

# TOWN OF BASSENDEAN

## NOTICE OF ORDINARY COUNCIL MEETING

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 22 May 2018 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS  
CHIEF EXECUTIVE OFFICER

18 May 2018

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## A G E N D A

### 1.0                    DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

#### Acknowledgement of Traditional Owners

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

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

### 2.0                    PUBLIC QUESTION TIME

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

**3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

**4.0 DEPUTATIONS**

**5.0 CONFIRMATION OF MINUTES**

**5.1 Ordinary Council Meeting held on 24 April 2018  
(Attachment No. 1)**

**OFFICER RECOMMENDATION – ITEM 5.1(a)**

That the minutes of the Ordinary Council meeting held on 24 April 2018, be received.

**OFFICER RECOMMENDATION – ITEM 5.1(b)**

That the minutes of the Ordinary Council meeting held on 24 April 2018, 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 of 22 May 2018:

Item	Report
10.2	Proposed Perimeter Security Fencing – Lot 4 (No. 248) Morley Drive East, Eden Hill
10.3	Proposed Three Lot Subdivision – Lot 1 (No. 17) Devon Road, Bassendean
10.4	Adoption of Town of Bassendean Local Planning Scheme No. 10 Heritage List
10.5	Proposed ‘Change of Use’ Development Application from Shop to Unlisted Use (Small Bar) – Lot 351 (Nos. 22-24) Old Perth Road, Bassendean
10.6	Retrospective application for Home Business (Art Studio) at Lot 747 (No.11) Broadway, Bassendean
10.7	Adoption of Town of Bassendean Bee Keeping Local Law 2018
10.8	Damaged Crossover - 18 Anzac Terrace, Bassendean
10.9	Waste Collection Services - Future Options
10.10	Success Hill Spillway Investigation
10.11	Bassendean Station Access Project Broadway
10.12	Petition – Installation of Dog Bag Dispenser Stand and Bins on Chapman Street, Bassendean
10.13	Bassendean Bowling Club Lease Agreement Renewal
10.15	Sandy Beach Reserve Nature Based Regional Playground Detailed Design Stage
10.16	Construction of the Bassendean Men’s Shed
10.17	Draft Local Economic Overview
10.19	Review of Council Briefing Session Guidelines
10.20	River Parks Committee Meeting held on 8 May 2018
10.21	Determinations Made by the Principal Building Surveyor
10.22	Determinations Made by Development Services
10.23	Bassendean Youth Advisory Council Meeting of 23 February 2018
10.24	Economic Development Committee Meeting held on 8 May 2018
10.26	Use of the Common Seal
10.27	Calendar for June 2018
10.28	Implementation of Council Resolutions
10.29	Accounts for Payment –_March/April

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

Item	Report
10.14	Movies by Burswood Inc. - New Contract Term
10.18	Draft Election Caretaker Periods Policy for limitations on Council’s Decision Making and Expenditure during the Local Government Election
10.25	Audit & Governance Committee Meeting held on 16 May 2018
10.30	Financial Statements – April 2018
11.1	Notice of Motion – Cr Hamilton: Monthly Payments Lists
11.2	Notice of Motion – Cr Brown: Use of Vessels on Swan River
11.3	Notice of Motion – Cr Quinton: Mental Health Program for Children

**10.2 Proposed Perimeter Security Fencing – Lot 4 (No. 248) Morley Drive East, Eden Hill (Ref: DABC/BDVAPPS/2018-042 – Christian Buttle, Senior Planning Officer)**

**APPLICATION**

To consider an application for development approval for the installation of perimeter security fencing at the former Eden Hill Shopping Centre site at Lot 4 (No. 248) Morley Drive East, Eden Hill.

The proposal is referred to Council noting that:

- (a) there is strong local community interest in this site; and
- (b) Council is actively involved in other considerations for the property.

**ATTACHMENTS**

**Attachment No. 2:**

- Plans of Proposed Security Fencing.
- Correspondence from LJ Hooker Commercial Perth dated 18 April 2018.
- Town of Bassendean Fencing Local Law 2013.

**BACKGROUND**

Detailed background information relating to the decline of the shopping centre on the development site was provided to Council in a report considered at its February 2018 Ordinary Meeting, which is summarised below for ease of reference:

- Serious decline of the shopping centre began in 1996 when the last major tenant (supermarket) left the facility;
- In response to the decline of the shopping centre, the Town commissioned Hames Sharley to prepare the Mary Crescent Precinct Plan ('the Plan') in the late 1990's. This plan attracted overwhelming support from the local community and was premised upon the majority of the land being redeveloped for residential purposes;
- The Town attempted to pursue the implementation of 'the Plan' via the introduction of modified zonings linked to the preparation of the now operative Local Planning Scheme No. 10;
- The owners of the shopping centre site objected to the proposed changes within draft LPS10 and in response to these objections the Minister for Planning and Infrastructure directed that LPS10 be modified to include the site within the local shopping zone, as requested by the owners; and

- There has not been any redevelopment proposals put forward for the site since LPS10 was gazetted in 2008.

### COMMUNICATION & ENGAGEMENT

No external consultation has been carried out in conjunction with the preparation of this report.

LJ Hooker Commercial (in their capacity as managing agents of the property) did write to the Town during the application process (LJ Hooker were not directly associated with the application for development approval), and this correspondence has been provided as an attachment to this report.

### STRATEGIC IMPLICATIONS

The following section of the Town’s Strategic Community Plan is of relevance:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
3.3 Enhance the Town’s appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)
	3.3.2 Strengthen and promote Bassendean’s unique character and heritage	
	3.3.3 Implement design policies and provisions of buildings and places	

### COMMENT

As Councillors are aware, the subject property contains the remains of a now vacant / derelict shopping centre.

Covering correspondence accompanying the application for development approval states that:

*“The application seeks Council’s approval of a perimeter fence that is required to secure the property until redevelopment can occur. The proposed fence will run the entire length of the boundaries and will include a 6 metre wide gate to the existing crossover to Ivanhoe Street. The fence will be a 1.8 metre high galvanized chainwire mesh with 3 rows of barbed wire. Please refer to the plans attached.”*

From information provided to the Town it is evident that the security fencing is proposed as a result of, and in response to:

- Unauthorised rubbish dumping on the site; and

- Unauthorised building access on site.

While it is not desirable that security fencing have to be installed on site, the problems being experienced by the property owners are acknowledged.

Noting that the subject property is situated in a residential area, the compatibility of the proposed development with its setting is of primary importance when considering the application. In this respect:

- Barbed wire is not appropriate in a residential setting, as a site fenced in this manner would adversely affect the amenity of the area; and
- A maximum height of 1.8 metres should be provided for the fencing, being the maximum height for street frontage fencing that is accepted for residential properties.

With respect to the barbed wire, it is evident that this is proposed to prevent unauthorised access to the site and buildings.

Unauthorised access to the buildings can be dealt with by increased security measures being implemented at the point of access.

It is also appropriate that the fence be truncated at the Morley Drive East and Christie Way corner, in a similar way to which a truncation is provided on the Town's former service station site at the corner of Morley Drive East and Ivanhoe Street.

## **STATUTORY REQUIREMENTS**

The following statutory provisions are of relevance in considering the proposal.

### **Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines**

There are no provisions of relevance within the Town's Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines.

### **Town of Bassendean Fencing Local Law 2013**

The Town of Bassendean Fencing Local Law 2013 is of limited relevance to the consideration of the application, but relevant components of the Local Law are summarised as follows:

- The objectives of the local law are to prescribe minimum standards for fencing and to ensure that adequate standards of safety, structural sufficiency and amenity in relation to fencing are maintained throughout the district.
- For the purposes of the Local Law, a 'sufficient fence' is defined as a chain link fence of 1.8 metres in height;
- The specified location for the 1.8m high chain link fence to be erected is on the common boundary behind the building line;
- A fence is not required within the front / street setback area; and
- A general discretionary clause is included within the local law.

### **Local Planning Scheme No. 10 / Planning and Development (Local Planning Schemes) Regulations 2015**

The 'Deemed' provisions within the Planning and Development (Local Planning Scheme) Regulations 2015 identify matters that are to be considered by local government in considering an application for development approval, including:

- “(m) the compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale orientation and appearance of the development; and*
- (n) the amenity of the locality including the following –*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development.”*

## FINANCIAL CONSIDERATIONS

Nil.

## OFFICER RECOMMENDATION — ITEM 10.2

That:

Council Grants development approval for the proposed perimeter security fencing at Lot 4 (No. 248) Morley Drive East, subject to the following conditions:

1. The 3 strands of barbed wire not being approved and being removed from the fence that is installed.
2. The overall height of the fencing being a maximum of 1.8 metres above ground level.
3. The fencing being truncated adjacent to the Morley Drive East / Christie Way corner along an 8.48m diagonal (i.e. 6m x 6m truncation) as marked in red on the approved drawings.
4. The fence is to be constructed wholly within the property boundaries.
5. The construction is to comply with the Building Code of Australia and all relevant Australian Standards.
6. The fence is to be constructed in accordance with the attached approved plans.
7. Gates are to open inwards into the property and are not to open into the road reserve.
8. The road verge and footpath are to be kept clear of building materials and construction equipment at all times.

**Voting requirements: Simple Majority**

**10.3 Proposed Three Lot Subdivision – Lot 1 (No. 17) Devon Road, Bassendean (Ref: DABC/BDVAPPS/156472 – Christian Buttle, Senior Planning Officer)**

**APPLICATION**

To consider an application for subdivision of the existing property at Lot 1 (No. 17) Devon Road, Bassendean, into three separate lots as shown on the attached plan of subdivision.

The proposal is referred to Council primarily to allow for consideration to be made in relation to proposed vehicular access arrangements associated with the proposed subdivision, particularly in relation to:

- Road carriageway widths; and
- Provision for pedestrians and cyclists.

**ATTACHMENTS**

**Attachment No. 3:**  
Plan of Subdivision.

**BACKGROUND**

The property is 2,226 sq.metres in area and is currently developed with a single house and associated outbuildings. It has street frontage to Devon Road on its northern end and Harcourt Street to the south.

The road configuration on the Harcourt Street frontage of the property is unusual, being only single width, and it is the proposed arrangements on the Harcourt Street side of the property which are the main focus of this report.

The Devon Road half of the property is zoned residential with an R15 density code.

The Harcourt Street half of the property is zoned residential with an R25 density code.

**COMMUNICATION & ENGAGEMENT**

The application for subdivision is submitted to, and ultimately determined by, the Western Australian Planning Commission (WAPC).

As part of their assessment process, the WAPC has referred the application to the Town for comment along with the following other agencies:

- Department of Water and Environmental Regulation;
- Water Corporation; and
- Western Power.

As the Town is a referral body in the subdivision process, it does not undertake its own separate consultation as part of its assessment process.

### STRATEGIC IMPLICATIONS

The following section of the Town's Strategic Community Plan is of relevance:

#### **Strategic Priority 3: Built Environment**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices	The number of new dwelling approvals granted by the Town against the <i>Perth Peel @ 3.5 Million</i> planning framework target for Bassendean (4,200 new dwellings by 2050)  The level of community engagement and participation into Local Area Planning (Input into plans and policy development.)
	3.1.2 Implement sustainable design and development principles	
	3.1.3 Plan for local neighbourhoods and their centres	
	3.1.4 Ensure infrastructure is appropriate for service delivery	

### COMMENT

#### **Lot Areas**

At an R15 density code a minimum site area of 580 sq.metres is required with an average site area of 666 sq.metres. The one lot that is proposed on the Devon Road half of the site is proposed to be 1113 sq.metres. The existing house will be retained on this lot.

At an R25 density code a minimum site area of 300 sq.metres is required with an average site area of 350 sq.metres. The two lots that are proposed on the Harcourt Street half of the site are each 557 sq.metres in area. Each of these lots will have the capacity to accommodate the development of a single house.

All lot areas (both minimum and average) are fully compliant with the provisions of the R-Codes.

### **Flooding**

Slightly over half of the parent lot is flood affected as shown on the aerial photo extract below.

The 1:100 year flood level is approximately 5.04AHD with natural ground levels at the Harcourt Street end of the site being approximately 3m beneath this (i.e. around 2m AHD).

With the review of flood levels that is currently being undertaken by the Department of Water and Environmental Regulation, it is possible that the lot on the Devon Road end of the site will not be identified as being flood affected into the future, but the two proposed lots at the Harcourt Street end will continue to remain flood affected.



### **Buildings**

The existing house is intended to be retained on the subdivided lot which faces Devon Road. In accordance with normal practice, it is recommended that WAPC standard condition B7 be included within the Town's recommendation, which requires the existing dwelling to demonstrate compliance with relevant provisions of the R-Codes as they relate to a single house.

### **Drainage and Site Works**

Having regard to site conditions (flood affected land, high water table, clay soils), it is recommended that a range of engineering related conditions be included within the Town's recommendation which:

- Will ensure that the lots can accommodate their intended development;
- Will ensure that a geotechnical report is provided with recommendations relating to whether or not remediation works are required (primarily linked to the probable existence of clay on site); and
- Will make appropriate arrangements for storm water drainage if it is determined that storm water can not be contained on site.

WAPC standard conditions D1, D4 and D5 are relevant with respect to this matter.

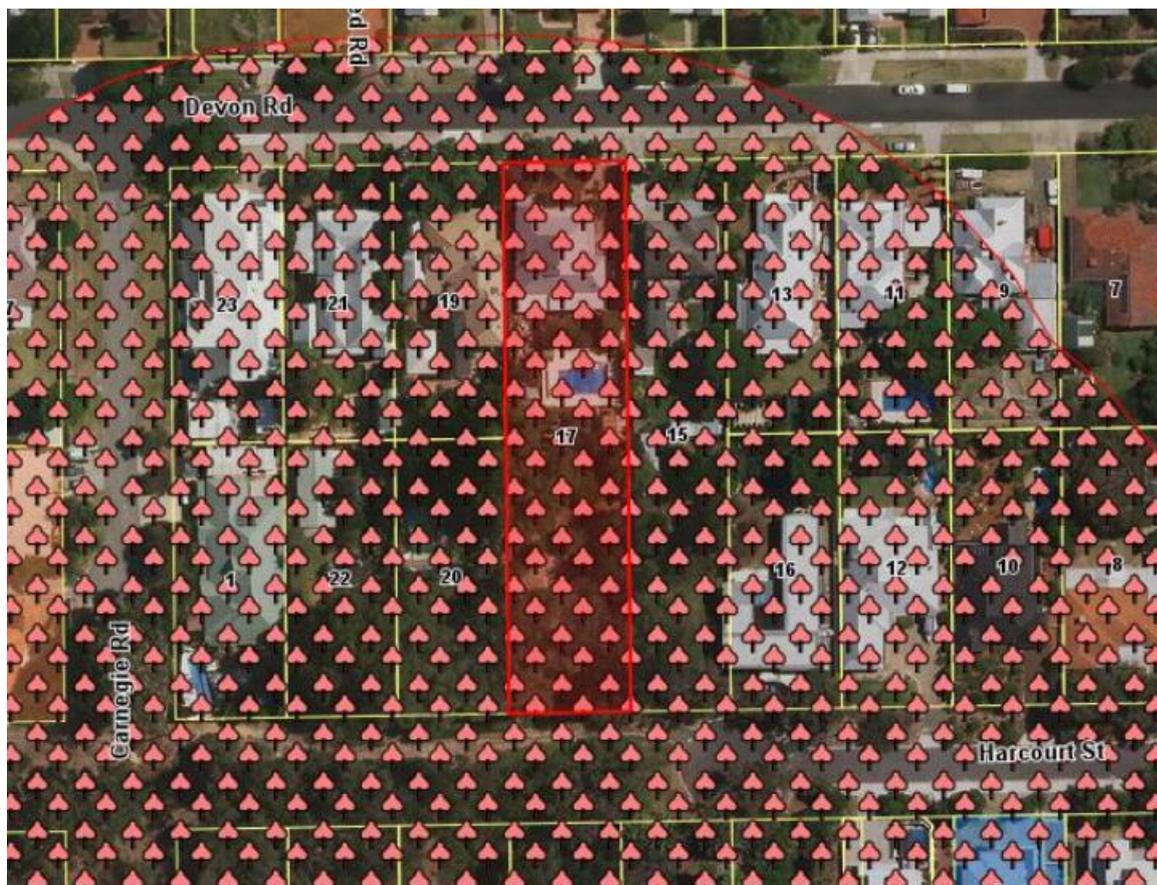
### **Environment**

Environmental related conditions that have been included within the recommendation include:

- Protection of vegetation on site that is worthy of retention and not affected by subdivision works (Condition EN2); and
- Completion of an acid sulphate soils self assessment form, noting that the site has a moderate to high risk of acid sulphate soils (Condition EN8).

### **Fire and Emergency**

The entirety of the land is identified as being bushfire prone as can be seen on the aerial extract below (hatched area):



The Town has been advised that the WAPC omitted to require a necessary Bushfire Management Plan from the applicant at the time that the application for subdivision was accepted by that agency.

This has now been requested, but has not yet been provided. Once it has been received a copy will be forwarded to the Town for its consideration and relevant recommended conditions.

As the WAPC has not extended the Town's timeframe to respond to the application, and having regard to internal reporting deadlines, it will be necessary for this matter to be considered further by staff outside of Council's consideration of the application.

**Transport, Roads and Access (including Waste Management)**

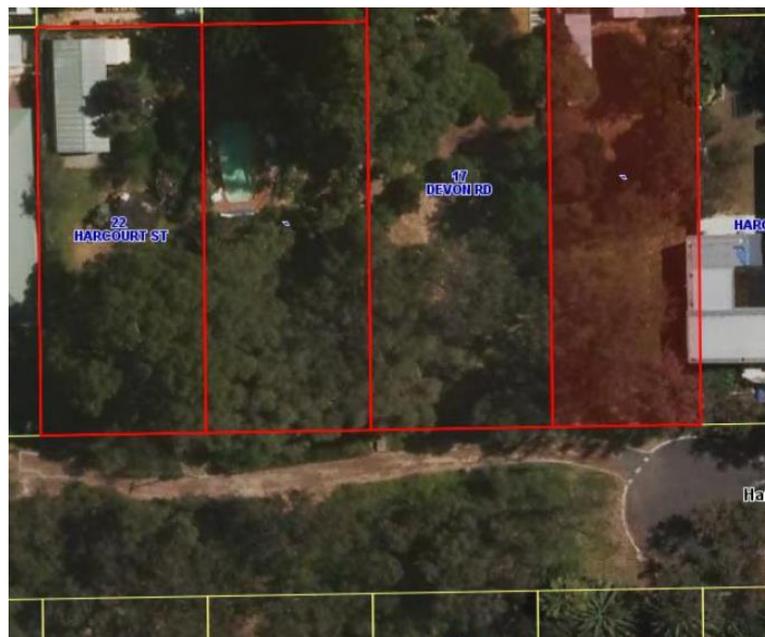
Consideration of transport, roads and access arrangements (including waste management) is the main reason for referral of this application to a Council meeting for consideration.

The subject property has its main frontage to Devon Road and secondary frontage to the Harcourt Street road reserve.

Harcourt street is constructed in the normal manner (i.e. road pavement of a width to allow for two way vehicle movement) for the majority of its length, but is constructed only as a single width (3m wide pavement plus 200mm flush kerbs on either side for 3.4m wide overall width) 'slip road' behind the following 4 properties:

- 15 Devon Road;
- 17 Devon Road;
- 20 Harcourt Street; and
- 22 Harcourt Street.

The properties in question are shown in red in the aerial photo extract, below:



While there are a range of variables that could influence the development potential of these properties, the most likely scenario is that they will each be developed in the same manner as that which is proposed in this instance (i.e. 2 dwellings per lot is the likely ultimate development outcome).

In the event that 8 separate lots were created with frontage to the Harcourt St slip road, it is also likely that each of the dwellings would be provided with double garages noting that:

- (a) New dwellings in this locality are almost universally provided with double garages; and

- (b) Having regard to flood levels, the habitable floor space of any new dwelling must be more than 3m above ground level at the Harcourt St property boundary. The most common way that this is achieved is to site habitable areas above large garages and other non-habitable building structures at ground level.

WAPC Development Control Policy 2.6 "Residential Road Planning" states (at clause 3.5.3) that a carriageway of 3m is acceptable where four dwellings or less are served, as highlighted below:

### **3.5 Access Lanes and Rear Laneways**

- 3.5.1 Traffic flows on access lanes and rear laneways should not exceed 100vpd at any one point.
- 3.5.2 Vehicle operating speeds should be 20kmh or less.
- 3.5.3 Reserve widths should not exceed 13.5m for access lanes. This may be reduced to 6m for rear laneways. The reserve should comprise:
- a carriageway width of 4-5.5m for access lanes which may be reduced to 3m where four dwellings or less are served;
  - a minimum carriageway width of 6m for rear laneways;
  - verges for access lanes to be the minimum necessary to accommodate services, parking bays and on both sides mature large canopied trees of a species specified by the local government. This may be reduced to 1.5m where there is no frontage or to zero where bollard protection is used (e.g. in rear laneways).

While the current proposal would not result in more than four dwellings relying on the roadway for access, it is likely that this will change over time, and it is possible that more than 4 dwellings (i.e. potentially 8 dwellings) will eventually rely on this section of roadway for access.

However, the individual access points and associated driveways to each of these future dwellings will provide 'lay-bys' for vehicles to pull into in the event that single width road access is maintained; each of the lots are developed; and vehicle conflict were to occur by virtue of vehicles attempting to travel in opposite directions.

In considering the current application, the Town can recommend that the current vehicle access arrangements on the Harcourt Street frontage of the site remain without change or could recommend that arrangements be enhanced (for example, via the widening of the road pavement (this would involve infrastructure relocation and/or replacement)).

Noting that:

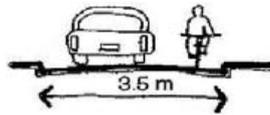
- (a) The ultimate likely development of the four lots with access to the single width section of road is 8 dwellings in total;
- (b) The overall length of the slip road is only around 75m in length;
- (c) The likelihood of conflicting vehicle movements on the 75m section of single width road is only minimal;
- (d) The future development of the lots will result in driveways being established which can effectively be used as embayments to allow passing if there were to be conflict from vehicles attempting to pass in opposite directions;
- (e) Maintenance of the single width vehicle access allows for less impact on the local environment as a result of a lessened need for tree removal; and
- (f) Maintenance of the single width vehicle access lessening impacts on the applicant by way of infrastructure development / relocation / reconstruction;

It is recommended that the road arrangements be allowed to remain as they currently exist, without the need for any new road construction and/or modification.

Given the unusual nature of the proposal, it is appropriate that vehicle access points for each of the lots be established as part of the subdivision application, however, and this is dealt with by way of standard subdivision condition T20.

### **Pedestrian and Bicycle Access**

The WAPC Liveable Neighbourhoods document suggests that a 3.5m wide road pavement is of a sufficient width to accommodate a vehicle and a pedestrian/cyclist to pass. In this instance, the pavement width (road and flush kerbs) is 3.4 metres in width. Given the established nature of this road construction, it is recommended that the existing arrangement be accepted, without change.



A 3.5 m pavement allows a car to pass a cyclist (or pedestrian), but is clearly too narrow for parking without blocking the street.

Figure 11: Diagram of physical determinants for the width of pavements in access streets

### **Rubbish Disposal**

Discussions have been held with Suez who have confirmed that these lots can be serviced by their rubbish collection vehicles.

Suez advise that a standard rubbish truck must make a 3-point turn at the end of a cul-de-sac in any event. When making this 3-point turn, the rubbish truck (which is fitted with a camera system to aid reversing) will reverse down this small section of roadway, collect bins and then drive out into the cul-de-sac in a forward gear. In addition to the 2.5m width of the truck, an additional 2m of clear space beyond the vehicle is required for the arc associated with the lifting movement when the bin is emptied (which will be accommodated by prescribed building setbacks).

### **STATUTORY REQUIREMENTS**

The following statutory documents are of relevance:

- Town of Bassendean Local Planning Scheme No. 10 (LPS10);
- Town of Bassendean Town Planning Scheme No. 4A (TPS4A);
- Residential Design Codes of Western Australia (R-Codes); and
- WAPC DC Policy 2.6 – Residential Road Planning (DC 2.6).

The southern half of the property is situated within Town Planning Scheme No. 4A, and dwelling unit contributions (approximately \$8000 per dwelling) will be payable at the time that applications for building on each of the lots are dealt with by the Town.

### **FINANCIAL CONSIDERATIONS**

Nil.

### **OFFICER RECOMMENDATION — ITEM 10.3**

That following receipt and consideration of the required Bushfire Management Plan, Council authorises the CEO to recommend to the Western Australian Planning Commission that the application for subdivision of Lot 1 (No. 17) Devon Road, Bassendean, be approved subject to the following conditions and advice notes:

Conditions:

1. (Variation on WAPC Standard Condition AM5)  
A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
  
*“This land is located within the floodplain of the Swan River and is affected by flooding. Further information about flood levels, including development restrictions, is available upon request from the relevant local government offices.”*
2. WAPC Standard Condition B5:  
Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot 1 at the time of subdivision approval being demolished and materials removed from the lots.
3. WAPC Standard Condition B7:  
The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.
4. WAPC Standard Condition D1:  
Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
  - (a) Lots can accommodate their intended use; and
  - (b) Finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and / or proposed finished ground levels of the land abutting.
5. WAPC Standard Condition D4:  
The land being filled, stabilised, drained and/or graded as required to ensure that:
  - (a) Lots can accommodate their intended development; and
  - (b) Finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and / or proposed finished ground levels of the land abutting; and
  - (c) Storm water is contained on-site, or appropriately treated and connected to the local drainage system.

6. WAPC Standard Condition D5

Prior to the commencement of subdivisional works, the landowner / applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

7. WAPC Standard Condition EN2

Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to the commencement of subdivisional works.

8. WAPC Standard Condition EN8

An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced.

Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.

9. WAPC Standard Condition T20

Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.

10. WAPC Standard Condition W6

All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any storm water disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted.

Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the land owner / applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipe work have been removed.

11. Additional further condition(s) as staff deem appropriate, following receipt of the required Bushfire Management Plan for the proposed subdivision.

**Advice Notes:**

WAPC Standard Advice Note Ena1:

1. Condition EN8 makes reference to an “acid sulphate soils assessment form”. This form can be downloaded from the Western Australian Planning Commission’s website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

The “acid sulphate soils self-assessment form” makes reference to the Department of Water And Environmental Regulations “Identification and Investigation of Acid Sulphate Soils” guideline. This guidance can be obtained from the Department of Water and Environmental Regulation’s website at: [www.der.wa.gov.au](http://www.der.wa.gov.au)

2. The land is affected by the Town’s Town Planning Scheme No. 4A, and dwelling unit contributions will be payable in conjunction with any proposal to develop each of the proposed lots fronting the Harcourt Street road reserve.

**Voting requirements: Simple Majority**

**10.4 Adoption of Town of Bassendean Local Planning Scheme No. 10 Heritage List (LUAP/POLCY/2 Timothy Roberts, Planning Officer)**

**APPLICATION**

The purpose of this report is for Council to review the schedule of submissions received from the public advertising of all category one and category two listed properties within the Municipal Heritage Inventory with a view to establishing a Heritage List as a schedule to the Town of Bassendean Local Planning Scheme No. 10 (LPS10).

**ATTACHMENTS**

**Attachment No. 4:**

- Places recommended for inclusion on the Scheme Heritage List.
- Copy of advertising letter to property owners.
- Schedule of Submissions.
- Submission made by Rowe Group for the Commercial Premises at 43 Old Perth Road.

**BACKGROUND**

The Town of Bassendean Municipal Heritage Inventory (MHI) was adopted in August 2017. Places of cultural significance were nominated for inclusion, assessed and assigned a management category based on their significance. It should be noted that inclusion within the MHI does not afford a property any statutory protection. There are eleven properties within the Town of Bassendean that are listed on the State Register of Heritage Places, which are afforded protection under the Heritage Places of Western Australia Act 1990. These places are listed as a category one under the MHI and are as follows:

1. Bassendean Oval; 2. Bassendean Oval Entrance Gate; 3. Bassendean Oval Grandstand; 4. MacDonald Grandstand; 5. Guildford Road Bridge; 6. Earlsferry; 7. Daylesford; 8. Success Hill Lodge; 9. Bassendean Fire Station; 10. Bassendean Masonic Lodge and 11. Pensioner Guard Cottage, which are all considered to hold exceptional significance to the Bassendean community.

Additional to these places are a number of places that are considered to hold considerable significance to the Bassendean community and were all assigned a management category two under the MHI.

These places are considered to be below the threshold for inclusion within the State Register of Heritage Places or merely have not yet been nominated however are very important to the heritage of the locality with a high degree of integrity and authenticity.

Conservation of these places is highly desirable and any alterations or extensions of the place should reinforce the significance of the place. It is therefore appropriate that these places be afforded statutory protection under LPS 10

Hocking Heritage Studio, who compiled the MHI (adopted by Council in 2017) recommended that all category one and category two listed places form the Heritage List under LPS 10. Places recommended for inclusion on the Scheme Heritage List forms an attachment to this report. Inclusion within the Heritage List under LPS10 means that any form of development (including demolition) will require the development approval of the local government and therefore affords the property a greater level of statutory protection. Furthering this recommendation, the Municipal Heritage Inventory Review Committee (now dissolved) recommended that all category three listed places be given the option to 'opt in' to the Heritage List under LPS10 and afford their property statutory protection in order to access a wide range of (yet to be created) heritage incentives. Category three listed places are considered to hold moderate significance to the Town and are largely all residential properties.

Devon Road Precinct, Greater Kenny Street Precinct and Old Perth Road Commercial Precinct are intended to form, subject to separate statutory process, Heritage Areas under LPS 10 following the creation of heritage guidelines.

The Town commenced preparation of the Heritage List in a two pronged approach. The first stage is that all category one and category two owners be written to notify them of the Town's intention to list their property within the Heritage List under LPS10. Owners were already aware of this process through public consultation undertaken as part of the MHI review. As part of this consultation, property owners were invited provide comment on their proposed listing within 21 days as per the requirements of LPS10. The results of this process forms the basis of this report.

Following adoption of the Heritage List under LPS10, the next step is for the Town to commence writing to all category three place owners offering them the option to 'opt in' to the Heritage List under LPS10. Heritage incentives will need to be prepared prior to commencement of this second stage.

It is considered that inclusion within the Heritage List should only be an 'opt in' process for category three listed places. Category one and category two listed places are considered far too important to the Town to not be afforded some level of statutory protection.

The majority of these places are in private ownership and as they have not been afforded statutory protection they could legally be demolished at any time. It is important that these places be afforded statutory protection under Local Planning Scheme No. 10. A statement was included within the advertising letters to the effect that Council have previously endorsed 'heritage incentives' and inclusion within the Heritage List will open up a property owner's entitlements to access these incentives. A copy of the advertising letter forms an attachment to this report.

### COMMUNICATION & ENGAGEMENT

In considering a proposal to include a place on the Heritage List the local government is to notify in writing the owner of the place and provide them with a copy of the description proposed to be used, the reasons for its entry and invite submissions on the proposal from the owner of the place within 21 days of the day the notice is served. The local government is to consider any submissions made and resolve to enter the place on the Heritage List with or without modifications, or reject the proposal after consideration of the submissions.

Advertising occurred between 09 February and 02 March 2018 with 22 submission received. Ten (10) of these responses were responses from an internal referral to the Town's Operational Services directorate as these places are either owned by the Town or reserves (or structures located on reserves) vested within the Town. The following is a summary of the remaining 12 responses from advertising:

Category 1 listings: Two (2) written submissions of support;  
Category 2 listings: Six (6) written submissions of objection; and  
Category 2 listings: Four (4) written submission of support.

The four objections and the internal submission will be discussed in the comments section of this report. The complete schedule of submissions forms an attachment to this report.

## STRATEGIC IMPLICATIONS

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
	1.1.2 Activate neighbourhood spaces to facilitate community gathering	
	1.1.3 Ensure our unique culture and history are shared and celebrated	
	1.1.4 Continue to support and facilitate participation in the arts, community festivals and events	

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)
	3.3.2 Strengthen and promote Bassendean's unique character and heritage	
	3.3.3 Implement design policies and provisions of buildings and places	

### COMMENT

Eleven (11) of the category one listed places are already included with the State Register of Heritage Places and no objections from property owners were received. It is recommended that these places be included within the Heritage List.

The Town Pillar Box located on North Road is considered to hold cultural heritage significance to Western Australia and is proposed for registration on the State Register of Heritage Places. Holmehouse located at 16 Anstey Road, Bassendean was removed from the State Register of Heritage Places in April 2008. Padbury's Building has been added to the Heritage Council of Western Australia's assessment program for potential inclusion as it is considered to hold cultural significance but has not yet been assessed. These three places are all category one listed places within the Town's Municipal Heritage Inventory and no objections were received. It is recommended that these places be included within the Heritage List.

Of the 42 category two listed properties, twenty seven owners did not make a submission and it is therefore recommended that these places be included within the Heritage List.

Six (6) submissions were received in support of the listing and it is therefore recommended that these places be included within the Heritage List.

The remaining nine (9) category two listed places that the Town received objections from are as follows:

#### SUCCESS HILL RESERVE

Success Hill Reserve has been added to the Heritage Council of Western Australia's assessment program for potential inclusion within the State Register of Heritage Places as it is considered to hold cultural significance to Western Australia. Success Hill Reserve has not yet been assessed by the Heritage Council. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria. Success Hill Reserve has strong historic associations to the Bassendean community and it is the officer's recommendation that this place be included within the Heritage List.

#### BASSENDEAN IMPROVEMENT COMMITTEE RESERVE

BIC Reserve was considered to hold cultural heritage significance to Western Australia and has been assessed by the Heritage Council for inclusion on the State Register of Heritage Places yet was considered to be below threshold. The acknowledgement alone that it may hold cultural heritage significance to Western Australia in line with community concern in relation to the Landcorp redevelopment affirms its importance to the Bassendean community. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria. The Bassendean Improvement Committee Reserve has strong historic associations to the Bassendean community and it is the officer's recommendation that this place be included within the Heritage List.

#### HOUSE AND MORETON BAY FIG TREE, 8 THOMPSON ROAD

The Moreton Bay Fig Tree was recently given a Tree Preservation Order and the associated dwelling located at 8 Thompson Road, Bassendean was recently nominated for inclusion within the State Register of Heritage Places. The dwelling at 8 Thompson Road is one of eleven remaining residences from when West Guildford Road Board (now Town of Bassendean) branched off from Guildford Road Board in 1901.

A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria. The dwelling retains a high level of integrity and a moderate level of authenticity. The dwelling and tree at 8 Thompson Road have strong historic associations to the Bassendean community as well as aesthetic and social value and cannot be considered a standard residential property. It is the officer's recommendation that this place be included within the Heritage List.

#### HOUSE, 8 CARNEGIE ROAD

The dwelling at 8 Carnegie Road is one of eleven remaining residences from when West Guildford Road Board (now Town of Bassendean) branched off from Guildford Road Board in 1901. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria. The dwelling retains a high level of integrity and a moderate level of authenticity. The dwelling at 8 Carnegie Road has strong historic associations to the Bassendean community as well as aesthetic and social value and cannot be considered a standard residential property. It is the officer's recommendation that this place be included within the Heritage List.

#### SMALLMAN FURNITURE MANUFACTURE (FMR)

The landowner's submission is noted. The dwelling is used for residential purposes and noting its historic factory associations has a moderate to high level of integrity. The factory to the rear is in poor condition and is asbestos ridden. When this factory will need to be demolished, the integrity of the place will be reduced further. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria and residential dwellings are usually considered for statutory protection as part of a heritage area or when the value of the property to the community cannot be disputed. Aside from its association with the development of the area, the dwelling has minimal historic value and its value to the community cannot be quantified. It is the officer's recommendation that the dwelling at 62 Whitfield Street be excluded from the Heritage List.

#### HOUSE, 1 PARNELL PARADE

The landowner's submission is noted. The dwelling is used for residential purposes and has a moderate level of authenticity. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value.

It is generally considered that historic value is the strongest of the three criteria and residential dwellings are usually considered for statutory protection as part of a heritage area or when the value of the property to the community cannot be disputed. The dwelling has minimal historic value and its value to the community cannot be quantified. It is the officer's recommendation that the dwelling at 1 Parnell Parade be excluded from the Heritage List.

#### HOUSE, 83 IDA STREET

The landowner's submission is noted. The dwelling is used for residential purposes and has a moderate level of authenticity. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria and residential dwellings are usually considered for statutory protection as part of a heritage area or when the value of the property to the community cannot be disputed. The dwelling has minimal historic value and its value to the community cannot be quantified. It is the officer's recommendation that the dwelling at 83 Ida Street be excluded from the Heritage List.

#### PICKERING PARK AND BINDARING PARK

The submission is noted. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria. Whilst its value to the community is not disputed, Pickering Park and Bindaring Park has little historic value. The reserve is vested to the Town of Bassendean and is controlled in accordance with the Swan Canning Rivers Management Act 2016 and the Aboriginal Heritage Act 1972. The Park is already afforded statutory protection under this legislation. It is the officer's recommendation that Pickering and Bindaring Park be excluded from the Heritage List.

#### COMMERCIAL PREMISES, 43 OLD PERTH ROAD

The property at 43 Old Perth is reflective of the development and extension of Old Perth Road in the 1930s. A place can be considered to hold cultural significance to a community under the criteria of aesthetic, social and historic value. It is generally considered that historic value is the strongest of the three criteria. The place retains a moderate to high level of integrity and a high level of authenticity. The property at 43 Old Perth Road has strong historic associations to the Bassendean community as well as aesthetic and social value. It is located in a prominent location, has landmark quality and its value to the Bassendean community cannot be disputed.

It is the officer's recommendation that this place be included within the Heritage List.

Following the Council Briefing Session held on 15 May 2018 and in response to the deputation made by Rowe Group for the Commercial Premises at 43 Old Perth Road as well as questions asked by councillors, the following additional officer comment has been provided below. The submission made by Rowe Group on behalf of the landowners of 43 Old Perth Road, Bassendean forms an attachment to this report.

The submission stated that insufficient information has been provided for landowners to comment on because no draft Scheme Amendment text has been provided as part of the advertising process and no notice of the Scheme Amendment was given in accordance with Part 5 of the Planning and Development (Local Planning Scheme) Regulations 2015.

In response, the ability to establish a Heritage List is already provided for within the deemed provisions for local planning schemes that forms part of the Town's operative Local Planning Scheme No. 10. The establishment of a Heritage List is therefore not required to be subject to the procedures and processes of a Scheme Amendment, as it will form a schedule under the Scheme. Nonetheless, the proposed inclusion was advertised to property owners as part of this process.

The submission stated that the Town does not have a draft or adopted Local Planning Policy or provisions within LPS 10, which contain or provide guidance of heritage incentives that are available to prospective developers of places on the Heritage List.

In response, the landowners are aware that Council has supported, albeit it in principle, that heritage incentives will be made available to all property owners of places of heritage value by way of a Heritage Awards Program, waiving of application fees, variations to scheme and R-Code provisions, density bonuses and a Heritage Assistance Fund. The waiving of application fees and variations to Scheme and R-Codes provisions are existing heritage incentives already available to property owners and already provisions within the relevant legislation. The Heritage Awards Program and Heritage Assistance Fund are largely dependent on adoption and inclusion within the budget for the following financial year. As a Heritage List has not yet been adopted, the budget for these incentives cannot yet be formalised.

Additionally, it is considered that all category one and category two listed places hold either exceptional or considerable value to the Bassendean community and their inclusion of the Heritage List should be a matter of importance irrespective of a landowners ability to access these incentives.

The submission stated that the property should be assigned a category three management category as a number of alterations and extensions have been made to the existing development since construction, which affects the overall heritage value of the site. The following alterations and extensions have been made to the building being the construction of a large garage, installation of a swimming pool, two office extensions to the building, alterations and painting to the exterior masonry walls and additions of solar panels to the roof of the building.

In response, the freestanding metal garage and in ground swimming pool has been constructed independent and not attached to the building. The office extensions were enclosing verandahs that formed part of the original building. Painting and alterations to the exterior masonry walls can be considered as nothing other than general maintenance. The addition of solar panels to the roof are removable and as such do not affect the overall authenticity of the place. The building retains a significant portion of its form since its original construction and its footprint and internal room layout remains virtually unchanged.

Additionally it is critical that historical buildings adapt to meet and suitably consider new development and living standards and it is expected that historic buildings will inevitably change over time. The Town recently approved the development of a freestanding garage in addition to additions/alterations to the State listed 'Daylesford House' located at seven (7) Daylesford Road, Bassendean. The application was referred to the State Heritage Office for comment as part of this process who recommended the Town approved the proposed works. Despite such alterations and additions, the dwelling will remain on the State Register of Heritage Places. The minor modifications undertaken to the property at 43 Old Perth Road, Bassendean do not affect the historical significance of the place nor the cultural value to the Bassendean community.

Council adopted the Town of Bassendean Municipal Heritage Inventory at the August 2017 Council meeting, which assigned the property at 43 Old Perth Road a category two management category. This was endorsed after considering the professional views of the heritage consultants and the members of the Town's Municipal Heritage Inventory Review Committee.

Council do not have the ability to assign a management category of three to this property without rescinding the previously adopted Municipal Heritage Inventory.

The submission states that the historical background information provided has no relevance to the subject site and is not a valid heritage consideration. The site has changed from its original medical and residential use to an office use. The submission states that as such, the integrity and social significance of the place is questioned.

In response, the site was developed with a commercial use (medical centre) and retains a commercial use (offices). The integrity of the building can therefore only be considered high. Medical centres took on a substantially different role for communities in the 1930s than the role that they play within communities today. Doctors were well-respected and active members of the community and noting the reliance of the motor vehicles was not what it is today, many doctors lived in the locality that they worked. The historical notes within the place record form of the listing within the Town's Municipal Heritage Inventory informs that the doctors that practiced from the building at 43 Old Perth Road also resided there and were active within the community beyond the medical practice. The social significance of the property to the Bassendean community cannot be disputed.

The submission also states that including the property within the Town's Heritage List will impact its development potential.

In response, development potential is not a valid heritage consideration. In fact, the development potential of a property makes it more important for a culturally significant property to be included within a Heritage List. Such an inclusion, allows for Council to consider development proposals with the comfort of knowing that the place is afforded statutory protection under the Scheme. It also allows Council to consider the retention and incorporation of the property into any proposed plan of development if desired.

Including the property on the Heritage List will not impact the landowners right to develop the property. It will merely necessitate the Town's involvement through a development application process and ensuring sympathetic development. There is scope and a substantial amount of land area on site (approx.. 450m<sup>2</sup>) to allow for development that incorporates the existing building into its design.

Heritage listing the property also allows Council the opportunity to support variations to Local Planning Scheme requirements in order to allow proposed developments to achieve their full development potential. Essentially, these are the reasons why it is important to include culturally significant properties within a Heritage List.

There is no right of review for a landowner of a property that has been included within the Heritage List however a right of review is triggered when the property has lodged a development application and is in receipt of a notice of determination. In the event that a landowner is not satisfied with Council's decision of an application or any conditions imposed on an approval, there is a right of review to the State Administrative Tribunal under the Planning and Development Act.

Other properties that fall within the Town Centre Zone that are proposed to be included within the Heritage List and subsequently have their development potential impacted include Padbury's Building, Bassendean Hotel, St Marks Anglican Church, St Michael's School, Old Bassendean Post Office, former Anglican Rectory and Hyde Buildings at 45-51 and 77-83 Old Perth Road. All properties along Old Perth Road west of Wilson Street are also expected to form a Heritage Area under the Scheme within the next financial year.

Noting the above, it is the officer's recommendation that there are no grounds for the property to be considered for exclusion from the Town of Bassendean Heritage List.

### STATUTORY REQUIREMENTS

#### Town of Bassendean Local Planning Scheme No. 10

The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

In preparation of the Heritage List the local government is to have regard to the Municipal Inventory prepared by the local government under section 45 of the Heritage of Western Australia Act 1990 and include on the Heritage List such of the entries on the Municipal Inventory as it considers to be appropriate.

In considering a proposal to include a place on the Heritage List the local government is to notify in writing the owner of the place and provide them with a copy of the description proposed to be used, the reasons for its entry and invite submissions on the proposal from the owner of the place within 21 days of the day the notice is served. The local government is to consider any submissions made and resolve to enter the place on the Heritage List with or without modifications or reject the proposal after consideration of the submissions.

The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection

### FINANCIAL CONSIDERATIONS

Approximately \$10,000 will be considered for inclusion in the 2018/2019 budget for the preparation and implementation of Heritage incentives. Approximately \$30,000 from the 2018/2019 budget will be allocated to the preparation and implementation of Heritage Guidelines for the proposed Heritages Areas being Devon Road, Old Perth Road Commercial Precinct and Greater Kenny Street Precinct.

### OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Adopts the following category one and category two listed places from the Town's Municipal Heritage Inventory and includes them within its Heritage List:
  1. 'Holmehouse' at Lot 129 (No. 16) Anstey Road, Bassendean
  2. 'Daylesford' at Lot 40 (No. 7) Daylesford Road, Bassendean
  3. 'Earlsferry' at Lot 6 (No. 1) Earlsferry Court, Bassendean
  4. 'Guildford Road Bridge' (MRWA 910)
  5. 'Padbury's Building' at Lot 187 (No. 1) Old Perth Road, Bassendean
  6. 'Bassendean Oval' including Bassendean Oval Entrance Gate, MacDonald & Bill Walker Grandstands (Reserve No. 52332)
  7. 'Bassendean Fire Station' at Lot 103 (No. 10) Parker Street, Bassendean
  8. 'Success Hill Lodge' at Lot 223 (No. 1) River Street, Bassendean
  9. 'Pensioner Guard Cottage' at Lot 50 (No. 1) Surrey Street, Bassendean

10. 'Town Pillar Box' at cnr Surrey Street & North Road, Bassendean
11. 'Bassendean Masonic Lodge' at Lot 205 (No. 25) Wilson Street, Bassendean
12. 'Success Store (fmr)' at Lot 1 (No. 34) Anzac Terrace, Bassendean
13. House at Lot 100 (No. 2) Barton Parade, Bassendean
14. House' at Lot 2 (No. 6) Barton Parade, Bassendean
15. House at Lot 3 (No. 9) Brook Street, Bassendean
16. House at Lot 7 (No. 8) Carnegie Road, Bassendean
17. House at Lot 38 (No. 60) Eileen Street, Bassendean
18. House at Lot 1 (No. 173) Guildford Road, Bassendean
19. House at Lot 99 (No. 85) Ida Street, Eden Hill
20. 'Eden Hill Primary School' (Reserve No. 15303)
21. 'St Michael's School' at Lot 48 - 49 (No. 4) James Street, Bassendean
22. House & Shop at Lot 160 (No. 13) James Street, Bassendean
23. House at Lots 17-18 (No. 1) Kathleen Street, Bassendean
24. House at Lot 197-198 (No. 20) Kenny Street, Bassendean
25. House at Lot 1 (No. 1) North Road, Bassendean
26. House at Lot 103 (No. 27) North Road, Bassendean
27. House at Lot 28 (No. 32) North Road, Bassendean
28. House at Lot 3 (No. 40) North Road, Bassendean
29. House at Lot 123 (No. 41) North Road, Bassendean
30. House at Lot 302 (No. 93) North Road, Bassendean
31. 'Bassendean Hotel' at Lot 1 (No. 25) Old Perth Road, Bassendean
32. 'Bassendean Post Office (fmr)' at Lot 3 (No. 31) Old Perth Road, Bassendean
33. Commercial Premises at Lot 175 (No. 43) Old Perth Road, Bassendean
34. 'Hyde Buildings' at Lot 2 (Nos. 45-51) Old Perth Road, Bassendean
35. Shops at Lot 144 (Nos. 77-83) Old Perth Road, Bassendean
36. House at Lot 25 (No. 1) Prowse Street, Bassendean
37. 'Station Newsagency' at Lot 364 (No. 66) Railway Parade, Bassendean
38. House at Lot 30 (No. 21) Rosetta Street, Bassendean
39. 'Success Hill Reserve' (Reserve No. 16456)
40. House & Moreton Bay Fig Tree at Lot 15 (No. 8) Thompson Road, Bassendean
41. 'Bassendean Primary School' (Reserve No. 24731)

42. 'The Bakehouse' at Lot 254 (No. 122) West Road, Bassendean
  43. 'Winery (fmr)' at Lot 336 (No. 147) West Road, Bassendean
  44. House & Gardens at Lot 329 (No. 168) West Road, Bassendean
  45. 'Bassendean Croquet Club (fmr)' at Lot 500 (No. 10) Whitfield Street, Bassendean
  46. 'Bassendean Improvement Committee Reserve' including Bassendean War Memorial (Reserve No. 21150)
  47. 'St Mark the Evangelist Church' at Lots 8-9 (No 2) Wilson Street, Bassendean
  48. 'Anglican Rectory (fmr)' at Lots 10-11 (No. 4) Wilson Street, Bassendean
2. Forwards a copy of the adopted list to the State Heritage Office;
  3. Writes to property owners advising them of Council's decision with a copy of the adopted Heritage List;
  4. Notes the future steps involving inviting all category three property owners to 'opt in' to the Heritage List following the preparation of Heritage Incentives; and
  5. Consider an amount of \$10,000 in the 2018/19 Budget for the preparation and implementation of Heritage Incentives.
  6. Considers an amount of \$30,000 in the 2018/2019 Budget for the preparation and implementation of Heritage Guidelines for future Heritage Areas within the Town of Bassendean.

**Voting requirements: Simple Majority**

**10.5 Proposed 'Change of Use' Development Application from Shop to Unlisted Use (Small Bar) – Lot 351 (Nos. 22-24) Old Perth Road, Bassendean, Owner: Ivan Yuynovich. Applicant: Sureshank Pty Ltd. (Ref: DABC/BDVAPPS/2018-024 Timothy Roberts, Planning Officer)**

APPLICATION

This report seeks Council's consideration for a development application that proposes a change of land use from Shop to an Unlisted Use (Small Bar) for the commercial tenancy located at Lot 351 (Nos. 22-24) Old Perth Road, Bassendean.

O2 Café, which is the subject of this application, wants to expand its business into the currently vacant tenancy next door that was previously used by the Salvation Army as a Shop. The expansion also proposes a change of land use for the existing Showroom and Café to an Unlisted Use (Small Bar).

The Town does not have the delegation to determine a 'use not listed' within under delegated authority.

ATTACHMENTS

**Attachment No. 5:**

Applicant's covering letter.

Plans of the proposed development – Lot 351 (Nos. 22-24 Old Perth Road, Bassendean.

BACKGROUND

On 16 February 2018, the Town received a development application for a change of use from a Shop, Showroom and Cafe to an Unlisted Use (Small Bar) at Lot 351 (Nos. 22-24) Old Perth Road, Bassendean.

There is no onsite car parking available for this premises. At the December 2017 Ordinary Council meeting, Council resolved to investigate minimum car parking space requirements for the Town Centre Zone, as contained within LPS 10, as part of its review of the Local Planning Strategy with the outcomes then to be referred back to Council and later included within the revised Local Planning Scheme. Whilst this is being reviewed, all future change of use applications within the Town Centre will generally trigger the need for determination by Council.

The covering letter provided by the applicant in support of their application provides additional relevant information and forms an attachment to this report.

## COMMUNICATION & ENGAGEMENT

An application for development approval must be advertised if the proposed development relates to a use if the use is not specifically referred to in the Zoning Table under LPS 10 in respect of the zone in which the development is located.

Public advertising was undertaken inviting comment over a period of 21 days. Direct mail notification was sent to property owners/occupiers of businesses on Old Perth Road between Guildford Road and Wilson Street. A sign was placed within the window of the vacant tenancy to the Town's specifications. One public submission was received during the consultation period in support of the application. This component of the application will be discussed further within the body of the report.

## STRATEGIC IMPLICATIONS

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
4.2 Facilitate local business retention and growth	4.2.1 Strengthen local business networks and partnerships	Number of local business and Stakeholder Survey (Engagement and Facilitation of local Business Networks)
	4.2.2 Continue the activation of Bassendean's Town Centre	
	4.2.3 Enhance economic activity in neighbourhood centres	
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)
	3.3.2 Strengthen and promote Bassendean's unique character and heritage	
	3.3.3 Implement design policies and provisions of buildings and places	
4.1 Build economic capacity	4.1.1 Encourage and attract new investment and increase capacity for local employment	Economic and Commercial Activity  New businesses (including home based) granted development approval by the Town.
	4.1.2 Plan for and build capacity for Commercial and Industrial	
	4.1.3 Support and promote home based businesses	

## COMMENT

The proposed small bar cannot be classed as a restaurant as Local Planning Scheme No. 10 defines a restaurant as a 'premises where the predominant use is for the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the 'Liquor Licensing Act 1988'.

If this application was to be considered solely as a restaurant, restaurant licensing definitions apply which is 'the sale and supply of liquor ancillary to a meal to a patron seated at a dining table. The proposed application proposes the sale of liquor without the need for it be ancillary to a meal.

New liquor licensing laws have been introduced that allow a restaurateur to supply liquor without a meal if they are granted an extended trading permit. In doing so conditions apply to a 'liquor without a meal permit' such as:

- (a) the restaurant must always be set up and presented as dining;
- (b) tables can't be removed or shifted in order to create dancefloors;
- (c) the kitchen must be open and operating at all times liquor is available and the restaurant's regular full menu must be available at all times;
- (d) liquor may only be consumed by patrons seated at a dining table;
- (e) table service only by restaurant staff, no bar service;
- (f) the venue can't be advertised as anything but a restaurant; and
- (g) the permit does not apply to any area currently trading under an 'alfresco' extended trading permit.

The above conditions are at odds with the applicant's covering letter and a 'small bar' usage is therefore more appropriate to assess the application. A 'small bar' will allow tables and chairs to be packed up outside of dining hours and that means the kitchen and bar operating hours do not need to align. Patrons will not need to be seated whilst drinking and will be allowed to order from the bar. Liquor consumption is also allowed within alfresco dining areas.

A small bar is not specifically mentioned within the LPS 10 Zoning Table meaning that it is deemed to be excluded from the general terms used to describe any other use. If a person proposes to carry out any land use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted.
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Part 3 of LPS 10 specifies various objectives for different zones within the Town. The objectives of the Town Centre Zone are:

- (a) to promote, facilitate and strengthen the Town Centre Zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;
- (b) to recognise the unique and specific function of each precinct within the town centre in terms of:
  - (i) traditional main street pedestrian based commercial retail, west of Wilson Street;
  - (ii) civic, drive-by commercial and town centre living uses between Wilson and Whitfield Street; and
  - (iii) car based retail in Bassendean Village Shopping Centre;
- (c) to accommodate a diversity of commercial, cultural and residential facilities;
- (d) to encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area.
- (e) to achieve safety and efficiency in traffic circulation;
- (f) to ensure that buildings, ancillary structures and advertising are of high quality and achieve an architectural theme contributing to the uniqueness of the townscape;
- (g) to provide sheltered places for pedestrians and shade to car parking areas;

- (h) to preclude the storage of bulky and unsightly goods from public view;
- (i) to provide landscaping appropriate to the scale of development; and
- (j) to ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

It is considered that the proposed 'Small Bar' is consistent with the objectives of the Town Centre Zone in which the tenancy the subject of this application is located. Part 4.10 of LPS 10 stipulates that in conjunction to considering the objectives of the Town Centre Zone, applications for development approval within the Town Centre Zone shall also have regard to Local Planning Policy No. 1 – Bassendean Town Centre Strategy and Guidelines. (LPP1).

The policy encourages the provision of facilities that provide for and encourage cycling as part of any private development. Such facilities provide for storage and parking of bicycles and change rooms/showers for cyclists. The proposed development does not provide such facilities. The proposal is, however, consistent with the remainder of the provisions contained within LPP 1. Some public bicycle parking is provided within the Old Perth Road road reserve within close proximity to the site. It is considered that the footpath immediately adjacent to the building is too narrow for any additional bicycle parks noting the need for a 1.8m wide pedestrian footpath free of obstruction as well as the potential for alfresco dining.

A 'Small Bar' introduces variety into the land uses approved within Old Perth Road and introduces a use which provides for greater activation within the street and increases pedestrian activity noting the proposed opening hours and that the adjacent tenancy has been vacant for a considerable amount of time.

The proposed development proposes to convert the existing commercial tenancy (O2 café) to use as a small bar / lounge / dining area whilst adding a cool room, wash room, bar and dining area and pizza oven within the adjacent tenancy. A nursery area will be located to the rear of the building. The layout of the existing O2 Café will not change aside from table configuration. The wall between the two tenancies will be removed with a back-to-back plant wall located in the centre. The existing shop front will be extended to incorporate the vacant tenancy.

It is proposed that the business will trade Wednesday to Monday from 7:30am until midnight and the application proposes seating capacity of approximately 85 people with a maximum of 110 people. The capacity for a small bar liquor license is 120 people. The proposed plan of development forms an attachment to this report.

Required car parking ratios are prescribed under Table 2 of LPS 10 and are calculated using the nearest applicable parking ratio specified within LPS 10. Noting that the proposed development is an unlisted use, a specific parking ratio is not prescribed for a 'Small Bar'. Having regard to this, the current car parking requirements for a nearest applicable parking ratio (restaurant) is one (1) car parking space for every four seats. A small bar liquor license has a 120-person capacity and the proposed plan of development shows 111 seats. Based on these figures, the minimum required car parking spaces to be provided on site are 30 car parking spaces. Noting that half of the site is already approved as a café with car parking ratios for the café calculated under the nearest applicable parking ratio (restaurant), only the former Salvation Army portion of the tenancy needs to be assessed.

Clause 4.7.2.3(ii) of LPS 10 prescribes that when the use of any building is changed to a use requiring greater parking facilities, additional parking shall be provided to meet the new requirements. This essentially means that the car parking space variation being requested is not 100% of required car parks but only that what is above what has already been approved. The former Salvation Army generated a car parking requirement of 17 car parking spaces as a 'Shop' use calculated at 8 car parking spaces for every 100m<sup>2</sup> of floor area. Splitting the maximum number of seats equally between the two tenancies (60 seats), the proposed small bar use therefore generates a lesser car parking requirement than that which previously applied to the earlier shop use. It is therefore considered that the proposed development suitably addresses car parking requirements contained within LPS 10.

Notwithstanding, there is no ability for the provision of car parking spaces on site as the small undeveloped area to the rear does not provide a sufficient enough bay depth as per the requirements of the Australian Standards. This area is also proposed as 'Nursery'. The Bassendean car park (albeit private property) and the Wilson Street car parking provide plenty of off street car parking additional to on street car parking along Old Perth Road. Wilson Street car park is generally empty after 6pm which is the anticipated peak period for the proposed business and is well within short walking distance to Old Perth Road.

It should be noted, however, that demand for car parking will only increase as each new development is completed and occupied.

The applicant has not provided a waste management plan in conjunction with lodgement of the application. Provision of a waste management plan and its subsequent approval can be worked through as a condition of development approval, should Council choose to approve the development application.

Noting the proximity of the tenancy to residential dwellings, the applicant will be required to comply with the Environmental Protection (Noise) Regulations 1997. This can be reinforced by way of a condition of development approval, should Council choose to approve the development application.

No alfresco dining application was lodged in conjunction with the application. The application will be encouraged to apply for an alfresco dining permit as part of Council's determination, should Council choose to approve the development application.

During the consultation period one submission was received in favour of the application who cited that the proposed business will attract patrons to Old Perth Road and Bassendean in general, will be beneficial for the local community who frequent Old Perth Road and the markets and will make better use of the retail shop.

It is apparent from the lack of response to advertising the application for development approval that local property owners and the public are generally comfortable with the proposal from a land use perspective. Officers share this position and believe that the establishment of a 'Small Bar' at this location could have various benefits to the local area.

### STATUTORY REQUIREMENTS

The relevant statutory provisions contained with LPS 10 that need to be considered should Council choose to approve the proposed development, have been addressed within the body of the report.

The ability to approve the variation may only be exercised if the local government is satisfied that approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations. Of the 27 matters that are listed within clause 67, the following are of particular relevance for the application which is the subject of current consideration:

- (a) the aims and provisions of this Scheme and other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopted or approving;
- (d) any environment protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (g) any local planning policy for the Scheme area;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the dwelling;
- (n) the amenity of the locality including environmental impacts of the development, the character of the locality and social impacts of the development;
- (s) the adequacy of arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety;
- (u) the availability and adequacy for the development of public transport facilities, storage, management and collection of waste, access for pedestrians and cyclists and access by older people and people with disability.
- (x) the impact of the development on the community as a whole notwithstanding the impact of any development on particular individuals;

- (y) any submissions received on the application; and
- (zb) any other planning consideration the local government considers appropriate.

It is generally considered that the proposed development suitably addresses this criteria and where sufficient information was not provided can be addressed by way of a condition of development approval.

In the context of recent approvals that have been granted by the Town, the small scale of the proposed development, and the proposed use being consistent with the objectives identified both within LPS 10 and LPP 1, it is recommended that the application be approved subject to conditions.

In the event that the applicant is not satisfied with Council's decision, or any of the conditions imposed on the approval, there is a right of review to the State Administrative Tribunal under the Planning and Development Act.

#### FINANCIAL CONSIDERATIONS

Nil.

#### OFFICER RECOMMENDATION — ITEM 10.5

That Council grants development approval for the change of use application to 'Small Bar' for Lot 351 (No. 22-24) Old Perth Road, Bassendean, subject to the following conditions:

1. With the exception of operating hours, menu pricing, 'Bring Your Own' (BYO) alcohol and maximum capacity, this approval is for the use of the building as a 'small bar' only. Operation of the proposed 'small bar' shall be in accordance with the details contained within the cover letter provided by the applicant date stamped 16 February 2018. Any changes to the operation will require submission of a new application for development approval for consideration by the Town;
2. The operation of the site is restricted to opening times Monday to Sunday between 7:30am until midnight and shall not be altered without the prior approval of the Town;
3. The proposed Small Bar use is limited to a maximum capacity of 120 people at any given time;

4. The exterior of the building being lit in accordance with the requirements contained within clause 9.6 of the Town's Local Planning Policy No. 1 – Bassendean Town Centre Strategy and Guidelines, including:
  - (a) Building entrances being lit for safety and identity;
  - (b) All external lighting being robust, vandal resistant and themed to complement development character;
  - (c) Lighting being time-switched to remain on every evening until at least 15 minutes after the last train has left Bassendean Station; and
  - (d) Ensuring that consideration has been given to pedestrians, cyclists and drivers with regard to glare from lighting sources.
5. The incorporation of end of trip facilities into the development for employees including lockers, showers and secure bicycle parking facilities to the satisfaction of the Town;
6. 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, including the onsite separation of materials for recycling;
  - (b) Site plan showing the location and size of the onsite rubbish disposal area, including the number of general rubbish and recycling bins to be provided for the development;
  - (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 (by private 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; and
  - (g) Details of how the WMP will continue to be applied in perpetuity across the life of the development.
7. The bin storage area is:
- (a) To be surrounded by a 1.8 metre high minimum wall 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;
8. Bins shall be stored only in an approved, designated location.
9. This approval does not relate to any signage for the proposed development. Any proposed signage shall be subject to a separate application for development approval.
10. Visually impermeable roller shutters (external and internal), doors, grilles and security bars shall not be installed on any part of the frontage of the development facing Old Perth Road.
11. The proposed development is, at all times, to operate in accordance with the Environmental Protection (Noise) Regulations 1997;
12. The issue of a Building Permit prior to the commencement of any works on site.
13. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Town, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period.

Footnotes:

- (i) The Town strongly encourages the applicant to apply for an alfresco dining permit. Any future proposal for Alfresco Dining is to be the subject of a future separate application for this activity and no Alfresco Dining shall take place in the absence of a separate approval having been granted by the Town.

**Voting requirements: Simple Majority**

**10.6 Retrospective application for Home Business (Art Studio) at Lot 747 (No.11) Broadway, Bassendean, Owner: Travis Hamburger and Nami Osaki, Applicant: Travis Hamburger (Ref: DABC/BDVAPPS/2017-172 – Cameron Hartley - Planning Officer, Brian Reed Manager Development Services )**

**APPLICATION**

The purpose of this report is for Council to consider an application for retrospective development approval for an existing and unapproved Home Business (Art Studio) which provides art tuition at Lot 747 (No.11) Broadway, Bassendean.

**ATTACHMENTS**

**Attachment No. 6:**

- Site/Floor Plan of Change of Use
- Schedule of submissions
- Applicant parking justification
- Neighbour letter of support
- Original submissions from the owner of 9 Broadway

**BACKGROUND**

Upon receipt of a complaint that an unauthorised business was occurring at No. 11 Broadway, Bassendean, Officers were in contact through email with the landowner. The landowner later came forward with information that they were operating a business from the site. As a direct result of these discussions, the landowner submitted an application for retrospective development approval for a Home Business for the purpose of providing art tuition. The applicant advised that they have been operating an art studio from a room within their dwelling for some years whereby children and adults alike attend the site during the week.

An application to legitimise the Home Business at No. 11 Broadway was submitted on 21 December 2017. Consultation was initially carried out with nearby landowners commencing 7 March 2018. Additional consultation was carried out on 10 April 2018, due to changes in the business details, including the days and hours of operation.

Details supplied by the applicant of the time of classes, the number of students, the duration, and the likely number of cars attracted to the business are shown in the following table:

Time of classes	Number of students	Duration	Number of Cars
Tuesday 4-6pm	6-8	School term = 32 weeks	1-3
Wed 4-7pm	2-3	All year	1
Thursday 4-7pm	4-10	School term = 32 weeks	2-4
Friday 4 – 6 30pm	4-10	School term = 32 weeks	2-4
Sat 11-5pm	3-4	All year	1-2
Sunday 11- 4pm	3-4	All year	2

The Home Business is proposed to incorporate the following:

- Car parking to be provided on the verge and road reserve adjacent to the site.
- No additional employees - residents of the household operate the business; and
- There would be, as a direct result of submitted operating hours, between 22 and 39 visitors visiting the site as part of the Home Business over a week during the school term. The applicant notes that 40% of attendees access the site by foot or bicycle.

**COMMUNICATION & ENGAGEMENT**

No. 11 Broadway has a zoning of ‘Residential’ and under LPS10 a ‘Home Business’ is an ‘A’ land use. An ‘A’ land use is not permitted unless the local government has exercised its discretion by granting approval after advertising in accordance with clause 9.4 of LPS10. As a result, the application was subsequently forwarded to adjoining landowners and occupiers either side of the property for a period of 21 days, and directly across from the site on Broadway, excluding the church. During the advertising process;

- Two letters of objection were received from the owners of 9 Broadway which adjoins the site to the east
- One letter of objection was received from the owners of 13 Broadway which adjoins the site to the west
- Two letters of support were received from the owner of 12 Broadway and occupier of 13 Broadway.

The objections raised in this submission, the applicants response and comment from the Town is provided as an attachment to this report.

The main issues raised in this correspondence to the town relates to an increase parking demand on the site, vehicle and pedestrian safety, inadequate access and egress and impacts on residential amenity associated with the use.

### STRATEGIC IMPLICATIONS

Objectives	Strategies
4.2 Facilitate local business retention and growth	4.2.1 Strengthen local business networks and partnerships 4.2.2 Continue the activation of Bassendean's Town Centre 4.2.3 Enhance economic activity in neighbourhood centres

### COMMENT

The definition of Home Business under LPS10 discusses that criteria must be considered for any Home Business proposal. The definition for Home Business is as follows:

*“Home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -*

- (a) *Does not employ more than 2 people not members of the occupiers household*
- (b) *Will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) *Does not occupy an area greater than 50 square metres;*
- (d) *Does not involve the retail sale, display or hire of goods of any nature;*
- (e) *In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) *Does not involve the use of an essential service of greater capacity than normally required in the zone.*

### **Assessment**

Based on the information presented to the Town, the following criteria is addressed below:

<p>a) <i>Does not employ more than 2 people not members of the occupiers household;</i></p>	<p>The only person employed by the home business is the proprietor of the Art Classes. No additional staff are hired or will be hired by the business. <b>Complies.</b></p>
<p>b) <i>Will not cause injury to or adversely affect the amenity of the neighbourhood;</i></p>	<p>Based on the proposed operating conditions of the use, the maximum number of visitors to attend the site is 39, over a 6 day period within the school term. Whilst the officer notes the strong objection received by the Town, the applicant has suggested that the parking of vehicles of visitors accessing the site can be accommodated within a close proximity of the dwelling.</p> <p>These car bays, include the recessed bays adjacent to the café at 3 Broadway and parking within the road reserve, outside of timed restrictions.</p> <p>The officer suggests the use of these bays for the parking of vehicles to access the home business at 11 Broadway would be acceptable in meeting this component of the home business definition. In addition, the applicant will also be required to upgrade the existing crossover to their site, which should allow for the pickup and drop off of students in a tandem format only. <b>Complies.</b></p>
<p>c) <i>Does not occupy an area greater than 50 square metres;</i></p>	<p>The use is to be contained wholly within the 'lounge (proposed atelier)' nominated on the plans. This area is 28.86m<sup>2</sup>. <b>Complies</b></p>
<p>d) <i>Does not involve the retail sale, display or hire of goods of any nature;</i></p>	<p>The applicant is not proposing the retail sale, display or hire of goods of any nature, as evident by the proposal only containing the services of art tuition. <b>Complies</b></p>
<p>e) <i>In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.</i></p>	<p>Based on the information provided by the applicant as an attachment to this report and in light of the strong objection from the adjoining landowner, the applicant is required to demonstrate that by formalising the crossover arrangement on the site and by directing students/parents and guardians to the on street bays at 3 Broadway that the use can exist in the predominantly residential area.</p> <p>To this end, the officer recommends that a 12 month time limit be placed on any planning approval to ensure that the Town can monitor the business operation once a formalised management plan for parking can be put into place.</p> <p>This management plan would ensure that vehicles dropping students off would only be contained to the crossover and on street bays. <b>Complies.</b></p>

f) <i>Does not involve the use of an essential services of greater capacity than normally required in the zone.</i>	It is not considered that, other than parking and vehicle access, the use does not propose the use of an essential service of greater capacity than normally required in the zone. <b>Complies.</b>
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The officer puts it to Council that the development can satisfy the definition of a 'Home Business', as noted above. However, due to the sustained objections from the adjoining landowner, the lack of formalised crossover to the site and a lack of traffic management controls, a time limited approval for the use is recommended. This will protect the council's interests in both the concerns made by the neighbour and the applicants desire to continue business operations.

The Town previously applied this methodology for an approval for a Home Business at 21 Charlbury Way, Eden Hill, at the Ordinary Council Meeting dated 23 March 2016. The benefits of this approach would allow the Town to 'trial' the business which would see modifications to vehicle access on the site and an enforceable traffic management plan, which would divert parking to on street bays at the front of 3 Broadway as well as to the formalised crossover at 11 Broadway.

It is considered that an approval as outlined in the officer's recommendation would adequately address the concerns raised by the objectors.

If the use was to fail to meet the expectations of council and see further planning related objections arise relating to vehicle traffic, safety and amenity of the neighbourhood, the Town could rescind the approval and commence prosecution.

### **Issues arising out of Council Briefing Session**

Mention was made at the Briefing Session of the impact of the proposed on-road bicycle lane on the proposed home business, as part of the Bassendean Station Access project, which is considered elsewhere on this agenda.

The proposal includes separated 1.25m bicycle lanes either side of the carriageway with a 0.5m buffer to the traffic lanes in each direction.

The Road Traffic Code 2000 contemplates stopping or parking being allowed in a bicycle lane and the driver of a vehicle being allowed to drive for up to 50 m in the bicycle lane to stop or park at that place.

The Town's Parking Local Law, which is currently being reviewed does not contain any provisions about stopping or parking in on-road bicycle lanes. It should be noted that the Town does not currently contain on-road bicycle lanes.

While the review of the local law and any new local law will need public consultation and Council endorsement, a likely scenario would be that parking would be prohibited in the bicycle lane, but stopping would allowed, which is similar to the current restriction that apply in this section of Broadway, designed to prevent parking associated with the Train Station.

Based on the above scenario, the introduction of the home business is still supported by staff, having regard to the availability of on street car parking bays in close proximity to the site, the 'drop-off' and 'pick-up' of students attending the site, and the need for the approval of an enforceable Traffic Management Plan that will run with the business.

### CONCLUSION

Officers consider that the proposed business, could be managed in such a way to allow the business to operate without interfering with the level of amenity to be expected by surrounding landowners and occupiers. It is somewhat unusual to recommend approval of a business without dedicated car parking spaces being provided on site, however in this instance it is considered that the proposal involves the dropping off and picking up of students, which can be accommodated within the adjoining road reserve.

If Council does not share this view, it would be appropriate to refuse the application, and authorise the commencement of prosecution action, if the business use of the premises does not cease, as shown in the alternative recommendation below.

That:

1. Council refuse to grant development approval for the application for a Home Business (Art Studio) at lot 747 (No. 11) Broadway Bassendean for the following reasons:
  - A The use proposed provides an unacceptable impact on the amenity of the locality through the increase in traffic and parking demand on the site which is not in accordance with the objective 3.2.1 e) for the residential zone as contained within Local planning Scheme No 10, which limits non- residential activities to those that have no detrimental effect on residential amenity.
  - B Council is not satisfied that approval of the Home Business (Art Studio) will not cause injury to or adversely affect the amenity of the neighbourhood.
  - C Council is not satisfied that approval of the Home Business (Art Studio) will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood.
2. Within 60 days from the date of this decision, the land owner is to ensure the crossover is constructed to the Town's specifications, as per the plans attached to this report, a separate application for approval is required for the Town to complete these works;
3. Council authorises the CEO to initiate legal action if the unauthorised use does not cease within 60 days from the date of this decision.

#### STATUTORY REQUIREMENTS

The application is subject to the provisions of the Towns Local Planning Scheme 10, relating to Home Businesses.

#### FINANCIAL CONSIDERATIONS

If Council chooses to issue an approval for a Home Business and a condition was added that restricted the approval to a time period of 12 months, the applicant would not be required to resubmit the cost of a Home Business Application (\$295), as the Town's fee schedule indicates that only a "one off" fee is payable for a Home Business.

### Issues arising out of Council Briefing Session

Mention was made at the Briefing Session of the impact of the proposed on-road bicycle lane on the proposed home business, as part of the Bassendean Station Access project, which is considered elsewhere on this agenda.

The proposal includes separated 1.25m bicycle lanes either side of the carriageway with a 0.5m buffer to the traffic lanes in each direction.

The Western Australia Road Traffic Code 2000 prevents drivers, other than buses and taxis, from stopping in a dedicated bicycle lane. This means that if the bicycle lane is installed, the parking or stopping of cars will not be allowed along the length of the bicycle lane.

The introduction of the home business is still supported by staff, having regard to the availability of on street car parking bays in close proximity to the site, the 'drop-off' and 'pick-up' of students utilising the crossover that will be provided, and the need for the approval of an enforceable Traffic Management Plan that will run with the business.

### OFFICER RECOMMENDATION — ITEM 10.6

That Council grants development approval for the application for the Home Business (Art Studio) at Lot 747 (No.11) Broadway, Bassendean, subject to the following conditions:

1. The Home Business (Art Studio) operating in accordance with the approved plans, information supplied by the applicant which forms part of this approval;
2. Within 28 days of the date of this notice of approval, the applicant is to submit a Traffic Management Plan (TMP) for the Town's approval. The TMP is to confirm the following:
  - The average / maximum number of vehicles attending the site for the home business;
  - Parking arrangements for vehicles associated with the Home Business (within the road reserve generally, including within marked bays forward of No. 3 Broadway); and
  - Pick up and drop off arrangements for vehicles associated with the Home Business (within the road reserve generally, including the driveway and crossover associated with dwelling upon which business activities are undertaken).

The Traffic Management plan, once approved by the Town will be enforced for the duration of the change of use approval.

3. The Town retains the ability to remove the approval at any given time if the applicant is not seen to be complying with the conditions of approval;
4. Within 60 days from the date of this decision, the landowner is to ensure the crossover is constructed in accordance with Town specifications as per the plans attached to this report. The existing and redundant crossover is to be removed and the kerbing and verge reinstated with grass or landscaping to the satisfaction of the Town. A separate application and approval is required to the Town to complete these works;
5. The application is limited to a period of 12 months commencing as per the date of the approval letter. The approval expires at the end of this period upon which the applicant will be required to resubmit the application to the Town. Upon the application being submitted, the application will be advertised to the affected adjoining landowners for comment;
6. The Home Business shall be restricted to operations between the following hours and maximum student numbers:

Wednesday 4pm to 7pm (3 students)

Saturday 11am to 5pm (4 students)

Sunday 11am to 4pm (4 students)

Additional days and times of operations during the WA school term are to include:

Tuesday 4pm to 6pm (8 students)

Thursday 4pm to 7pm (10 students)

Friday 4pm to 6:30pm (10 students)

7. This approval limits the use of the Home Business to an area of no more than 50m<sup>2</sup>;
8. The Home Business shall not employ any person not a member of the occupier's household; and
9. The Home Business is required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

Footnote

The application is time limited for a period of 12 months. It would be prudent to submit the new application at least 2 months in advance of the date of expiry.

**Voting requirements: Simple Majority**

**10.7 Adoption of Town of Bassendean Bee Keeping Local Law 2018 (Ref: LAWE/LOCLWS/2 - Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is Council to consider the submissions made on the Draft Town of Bassendean Bee Keeping Local Law and for Council to determine whether it wishes to adopt the Local Law in its current form or make changes to the Local Law.

ATTACHMENTS

**Attachment No. 7:**

- Proposed Town of Bassendean Bee Keeping Local Law 2018.
- Comments received from the Department of Local Government.
- Comments received in response to advertising the draft Local Law.

BACKGROUND

This matter was last considered by Council at its meeting held in November last year, when it was resolved by OCM – 9/11/17 as follows:

*“MOVED Cr Gangell, Seconded Cr Quinton, that Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the Local Government Act 1995 for the proposed Town of Bassendean Bee Keeping Local Law, as attached to the Ordinary Council Agenda of 28 November 2017.”*

COMMUNICATION AND ENGAGEMENT

The proposed local law was advertised in accordance with the provisions of section 3.12 of the Local Government act 1995. An advert was placed in the *West Australian* on 18<sup>th</sup> January 2018, which included the purpose and effect of the local law, inviting any submissions to be made by 2<sup>nd</sup> March 2018.

Details of the proposed local law were also advertised through *your say Bassendean*, with hard copies of the proposed local law being available at the Customer Service Centre and the Memorial Library.

One submission was received from a resident of the Town suggesting that the Town should not impose restrictions on the location of bee hives relative to the property’s boundaries.

A letter was written to the Minister for Local Government, which led to the informal comments being received from the Department of Local Government, which are included as an attachment.

The submissions are discussed further in the comments section below.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
2.2 Protect our River, Bushland Reserves, and Biodiversity	2.2.1 Protect and restore our biodiversity and ecosystems	Community / Stakeholder satisfaction Survey (River, Bushland and Reserves)
	2.2.2 Sustainably manage significant natural areas	
	2.2.3 Partner with stakeholders to actively protect, rehabilitate and enhance access to the river	Biodiversity and Bush Condition (“Keighery” Scale of bush condition) measurement

**COMMENT**

The comments received from the Department of Local Government have been incorporated into the Local Law as attached to this agenda. The comments are largely relating to formatting, but did suggest that there is no need to place a condition on a permit relating to a mandatory requirement of the Local Law, which is accepted.

The public submission suggests that the mandatory requirement contained in Clause 2.1.(5) (d) that requires a bee hive to be positioned at least 5.0m from a boundary with another lot, be deleted.

In favour of this argument, the submitter makes the points that locating hive(s) 5m from lot boundaries will be extremely prohibitive and on most suburban lots, this distance will not be feasible and that there are world-wide discussions regarding bee populations and it is hoped that the Town of Bassendean encourages bee keeping as opposed to making the keeping of bees prohibitive on suburban blocks.

The Manager Development Services has carried out a review of existing permits for bee keeping and has found two instances (Lovelock Place and Kenny Street) where permits have been issued to keep bees at a lessor distance than 5.0m from a lot boundary: There have been no complaints from surrounding residents due to the existence of bee keeping on those properties.

The Manager Development Services, considers that there is merit in the submission and that the clause 2.1.(5) (d), which reads:

*Each beehive is kept at least 10 metres from any thoroughfare (including a footpath) or public place and at least 5 metres from any other boundary of the land,*

should be deleted for the proposed local law.

Advice from the Department of Local Government is that the Section 3.12 process should be restarted if the draft is changed in a way that adds, removes or change the rights and obligations imposed by the original draft. The removal of minimum distances for hives is likely to be significant, since it will have a clear impact on how bee hives can be used in the district.

It is also possible that local ratepayers might feel aggrieved if the change to the draft is made without them being notified. This is one of the main reasons why significant changes require a restart of section 3.12.

Having regard to the above comments, if Council wishes to delete clause 2.1.(5) (d) Council will be required to commence the local law making process again by virtue of Section 3.13 of the Local Government Act 1995.

**If this course of action is pursued by Council the Presiding Member is required to give notice to the meeting of the purpose and effect of the proposed local law.**

**Purpose and Effect**

The **purpose** of the proposed Bee Keeping Local Law is to regulate beekeeping within the Town of Bassendean.

The **effect** of the proposed Bee Keeping Local Law is that persons must comply with the requirements of the local law when keeping bees.

## STATUTORY REQUIREMENTS

The following represents the process outlined under section 3.12 of the Act which remains outstanding.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —

- (a) stating the title of the local law;

- (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

- (8) In this section —  
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Under section 3.13 of the Act, if the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

## FINANCIAL CONSIDERATIONS

The cost of advertising the three local laws currently being prepared was \$654.35 and has been met from Account 401333, The cost of advertising the revised local law is likely to be approximately \$350.00.

**OFFICER RECOMMENDATION — ITEM 10.7**

That Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the Local Government Act 1995 for the proposed Town of Bassendean Bee Keeping Local Law, as attached to the Ordinary Council Agenda of 22 May 2018.

**Voting requirement: Simple majority**

**10.8 Damaged Crossover - 18 Anzac Terrace, Bassendean (Ref: PARE/MAINT/1 – Andreea Balica, Engineering Technical Assistant / Compliance Officer)**

**APPLICATION**

The purpose of this report is to bring to Council's attention the matter regarding the damaged crossover at 18 Anzac Terrace, Bassendean and relating to the construction works at 6 River Street, Bassendean.

**ATTACHMENTS**

**Attachment No. 8:**

- Photos of the verge and crossover at 18 Anzac Terrace, after the incident occurred;
- Photo of the verge and crossover at 18 Anzac Terrace from Google Street View, before the incident occurred.

**BACKGROUND**

On 16 February 2017, the Town was notified by the resident at 18 Anzac Terrace in regards to the crossover adjacent to his property which was allegedly damaged by a skip bin truck accessing the neighbouring property located at 6 River Street, Bassendean.

Officers inspected the crossover on the same day the complaint was received. Attachment No. 1, provides a photograph of the verge which shows the damage crossover and outlines the non-compliant verge treatment.

At the time of the inspection, the owner at 18 Anzac Terrace was notified about the non-compliant verge treatment and was informed that the retaining wall was required to be removed due to potential trip hazard.

On 16 February 2017 and then via email on 20 February 2017, the bin delivery company was contacted, however, the company did not accept responsibility for the damage to the crossover.

Further correspondence was carried out with the owners of 6 River Street, the property where the bin was delivered.

**COMMUNICATION & ENGAGEMENT**

At an on-site meeting, the Town’s Compliance Officer, Works Supervisor and the owners at 6 River Street, discussed that cracked section of the crossover was required to be replaced. The resident from 6 River Street advised that the crossover was allegedly cracked before the delivery truck hit the crossover and that the 18 Anzac Terrace non-compliant verge treatment contributed to the cracks in the crossover.

On 13 March 2017, the Town emailed the property owner of 6 River Street, Bassendean to seek an update in regards to the repair/reinstatement works required to crossover located adjacent to 18 Anzac Terrace as the crossover was damaged and a potential hazard.

On 13 March 2017, a response was received from the property owner at 6 River Street stating that they were waiting on quotes to be provided to repair the damaged crossover.

**STRATEGIC IMPLICATIONS**

The Bassendean Strategic Community Plan 2017-2027 states under Built Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
3.2 Enhance connectivity between places and people	3.2.1 Connect the Town through a safe and inviting walking and cycling network.	Community / Stakeholder Satisfaction Survey (roads, footpaths and cycle paths)
	3.2.3 Enhance the liveability of local neighbourhoods	

**COMMENT**

The crossover adjacent to 18 Anzac Terrance was installed in 1989 by the Town of Bassendean, and staff have inspected the crossover to confirm the construction was compliant with the specifications relevant at the time.

On 29 August 2017, the matter was referred to the Manager Asset Services and the Engineering Coordinator; site inspections were carried out and previous photos and correspondence regarding this matter was provided.

Staff are cognisant of the frustration experienced by the owner of 18 Anzac Terrace, but given that the damage was not caused by the Town, the recommendation to Council is that a civil action is the most appropriate way for this to be resolved, if the two parties cannot resolve the matter.

### STATUTORY REQUIREMENTS

#### Local Government (Uniform Local Provisions) Regulations 1996 - Reg 13

13. *Requirement to construct or repair crossing — Sch. 9.1  
cl. 7(3)*

- (1) A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.*
- (2) If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.*
- (3) A person given a notice under sub-regulation (1) must comply with the notice.*

*Penalty: a fine of \$5 000.*

*[Regulation 13 amended in Gazette 1 Feb 2013 p. 430.]*

### FINANCIAL CONSIDERATIONS

From the information provided, it is clear that the Town of Bassendean did not damage the crossover and that a dispute has arisen between neighbours regarding the alleged damaged to a crossover.

This can be undertaken mutually between the parties or via the small claims tribunal.

The Magistrates Court deals with civil matters that involve minor claims for debt or damages up to \$10,000.

Asset Services have advised that no formal quote has been provided to the parties, however, should a private contractor undertake the repair, the estimated cost would be a minimum of \$1,250.

As per the Building Permit No. 201300184, issued for the construction works at 6 River Street, Bassendean, the Town is holding a bond of \$1,600 in trust against the repair of any damage to the public infrastructure, including the road, verge, kerb and footpath.

OFFICER RECOMMENDATION – ITEM 10.8

That Council:

1. Acknowledges that the damage to the crossover is a civil matter to be resolved between the property owners of 18 Anzac Terrace, Bassendean and 6 River Street, Bassendean; and
2. Requests that the property owners of 18 Anzac Terrace and 6 River Street, Bassendean, to resolve this matter mutually to undertake the required repairs to the crossover.

**Voting Requirement: simple majority**

**10.9 Waste Collection Services - Future Options (Ref: WSTMNGT/TENDNG/10 - Ken Cardy, Manager Asset Services)**

**APPLICATION**

The purpose of this report is to provide Council with proposed Town of Bassendean waste collection services initiatives including an update regarding the three Bin Waste Collection Project.

**BACKGROUND**

In February 2018, Council (OCM – 7/02/18) resolved to:

1. Receive the Survey Data Report on the implementation of a 3-bin waste collection system;
2. Note that Officers have submitted a funding application to the Waste Authority - Community and Industry Engagement, for the placement of a UV rated sticker, attached to recycling bin lids, in order to educate residents to recycle correctly;
3. Note that Officers are preparing a funding submission to the Government of Western Australia's Waste Authority, for funding to implement a "Better Practice Kerbside Collection Service" (3 bin system), that will support higher recovery and the achievement of the State Government's 2020 municipal solid waste targets;
4. Request staff to apply for the highest level of funding by stipulating that a Preference 1 service will be offered as the standard to all households, which includes a "Opt Out" option for the smaller general waste service and differential pricing for the general waste service.
5. Request staff prepare draft project timelines that include a period of public education about the three bin system followed by implementation of the project, and that this Draft Project Timeline (that will assist in informing the budgetary requirements of the project) be presented to council via the Council Bulletin, in March 2018;
6. Note a further report will be presented to Council in May 2018 relating to the proposed initiatives.

## COMMUNICATION & ENGAGEMENT

Officers have been in communications with the Western Australian Government Waste Authority in regards to the Better Bins Kerbside Collection Program “3-Bin System” and on 28 March 2018 submitted a funding application.

Furthermore, Officers have been conducting meeting with the Town’s Waste Collection Contractor (Suez Recycling & Recovery Pty Ltd), East Metropolitan Regional Council (EMRC) and other Local Governments to develop additional future recycling programs, improve current recycling programs and develop education programs.

## STRATEGIC IMPLICATIONS

The Strategic Community Plan 2017 - 2027 includes the following under Strategic Priority 2. Natural Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
2.1 To display leadership in environmental sustainability	2.1.2 Reduce waste through sustainable waste management practices	Waste reduction ratio to population

## COMMENT

In March 2016 Council appointed Suez Recycling & Recovery Pty Ltd in accordance to RFT CO 064W 016-17 “Recycling and Waste Services”. Tenderers were requested to provide fee for services to undertake the following current and future waste service delivery options:

- General waste/refuse collection (including residential, grouped/multiple dwellings, commercial, industrial and Council buildings) and delivery to Principals nominated disposal site;
- Recycling collection (including residential, grouped/multiple dwellings, commercial, industrial and Council buildings) and disposal to Principals nominated disposal site;

- Supply, delivery, replacement and repairs of Mobile Garbage Bins (MGBs) (Town of Bassendean is the owner of the bins. Repairs will be the responsibility of the successful Contractor. New or Replacement Bins will be purchased by the Town and the Contractor will deliver to the Principal's nominated site;
- Litter collection from streets, parks and reserves and delivery to Principals nominated disposal site;
- Weekly fridge/freezer collection services (material retained by contractor); Please Note: Residents will contact the successful contractor regarding collection requirements. Usually this will be on appointment and collection day (within 7 days) as nominated by contractor.
- Skip bins for Council use only - supply and collection and delivery to Principals nominated disposal site;
- Special Town requests for the supply and collection of various sized recycling and general waste bins shall be provided and clearly labelled to facilitate source separation. The Principal will request recycling and waste bins or alternate options for fetes, markets, sporting events, etc.; and delivery to Principal's nominated recycling and disposal site;
- Collection and disposal of waste bin for animal carcass;
- Annual Bulk Rubbish verge collection and delivery to Principal's nominated disposal site
- Annual Green Waste verge collection and delivery to Principal's nominated disposal site
- Education & Promotion (Principals request only)
- Special Services
- Provision of a one of GIS service (Geographic Information System) indicating the number of bins and the locations within the Town.
- Future Service Options
  - On-call booking for mattress collection.
  - Third bin 120ltr green waste fortnightly collection
  - Bin Tagging program
  - Skip Bins that may replace green and bulk waste verge collection.
  - Cost to deliver waste to Hazelmere Resources Recovery Park in lieu of Red Hill.

As Council is aware, the Town of Bassendean currently offers ratepayers the following:

- Weekly Waste Kerbside Collection
- Fortnightly Recycling Kerbside Collection
- An Additional Recycling Kerbside Collection over the festive holiday period (Christmas/New Year)
- Annual Bulk Verge Green Waste Collection

- Annual Bulk Verge Rubbish Collection
  - On Call Monthly Weekly fridge/freezer collection
- Annual Tip Passes (4 per year per property)
- Street Litter Bin Collection
- Parks & Reserves Bin Collection
- Oil drop off at the Depot
- Recycling Morning (Depot -twice / year)
- Recycling Centre's" at the Library and Customer service for the collection of batteries, globes, spectacles and mobile phones.

All general waste (green lid bin) is delivered to the EMRC waste facilities and waste which can be recycled (yellow lid bin) is sorted and recycled by the Town's Waste Collection contractor SUEZ. Please note: 82.16% is recycled and the remaining 17.84% is sent to the EMRC waste facilities.

Current Waste Statistics on the collection of the **2-Bin system**  
(July 2017 – December 2017)

Tonnes Collected (July 2017 to December 2017)

Month	Waste Bins (Rated)	Waste Bins (Serviced)	Waste Tonnes	Recovery Rate %	Recycle Bins (Rated)	Recycled Bins (Serviced)	Recycled Tonnes	Recovery Rate %
July	7692	27582	404.56		6490	9591	105.60	82.04%
August	7705	31145	510.49		6508	11295	109.20	79.30%
September	7719	28138	481.77		6522	11033	111.94	82.37%
October	7723	30772	535.50		6525	12445	139.82	82.28%
November	7728	30533	507.47		6528	14224	148.44	83.11%
December	7738	29032	481.38		6539	12711	143.88	83.16%
<b>Total</b>		<b>177202</b>	<b>2921.17</b>	<b>0%</b>		<b>71,299</b>	<b>758.88</b>	<b>82.16%</b>

(Note: Street Litter Bins, Parks & Reserve Bins (182 weekly services) are included in the Waste Bin figures)

Waste Statistics:

Growth Rate / year:	Waste Bins 0.59%	Recycle Bins 0.76%	
Presentation Rate	Waste Bins 88.5%	Recycle Bins 83.2%	
Average Bin collection weights above weight of bin (15.5Kg.)	Waste Bins 16.48Kg	Recycle Bins 10.64Kg	
Recovery Rate	0%	Recycle 82.16%	Overall 16.94%

To coincide with the Annual Bulk Rubbish and Greenwaste Services, and as part of the Town's commitment to strive for a sustainable environment and to reduce the hard waste that ends up in landfill, the Town has introduce two yearly community recyclable goods drop off mornings commencing Saturday 26 May 2018.

The following items will be collected, from Town of Bassendean ratepayers only, at the Town's Depot located at 69 Scaddan Street, Bassendean between 9am and 12 noon.

These recyclable goods drop off mornings have been planned to decrease the amount of ineligible waste and illegal dumping some ratepayers leave on their verge during and after the annual Bulk Kerbside collections, and decrease the additional cost for collection and disposal of these items.

- Metals  
Bikes, BBQ's, bed frames, corrugated iron/tin sheeting, air con units, hot water systems, car body parts, dismantled swings/trampolines
- Woods  
Any untreated timber-off cuts (no longer than 1.5m) crates, pallets (NO cabinets or furniture accepted)
- E Waste  
TV's, computers, black boxes, monitors, keyboards, consoles, speakers, stereo equipment, printers, scanners, photocopiers, DVD players, X-boxes, laptops, mobile phones, camera equipment
- Mattresses  
Inner spring and foam mattresses, queen, double, single, king size, futons
- Tyres (Car, trailer, 4WD only)

In addition to the above services, the Town has set up "Recycling Centre's" at the TOB Library and Customer service for the collection of:

- Batteries
- Globes/fluorescent
- Spectacles
- Mobile phones

Waste education has a high priority for the Town and in partnership with the Town's waste collection contractor (SUEZ) and the East Metropolitan Regional Council (EMRC) the Town provides the following educational programs and displays.

- The Eastern Metropolitan Regional Council (EMRC) host school tours of the Red Hill Waste Management Facility and activities at the environmental education centre.
- The Town's Waste Contractor conducts free school incursions, to contribute locally relevant content and updated information on local waste and recycling services.

- Through the Town of Bassendean Markets Officers provide residents with information on “Best Practices” for recycling waste.

Illegal Dumping of waste within the Town of Bassendean has continued to be a concern. In 2015-16, the cost to the Town was \$63,474, in 2016-17 \$51,603 and to end of April 2018 the cost for 2017-18 was \$50,083. It is hoped through the investigation and implementation of new waste collection programs in 2018-19, that this amount will be greatly reduced.

### **“3-Bin Waste Collection”:**

In response to the rising cost of waste disposal to landfill and to increase diversion from landfill for the Town to meet the Waste Authority targets (Diverting 50% of municipal solid waste from landfill by 2015 and 65% by 2020), the Town has reviewed its kerbside collection service and on the 28 March 2018 Officers submitted a funding application to the Western Australian Government Waste Authority for the implementation of 3-Bin System through the “Better Bins Kerbside Collection Program” for all properties over 400sqm.

Those properties under 400sqm may not have sufficient storage space or verge space to accommodate a third bin, however ratepayers will be offered the opportunity to Opt-In to the 3-Bin System.

The 3-Bin implementation project includes:

- To introduce a 140L red lid general waste bin, reducing the size of the general waste bin from 240L to 140L
- To change the bin lid colour of the Greenwaste bin to lime green in accordance with Australian Standards 4123.7-2006
- An intense community education and awareness program to provide residents information on how they can more efficiently recycle all waste streams of general, recycling and green waste.

The key dates for the implementation of the project are:

March 2018	Submission of Application
June 2018	Funding Agreement Execution Date
July 2018	Announcement Better Bins Program to the community
Sep/Oct 2018	Contact properties under 400sm for Opt-In
Sep/Nov 2018	Undertake Audit of TOB recorded Household Waste Bins

Jan 2019	Launch Engagement and awareness campaign
July 2019	Implement stage one rollout to residential properties and stage two commercial properties.
July 2019	Change bin lids to Australian Standards
August 2019	Undertake continuous ad-hoc bin audits
December 2020	Completion and project reporting

Council resolved (OCM 7/2/18) that officers apply for the highest level of funding by stipulating that a preference one service be offered as a standard to all household, which included an “Opt Out” option for smaller general waste services.

Officers submitted a funding application stating that the number of households, within the Town, would be 7750 (estimated 1 July 2019) and that of the 7750, 805 were properties under 400 sqm and these properties would have the opportunity to “Opt In” to the 3-Bin Waste Collection System. Those that did not take up the opportunity to “Opt In” would remain with the two bin system and have their current green lid bin replaced with a red lid bin for general waste bin for collection on a weekly basis.

The funding for this project from the WA Waste Authority is \$30 per household/ Multi Unit Development (MUD) (Under 400sqm) which participates in the project and \$4 per household that remains with the two bin system and will have their green bin lid replaced with a red lid.

Should the funding application be successful, In September /October 2018, Officers will to write to all householders, with a property size under 400sqm, to seek their feedback either to “Opt In” to the 3-Bin system or remain with a 2-bin system and have their green bid lid changed to a red lid bin. (Red & Yellow lids).

An Engagement & Awareness Program, for all ratepayers, will commence in January/February 2019 and go for a period of 12 months.

The aim of the Engagement and Awareness program is:

- To introduce and educate ratepayers on the benefits of the three bin system and how to use it efficiently.
- To reduce contamination rates of the co-mingled recycling bin and green waste bin.
- To improve green waste diversion from landfill.
- To increase co-mingled recycling rates and improved utilisation of the co-mingled bin.

- Implement the 3-Bin system in compliance with the Australian Standards colours and Better Bin Program; and
- To work towards the State recycling target 65% by 2020.

Officers estimate by July 2019 there will be 7750 properties, within the Town, that receive a rubbish collection service. Of the 7750 properties 805 will be under 400sqm in size. It is estimated 10% of ratepayers, in properties under 400sqm, will opt into the 3-Bins proposal (80).

The 3-Bin funding application was presented in line with these figures. As per Council's resolution (OCM – 7/02/18) Officers have submitted funding at highest possible level, Preference 1:

Preference 1. Three bin system, small general waste – Number of households – 7750, funding amount sought (\$30 / Household) total amount \$232,500 and Preference 4. Two bin system standard general waste at \$4 per household. Preference 4. Will not be paid out until completion of project and figures confirmed on the amount of properties under 400sqm have Opted-In the project.

To implement the 3-Bin system the Town has received an estimate quote of \$152.00 per property - to purchase a 140L Bin with a red bin lid, store bins until implementation, as per program replace the current dark green lid bin with the approved "Australian Standard" lime green bin.

The cost for the yearly waste collection service of an additional 140L bin is estimated to be \$21 per annum (excluding EMRC Waste disposal costs).

Currently 6,000 tonnes per year is going into landfill. It is estimated through the introduction of the third bin, taking in account the current average contamination rate of 19.8%, there will be approximately 1,200 tonnes of waste less going into landfill. On the current proposed EMRC Waste disposal charge for 2018-19 \$178.50/tonne (ex GST), through the introduction of the 3-Bin system there is an estimated saving, in land fill charges, of \$214,220 per year from 2019-20.

### **"FOGO"**

FOGO stands for Food Organics Garden Organics and refers to the weekly collection of food scraps, as well as natural material from ratepayer's garden to make compost (Lime Green Lid on 240L Bin). The 3-Bin FOGO system is designed to allow ratepayers to more easily separate items that can be composted and recycled.

FOGO is considered any food waste including fruit and vegetable scraps, processed food and leftovers from meals such as meat, fish, chicken, bread, egg, egg shells, dairy products, coffee grounds and tea bags. Garden waste can include grass clippings, flowers and herbs, small branches and leaves. Paper towel, compostable plates, and compostable bags can also be disposed of through a FOGO service.

Currently the majority of Interstate Councils that have introduced the FOGO Services have supplied ratepayers with a Kitchen Caddie (plastic container) to encourage and support ratepayers in the usage of the FOGO system. The average cost of these storage units is between \$20 and \$30.

Currently, the City of Melville is trialling the 3-Bin FOGO System for around 7000 households and are unable to provide any details until the trial is completed.

Officers have been in discussion with the Town's Waste Collection Services contractor SUEZ and the EMRC on the possibility of introducing the 3-Bin FOGO waste collection services to ratepayers within the Town and both have stated they are not in a position to commence this service at present. The purchasing of machinery to undertake the requirement of turning the FOGO waste into mulch is a major factor as well as the composting process.

*The EMRC advised "If the Town of Bassendean does proceed down this path then we would need to negotiate an agreement for the processing of this material at Red Hill Waste Management Facility as we have done with the City of Bayswater" and "The approved method we have is open windrow composting of the greenwaste with handpicking of visible contamination on receipt of the greenwaste and from the outside of the windows. At the completion of the composting process, the material is screened to produce the product known as Soil Improver and the oversize material is landfilled. The quality of the material is good and close to the AS 4454 standard but the market for this material has been less than what we produce. The contamination rate which we assess by a combination of the weight of the hand-picked material and the oversize from the trommel can be up to 40%. We are trying to address this in conjunction with the City of Bayswater and are planning an audit of the incoming material in the next few months.*

*If the Town chose to use a FOGO method of waste collection, the EMRC can't compost this by the existing methodology unless the composting method was amended to manage the odour or we opted to establish a small AD plant. Either way, DWER approval would be required as would EMRC Council approval for any capital expenditure and the business case would need to be approved showing the OPEX and hence the gate fee to recover costs and capital depreciation”.*

If the Town was able to implement the service in 2018-19 in line with the current 3-Bin project there will be an estimated addition cost (Service charges) and savings (Landfill) on top of introducing the 3-Bin System: These figures do not include a composting element as the cost will change pending the type of composting procedure or the usage of machinery to develop an organic waste product to Australian Standard AS4454..

	3-Bin FOGO (Fortnightly)	3-Bin FOGO (Weekly)
Service Cost	\$ 18,000	\$220,000
Waste (Landfill)	-\$ 77,000	-\$ 54,063
Provision of a waste Caddie to ratepayers	7750 x \$20 = \$155,000	

Officers are recommending that if Council resolve to commence a FOGO method of waste collection it is undertaken on a weekly basis (odour issues) and that the implementation of the FOGO service be reviewed within the next two year, pending the outcome of City of Melville FOGO trial, further discussions with the EMRC and the Towns Waste Services Collection contractor “SUEZ” on the “Best Practice” to develop and implement an organic waste product to Australian Standard AS4454.

**“Pay as you throw”:**

Currently the average bin collection weight, above the weight of the bin (15.5Kg) is: Waste Bins 16.48 KG and Recycled Bins 10.64 Kg.

Officers have met with SUEZ to discuss the possibility of weighing waste mobile bins during the household collection process.

SUEZ is currently not conducting any 'bill by weight' services for any Local Government Authority within Australia, therefore, a system would need to be developed and integrated into its systems.

SUEZ is currently weighing residential & commercial kerbside bins in the NSW City of Ryde (data capture) with the following success rates:

90% Radio Frequency Identification Data (RFID) Recording Rates (due to missing tags, operator error &/or hardware issues)

95% Valid Weight Recordings (due to operator &/or hardware issues)

Weighing scales for side-lift vehicles are very expensive and need to be National Measurement Institute (NMI) approved and require regular calibration to ensure accuracy.

Indicative costs (excluding Mobile Garbage Bins (MGB) RFID tag retro-fitting & tag readers) for the Town of Bassendean for the period 01/07/19 – 30/06/22 (end of initial 5 year contract term) would be:

Waste Bins - \$0.12 per drive-by

Recycle Bins - \$0.28 per drive-by

The implementation of the 3rd Green Waste bin would have a marginal effect on reducing the overall costs.

Currently Suez has its MGB hydraulic lifts set at 85 kilos when collecting 240L bins within the Town. Since 1 July 2017, no household within the Town has not had their Mobile Garbage Bin collected due to the bin weight being over 85 kilos. (An empty bin weighs 15.5Kg)

The introduction of the three bin system is expected to make MGB's individually lighter and a trial with Suez on setting the MGB hydraulic lifts to a lesser set weight, (50-55kg) to monitor the affect, may be an option in the future.

Officers are recommending that further investigation continue on the introduction of a "Pay as you throw" system until mechanical equipment, that can provide accredited accuracy in weighing MGB's is available. Furthermore, Officers work with SUEZ on trialling a system, where the Waste Collection Truck MGB hydraulic lifts are set at a lesser weight and analyse the effect of this change.

**“Bulk Rubbish & Greenwaste Kerb Collections”:**

The following Town’s Bulk Rubbish & Greenwaste collection services are undertaken by Suez, with all collections being delivered to the EMRC Waste Collection Facilities:

- In May/June of each year Greenwaste Verge Collection(Maximum of two cubic meters)
- In November/December each year Bulk Rubbish Verge Collection (Maximum of two cubic meters)

In November 2017, the Town of Bassendean’s yearly Kerbside Bulk Waste Service Collection achieved a resource recovery rate of 9.14%. This was achieved through the recovery of scrap metal and mattresses (although a non-conforming product) from the verge. The remainder of the waste was disposed to landfill. No recovery rate was achieved for the May 2017 Greenwaste collection.

2017 Bulk Waste Tonnages			
Area	Bulk Waste	Scrap Metal	
Mattresses			
1	39.66	9.76	
2	49.82	9.12	
3	80.50	8.14	1.34
4	107.98		
5	108.00	8.16	2.30
Total	385.96	35.18	3.64
Disposal Cost; \$64,069.06			
Disposal Cost		\$2,871.00	
Total Tonnes	Landfilled	Total Tonnes	Recovered
385.96		38.82	
<b>Total Recovery Rate: 9.14%</b>			

2017 Green Waste Tonnages		
Area	Green Waste	Recyclable
1	58.08	
2	117.58	
3	89.04	
4	138.58	
5	157.10	
Total	560.38	
<b>Total Recovery Rate: 0%</b>		

Officers have been in discussions with the Suez and a number of City Councils regarding the introduction of the on demand three cubic metre skip bin request system.

Suez undertake this service for two Councils and currently achieves a recovery rate of 34.61%. Other Councils that provide this service for their residents achieve a diversion rate up to 48%. Suez have advised they have the necessary equipment and technology to commence the On-Demand Bin Request System as soon as Council requests.

The cost to achieve these results depend on the amount of funding Councils want to pay. For instance one Council paid \$42,105 per tonne to achieve a 48% diversion rate for a recent Bulk Hard Waste Collection Service.

Officers are recommending that further investigation be undertaken to evaluate the introduction of an On-Demand Three Cubic Metre Skip Bin Request System within the Town and provide a further report back to Council.

**“Recyclable Material Drop off Centre”:**

An opportunity exists for the Town of Bassendean Works Depot (69 Scaddan Street, Bassendean) to become a “Recyclable Material Drop-off Centre” on a recurring basis for resident and ratepayer use. The Town’s waste collection contractor can provide appropriate storage containers / skip bins for source separate waste streams, transportation and disposal at affiliated 3rd party organisations for recycling. The Town is currently arranging a “Recycling Morning” on May 26 2018.

Marketing of the event has commenced with flyers being delivered to residents, information listed in the May Council Briefing, Facebook and Website as well as information showing in message boards located at the corner of Guildford and West Road.

The cost associated to the “Recycling Morning” is estimated to be \$15,000 and will be borne out of the Current Waste Recycling Budget

### **“On-call booking system”:**

Currently, the Town’s waste collection contractor facilitates, an on-call booking system, for Fridges & Freezers can be expanded to include additional items such as whitegoods, mattresses or waste/green waste bulk bins.

Officers are recommending that the current facilitated on-call booking system include the following additional items:

#### Whitegoods

- Expand current facilitated Fridge and Freezer collection service to include Washing Machines, Dryers and Dishwashers; and
- Rates provided upon request (dependent upon disposal location i.e. Town of Bassendean Works Depot or SUEZ Facility).

#### Mattresses

- Implement on-call services similar to current Fridge and Freezer collection service; and
- Rates provided upon request (dependent upon disposal location i.e. Town of Bassendean Works Depot or EMRC Hazelmere Resource Recovery Park).

#### Timber

- SUEZ do not view this as a cost-effective strategy;
- Bulk waste and green waste skip bins;
- SUEZ provided fundamental methodologies schedules and pricing with Alternative RFQ: RFT CO 064W 2016-17 Submission during February 2017;

Submission pricing was based on:

- 3.0m<sup>3</sup> Skip Bins;
- 2,262 annual minimum services per waste stream requiring a 3-day delivery and removal model (with services rendered Mondays, Wednesdays and Fridays);
- Excess demand will lead to the implementation of a 5-day delivery and removal model;
- Access to two temporary hardstand laydown areas for intra-day skip bin storage would be required;
- SUEZ referenced Wastedge Software Suite in the submission which will be replaced with CORE Software Suite from September 2018; and
- SUEZ Customer Service Officers will book resident and ratepayer service requests during the interim period (and thereafter for community members who do not have home internet access).

Apart from these initiatives, it is planned during this calendar year to organise a workshop for Councillors in conjunction with our waste management contractors to discuss the whole range of waste management initiatives that we currently do and may undertake.

### STATUTORY REQUIREMENTS

The Western Australian State Government Waste Strategy targets are expressed as the proportion of waste recovered compared to that generated. Recovery targets for municipal solid waste in the Perth Metropolitan Region are 50% by 2015 (up from 36% in 2009/10) and 65% by 2020 and in major regional centres 30% by 2015 (up from 15% in 2009/10) and 50% by 2020. Statewide targets for the commercial and industrial sector are 55% by 2015 (up from 46% in 2009/10) and 70% by 2020. Construction and demolition waste Statewide targets are 60% by 2015 (up from 29%) and 75% by 2020.

### FINANCIAL CONSIDERATIONS

#### **3-Bin System**

Based on these figures, if Council resolves to implement the 3-bin system in 2018-19, the estimated cost for the additional service is:

<b>Item</b>	<b>Calculation</b>	<b>Cost</b>
Purchase of 140L bins (red Lid)	\$85.00 x 7750	\$ 658,750
Change of dark green lid bin to lime Lid bin	\$44.00 x 7750	\$ 341,000
Additional service per year (7750-725 = 7025)	\$21.00 x 7025	\$ 147,525
Educational Marketing Plan		\$ 30,000
	<b>Sub Total</b>	<b>\$1,177,275</b>
Less Waste Authority Funding (Option 1 – 3-Bin)		\$ 232,500
Less Waste Authority Funding (Option 4 – 2 Bin)		\$ 2,900
Less TOB Reserve Waste funds(1 May 2018)		\$ 294,788
Less Waste to landfill charges (1200 tonne saving)		\$ 214,220
	<b>Sub Total</b>	<b>\$ 744,408</b>
Total cost (One year ) Cost minus funding	<b>Grand Total</b>	<b>\$ 432,867</b>
Cost per Ratepayers (Per Household)	<b>432867/7035 (7750 -725)</b>	<b>\$ 61.53</b>

A total of \$700,000 will be required in the 2018-19 and \$477,275 in the 2019-20 Capital Budgets for the purchasing of 7750 140L rubbish bins with a red lid, changing of current green lid bin to the lighter green bin lid and distribution of bins to households within the Town, as well as an education and marketing program.

The cost to fund the project, once all Waste Authority funding is received and Town of Bassendean Reserve funding is utilised, is \$432,867. On estimated waste to landfill savings this \$432,867 will be paid off by the end of the 2021-22 financial year. Council may resolve to cover this cost or to charge ratepayers the initial expenditure cost of \$61.53 or decrease the number of tip passes from four to two for the 7035 estimated (exclude under 400sqm properties) participate in the 3-Bin system. "Note 4591 Tip passes were used by residents in 2016-17 at an estimated cost of \$50.00 per tip pass". The Town has also introduced two Recycling Morning per year which may decrease the amount of Tip Passes required.

#### **"Recyclable Material Drop off Centre":**

The cost associated to the "Recycling Morning" is estimated to be \$15,000 and will be borne out of the 2017-18 Waste Recycling Budget (GL 761352). Furthermore, an amount of \$30,000 be included the 2018-19 Waste Recycling Budget (GL 761352) to undertake two "Residential Recycling Mornings" in the 2018-19 Financial year.

#### **On-call booking system**

The cost (\$8,000) associated to expansion of the current facilitated on-call booking system to include additional white goods, mattresses and timber be included the 2018-19 Waste Recycling Budget (GL 761352).

#### **OFFICER RECOMMENDATION — ITEM 10.9**

That Council:

1. Endorses the implementation of a three bin system with rollout commencing in the 2019/20 financial year (July 2019);
2. a) Approves the implementation of a one-off charge, estimated to be \$61.53 in the 2019/20 Budget, for the introduction of the 3-Bin system;

**OR**

- b) Decrease the number of tip passes from four to two for the 7,035 estimated (exclude under 400sqm properties) participate in the 3-bin system;
- 3. List funds of \$700,000 for consideration in the draft 2018/19 and \$477,275 in the 2019/20 Budget for the purchasing of 7750 140L rubbish bins with a red lid, changing of current green lid bin to the lime green bin lid, distribution of bins to households within the Town and education program;
- 4. Requests Officers to further investigate the FOGO method of waste collection, on a weekly basis, for possible implementation in 2020/21 financial year;
- 5. Request Officers to further investigate the introduction of an On-Demand Three Cubic Metre Skip Bin Request System within the Town and provide a further report back to Council;
- 6. Notes the Town is arranging a “Resident Recycling Morning” on 26 May 2018 and the cost will be borne out of the current Waste Recycling Budget (GL 761352);
- 7. Includes an amount of \$30,000 in the draft 2018-19 Waste Recycling Budget (GL 761352) to undertake two further “Residential Recycling Mornings” within the 2018-19 financial year;
- 8. Endorses the current facilitated on-call booking system to include the expansion of white goods and mattresses within the 2018-19 financial year;
- 9. Requests Officers to organise a workshop, within this calendar year, for Councillors in conjunction with our waste management contractors to discuss the whole range of waste management initiatives that we currently do and may undertake; and
- 10. Includes an amount of \$8,000 in the draft 2018-19 Waste Recycling Budget (GL 761352) for the expansion of the current facilitated on-call booking system to include additional white goods, mattresses and timber.

**Voting requirements: Simple Majority**

**10.10 Success Hill Spillway Investigation (Ref: PARE/PLANNG/1 - Jeremy Walker, Senior Environmental Officer)**

APPLICATION

The purpose of the report is to present to Council the Spillway investigation report for the damaged spillway at Success hill Reserve

ATTACHMENT

**Attachment No. 9:**

March 2018 Syrinx Environmental, Success Hill Spillway Investigation Report

BACKGROUND

In November 2016, Officers became aware that minor damage had occurred to the spillway at Success Hill Reserve. Officers organised some minor repairs to take place as part of a general maintenance regime. During the February 2017 storm event the spillway was subject to further damage causing the bottom section of the spillway to collapse, Officers then met with consultants to undertake investigations to determine the cause of the collapse and to make recommendations for suitable reinstatement.

Syrinx Environmental were commissioned to undertake the investigational works which entailed the following :

- **Desktop Assessment;** Site management history, catchment & Groundwater Investigation & data collation and interpretation;
- **Site Assessment;** Site Assessment and ground-truth, Arborist Assessment, Geotechnical Investigation and Physical feature survey (levels and location of spillway structure only); and
- **Analysis & Reporting;** Collate and analyse desktop and field data, provide investigations report summarising all findings and provide recommendations for further work stages including a temporary solution for stormwater.

COMMUNICATION AND ENGAGEMENT

No external consultation has been carried out in the preparation of this report.

## STRATEGIC IMPLICATIONS

### Community Strategic Plan 2017-2027; Strategic Priority 2: Natural Environment

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
2.2 Protect our River, Bushland Reserves, and Biodiversity	2.2.1 Protect and restore our biodiversity and ecosystems	Community / Stakeholder satisfaction Survey (River, Bushland and Reserves)  Biodiversity and Bush Condition ("Keighery" Scale of bush condition) measurement
	2.2.2 Sustainably manage significant natural areas	
	2.2.3 Partner with stakeholders to actively protect, rehabilitate and enhance access to the river	
2.3 Ensure the Town's open space is attractive and inviting.	2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection.	Community / Stakeholder Satisfaction Survey (Open Space and use of Open Space)
	2.3.2 Sustainably manage ground water, facilitate the conversion of drains to living streams	Increase in Public Open Space Tree Canopy Area monitoring (Private and Public realms)  Water Quality (entering the Swan River analysed in accordance with the Australian Government National Health and Medical Research Council Guidelines)

## STATUTORY REQUIREMENTS

Local Government Act 1995

## FINANCIAL CONSIDERATIONS

- Temporary fix estimated at \$25,000 listed in current 2017-18 budget.
- Considers \$180,000 to be listed in the 2018-19 capital budget to undertake concept, detailed design and implementation of one of the two options listed in the report.

## COMMENT

As part of the desktop study, Syrinx reviewed the Drainage Assessment Study completed by Cardno in 2016, no major flood issues were identified at the spillway in the Cardno report. The Town in 2012-13 installed a PVC liner to improve the flow rate, the general efficiency of the pipe, and resilience to physical damage.

As part of the investigational works, Syrinx investigated the groundwater levels on site near the toe of the embankment where ground water is visually evident. The data obtained from Perth Groundwater Atlas suggest that the groundwater is not affecting the spillway, however the geotechnical assessment indicated the presence of natural springs along the western river bank, upstream of the spillway could have impacted the structure. The Geotechnical assessment identified the site as fluvial with several factors that could have contributed to the failure of the structure. The factors consist of both storm water discharge and groundwater seepage through the spillway concrete leading to subsequent soil erosion thus undermining the spillway. Additionally, the natural groundwater discharge from the western riverbank combined with disturbance from boat wash and foot traffic may have exacerbated the broader scale erosion process.

An arborist undertook an assessment of all the trees along the within close proximity to the spillway, this assessment was important to differentiate trees with root structures that contribute to existing slope stability, and trees with root structures that were contributing to 'root wedging' and further destabilizing the spillway structure. The arborist findings identified explicitly that an *agonis flexuosa* appeared to have contributed significantly to the failure of the spillway, tree roots can be seen growing through the mortar in the structure and have created large cracks in the spillway however due to the root systems long life expectancy and significant contribution to bank stabilization it is not recommended to remove the tree.

Using the findings from each assessment Syrinx have given recommendations to the Town for an interim measure and two options for suitable reinstatement of the drainage outlet. The proposals consider construction feasibility such as site access, machine movement and steep slope conditions.

The Interim measure involves connecting a flexible pipe to the existing outlet and will be laid along surface of embankment with anchor blocks placed at intervals to maintain intended alignment; the existing storm water pit will be patched and sealed with any gaps and holes in the collapse structure filled with blue metal until the new structure is complete.

Option one for the spillway involves installing a direct pipe discharge to the river whereas Option 2 is an open channel discharge to the river. Syrinx have recommended option 1, the direct pipe discharge to the river as this eliminates the issue of overland flow down the embankment altogether through pipe installation, however the Open channel discharge to the river addresses more visual aesthetics and would maintain a view of open water flow as does the current spillway. Syrinx have advised if the Town goes down the path of open channel discharge a more detailed assessment of the natural springs may be required if ground water is still visually evident after temporarily diverting the storm water.

#### OFFICER RECOMMENDATION – ITEM 10.10

That:

1. Council receives the Syrinx Success Hill Spillway Investigation Report;
2. Officers implement an interim measure as outlined in the report using funds allocated in 2017/18 Budget;
3. Council undertake public consultation using have your say platform on two options for rectifying the spillway to gauge public view on the preferred option; and
4. Council consider allocating \$180,000 in 2018-19 Budget to undertake concept design, detailed design and construction of a new spillway structure.

**Voting requirements: Simple Majority**

**10.11 Bassendean Station Access Project Broadway (Ref: TRAF/PLANNG/3 ROAD/DESCONT/5 – Ken Cardy, Manager Asset Services)**

**APPLICATION**

The purpose of this report is to provide Council with the final concept plan for the Bassendean Station Access Project - Broadway and seek Council's approval of the concept plan and commitment by contributing funds to secure State Government funding for the delivery of this project.

**ATTACHMENTS**

**Attachment No. 10:**

- Bassendean Station Access Project – Broadway Concept Plan Final Report

**BACKGROUND**

**COUNCIL RESOLUTION — ITEM 10.7**

**OCM – 11/03/18** MOVED Cr Quinton, Seconded Cr Wilson, that Council:

1. Receives the Public Transport Authority letter dated 13 March 2018 regarding the proposed Principal Shared Path (PSP) in Broadway, Bassendean;
2. Provides in principle support to the Public Transport Authority for the implementation of a Broadway Principal Shared Path extending between Iolanthe Street and the Bassendean Train Station;
3. Requests that the Public Transport Authority consider as an option for the draft Broadway Principal Shared Path concept plan, between Iolanthe Street and the Bassendean Train Station, the following:
  - a) on road carriageway by use of boulevard-style plantings to provide tree canopy/shade over the cycling route;
  - b) incorporate Water Sensitive Urban Design principles;
  - c) Clarify with the Public Transport Authority the design guidelines and whether there is an opportunity to implement a unique design for the Principle Shared Path to differentiate between the cycling route and the vehicle portion of road; and

4. Requests that the Public Transport Authority present the draft Broadway Principal Shared Path concept plan back to Council for consideration, prior to undertaking community consultation.

### COMMUNICATION & ENGAGEMENT

Officers have provided the Public Transport Authority (PTA) with Council's March 2018 Council Resolution, participated in site visits (28 February 2018) with the PTA on road network issues within the project location and participated in a workshop on the 4 April 2018 to develop the final report/concept plan.

### STRATEGIC IMPLICATIONS

The Corporate Business Plan 2017 - 2021 includes the following under Strategic Priority 3 Built Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <b>How we will be judged</b>
3.2 Enhance connectivity between places and people	3.2.1 Connect the Town through a safe and inviting walking and cycling network. 3.2.2 Advocate for improved and innovative transport access and solutions. 3.2.3 Enhance the liveability of local neighbourhoods. 3.2.4 Enhance road safety through design	Community / Stakeholder Satisfaction Survey (roads, footpaths and cycle paths)  Community/ Stakeholder Satisfaction Survey (access to public transport both access to Town and within.)

### COMMENT

The PTA has been assessing the Perth Transport Plan Cycling Network and prepared a plan in 2016 with the purpose to develop a strategic network for cycling, as an initial phase and refine the network with local government as part of the local bike plan process.

It was recommended that Broadway be a local route providing east west connectivity into the Town Centre as part of the next bicycle plan undertaken in Bassendean.

The Active to Station initiative complements the Department of Transport "Connecting Stations" programme focused on providing safe cycle and walking routes to public transport within a 3km radius of selected stations within the Perth Metropolitan area, which is a key recommendation in the Western Australian Bicycle Network Plan 2014-2031.

Broadway presently has 1 metre sealed shoulders on either side and a footpath on the northern side. The Town's Bike Plan 2012 indicates Broadway is part of the existing local cycling network with no further works proposed. PTA considered the sealed shoulders were an adequate practice at the time to provide space for people already cycling but are no longer an acceptable infrastructure measure and do not serve to encourage the less confident to start cycling.

Council at its OCM – 11/03/18, requested the Public Transport Authority consider as an option for the draft Broadway Principal Shared Path concept plan(now Bassendean Station Access Project – Broadway), between Iolanthe Street and the Bassendean Train Station, the following:

1. On road carriageway by use of boulevard-style plantings to provide tree canopy/shade over the cycling route;
2. Incorporate Water Sensitive Urban Design principles;
3. Clarify with the Public Transport Authority the design guidelines and whether there is an opportunity to implement a unique design for the Principle Shared Path to differentiate between the cycling route and the vehicle portion of road.

The PTA advised that wherever possible Council's requests will be accommodated in the detailed design for the Broadway project.

The Bassendean Station Access Project – Broadway Concept Plan has now been completed, by the PTA contracted consultant "GTA Consultants", to the final concept stage where the PTA can submit for a project funding allocation. To ensure there is a strong basis for funding to be approved the PTA is seeking Council's approval of the concept plan and a commitment by contributing funds to the project.

#### STATUTORY REQUIREMENTS

N/A

#### FINANCIAL CONSIDERATIONS

Within the Concept Plan Report, based on the concept design, the project including contingencies is estimated to cost in order of \$550,000.

The PTA is seeking a financial commitment from Council through the contribution of funds to the project to ensure the project has a strong basis for funding approval and completion in 2018-19.

In the draft Capital Budget 2018-19 for Councils consideration Officers have listed, \$550,000 for the Bassendean Station Access Project – Broadway. A commitment from the Town of \$100,000 is shown with PTA contributing \$450,000.

**OFFICER RECOMMENDATION — ITEM 10.11**

That Council

1. Endorses the Bassendean Station Access Project – Broadway Concept Plan;
2. Lists funds of \$550,000 in the draft Capital Budget 2018-19, to undertake the Bassendean Station Action Project - Broadway, for Council's consideration. Showing a commitment from the Town of \$100,000 with PTA contributing \$450,000; and
3. Requests officers write to the Public Transport Authority endorsing the Bassendean Station Access Project – Broadway Concept Plan and that funds of \$550,000 will be listed in the draft Capital Budget 2018-19, for Councils consideration, to undertake the Bassendean Station Action Project. Showing a commitment from the Town of \$100,000 with PTA contributing \$450,000.

**Voting requirements: Simple Majority**

**10.12 Petition – Installation of Dog Bag Dispenser Stand and Bins on Chapman Street, Bassendean (Ref: LAWE/ENQS/1 - Sharna Merritt, Senior Ranger)**

**APPLICATION**

The purpose of this report is to provide Council with information and the financial impacts associate with providing a poo bag stand and bin adjacent to privately owned land located in Chapman Street, Bassendean (OCM-4/03/18).

**ATTACHMENTS**

**Attachment No. 11:**

Petition and map of the location

**BACKGROUND**

On 19 February 2018, the Town received a petition from a resident that included signatures from the submitting resident and 17 other Bassendean residents.

At the March 2018, Ordinary Council Meeting, Council (OCM-4/03/18) resolved to receive the petition and requested a report be prepared on the financial impacts associated with providing a poo bag stand and bin adjacent to privately owned land located in Chapman Street.

This petition requests the Town to consider installing a poo bag dispenser stand and bin at the entrance to the old carpark on Cyril Jackson Senior Campus property. The purpose of this dispenser and bin would be to service the State Government agency owned and managed land (please refer to aerial map) attached to the Cyril Jackson Senior Campus.

The petition acknowledges that the land is not owned or maintained by the Town and requests that the stand be installed on Town land to improve the amenity of all users of this oval and to decrease a summer fly problem in the area.

**COMMUNICATION & ENGAGEMENT**

Discussions held with Cyril Jackson Senior Campus and the Education Department, show that they do not want to encourage dog exercise at its sporting grounds, due to dog waste issues.

It was also noted that it was not common practice for the Education Department to install dispensers or provide similar facilities at ovals and sporting grounds under its care and control. In many instances, dogs are actively prohibited on Education Department owned ovals and reserves.

**STRATEGIC IMPLICATIONS**

The Bassendean Strategic Community Plan 2017-2027 states under Strategic Priority 1: Social:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.	Community / Stakeholder Satisfaction Survey (Activity and connectivity) Volunteer Rate

**COMMENT**

This issue has been raised several times over the years, to both Rangers and the Cyril Jackson Senior Campus Board. Rangers have advised on these occasions that the Town does not provide poo bag stands or bins in street locations or land that is not owned or managed by the Town.

Standard practice for the installation of poo bags dispensers and associated bins is to install them at parks and reserves that the Town owns or manages, and that their use by the dog walking community is encouraged.

It is not a requirement to provide dispensers or bins at every park or reserve within the Town.

Under the Town of Bassendean *Dogs Local Law 2001*, it is an offence to not clean up after dogs. It is the responsibility of the person liable for the control of the dog at the time to ensure they have a means with which to do so.

The supply of dog poo bags in parks and reserves is a courtesy to our reserve users to assist with this responsibility.

At the nearby Ashfield Reserve there are three poo bag dispensers provided by the Town. The petition states that not all users of the Cyril Jackson oval will come from the direction of Ashfield Reserve, but there is no requirement for dog walkers to use Council supplied bags to clean up after their dogs.

If Council was to approve the petitioners' request and install a dog poo bag dispenser and bin, either on privately owned land or on the verge adjacent to this land, this would be against the Town's standard practice of providing them on Town of Bassendean managed Parks and Reserves, and it will set a precedent, which will increase Council's operating costs.

On occasions, Rangers receive requests from other residents to install dispensers on street verges near their homes and other locations throughout the Town. If this petitioner's request was approved, previous resident requests to install stands and bins in non-reserve locations would most likely need to be re-considered, as it would no longer be outside of the Town's standard practice.

As the petitioner's request is outside the Town's operational policies and taking into consideration the fact that Cyril Jackson Senior Campus has previously advised it does not wish to encourage dog exercise on this land, the Rangers do not support the installation of a poo bag dispenser and bin to service this privately owned land.

## STATUTORY REQUIREMENTS

### *Dogs Local Law 2001*

On 28 November 2013, the Town of Bassendean changed from standard plastic dog poo bags to degradable poo bags. The Town of Bassendean was one of the first Local Governments in WA to use this plastic degradable technology.

Due to the State Government's legislation to ban plastic bags, as of 1 July 2018, the Town commenced making enquiries to find out if the current degradable dog poo bags were included in the ban.

The Department of Environmental Regulation advised that the ban does not apply to plastic bags with handles of 35microns or less only. Therefore, the current plastic bags used by many Local Authorities and the Town's current degradable doggie bags are not banned.

## FINANCIAL CONSIDERATIONS

The initial cost for the purchase and installation of a new dispenser and bin would be approximately \$380. If the bin were to be serviced once a week, then, based on the average usage of bags at each dispenser in the Town, the minimum annual maintenance and refill costs would be approximately \$400 per year.

From a financial perspective, should this Petitioner's request be approved, funding would be listed in the draft 2018/2019 operational budget. However, it is highly likely that Council would have to consider many other requests for this type of installation, which has the potential to create a greater financial impact for the 2018/19 and future operational budgets.

## OFFICER RECOMMENDATION — ITEM 10.12

That Council:

1. Receives the report on the provision of a dog bag dispenser stand and bins on Chapman Street adjacent to Cyril Jackson Senior Campus and notes that:
  - a) the Education Department does not want to encourage dog exercise at the sporting grounds under its care and control and in many instances, dogs are actively prohibited on Education Department owned ovals and reserves;
  - b) as a courtesy, on selected Town of Bassendean owned and managed parks and reserves, dog bag dispenser stands and bins are provided to assist with Dog Owner responsibilities; and
2. Writes to the petitioner to advise that a dog bag dispenser stand and bin will not be installed on the verge adjacent to the State Government owned and managed land located in Chapman Street, Bassendean.

**Voting requirements: Simple Majority**

**10.13 Bassendean Bowling Club Lease Agreement Renewal (Ref: LEGL/AGMT/9 – Tim Dayman, Recreation Development Officer)**

**PURPOSE**

Council is requested to consider the renewal of the lease agreement with the Bassendean Bowling Club.

**BACKGROUND**

Officers had initially referred this report to the 27 February 2018 Ordinary Council Meeting for Council’s consideration. It was resolved by Council (OCM-15/02/18) that the matter be deferred for consideration at the next Audit and Governance Committee scheduled for Wednesday 14 March 2018. The reason for the deferral was to review the lease terms and rental proposal after which the Committee would make recommendations to Council for consideration.

The Bassendean Bowling Club commenced operating in 1934 so has a long history in the Town. The Club is situated on the BIC Reserve in Bassendean and has access to three bowling greens and the adjacent clubroom facility.

The Club has recently undertaken approved cosmetic upgrades to its kitchen facilities, as well as works on the skirts of the greens and floodlighting on “C Green”, all at its own expense.

The Bassendean Bowling Club’s membership levels over the last five years were as follows:

<b>Year</b>	<b>Members</b>
2013/2014	180
2014/2015	165
2015/2016	202
2016/2017	260
2017/2018	281

The most recent number consists of:

- 77 Male bowlers;
- 17 Female bowlers;
- 24 Non bowling full members;
- 106 Social members;
- 53 Dart Club members; and
- 4 Tennis Club members.

The previous Lease Agreement was developed in May 2007 for a 5 year period, with a 5 year option and was extended to December 2017 due to the outcome of the Facility Audit/Needs Assessment (although recently expired, it remains in “carry-over” mode until Council decides on the outcome of the expired agreement).

The Club is looking to enter into a new agreement with the Town.

### COMMUNICATION AND ENGAGEMENT

Communication has taken place between the club and Town of Bassendean Recreation and Culture staff, along with independent consultants from AECOM.

### COMMENT

Legal agreements (whether they be Leases, Licences or Management Agreements) are essential for the effective management of Council facilities, as they clearly outline the rights and responsibilities of the parties wishing to enter into contractual relationships.

The Bassendean Bowling Club has a consistent level of membership, has great engagement in the community, and appears to have sound governance. Whilst the Town has not undertaken any formal evaluation of the social/community development contribution that the Club makes to the Town, it is evident that the Club provides opportunities for community to engage in social and physical activities.

The Club undertakes regular fundraising, operates a bar facility and has obtained various private sponsorships, so is financially stable. The Club, as mentioned has made some amendments to the kitchen area, with the intention of allowing a small-scale commercial operation to operate, with the approval of the Town’s Health Officer.

The Bassendean Bowling Club is responsible for the maintenance, repair and cleaning of the building on an everyday basis at their own expense. These works, where necessary must be conducted by a licenced and qualified tradesperson. The Town is responsible for structural maintenance, repair or replacement caused by fair and reasonable wear and tear, which is covered by the Town’s Capital Budget.

As a result of the Town’s recent Facility Audit and Needs Assessment, it is advised that all new lease agreements are simplified and highlight roles and responsibilities of both the Lessor and Lessee more clearly. This clarity will assist the Town with budgeting, removing the grey areas where the Club is unsure if they are responsible for some larger items. With some cases in the past, the Town has assisted with repairs in good faith, as the lease was not entirely clear on responsibilities.

**STATUTORY REQUIREMENTS**

Local Government Act 1995

**STRATEGIC IMPLICATIONS**

Strategic Priority 1: Social

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Increases in club activity and membership.
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.	Increases in club activity and membership.
	1.2.5 Support our volunteers and community groups to remain empowered, dynamic and inclusive	

**FINANCIAL CONSIDERATIONS**

Under the terms of the lease, there are annual rent reviews linked to CPI. Under the current lease, the Club was to pay \$3,400 in advance annually from May 2007. The latest payment in May 2017 was \$4,696.72.

The new lease payments to the Town will reflect the revaluation of the property prior to the new lease being executed.

The original formula for calculating this rate was based on a fee per green cost and this has rolled over with CPI for each term of the lease.

Other local governments use a similar formula with their leased bowling club facilities. The exact figure will be calculated when the CPI figure is released in March. In the meantime, the club is paying a monthly rate as a tenant, as per the expired lease's requirements under section "5.8 Holding Over".

The Town also pays building insurance payments and a fire and emergency levy, which the Club pays back as reimbursements to the Town in two instalments each year, which in 2016-17 equalled \$5285.86.

The Town has conducted large capital works projects on the Bowling Club over the past two years with a new switchboard being installed, to meet Australian Standards, new LED light fittings to reduce environmental impact and to address some security concerns with new doors and garrison fencing. These capital works are highlighted in the table below:

2017-18 Capital Items

<b>Works Undertaken</b>	<b>Current Budget</b>	<b>Actual</b>
BASSENDAN BOWLING CLUB - ELECTRICAL REWIRE & REPLACE WITH LED LIGHTING	22000.00	22000.00
BOWLING CLUB BASSENDEAN - RENEW ENTRY DOORS TO BOWLING CLUB	18276.00	16614.27
BASSENDAN BOWLING CLUB - CHAIN FENCE RENEWAL WITH GARRISON	19501.00	19500.93
* TOTAL *	59777.00	58115.20

2016-17 Capital Items

<b>Works Undertaken</b>	<b>Current Budget</b>	<b>Actual</b>
SWITCHBOARD BASSENDEAN BOWLING CLUB GEN	25000.00	24993.00
* Total *	25000.00	24993.00

**OFFICER RECOMMENDATION – ITEM 10.13**

That Council:

1. Instructs for its solicitors to draft a new lease agreement for the use of the Bowling Club facilities at 10 Whitfield Street, Bassendean, by the Bassendean Bowling Club Inc, that includes a 5-year term with a 5-year option, commencing with the 2018 season; and
2. Undertakes a revaluation of the property to establish the rent applicable to the new lease agreement of the Bassendean Bowling Club facilities at 10 Whitfield Street, Bassendean.

**Voting requirement: Simple majority**

**10.14 Movies by Burswood Inc. - New Contract Term (Ref: LEGL/AGMT/161, Salvatore Siciliano – Manager Recreation and Culture)**

APPLICATION

Council is requested to consider a request from Movies by Burswood for a new licence agreement for the staging of the Telethon Community Cinemas within the Town of Bassendean.

ATTACHMENTS

**Attachment No. 12:**

- Correspondence from Movies by Burswood
- Current Licence Agreement
- Movies by Burswood season evaluation
- Letter from Town advising breach of noise levels

BACKGROUND

Movies by Burswood has advised the Town that it wishes to enter into a new licence agreement for the staging of the Telethon Community Cinemas within the Town of Bassendean.

In June 2014, OCM – 9/06/14, Council resolved the following:

*“MOVED Cr Carter, Seconded Cr Pule, that subject to the Minister for Land Administration granting consent to the Agreement, Council enters into a new Licence Agreement for Movies by Burswood Bassendean for a three year period, commencing 1 December 2015 and expiring 31 March 2018; and including the:*

- 1. Town agreeing to meet waste management costs along with in-kind costs for utilities, grounds maintenance, cleaning and promotions;*
- 2. Licence fee be set at \$1 per year payable on demand; and*
- 3. Other covenants of the existing Licence, including but not exclusively, noise limits, indemnifying the Town, procuring required insurances and acquiring necessary permits, being retained.”*

The Council resolution from 2014 was preceded by an initial licence agreement executed in October 2012, for Movies by Burswood to hold the movies at BIC Reserve, Bassendean for a three year period concluding on 31 March 2015.

With the current agreement the Town meets the cost of waste management, ground maintenance, utilities (power, water), additional toilet cleaning and provides assistance with marketing including a contribution to flyer production. In so doing, the Town has achieved the initial objective of assisting Movies by Burswood become established in the Town and to yield a surplus for the benefit of a large number of charities that it supports.

In terms of adding value to the partnership between the Town and Movies by Burswood, for the first time a joint event was held on Saturday 24 February 2018 for the staging of the "Silent Screen Live Sounds", and a further free showing of 80's movies branded as "Retro 80's Wednesdays" over a four week period on BIC Reserve. An evaluation of these events revealed that attendances to the Cinemas significantly increased as well as the Town benefiting from the opportunity to deliver a unique community event.

For the 2017/2018 community cinema season, Bassendean was reported as the stand out venue which saw a 56.90% increase in its audience. A series of 13 free screenings out of the 77 operating nights were conducted and despite having only 64 nights of ticket sales compared to 2016/2017, the number of paying patrons still increased by 4.75% and box office receipts increased 14.44%. Bar sales also reported an increase by 24% with the Candy Bar increasing by 50.93% resulting in an average customer spend increasing by 34.36% on last season.

The Town is one of three Principal Sponsors and is the 2<sup>nd</sup> highest sponsorship category behind the Naming rights category which is held by Telethon. Movies by Burswood fund a wide range of charitable organisations for the benefit of children in a health or physical crisis and have contributed approximately \$7.75 million to date.

Since the inception, the BIC Reserve has been the location for the staging of the outdoor community cinemas given its central location within the Town, close access to 3-phase power and public toilets, as well as providing an idyllic setting in the form of a semi-natural amphitheatre. One limitation is that the location is in close vicinity to residential properties which has caused some issues in regards to the noise generated by the movie screenings.

Whilst the staging of the outdoor community cinemas on BIC Reserve has generally been successful, some of the limitations identified include :

- The inability to utilise all of BIC Reserve as well as the Bassendean Community Hall (BCH) not being available for hire from 7pm to 10pm from Wednesday to Sunday each week. This has restricted access for the general public to utilise a portion of public open space and the inability to hire out the BCH, has meant that the Town has also forgone potential income;
- The aesthetics of the temporary structure of the outdoor movies in relation to the War Memorial and the green public open space of BIC Reserve. It may well be that the BIC Reserve is not the best location for a temporary outdoor cinema, given the potential mis-match of temporary fencing, giant screen and sea containers compared with the historical, cultural and sentimental value of the War Memorial and green public open space. Due to important public amenities being already established on the BIC Reserve, the location represents the best option at present; and,
- Complaints from nearby residents regarding excessive noise levels caused by the screening of outdoor movies.

### STRATEGIC IMPLICATIONS

#### **Strategic Priority 1: Social**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.2 Activate neighbourhood spaces to facilitate community gathering	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
	1.1.4 Continue to support and facilitate participation in the arts, community festivals and events	
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.	Community / Stakeholder Satisfaction Survey (Activity and connectivity)

### COMMENT

The current agreement requires the Town to provide:

- Access to toilets, power and water, at no cost to the licensee for the Outdoor Movie season for the Term;
- Clean the Licensed area, surrounds and toilets; and,
- Irrigate, maintain, and mow the Licensed area and care for the Licensed Area surrounds, including removing rubbish between movie screenings.

Over the past 6 years from 2012/2013 to 2017/2018, the Town has expended an average of \$20,000 for the staging of the outdoor community cinemas which has largely been attributed to the cost of waste collection, a promotions contribution to Movies by Burswood and labour costs for the Town's Parks and Gardens staff to undertake restoration works of BIC Reserve at the commencement and conclusion of the community cinemas. In-kind costs including utilities, grounds maintenance during the course of the outdoor cinema season and cleaning are embedded in the BIC Reserve operating budget and not quantified.

It is noted that the Town has provided additional promotion for Movies by Burswood at no cost with high profile positioning within Town publications including website, Bassendean Briefings and social media.

Whilst there has been some discussion on re-locating the outdoor cinemas to an alternative site within the Town, the BIC Reserve still offers the best option given the already existing utilities such as 3-phase power and public toilets. Relocating the outdoor cinemas would require sufficient investment by the Town to install 3-phase power and to ensure that essential amenities such as public toilets and adequate lighting are in place.

There is an opportunity cost where the Town also foregoes use, and therefore income, during the screening season from the BCH that is rendered unusable for hire during the times of the movie screenings. The Bassendean Senior Citizens' Centre (BSCC) is available for hire, with users being informed of the movie screenings and the noise that is generated. During the 2017/2018 movie season, the BSCC generated \$951 in hire income for weekend bookings.

Analysing the usage patterns of the community halls over a 12 month period, has revealed that the Town has minimal permanent users that hire the halls during cinema times, with most users hiring the halls on a casual basis from 7pm onwards during the weekend. Applying these usage patterns in relation to the level of income forgone by the inability to hire the BCH, it is estimated that approximately \$177.50 is lost each week or \$2,840 during the course of the cinema season (December to March) and is represented by the following calculations:

Social Functions & Parties Rate for the community halls:  
(Fees & Charges approved by Council for 2017/2018):

- Weekday: \$33 per hour
- Weekend: \$38 per hour

- Average rate based on 1 casual booking each week = \$35.50 ( $\$33 + \$38 = \$71 / 2 = \$35.50$ )
- Average rate of \$35.50 @ 5 hours booking once per week (7pm-12midnight) = \$177.50
- \$177.50 @ 4 weeks @ 4 months = \$2840.000

The estimated loss of \$2,840 due to the inability to hire the BCH can be offset against the income of \$951 received for the hire of the BSCC, resulting in a net loss of potential income of \$1,889.

In terms of the income forgone as a result of the inability to hire the BCH during the cinema season, the Town has also invested on average \$20,000 per annum and in return has attracted an average attendance of 6,962 people per year (2012 to 2018 - 41,771 people attending). Whilst it is difficult to quantify the number of Town residents that attend the cinemas, it is estimated that people attend from within a 5 to 10km radius of the Town.

Taking into account the potential income forgone of \$1,889 and annual expenditure of \$20,000 to stage the cinemas, the Manager Recreation and Culture considers this expenditure a relatively low spend for the benefits returned of attracting nearly 7,000 people per year to the Town, as well as the outdoor cinemas delivering enhanced social amenity to local residents that activates the Town Centre for 4 months of the year.

In line with the staging of the "Silent Screen Live Sounds" and the free showing of "Retro 80's Wednesdays", there is the potential to continue this cross promotion opportunity and extend the offer to community groups, sporting clubs and schools to utilise the outdoor community cinemas as a fundraising exercise with little or no cost to the proponent.

It should be noted that the staging of the outdoor community cinemas does not preclude the staging of other events within the Town Centre such as the Town's Twilight Markets (October to March) and the 2018 Little Italy Street Festival (9 and 10 March). In fact, the staging of additional events to the outdoor community cinemas and vice-versa, compliments the activation strategy for the Town Centre and the Town's Public Events program.

In light of the recent decision by Council regarding the staging of the 2019 Australia Day event OCM - 28/04/18, point 4:

*“Acknowledges that the Australia Day event is part of the annual calendar of events that is currently being considered in the Cultural Plan review and therefore, Council will review its plans for the entire 2020 events calendar, including the Australia Day event, in light of the results of this review when complete.”*

The Manager Recreation and Culture considers it prudent that the outdoor community cinemas be included in this review of the entire 2020 events calendar, that will provide the future direction on the staging of the outdoor cinemas including the location of the cinemas should Council agree to a further term in the future.

As already identified, one of the limitations of staging the outdoor cinemas on BIC Reserve is the noise generated by the movie screenings.

The Town’s Senior Environmental Health Officer has provided the following advice in regards to the noise levels:

*“The event is required to meet the requirements of Regulation 16 “community activities” of the Environmental Protection (Noise) Regulations 1997.*

*The Town has received an increased number of complaints from nearby residents regarding the noise levels of the movie screenings.*

*If complaints regarding noise associated with the screening of the movies are received, the Town would be required to issue a Noise Control Notice on Movies by Burswood. This would require them to control/abate the noise within a specified period. It could also require them to prepare a noise management plan. Failure to comply with the Noise Control Notice or the noise management plan would result in enforcement action. Given that sometimes this is action is necessary, it can also be reactive and time consuming to implement.*

*In viewing locations of other Telethon Community Cinemas sites, they are much further away from residential premises than the BIC Reserve site.”*

If Council did resolve to issue a new licence agreement, the issue of noise levels would need to be closely monitored and managed appropriately.

In determining the future direction for the staging of the outdoor community cinemas, it is important for Council to consider both the merits and the limitations of continuing the partnership with Movies by Burswood.

Options available to Council include either of the following:

1. Maintain the status quo of staging the Outdoor Community Cinemas at BIC Reserve with the following conditions:
  - Closer scrutiny in regards to noise levels meeting Statutory requirements. This would include a planning meeting between Staff and Movies by Burswood to workshop strategies on adhering to acceptable noise levels and implementation of a communications strategy to local residents impacted by the movie screenings;
  - Mandatory aesthetic improvements to be made in regards to the presentation of the temporary outdoor movie structure. This would include a planning meeting between Staff and Movies by Burswood to workshop strategies such as a community art project to enhance the appearance of the cinemas ; and,
  - That the term of the licence agreement be reduced to two years from 1 December 2018 to 31 March 2020, with an option for an extension of a further 12 months. A two year licence agreement will allow sufficient time to consider the outdoor community cinemas as part of reviewing the entire 2020 events program.
2. Re-locate the Outdoor Community Cinemas to an alternative location within/near the Town Centre and not in close vicinity to residential housing:
  - The limitation to this option is that when exploring alternative locations that are not close to residential housing, the options are few;
  - Possibly the best location close to the Town Centre is the area directly behind the Rosetta Gates at Steel Blue Oval;
  - Limitations to this site is that there is no 3-phase power and not in close vicinity to public toilets that are easily accessible, as well as also being close to residential housing; and,
  - In regards to installing 3-phase power, this could be a costly exercise and Council would need to set aside an appropriate level of funding to complete this installation.

3. For the Town not to renew the Licence Agreement with Movies by Burswood Inc. citing the inability to fully utilise the BIC Reserve and BCH over a 4 month period, the aesthetic presentation and excessive noise levels at times due to the screening of movies.

Notwithstanding a review of the entire 2020 events program, The Manager Recreation and Culture would like to recommend to Council that a new Licence Agreement be developed based on the following:

1. That BIC Reserve be retained as the location for the staging of the community cinemas;
2. The term of the new Agreement be for a maximum of two years with an option for a further 12 months to allow sufficient time to consider the outdoor community cinemas as part of reviewing the entire 2020 events program. This review is to also include the options for an alternative location to the BIC Reserve for the staging of the Cinemas;
3. Closer scrutiny in regards to noise levels meeting Statutory requirements and that Movies by Burswood Inc. be required to demonstrate how they will manage the noise levels;
4. Be required to implement mandatory aesthetic improvements regarding the presentation of the temporary outdoor movie structure;
5. That Town Staff hold planning meetings with Movies by Burswood to workshop strategies on adhering to acceptable noise levels and implementation of a communications strategy to local residents impacted by the movie screenings, as well strategies on improving the aesthetic presentation of the cinemas such as the implementation of a community arts project;
6. A financial commitment to include waste management charges and in-kind costs for utilities, grounds maintenance, cleaning and promotion;
7. All other covenants of the existing Agreement (including but not exclusively: licence fee, noise limits, indemnifying the Town, procuring required insurances, acquiring necessary permits and more) being maintained;
8. Consent being granted by the Minister for Land Administration; and
9. The costs incurred by the Town in preparing and executing the new Agreement are met by the Movies by Burswood organisation.

## FINANCIAL CONSIDERATIONS

That staff list an appropriate amount for consideration in the 2018/2019 draft budget.

The current Agreement fee is \$1 per year payable on demand. It is proposed the peppercorn fee be retained.

## OFFICER RECOMMENDATION - ITEM 10.14

That subject to the Minister for Land Administration granting consent to the Agreement, Council authorises the Town enter into a new Licence Agreement for Movies by Burswood Bassendean for a two year period, commencing 1 December 2018 and expiring 31 March 2020 with an option for a further 12 months; and including:

1. That BIC Reserve be retained as the location for the staging of the outdoor community cinemas;
2. Closer scrutiny in regards to noise levels meeting statutory requirements and that Movies by Burswood Inc. be required to demonstrate how it will manage noise levels;
3. Implementation of mandatory aesthetic improvements regarding the presentation of the temporary outdoor movie structure;
4. That Town Staff hold planning meetings with Movies by Burswood Inc. to workshop strategies on adhering to acceptable noise levels, implementation of a communications strategy to local residents impacted by the movie screenings and improving the aesthetic presentation of the cinemas such as the implementation of a community arts project;
5. Town agreeing to meet waste management costs along with in-kind costs for utilities, grounds maintenance, cleaning and promotions;
6. Licence fee be set at \$1 per year payable on demand;
7. Other covenants of the existing Licence, including but not exclusively, noise limits, indemnifying the Town, procuring required insurances and acquiring necessary permits, being retained; and

8. That the future staging of the outdoor community cinemas be included in the review of the entire 2020 events program. The review is to include an assessment of alternative locations to the BIC Reserve.

**Voting requirements: Absolute Majority**

**10.15 Sandy Beach Reserve Nature Based Regional Playground Detailed Design Stage (Ref: PARE/DESCONT/10 – Greg Neri, Acting Director Community Development)**

APPLICATION

The purpose of this report is for Council to resolve to instruct the design consultants, 'Nature Play Solutions' to commence the 'detailed design' stage of the proposed Sandy Beach Regional Playground with consideration to the indicative construction and operating costs provided.

ATTACHMENTS

**Attachment No. 13:**

Concept Rev A Indicative Images  
Schematic drawing  
Sandy Beach Nature Play Space Concept Design Councillors' meeting notes  
Flood Impact Report – BMT WBM Pty Ltd  
Nature-Based Regional Playground Location Report  
Regional Nature-Based Playground Sandy Beach Reserve - Presentation 28 March 2018

BACKGROUND

Council has previously resolved the location the proposed Regional Playground at a site adjacent to Sandy Beach Reserve.

*“OCM-12/12/16 - Nature-Based Regional Playground Location Moved Cr McLennan, seconded Cr Pule, that Council:*

- 1. Agrees to the nature-based regional playground being located on part lot 646 Kitchener road; and*
- 2. Accepts the responsibility for the ongoing maintenance (i.e., management order) for that part of lot 646 Kitchener road that is required for the facility.”*

This previous report is included as an attachment (Nature-Based Regional Playground Location Report).

Subsequently, a Flood Impact Assessment was undertaken by consultants BMT WBM for the selected site. This was prepared independently of the EMRC study and is included as an attachment (Flood Impact Report).

The study's conclusion stated:

*“The proposed playground at Sandy Beach Reserve in Bassendean is predicted to have negligible impact on the peak flood level in the 1% AEP event. The maximum increase in peak flood levels is predicted to be less than 0.025m, which is confined to the Sandy Beach Reserve”*

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

The Regional Playground Working Group, a community reference group of the Liveable Town Advisory Committee, worked with the Consultant on developing the community engagement plan.

The Liveable Town’s Advisory Committee held on 13 June 2017 resolved that Council:

*“Endorses the nature based regional playground concept plan for public comment for a period of four weeks that includes large format prints of the concept plans made available at key locations and that the designers do a presentation to Council after the community feedback is received and prior to the adoption of the final plan.*

From mid-November, the Consultant undertook a program of community engagement to identify the community’s expectations for the facility.

This included a web-based survey (that was also available in hard copy from various Council customer service points), interactive displays in the Library, and staffed displays at the Old Perth Road Markets, the Sundown Showdown event, and Bassendean Village Shopping Centre.

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

A community forum was conducted presenting the feedback received through the consultation initiatives (Attachment: Regional Nature-Based Playground Sandy Beach Reserve - Presentation 28 March 2018), and a summary of the feedback received was presented at a Councillors' Workshop on 1 May.

## STRATEGIC IMPLICATIONS

### **Strategic Community Plan**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.2 Activate neighbourhood spaces to facilitate community gathering	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.	Community / Stakeholder Satisfaction Survey (Activity and connectivity)
2.3 Ensure the Town's open space is attractive and inviting.	2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection.	Community / Stakeholder Satisfaction Survey (Open Space and use of Open Space)
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)

## COMMENT

An allocation was made in the budget to engage a Consultant to design the facility. Following a Request for Quote process, Nature Play Solutions were appointed in October 2016 and have been engaged in consultation with the community on design features and preliminary costings. The relevant section of their brief for this stage of the Project states:

*“Community Consultation/Concept stage:*

- Develop a community engagement program and ensure the community of the Town are provided opportunity to input the design of a Regional scale nature-based playground at or near Sandy Beach Reserve;*
- Using information gained through the community consultation period; determine the final location for the facility, develop a facility concept design plan, with supporting graphics, which are supported by the community;*

- *Provide preliminary cost estimates for the playground and landscape works; and*
- *Provide relevant concept plan support information for the writing of a report to Council for initial sign-off.”*

Nature Play Solutions has undertaken significant consultation with the community, alongside Council staff, including conducting surveys and a community workshop.

These consultations led to the development of a ‘Concept Plan’ based on the feedback received from the community.

Councillors were invited to a workshop in early May, where they were presented with the findings of the community consultation, and invited to offer their own specific feedback on the concept plan.

The additional feedback offered by Councillors, and to be incorporated in the detailed design stage, is included in the attachments to the agenda.

Included within this agenda as a confidential attachment is a preliminary cost assessment.

Councillors were informed by the Consultants that there would be further incremental opportunities for input at various stages of the detailed design process.

Completion of a detailed design for the project will be required before planning and funding applications can be sought.

### STATUTORY REQUIREMENTS

Local Government Act 1995

### FINANCIAL CONSIDERATIONS

The project design funds are listed in the 2017/18 Budget.

If Council were to choose to modify the concept plans to be sent to detailed design, further concept modification work may incur extra costs dependent on the changes sought.

Indicators of the possible ongoing maintenance costs of have been estimate and circulated.

**OFFICER RECOMMENDATION — ITEM 10.15**

That Council endorses the concept plan with reference to the indicative construction and ongoing cost assessments, and progresses to the detailed design stage of the Sandy Beach Reserve Nature Based Regional Playground, as attached to the Ordinary Council Agenda of 22 May 2018.

**Voting requirements: Simple Majority**

**10.16 Construction of the Bassendean Men's Shed (Ref: COMR/LIAS/3 – Greg Neri, Acting Director Community Development)**

**PURPOSE**

The purpose of this report is for Council to consider the location and financial viability of constructing a Men's Shed facility to be leased to the Bassendean Men's Shed Association (Inc.).

**ATTACHMENTS**

**Attachment No. 14:**

- Hon Fran Logan MLA –Fire Station Correspondence.
- Bassendean Community Men's Shed email.
- Contamination Report.

**BACKGROUND**

Officers met with Lotterywest in December 2017 to progress the application lodged in June 2017.

Lotterywest had previously indicated that a grant of \$500,000 was being earmarked for the construction of the Bassendean Men's Shed. Lotterywest indicated to Officers in December 2017 that the current landscape had changed with regards to a diminishing funding pool and a change of direction with a new State Government and executive leadership of Lotterywest.

Lotterywest indicated to Officers that it was less likely that a grant of \$500,000 would be approved for the construction of a shed. Despite this, Officers continued to provide additional information to Lotterywest to give the application every chance of success.

A Councillors' Workshop was conducted on 21 March 2018 to consider how to progress given that Lotterywest had approved a reduced grant of \$200,000. It was agreed to reconsider May Holman Reserve and the Fire Station as alternative sites to the Depot site such that the funds allocated for renovating the Depot could be reallocated as contribution to constructing the Men's Shed. A report on the final preferred site and facility funding model was requested for the May 2018 OCM.

## STRATEGIC IMPLICATIONS

### Strategic Community Plan 2017-2027

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
	1.1.2 Activate neighbourhood spaces to facilitate community gathering	
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.	Community / Stakeholder Satisfaction Survey (Activity and connectivity)  Volunteer Rate
5.2 Proactively partner with the community and our stakeholders	5.2.3 Advocate and develop strong partnerships to benefit community	Community / Stakeholder Satisfaction Survey (Community engagement and participation)

### COMMENT

Presented with reduced funding parameters, Officers have reviewed the options available in regard to not only alternative locations, but also the minimum specifications required by Development Services.

Initial quotes obtained earlier in the Project's development included a 'bespoke' building design encapsulating all of the elements desired by the Men's Shed group. Officers are proposing that these designs are replaced with a prefabricated 'shed kit' of the same dimensions, but forgoing much of the interior fit out and features.

The specifications required would include construction of a kit shed on a concrete pad, and would include; unisex and universally accessible toilets, a modest kitchen area, lighting and power outlets. These minimum specifications have reduced the estimated costs significantly, and offer the possibility of the Project remaining viable, within the funding constraints.

Officers were tasked with reviewing the costs associated with constructing a shed at 3 different sites and have undertaken an initial assessment utilising existing organisational expertise and the assistance of contractors.

Note that these figures are estimates only, and a more detailed analysis would be prudent if Council decided to proceed with any of the options proposed.

Negotiating any planning or approvals necessary for each site may also have implications on the Lotterywest grant guidelines, which require the Town to commence drawing down on the funding by November 2018.

Representatives of the Bassendean Men's Shed Association have expressed that any lengthy planning or approval processes would be undesirable to members.

### **Site Analysis**

#### **Site A – Scaddan St Depot**

This site was the project's original selection and comes with some advantages in that the site has been secured from a planning perspective and more work has been done to assess its suitability for purpose. The site's main disadvantage is that it requires \$85,000 to prepare it for building, which includes retaining walls, demolition of existing structures, and other site works. An additional \$85,000 would be required to replace displaced Depot infrastructure, required for the storage of chemicals and gardening supplies/equipment. Cost estimates are set out in the table below. Other obstacles to building at this site would be the works required to connect to the sewerage system, and the horizontal boring required to connect 3-phase power from the existing Depot board.

#### **Cost Assessment – Scaddan St Depot Site**

*N.B. There are no allocations included for contingencies and these prices are based on discussions with contractors, and may change if Council advertises for formal quotes.*

Element	Estimate	Notes
Site preparation (combined)	\$85 000	Demolition, retaining, leveling, fencing and all other prep work to make site ready to build
Replacement of Asset Services storage area	\$85 000	All works relating to replacement of existing Asset Services building
Prefabricated shed kit	\$55 000	Quotes received from Western Sheds, Action Sheds and Wide Span Sheds
Shed installation	\$25 000	Utilising a registered builder
Concrete pad	\$30 000	100mm suitable for 'bolt down' style sheds
Car park	\$60 000	Average of estimates received from Development Services and Asset Services. Around 9 bays with curbing and markings
Car park lighting	\$5 000	
Toilets	\$15 000	1 x Unisex, 1 x Unisex Accessible Stud wall construction with minimum features
Kitchen	\$15 000	Kit Kitchen
3 Phase power and interior electrical services	\$40 000	Includes horizontal boring from east side of Depot site. Includes 16 LED lighting fixtures and 6 double power outlets
Sewerage extension and connection	\$40 000	Includes extension of sewer pipe from rear of TADWA site. Approximately 50m.
Water supply	\$1 500	
Landscaping and reticulation	\$5000	78 square metres of landscaping and plantings, with reticulation
Building permits	\$400	
<b>Expenses</b>	<b>\$461 900</b>	
Lotterywest Grant	\$200 000	
Existing site prep/asset replacement allocation	\$170 000	
<b>Available Funds</b>	<b>\$370 000</b>	
Approximate Net shortfall	-\$91 900	

### Site B – Lot 590 May Holman Drive

This site was proposed as an alternative to demolition of the dog kennels at the Town's Depot site. This option would propose to reallocate the funds previously allocated to the Depot site toward building preparations and/or construction at the May Holman Drive reserve.

This site would require building at the rear of the land parcel to avoid a large storm water drain running through the front of the property. Building at the rear of the site would require a 1.5 metre retaining wall and associated clean fill. The loss of the trees at the rear of the site may also be a consideration. Officers have received advice that it would not be economically feasible to make any modifications to the location of the drain, and that some retaining would still be required.

An obvious advantage would be the lack of building demolition and replacement of storage buildings required at the Depot site.

The CEO has received recent advice regarding the site from the Department of Planning, Lands and Heritage. The Department has stated:

*“In relation to the below I can advise that the Department can facilitate the repurposing of Reserve 45364 from ‘Public Recreation’ to ‘Community Purpose’ with a change to the management order to allow sub-leasing to facilitate a Men’s Shed on the site.*

*We have referred this to our Planning Division colleagues and they are agreeable to the proposed changes to the reserve. Any proposed buildings on the site will still need to go through the usual planning and building requirements.*

*Should the Town agree to move ahead with this proposal we can have the tenure amended quite quickly as it is only a change to the Crown documents and this is undertaken by the Department. I would think we could progress something like this in a couple of weeks.”*

There would not be a need for community consultation, as the land is staying in the Crown estate and would still be used for a community purpose and managed by the Town directly.

The site is classified as a contaminated site and the report from the Department of Water and Environmental Regulation is attached.

The report does, however, state:

*“The site is suitable for commercial and industrial land use only. Further contamination assessment and/or remediation will be required before the use of the site is changed to a more sensitive use (such as residential, school or public open space).”*

#### Cost Assessment – May Holman Dve Reserve

*N.B. There are no allocations included for contingencies and these prices are based on discussions with contractors, and may change if Council advertises for formal quotes.*

<b>Element</b>	<b>Estimate</b>	<b>Notes</b>
Crossover	\$2 500	
Retaining walls and fill	\$80 000	
Prefabricated shed kit	\$55 000	Quotes received from Western Sheds, Action Sheds and Wide Span Sheds
Shed installation	\$25 000	Utilising a registered builder

Concrete pad	\$30 000	100mm suitable for 'bolt down' style sheds
Car park	\$60 000	Average of estimates received from Development Services and Asset Services Around 9 bays with curbing and markings
Car park lighting	\$5 000	
Fencing	\$8 000	81 metres
Toilets	\$15 000	1 x Unisex, 1 x Unisex Accessible Stud wall construction with minimum features
Kitchen	\$15 000	Kit Kitchen
3 Phase power and interior electrical services	\$26 000	Deployed as a new connection, includes trenching from Western Power pillar. Includes interior services of 16 LED light fittings and 6 double power outlets.
Sewerage	\$25 000	Includes extension of sewer pipe from across the road
Water	\$20 000	Sourced from across the road
Landscaping and reticulation	\$5000	78 square metres of landscaping and plantings, with reticulation
Building permits	\$400	
<b>Expenses</b>	<b>\$371 900</b>	
Lotterywest Grant	\$200 000	
Existing site prep/asset replacement allocation	\$170 000	
<b>Available Funds</b>	<b>\$370 000</b>	
Net shortfall	-\$1 900	

### Site 3 - Former Fire Station Parker Street

This site would be suitable for Men's Shed operations with a minor fit out and some maintenance items addressed.

The site would need to be purchased by the Town or vested in the Town of Bassendean with a Management Order from the Department of Fire and Emergency Services.

The Town has written to formally request this management order on 16 April 2018 (See attachment Hon Fran Logan MLA), and the Acting Director Community Development has sent a follow up email to Mr Dave Kelly on 27 April 2018. No responses have been received to date.

The former Fire Station poses some issues in that it is listed as a contaminated site, has some degree of heritage listing, and has proximity to residential buildings precluding prolonged noise pollution potentially created by the Men's Shed's operations.

Use of grant funding for the refurbishment or part purchase of the Fire Station has not been discussed with Lotterywest.

The options available to Council include:

1. To select their desired site for the construction of a Men's Shed based on the initial cost estimates and planning constraints provided;
2. To request staff undertake more formal cost or planning analysis of one or more sites;
3. To consider further Council allocations to address the funding shortfall for a selected site;
4. To facilitate a self-supporting loan on behalf of the Bassendean Men's Shed Association, to address a funding shortfall for a selected site; and
5. To pursue no further action in regards to the Men's Shed proposal.

#### STATUTORY REQUIREMENTS

##### *Local Govt Act 1995*

The Land Administration Act permits the vesting of Crown land for the care and use of organisations where there is a public benefit.

#### FINANCIAL CONSIDERATIONS

Should Council agree to the Town undertaking the project at one of the sites described, its financial contribution to the project could potentially include:

1. Dedicating a parcel of land for the purpose;
2. Outright purchase of an existing building;
3. Budget allocations to address the Lotterywest funding shortfall;
4. Financial risks inherent in facilitating a self-supporting loan;
5. In-kind project management and supervision opportunity costs; and
6. Actual costs being significantly higher than those suggested informally by contractors and staff.

It should be noted that additionally, at the Ordinary Council Meeting conducted on Tuesday 27 October 2015, Council resolved:

*“OCM – 11/10/15 MOVED Cr Pule, Seconded Cr McLennan, that Council:*

*Lists operating subsidy amounts for the Bassendean Men’s Shed Association, as defined in the Lease Agreement, in the corresponding year’s Budget being:*

<i>Year of Operation</i>	<i>Subsidy Allocation</i>
<i>2017/18</i>	<i>\$25,000</i>
<i>2018/19</i>	<i>\$20,000</i>
<i>2019/20</i>	<i>\$15,000</i>
<i>2020/21</i>	<i>\$10,000</i>
<i>2021/22</i>	<i>\$5,000”</i>

Discussions with a spokesperson from the Bassendean Men’s Shed Association raised the option of exploring removal of the 5 year subsidy funds, if these could be used to assist in addressing a budget shortfall. This feedback is included in the attached email from the Men’s Shed.

The possibility of reviewing the operating subsidy in the context of additional contributions from Council, was discussed during a deputation by a Men’s Shed Association spokesperson, at the Council Briefing Session held on 15<sup>th</sup> May 2018.

The current ‘seed funding’ subsidy agreement relates to construction and operation at the Scaddan St site. If Council were to select an alternate site, the viability of an operating subsidy may need to be considered in the context of any increased or reallocated funding.

#### OFFICER RECOMMENDATION — ITEM 10.16

That Council:

1. Selects its preferred site based on the cost estimates and site analysis provided;
2. Undertakes formal request for quote processes to confirm the findings of Officers’ preliminary cost analysis, for a preferred site;
3. Dependent on these decisions, refers any potential additional funding of the Bassendean Men’s Shed to the draft 2018/19 Budget;
4. Considers the viability of an operating subsidy within a revised lease agreement, in the context of any increased or reallocated funding; and

5. Notifies the Bassendean Men's Shed Association (Inc.) and Lotterywest of any decisions made.

**Voting requirements: Simple Majority**

**10.17 Draft Local Economic Overview (Ref: LUAP/BASSEDEAN/LPS 2017-2030 – Anthony Dowling, Director Strategic Planning)**

**APPLICATION**

As part of the process of reviewing and revising the Town's current *2015 Local Planning Strategy* (LPS) and developing a new economic and commercial activity strategy (a requirement of the current *Corporate Business Plan 2017-2021*) an overview of the Town's local economy has been prepared and is now presented to Council for its endorsement.

Council's endorsement of the Overview is requested as it can then be publically accessed, utilised and referenced as an authoritative resource for information and data on the Town's key demographics.

This type of information is often required to be referenced in the preparation of feasibility studies and business cases for various proposed Town projects and programs, especially where external funding is sought to fund these projects and programs.

It can also influence and assist in investment decision-making by others seeking to invest in the Town in various ways (eg. land development, business services, employment etc).

A copy of the overview and an infographic of the key characteristics from the overview are provided provided as attachments.

**ATTACHMENTS**

**Attachment No. 15:**

Final Draft - Local Economic Overview  
Infographic of Key Characteristics

**BACKGROUND**

In October 2017, following a select Request for Quotation (RfQ) process, the Town commissioned FAR Lane (a Perth-based consultancy) to prepare the Bassendean Local Economic Overview.

It was developed using data sourced from the Town of Bassendean Business survey, ABS 2016 Census, the Real Estate Institute of WA (REIWA), and the Department of Planning, Lands, and Heritage (DPLH) *Land Use Employment Survey 2015*.

There was a delay in preparing the initial draft overview due to some errors with the ABS 2016 Census data which required rectification by the ABS.

Once rectified, an initial draft overview was prepared and submitted to the Town administration for internal review. Upon completion of the internal review, a further draft was prepared and then presented to Councillors and community members of the Town's then Design Bassendean Committee at an information workshop held on 19 March 2018 for consideration, review and feedback etc.

A final draft has since been prepared and is now presented to Council for consideration of endorsement. This final draft comprises:

- (i) A **local demographic profile**, incorporating local residential market expectations;
- (ii) A **local economy profile**, including key employment demographics;
- (iii) Identification of **key growth sectors** such as advanced manufacturing, food and agribusiness, medical technologies and pharmaceuticals, mining equipment, technology services, and oil, gas and energy resources;
- (iv) **Commercial floorspace projections**, which will assist in determining whether additional land within the Bassendean local government area (LGA) ought to be set aside to accommodate future retail and commercial use and development, bearing in mind projected population growth and infill dwelling targets; and
- (v) An overview and commentary on **live-work** and **microbusiness trends** as these types of uses are becoming more prevalent within the Town and for which demand is increasing for the provision of frameworks and infrastructure to support the development of these emerging uses.

The overview also includes commentary and insight on what the key demographics present as well as proffering some suggestions in respect to supporting or driving the development of key growth sectors, live-work and micro-business activity, aging in place, renewal of housing stock, and transit-oriented development (TOD).

These insights and suggestions will be considered and addressed (where applicable) through the current review of the local planning strategy, and the development of a new economic and commercial activity strategy as identified in the current *Corporate Business Plan 2017-2021*.

Additionally, and in order to graphically illustrate to the Bassendean community and future investors the Town's key demographics, insights and findings etc presented in the Overview, the consultant is presently preparing five infographics around the following themes:

- Key Population Characteristics/Demographics
- Housing
- Bassendean Economy
- Key Industries
- Future growth (retail demand)

It is intended that these infographics (together with the Overview document) be posted on the Town's website for public information and reference.

It is also intended to update current Town corporate documents to reflect (where applicable) the current data and demographics presented in the Overview.

### STRATEGIC IMPLICATIONS

The Local Economic Overview has the capability of informing to various degrees, most of the strategies listed under the social, built environment and economic strategic priority areas in the Town's *Strategic Community Plan 2017-2027*.

### COMMUNICATION AND ENGAGEMENT

As previously mentioned, a draft of the Overview was presented to Councillors and community members of the Town's former Design Bassendean Committee (now the Design Bassendean Advisory Group) at a Councillors' Information Workshop held on 19 March 2018.

The final draft now being considered for endorsement incorporates feedback provided at and subsequent to the aforementioned workshop.

## COMMENT

The identification of Bassendean's key demographics and the consultant's insights as to what these currently reflect provides an enhanced understanding of Bassendean's local economy enabling the identification and consideration by Council of any interventions deemed necessary to assist in improving long term outcomes for Bassendean residents and industry.

The data and demographics provided in the Overview proffers some key considerations as follows in guiding the Town's future growth and development:

1. Based on the WAPC's additional dwelling target of 4,150 dwellings by 2050 (*Perth and Peel @ 3.5 Million*) the annual average population growth is anticipated to increase by 1.6% per annum, a modest increase from the 1.2 % per annum experienced between 2006 and 2016;
2. The demand for increased and enhanced aged services, enhanced mobility, and allowing 'ageing-in-place', is likely to become paramount in the near future;
3. Demand for single family housing remains firm and desirable but at least a quarter of households within the Town reside alone in this type of housing which is excluding opportunities for young families to occupy or take up this type of housing within the Town. This consideration may be a reflection of a lack of sufficient alternate housing types such as housing units and apartments (including for retirement) or even ancillary dwellings within the Town for existing residents to move into and occupy;
4. The extent of spare bedrooms within dwellings offer opportunities for affordable shared living for non-families;
5. Traditional industry (eg. large-scale machinery manufacturing and assembly) in Bassendean appears to be declining (due to automation) and is likely to be replaced by offices, logistics services, warehousing, and small-scale localized high-tech manufacturing and assembly within reduced building footprints—this may lead to the current industrial nature of the Tonkin Business park transforming over time;
6. There is likely to be a trend also towards localization or small-scale retailing and commerce leading to less demand for the development of further larger shopping centres;

7. The development of the Colstoun Road shopping centre area as a 'District-level Centre' (as defined in State Planning Policy 4.2) is likely to take a long time (unless substantial residential density development occurs in the short-medium term future);
8. Reducing current impediments to allowing working from home and establishment of home-based businesses; and
9. The Town's emergence as a centre for creative industries.

The Overview also provides a foundation for the development of relevant baseline data as identified in the Town's *Corporate Business Plan 2017 – 2021*.

Because much of the data provided in the Overview is derived from freely available resources such as that provided by the ABS, DPLH, REIWA etc, the data can be regularly obtained, updated and reported on accordingly. This will ensure that key data and demographics about the Town remains up-to-date and relevant.

To provide further indicators as to how Bassendean's economy may be performing, and to augment the data and demographics provided in the Overview, the Town could also collect, analyse, and publically disseminate relevant data derived from its own corporate activities.

Examples of such data include the number, type, and value of new lots created through land and strata-title subdivision; land development activity (number, type, and value of development approvals issued); building activity (number, type and value of building permits issued); the number, type and value of other licences and permits issued; usage patterns of Town facilities etc.

Whilst much of this data collection and analysis is already inherent within many of the projects and programs the Town undertakes, the Town's administration will examine ways in which this data can be regularly collected, succinctly analysed, and presented to Council in a coherent way.

#### STATUTORY REQUIREMENTS

Nil.

#### FINANCIAL CONSIDERATIONS

Nil.

**OFFICER RECOMMENDATION — ITEM 10.17**

That Council endorses the Bassendean Local Economic Overview prepared by FAR lane dated March 2018, as attached to the Ordinary Council Agenda of 22 May 2018.

**Voting requirements: Simple Majority**

**10.18 Draft Election Caretaker Periods Policy for limitations on Council's Decision Making and Expenditure during the Local Government Election (Ref: GOVN/COUNCILS/1 - Bob Jarvis CEO)**

APPLICATION

Council is requested to consider adopting a policy which specifies a period of time leading up to a local government election during which the Council is required to ensure that its decision making has no influence over the election, is impartial, and makes no major financial or legal commitments which will be binding on the Council post election day.

ATTACHMENT

**Attachment No. 16:**

Draft Election Caretaker Periods Policy

BACKGROUND

At its Ordinary Meeting in January 2018, Council adopted the following resolution:

*"That Council:*

- 1. Endorses the introduction of a caretaker period in the lead up to ordinary local government elections; and*
- 2. Requests staff prepare a draft "Caretaker Period Policy" for Council's consideration in advance of the next local government election scheduled for 2019."*

The Department of Local Government certainly encourages Councils to explore this option as it seeks to avoid a Council appearing to be not impartial in the lead up to an imminent election, or making decisions which have significant long term financial or legal commitments and implications for the local government and are binding in nature, controversial, or appear to favour one or more candidates for the election.

A number of metropolitan councils in Western Australia have developed such a policy, and the one provided for Council's consideration is seen as a reasonable model, unambiguous and clear in what it seeks to curtail or prevent.

## COMMUNICATION AND ENGAGEMENT

None has taken place, but if Council wishes it could resolve to seek the views of the community on the proposed policy prior to adoption.

## STRATEGIC IMPLICATIONS

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked.  Asset Ratio Benchmarked

## STATUTORY REQUIREMENTS

Council decision making is controlled by the Local Government Act 1995 and the Town's Standing Orders Local Law. The policy proposed doesn't conflict with these but rather urges Council to pursue resolutions which comply with the policy and avoid those that do not.

## FINANCIAL CONSIDERATIONS

Nil

## COMMENT

Some concerns have been raised about urgent items that need to be resolved by Council during the caretaker period. A Clause which is shown in the Policy, as follows, should be able to accommodate any of those circumstances.

### **Extraordinary Circumstances**

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The Chief Executive Officer is to have regard to a number of circumstances, including but not limited to:

- a) Whether the decision is 'significant';
- b) The urgency of the issue (that is - can it wait until after the election);
- c) The possibility of legal and/or financial repercussions if it is deferred;
- d) d)Whether the decision is likely to be controversial;  
and
- e) The best interests of the Town of Bassendean.

Any such matters could be dealt with by a Special Council Meeting called for the purpose of dealing with that issue, and only that issue – instead of an Ordinary Meeting of Council. The CEO makes the call so as to avoid any claims of political interference.

#### OFFICER RECOMMENDATION – ITEM 10.18

That Council adopts the Election Caretaker Periods Policy attached to the Ordinary Council Agenda of 22 May 2018.

**Voting requirement: Absolute majority**

**10.19 Review of Council Briefing Session Guidelines (Ref: GOVN/CCLMEET/1 – Bob Jarvis – Chief Executive Officer)**

APPLICATION

The purpose of this report is to correct an anomaly between the Policy 6.2 and the Council Briefing Session Guidelines that were adopted in November 2017 and December 2017 respectively.

ATTACHMENTS

**Attachment No. 17:**

- Policy 6.2 - Council Meeting Schedule
- Council Briefing Sessions Guidelines

BACKGROUND

At the November 2017 OCM, Council resolved (OCM – 39/11/17):

MOVED Cr McLennan, Seconded Cr Brown, that Council:

- a) Rescinds parts 1, 3 & 4 OCM - 13/12/16, which reads:
  - “1. *Briefing Sessions be held two hours prior to a monthly Council meeting;*
  3. *The agenda for the Briefing Sessions be made available in hard copy and electronically to Councillors & Staff only and on request to public members; and*
  4. *The agenda be made available on a Thursday prior to the Ordinary Council meeting to Councillors”;*
- b) Amends the Council meeting calendar to schedule Agenda Briefing Sessions one week prior to the monthly Ordinary Council Meeting, generally on the third Tuesday of the month, commencing at 7.00pm, effective from the commencement of 2018;
- c) Resolves that Agenda Briefing Sessions will:
  - i) be open to the public (with the exception of “confidential items”);
  - ii) include addresses by members of the public, deputations on agenda items, reports, notices of motion and confidential items;

- d) Requests the agendas for Briefing Sessions & Ordinary Council Meetings be made available:
  - i) by the Friday prior to the scheduled meeting date; and
  - ii) electronically to Councillors and staff by default with hard copies only available upon request; and
- e) Amends Policy 6.2 Council Meeting Schedule accordingly and gives local public notice advertising the change of schedule to comply with Regulation 12(2) of the Local Government (Administration) Regulations.

At the December 2017 OCM Council resolved (OCM – 16/12/17):

MOVED Cr Mykytiuk, Seconded Cr Quinton, that Council adopts the Briefing Session Guidelines attached to the Ordinary Council Meeting Agenda of 19 December 2017, with the following addition: Deputations – Required to apply to the Mayor at least 24 hours prior.

CARRIED UNANIMOUSLY 7/0

## STRATEGIC IMPLICATIONS

### **Strategic Priority 5. Good Governance**

*Objective 5.1 - Enhance organisational accountability*

#### COMMENT

At the April 2018 Briefing Session, there was considerable time given to limited members of the public who addressed the Mayor on matters which had been dealt with at previous meetings.

It is also recognised that there was no sufficient detail in the Guidelines to provide direction to the public that the Presiding Member's rulings are to be observed and that the Presiding Member is to be treated with due respect.

The meetings are not governed by the Standing Orders Local Law, nor are they covered by the Local Government (Administration) Regulations as they pertain to meetings of a local government, limited control by Councillors to moderate behaviour by members of the public.

It should also be noted that the adopted policy did not include questions, only addresses by members of the public. Questions were included in the adopted Guidelines.

It is assumed that the policy sought to allow Councillors to ask questions, but did not envisage or endorse questions by members of the public. The revised Guidelines reflect this change.

It is therefore recommended that the guidelines be amended to provide direction and clarity to the Presiding Member, Staff, and the public on the expectations of the Town of behaviour by attendees, and the actions that could be taken in the authority of the presiding member being challenged when trying to restore order.

A copy of the amended guidelines is included as an attachment.

### STATUTORY REQUIREMENTS

The Briefing Sessions have no legislative requirements and as such guidelines are developed that ensure there are rules regarding the conduct of the meeting.

The Local Government (Rules of Conduct) Regulations, and the Town of Bassendean Code of Conduct apply to Councillors. The Town's Code of Conduct applies to Staff.

### FINANCIAL CONSIDERATIONS

Nil.

### OFFICER RECOMMENDATION — ITEM 10.19

That Council adopts the revised Briefing Session Guidelines as attached to the Ordinary Council Agenda of 22 May 2018.

**Voting requirements: Simple Majority**

**10.20 River Parks Committee Meeting held on 8 May 2018 (Ref: GOVNCCL/MEET/33 – Simon Stewert-Dawkins, Director Operation Services)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the River Parks Committee held on 8 May 2018, and consider the recommendations from the Committee.

ATTACHMENTS

**Attachment No. 18:**

River Parks Committee Minutes of 8 May 2018

BACKGROUND

The River Parks Committee meets at least quarterly as follows: 6 February, 8 May, 7 August and 6 November.

COMMENT

The following reports were presented to the committee:

Department of Planning, Lands & Heritage - Draft 2018-2023 Ashfield Flats Reserve Works Program

The RPC – 1/5/18 recommendations are provided in the attached River Parks Committee minutes. In essence, the Committee provided feedback on the draft 2018-2023 Ashfield Flats Works programme and requested Council asks the Department of Planning, Lands & Heritage to amend the Draft 2018-23 Ashfield Flats Works Programme to ensure controlled access to the Swan River foreshore is identified on the plan.

In addition, the Committee recommended to Council that the amended draft 2018-2023 Ashfield Flats Works Programme be uploaded to the “Your Say” Town of Bassendean website for community consultation and advertised via Facebook; that the Department Planning, Lands & Heritage erect appropriate signage onsite to educate and inform the community on the proposed restoration works and invite feedback via the Town of Bassendean’s “Your Say Bassendean” website.

As part of this community consultation process, the Committee recommended that the Town of Bassendean, in conjunction with the West Australian Planning Commission, Department of Planning Lands & Heritage, Department of Biodiversity Conservation and Attractions, and Department of Water, provide a community briefing on the proposed draft concept plan and invite feedback using the “Your Say Bassendean” website and feedback received is to be provided directly to the Department of Planning, Lands & Heritage for their consideration prior to the Department of Planning, Lands & Heritage providing a full report to the River Parks Committee for consideration.

The Committee also recommended to Council, that the Town requests that the Department of Transport review the current boat speed on the upper reaches of the Swan River and undertake a community education and water policing programme.

It should be noted that at the February 2018 River Parks Committee meeting, the Department of Planning, Lands & Heritage, presented a deputation the proposed 2018-2023 works programme and advised that the plan was intended to be part of the consultative process with the key stakeholders, before finalising, and that once the consultative process had been completed, the document would be submitted to WAPC to seek formal sign off.

At the February 2018 Committee meeting, the Department of Planning, Lands & Heritage had not received sign off and had not received funding in order for the works to commence. After this meeting, the Town of Bassendean Officers liaised with the Department of Planning Lands & Heritage to provide preliminary feedback on the draft 2018-2023 Ashfield Flats Works programme and at the same time suggested that the programme be re-presented to the May 2018 Committee meeting.

On 8 May 2018, the Department of Planning, Lands & Heritage Senior Field Management Officer, briefed the Committee on the progress of the Ashfield Flats Works Programme and at the meeting, advised that funding had been approved for the priority works, however, the funding had to be expended by 30 June 2018. The Department of Planning, Lands & Heritage also that the three main priorities are:

1. *Protection of the foreshore from further erosion. Erect a fence/barrier to protect the degrading areas and encourage re-vegetation. Fence with controlled access points will allow for replanting and regrowth. Will not be denying complete access to the foreshore. Will be complemented by signage to inform the community on what is being done and why. Logos of state government agencies including the Town of Bssendean will be on the signage.*
2. *Realign the walk path along the foreshore – one of many contributors to foreshore erosion. Erect a compound for storage of materials.*
3. *Hydrological study of the main wetlands. Critical work, as the water flow has been significantly diverted and changed over the last 50 years. July/August 2018.*

Since July 2006 (OCM - 12/07/06) Council has been lobbying the State Government to allocate funding for the long term management of Ashfield Flats Reserve. It's unfortunate that at this stage in the 2017/2018 financial year, that the Council is advised that funding is available to commence program.

Whilst the Department of Planning, Lands & Heritage has not advised the budget allocated to be expended by 30 June 2018, the attached draft Ashfield Flats Works Program v4 2018-2023 plan includes estimated costs for each task.

On 10 May 2018, the Department of Planning, Lands & Heritage Senior Field Management Officer advised that the Department is keen to move on this matter, however, the funding is contingent on the works being able to be commenced prior to 30 June 2018. The Senior Field Management Officer advised that unfortunately if the funding is lost, while the Department will continue to advocate for this project, it is unable to guarantee if future funding will be made available or when such funds may be available.

In regards to the River Parks Committee recommendations, the Town has commenced preliminary discussion and is working cooperatively with the Department of Planning Lands & Heritage to implement the recommendations, which involves:

- Manufacture and installed of signage
- Promotion of the draft 2018-2023 Ashfield Flats Works programme via Facebook;
- A community briefing session;
- Community engagement via "Your Say Bassendean" website;

- Report back to the River Parks Committee on the consultation process findings;
- River Parks Committee minutes to Ordinary Council Meeting.

However, considering that the Department of Planning Lands & Heritage require that the proposed construction works to commence prior to 30 June 2018, it is unlikely that the River Parks Committee recommendations to Council will be completed in sufficient time for the Department to commence works.

Considering the Department of Planning, Lands & Heritage provide the initial draft plan in February 2018 and ongoing consultation has occurred, and as a result, the plan has progressively changed to reflect the feedback received, Council may wish to consider the River Parks Committee recommendations concerning the controlled access to the Swan River foreshore in the context of the latest draft Ashfield Flats Works Program v4 2018-2023 plan.

Pending Council deliberations, potentially Council could authorise the CEO to write to the Department of Planning, Lands and Heritage; endorsing an amended draft Ashfield Flats Works Program v4 2018-2023 plan with any requested change. This would allow the Department to progress the detailed path designs with the Department of Biodiversity, Conservation and Attractions, obtain the required permits for the new path alignment and commence the construction works prior to the 30 June 2018.

#### Bushcare Volunteer Action Plans 2018/2019

The RPC – 2/5/18 recommendations are provided in the attached River Parks Committee minutes. In essence, the Committee received the Volunteer Action Plans from Bassendean Preservation Group, Friends of Bindaring Park Bassendean and, Friends of Success Hill Reserve and Officers will list for Council consideration funding in the 2018-19 financial year to cover Volunteer Form 3 Request for Assistance that each group has submitted.

### Ashfield Flats Reserve – Fox Activity

The RPC – 3/5/18 recommendations are provided in the attached River Parks Committee minutes. The Committee received the November 2018 Fox Activity Survey and noted the Fox Monitoring & Trapping Program received from consultant Natural Area Management Services (NAMS) and that it is currently under review by the Western Australian Planning Commission

The Committee requested that Council authorises the Town of Bassendean to include fox monitoring to Pickering Park and Bindaring Park.

### OFFICER/COMMITTEE RECOMMENDATION – ITEM 10.20

That Council:

1. Receives the report on a meeting of the River Parks Committee of 8 May 2018 attached to the May 2018 Ordinary Council Meeting agenda, and
  - a) Notes the Department of Planning, Lands & Heritage is working with key stakeholders and seeking comments on the draft 2018-2023 Ashfield Flats Works Programme; and
  - b) Requests the Department of Planning, Lands & Heritage receive and acknowledge the Committee feedback on the proposed draft 2018-2023 Ashfield Flats Works programme;
2. Requests that the Department of Planning, Lands & Heritage amend the Draft 2018-23 Ashfield Flats Works Programme to ensure:
  - a) controlled access to the Swan River foreshore is identified on the plan;
  - b) the amended draft 2018-2023 Ashfield Flats Works Programme is uploaded to the “Your Say” Town of Bassendean website for community consultation and advertised via Facebook;
  - c) the Department Planning, Lands & Heritage erect appropriate signage onsite to educate and inform the community on the proposed restoration works and invite feedback via the Town of Bassendean’s “Your Say” website;

- d) the Town of Bassendean in conjunction with the West Australian Planning Commission, Department of Planning Lands & Heritage, Department of Biodiversity Conservation and Attractions, and Department of Water provide a community briefing on the proposed draft concept plan as part of the community consultation process;
  - e) the “Your Say” feedback is provided directly to the Department of Planning, Lands & Heritage for their consideration prior to the Department of Planning, Lands & Heritage providing a full report to the River Parks Committee for consideration;
3. Requests the CEO write to the Department of Transport review the current boat speed on the upper reaches of the Swan River and undertake a community education and water policing programmes;
  4. Receives the 2018/2019 Bushcare Volunteer Action Plans submitted by the the Bassendean Preservation Group, Friends of Bindaring Park Bassendean and, Friends of Success Hill Reserve;
  5. Lists funds for consideration in the draft 2018/2019 budget to assist the Bushcare Volunteer groups to implement their submitted Volunteer Form 3 Request for Assistance action plans; and
  6. Receives the November 2018 Fox Activity Survey and –
    - a) Notes the Fox Monitoring & Trapping Program received from consultant Natural Area Management Services (NAMS) is currently under review by the Western Australian Planning Commission; and
    - b) Requests that the Town of Bassendean includes fox monitoring to Pickering Park and Bindaring Park.

**Voting requirement: Simple majority**

**10.21 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:

<b>Building Applications Determined in the Month of April 2018</b>		
<b>Application No</b>	<b>Property Address</b>	<b>Description</b>
201800048	53 KENNY STREET, BASSENDEAN	SWIMMING POOL
201800086	5 MANN WAY, BASSENDEAN	POOL FENCE
201800080	21 TROY STREET, BASSENDEAN	CARPORT AND SHED EXTENSION
201800088	80 IOLANTHE STREET, BASSENDEAN	AMENDMENTS TO BUILDING APP #201800060
201800087	5 MANN WAY, BASSENDEAN	FIBREGLASS SWIMMING POOL
201800085	24 MAIDOS STREET, ASHFIELD	FULL DEMOLITION
201800081	59 VILLIERS STREET WEST, BASSENDEAN	BOUNDARY WALL
201800067	100 SECOND AVENUE, BASSENDEAN	PATIO
201800063	50A HAMILTON STREET, BASSENDEAN	SINGLE DWELLING
201800069	117 OLD PERTH ROAD, BASSENDEAN	PATIO
201800023	49 ASHFIELD PARADE, BASSENDEAN	RE-ROOFING
201800090	22-24 OLD PERTH ROAD, BASSENDEAN	RETROSPECTIVE FIT OUT
201800039	13 CUMBERLAND WAY, BASSENDEAN	DWELLING
201800031	33 TROY STREET, BASSENDEAN	SINGLE STOREY DWELLING
201800071	48 FRENCH STREET, ASHFIELD	FRONT FENCE
201800079	3 PALMERSTON STREET, BASSENDEAN	NEW ROOF OVER EXISTING DECKING
201800077	28 BRADSHAW STREET, EDEN HILL	DEMOLITION - DEPARTMENT OF HOUSING RECORD ONLY
201800072	29 HAIG STREET, ASHFIELD	PATIO
201800076	80 IOLANTHE STREET, BASSENDEAN	FIBREGLASS SWIMMING POOL
201800070	57 FOURTH AVENUE, BASSENDEAN	PATIO
201800078	84 SCADDAN STREET, BASSENDEAN	DEMOLITION - DEPARTMENT OF HOUSING RECORD ONLY

**OFFICER RECOMMENDATION – ITEM 10.21**

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

**Voting requirement: Simple majority**

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

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

<b>Planning and Subdivision Applications Determined to 7 May 2018</b>			
<b>Applic No.</b>	<b>Property Address</b>	<b>Description</b>	<b>Determination</b>
2017-107	27 CLARKE WAY BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2018-031	50 CHAPMAN STREET BASSENDEAN 6054	PATIO AND DECK ADDITION TO SINGLE HOUSE	DELEGATE APPROVED
2018-034	24 DEVON ROAD BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2018-040	70 SECOND AVENUE BASSENDEAN 6054	AMENDED APPLICATION FOR 8 MULTIPLE DWELLINGS (APPLICATION TO EXTEND VALIDITY OF APPROVAL)	DELEGATE APPROVED
2018-041	3A HARDY ROAD BASSENDEAN 6054	PATIO	DELEGATE APPROVED
<b>Subdivision Applications</b>			
74597	23 PURSER LOOP BASSENDEAN 6054	FORM 24 & FORM 26 - CERTIFICATE OF APPROVAL - STRATA PLAN FOR INDUSTRIAL DEVELOPMENT	DELEGATE APPROVED
355-18	55 FIFTH AVENUE BASSENDEAN 6054	FOUR LOT SURVEY STRATA SUBDIVISION	STATUTORY ADVICE
156507	21 ASHFIELD PARADE ASHFIELD 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE

**OFFICER RECOMMENDATION – ITEM 10.22**

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

**Voting requirement: Simple majority**

**10.23 Bassendean Youth Advisory Council Meeting of 23 February 2018 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie – Youth Development Officer)**

APPLICATION

The purpose of the report is for Council to receive the minutes of the Youth Advisory Council (YAC) meeting held in February 2018.

ATTACHMENTS

**Attachment No. 19:**

Bassendean Youth Advisory Committee Minutes of 23 February 2018

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

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

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

COMMENT

The February 2018 meeting of the Bassendean Youth Advisory Council focused on reviewing the Gravit8 Youth Festival.

STATUTORY REQUIREMENTS

Nil

**FINANCIAL CONSIDERATIONS**

Nil

**OFFICER RECOMMENDATION — ITEM 10.23**

That the report on a meeting of the Youth Advisory Council held on 23 February 2018, be received.

**Voting requirements: Simple Majority**

**10.24 Economic Development Committee Meeting held on 8 May 2018 (Ref: GOVN/CCLMEET/13 – William Barry, Senior Economic Development Officer)**

**APPLICATION**

The purpose of the report is for Council to receive the report on a meeting of the Economic Development Committee held on 8 May 2018.

**ATTACHMENTS**

**Attachment No. 20:**

Economic Development Committee Minutes of 8 May 2018.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
4.1 Build economic capacity	4.1.1 Encourage and attract new investment and increase capacity for local employment	Economic and Commercial Activity  New businesses (including home based) granted development approval by the Town.
	4.1.2 Plan for and build capacity for Commercial and Industrial	
	4.1.3 Support and promote home based businesses	
4.2 Facilitate local business retention and growth	4.2.1 Strengthen local business networks and partnerships	Number of local business and Stakeholder Survey (Engagement and Facilitation of local Business Networks)
	4.2.2 Continue the activation of Bassendean's Town Centre	
	4.2.3 Enhance economic activity in neighbourhood centres	

**COMMENT**

The main items considered at the meeting included:

**Festival of Local Business Report**

The Committee was presented with a report providing a full review of the festival. The report was based on feedback received from attendees and participants via an online post event survey, plus the Final Report provided by the event coordinator consultants.

The report recommended that the festival is held again but it is structured differently to both make it more accessible for the public and reduces the overall cost.

### Website

The Committee was provided with the assessment of the refreshed business website that was officially launched at the Business Festival.

The design incorporates images of our own business operators, giving it stronger branding and alignment to the localism approach for economic development. This makes it recognisable and accessible for locals boosting engagement and activity on the site.

### Bassendean Local Economic Overview

The Committee was presented with the final Bassendean Local Economic Overview Report.

The overview is a snapshot of social, economic and environmental elements for our Community and our economy. The purpose of this report is to understand current conditions and to determine a set of interventions to assist in improving long term outcomes for the residents and for industry located in Bassendean. The information assists in our urban planning documents and will inform the new Economic and Commercial Activity Strategy which is a key project of this Committee.

### STATUTORY REQUIREMENTS

Nil.

### FINANCIAL CONSIDERATIONS

Nil.

### COMMITTEE/OFFICER RECOMMENDATION — ITEM 10.24

That:

1. Council conducts the Bassendean Festival of Local Business again in 2019 and considers providing a budget allocation for the event in the 2018/2019 Budget;
2. Council expresses its thanks to the organisers and contributors of the Bassendean Festival of Local Business; and
3. The report on a meeting of the Economic Development Committee held on 8 May 2018, be received.

**Voting requirements: Simple Majority**

**10.25 Audit & Governance Committee Meeting held on 16 May 2018 (Ref: GOVNCCL/MEET/3 – Mike Costarella, Director Corporate Governance)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Audit & Governance Committee held on 16 May 2018, and adopt the recommendations from the Committee.

ATTACHMENTS

**Attachment No. 21:**

Minutes of the Audit & Governance Committee held on 16 May 2018.

**Confidential Attachment No. 1:**

Confidential Minutes

COMMUNICATION & ENGAGEMENT

To ensure openness, accountability and integrity, Council has appointed two community representatives to be members of the Audit & Governance Committee.

COMMENT

The following items were discussed:

**Internal Audit – Moore Stephens**

The purpose of this report is to provide Council, through the Audit and Governance Committee, with the Internal Audit Report and provide management comments and information on the remedial action taken.

**2017/18 Interim Audit – Macri Partners**

The purpose of this report is to provide Council, through the Audit and Governance Committee, with details of the 2017/18 Interim External Audit Report and provide management comments and information on the remedial action taken.

**Annual Closed Circuit Television (CCTV) Report**

The purpose of this report is to present the annual reportable statistics for the Towns' installed CCTV systems as required in the Closed Circuit Television (CCTV) Management & Operational Manual.

### **Notice of Motion – Cr Hamilton: Differential Rates**

The purpose of this report is to provide information to Council on the implementation & application of differential rates under the following:

- Vacant land to encourage development,
- On contaminated sites to encourage remediation
- On certain categories of industry to offset higher costs
- On property's that are subject to revitalisation.

### **Review of the Instrument of Appointment for the Audit and Governance Committee**

The purpose of this report is to address the Committee recommendation of the 14 February 2018 relating to the review of the Instrument of Appointment and Delegation and consideration of a recommendation to Council of a new Instrument of Appointment and Delegation.

### **Various Debts Write-off**

This matter was to be considered behind closed doors.

### **Stan Moses Pavilion Management Group Inc. Management & Lease & Agreement (Ref: COUP/LEASNGO/**

This matter was considered behind closed doors.

### **COMMITTEE RECOMMENDATION – ITEM 10.25**

That Council:

1. Receives the report on the Audit and Governance Committee meeting held on 16 May 2018;
2. Receives the 2018 Internal Audit Report from Moore Stephens, and notes the managements' comments;
3. Receives the Interim Audit Report for the 2017/18 financial period, from Macri Partners;
4. Defers the Statement on the Fraud and Error Assessment and to allow Officers to ascertain the necessity of this
5. Requests that an analysis on all outstanding leave entitlements be undertaken and forwarded to the Audit and Governance Committee, including proposed strategies to reduce financial liability;

6. Receives the CCTV Management and Operation Annual report;
7. Requests Officers provide a report identifying the number of vacant lots, including zonings, and undertake an analysis of differential rating for those properties;
8. Adopts the Instrument of Appointment and Delegation as attached (Attachment 2) to the Audit & Governance Committee Agenda of 16 May 2018;
9. Writes off debtors of \$512.10 as listed in the Confidential Report to the Audit & Risk Management Committee Agenda of 16 May 2018;
10. Council acknowledges the recommendations of the Community Facilities, Oval/Reserve Audit and Needs Analysis where the Stan Moses Pavilion is rated as a 3 ie high priority for some degree of rejuvenation; and
11. Council endorses the recommendations shown in the Confidential Minutes attached to the Audit and Risk Management Committee Minutes of 16 May 2018.

**Voting requirement:**

**Simple Majority: Items 1 to 8, and 10**

**Absolute majority: Items 9 and 11**

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

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

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

**OFFICER RECOMMENDATION – ITEM 10.26**

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

**Voting Requirements: Simple majority**

**10.27 Calendar for June 2018 (Ref: Sue Perkins, Executive Assistant)**

Tue	5 Jun	5.30pm	Town Assets Committee Meeting – Council Chamber (Crs McLennan, Wilson & Hamilton)
Wed	6 Jun	3.30pm	Bassendean Local Emergency Management Committee Meeting – Council Chamber (Crs Brown & Mykytiuk)
Wed	6 Jun	7.00pm	Design Bassendean Advisory Group – Council Chamber (Crs McLennan, Gangell & Wilson)
Thu	7 Jun	5.00pm	Perth Airports Municipalities Group – City of South Perth (Cr Wilson)
Tue	12 Jun	7.00pm	People Services Committee Meeting – Council Chamber (Crs McLennan, Gangell & Quinton)
Tue	19 Jun	7.00pm	Briefings Session – Council Chamber
Thu	21 Jun	6.00pm	EMRC Council Meeting – EMRC (Crs Mykytiuk & Wilson)
Tue	26 Jun	7.00pm	Ordinary Council Meeting – Council Chamber
Thu	28 Jun	6.00pm	WALGA East Metropolitan Zone Meeting – EMRC (Crs McLennan, Gangell & Quinton)
Fri	29 Jun	5.00pm	Youth Advisory Council Meeting – Bassendean Youth Services

**OFFICER RECOMMENDATION - ITEM 10.27**

That the Calendar for June 2018 be adopted.

**Voting Requirements: Simple majority**

**10.28 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 – Sue Perkins)**

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:

<b>ISSUE ID</b>	<b>OFFICER</b>	<b>BRIEF DESCRIPTION</b>	<b>ACTION</b>
ROC18/60866	BOB JARVIS	OCM-20/04/18 - ADOPTION OF A POLICY FOR THE CONDUCT OF TOWN OF BASSENDEAN ADVISORY GROUPS IN ANTICIPATION THAT THE COUNCIL MIGHT DISBAND THE CURRENT DESIGN BASSENDEAN COMMITTEE	POLICY ADOPTED AND GROUP ESTABLISHED <b>RECOMMEND DELETION</b>
ROC18/60312	BOB JARVIS	OCM-16/3/18 - COUNCIL'S CONSIDERATION OF A PROPOSAL TO DISBAND THE DESIGN BASSENDEAN COMMITTEE	REPORT WENT TO APRIL OCM AND POLICY WAS ADOPTED AND GROUP ESTABLISHED <b>RECOMMEND DELETION</b>
ROC18/60319	BOB JARVIS	OCM-29/3/18 - NOTICE OF MOTION – CR WILSON: TOWN OF BASSENDEAN FLAG	FLAG HAS ARRIVED AND HAS BEEN FLYING SINCE FOR SEVERAL WEEKS <b>RECOMMEND DELETION</b>

ROC18/59095	ANTHONY DOWLING	OCM-27/1/18 - NOTICE OF MOTION – CR BROWN: INDUSTRIAL LAND ADJACENT AND TO THE NORTH WEST OF ASHFIELD TRAIN STATION SITUATED ON RAILWAY PARADE ASHFIELD	RESPONSE RECEIVED FROM THE MINISTER FOR PLANNING AND CIRCULATED TO COUNCILLORS BY THE MAYOR. THE MINISTER CONSIDERS IT APPROPRIATE THAT INCREASED RESIDENTIAL DENSITY ONLY OCCUR ON THE SOUTHERN SIDE OF THE ASHFIELD TRAIN STATION. UNLESS COUNCIL DIRECTS OTHERWISE THE MATTER IS COMPLETED. <b>RECOMMEND DELETION.</b>
ROC18/60857	KEN CARDY	OCM-13/04/18 - RFQ CO 364W 2017-18 SUPPLY AND CONSTRUCT ECO CELLS SWALES AND TRAFFIC ISLANDS ON SHACKLETON STREET BASSENDEAN	CONTRACTOR APPOINTED WORKS TO COMMENCE LATE MAY 2018. <b>RECOMMEND DELETION.</b>
ROC18/60859	KEN CARDY	OCM-15/04/18 - RFT CO 074 2017-18 PROVISION OF ROOT CUTTING AND DRAINAGE PIPE RELINING FOR THE TOWN OF BASSENDEAN	CONTRACTOR APPOINTMENT WORKS TO COMMENCE LATE MAY 2018. <b>RECOMMEND DELETION.</b>
ROC17/57467	KEN CARDY	OCM-38/11/17 - NOTICE OF MOTION - CR MYKYTIUK: WASTE AVOIDANCE AND RESOURCE RECOVERY	REPORT TO COUNCIL MAY 2018. <b>RECOMMEND DELETION.</b>
ROC18/59834	KEN CARDY	OCM-7/2/18 - WASTE COLLECTION OPTION SURVEY (THREE BIN SYSTEM)	REPORT PRESENTED TO COUNCIL MAY 2018 <b>RECOMMEND DELETION.</b>
ROC17/56645	KEN CARDY	OCM-7/10/17 - DEDICATION OF COLLIER ROAD IN THE TOWN OF BASSENDEAN- APPLICANT MAIN ROADS WESTERN AUSTRALIA	OUTSTANDING RESOLUTION WAS INACTIVE AND HAS BEEN REALLOCATE TO KEN CARDY AND ROHINI DIAS AS PER SIMON STEWERT-DAWKINS' INSTRUCTION. PREVIOUS ACTION ADVISED THAT NICOLE SENT MRWA THE OUTCOME OF THE MEETING. <b>RECOMMEND DELETION.</b>

**OFFICER RECOMMENDATION – ITEM 10.28**

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 22 May 2018 be deleted from the Implementation of Council Resolutions list.

**Voting Requirements: Simple majority**

**10.29 Accounts for Payment – March/April 2018 (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**

A detailed list of payments made under delegated authority for the periods March 2018 and April 2018 can be accessed by Elected Members on the Councillors’ Portal.

Members of the public can access the list of payments on request.

**BACKGROUND**

The monthly payments made for the period March 2018 and April 2018 are presented to Council, with details of payments made by the Town in relation to goods & services received.

The March monthly payments list was presented to the April Council meeting, however Council deferred this.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked.  Asset Ratio Benchmarked

**STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

### FINANCIAL CONSIDERATIONS

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

### OFFICER RECOMMENDATION - ITEM 10.29

That in accordance with Regulation 13(3) Local Government (Financial Management Regulations 1996) the list of Accounts paid for March 2018 and April 2018 be received.

**Voting Requirements: Simple majority**

**10.30 Financial Statements – April 2018 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

**APPLICATION**

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

**ATTACHMENTS:**

**Attachment No. 22:**

Financial Reports for April 2018

**BACKGROUND**

Regulations require a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget. Reporting is undertaken by nature & type and statutory program.

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2017/18 financial year the amount is \$5,000 or 10% whichever is the greater.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked.  Asset Ratio Benchmarked

## COMMENT

The attached statements as presented represent the adopted 2017/18 Budget estimates & actual income and expenditure amounts for the period ending 30<sup>th</sup> April 2018.

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is on target. Small variances occur between the various Income category's. Interest earnings, Fees & charges, Operating Grants & other revenue are slightly ahead of Budget, with fees & charges being slightly under budget estimates.

Total expenditure by nature & type for the period ending April 2018 is 9.6% lower than budget forecasts. The main components of the budget, being Employee costs, Materials & contracts, utilities, Interest expenses and other expenditure are all under budget expectations in the current reporting period.

Expenditure on Infrastructure Capital projects is progressing, and can be further explained by examining the main category's of infrastructure expenditure.

*Land & Buildings* - The majority of listed capital works have been completed. The Men's Shed allocation has not progressed.

*Infrastructure-Roads* –Roads projects are 50% completed, with the expectation that all works will be completed by 30<sup>th</sup> June 2018

*Infrastructure-Footpaths* – The majority of footpath works have been completed, only Hatton Court-Bridson Way remains to be completed.

*Infrastructure-Drainage*- Drainage works are currently underway, with expected completion dates by 30<sup>th</sup> June 2018.

*Plant, Furniture & Equipment*- Sandy Beach & Mary Crescent Playgrounds have been deferred, however the majority of other listed projects have been completed.

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

### Budget Amendments

There are a number of Budget amendments identified for April 2018, that requires Council adoption. These are listed in Note 9, with it being noted that these adjustments have no effect on the Town's Budget surplus.

- Reallocation of \$12,000 for Community Services staff costs to engage relief officer, from other operating expense accounts.
- Reallocation of budgets (nature/type) within same account, to correct income actually obtained from Grant funding. (\$10,000 per grant) original budget was listed as stallholder's income.

GL Account Code	Description	Original Budget	Amended Budget	Budget Movement
212359	EXPENSE - SPORT & REC - CONTRACT SERVICES GEN	32,333	44,333	12,000
121562	EXPENSE - SPORT & REC - CLUB CONNECT GEN	7,300	2,800	(4,500)
121389	EXPENSE - SPORT & REC - SUBSCRIPTIONS & MEMBERSHIPS GEN	8,100	5,600	(2,500)
121390	EXPENSE - SPORT & REC - OTHER MINOR EXPENSES GEN	7,000	5,500	(1,500)
181506	EXPENSE - PUBLIC EVENTS - COMMUNITY EVENTS SPONSORSHIP GEN	6,000	2,500	(3,500)
182184.030	INCOME - PUBLIC EVENTS - AUSTRALIA DAY INC	(21,000)	(11,000)	10,000
182181.030	INCOME - PUBLIC EVENTS - NAIDOC WEEK INCOME	(28,000)	(18,000)	10,000
182184.005	INCOME - PUBLIC EVENTS - AUSTRALIA DAY INC	-	(10,000)	(10,000)
182181.005	INCOME - PUBLIC EVENTS - NAIDOC WEEK INCOME	-	(10,000)	(10,000)
				-

### STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

### FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the appropriate period periods. There are no direct financial implications arising from this report.

**OFFICER RECOMMENDATION – ITEM 10.30**

That:

1. the Financial Reports for the period ending 30 April 2018 be received; and
2. The 2017/18 Budget be amended in accordance with the schedule listed in Note 9 (Budget Amendments) and as attached to the Ordinary Council Agenda of 22 May 2018, be approved.

**Voting Requirements: Absolute majority**

## **11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **11.1 Notice of Motion – Cr Hamilton: Monthly Payments Lists**

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

*“That Council:*

- 1. Reaffirms its commitment to transparent and accountable organisational processes; and*
- 2. Directs staff to re-instate the process of making the list of Accounts for Payment publicly available each month via the agenda attachments to Ordinary Council Meetings.*

#### **BACKGROUND**

Strategic Priority 5: Good Governance

- 5.2 Proactively partner with the community and our stakeholders;
- 5.2.2 Engage and communicate with the community.

An April change in procedure implemented by the Town’s Administration abolished the publication of the monthly Payments Lists in OCM attachments.

The Town’s Administration indicated this action was taken after receipt of a newsletter some time ago from firm Moore Stephens.

Having now read the Moore Stephens Newsletter, I note it states (on the last page) that the two local Councils that fell victim to fraud had “Internal processes that were either not strong enough or not followed completely.” Inquiries of our Administration have assured Council that both our internal processes and procedures are entirely adequate.

I also note on the first page of the same newsletter that Moore Stephens were “advocating to the Department of Local Government and Communities (in the interests of increased fraud control) to have Financial Management Regulations amended to only require the list to be presented to Council and not be required to form part of the official record”. To date the Department of Local Government and Communities and Minister Templeman have not indicated any intent to implement such a change. The State Government has consistently promoted a desire for more transparency in the Local Government sector.

I have completed a quick random search of recent Agendas from various other Councils and it would seem that most adhere to the standard methodology of publishing the monthly list of payments made under Delegated Authority in their OCM attachments. Consequently I request a return to this process for reasons of transparent engagement with our community.

#### OFFICER COMMENT

This matter refers to the List of Accounts that have been removed from the website to reduce the risk to the Town where information included in the report is being used by “unknown” people and who have scammed a considerable amount of funds from WA Local Governments.

The Internal Auditor and External Auditor have recommended this process through an alert to all local governments. A copy of the Alert from Moore Stephens is included as **Attachment No. 23.**

Staff recommend that Council does not ignore the advice from its Auditors. Further, there is ongoing discussion with the Department of Local Government to amend the Regulations and remove the need to publish the List of Accounts.

In regards to the “open and transparency” issue, This document (Schedule of Accounts) remains "Available to the Public" - All that is required is the member who wishes to view that they contact the office requesting that they wish to view a copy, of which they can do under s5.94.of the Local Government Act. In the past 10 years, the Town has not received any requests for copies of the List of Accounts, nor has there been an enquiry from the public about the List of Accounts.

A copy will be attached to the minutes, which means that under 5.94(n), its still available for inspection.

The current method of providing the list to Councillors to receive by the portal and provided to the public on request, is a way of reducing the risk to the Town.

Staff have made the change to reduce the risk to the Town and Staff cannot support the suggested change, however, if Council considers it appropriate, it can refer this matter to the Audit and Governance Committee for its consideration and resolve.

## 11.2 **Notice of Motion – Cr Brown: Use of Vessels on Swan River**

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

*“That the Town of Bassendean write to the State Government Minister responsible for regulating the use of vessels on the Swan River. The letter will ask for data to be provided to the Town for the preceding twelve month period relating to the identification and prosecution of speeding boat owners and skippers plying their vessels on the stretch of the Swan River North of the Redcliffe Traffic Bridge. The letter will also request the responsible Minister to direct a greater level of surveillance and enforcement of regulations relating to vessel owners and skippers using the Swan River, in particular boats exceeding the river speed limits, or behaving recklessly. Furthermore the letter will ask that any enforcement of regulations be accompanied by a public education program.”*

### **BACKGROUND – CR BROWN**

Concerns have been expressed by community members and others about the dangers to life and the destruction of riverbank due to reckless speeding and wake erosion by vessels plying the section of river north of the Redcliffe Traffic Bridge, a section of river which is narrower and therefore more vulnerable.

River traffic is increasing and will continue to do so, particularly with the expansion of river-side development and entertainment precincts. It is expected the Swan Valley wine precinct will become an increasingly popular destination for river users.

Speeding vessels represent a grave danger to all other river users, particularly children swimming, stand-up paddle boarders and kayaker's. At a recent community meeting in Ashfield anecdotes highlighting serious accidents and near misses were discussed and it was accepted that if nothing is done to control speeding river traffic it is only a matter of time before more serious or even fatal accidents occur.

Furthermore, speeding boats, including larger displacement hull vessels, create a wake recognised to be destructive to the river bank and sensitive wetlands, particularly the Ashfield Flats, the largest remaining wetland on the Swan River. These destructive effects are readily apparent to community members with an interest in and using the river for recreation.

**11.3 Notice of Motion – Cr Quinton: Mental Health Program for Children**

Cr Quinton has advised that she wishes to move the following motion:

1. *“The CEO instruct relevant Town of Bassendean staff to investigate, develop and manage a new mental health program for children aged 8-16 who are engaged in clubs operating within the Town;*
2. *The program will endeavour to increase participation of children into any clubs that operate in the Town including but not limited to sport, art, theatre or music;*
3. *The staff investigate interest from clubs to participate in a ‘clubs road show’ to coincide with the Fathering Project event in October to market their club or group and take enrolments from children on the day;*
4. *Staff write to the P and C’s of each primary school within the Town and invite children and their parents to attend the road show;*
5. *Staff garner interest from coaches, teachers, parents or any adults who would like to undertake mental health first aid training to help identify children experiencing mental health issues;*
6. *Staff contact Youth Focus and Kids Helpline to investigate costs for mental health training and the process for referring children experiencing mental health issues or thoughts of suicide to Youth Focus’s counselling program.*
7. *Staff contact Local member for Bassendean Dave Kelly for assistance with information on State Government grants and subsidies for parents needing financial assistance to enrol their child in their chosen club and any contribution to the road show;*
8. *That a cost analysis of the road show and mental health first aid training be undertaken to be considered for the 2018/19 draft budget process; and*
9. *Report those findings to the People Services Committee for review and ongoing advice.”*

### Strategic Objectives

- 1.3 Plan for a healthy and safe community
- 1.3.2 Promote and advocate community health and wellbeing
- 1.4 Improve lifestyle choices for aged, families and youth
- 1.4.3 Enhance the wellbeing and participation of our youth and children.

### BACKGROUND – CR QUINTON

Our young people are facing more and more diverse issues in a complex world of social media, image expectations and social and family constructs. Research shows that 12 per cent 13-17 year olds reported having thoughts of suicide, while 4.2 per cent made a suicide attempt. Females have a higher rate of suicide ideation than males.<sup>1</sup>

Fourteen per cent of Australian children and adolescents aged 4-17 have mental health or behavioural problems.

While it is normal for anyone to feel sad, stressed or angry when those feelings last for longer than usual and start to affect a child's everyday life, it's important to find out what's going on for them.

Providing a safe place for children and teenagers to express their thoughts of anxiety, depression, self-harm or suicide can result in them opening up to an adult and a referral to the right professional help.

But knowing how to have that conversation is the first important step to instigate young people to trust an adult and to talk about their issues in order to seek help and healing.

This new youth mental health program seeks to provide a platform managed by the Town of Bassendean to engage more young people into clubs to lead active, healthy lives.

The program also offers mental health first aid training to our adults in knowing how to have those tough but important conversations.

The aim of the program is have all local clubs, schools, parents, coaches and any adult engaged in the life of a young person, talking to each other about the mental health of our children as a whole community and assisted through expert advice.

<sup>1</sup> <http://www.mindframe-media.info/for-mental-health-and-suicide-prevention/talking-to-media-about-mental-illness/facts-and-stats>

I have already had initial conversations with Youth Focus, Kids Helpline, The Swan Districts Football Club, the Bassendean Junior Cricket Club and Local member for Bassendean Dave Kelly, who have all given in principle support to the project.

The project would begin writing to all P & C's within the Town to invite children and their parents to a clubs road show where all clubs can market themselves and take enrolments.

Adults can then sign up to mental health first aid training, which would operate at the beginning of each sports season – twice a year.

Youth Focus provides counselling specifically for 12-25 year olds at risk of depression, self-harm and suicide and involves one on one 'talk therapy' based counselling appointments with qualified professionals where our at risk young people could be referred if needed.

Unfortunately suicide of young people is real and in 2016, a teenager who played cricket for the Bassendean Junior Cricket Club tragically took his own life. The loss of someone to suicide has permanent and far reaching effects in our community.

After having conversation with some of the sports clubs, they are already doing great things. Our aim is to bring people together as a village to support our young people so we do not lose any more children or teenagers to suicide and keep them safe and healthy.

#### Financial Considerations

Hosting the event at Blue Steel Oval at the same time as the Fathering Project would cut down costs as toilets, staff time, security and management could double up.

The cost of mental health first aid training could be shared among the clubs, the Town or grants from the State Government.

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

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## **13.0 CONFIDENTIAL BUSINESS**

**14.0** **CLOSURE**

The next Briefing Session will be held on Tuesday 19 June 2018 commencing at 7.00pm.

The next Ordinary Council meeting will be held on Tuesday 26 June 2018 commencing at 7.00pm.