.

Having regard to the advice provided by the Town's Parks and Gardens supervisor, the matter of vehicular access is seen to be appropriately addressed subject to conditions of approval which require:

- Payment for the Town's removal of the existing street tree;
- The alignment of the crossover being adjusted in order that it matches the alignment of the main driveway on site; and
- The provision of two replacement street trees of an advanced height.

Visual Privacy

The proposed development which was considered by Council in December 2014 incorporated an upper floor landing to unit 9 which was set back approximately 3 metres from the boundary with the adjoining property to the south at No. 3A Fourth Avenue and unscreened, contrary to the Deemed-to-comply (DTC) provisions contained within Clause 6.4.1 'Visual Privacy' of the R-Codes. This area has now been screened and the separation distance called for within the DTC provisions of the R-Codes has been now been provided. As such, this matter has been suitably addressed.

Utilities and Facilities

The previous application incorporated a number of stores with internal dimensions of less than the 1.5 metres specified within the Deemed-to-comply provisions of the R-Codes. This has now been suitably addressed in the new submission.

In terms of rubbish disposal, concerns were held in the following respects with the application considered by Council in December 2014:

- Bin storage area was not designed in accordance with the Town's requirements and the number of bins which were shown could not be accommodated within available verge space for collection;

The revised drawing shows a rubbish disposal area with 12 bins which can be accommodated by available verge space. To assist with:

- encouraging a reduction in the amount of waste generated;
- consistency with the majority of other similar applications that have been determined by the Town;
- to allow for bulky rubbish space within the bin store; and
- to provide some flexibility in the event that the Town were to ever change over to a 3 bin system,

it is recommended that bins be shared at a rate of 1 per 2 dwellings (i.e. 4 general waste bins and 4 recycling bins for the development)

Local Planning Policy No 15 Percent for Art Policy

If the proposal is approved, it is subject to compliance with the Town's Percent for Art Policy. All development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1,000,000 shall be regarded as eligible proposals under this policy.

Neighbour Consultation

Neighbour consultation was undertaken with the adjoining property owners on either side and to the rear of the proposed development when the original application for planning approval was considered by the Town.

In response to the four letters which were sent to the adjoining owners, the Town received:

- 7 individual letters of objection (one letter from each of the four owners who were consulted plus additional letters from 3 owners who did not receive direct notification from the Town); and

- A petition signed by 62 petitioners objecting to the proposed development.

While the SAT review process has not afforded the opportunity to seek further comment from adjoining property owners in relation to the plans which are the subject of current consideration, each of the owners who made a submission originally has been advised of the referral of the application to a Council meeting for consideration.

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 were to refuse the application for planning approval, it is likely that 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

The proposed development is now seen to satisfactorily address the Design Principles specified within the R-Codes, for each of the areas where the building has not been designed to meet the relevant Deemed-to-comply provisions, for the reasons that have been discussed within the body of the report.

On this basis, it is recommended that Council approves the proposed development in accordance with the recommendation presented below.

OFFICER RECOMMENDATION – ITEM 10.4

That in response to the invitation given by the State Administrative tribunal in its Order dated 23 April 2015 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants planning approval for the proposed eight (8) multiple dwellings at Lot 37 (No. 5) Fourth Avenue, Bassendean, subject to the following conditions:

1. 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 species;
 - (c) Landscaping of the verge area adjacent to the development site, including the provision of two

- street trees 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;

2. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
3. The applicant shall pay the Town \$924.20 for the removal of the existing street tree prior to the issue of a Building Permit for the proposed development;
4. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with car parking areas, constructed at a level which is flush with the level of the main vehicular driveway on site. The colour of the pedestrian paths shall be clearly distinguishable from the colour of the main vehicular driveway;
5. Provision of lighting to pathways and car parking areas;
6. 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 crossover shall be constructed on the same alignment as the main driveway on site;
7. The existing crossover being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
8. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
9. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction. Both the vehicular driveway and adjacent pedestrian path shall be constructed of brick paving which of contrasting colours;

10. Each dwelling being provided with one car parking space. Such arrangement shall be reflected on any subsequent strata plan for the property;
11. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
12. A minimum of three (3) and one (1) bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located generally in the area identified on the approved drawings with resident spaces being weather protected and secured with all spaces being constructed in accordance with the provisions of AS 2890.3 (as amended);
13. 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;
14. Prior to the issue of a building permit a development bond for the sum of \$4,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;
15. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
16. The street number being prominently displayed at the front of the development;
17. The unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling;
18. A sign being provided within the vicinity of the store to unit 6 which directs visitors to units 6-8;
19. 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;

20. The provision of letterboxes in materials to complement the development to the satisfaction of the Town;
21. Any external clothes drying facilities being screened from view from the street or any other public place at all times;
22. 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;
23. 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;
24. 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;
25. 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;
26. 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
27. The issue of a building permit prior to the commencement of any on-site works.

ADVICE NOTE:

- i. In relation to Condition 15, the owner/applicant is to liaise with the Town's Cultural Development Officer early in the process, if it is intended that the public art is to be provided on-site.

Voting Requirement: Simple majority

10.5 Proposed Additions and Alterations to Single House – Lot 66 (No. 31) Clarke Way, Bassendean, Owner: O. Calnan, Applicant: I. Sulenta (2015-027 – Christian Buttle, Senior Planning Officer)

APPLICATION

The application proposes additions and alterations to an existing Single House at No. 31 Clarke Way which is situated within the Swan River flood fringe.

The proposed finished floor level to the habitable room additions is beneath that recommended to provide protection in the event of a 1:100 year flood.

The application also seeks retrospective approval for a front courtyard wall which does not demonstrate compliance with R-Code requirements relating to visual permeability and street surveillance.

ATTACHMENTS

Attachment No. 7:

- Plans of the proposed development.
- Local Planning Policy No. 4 – Floodplain Management and Development Policy.
- Applicant's letter dated 9 June 2014.
- Photograph of dwelling showing courtyard wall as viewed from street

BACKGROUND

The Town's records show the following development history for the subject property:

- 1972: Single House.

The proposed additions and alterations which are the subject of this application include the addition of a new master bedroom suite (bedroom / parents retreat / walk in robe / ensuite), double carport and patio.

The additions and alterations, which are the subject of the application for retrospective approval, relate to a courtyard wall which has been constructed forward of the front living wall of the dwelling. As this wall is constructed within the street setback area and also impacts street surveillance, it must be assessed against the following R-Code provisions:

- 5.2.3 – Street surveillance; and

- 5.2.4 – Street walls and fences.

Plans of the proposed development are provided as an attachment.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objectives

Foster enhanced public space and street appearance

Strategies

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

Provide a safe environment

Strategies

Support residents to feel safe in their own homes and in public places and shops in the Town through ranger patrols, community safety education, deploy where appropriate Closed Circuit Television in accordance with legislative requirements, and joint activities with WA Police and other agencies to address anti-social behaviour.

COMMENT

Floor Levels and Flood Considerations

The rationale for prescribing floor levels in flood prone areas is to protect both people and property. If the Town approved development of habitable rooms below the recommended flood mitigation levels of 500mm above the 1:100 year flood level, any resulting property damage due to inundation during a flood event, would expose the Town as the approving authority to liability claims.

Although applications for additions below the recommended floor level for houses within the Swan River flood fringe are not common, Council has considered three such applications within the recent past, being:

- No. 9 Broun Way, Bassendean – June 2014;
- No. 27 Anstey Road, Bassendean – May 2013;
- No. 160 West Road, Bassendean – February 2013.

Each of these applications was conditionally approved, and in accordance with current practice required, (in the case of 9 Broun Way), the placement of a notification on title pursuant to the provisions of s70A of the Transfer of Land Act (section 70A of the Transfer of Land Act deals with a potential hazard or other factor affecting land).

Approvals for the applications dealt with prior to that for No. 9 Broun Way required legal agreements and indemnifications as Council policy specified at that earlier time.

The existing dwelling has a finished floor level of 4.82 metres above Australian Height Datum (AHD).

The 1:100 average recurrence interval (ARI) flood level at this location is 4.76m above AHD, and it is a normal requirement for finished floor levels to be set 500mm above this level (i.e. 5.26m above AHD). Accordingly, while the proposed finished floor level of 4.82m AHD sits marginally above the level required to provide 100 year ARI flood protection, it sits beneath the 5.26m level required by today's development standards.

Part of the assessment of this application for planning approval involved referral to the Department of Water. The following comments were provided by the Department's Floodplain Management Engineer:

"In light of the additional information and plans regarding the proposal, the following comments are provided:

- *The area of the proposed extension is approximately 40% that of the existing residence.*
- *The finished floor level of the proposed extension (4.82 m AHD) is consistent with that of the existing dwelling and provides 100 year ARI flood protection (albeit with minimal freeboard).*

Consequently, based on the above comments, the proposed extension is considered acceptable with respect to major flooding.

However, to minimise potential flood damages within the proposed extension it is recommended that all electrical installations be located above 5.26 m AHD and suitably insulated."

There are two issues regarding risk that are the subject of consideration. The first is the higher risk of flood related property damage resulting from adding more floor area below the recommended 1:100 year levels to habitable rooms. Secondly, in terms of risk to people, the additions primarily act to improve the amenity of the dwelling, not necessarily the number of people living in the dwelling.

From a longer term planning perspective, permitting additions to a dwelling that does not conform to current flood plain management standards may act to prolong the life of the building, and therefore the probability of flood damage. However, there has been a steady pattern in recent years of dwellings in the flood fringe being replaced rather than being added on to, thus lessening the risk of flood damage in an aggregate sense within the flood fringe in particular and the flood plain generally.

Development within the Swan River Flood Plain is assessed in reference to Local Planning Policy No. 4 – ‘Floodway Management and Development Policy’ which has been provided as an attachment to this report. This policy allows minor additions to dwellings within floodway, however, there is an anomaly in that the policy is silent, and therefore excludes additions to dwellings within the flood fringe that are below the recommended levels. A copy of this policy is provided as an attachment.

Front Courtyard Considerations

The application seeks retrospective approval for a courtyard wall which has recently been constructed without the approval of the Town having been obtained which sits forward of the living room (right hand side of the dwelling as viewed from the street).

A letter from the property owner in support of the retention of the courtyard wall in its current form dated 9 June 2015, has been provided as an attachment.

Relevant considerations to be made in relation to this wall include those under:

- (a) clause 5.2.3 of the R-Codes relating to Street surveillance; and
- (b) those under (b) clause 5.2.4 relating to Street walls and fences.

(a) Street Surveillance

The Deemed-to-comply provisions of the R-Codes require the dwelling to incorporate at least one major opening from a habitable room of the dwelling which faces the street and the pedestrian / vehicular approach to the dwelling. The associated performance criteria requires buildings which provide for surveillance between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.

While the wall that has been constructed incorporates limited openings, it limits clear view from the living room to the street from many angles. This is apparent in the photograph of the wall which has been provided as an attachment.

It is noted that the additions do provide additional habitable room openings facing the street (from the new bedroom), but these openings in turn provide a restricted view of the street as any view obtained is through the carport and likely to be blocked at least in part by parked cars.

(b) Street Walls and Fences

The Deemed-to-comply provisions of the R-codes require front fences within the primary street setback area that are visually permeable above 1.2m from natural ground level, measured from the street side of the fence, while the associated Design principles require front fences which are low or are restricted in height to permit surveillance and enhance streetscape with appropriate consideration of the need:

- for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and
- for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

Historically, in the Town, front fences were controlled by the Town's various Fencing Local Laws. However, in May 2013, the Town started the process of making the 2013 Fencing Local Law, which unlike previous versions of the Local Law, no longer contains provisions controlling the appearance of front fences, such as material selection, height, permeability requirements, visual truncations and the like.

The intention behind that change is that front fencing is really an amenity issue, rather than a building issue and should be controlled through the planning process, with the intention that a Planning Policy be adopted under the Local Planning Scheme No. 10.

Until that policy is adopted, front fencing is now controlled through the need to apply for a planning approval where the proposed fencing does not meet the deemed-to-comply standards of the Residential Design Codes.

The wall that has been constructed is solid to a height of 1.9 metres with the exception of four rectangular permeable panels of 0.5m width by 1.1m height which are located centrally within the fence. As such, the front face of the wall is only 16% permeable, while the side returns are completely solid.

Clarke Way is classified as an Access Road under the Main Roads road hierarchy, and as such does not warrant a higher fence to deal with traffic noise and volumes. The main outdoor living area to the dwelling is a traditional 'back garden', so the non-permeable fence is not necessary from a visual privacy perspective either.

If Council wished to approve the fence as constructed, it would need to come to the conclusion that the fence would meet the design principles of the Codes as outlined in this report. However, as Clarke Way is a local road and private open space is provided at the rear of the dwelling, it is not evident how the proposal could be said to meet the Design principles.

Carport

The R-Codes define a carport as *“a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side....”*. A garage is defined as *“any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.”*

The parking structure which has been proposed in this instance adjoins the dwelling to its rear and adjoins the dwelling to a small extent on one side (although the majority of this side is not enclosed). Having regard to the character of the structure, its visual appearance and noting that the majority of the second side to which it adjoins the dwelling is open, this parking structure has been assessed against the provisions of the R-Codes insofar as they relate to carports.

A corner of the carport incorporates a setback of 2.46 metres from the front property boundary which is less than the 3.0m minimum required by the Deemed-to-comply provisions of the R-Codes. This setback results from the fact that the existing dwelling is arranged at an unusual angle to the front property boundary.

This minor projection into the street setback area is seen to be acceptable as:

- It is only for a corner of the structure;
- The structure is open in its appearance;
- Front setback averaging overall is compliant with the Deemed-to-comply provisions of the R-Codes (i.e. a 6m average front setback is maintained); and
- Approval of a carport at such a siting is consistent with previous decision making of the Town.

Other R-Code Requirements

Other components of the plan, including the proposed boundary wall to the ensuite and walk-in-robe, demonstrate compliance with the Deemed-to-comply provisions of the R-Codes.

Options

Council has the following options in regard to the proposed additions at No. 31 Clarke Way:

1. Refuse the application on the basis that development is below the recommended floor level for development in the Swan River Flood Fringe and the application not suitably addressing the street surveillance and street walls and fences provisions of the R-Codes;

or

2. Grant planning approval subject to conditions including the requirement that a section 70A notification be placed on the certificate of title under the provisions of the Transfer of Land Act along with physical modifications to the front fencing in order to increase its level of visual permeability.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10

10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

The local government in considering an application for planning approval is to have due regard to the following matters in the determination of this application:

- (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;*
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (n) the preservation of the amenity of the locality;*

LOCAL PLANNING POLICY NO. 4 – FLOODWAY MANAGEMENT AND DEVELOPMENT POLICY

“The following extract applies to this application:

1.2 Within the flood fringe areas defined on the floodplain mapping, Council will consider each planning application on its merits and will determine the development standards or refuse approval for that development after taking into account:

- a) the specific site characteristics of the development site and the surrounding areas including natural surface or fill levels and existing floor levels;*
- b) areas of environmental significance;*
- c) potential impacts of the proposal on the hydrology, ecology and amenity of the floodplain; and*
- d) any positive aspects of the development.”*

If Council elects to refuse the application or imposes conditions which are unacceptable to the applicant, the applicant may seek a review of the decision through the State Administrative Tribunal.

FINANCIAL CONSIDERATIONS

Nil to Council. The applicant will be responsible for meeting the costs associated with the lodgement of the section 70A notification in the event that the Officer recommendation is adopted.

OFFICER RECOMMENDATION — ITEM 10.5

That:

- (a) Council grants planning approval for the proposed Additions and Alterations to the Single House at Lot 66 (No. 31) Clarke Way, Bassendean, subject to the following conditions and specific advice notes:
 1. The boundary wall being finished to the satisfaction of the Town.
 2. All storm water being contained and disposed of on site.
 3. The property owner lodging a notification pursuant to section 70A of the Transfer of Land Act 1893 (WA) with the Registrar of Titles for endorsement on the Certificate of Title for the land. The notification shall be in the following terms:
 - a. *“Registered proprietors and prospective purchasers of the land are notified that the land is situated within the flood plain of the Swan River and is liable to be affected by flooding. The ground floor of the dwelling including the additions approved by the Town in 2015, may be impacted by flooding events of more than a 1:100 year magnitude. Further information regarding anticipated flood levels is available upon request from the Town of Bassendean.”*
 4. The car parking spaces and access ways being constructed and maintained thereafter to the Town’s satisfaction, with driveway and crossover being constructed in the location shown on the approved drawings.

5. The approved parking structure not being enclosed nor provided with a roll-a-door or similar door without the approval of the Town first being obtained.
6. The colour of the roof of the proposed parking structure matching that of the existing main dwelling to the satisfaction of the Town.
7. The proposed crossover being constructed in accordance with the Town's specifications (separate application and approval required).
8. The existing crossover being removed and the verge and kerbing being reinstated as necessary to facilitate construction of the new crossover.
9. Existing street trees within the street verge adjacent to the development site being retained and protected with barricades during construction, in accordance with the Town's Policy for street tree protection.
10. The "existing front wall" being modified to the satisfaction of the Town to incorporate:
 - a) Solid wall to maximum height of 1.2 metres as viewed from the street;
 - b) Piers at regular intervals; and
 - c) Visually permeable infill panels above 1.2 metres in height;

With agreed modifications to this wall to be effected on site within 60 days from the date of this determination.

11. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street.
12. A Building Permit shall be issued prior to the commencement of any works on site.

Specific Advice Notes:

1. In accordance with the provisions of the Town of Bassendean Local Planning Policy No. 4 "Floodplain Management and Development", the applicant / owner is hereby notified of the flood hazard associated with the land upon which the development is intended to be undertaken.
 2. In accordance with the provisions of the Town of Bassendean Local Planning Policy No. 4 "Floodplain Management and Development", the additions should be designed in such a way that they drain in the event of a flood.
 3. All electrical installations should be designed to achieve a minimum clearance of 500mm above the 1:100 year ARI flood level, in accordance with the provisions of Council's Local Planning Policy No. 4 – Floodplain Management and Development.
- (b) The Chief Executive Officer be authorised to commence formal prosecution action in the event that the front courtyard wall is not modified to the satisfaction of the Town within the 60 day timeframe specified in the conditions of approval for this development.

Voting requirements: Simple Majority

10.6 Metropolitan Region Scheme Proposed Amendment 1275/57– Central Districts Omnibus 4 (Ref: LUAP/ZNNG/1 – Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider a proposal to amend the Metropolitan Region Scheme and in particular, a proposal in the Town of Bassendean.

ATTACHMENTS

Attachment No. 8: Plan showing proposal 33 – Eden Hill

BACKGROUND

The Western Australian Planning Commission has recently resolved to amend the Metropolitan Region Scheme (MRS), through the Central Districts Omnibus No. 4. An omnibus amendment normally includes a number of unrelated minor amendments to the Scheme.

The amendment is being advertised until Friday 31 July 2015.

The amendment includes one proposal within the Town of Bassendean, being proposal No. 33 which is reproduced below:

“Eden Hill: to transfer a portion of Lot 3003 Lord Street from the Urban Zone to the Public Purposes (Hospital) reservation and to transfer a portion of Lot 9 Walter Road East from the Public Purposes (Hospital) reservation to the Urban zone.”

A plan showing the proposal is included in the attachments section of the agenda.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

The proposal seeks to deal with a zoning anomaly, by taking the hospital reservation off private property, and accurately defining the extent of the current reservation.

In as much as the Pyrton site is no longer required as a hospital, no doubt this land will be subject to a further amendment to the MRS, and possibly the Local Planning Scheme, once the future of this land is more certain.

STATUTORY REQUIREMENTS

The process for amending the MRS is governed by the Planning and Development Act 2005.

Once the amendment to the MRS is finalised, the Minister for Planning will direct Council to initiate an amendment to the Local Planning Scheme No. 10 to make the local Scheme consistent with the MRS, ie to zone the unzoned portion of Lot 9 Walter Road East residential and to apply a density code.

FINANCIAL CONSIDERATIONS

Nil to Council at this stage.

OFFICER RECOMMENDATION – ITEM 10.6

That Council advises the Western Australian Planning Commission that it supports Proposal 33 of Metropolitan Region Scheme Amendment No. 1275/57 to transfer a portion of Lot 3003 Lord Street from the Urban Zone to the Public Purposes (Hospital) reservation and to transfer a portion of Lot 9 Walter Road East, Bassendean, from the Public Purposes (Hospital) reservation to the Urban zone.

Voting requirement: Simple Majority

10.7 Proposed Land Exchange for Two Crown Reserves - Lot 7557 Lord Street (A3280) Bassendean & 48 Chapman Street, (A742) Bassendean – Public Consultation, consent from the West Australian Planning Commission, Referral to Public Utilities and Services for Comment and establishment of a Trust Fund (Ref: LUAP/SUBDIV/1 – Bob Jarvis, CEO)

APPLICATION

To seek Council's approval to progress its resolution of its Ordinary Council Meeting in May 2014 and to seek to purchase a land exchange for two Crown Reserves - Lot 7557 Lord Street (A3280) Bassendean & 48 Chapman Street (A742) by approving the necessary steps required to implement the decision of Council.

ATTACHMENT

Attachment No. 9: Plan of the two reserves

BACKGROUND

At its Ordinary Meeting of May 2014, Council resolved the following (OCM-16/5/14):

“MOVED Cr Pule, Seconded Cr Carter, that Council approves:

- 1. A proposal and business case being prepared for submission to the Department of Lands to acquire Lot 7557 Lord Street, and 48 Chapman Street, Bassendean, at 5% of their unimproved value, dispose of those properties at market value - subject to adequate community consultation, with the subsequent proceeds from sales of the Reserves being used for the development of a Regional Playground at Sandy Beach Reserve and being deposited in an approved Trust Fund (initially) for this purpose;*
- 2. The consultation process commencing initially through notices, letters to affected residents, a detailed proposal in the Bassendean Briefings, and including an invitation for public submissions over an eight week timeframe; and*

3. *The proposal being included in the suite of proposed projects, which will be finalised after the proposed date for local government reform, to be discussed with any reform partner local government for inclusion of the anticipated purchase price of the two Reserves and subsequent sale proceeds in the draft 2015/16 Budget for the new local government.”*

Pursuant to the above resolution, the Chief Executive Officer wrote to the Department of Lands in early June 2014 advising of Council's resolution and asking the Department to respond quickly as to the efficacy of the proposed public consultation and the Department's initial comments on the proposal.

On 10 July the Department responded to advise that the letter had been temporarily lost in the records system but that it had allocated an officer to the task.

Between July and November of that year, despite a number of e-mails and phone calls no response was received from the Department. On 14 November 2014, the Department advised that there has been a time delay in dealing with this matter due to the executive team reviewing how such disposals are dealt with and that a Land Asset Management Unit has been formed within the Department. The Town was advised that further information including an initial valuation would be forthcoming within the next week. This did not eventuate.

Between the beginning of 2015 and May 2015, no responses were received to regular emails to officers within the Department seeking details of any progress. Finally, on 19 May 2015, the Town received an email from the Department apologising for the delays in responding, and advising that they had been awaiting the review of the policy by the Department's Executive Team, and that now the Department had decided not to proceed with the review. The Department also advised that they had received advice from Valuation Services at Landgate as to the market value of each lot and are now required to prepare a Land Sales memo to the Executive Director for approval of the valuations. Once they had a decision from the Executive Director they would advise the Town of the valuations prior to preparing a briefing note to the Minister for Lands for consideration of the 5% sale.

On 27 May 2015 the Town received the following advice from the Department:

“Reserves 26529 and 31420 are set aside for ‘Public Recreation’, ceded to the State as part of a freehold subdivision, via section 20A of the Town Planning Development Act 1928. As such, the land would be subject to DoL’s 20A /152 Public Recreation Reserves State Land policy guidelines. Under the 20A/152 guidelines any excisions or disposal of public recreation reserves would need the approval of the Minister for Lands.

Prior to requesting the Minister’s approval, the Local Government must comply with the following requirements:

- *Consent from the WAPC*
- *Referral to Public services to confirm that no services are going to be affected with the proposal*
- *Details of the level of public consultation undertaken and results of that consultation*
- *Signpost the area.*
- *Advertise in a local newspaper.*
- *Canvass nearby landowners.*

Please bear in mind that section 152 Public Recreation Reserves should not be a source of general revenue, therefore a condition of a reserve’s transfer to a local government for disposal is that a Trust fund be established for this purpose and that a separate audit and Audit Certificates be provided annually to show how the proceeds have been applied.

On compliance of the above-mentioned, the department will be able to further proceed.”

The CEO responded on 9 June 2015 requesting the valuation information that was to have been forthcoming in May. On 11 June 2015, the Department advised the following:

“Please be advised that the Department of Lands requested an “indicative” valuation of the subject reserves, which gives an “estimate” of the land value.

Landgate’s Valuation Services indicative market value for the disposal of the subject reserves are as follow:

Reserve 26529 \$ 425,000

Reserve 31420 \$ 550,000

If the proposal is approved by the Minister for Lands (Minister) a more comprehensive and current market valuation will be required. This, indicating that the values may vary.”

The section of the Council resolution which referred to impending Local Government Reform is, of course, now redundant. Council will need to resolve that the expenditure on acquiring the Reserves and the receipt of income from subsequent sales be included in the Town of Bassendean's budget.

COMMENT

The public consultation required by the original Council resolution is acceptable, so long as it includes the additional requirements mentioned by the Department – specifically a notice in the newspaper and signage on the subject land. Affected residents notices should cover the other Department requirements.

There will be a requirement to allocate a provision for the 5% of value purchase price for each of the two properties in the 2015/2016 Budget and reflect the receipt of sales funds for the two reserves in the same budget, if it is anticipated that both will be sold in the same financial year.

FINANCIAL CONSIDERATIONS

Council will need to make provision for the following purchase amounts for the Reserves in the budget:

Reserve 26529 \$21,250
Reserve 31420 \$27,500

It is suggested that these should be funded by way of transfers from the Recreation Development Reserve.

The cost of advertising, inclusion in the Bassendean Briefings, notices to residents etc. should be covered within the appropriate operating budget provisions.

Receipt of any sales of the Reserves will need to be placed in a Trust Fund as specified by the Resolution and the Department's requirements.

In accordance with Council's resolution, this Trust Fund would be established for the purpose of funding a Regional Playground at Sandy Beach Reserve. Given the preliminary valuations, the Town would expect approximately \$1million as a sales return on the two properties.

STRATEGIC IMPLICATIONS

The Town's Corporate Business Plan 2014-2018 includes the strategy: *"Strive to ensure access to open space and play equipment is maintained and improved"*.

OFFICER RECOMMENDATION – ITEM 10.7

That Council:

1. Revokes part 3. of Council resolution of OCM-16/5/14, which reads:

"That Council approves the proposal being included in the suite of proposed projects, which will be finalised after the proposed date for local government reform, to be discussed with any reform partner local government for inclusion of the anticipated purchase price of the two reserves and subsequent sale proceeds in the draft 2015/16 Budget for the new local government",

which envisaged the Town being amalgamated and the project, *"Proposed Land Exchange for Two Crown Reserves - Lot 7557 Lord Street (A3280) Bassendean, & 48 Chapman Street (A742) Bassendean"*, needing to be completed by a new entity;

2. Requests approval of the West Australian Planning Commission for the proposal to purchase the two Crown Reserves - Lot 7557 Lord Street, (A3280) Bassendean, and 48 Chapman Street, (A742) Bassendean, and seeks comment from public utilities and service providers to ensure that there are no impediments to the disposal of the properties, and subject to the outcome of those two conditions:
 - a) Includes in the public consultation process for the proposal to purchase and dispose of the reserves, signage on the property advising of the proposal, and a notice placed in a newspaper circulating in the District advising of the complete proposal;
 - b) Includes in the draft 2015/2016 Budget a provision of \$50,000 for the purchase of the two reserves at 5% of their value;

- c) Establishes a Trust Fund for the purpose of receiving any sales proceeds from the two reserves for the establishment of a Regional Playground at Sandy Beach Reserve; and
3. Receives a report at the completion of the public consultation period advising of the outcomes of that consultation, with a recommendation to proceed or not to proceed with the purchase of the two reserves - Lot 7557 Lord Street (A3280) Bassendean, and 48 Chapman Street (A742) Bassendean for 5% of their value.

Voting requirement:

Point 1 - Absolute majority

Points 2 and 3 – Simple Majority

10.8 Special Meeting of Electors held on 2 June 2015 (Ref: GOVN/CCLMEET/1 – Bob Jarvis, CEO, Simon Stewart-Dawkins, DOS and Brian Reed, MDS)

APPLICATION

Council is requested to receive and consider the motions made at the Special Electors Meeting held on 2 June 2015.

ATTACHMENTS

Attachment No. 2: Minutes of the Special Meeting of Electors held on 2 June 2015

BACKGROUND

A Special Meeting of Electors was held on Tuesday, 2 June 2015 in the Alf Faulkner Hall, Mary Crescent, Eden Hill to discuss a petition received to discuss the following:

- a) *The use of Earlsferry House as a school, that is within 400m of the high density Success Hill transit orientated development railway station;*
- b) *The potential major traffic issues from substantially increased numbers made worse by peak morning and afternoon travel to an from a school and/or other purposes at Earlsferry House, as it may impact on the residents of Thompson Road, Lamb Street, Nurstead Avenue and Earlsferry Court, Bassendean;*
- c) *The need to start the planning and introduction of improved footpath lighting, traffic management, services and related matters, and not to delay such Council issues for a minimum five years, as agreed to by Council and outlined in the modified Local Planning Strategy of 2015;*
- d) *The need to complete the proposed bikepath between Success Hill Station and the Guildford Road Bridge using Railway Parade and the land in front of Earlsferry House, so removing the increased bike use of Thompson Road, Nurstead Avenue and Earlsferry Court that has created a poorly lit dangerous safety hazard between bike users, vehicles and pedestrians.*
- e) *Any related matters.*

OFFICER COMMENT

The following items were raised and Officer Comments are included under each motion passed at the meeting:

Special Meeting of Electors – Comment (Motion 1)

The use of Earlsferry House as a school, that is within 400m of the high density Success Hill transit orientated development railway station.

MOTION 1 - SME-1/6/15

MOVED Bruce Keay, Seconded Nella Fitzgerald, that the petitioners request that the Town of Bassendean Council do not approve a change of land use for a school to operate at Earlsferry House.

CARRIED

OFFICER COMMENT

The Town has not yet received any applications to use Earlsferry House as a School.

Earlsferry House is located within the residential zone and a school is an “A” use under the Scheme, which is use that is not permitted in the residential zone unless the local government has exercised its discretion by granting planning approval after advertising the proposal.

Should an application be received, advertising is likely to occur by letter drop to residents living in the precinct and through a sign on site which needs to be prepared and installed in accordance with the Town’s specification at the applicants cost.

Procedurally, Council cannot resolve to determine an application for planning consent before it is received and the application is assessed against the Scheme and relevant policies.

Special Meeting of Electors – Comment (Motion 2)

The potential major traffic issues from substantially increased numbers made worse by peak morning and afternoon travel to and from a school and/or other purposes at Earlsferry House, as it may impact on the residents of Thompson Road, Lamb Street, Nurstead Avenue and Earlsferry Court, Bassendean.

MOTION 2 - SME-2/6/15

MOVED Tony Wood, Seconded Nella Fitzgerald, that the petitioners request that a yellow clear box be installed on Guildford Road at the Thompson Road junction and that the Town of Bassendean Council makes an application to Main Roads WA for this work to be done within one month.

CARRIED UNANIMOUSLY

OFFICER COMMENT

Recent discussions have been held with Main Roads Western Australia regarding the request for a keep clear zone (yellow box) in the locations specified. Main Roads has advised that the two locations do not comply with its Policy and Guidelines for KEEP CLEAR Pavement Marking and does not support the proposals.

MOTION 3 - SME-3/6/15

MOVED Tony Wood, Seconded Michael Charles, that the petitioners request that a permanent traffic solution be determined considering the potential school use and future high residential density and that this be completed before any rezonings.

CARRIED UNANIMOUSLY

OFFICER COMMENT

The adopted Local Planning Strategy requires the preparation of a Movement and Access Strategy for the Transit Orientated Developments (TOD's) prior to increasing densities.

Should the Town receive an application to change Earlsferry House use to a School, the Town would require a traffic impact assessment, demonstrating the impact of traffic on the local road network and on the junction of Thompson Road and Guildford Road, being the only vehicular access to the local streets. Officers concur with the motion that a permanent traffic solution be determined before any rezonings occur.

Special Meeting of Electors – Comment (Motion 4 and 5)

The need to start the planning and introduction of improved footpath lighting, traffic management, services and related matters, and not to delay such Council issues for a minimum five years, as agreed to by Council and outlined in the modified Local Planning Strategy of 2015.

MOTION 4 - SME-4/6/15

MOVED Monique Fitzgerald, Seconded Bruce Keay, that the petitioners request that antisocial behaviour be curtailed by the Town of Bassendean entering into discussions with the owner of the large tree on Thompson Road on how to enhance safety and increase passive surveillance within two months to increase natural lighting and effectiveness of existing street lighting.

CARRIED UNANIMOUSLY

OFFICER COMMENT

The Tree Society of WA has previously advised the Town that the Moreton Bay Fig tree growing on Lot 15, No. 8 Thompson Road, Bassendean, may have been planted prior to 1856 by the original settlers of the area – the Dodd Family.

The Town in the past has liaised with the current property owner regarding the uplifting of the tree canopy overhanging the thoroughfare and the portions of the tree canopy that have obscured the street lights.

A recent inspection of the Moreton Bay Fig tree has identified that it is possible 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 area under the tree.

The Town will again liaise with the property owner and arrange to engage an arborist to uplift the Moreton Bay Fig tree canopy overhanging the thoroughfare.

MOTION 5 - SME-5/6/15

MOVED Monique Fitzgerald, Seconded Bruce Keay, that the petitioners further request that the street lighting in Thompson Road, Nurstead Avenue and Lamb Street be increased and that the Town of Bassendean Council makes a request for this action within two months.

CARRIED UNANIMOUSLY

OFFICER COMMENT

Western Power has previously advised that street lighting installed prior to the introduction of the Australian Standards: AS/NZS 1158.0 - Road lighting, was installed to a Western Power Street Light standard.

In regards to the above street light upgrade motion, it should be noted that in 2006, Council conducted an extensive community survey and resolved (OCM – 19/02/06) the order of ranking based on the preferred community interest for underground power being; Ashfield, Bassendean and Eden Hill. As a result, the Town submitted to the Office of Energy an application under Round 5 of the underground power program. The application was successful and the undergrounding of power occurred in Ashfield along with the upgrading of street lights to current Australian Standards.

Western Power continues to implement Round 5 of the State Government's underground power program in other suburbs across the metropolitan area.

In April 2015, Western Power's Community Relations Coordinator advised that the State Government may make a decision concerning Round 6 funding allocations in late 2015. Therefore as part of the required planning process, funds have been listed in the draft 2015/2016 Operational Budget for Council consideration. The proposed funds are required to prepare the required supporting reports. It is suggested that Council gives priority to TOD areas for an underground power project to support its intention to upcode the zoning in those areas, and note that Ashfield TOD is already supported by such an upgrade.

There are no funds available in the current budget or listed in the draft 2015/16 Budget to upgrade the existing overhead power supplied street lights in Thompson Road, Nurstead Avenue and Lamb Street.

Special Meeting of Electors – Comment (Motion 6)

Urgent need to upgrade footpaths in Nurstead Avenue, Thompson Road and Lamb Street so that they do not pose a safety hazard for residents.

MOTION 6 - SME-6/6/15

MOVED Monique Fitzgerald, Seconded Tony Wood, that the petitioners request that the Town of Bassendean improve footpaths in Nurstead Avenue, Thompson Road and Lamb Street by the end of 2015.

CARRIED UNANIMOUSLY

OFFICER COMMENT

Every two years Council allocates funds to engage an external consultant to conduct footpath audit throughout the Town including Nurstead Avenue, Thompson Road and Lamb Street. In addition, the Engineering Supervisor arranges reported hazards. The audit faults are categorised from high to low priority and repairs arranged within the annual allocated budget.

Special Meeting of Electors – Comment (Motion 7)

The need for additional security patrols at Success Hill train station, Nurstead Avenue, Lamb Street, Earlsferry Court and Thompson Road as antisocial behaviour is a problem in the area with people loitering at the station at all hours of the day. The same people have been captured on residents' CCTV trespassing and stealing from properties.

MOTION 7 - SME-7/6/15

MOVED Monique Fitzgerald, Seconded Tony Wood, that the petitioners request that the Town of Bassendean liaise with Transperth immediately to secure more regular security patrols throughout the day and night at Success Hill station to help combat loiterers who have been shown committing crimes on CCTV footage.

CARRIED UNANIMOUSLY

OFFICER COMMENT

On 8 May 2015, the Town wrote to the Public Transport Authority and requested that it arranges a safety audit of the Success Hill Train Station overpass and that the outcomes from the report recommendations, where practical, be implemented.

To date, the Town has not been informed of the investigation outcomes and planned actions. The Town will follow up this matter with the Public Transport Authority. Officers have requested that additional patrols be carried out by the WA Police Service and the Public Transport Authority security patrols in response to residents' concerns.

MOTION 8 - SME-8/6/15

MOVED Monique Fitzgerald, Seconded Tony Wood, that the petitioners request that the Town of Bassendean arrange for security patrol vehicles to permanently patrol the area in the evenings, within two months.

CARRIED UNANIMOUSLY

OFFICER COMMENT

Council's Financial Sustainability Policy states in part, that the Town will not undertake services or functions, which duplicate to the extent considered inappropriate those provided by other tiers of government, the private or non-profit sector.

Currently, the prevention of crime, the preservation of law and order is the responsibility of the Western Australian Police Force. The WA Police's mission statement states that they will "enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our state a safe and secure place".

In addition, the WA Police has advised that a major reform program is currently being implemented that will extensively restructure WA Police, to best deal with increasing demands in a climate of finite resources with the aim to be more even more efficient, more productive, and more locally focused to deal with Lawful behaviour and community safety, Offenders are apprehended and dealt with in accordance with the law and lawful road-user behaviour.

Council has in the past considered a series of reports regarding the feasibility of the Town establishing a security patrol service and the cost benefits and success of security patrols that do not have the policing powers.

Local Governments that have security patrols do not have the power of the Police and therefore, rely on Police attendance to deal with antisocial and criminal behaviour. There is no direct evidence that local government security patrols reduces crime statistics, however, in general local authorities have indicated an improved community perception of crime.

In the past Council (OCM 5/10/07) has resolved not to proceed with 24 hour security patrols due to the high cost and limited effectiveness of patrols in combating crime.

The draft 2015/2016 operational budget does not include funds to implement security patrol to permanently patrol the area in the evenings.

Officers have requested that additional patrols be carried out by the WA Police Service and the Public Transport Authority security patrols in response to residents' concerns.

Special Meeting of Electors – Comment (Motion 9)

The need to complete the proposed bike path between Success Hill Station and the Guildford Road Bridge using Railway Parade and the land in front of Earlsferry House, so removing the increased bike use of Thompson Road, Nurstead Avenue and Earlsferry Court that has created a poorly lit, dangerous safety hazard between bike users, vehicles and pedestrians.

MOTION 9 - SME-9/6/15

MOVED Michael Charles, Seconded Nella Fitzgerald, that the petitioners request that the Town of Bassendean approach the relevant authority at an early date to expedite completion of the bike path on the northern side of the railway through to Guildford Road Bridge by the end of 2015, to reduce bicycle traffic in Nurstead Avenue, Thompson Road and Earlsferry Court and in addition to immediately install zig zag barriers at each entrance of Success Hill train station.

CARRIED UNANIMOUSLY

OFFICER COMMENT

In February 2015 Main Roads WA – Project Manager advised that the State Government had allocated funding and had commenced the detailed design process for the Principal Shared Path upgrade between the eastern end of Railway Parade, down to the river and then back up to Guildford Road.

State Government funding is required to construct the extension of the Principal Shared Path from the eastern end of Railway Parade, down to the river and then back up to Guildford Road.

Special Meeting of Electors – Comment (Motion 10

The need to address traffic issues on Lord Street at the junction of Success Road and traffic access to the Success Hill area.

MOTION 10 - SME-10/6/15

MOVED Peter Pearson, Seconded John Sutherland, that the petitioners request that a yellow clear box be installed on Lord Street at the junction of Success Road and that the Town of Bassendean make an application to Main Roads for this work to be done.

CARRIED UNANIMOUSLY

OFFICER COMMENT

Recent discussions have been held with Main Roads Western Australia regarding the request for a keep clear zone (yellow box) in the locations specified. Main Roads has advised that the two locations do not comply with its Policy and Guidelines for “Keep Clear” pavement marking and does not support the proposals.

MOTION 11 - SME-11/6/15

MOVED Peter Pearson, Seconded John Sutherland, that the petitioners request that the Town of Bassendean give consideration to the matter of traffic access to the Success Hill area such that a permanent solution can be determined.

CARRIED UNANIMOUSLY

OFFICER COMMENT

In 2013, Council (OCM13/4/13) received a Local Area Traffic Management Plan and noted the community feedback after consultation and adopted the planning document for future traffic management activities.

The Lord Street access issues were discussed in the Local Area Traffic Management Plan report and a permanent traffic access solution was identified. It was suggested to modify the T-Intersection at Lord Street/Walter Road East and amend the intersection to accommodate for additional right phased turning, to avoid waiting for gaps in traffic. To complement this, it is proposed that Success Road will be changed to be entry only with an entry treatment designed.

The Council adopted Local Area Traffic Management Plan recommends that funds be provided in the future to undertake further investigations and commence the detailed design process.

Special Meeting of Electors – Comment (Motion 12)

Request the Council adopt all the electors' recommendations without delay.

MOTION 12 - SME-12/6/15

MOVED Michael Charles, Seconded Nella Fitzgerald, that the petitioners request that tonight's recommendations be considered by the Town of Bassendean at the earliest opportunity as local planning policies.

CARRIED UNANIMOUSLY

OFFICER COMMENT

While it is appropriate that the Town considers the recommendations without delay, the resolutions are not in an appropriate form and do not address planning matters which qualify as planning policies.

OFFICER RECOMMENDATION – ITEM 10.8

That Council notes the motions of the Special Electors Meeting held on the 2 June 2015 and resolves:

1. In respect to Motion 1, that should the Town of Bassendean receive a change of land use application for Earlsferry House, that as part of the statutory advertising requirement, Council will invite submissions;
2. In respect to Motion 2, notes Main Roads Western Australia (MRWA) have advised that the request for a keep clear zone (yellow box) on Guildford Road at the Thompson Road junction does not comply with MRWA Policy and Guidelines for "Keep Clear" pavement marking and does not support the proposals;

3. In respect to Motion 3, Council recognises that the adopted Local Planning Strategy requires the preparation of a Movement and Access Strategy prior to increasing densities and a Traffic Impact Assessment will be required for any change of use application for Earlsferry House, demonstrating the impact of traffic on the local road network including the junction of Thompson Road and Guildford Road;
4. In respect to Motion 4, that the Town of Bassendean will liaise with property owner of Lot 15, No. 8 Thompson Road, Bassendean, regarding the Moreton Bay Fig tree and advise the Town will 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;
5. In respect to Motion 5, notes that funding is not currently available to upgrade the existing overhead power supplied street lights in Thompson Road, Nurstead Avenue and Lamb Street; that it has previously been resolved (OCM 5/10/07) the preferred community interest ranking for underground power being; Ashfield, Bassendean and Eden Hill; and notes that funds have been listed Council consideration in the draft 2015/16 Budget to prepare the required planning reports for when the State Government announce Round 6 Underground Power program, and that Council consider that proposed Transport Orientated Design areas as a priority for an application for underground power, to support its intention to increase the densities in these areas.
6. In respect to Motion 6, notes that every two years Council allocates funds to engage an external consultant to conduct a entire audit of the Town's footpaths, including Nurstead Avenue, Thompson Road and Lamb Street and the faults are categorised from high to low priority and repairs arranged within the annual allocated budget;
7. In respect to Motion 7, notes that in May 2015 the Town wrote to the Public Transport Authority and requested that it arranges a safety audit of the Success Hill Train Station and overpass and that the outcomes from the report recommendations, where practical, be implemented and 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;

8. In respect to Motion 8, Council's notes that its Financial Sustainability Policy states in part, that the Town will not undertake services or functions, which duplicate services provided by other tiers of government, and Council (OCM 5/10/07) resolved not to proceed with 24 hour security patrols due to the high cost and limited effectiveness of patrols in combating crime, and 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;
9. In respect to Motion 9, notes that in February 2015 Main Roads WA – Project Manager advised that the State Government had allocated funding and had commenced the detailed design process for the Principal Shared Path upgrade between the eastern end of Railway parade, down to the river and then back up to Guildford Road;
10. In respect to Motion 10, notes Main Roads Western Australia (MRWA) have advised that the request for a keep clear zone (yellow box) be installed on Lord Street at the junction of Success Road, does not comply with MRWA Policy and Guidelines for "Keep Clear" pavement marking and does not support the proposals; and
11. In respect to Motion 11, notes the Local Area Traffic Management Plan received by Council (OCM-13/4/13) outlines the planning framework to improved traffic access to the Success Hill area.

Voting requirement: Simple majority

10.9 Review of 2015-2019 Workforce Plan and Corporate Structure (Ref: GOVR/LREGLIA/15 - Bob Jarvis, Chief Executive Officer)

APPLICATION

Council is requested to consider an amendment to the Workforce Plan for the 2015-2019 financial years to include an additional Planning Officer in order to provide the organisation with the capacity to meet its statutory and development requirements.

ATTACHMENTS

Attachment No. 10: 2015-2019 Revised Workforce Plan

BACKGROUND

The Workforce Plan was adopted by Council at its Ordinary Council meeting held in March 2015 and included a number of position for the ensuring 4 years.

The Workforce Plan is an informing strategy to the Corporate Business Plan and the Long Term Financial Plan. The review of the plan identifies the current and future corporate structures to ensure that the Community Strategic Plan outcomes can be achieved within the required objectives and timeframes.

STRATEGIC IMPLICATIONS

Objectives

Improve capability and capacity

Strategies

Review and develop the workforce to meet changing needs

COMMENT

Following its adoption, Staff expressed concern that the current level of development applications submitted could not be adequately completed with the existing staff in an expedient manner.

In terms of the planning environment, the scope of work has changed out of all recognition with what it used to be. The Town has moved from a traditional low-medium density suburb to one of tremendous growth.

The order of the day is now more multiple dwelling applications, one application in 2011 increasing to 19 applications in 2014.

These applications are far more complex than the type of applications that the Town was dealing with say 3 years ago

There have also been a number of complaints received by the Town on the length of time taken to process the development applications and Staff believe that in order to provide a more effective and efficient Planning service, the Town will require an additional Planning Officer.

There are some 70 applications currently requiring assessment and given the quantity and complexity of the applications, it is imperative that the Town provides a service that is acceptable from a statutory and customer service focus.

In order to achieve the additional Planning Officer position, the Workforce Plan has been amended by listing the employment of the Junior Library Librarian in the 2016/17 year.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The review of the Workforce Plan is still subject to the affordability and inclusion in the 2015/16 Budget. A further report on the inclusion or exclusion of the additional staff will be incorporated in the report for the adoption of the budget.

OFFICER RECOMMENDATION — ITEM 10.9

That Council:

1. Endorses the revised 2015-2019 Workforce Plan;
2. Amends the Corporate Structure to include the additional positions within the 2015- 2019 Workforce Plan; and
3. Considers the funding for the additional positions in the 2015/16 Budget.

Voting requirements: Simple Majority

10.10 Council Street Trees – Lot 103; No. 40 Third Ave, Bassendean (Ref: IEM-8069114 – Simon Stewart-Dawkins, Director Operational Services, Ken Cardy, Manager Asset Services)

APPLICATION

Additional information is provided to Council regarding the matter where the property owner of 40 Third Ave, Bassendean, is seeking Council approval for the two *Melaleuca quinquenervia* trees, commonly known as “*broad-leaved paperbark*”, to be removed.

ATTACHMENTS

Attachment No. 11: Photographs of tree
Bowden Tree Consultancy’s Arborist Report and Repair Quotes
Resident’s letter & LGIS correspondence
(Confidential attachments)

BACKGROUND

In 2007, the owner of the property submitted a claim to Local Government Insurance Services for property damage. Local Government Insurance Services did not settle on the claim, but advised the Town to take the necessary action to prevent further damage.

As a result, the Town consulted with an arborist and pruned branches back from the property boundary.

In October 2014, the property owner once again wrote to the Town regarding the street trees, a cracked limestone pier and brick paving movement.

In January 2015, Bowden Tree Consultancy provided an Arborist Report regarding the two trees adjacent to the side boundary of 40 Third Avenue, Bassendean.

In April 2015 a Town of Bassendean Officer inspection identified that the existing limestone pier was not tied with stitching rods to the limestone wall in order to ensure structural stability.

On 21 April 2015 Elected Members inspected the two mature trees, the limestone boundary fence, limestone piers and the brick paving.

At the Ordinary Council Meeting (OCM – 12/04/15) Council noted that further investigations are being undertaken regarding the two mature *Melaleuca quinquenervia* street trees on the side verge, adjacent to Lot 103; No. 40 Third Ave, Bassendean, and that the matter be referred to the May 2015 Ordinary Council meeting.

STRATEGIC IMPLICATIONS

Town Planning & Build Environment

Objective: Foster enhance public space and street appearance

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

COMMENTS

Council's Amenity Tree Evaluation Policy provides a framework for a structured, consistent and effective method to determine the amenity value of trees or of groups of trees in the Town. As such, the two mature trees have been assessed using the "Burney Method of Tree Valuation". The valuations are as follows:

Tree 1. Height 15 metres
Crown Spread North-South: 12 metres East-West: 10 metres
Estimated Value \$26,733

Tree 2. Height 13 metres
Crown Spread North-South: 8 metres East-West: 7 metres
Estimated Value \$10,750

Council's Street Tree Pruning, Removal & Replacement Policy states that the removal of street trees shall not be permitted for any of the following reasons:

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

The property owner has requested that the two street trees be removed because of damage to house brick paving, possible damage to limestone wall and the road surface.

Considering the maturity and value of these trees, the positive impact on the streetscape and the environmental benefits Officers investigated options and sought quotes to improve the structural stability of the limestone wall and or to replace the fence with a suitable type as recommended in the Arborist Report.

Option 1 – Insert stitching rods to piers and wall

Cost \$959. This is to install a 1 metre length of Thor Helical 6.00mm, 316 grade austenitic stainless steel stitching rods, across crack using shrink compensated, two-part, thixotropic cementitious grout and patch mortar joint and patch cement render.

Visual investigations have suggested that when the limestone wall was constructed, that the builder may not have installed stitching rods between the pier and wall in order to structural connect the limestone wall to the piers. As a result vertical cracks have appeared next to the pier.

Option 2 - Replace fence (Arborist recommendation)

Cost \$9,782. This is to supply 6.00m new galvanised T bar lintel, demolish section of wall from 1 panel back from PA gate to corner pier, supply bin for rubbish, build new wall to match existing 4 panels built on T bar lintels and to supply, sand cement and new blocks.

If it was resolved to reconstruct the limestone wall, it will ultimately be up to the property owner, as the fence is located within the property owner's boundary and the construction of boundary fences is not a Local Government responsibility.

A possible compromise in this case, is for Council to offer "without prejudice" to the property owner, to install the stitching rods to structurally connect the pier and wall.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The costs to obtain an arborist report and required relevant technical advice were funded from the Operations Budget 2014-15. If Council resolved to repair the fence (\$959) this amount will also be funded through the Operations Budget 2014-15.

The estimated cost to remove the two trees, valued at an estimated \$37,400, would be \$1,000.

OFFICER RECOMMENDATION – ITEM 10.10

That Council writes to the owner of Lot 103; No. 40 Third Avenue, Bassendean, to advise that:

1. Using the “Burney Method of Tree Valuation”, Tree 1 has an estimated current value of \$26,733 and Tree 2 has an estimated current value of \$10,750;
2. The two street trees located on the verge adjacent to Lot 103; No. 40 Third Avenue, Bassendean, are protected in accordance to Council Policy and cannot be removed due to their environmental benefit, streetscape amenity, aesthetic appearance and the sense of place they provide to the residents of the Town of Bassendean;
3. Where required, the Town of Bassendean will undertake arboricultural canopy pruning and if determined appropriate, root maintenance, to ensure the retention and protection of all Council managed trees;
4. “Without prejudice” the Town of Bassendean is prepared, with the property owners’ written consent, to install stitching rods between the pier and wall of the property at a cost of \$959, in order to structurally connect the limestone wall to the pier, as specified in the report in the May 2015 Ordinary Council agenda.

Voting requirement: Simple majority

10.11 Request for No Standing Zone - Kenny Street, Bassendean (Ref: LAWE/REPRTNG/3 –Sharna Merritt, Senior Ranger)

APPLICATION

Council resolved (OCM-27/3/15) in a Notice of Motion for Officers to investigate and provide a report on the installation of a “No Standing” zone in Kenny Street, on the crest of the hill at 117-120 Kenny Street, Bassendean.

The purpose of this report is to present the outcome of the investigations.

BACKGROUND

At the March Council meeting, a Notice of Motion (OCM-27/3/15) was supported that Officers investigate and provide a report on the installation of a “No Standing” zone in Kenny Street, on the crest of the hill at 117-120 Kenny Street, Bassendean.

Concerns have been raised regarding sightline visibility issues when there are vehicles parked on the road.

Rangers have investigated the issue and it was requested that the Town’s Engineering Design Officer also inspect the area to determine if there were possible sight line issues with vehicles parking on this portion of Kenny Street.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023

Town Planning & Build Environment:

Objective: Provide safe access for all road users
Strategies: Continue to monitor traffic flows and intervene where necessary to ensure safety

Inclusiveness, lifelong learning, health and social wellbeing:

Objective: Provide a safe environment
Strategies: Participate in collaborative action on identified community health and safety issues

COMMENT

The results of the Engineering Design Officer's investigation demonstrated that there are sufficient sight line distances as per the standards set in the Austroads Guide to Road Design when vehicles are parked in this location. The area has been assessed against these standards, of which the requirement for a 50km/hr zone is 55 metres. The stopping sight distance at this location was measured to be over 75 metres.

Rangers have also been assessing this location over the investigation period to determine day-to-day changes in usage. The Rangers have noted that vehicles are not restricted from travelling this section of road on the occasions when vehicles were parked outside 117 to 120 Kenny Street. Drivers were able to navigate the parked vehicles, whilst abiding by the Road Traffic Act and driving to the conditions of the road.

As a result of the investigations carried out, the Rangers have determined that there is no requirement to install 'No Standing' parking restrictions in this section of Kenny Street.

The Rangers and the Engineering Officer have determined that parking in this location does not create a hazard and should vehicles park in this location, there are clear sight lines and these are greater than the minimum sight line distance.

Should Council, however, wish to explore installing 'No Standing' parking restrictions at this location, affected residents will need to be consulted in accordance with Parking and Parking Facilities Local Law 2010 to determine the level of support.

STATUTORY REQUIREMENTS

Local Government Act 1995
Parking and Parking Facilities Local Law 2010
Austroads Guide to Road Design

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION — ITEM 10.11

That Council notes:

1. The outcome of the Kenny Street, Bassendean parking and traffic investigations; and
2. That there is no requirement to install 'No Standing' parking restrictions between 117 and 120 Kenny Street, Bassendean.

Voting requirements: Simple Majority

10.12 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Development Services)

The Development Services made the following planning decisions under Delegated Authority since those reported to the last Council meeting:

Planning and Subdivision Applications Determined to 12 June 2015			
Applic No	Property Address	Type of Development	Determination
Applications for Planning Approval			
2014-176	180 WALTER ROAD EAST BASSENDEAN 6054	TWO GROUPED DWELLINGS	DELEGATE APPROVED
2014-212	75 HARDY ROAD ASHFIELD 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2014-226	14 WALTER ROAD EAST BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2014-250	292 MORLEY DRIVE EDEN HILL 6054	OUTBUILDING	DELEGATE APPROVED
2014-252	138 WALTER ROAD EAST BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-001	221 ANZAC TERRACE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-023	6 PURSER LOOP BASSENDEAN 6054	MOTOR VEHICLE REPAIR AND WAREHOUSE	DELEGATE APPROVED
2015-032	13 CARMAN WAY BASSENDEAN 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2015-050	41 DEVON ROAD BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2015-072	2G IOLANTHE STREET BASSENDEAN 6054	RETROSPECTIVE APPROVAL FOR PATIO	DELEGATE APPROVED
2015-084	LOT 2 WEST ROAD BASSENDEAN WA 6054	PROPOSED FENCING	DELEGATE APPROVED
2015-089	LOT 2 WEST ROAD BASSENDEAN WA 6054	SHADE SAILS	DELEGATE APPROVED
Subdivision Applications			
457-15	53 HAMILTON STREET BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
151792	183 WEST ROAD BASSENDEAN 6054	THREE LOT SUBDIVISION	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 10.12

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

Voting requirement: Simple majority

**10.13 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 April 2015		
Application No	Property Address	Description
201500026	47 SEVENTH AVENUE, BASSENDEAN	2 STOREY STEEL STUDIO INTENDED FOR GRANNY FLAT
201500023	101 NORTH ROAD, BASSENDEAN	BALCONY MODIFICATIONS
201500043	174 WALTER ROAD EAST, BASSENDEAN	RESIDENTIAL DWELLING
201500042	172 WALTER ROAD EAST, BASSENDEAN	RESIDENTIAL DWELLING
201500087	35 WILSON STREET, BASSENDEAN	ALTERATIONS/ADDITIONS TO KITCHEN & LIVING AREA
201400328	15 ANSTEY ROAD, BASSENDEAN	ADDITIONS
201500104	9 CLAUGHTON WAY, BASSENDEAN	PATIO
201500147	3/1 ANZAC TERRACE, BASSENDEAN	TWO STOREY HOUSE
201500145	94 ANZAC TERRACE, BASSENDEAN	FLAT STEEL PATIO
201500141	7 CHAPMAN STREET, BASSENDEAN	TWO GROUPED DWELLINGS
201500148	131 FIRST AVENUE, BASSENDEAN	PATIO
201500146	25 WALTER ROAD EAST, BASSENDEAN	FULL DEMOLITION
201500127	15 BROOK STREET, BASSENDEAN	DWELLING
201500128	97 SECOND AVENUE, BASSENDEAN	RE-ROOFING
201500154	72 REID STREET, BASSENDEAN	GARAGE
201500112	1 PADBURY PLACE, EDEN HILL	DWELLING
201500135	3 THIRD AVENUE, BASSENDEAN	FENCE APPLICATION
201500139	56 KENNY STREET, BASSENDEAN	FENCE APPLICATION
201500131	56 MAY HOLMAN DRIVE, BASSENDEAN	AWNING
201500137	7 DRYSDALE STREET, EDEN HILL	SWIMMING POOL BELOW GROUND
201500133	1 ASHFIELD PARADE, ASHFIELD	RETAINING WALL
201500132	7 DRYSDALE STREET, EDEN HILL	POOL FENCE
201500134	17 PARNELL PARADE, BASSENDEAN	NEW CARPORT

OFFICER RECOMMENDATION – ITEM 10.13

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

Voting requirement: Simple majority

10.14 Children and Family Services Committee Meeting held on 13 May 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 13 May 2015.

ATTACHMENTS

Attachment No. 12: Minutes of the Children and Family Services Committee Meeting held on 13 May 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 Work Program:

a. Playgrounds:

Committee again discussed the lack of progress with funding strategies to achieve the Regional Playground and sought Council allocates funds required to achieve the facility design in the draft 20-15/16 budget;

b. "Tweenies":

The Committee discussed the current incidents of chronic truancy and anti-social and criminal behaviours with a number of under teen aged children in the Town and agreed that a forum of State Agency and other service providers be pursued to define the issue and any new strategies to address it.

2. The Manager Children Services provided an update on activities in the Wind in the Willows Child Care Centre including that staff have been successful in being awarded within the industry awards; that the Ashfield Centre has achieved the highest possible assessment rating; and that the Ashfield Centre was vandalised seven times in April.

3. Community members raised issues relating to road crossing safety at Ashfield Primary School; need for additional playgroup facilities in the Town; and on the concept of “playborhoods”.

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION – ITEM 10.14

That the report on a meeting of the Family and Children Services Committee held on 13 May 2015, be received

Voting requirement: Simple majority

10.15 Bassendean Local Emergency Management Committee Meeting held on 20 May 2015 (Ref: GOVN/CCLMEET/18 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean Local Emergency Management Committee held on 20 May 2015.

ATTACHMENTS

Attachment No. 13: Minutes of the Bassendean Local Emergency Management Committee held on 20 May 2015.

BACKGROUND

The Bassendean Local Emergency Management Committee meets quarterly on the first (or second) Wednesday in the months of February, May, September and December.

The roles of the Committee are defined in Section 39 of the Emergency Management Act 2005 and have adopted in the Committee's Instrument of Appointment and Delegation as being:

1. To advise and assist the Town of Bassendean in ensuring that local emergency management arrangements are established for the Town;
2. To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
3. To carry out other emergency management arrangement activities as directed by the SEMC or prescribed by the regulations.

Membership of the Committee includes:

- Two Councillors of the Town of Bassendean;
- The Local Emergency Coordinator (Officer in Charge of the Kiara Police Station);
- Other combat agency representatives including Department for Fire and Emergency Services (District Manager and SES Unit Manager);
- Department for Health (Kalamunda/Swan Health Service/St John Ambulance);

- Department for Child Protection and Family Support; and
- Relevant Officers of the Town (DCD, DOS, MAS, Snr EHO, Snr Ranger).

A representative of the State Emergency Management Committee Secretariat attends Committee meetings in an advisory capacity.

STRATEGIC IMPLICATIONS

The Local Emergency Management Committee

- Improves the organisations capability and capacity; and
- Assists provide a safe environment.

COMMENT

At the meeting Committee considered the following issues:

1. A comprehensive report to consider the effective fire safety strategy for Ashfield Flats along Hardy Road, Ashfield. It was agreed that access signage to the Ashfield Flats requires improving and that DFES will liaise with the Town on this matter and that Committee recommends that Council:
 - a) Notes that in June 2005, Council (OCM-29/06/05) adopted the attached Bushfire Management Strategy for five key reserves including Jubilee Reserve, Bindaring/ Pickering Park, Bennett Brook, Success Hill Reserve and Ashfield Flats Reserve;
 - b) Notes that in May 2010, Council (OCM-29/05/10) endorsed the Bushland Weed Management Plan and the ongoing weed management and bush rehabilitation work that is being undertaken to reduce the fire risk to Council managed natural areas.
 - c) Notes the status of the Planning and Development (Bushfire Risk Management Regulations).
 - d) Writes to the Department of Planning and the Department of Water and requests that:
 - a Bushfire Management Strategy similar to the document endorsed (OCM-29/06/05) by

Council, be developed for the land owned by the respective agencies; and

- the April 2015 Ashfield Flats Reserve preliminary Weed Management Plan continues to be implemented in order to reduce the fire risk and to rehabilitate this important wetland and Bush Forever site.
2. A report was provided on progress made by the Working Party established to prepare revised Local Emergency Management Arrangements for the Town.
 3. A report was provided on progress made by the Working Party established to prepare the annual emergency management exercise that is to be conducted on 24 June as a joint exercise with the City of Bayswater.
 4. An update report was provided on the Flood Mitigation Project funded through a Natural Disaster Resilience Funds (NDRF) grant. The project is scheduled to commence in July and be completed by November.
 5. Completing the Annual Report and Local Government Emergency Management Preparedness Capability Assessment Tool compliance reporting was discussed.
 6. The Committee discussed that the Town is preparing the draft 2015/16 budget. The LEMC recommends Council allocates funding for emergency management preparedness capability enhancements and includes an allocation in the draft 2015/16 Budget for the purchase of a Variable Message Board.
 7. The proposed revised Metropolitan District Emergency Management Committees structure plan that sees the number of DEMC's reduced from the current 6 to 4 was discussed. With the restructure it is proposed the Town of Bassendean will join with 13 other LGA's to form West-Central DEMC that will stretch from the Indian Ocean to the border with Northam and York and include the Perth CBD. The LEMC recommends the following feedback be provided:
 - A DEMC involving 14 Local Governments plus other agencies would be unworkable. There could potentially be approximately 50 people on the committee.
 - The role of DEMC needs to be determined ahead of a restructure.

- Government Agencies' boundaries and jurisdictions be aligned.
8. The Committee received Emergency Management Agency reports from:
- State Emergency Management Committee Secretariat;
 - District Emergency Management Committee;
 - North and East Recovery Group;
 - WALGA Emergency Management Advisory Group; and
 - Midland Local Welfare Group.
9. The Committee reviewed the list of contacts and their details in the Local Emergency Management Arrangements; received post incident reports from SES on callout activity of the Unit in the past 3 months; and from Child Protection and Family Support following a "busy" fire season and a post incident report on the Ashfield Flats fire.

STATUTORY REQUIREMENTS

The Emergency Management Act 2005 prescribes that:

Section 38(1): A local government is to establish one or more local emergency management committees for the local government's district. And

Section 41(1): A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government's district are prepared.

FINANCIAL CONSIDERATIONS

A quote of \$30,000 has been received for the Variable Message Board that is recommended to be listed in the draft Budget. The LEMC recommends 50% funding is sought for the facility such that the Council contribution becomes \$15,000 net.

OFFICER RECOMMENDATION – ITEM 10.15

That:

1. Council notes that in June 2005, Council (OCM-29/06/05) adopted the attached Bushfire Management Strategy for five key reserves including Jubilee Reserve, Bindaring/Pickering Park, Bennett Brook, Success Hill Reserve and Ashfield Flats Reserve;
2. Council notes that in May 2010, Council (OCM-29/05/10) endorsed the Bushland Weed Management Plan and the ongoing weed management and bush rehabilitation work that is being undertaken to reduce the fire risk to Council managed natural areas;
3. Council notes the status of the Planning and Development (Bushfire Risk Management Regulations);
4. Council writes to the Department of Planning and the Department of Water and requests that:
 - a) a Bushfire Management Strategy, similar to the document endorsed by Council (OCM-29/06/05), be developed for the land owned by the respective agencies; and
 - b) the April 2015 Ashfield Flats Reserve preliminary Weed Management Plan continues to be implemented in order to reduce the fire risk and to rehabilitate this important wetland and Bush Forever site.
5. Council refers \$30,000 for consideration in the draft 2015/16 Budget to purchase of a Variable Message Board;
6. Provides the following feedback to WALGA on the proposed revised metropolitan District Emergency Management Committee structure:
 - a) A DEMC involving 14 Local Governments plus other agencies would be unwieldy. There could potentially be as many as 50 people on the Committee;
 - b) The role of DEMC needs to be determined ahead of a restructure;
 - c) Government Agencies' boundaries and jurisdictions be aligned; and

7. Receives the report on the meeting of the Bassendean Local Emergency Management Committee held on 20 May 2015.

Voting requirements: Simple majority

10.16 Cultural Development Advisory Committee Meeting held on 27 May 2015 (Ref: GOVN/CCL/MEET/8 - Salvatore Siciliano, Manager Recreation and Culture)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Cultural Development Advisory Committee held on Wednesday 27 May 2015.

ATTACHMENTS

Attachment No. 14: Cultural Development Advisory Committee Minutes of 27 May 2015

BACKGROUND

The Cultural Development Advisory Committee met on Wednesday 27 May 2015. Six Committee members and three staff were in attendance. The Committee received an update on cultural projects as well as considering one Community Events Sponsorship Application.

STRATEGIC IMPLICATIONS

The Cultural Development Advisory Committee meets the following objective of the Bassendean 2023 Strategic Community Plan:

Encourage and support community connections and Strategy:

Provide opportunity and actively encourage community members to participate in community life through artistic and cultural expressions.

COMMENT

Discussion at the meeting focused on the following:

Evaluation of Past Events / Projects

OPEN Event – Sunday 3 May

The OPEN event 2015 was once again a success with between 1,000 to 1,500 people in attendance. 50 individual makers, designers, artists together with 6 open studios and local businesses spread across 11 locations in the Town participated in the event. The OPEN Event also featured 5 creative workshops, 8 markets stalls, the Town's art collection for viewing and a public art walk.

Officers are currently reviewing the event as part of the Town's broader public event program as well as competing events being staged in close proximity.

Planning on future events / projects

NAIDOC Family Day – Thursday 9 July

Planning and organisation is progressing well in staging the 2015 NAIDOC Family Day. Regular meetings have been held with the Town's event partner Derbarl Yerrigan Health Services.

Bassendean Visual Art Awards – Wednesday 23 September

Promotion has begun with entries closing on Friday 14 August 2015. Curator Ricky Arnold has been engaged who will be working with schools on a collaborative art project.

Other Cultural Projects

Poppy Making Project

The Poppy Making Project proved to be a successful community and cultural development project in engaging community members as part of a nation wide movement to celebrate the centenary anniversary of ANZAC Day. The Group of knitters and crocheters are continuing to meet to share skills, and work on other individual and group projects.

Public Art Projects

A project brief has been developed for the Whitfield public art project.

In accordance with its delegated authority, Committee resolved to proceed with a public mural art project in Old Perth Road.

Other items

Community Events Sponsorship Program – Family Day at Bindaring Park

The Town received an application from the Bassendean Arts Council Inc. for assistance via the Community Events Sponsorship Scheme to stage the Family Day at Bindaring Park on Sunday 13 September 2015.

The event is being staged in partnership with the Friends of Bindaring Park. Funds totalling \$5,000 is allocated within the 2014/15 Council Budget for the Town's Community Events Sponsorship Program.

The event complied with the sponsorship guidelines and a resolution was passed that Council provides sponsorship of \$1,000 under the Community Events Sponsorship Program, to the Bassendean Arts Council Inc. to assist with hosting the Family Day at Bindaring Park on Sunday 13 September 2015, and that a sponsorship agreement is prepared between the Town and the Bassendean Arts Council Inc. to outline the conditions of the sponsorship.

Cultural Planning and Budget 2015/2016 Update

Further to the Cultural Development Advisory Committee planning workshop on Wednesday 22 April 2015, the Committee was provided with the following update of cultural projects and budget items that have been submitted for consideration as part of the 2015/2016 budget process:

Project	Venue	2015/2016 Budget
NAIDOC Family Day	Ashfield Reserve	\$53,000
Avon Descent	Swan River	\$1,500
Bassendean Visual Art Awards	Cyril Jackson Recreation Centre	\$45,000
Seniors Week	Bassendean Town Centre	\$4,500
Public Events Other: March Event November Event	TBC	\$70,000
OPEN Event (Autumn Festival)	Bassendean, Eden Hill, Ashfield	\$10,000
Australia Day Celebration and Fireworks	Ashfield Reserve	\$110,000
Children's Week	Sandy Beach Reserve	\$3,000
Community Events Sponsorship Program	N/A	\$5,000
Community Cultural Programmes	N/A	\$15,000
Movies by Burswood	TBC	\$20,000
Carols By Candlelight	TBC	\$2,000
Cultural Plan Review (Consultancy)	N/A	\$15,000
Heritage Trails & Identification	N/A	\$5,000

Strategy (Consultancy)		
Public Art Development & Installation	BIC Reserve	\$100,000
	Mary Crescent Gathering Site	\$100,000
	Playground Mary Crescent Reserve (incorporating Aboriginal art in playground)	\$150,000
Mural Arts Program	Old Perth Road, Eden Hill and Ashfield	\$10,000
Australia Day Review (Consultancy)	N/A	\$10,000
Total		\$729,000

Engagement of Cultural Development Advisory Committee Members

The possibility of involving Committee members to part of volunteer teams in staging various cultural projects and events was also raised. An invitation was also extended to all Committee members to attend the 2015 NAIDOC Family Fun Day on Thursday 9 July at Ashfield Reserve. Cr Carter requested that Cultural Development staff liaise with Committee members to schedule individual members to volunteer when staging cultural projects and public events.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

There is currently \$3,000 available in the Community Events Sponsorship Account. The Committee recommends that the maximum \$1,000 be provided to the Bassendean Arts Council Inc. as part of the Community Events Sponsorship Program to stage the Family Day at Bindaring Park.

OFFICER RECOMMENDATION – ITEM 10.16

That Council:

1. Receives the report of the meeting of the Cultural Development Advisory Committee held on Wednesday 27 May 2015;
2. Approves sponsorship of \$1,000 to the Bassendean Arts Council Inc. under the Community Events Sponsorship Program to assist with staging the Family Day at Bindaring Park to be held on Sunday 13 September 2015;

3. A sponsorship agreement be prepared between the Town and the Bassendean Arts Council Inc. for the execution of the terms and conditions for sponsorship; and
4. Notes the Cultural Development Advisory Committee endorsement of the list of cultural projects submitted as part of the 2015/2016 budgeting process.

Voting requirement:

Points 1, 3 & 4 - Simple Majority

Point 2 - Absolute Majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 15: List of Accounts

BACKGROUND

The Monthly payments made for the period 1 May to 31 May 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 10.17

That Council receives the List of Accounts paid for May 2015 as attached to the Ordinary Council Agenda of 23 June 2015.

Voting Requirements: Simple majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 16: Financial Statements for May 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 two 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

Income

The Summary of Financial Activity (Nature & type) is indicating that the total income for the year to date is \$9.8 million, which is 7.5% over budget. Individually, Grants, Subsidies and Contributions, are 23% ahead of budget estimates, with Fees & charges, interest earnings and other revenue being marginally ahead of budget forecasts.

Expenditure

The total operating expense at the end of May was \$19.5 million, which is 4.6% under Budget estimates.

Materials and contracts is 16% behind budget estimates. Employee costs are 1.2% under budget estimates. Utilities charges are on budget estimates.

Capital Expenditure

Overall spending on Infrastructure Capital projects and Property Plant & equipment remain behind budget forecast expenditures levels.

The Monthly Financial Statements for May 2015 are attached to the agenda.

Summary of Financial Activities- Corporate Business Plan

Staff have prepared a Statement of the Summary of Financial Activities based on the financial projections included in the 2014-2018 Corporate Business Plan adopted by Council in May 2014.

The Statement provides a comparison of the amounts included in the 2014-2018 Corporate Business Plan to the 2014/15 Adopted Budget and 2014/15 Actuals.

Whilst this statement is not required by Legislation, Staff have developed the statement to provide Councillors and the Community with an understanding of the amounts included in the budget and how Council has maintained a financially sustainable Corporate Business Plan for the future.

This Statement will be included as part of the Monthly Financial Statements for the next 12 months. Staff will monitor the statement to ensure that Council continues to develop its community resources in accordance with the Plan.

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 31 May 2015. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.18

That the Financial Reports for the period ended 31 May 2015, as attached to the Ordinary Council Agenda of 23 June 2015, be accepted.

Voting Requirements: Simple majority

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

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

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

Issue ID	Assigned To	Brief Description	Action Taken
83369	Bob Jarvis	PQT May 2015 OCM - Miss Catherine Hamilton, 53 Broadway, Bassendean	Letter detailing meeting dates provided on 27 May 2015. Recommend deletion.
82118	Graeme Haggart	OCM-21/3/15 - Access and Inclusion Committee Meeting held on 11 March 2015	Donations Policy updated with inclusion of the new eligibility criteria. Recommend deletion.
83373	Graeme Haggart	OCM-8/5/15 - Review of Donations – Financial Assistance Policy	Policy reviewed. Recommend deletion.
83380	Michael Costarella	OCM-15/5/15 -Audit & Risk Management Committee Meeting held on 6 May 2015	No further action required. Recommend deletion.
79569	Simon Stewert-Dawkins	OCM-28/11/14 - Notice of Motion – Cr Pule: Review of Streetscape Master Tree Plan	For Council consideration, funding has been listed in the draft 2015/16 Operational budget to develop a Regional Urban Canopy Program for the Town. Recommend deletion.
82802	Simon Stewert-Dawkins	OCM-16/4/15 - Successful Application – Lotterywest Community Spaces Outdoor Grant	Acquittal report undertaken in accordance to the Lotterywest funding agreement. Covering Letter and acquittal report completed. Recommend deletion.

82814	Simon Stewert-Dawkins	OCM-32/4/15 - Notice of Motion – Cr Pule: Phase Two of Underground Power in Bassendean	<p>Round 5 of the State Government's underground power program is continuing to be implemented across the metropolitan area. Western Power's Community Relations Coordinator has advised that the State Government may make a decision concerning Round 6 funding allocations late in 2015. As part of the draft 2015/2016 Operational Budget process, \$10,000 has been listed to assist in the preparation of the required planning reports that are required for an application. At this stage there is no further Underground Power information available.</p> <p>Recommend deletion.</p>
83367	Simon Stewert-Dawkins	PQT May OCM - Mrs Fran Phelan, 15 River St, Bassendean	<p>Council adopted (OCM 17/6/12) Significant Tree Register states that for Kelly Park – one Eucalyptus rudis (Flooded Gum) is listed and that five other trees in the park are sociable space of remnant vegetation and habitat. The two Eucalyptus citriodora (Lemon Scented Gum) trees located in the cul-de-sac at the end of James Street, near the BIC Reserve, are listed on the Significant Tree Register.</p> <p>Recommend deletion.</p>
83372	Ben Moore	OCM-7/5/15 - Asset Condition Report – Drainage and Drainage Network Desktop Assessment	<p>Item listed in the draft Operations Budget 2015-16 for work to be undertaken.</p> <p>Recommend deletion.</p>
83374	Ben Moore	OCM-9/5/15 - Local Area Traffic Management, Walter Road East/Iolanthe Street, Bassendean	<p>Item listed in Capital Budget 2015-16 for Council consideration.</p> <p>Recommend deletion.</p>
83371	Brian Reed	OCM-5/5/15 - Possible inclusion of the Bassendean Fire Station, 10-14 Parker Street, Bassendean	<p>State Heritage advised of Council resolution.</p> <p>Recommend deletion.</p>

83368	Ken Cardy	PQT May 2015 - Ms Angie Piantadosi. 4 Jubilee Avenue, Eden Hill	Rang Ms Piantadosi on 11 June 2015 and advised her that the tree removed was actually a sapling from the tree previously removed some 6-7 years ago which was in a dangerous condition. Week commencing 15 June 2015 the Parks & Garden Supervisor will arrange for additional street trees to be planted in this location. No further action. Recommend deletion.
83375	Ken Cardy	OC-10/5/15 - Bassendean Oval Scoreboard	Item listed in Capital Budget 2015-16 for Council consideration. Recommend deletion.
83366	Maria Fatouros	PQT May 2015 OCM - Ms Angie Piantadosi	The Manager Development Services has advised that whilst there are no general rules applying to the particular business, in this case, the washing would actually be placed on the footpath and the Senior Environmental Health Officer has written to the owners advising them to desist from this practise. Recommend deletion.
82117	Salvatore Siciliano	OCM-18/3/15 - Cultural Development Advisory Committee Meeting held on 18 February 2015	The sponsorship agreement was finalised with the Eden Hill Primary School P & C on 1 April 2015. Event was conducted on Saturday 2 May 2015 and evaluation was completed and lodged with the Town on 25.05.15. No further action required. Recommend deletion.
83370	Stephanie Radosevich	OCM-4/5/15 - Proposed Approval of Retrospective Additions and Alterations to Single House on Lot 6; (No. 14) Anzac Terrace, Bassendean	Determination issued in accordance with Council resolution. Recommend deletion.

82124	Tim Clark	OCM-31/3/15 - Outstanding Debtor and Unauthorised Works Update	Meeting between Ashfield Sports Club, Football West and ToB held on Thursday 21 May 2015. Essentially the ASC have reduced their debt. All parties have agreed to stay in communication regarding the debt situation. ASC have requested assistance for business/operational planning. Could be provided through the R & C Club Development Program. Football West will also send details of the report proposing Ashfield Reserve as one of four sites for a "Home of Football" concept for soccer/football. Recommend deletion.
83378	William Barry	OCM-14/5/15 - Economic Development Advisory Committee Meeting held on 6 May 2015	Instrument of Appointment and Delegation updated. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.19

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 23 June 2015 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

10.20 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:

11/06/15 Natural Disaster Resilience Program 2014-15 Funding Agreement between the State Emergency Management Committee Secretariat and the Town of Bassendean.

OFFICER RECOMMENDATION – ITEM 10.20

That Council authorises the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 23 June 2015.

Voting Requirements: Simple majority

10.21 Calendar for July 2015 (Ref: Sue Perkins, Executive Assistant)

Wed	1 Jul	7.00pm	Children & Family Services Committee Meeting – Council Chamber (Crs Gangell & Brinkworth)
Tue	7 Jul	7.00pm	Special Council Meeting – Adoption of the Budget – Council Chamber
Thu	9 Jul	10.00am	Dandjoo Koorliny Reconciliation Walk (Front of Administration Building) followed by NAIDOC Day Family Day at Ashfield Reserve
Wed	22 Jul	6.00pm	Cultural Development Advisory Committee Meeting – Council Chamber (Crs Brinkworth & Carter)
Thu	23 Jul	6.00pm	East Metropolitan Regional Council Meeting (If required) – EMRC (Crs Pule & Carter)
Tue	28 Jul	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	31 Jul	5.00pm	Youth Advisory Council Meeting – Youth Services

OFFICER RECOMMENDATION - ITEM 10.21

That the Calendar for July 2015 be adopted.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Cr Bridges

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

That for future Council meetings the Chief Executive Officer organises the electronic screen or a whiteboard on a stand that is visible to the public in the gallery that lists the items to be carried 'en bloc' followed by the order that the remaining items are to be dealt with to enable the public to follow the listed agenda items during the meeting."

11.2 Notice of Motion – Cr Pule: Safer Pedestrian Crossing Old Perth Road

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

"That officers investigate and report to Council with the objective to improved pedestrian crossing at Old Perth Road in front of the Village Shopping Crossing, in front of the Professionals Estate Agents and at the current crossing. To improve the current crossing by installing full white pedestrian crossing lines on the road surface."

COMMENT – CR PULE

Please see photos attached (Attachment No. 17). At 8.45am there were already a frequent number of cars, some speeding well over the 40 mph speed limit, and mother and child and pedestrian and child and others crossing.

The crossing has had skid marks driven at high speed right across the crossing. Please see the heavy skid marks.

Concern has been expressed by local business that the crossing is unsafe as it is not marked on the road surface and does not alert drivers by white markings, rendering the crossing unsafe.

Pedestrians may be lulled into a false sense of safety and cross, unaware that motorists are not alerted by road surface markings and that pedestrians are crossing and have right of way.

The corner now has two large high rise on the corner, with over 200 people about to live there and heavy pedestrian crossings into and from the Village Shopping Centre. There is a third high rise coming just at the next corner, with more people about to live and do business there.

A better, clearer, white lines marked pedestrian crossing is needed as quickly as possible. The Town needs to discuss with Main Roads the establishment of improved pedestrian road markings at this crossing.

This is part of the long term Strategic Plan “...to improve the quality of life in Bassendean and to ensure the safety of the Community.”

OFFICER COMMENT

Recently, the Engineering Technical Co-ordinator responded to an enquiry from a resident and business owner (Mr Ian Wellstead) on this issue and in line with the response the following is provided:

In June 2014, work commenced on an intersection modification at the above address, designed by Wood and Grieve Consulting Engineers and approved by the Town, for an intersection modification to facilitate left turn movements of semi-trailers from the Bassendean Shopping Centre. This was to allow, in accordance with the condition of development, for delivery trucks to exit the Town Centre without entering the residential area.

Officers at the time and in relation to this specific Notice of Motion, investigated the possibility of painting white lines on the road to facilitate a pedestrian crossing. This method of treatment (Zebra Crossing) has specific warrants which must be met and be supported by MRWA.

Again recently, Officers, in line with Main Roads recommendations, completed a survey of the area to identify the traffic and pedestrian volumes at this location. The results (438 vehicle & 45 persons) failed to meet the statistic requirements that warrant for both Zebra and Wombat crossings.

Main Roads WA comment:

“Pedestrians may be lulled into a false sense of safety and cross, unaware that motorists are not alerted by road surface markings and those pedestrians are crossing and have right of way”.

The following description comes from the MRWA Pedestrian Crossing Fact Sheet into the disadvantages of Zebra and Wombat Crossings "*Disadvantages and where a Zebra crossing is warranted*":

Zebra and Wombat Crossings - Disadvantages:

- *Pedestrians exercising their right of way often inappropriately step out in front of approaching traffic, not leaving vehicles time to stop.*
- *Can be poorly respected by motorists, especially where pedestrians volumes are low.*

Warrant for Zebra and Wombat Crossings- Advantages:

A Zebra crossing may be considered, if in two separate hours on an average weekday:

- the number of pedestrians crossing in close proximity to the site (generally within 30 metres) exceeds 60 per hour;
- the number of vehicles exceeds 600 per hour; and
- the product of the number of pedestrians crossing and vehicles passing the site exceeds 90,000 in the same hour.

The Officer's recommendation is that this survey is again undertaken in both 12 and 18 months time in preparation for the asset management rehabilitation, local area traffic Management and bike management works planned for Old Perth Road in 2017/18. At that point in time, the traffic and pedestrian volume numbers may be at a MRWA level where a Wombat crossing is warranted, particularly as part of a more substantial redevelopment.

In relation to the photos provided, these represent an instance of hooning and not general turning movement issues to and from Whitfield Street from Old Perth Road. Current works are in accordance with guidelines from MRWA.

Officers have arranged for the Town's Speed Awareness Monitor trailer to be placed in this area on a regular basis, to advise road users that the area is a 40 km/hr location, not 40 mph, as mentioned in the motion, and the Kiara Police have also been advised that hooning activities have occurred in this area.

11.3 Notice of Motion – Cr Pule: Green Army Projects Round 4

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

“That Officers investigate and report to Council, the feasibility for an application for a Green Army Project Round 4 for the Town of Bassendean.”

COMMENT – CR PULE

Green Army Programme Round 4 will soon open and applications from Local Governments and other agencies will be assessed. The Town of Bassendean can benefit by assessing feasibility and preparing an application for a number of qualifying projects in the Town.

1. What projects are eligible?

Projects that have clear environmental or heritage conservation focus. The project must offer participants valuable practical experience, in a safe environment. Projects need to be guided by local community needs. Projects must be ready by the commencement date.

2. What is involved?

Projects are assessed and approval makes successful project applicants Project Sponsors, who then work with an appointed Service Provider to deliver the project.

Projects must be between 20 to 26 weeks and involve activities such as restoring and protecting habitat, weeding, planting or cleaning up creeks. Each Project will receive a team of up to nine Green Army participants, a team supervisor and approved project specific materials such as seedlings, mulch matting and tree guards.

3. Who covers the cost?

The Green Army Programme will cover costs associated with the team, such as participants' allowances, supervisor wages, uniforms, safety gear, basic equipment, participants training, local transport costs and insurance.

4. Can Projects be joint Ventures with other Local Governments?

Projects can be joint venture projects to provide the required 20 to 26 weeks work for the team under approved activities. The EMRC can be approached to arrange joint venture projects with other Local Governments.

5. What are the possible areas in the Town of Bassendean that may qualify for Green Army approval?

The numerous projects on the river foreshore and along the Ashfield Flats. Town of Bassendean, WAPC, Department of Water and Swan River Trust joint works needed within the Town.

Living stream, drainage conversions, habitat replanting, wetland restoration, weeding and clearing throughout the Town and natural resource management.

6. Now that the Town will remain a Local Government such projects can, once again, be entertained.

This is part of the long term Strategic Plan “...to improve the quality of life in Bassendean” and part of the Bassendean Climate Change Adaptation Plan. These objectives are also in line with a number of the Town's long term Environmental Strategies and Community Plans.

OFFICER COMMENT

In March 2015, the EMRC, in partnership with participating member Councils, including Town of Bassendean, submitted a Project Application for Round 3 of the Australian Government's Green Army Programme.

Green Army is part of the Australian Government's \$2 billion investment in the management of natural resources and heritage, enabling communities to take practical action to improve their local environment. It aims to deliver tangible benefits for the environment and Australia's heritage while providing young people with skills, training and experience to help them enter the workforce or improve their career opportunities.

At this stage the Australian Government's Department of Environment has not announced the successful Round 3 grants, however, the Town has been advised that this will occur in the near future.

In regards to Round 4 Green Army applications, the Australian Government's Department of Environment has not uploaded information to the internet and has not announced the next round of funding.

However, EMRC member Councils have commenced discussions, should the Australian Government make the announcement for Round 4 grant funding and possible Green Army projects are being investigated. If further funding does become available, the Town's submission would be in aligned to the Council endorsed Environmental Management Plan 2014-2024 and to current environmental restoration work.

As per past submissions, it is intended that EMRC member Councils will submit an application.

Considering the above information and the administrative work that is already being undertaken, this Notice of Motion is not required.

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13.0 CONFIDENTIAL BUSINESS

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

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 28 July 2015.