

TOWN OF BASSENDEAN

NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 28 June 2016 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

24 June 2016

Councillors, please note that the Briefing Session is open to the public and will commence at 5.00pm. A meal for Councillors and Officers will be provided at 6.00pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Pule will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

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

2.2 Address by Members of the Public

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

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 24 May 2016 **(Attachment No. 1)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 24 May 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 24 May 2016 be confirmed as a true record.

5.2 Special Council Meeting held on 31 May 2016
(Attachment No. 2)

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Council Meeting held on 31 May 2016, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Council Meeting held 31 May 2016 be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

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

Standing Orders Local Law 2011, Clause 5.4 states:

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 28 June 2016:

Item	Report
10.2	Proposed Acquisition of Road Reserve on Lot 105 Clune Street, Bassendean
10.3	Proposed Concrete Batching Plant at Lot 105 (No. 2-8) Clune Street, Bassendean
10.4	Potential Winding-up of Town Planning Scheme No. 4A
10.5	Anzac Terrace Traffic Management
10.8	Determinations Made by the Principal Building Surveyor
10.9	Determinations Made by Development Services
10.10	Bassendean Local Emergency Management Committee Meeting held on 1 June 2016
10.13	Accounts for Payment – May 2016
10.14	Financial Statements – May 2016
10.15	Implementation of Council Resolutions
10.16	Use of the Common Seal
10.17	Calendar for July 2016

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

Item	Report
10.6	RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean
10.7	Results of Consultation to Review the Method of Electing the Mayor and the Number of Councillors
10.11	Liveable Town Advisory Committee
10.12	Audit & Risk Management Committee Meeting held on 8 June 2016
11.1	Notice of Motion – Cr Bridges: Container Deposit Scheme
11.2	Notice of Motion – Cr Bridges: Fraud Risk Analysis
11.3	Notice of Motion – Cr Brown: Diaries for Councillors
11.4	Notice of Motion – Cr Pule: Business Plans for Civic Centre Buildings
13.1	Recycling & Refuse Waste Collection Interim Contract
13.2	Sports Achievement Award

10.2 Proposed Acquisition of Road Reserve on Lot 105 Clune Street, Bassendean – Applicant: Mr Julian Andrews General Manager , Business Development Wesfarmers Chemicals, Energy & Fertilisers (Ref: LUAP/PLANNING/4 – DABC/BDVAPPS/2015-246 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider a request for Council to acquire part of the above property which is required for a road reserve.

ATTACHMENTS

Attachment No. 3:

- Copy of Correspondence received from Wesfarmers Chemicals, Energy & Fertilisers dated 31 May 2016.
- Copy of Eastern Access Assessment – Lot 10 Railway Parade, Bayswater Proposed Outline Development and Subdivision Concept Plan prepared by Transcore.

BACKGROUND

This matter was last considered by Council at its meeting held in April 2013, in response to the proposed Eastern Access Assessment which forms part of the Proposed Outline Development & Subdivision Concept Plan for Lot 10 Railway Parade, Bayswater which is owned by Wesfarmers Chemicals, Energy & Fertilisers. At its meeting held in April 2013, Council resolved by OCM-8/04/13 that Council:

1. Advises the City of Bayswater that it supports the proposed traffic arrangements as contained in the Eastern Access Assessment for Lot 10 Railway Parade, Bayswater; and
2. Advises the City of Bayswater and Wesfarmers that the Town is prepared to initiate the acquisition of the land required for roads in accordance with the Land Administration Act 1997 on confirmation that the owners of Lot 10 Railway Parade, Bayswater, will meet all costs associated with the proposed acquisition and development.

By way of further background Lot 10 (No 2) Railway Parade, Bayswater is the largest single landholding (36.4 hectare) within the Bayswater industrial area and represents a significant industrial redevelopment opportunity within the broader metropolitan area.

It is planned to redevelop the site into a high quality commercial/industrial estate, and the provision of adequate and convenient access has been a paramount consideration in planning for the site. In this regard, a key aspect of planning for the site has been the provision of a vehicular access points, to meet the future needs of the land uses and the anticipated activities proposed within the site, as well as the broader Bassendean and Bayswater industrial areas.

This access has been identified under several planning initiatives progressed for the site, including a Scheme Amendment and an Outline Development Plan, as outlined below.

Amendment No. 36 to the City of Bayswater Town Planning Scheme No. 24 (the 'Scheme'), which was gazetted on 28 September 2012, introduced a Special Control Area (SCA10) over the site with associated development control provisions to guide land use and development

At its Ordinary Council Meeting of the 23 April 2013, the City of Bayswater Council resolved to adopt the Lot 10 Railway Parade Outline Development Plan (ODP) for the site to facilitate the comprehensive redevelopment of the site. The ODP has been formally noted by the Western Australian Planning Commission (WAPC).

On 29 July 2015, the City of Bayswater granted conditional planning approval relating to the undertaking of bulk earthworks to complete the final stage of remediation of the site, and facilitate future subdivision and development.

STRATEGIC IMPLICATIONS

The redevelopment of the site for industrial and commercial purposes is a key element of the Ashfield Precinct Plan and the site is a strategically important industrial centre under the Draft Central Sub-Regional Planning Framework, which is one of the suite of documents under Towards Perth and Peel @3.5million.

COMMENT

The Eastern Access Assessment prepared by Transcore Pty Ltd has indicated a need to acquire the portion of Wicks Street that was previously closed, together with part of numbers 14 Jackson Street (236m²) , 10 Jackson Street (41m²) and 13 & 15 Jackson Street (30m²) to accommodate the proposed roundabout identified as being necessary to serve the proposed development of the site.(Refer to page 15 and figure 1 of the Transcore Report)

The need to acquire the former Wicks Street road Reserve, in advance of the other acquisitions has been caused by the application to establish a concrete batching plant on 2-8 Clune Street (refer to Item 10.3 on this agenda).

STATUTORY REQUIREMENTS

The procedure for the taking of land for roads the subject of the current request is governed by the Land Administration Act 1997.

FINANCIAL CONSIDERATIONS

The applicant has agreed to meet the costs of all costs associated with the acquisition.

The road itself will be constructed as part of the subdivision of Lot 10 Railway Parade, however the ongoing maintenance of the road will become the responsibility of the Town of Bassendean and will need to be included in the Town's Asset Management Plans.

OFFICER RECOMMENDATION — ITEM 10.2

That Council:

1. Requests the Minister for Lands to acquire that portion of Lot 105 Clune Street, Bassendean, required for a road reserve under Section 56 of the Land Administration Act 1997; and
2. Notes that the cost of meeting the acquisition of that portion of Lot 105 Clune Street, Bassendean, required for a road reserve, is being met by Wesfarmers Chemicals, Energy & Fertilisers.

Voting requirements: Simple Majority

10.3 Proposed Concrete Batching Plant at Lot 105 (No. 2-8) Clune Street, Bassendean, Owner: Keppel Holdings Pty Ltd, Applicant: Greg Rowe & Associates (Ref: 2015-246 Timothy Roberts, Planning Officer)

APPLICATION

A Development Application was received by the Town on 18 December 2015 for a proposed concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean. The application was considered 'deemed refused' and amended plans have been received through a mediation process under a State Administrative Tribunal (SAT) application for review (appeal). The respondent (Town of Bassendean) has been invited to reconsider its decision by 28 June 2016. The purpose of this report is for council to make a well informed recommendation in response to the SAT invitation for reconsideration.

ATTACHMENTS

Attachment No. 4:

1. Site Plan
2. Proposed plan of development
3. Zoning Map
4. Buffer Zone Map
5. Traffic Management Plan
6. CSBP Redevelopment Zoning Map
7. Schedule of submissions

BACKGROUND

The Town of Bassendean received a development application for a concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean, on 18 December 2015. See Attachment 4.1 for a location plan of the site in relation to the industrial area and nearby residential housing.

The application was considered 'a deemed refusal' by the applicant as it was not determined within the specified timeframes as detailed within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Town considered the proposed development to be an incomplete application in that required information pertinent to determining the application was not provided in conjunction with lodgement of the application. The applicant subsequently lodged an appeal with the State Administrative Tribunal (SAT) on 15 March 2016 where the matter was referred to a directions hearing on 1 April 2016.

The Town provided the applicant with an assessment of the proposed development on 31 March 2016 with mediation then held on 13 April 2016 with the SAT member making the following orders:

- “1. By 20 April 2016 the respondent is to provide to the applicant information regarding traffic estimates for the Outline Development Plan for Lot 10 Railway Parade, Bassendean.*
- 2. By 4 May 2016 the applicant must provide to the respondent amended plans, with supporting information it would want the respondent to approve.*
- 3. Pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision by 28 June 2016.*
- 4. The proceeding is adjourned to a further directions hearing at 12pm on 8 July 2016.*
- 5. A copy of these orders is to be provided to the City of Bayswater.”*

Due to the unknown nature of components of the proposal, its distance from residential housing and nearby opposition to a similar development within the City of Bayswater, the Town decided to advertise the proposal in accordance with clause 9.4.2 of Town of Bassendean Local Planning Scheme No. 10 (LPS 10). In response to the Town’s assessment and recommendations, the applicant provided amended plans (see attachment 4.2 to the Town on 4 May 2016 in line with SAT orders. The application was advertised on 10 May 2016 over a 21 day period.

Part of the site falls within the City of Bayswater (approximately 49m²) with access and egress to the site from Clune Street, also within the City of Bayswater. Whilst no development is proposed within this portion of land, the land is considered incidental to the proposed usage and as such the proposed development was referred to the City of Bayswater for comment on 5 May 2016. Additionally, the site falls within the Environmental Protection Authority’s recommended 300-500m buffer zone between industrial and sensitive land uses for development of this kind, and as such the application was referred to the Environmental Protection Authority for comment on the 11 May 2016.

STRATEGIC IMPLICATIONS

The proposal has strategic implications for the surrounding area in that both the draft Central Sub-Regional Planning Framework and the Ashfield Precinct Plan identify portions of the nearby CSBP's and Wesfarmers' landholdings for commercial, mixed use and/or residential purposes. The proximity of the former CSBP site to the proposed concrete batching plant would fall well within the prescribed buffer zone between industrial and sensitive land uses. Land parcels proposed for the redevelopment of the former CSBP site has been zoned commercial, general industry and public open space. Implications of the proposed concrete batching plant on the CSBP site redevelopment will be discussed under the comments section of this report.

COMMENT

LOCAL PLANNING SCHEME NO. 10

LPS 10 provides the majority of the subject lot with a zoning of 'General Industry', while a portion (former road reserve) is unzoned. Within LPS 10, General Industry is defined as 'an industry other than a cottage, extractive, light, mining, rural or service industry'. The proposed usage is therefore consistent with this definition. Under Table 1 – Zoning Table within LPS 10, the proposed usage has an associated use class of 'P'. This assigned use class means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme. As identified, the majority of the subject lot is zoned 'General Industry' while the southern portion of the lot unzoned (see attachment 4.3). Incidental development to the proposed usage is proposed within this unzoned portion of land and should not be supported by the Town. This portion of land is required as part of a future land acquisition for the construction of the unmade Wicks Street road reserve. Noting the intended future acquisition and construction of the Wicks Street road reserve, the proposed development should demonstrate how it can stand alone solely within the General Industry zoned portion of the lot, without relying on the unzoned land required for road purposes. Acquisition of the land required for road purposes is the subject of a separate report on this agenda.

The objectives of the General Industry Zone are:

- (a) To provide for a broad range of industrial uses, excluding noxious or hazardous activities;
- (b) To accommodate industry that would not otherwise comply with the performance standards of light industry;
- (c) To accommodate a range of manufacturing and associated service activities which will not, by the nature of their operations, detrimentally affect the amenity of the adjoining or nearby land;
- (d) To achieve safety and efficiency in traffic circulation, and also recognise the function of Collier Road as a regional road;
- (e) To provide car parking and landscaping appropriate to the scale of development;
- (f) To preclude the storage of unsightly goods from public view; and
- (g) To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

The general development requirements for the industrial zones are that land between the street alignment and the building setback shall not be used for any purpose except for one or more of the following:

- (a) a means of access and egress;
- (b) the parking of vehicles used by customers and employees;
- (c) the loading and unloading of vehicles;
- (d) open air display of goods provided such area does not cover more than 20% of the setback area and not within 3 metres of the street alignment; and
- (e) landscaping.

Noting the intended future construction of Wicks Street, the primary and secondary streets setback areas will be used in line with the above permissible purposes.

Clause 5.7.2.1 of LPS 10 stipulates a person shall not develop or use land or erect, use or adapt any building for use for the purpose indicated in the Zoning Table of the Scheme, unless car parking spaces of the numbers specified in Table 2 are provided and such spaces are constructed, marked and maintained in accordance with the provisions of the Scheme.

The minimum car parking spaces required for development with a general industry usage is 1 space for every 50m² of gross floor area. Any associated office or warehouse has minimum car parking space requirements of 1 space for every 20m² of lettable floor area and 1 per 100m² of gross floor area respectively. No new buildings are proposed as part of this application. The existing buildings being retained as part of the proposed development require 13 car parking spaces to be provided on site. Nineteen car parking spaces are proposed on site in line with both the Australian Standards and Local Planning Policy No. 8 - Parking Specifications. Additional truck parking spaces are shown within the land that will be required for road purposes.

LOCAL PLANNING POLICY NO 6: INDUSTRIAL ZONES DEVELOPMENT GUIDELINES

In considering applications for planning approval within the General Industry zone, the local government shall have regard to the objective for the zone, and all development shall have regard to the relevant provisions of Local Planning Policy No. 6 (LPP6).

The proposed development is compliant with respect to plot ratio, site cover and building materials. The proposed development is setback the required 13 metres from the primary street being Clune Street. Assuming, the future construction of the Wicks Street road reserve, the proposed development will be setback 6 metres from the secondary street being Wicks Street.

Landscaping is provided for with a two metre wide landscaping strip along the Clune Street boundary in line with Local Planning Policy No. 6. Landscaping is provided with a one metre width along the side boundaries between the front boundary and the setback line. Assuming, the future construction of the Wicks Street road reserve, the proposed development will still demonstrate compliance with a six metre wide landscaping strip along the Wicks Street secondary street frontage. Shade trees in car parking areas have not been provided as required under the policy.

Fencing proposed is powdercoat black link mesh fencing at a height of 2.1 metres. Fencing is proposed on the lot boundary as opposed to the required two metre setback behind the street alignment. The proposal is unclear as to how fencing will be incorporated assuming the future construction of the Wicks Street road reserve and further detail is required to ensure future compliance.

Access ways are constructed and paved to the requirements of Council policy. All vehicles using the site are able to enter and return to the street in forward gear without reversing any part of the vehicle on the street. It is considered that the proposed storage and refuse areas are currently screened from view of the public street. However, upon future construction of the Wicks Street road reserve, these refuse storage areas will be able to be viewed from Wicks Street and therefore will be non compliant with the provisions of LPP6.

SEPARATION DISTANCES BETWEEN INDUSTRIAL & SENSITIVE LAND USES

The Western Australian Planning Commission (WAPC) State Planning Policy (SPP) 4.1 State Industrial Buffer Policy recommends that buffer distances outlined in the Guidance for the Assessment of Environmental Factors: Separation distances between industrial and sensitive land uses (EPA 2005) comply with the objectives of the policy. The guidance statement specifies a separation distance of 300-500m between concrete batching plants and sensitive land uses for batching plants where concrete is made (batched) and loaded for transport (see attachment 4.4).

Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. Some commercial, institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered 'sensitive land uses'. Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.

The applicant has advised that the site is to be solely used for the batching of concrete and therefore the applicable buffer zone is 300-500m. There are 53 residential dwellings (sensitive land use) within the Town of Bassendean located within the prescribed 300-500m buffer zone. The buffer zone also extends into the City of Bayswater; however there are currently no residential sensitive land uses within his portion of the buffer zone. It is unknown whether any of the nearby industrial properties within either the City of Bayswater or the Town of Bassendean, fall within the definition of a sensitive land use. Additionally, the redevelopment of the former CSBP site proposes land uses that could be considered to be a sensitive land use.

Where the separation distance between the industrial and sensitive land use is less than the prescribed buffer distance, a scientific study based on site and industry specific information must be presented to demonstrate a lesser distance will not result in unacceptable impacts. No such study has been provided to the Town and therefore the impacts of the proposed concrete batching plant on the residential properties within the buffer zone remains unclear.

ENVIRONMENTAL PROTECTION AUTHORITY

Under Schedule 1 Part 2 of the Environmental Protection Regulations 1987 (EP Regulations), concrete batching plants are described as a *'concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises'* with a production or design capacity of 100 tonnes or more per year.

The development application was referred to the Department of Environment Regulation (DER) on 14 January 2016 requesting advice from the Department on the proposed development. The following comments were provided:

"The Environmental Protection Act 1986 requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises. The purpose of a works approval is to allow DER to assess the environmental acceptability of emissions and discharges of a proposal against standards and policies. Works approvals also contain conditions to ensure the premises can operate in an environmentally acceptable manner and that the works themselves do not cause unacceptable environmental impacts.

Subsequent to a works approval, occupiers of Category 77 concrete batching plants can apply for registration for operation. Note that conditions are not attached to registrations granted under regulation 5B of the EP regulations. With regard to ongoing management of operations, concrete batching is subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998. It is an offence to operate in contravention of these regulations."

DER has not yet received an application for a works approval for the proposed concrete batching plant at 2-8 Clune Street, Bassendean.

Section 38 of the *Environmental Protection Act 1986* (EP Act) makes provision for the referral to the Environmental Protection Authority (EPA) of a proposal by a third party. The proposed concrete batching plant was referred to the EPA on 11 May 2016 by the Town. The EPA is then to make a decision about the nature of the proposal and whether or not the proposal is suitable for an *Environmental Impact Assessment* under Part IV of the EP Act.

To date, no decision as to whether the proposal is suitable for an *Environmental Impact Assessment* has been made by the EPA. It is understood that the applicant has been requested for further information before such a decision can be made.

CITY OF BAYSWATER

As part of the site (approximately 49m²) falls within the City of Bayswater and with both access and egress to be taken from Clune Street, (which also falls within the City of Bayswater) the application was referred to the City of Bayswater who provided the following comments:

“To prevent dust impacts within the area, from activities on this site, the applicant should be required to:

- 1. Install a suitable wheel wash for truck movements into and out of the site;*
- 2. Regularly clean the street of dusts and sand deposited on the road by vehicles leaving the site (ie. street sweeping);*
- 3. Address road cleaning as part of the dust management plan; and*
- 4. Undertake routine dust monitoring (particularly during the warmer months) through an independent consultant and provide the Town of Bassendean with a copy of the results.”*

The following paraphrases were taken from the City of Bayswater June 2016 Council Meeting Agenda:

“The revised plans do not appear to have addressed the future land acquisition for the Wicks Street road reserve with 18 truck parking bays provided within the land required for the future road extension and no clear indication of the land being ceded or acquired in the future for the required road extension.

Technical Services have also raised concerns that the intersections of Clune Street and Jackson Street at Lavan Street and Duffy Street will be unable to accommodate the expected traffic volumes and vehicle sizes that will be associated with the CSBP redevelopment should the Town of Bassendean not acquire the land required for the Wicks Street extension.

The design of the crossovers to Clune Street will not accommodate vehicles of the size intended to operate from the subject site. While the crossover design is of concern, it is considered this can be adequately resolved through the City's crossover application process."

At the City of Bayswater's June Ordinary Council meeting the following resolution was passed:

"The City of Bayswater does not support the proposed concrete batching plant at Lot 15, 2-8 Clune Street, Bassendean in accordance with the amended plans dated 4 May 2016 for the following reasons:

- 1. The proposal does not provide sufficient supporting information that demonstrates dust emissions will not unduly impact the surrounding area.*
- 2. The amended plans do not provide 20.12m of land dedication required for the Wicks Street road reserve extension in accordance with the adopted Outline Development Plan for the former CSBP site at Lot 10, 2-4 Railway Parade and Lot 7, Mooney Street, Bayswater.*
- 3. The design of the proposed crossovers to Clune Street does not comply with the City of Bayswater specifications and standards.*
- 4. The proposed is not considered to be consistent with the orderly and proper planning of the locality."*

TRAFFIC MANAGEMENT

Clune Street is classified as an Industrial Access Road with Jackson Street classified as an Industrial Local Distributor under the MRWA Functional Road Hierarchy. In 2003, Jackson Street had daily volumes of 3,420 vehicles per day and in 2007 had daily volumes of 2,004 vehicles per day. No daily traffic volumes are available for Clune Street, however, the traffic management plan (see attachment 4.5) provided in conjunction with the application estimated daily traffic volumes along Clune Street as being approximately 1,500 vehicles per day.

The maximum desirable traffic volume for an Industrial Local Distributor is 7,000 vehicles per day and 3,000 vehicles per day for an Industrial Access Road. The proposed number of vehicles accessing the proposed concrete batching plant will be approximately 100-120 vehicles per day. It is therefore considered that increased traffic numbers resultant from the proposed concrete batching plant will operate in accordance with the roads intended capacity.

Whilst the proposed traffic numbers will operate in accordance with road networks intended capacities, the intended future construction of the Wicks Street road reserve will further relieve traffic congestion concerns within the area. The Traffic Management Plan fails to take into account anticipated volumes of vehicles per day for the adjacent CSBP site. It would be prudent for the traffic management plan to be augmented to take account of implications that would result from development of the CSBP site in advance of any approval being granted for the development.

WICKS STREET ROAD RESERVE

The proposed development is located within close proximity to the former CSBP site within the City of Bayswater. This site (see attachment 4.6) has been the subject of comprehensive strategic planning with an Outline Development Plan (ODP) adopted by the City of Bayswater on 23 April 2013. The ODP is the fundamental planning tool to guide the future subdivision and redevelopment of the site in accordance with the intent and recommendations of the Ashfield Precinct Plan. The ODP provides for the subdivision of the former CSBP site into potentially 92 lots with associated areas allocated for drainage and public open space and critical site access and road layouts.

The ODP identified that the extension of Wicks Street (currently unconstructed) into Jackson Street was the most suitable option for vehicle access. This culminated in a (Town of Bassendean) council resolution on 23 April 2013 supporting traffic arrangements proposed for the CSBP site, including the construction of the Wicks Street road reserve, and resolved to initiate acquisition of lands required for such purpose. It should be noted that part of the required Wicks Street road reserve falls within the lot the subject of the proposed development. Incidental development to the proposed usage is currently proposed on land required for the Wicks Street road reserve (truck parking and associated vehicle access).

The proposed development should be designed on the basis of this portion of land being required for road purposes and being excised from the development site. The westernmost crossover on the Wicks Street frontage is currently set back less than the permissible 12 metre setback from the corner truncation point. The removal of the future redundant crossover has not been satisfactorily addressed on the proposed plan of development after the acquisition of land for the construction of the Wicks Street road reserve.

PUBLIC ADVERTISING

In considering an application for development approval, the local government shall have regard to the possible effects of the development on the amenity of the surrounding area areas. The application was therefore advertised in accordance with clause 9.4 of LPS 10 through:

1. Advertisement in the local newspaper;
2. Advertisement on the Town of Bassendean website;
3. Letters to surrounding landowners/occupiers within the Town of Bassendean within 500m of the subject site; and
4. Letters to surrounding landowner/occupiers within the City of Bayswater within 500m of the subject site.

The advertising period closed on 31 May 2016 and as of 20 June 2016, a total of 16 submissions had been received, all of which objected to the proposal. Three submissions were received from referral agencies being the Environmental Protection Authority, Department of Water and the City of Bayswater. The majority of submissions (10) were received from residential property owners of which two fell within the 300-500m buffer zone. Additionally, there were three submissions received from nearby industrial property owners. Of these total submissions, two submissions were from ratepayers within the City of Bayswater, however, it is noted that one is also a current ratepayer within the Town of Bassendean. The submissions objecting to the proposal can be summarised into the following themes:

- (a) Concerns over dust and noise pollution with potential effects on personal health particularly respiratory;
- (b) Concerns over traffic volumes, traffic safety and potential debris on roads;
- (c) Impact on surrounding businesses and property values within the industrial area;

- (d) Concern about the impacts on sensitive land uses (residential) within the recommended 300-500m buffer zone and on the Principal Shared Path;
- (e) The use of a concrete batching plant should be regarded as a noxious industry and be refused as it is considered inconsistent with the objectives of the General Industry zone;
- (f) Environmental concerns especially in relation to nearby reserves and water sources;
- (g) Prospect of 24 hour production, intensification of use, production quantities not being provided and the required buffer should be 1,000m;
- (h) The establishment of a batching plant will push development towards being industrial which is inconsistent with the rejuvenation and increasing residential density of suburbs close to the city;
- (i) Implications on the unconstructed portion of Wicks Street; and
- (j) Is not in keeping with orderly and proper planning principles in that it is inconsistent with the strategic planning for the site and surrounding area including the draft Central Sub-Regional Planning Framework and the Ashfield Precinct Plan, both of which identify portions of CSBP's and Wesfarmers' landholdings and land within the surrounding area for commercial, mixed use and/or residential purposes.

A full schedule of submissions can be viewed under attachment 4.7 of this document. The following officer comments are provided in response to the summary of submissions:

- (a) The appropriate buffer zone for a concrete batching plant is 300-500m based on the provisions set down within SPP 4.1 State Industrial Buffer Policy. It is acknowledged that the proposed concrete batching plant is less than 500m from sensitive land uses. This buffer zone is appropriate to reduce the potential impacts of both dust and noise and the reduced distance has yet to be quantified through the specified scientific study. Noise pollution is not considered out of place within the industrial zone. A Dust Management Plan has not been produced detailing how dust is to be suppressed and contained on site.

- (b) The capacity of the surrounding road network is able to support the proposed number of vehicles per day in line with the MRWA road hierarchy. It is acknowledged that the traffic management plan failed to take into account projected numbers of vehicles per day for the nearby CSBP site redevelopment.
- (c) The site is zoned General Industry and the proposed usage meets the definition of 'General Industry' within LPS 10. The use is therefore appropriate for the industrial zone. The potential to affect property values is not considered a valid planning consideration.
- (d) It is acknowledged that the proposed concrete batching plant is less than 500m from sensitive land uses. The appropriate buffer zone for a concrete batching plant is 300-500m based on the provisions set down within SPP 4.1 State Industrial Buffer Policy. A buffer zone is appropriate to reduce the potential impacts to sensitive land uses. Where the separation distance between the industrial and sensitive land use is less than the prescribed buffer distance, a scientific study based on site and industry specific information must be presented to demonstrate a lesser distance will not result in unacceptable impacts. It is acknowledged that no such study has been presented to the Town and therefore the proposed use is currently not considered appropriate pending the results of such study.
- (e) There is currently no active definition of noxious or hazardous industry within LPS 10, the Planning and Development Act 2005 or the Model Scheme Text. The previously operative Town of Bassendean District Zoning Scheme No. 3 (DPS3) defines a noxious industry as 'an industry in which the processes involved constitute an offensive trade specified in the Second Schedule to the Health Act, 1911, or declared by the Governor to be offensive by proclamation pursuant to that Act but did not include fish shops or dry cleaning premises'. It is considered that the proposed concrete batching plant does not meet this definition and therefore cannot be classed as a noxious industry. DPS3 was revoked upon the gazettal of LPS10 in 2008.

- (f) The appropriate buffer zone for a concrete batching plant is 300-500m based on the provisions set down within SPP 4.1 State Industrial Buffer Policy. Ashfield Reserve and other areas of environmental significance within the Town of Bassendean fall outside of the prescribed 500m buffer zone. There is the potential for reserves to be included as part of the CSBP redevelopment and as such a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. It is acknowledged that no such study has been presented to the Town and therefore the proposed use is currently not considered appropriate pending the results of such study.
- (g) The Western Australian Planning Commission SPP 4.1 State Industrial Buffer Policy recommends that buffer distances outlined in the Guidance for the Assessment of Environmental Factors: Separation distances between industrial and sensitive land uses comply with the objectives of the policy. The guidance statement specifies a separation distance of 300-500m between concrete batching plants and sensitive land uses such as residential dwellings where concrete is made (batched) and loaded for transport. The buffer zone for a concrete batching plant is not dependent on the production volume as suggested. The 1,000m buffer zone suggested is for a cement product manufacturing works, and not a concrete batching plant.
- (h) The site is zoned General Industry and the proposed usage meets the definition of 'General Industry' within LPS 10. The use is therefore appropriate for the industrial zone.
- (i) It is acknowledged that the proposed concrete batching plant proposes development within the unconstructed Wicks Street road reserve. This portion of the lot is unzoned and the incidental development proposed within this portion of land is not supported by the Town. Development will need to stand alone solely within the general industry zoned portion of the site noting the intended future acquisition and construction of the Wicks Street road reserve.
- (j) It is acknowledged that the proposed concrete batching plant is less than 500m from sensitive land uses. The ODP for the CSBP site proposes areas for commercial purposes that may fall under the definition of a sensitive land use. The Ashfield Precinct Plan proposes areas for mixed use and retail purposes which may fall under the definition of a sensitive land use.

Portion of these areas fall within the prescribed 500m buffer zone between industrial and sensitive land uses. Where the separation distance between the industrial and sensitive land use is less than the prescribed buffer distance, a scientific study based on site and industry specific information must be presented to demonstrate a lesser distance will not result in unacceptable impacts. It is acknowledged that no such study has been presented to the Town and therefore the proposed use is currently not considered appropriate pending the results of such study.

STATUTORY REQUIREMENTS

Relevant statutory considerations relating to the interpretation of LPS 10 and LPP 6 have been addressed within the comment section of the report. The local government in considering an application for planning approval is to have due regard to the following matters which in the opinion of the local government are relevant to the use of development the subject of the application:

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area, including the Metropolitan Region Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4;
- (i) the compatibility of a use with its setting;
- (j) any social issue that have an effect on the amenity of the locality;

- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposal means of access and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates;
- (y) and relevant submissions received on the proposal;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the local government considers relevant.

FINANCIAL CONSIDERATIONS

Refusal of the application could result in significant legal fees for the Town, in terms of defending the application for review.

CONCLUSION

From reviewing the proposed concrete batching plant, in conjunction with the relevant legislation, public submissions and the surrounding area, it is evident that various components necessary for a comprehensive and well informed assessment remain outstanding.

The potential impact of the proposed development on sensitive land uses within the 500m buffer zone remains unquantified and subject to a specified scientific study. Additionally any development of the site must be designed so as to function completely independently of the land required for future road purposes.

It is considered that until amended plans and associated supporting documentation is submitted to address the requirements of the relevant legislation, the application cannot be considered favourably and the recommendation has been formulated accordingly.

OFFICER RECOMMENDATION — ITEM 10.3

That in response to the s31 invitation made by the State Administrative Tribunal, Council **refuses** to grant development approval for the proposed concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean for the following reasons:

1. Non-compliance with the provisions of Town of Bassendean Local Planning Scheme No. 10 with regards to the following matters:
 - (a) Industrial development is proposed on land which is not zoned for such development by the Town of Bassendean Local Planning Scheme No. 10;
2. Non-compliance with the provisions of Local Planning Policy No. 6: Industrial Zones Development Guidelines with regards to the following matters:
 - (a) Fencing is located along the lot boundary as opposed to the required two metre setback from the street alignment;
 - (b) Refuse storage areas are able to be viewed from Wicks Street assuming the future construction of the Wicks Street road reserve; and
 - (c) Shade trees in car parking areas have not been provided at a ratio of 1 per six car parking bays;
3. The proposed development being inconsistent with the following objectives of the General Industry Zone identified within the Town of Bassendean Local Planning Scheme No. 10:
 - (a) to accommodate a range of manufacturing and associated service activities which will not, by the nature of their operations, detrimentally affect the amenity of the adjoining or nearby land;

- (b) to achieve safety and efficiency in traffic circulation;
and
 - (c) to ensure that development conforms with the principles of any Local Planning Policy adopted by the Council;
4. A scientific study has not been presented to demonstrate that sensitive land uses within the 300-500m buffer zone from the proposed development will not be adversely impacted by the proposed development;
 5. Development which is proposed on the unzoned portion of land required for road purposes has the potential to adversely affect the Town's intended future road construction which is proposed for this portion of land. Such road construction is required to facilitate the proposed wider redevelopment of the surrounding industrial precinct for which comprehensive strategic planning has been undertaken by both the Town of Bassendean and the City of Bayswater (see footnote);
 6. The Traffic Management Plan fails to take into account implications associated with the anticipated volumes of vehicles per day resulting from the development of the adjacent CSBP site. It would be prudent for the traffic management plan to be augmented to take account of implications that would result from development of the CSBP site in advance of any approval being granted for the development;
 7. The proposed development being inconsistent with the following matters, that in the opinion of the local government are relevant to the use or development the subject of the application:
 - (c) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area, including the Metropolitan Region Scheme;
 - (d) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
 - (g) any approved environmental protection policy under the *Environmental Protection Act 1986*;

- (h) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (i) any Local Planning Policy adopted by the local government under clause 2.4;
- (k) the compatibility of a use with its setting;
- (l) any social issue that have an effect on the amenity of the locality;
- (p) whether the proposal means of access and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates;
- (y) and relevant submissions received on the proposal;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (za) any other planning consideration the local government considers relevant.

Footnote:

In relation to the concerns identified in reason for refusal number 5, any development of the site must be designed so as to function completely independently of the land required for future road purposes.

Voting requirements: Simple Majority

**10.4 Potential Winding-up of Town Planning Scheme No. 4A
(Ref: LUAP/PLANNG/16 - Brian Reed, Manager
Development Services)**

APPLICATION

The purpose of this report is to consider how the Town planning Scheme No 4a may be finalised over a 3 year period.

ATTACHMENTS

Attachment No. 5: Copy of Town Planning Scheme No. 4A
Text

Confidential Attachment No. 1:

Spreadsheet showing anticipated income and expenditure to finalise the Town Planning Scheme No. 4A

BACKGROUND

This matter was last considered by Council at its meeting held in April this year where it was resolved by OCM – 5/04/16 that:

1. Council receives the information in this report and recognises that is not possible to meet its commitments to the Town Planning Scheme No. 4A by the conclusion of the 2015/16 financial year; and
2. The winding up of Town Planning Scheme No. 4A be considered in the review of the 2016-2020 Corporate Business Plan, with the following 12 points to be addressed in a report by mid-June, with the view to winding up the Scheme by the conclusion of the 2017/18 financial year:
 - i. Have the two small anomalous privately owned lots in the Hatton Court to Bridson Street footway valued in this financial year with a view to their acquisition in 2016/2017;
 - ii. Prepare designs and construct the footway between Hatton Court and Bridson Street in 2016/2017;
 - iii. As the Lot 663 Hardy Road footway was originally intended to provide access to Ashfield Flats via private land but was relocated by amendment no 16 to the 4a Scheme that this former scheme requirement be deleted as unnecessary and unsuitable for Ashfield Flat access;

- iv Concurrent with the subdivision of part Lot 271 Hamilton Street for the land swap for Lot 27L Hyland Street, transfer the remaining development potential of Lot 271 Hamilton Street to a single R25 coded lot south west of the land swap lot and mirroring that of the R25 lot on the opposite side of Hamilton Street and a scheme amendment be prepared and initiated;
- v Have the new R25 coded Hamilton Street lot soil tested, remediated if necessary and sold;
- vi As already resolved, remediate and sell Lot 103 Iveson Place;
- vii Following a report on comparative land values utilise the net returns of the above two lots to purchase Lot 211 Carnegie Street, part Lot 206 Hyland Street, part Lot 113 Harcourt Street and part Lot 130 Anstey Road. If the owner of Lot 206 is prepared to sell all of Lot 206 to avoid land tax liabilities refer the matter back to Council for consideration;
- viii Have Lot 100 Hyland Street boundary adjusted with that of Lot 101 to reflect the current zoning and a scheme amendment be prepared and initiated;
- ix Should all of Lot 206 Hyland Street be purchased, rationalise the residential zoned portion with that of Lot 101 Hyland Street to create a single lot above the 100 year flood line, offer this for sale to a purchaser who can provide access via Watson Street and a scheme amendment be prepared and initiated. That below the floodline to be rezoned as Public Open Space;
- x Rezone Lots 162 and 163 Anstey Road to Public Open Space;
- xi Consolidate all of the Council owned Public Open Space that comprises the area of Bindaring Park into a single title and transfer this to the state government as crown land vested in the Town of Bassendean for management; and
- xii Close the Town Planning Scheme No 4A.

The matter is discussed further in the comment section below.

STRATEGIC IMPLICATIONS

The winding up of Town Planning Scheme No. 4A will be included in the draft 2016-2020 Corporate Business Plan.

COMMENT

Hatton Court to Bridson Street Footway (i and ii).

The potential cost to acquire the two portions of land in private ownership together with cost to construct the path have been included in draft budget for the 2016/17 financial year.

Lot 663 Hardy Road footway (iii).

The construction of the footway adjoining No 1 Hardy Road is included in the Scheme as a Scheme work, and as such Council cannot remove this requirement on the strength of a Council resolution. If Council does not wish to pursue the construction of the footpath, it should really initiate an amendment to the Town Planning Scheme No 4a to remove this requirement.

Transfer of the Development Potential of Lot 271 Hamilton Street and soil testing of lot (iv and v)

Whist the Council resolution does not contain any rationale for this change, it is understood that this potential change to the Scheme has its origins in the belief that development on Lot 272 Hamilton Street, would be less likely to contain contaminated material, would preserve the existing stand of trees on the corner of Reid Street and Hamilton Street, and would reduce localised opposition to the sale of the residentially zoned portion of Lot 271 Hamilton Street.

In terms of the contamination issue the Department of Environment Regulation (DER) has advised that the whole of Lot 271 Hamilton Street is in the process of being classified as *contaminated - restricted use* under the Contaminated Sites Act. With this classification restrictions will be placed on the site including:

- groundwater abstraction is not permitted; and
- redevelopment works should be undertaken in accordance with an appropriate 'construction environmental management plan' to manage issues such, but not limited to 'unexpected asbestos finds', dust and waste disposal.

The above classification only relates to Lot 271, adjoining land, being Lot 272 and Lot 273 remain classified *possibly contaminated - investigation required* under the Contaminated Sites Act, and will require investigation in due course.

The above advice means that it is possible, from a contaminated sites basis, to go ahead with the sale of the current portion of the land zoned for residential purposes, albeit with some localised objection and with the loss of the stand of trees.

The alternative approach is to carry out amendments to both the Local Planning Scheme No. 10 to change the area of land reserved and zoned under the Scheme, and to carry out the corresponding amendments to the Town Planning Scheme No. 4a.

In view of the advice from the DER, Council is asked to confirm its earlier resolution that it wishes to carry out the transfer of development potential.

The additional costs of the amended proposal are likely to be in the order of \$53,500 based on the need to further extend the sewer and to carry out a further Detailed Site Investigation. The above costs do not include the costs associated with the amendments to the Local Planning Schemes, which is largely an internal cost.

Remediate and sell Lot 103 Iveson Place (vi)

The costs of the remediation and subdivision of the above lot has been included in the 2016/17 draft Budget with the income for the sale of the land anticipated to occur in the following year.

Purchase Lot 211 Carnegie Street, part Lot 206 Hyland Street, part Lot 113 Harcourt Street and part Lot 130 Anstey Road (vii).

The costs of the acquisitions of the above properties are included in the 2017/18 financial year.

Have Lot 100 Hyland Street boundary adjusted with that of Lot 101 to reflect the current zoning and a scheme amendment be prepared and initiated(viii)

This would require an amendment to both the Local Planning Scheme No 10 and the Town Planning Scheme No. 4A.

Lot 100 Hyland Street has an area of 1369m² : the proposed amendment would reduce the effective area of the lot to 1,169m², which is likely to reduce the market value of the property. It should also be noted that the land would only be suitable for purchase by one of the adjoining owners, which is likely to further reduce the value of the property.

Should all of Lot 206 Hyland Street be purchased, rationalise the residential zoned portion with that of Lot 101 Hyland Street to create a single lot above the 100 year flood line, offer this for sale to a purchaser who can provide access via Watson Street and a scheme amendment be prepared and initiated.

That below the floodline to be rezoned as Public Open Space (ix)

By virtue of Clause 28(c) of the Town Planning Scheme No. 4A, Council does not have the power under the Scheme to purchase by any means land that is not required for Scheme.

The expenditure to purchase the residentially zoned portion of Lot 206 Hyland Street has not been included in the attached spread sheet at this time.

The current portion of residentially zoned land on the properties do not accord with the 100 year flood limit as shown in the image below.



If the residential zoning was made to align with the floodway the combined area above the flood fringe would be 1,472m². The potential sale value of the land is likely to be impacted negatively, as the land could not be sold on the open market.

Rezone Lots 162 and 163 Anstey Road to Public Open Space(x)

This would require an amendment to both the Local Planning Scheme No. 10 and the Town Planning Scheme No. 4A. Any income from the potential sale of the land would be lost.

Consolidate all of the Council owned Public Open Space that comprises the area of Bindaring Park into a single title and transfer this to the State Government as Crown land vested in the Town of Bassendean for management (xi)

This is achievable and would require further discussion with State Lands. It will reduce the value of Council's land assets by the deletion of freehold land and the loss on disposal of the land assets will be shown in the operating financial statements in the relevant year.

Close the Town Planning Scheme No 4A (xii)

This will require the Town to provide a set of accounts showing all of the income and expenditure associated with the Scheme.

FINANCIAL CONSIDERATIONS

The confidential financial statement provides Councillors with an overview of the transactions that have been associated with TPS 4A since 1980. The current position shows a deficit of \$249,918. The future transactions that will be required (whilst only estimates at this stage) to windup the scheme will provide a small surplus at the conclusion of the 2018/19 financial year.

STATUTORY REQUIREMENTS

Nit at this stage.

The Confidential financial statement provides Councillors with an overview of the transactions that have been associated with TPS 4A since 1980. The current position shows a deficit of \$249,918. The future transactions that will be required (whilst only estimates at this stage) to windup the Scheme will provide a small surplus at the conclusion of the 2018/19 financial year.

OFFICER RECOMMENDATION — ITEM 10.4

That Council

1. Receives this report on the potential winding up of the Town Planning Scheme No. 4A and includes the likely costs of the completion of the Scheme in Council's Long Term Financial Plan and includes the project in the 2016-2020 Corporate Business Plan;
2. Resolves to transfer the development potential of the residential zoned land from part Lot 271 Hamilton Street to Part Lot 271 Hamilton Street and part Lot 272 Hamilton Street, Bassendean;
3. Requests the Chief Executive Officer to arrange the preparation of amendment documents to the Local Planning Scheme No. 10 and Town Planning Scheme No. 4A with a view to:
 - a) Deleting the proposed footpath over Lot 663 Hardy Road, Bassendean;
 - b) Rezoning Lots 162 and 163 Anstey Road, Bassendean from Residential with a density Code of R25 to Parks and Recreation;
 - c) Transferring the development potential of the residential zoned land from part Lot 271 Hamilton Street to Part Lot 271 Hamilton Street and part Lot 272 Hamilton Street.

Voting requirements: Simple Majority

10.5 Anzac Terrace Traffic Management (Ref: ROAD/STMNGT/1) – Changeeka Jayakody - Engineering Technical Coordinator & Nicole Baxter - Engineering Technical Officer

APPLICATION

The purpose of this report is to advise Council that Anzac Terrace (Iolanthe Street to Lord Street) is programmed to be resurfaced in 2016-17 financial year and as a consequence the current traffic management devices (speed cushions) located in this area will be removed.

BACKGROUND

In October 2010, traffic counts were placed at two locations, 56 and 96 Anzac Terrace, Bassendean. The counter located in front of 96 Anzac Terrace is located outside the speed cushion zone. The counter located in front of 56 Anzac Terrace is located within the speed cushion zone.

The table below summarises the findings of the traffic counts prior to the installation of the speed cushions:

Parameter	Adjacent to 56 Anzac Tce	Adjacent to 96 Anzac Tce
Posted Speed (Km/Hr)	50	50
85 th percentile Speed (km/hr)	46.1	52.6
Annual Average Daily Traffic	827	1338

In accordance with Council's adopted Traffic Management Treatment Policy and Guidelines (OCM 22/04/14), Anzac Terrace did not warrant traffic management devices as the following criteria was not met:

The 85th percentile speed is 60km/h or greater in a 50km/h zone, or exceeds the posted speed limit by more than 10% in other speed zones.

However, due to community concerns expressed at the time Council resolved to install anti-hoon speed cushions in Anzac Terrace, with financial assistance via a successful grant received from the Office of Crime Protection funding through Main Roads WA (MRWA).

The speed cushions were installed early 2011 with a proviso that the speed cushions would be in place for a minimum three year period to satisfy the MRWA funding requirements.

Four speed cushions were installed on Anzac Terrace between Iolanthe Street and Lord Street. The first speed cushion is installed near the First Avenue and Anzac Terrace intersection. Effectively, there are four pairs of speed cushions between the First Avenue and Anzac Terrace intersection and the Lord Street and Iolanthe Street intersection.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment:

Objectives: Provide safe access for all road users

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

COMMENT

The Road Traffic Act is managed by the Police Service to manage poor driver or illegal driver behaviour, and drivers of vehicles are required to comply with the legal traffic speeds. Local Government can assist the Police Service in ensuring drivers comply with this Act.

In order for the Town to compare the October 2010 traffic count with a current traffic count, in May 2016 traffic counts installed in the same locations in Anzac Terrace (56 Anzac Terrace and 96 Anzac Terrace) to evaluate the traffic speeds.

The table below summarises the findings of the investigation in May 2016 :

Parameter	Adjacent to 56 Anzac Tce	Adjacent to 96 Anzac Tce
Posted Speed (Km/Hr)	50	50
85 th percentile Speed (km/hr)	49.0	49.9
Annual Average Daily Traffic	813	1294

The results have shown that the installation of speed cushions reduced the daily volume of traffic along Anzac Terrace marginally and the 85th percentile of speed in 2016 is within the limits where traffic management treatment is not warranted.

As previously advised, Anzac Terrace (Iolanthe Street to Lord Street) is programmed to be resurfaced in 2016-17 and this work will have repercussions to the traffic management devices (speed cushions) currently located in this area.

The Anzac Terrace resurfacing project is listed for Council consideration in the draft 2016-17 Capital Budget and is estimated to cost \$200,000 using Road to Recovery grant funding. The funding for the project is fully sourced from the Federal Government's Roads to Recovery Program and could cater for the resurfacing works as well as the installation of speed cushions.

When Anzac Terrace is resurfaced, the speed cushions will need to be removed and once the work is completed, the old speed cushions cannot be reinstated due to the damage that is caused during the removal stage.

If new speed cushions are to be reinstalled, an estimated cost of \$35,000 will be required to purchase and install the traffic management device.

Furthermore, in line with Water Sensitive Urban Design (WSUD) principals, the Town is investigating if it is possible to incorporate into the road works, the detention and retention of stormwater to increase filtration of pollutants by soil, vegetation or other physical means rather than direct storm water conveyance using the Town's drainage network to the river.

In regards to the removal of the existing speed cushions, Council may want to request Officers commence a further community public consultation period to gauge resident's feedback concerning the opportunity to not to replace the traffic calming device(s) prior to making a final decision. If Council resolves to request Officers to undertake a further community consultation period on this issue, Officers will commence this process early July 2016, so Council can receive feedback as soon as possible and the proposed resurfacing work can be scheduled during a suitable time of the year.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

The Anzac Terrace resurfacing project is listed for Council's consideration in the draft 2016-17 Capital Budget and is estimated to cost \$200,000 using the Roads to Recovery grant funding, which will be fully sourced from Roads to Recovery program and could cater for the resurfacing works as well as the \$35,000 installation cost of the new Traffic Management speed cushions.

OFFICER RECOMMENDATION – ITEM 10.5

That Council:

1. Receives the Anzac Terrace Traffic Management Report;
2. Notes that Officers will commence further community public consultation of those residents living in the vicinity, to gauge feedback regarding whether or not to replace the traffic calming device(s) prior to making a final decision and report back to Council; and
3. Notes that funding for this project has been listed in the draft 2016-17 Capital Budget for Council's consideration.

Voting requirement: Simple majority

10.6 RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean (PARE/TENDNG/59 – Mandy Godfrey Contracts Support Officer & Ken Cardy Manager Asset Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender (RFT) CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean and appoint the most appropriate contractor.

ATTACHMENTS

Confidential Attachment No. 2.

BACKGROUND

Contractors were invited to tender for RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean via an advertisement in the Western Australian Newspaper on Wednesday 6 April 2016.

STRATEGIC IMPLICATIONS

Town Planning & Built Environment

Objectives: Foster enhanced public space and street appearance

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

COMMENT

In response to RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean; four (4) tender responses were received prior to the tender deadline 2.30pm on Thursday 28 April 2016.

The contract is for a two year period commencing 1 July 2016 with an option to extend the Contract for a further one year period at the discretion of the Principal.

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

One offer received from Geoff's Tree Service has significantly lower pricing for pruning over 35 metres. An email was sent for clarification requesting Geoff's Tree Service check their pricing. They confirmed their pricing as per their tender response to be correct.

The Town's current tree maintenance contractor, "Geoff Tree Services" utilises their own developed mechanised machine when pruning the majority of trees where as the Evaluation Panel's recommended contractor "Beaver Tree Services" method is a manual hand tree pruning approach for all trees.

In February 2016, a report was presented to Council (OCM – 7/02/16) concerning the Town's draft "Urban Forest Strategy" with the intention to building upon the present and the past plantings and provide healthy and diverse tree canopy for the Town.

After the tender evaluation process was completed Officers contacted the Town's contracted Arborist to seek comment on both these pruning options to understand how each pruning operation would affect the Town's "Urban Forrest Strategy" and possible quality and quantity tree canopy targets associated with the strategy: The following comments are from the Towns Arborist.

Mechanised Pruning

- *A 'one size fits all' approach is likely to compromise the natural look of a tree and may lose the characteristic shape of the tree species in the Town.*
- *The pre-set dimensions of the machine is likely to reduce the total amount of tree canopy, subsequently thwarting the Town's canopy targets.*
- *The inability of the machine to reduce branches back to the branch collar will result in lopped branch stubs with are both deleterious to the tree and also unsightly.*
- *Cut branches may lodge within the tree and become unsightly if not fully removed by the pruning operator.*

Hand Pruning

- *Often results in the minimum amount of foliage removed to achieve clearance from powerlines, thereby retaining more tree canopy.*
- *Can leave a tree looking more natural post pruning.*
- *More likely to result in pruning that satisfies AS4373 (2007): Pruning of Amenity Trees, with pruned branches being reduced back to the branch collar i.e. Natural target pruning.*
- *Likely to be less disturbing to local fauna that may be using street trees for habitat and roost sites.*

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

Index:

Selection Criteria 1: Relevant Experience (30% weighting)

Selection Criteria 2: Key Personnel and Resources (30% weighting)

Selection Criteria 4: Tendered Price (40% weighting)

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

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION – ITEM 10.6

That Council:

1. Appoints Beaver Tree Services to undertake the work as required in RFT CO 038 2015-16 Provision of Tree Maintenance for the Town of Bassendean in accordance with the specifications and terms and conditions for a two year period commencing 1 July 2016; and
2. Delegates to the CEO the authority to exercise the option under the contract to negotiate for a one year extension of contract beyond the nominal expiry date of 30 June 2018.

Voting Requirement: Absolute majority

10.7 Results of Consultation to Review the Method of Electing the Mayor and the Number of Councillors (Ref: GOVN/COUNCLS/1 – Bob Jarvis, CEO)

APPLICATION

Council's consideration of the results of community consultation to review the method of electing the Mayor of the Town and the number of Councillors.

BACKGROUND

At its Ordinary Meeting of March 2016, the Council resolved:

MOVED Cr Gangell, Seconded Cr McLennan, that Council immediately:

- 1. In accordance with the Local Government Act (1995) Section 2.18 (3) and (4) and Schedule 2.2 (5), carries out a review of the number of elected members of Council by inviting submissions by local public notice for a period of six weeks and after consideration of those submissions either retains the current number of Councillors or makes a submission to the Local Government Advisory Board seeking a change to the number of offices of Council, for the next election in October 2017;*
- 2. In accordance with the Local Government Act (1995) Section 2.11(2) carries out a review of the method of electing the Mayor for the Town by inviting submissions by local public notice for a period of six weeks and after consideration of those submissions, either retains the current method of electing the Mayor or changes the method of electing the Mayor, for the next election in October 2017; and*
- 3. Requests officers prepare an information paper to accompany the public notice outlining the current representation and method of mayoral election, identifying the various alternatives for each and their implications and the comparative costs.*

Pursuant to the above, an invitation for submissions on the issues was publicly advertised for a period of more than six weeks which closed on 6 June 2016. The survey form invited submitters to first choose their preferred method of electing the Mayor; by the Councillors from amongst themselves, or elected by the electors of the Town.

Submitters were then asked to consider the number of Councillors either including the Mayor in the first option or in addition to the Mayor in the second option. The background paper provided information on the implications of changes, including the steps required to institute any changes proposed.

The survey was advertised pursuant to Local Public Notice requirements in the Eastern Reporter and on official notice boards, as well as on the Town 's website and in displays at the Library and Customer Service Centre. The website notice included an electronic version of the survey form.

The survey received a total of 108 responses. 103 submitted electronically via the online survey platform, 2 submitted by paper, and 3 written emails to the CEO which have been summarised by officers. 104 respondents indicated they were an Elector of the Town of Bassendean.

4 respondents indicated they were not an Elector of the Town of Bassendean and have been removed from the results.

33.33% or 34 respondents support the current method of electing the mayor, which is by the councillors from among themselves after each Local Government election.

66.67% or 68 respondents support a change to the method of electing the mayor to being directly elected by the electors of the Town.

Of those who support the current method of electing the mayor, 18.18% or 6 respondents support the current arrangement of a total of six Councillors from which a Mayor is elected by the councillors, with 81.82% or 27 respondents supporting an alternative number of Councillors. 1 respondent did not answer this question.

Of the 26 who wanted an alternative amount of Councillors (from which a Mayor is elected by the Councillors) 73.08% (19 respondents) wanted 7 Councillors, 23.08% (6 respondents) wanted 9 Councillors and 1 respondent selected 10 Councillors.

Of the 68 respondents who support a change to the method of electing the mayor to being directly elected by the electors of the Town, 97.06% (65 respondents) support an alternative number of councillors and a mayor elected by the electors of the Town with 2 respondents supporting a total of six elected members, being five Councillors and one mayor, elected by the electors of the Town.

Of the 65 who wanted an alternative amount of Councillors in addition to the Mayor:

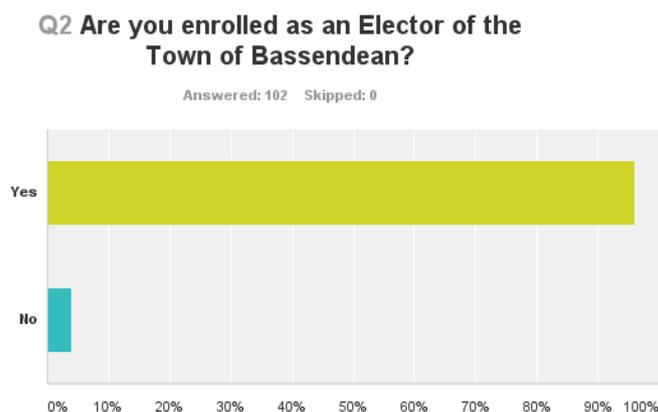
- 4.55% (3 respondents) wanted 5 councillors in addition to the Mayor
- 21.21% (14 respondents) wanted 6 councillors in addition to the Mayor
- 42.42% (28 respondents) wanted 7 councillors in addition to the Mayor
- 13.64% (9 respondents) wanted 8 councillors in addition to the Mayor
- 13.64% (9 respondents) wanted 9 councillors in addition to the Mayor
- 3.03% (2 respondents) wanted 10 councillors in addition to the Mayor
- 0% wanted 11 councillors in addition to the Mayor
- 0% wanted 12 councillors in addition to the Mayor
- 1.52% (1 respondent) wanted 13 Councillors in addition to the Mayor

Copies of the e-mail, hard copies and electronic survey sheets have been circulated under separate cover to Councillors, and are not included in the attachments for this report, to simply reduce the size of the agenda and thus reduce the cost of printing and paper. They will be provided to the public by a link on the Town's website and a hard copy will be available for viewing by the public at the Ordinary Council meeting.

COMMENT

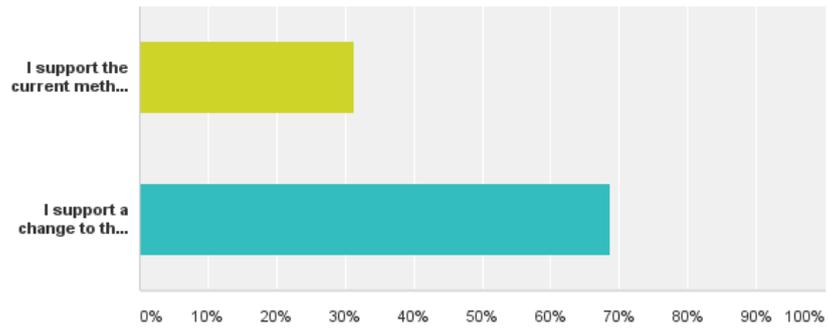
The results clearly indicate a preference for a popularly elected Mayor (66.67%) and of those, the greatest number wished to see seven Councillors and a popularly elected Mayor.

More graphic representation of the results of the survey are shown below:



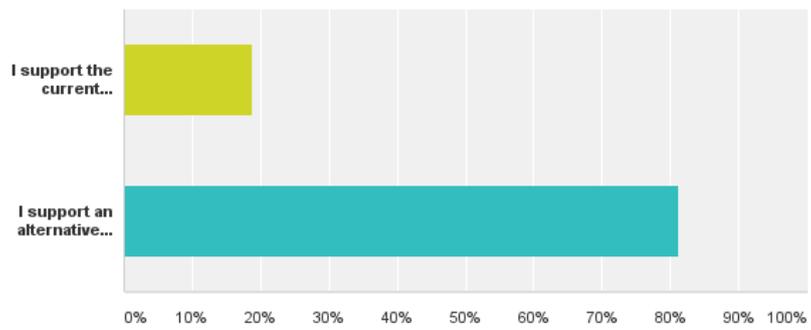
Q3 Method of election of the mayor

Answered: 102 Skipped: 0



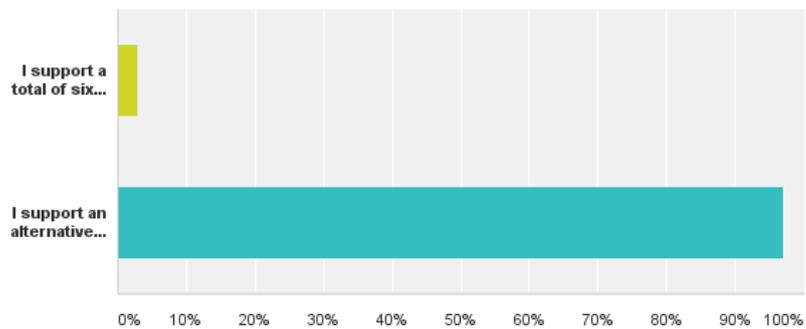
Q4 NUMBER OF COUNCILLORS (with mayor elected by the councillors)

Answered: 32 Skipped: 70



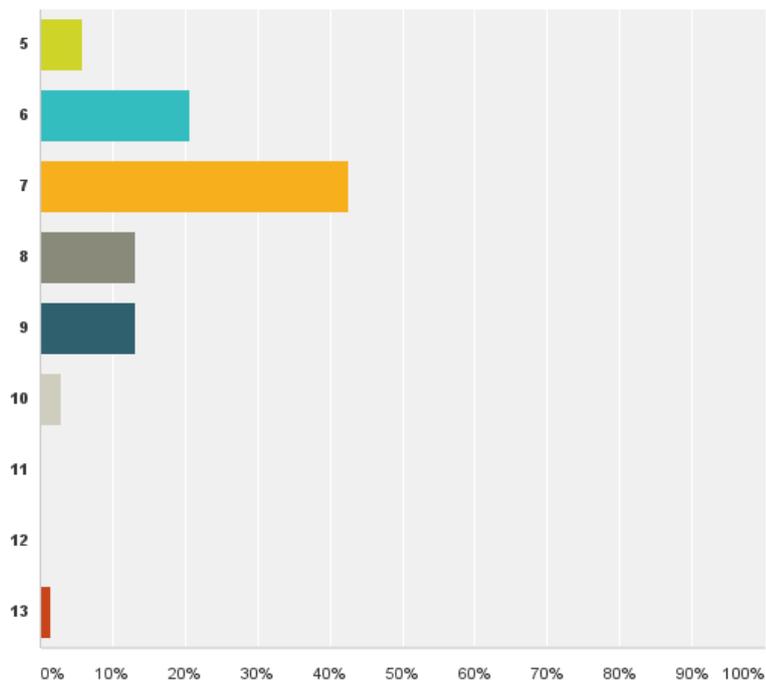
Q6 NUMBER OF COUNCILLORS (with mayor elected directly by the electors)

Answered: 70 Skipped: 32



Q7 The total number of councillors (in addition to the mayor elected by the electors of the Town) should be

Answered: 68 Skipped: 34



Of those who wished to retain the current method of electing a Mayor from among the Councillors, the greatest number wished to have an increase of one to the current number of Councillors.

The Council has a number of options open to it as a result of the survey. It can choose the status quo and retain the current situation of six Councillors from amongst whom a Mayor is elected. It may choose to simply increase the number of Councillors by one and retain the current method of electing the Mayor. This would require an absolute majority vote to prepare a submission (in the format required by the Local Government Act 1995) to the Local Government Advisory Board seeking the increase in the number of Councillors.

It can change the method of electing the Mayor to one of the Mayor being elected by the electors of the Town, and this it can achieve by resolving to do so by Special Majority (for Bassendean this is an Absolute Majority) and advising the Minister for Local Government, and if it wishes to increase the number of Councillors in addition to the Mayor it would need to, again, resolve by an absolute majority to make a submission to the Local Government Advisory Board seeking the increase in the number of Councillors.

It should be noted, that whilst it is simply a resolution of Council to change the method of electing the Mayor, it is a considerably more complex process to attempt to change back to the current method. This includes a formal poll of the electors of the district.

The officer recommendations are based on the majority views expressed by the survey results, but it is acknowledged that Council may choose not to change anything or a variation of the recommendations proposed. It should be noted that a resolution of Council to change the number of Councillors does not automatically make the change. That decision is made by the Minister of Local Government based on a recommendation of the Local Government Advisory Board. The Local Government Advisory Board will take note of the submission from the Town, including the results of the public consultation and other factors, such as change in representation.

STATUTORY IMPLICATIONS

If Council wishes to change the number of Councillors, Section 2.18 (3) (a) of the Local Government Act 1995 states that the Governor, on the Recommendation of the Minister, may change the number of offices of Councillor on a Council, but part(4) says that the Minister can only make such a recommendation to the Governor if the Local Government Advisory Board has recommended that such an Order be made.

A Local Government may carry out a review and make a proposal to the Local Government Advisory Board for a matter under Section 2.18(3) after first resolving by an Absolute Majority to do so.

It should be noted that the Local Government Advisory Board will, as a matter of course, look at the change in representation (number of electors per elected member) as a result of any proposed change in the number of Councillors. The minimum number of Councillors the Town can have is six councillors, or five councillors and a Mayor elected by the electors of the District.

Under Section 2.11 (2) a local government can change the method of filling the office of Mayor or President, from election by Councillors to election by electors by resolving to do so by Special Majority. It does not require any proposal to do so from its electors.

Under part (3) of the same section the electors of the district may petition the Council to change the method from one to the other.

If it is to change from election by Councillors to election by electors, then once the motion is put to Council, Council is to give consideration to the request and vote on the matter.

STRATEGIC IMPLICATIONS

Nil, except that Council is to provide good governance for the District.

FINANCIAL IMPLICATIONS

Any increase in the number of elected members will increase the level of meeting fees, adopted expenses for Councillors and reimbursement of any other approved expenses. The increase in complexity of an election will add some cost, and the additional support required from staff will also add costs for such matters as answering enquiries providing documents etc.

OFFICER RECOMMENDATION – ITEM 10.7

That Council:

1. Resolves to change the method of electing the Mayor of the Town to that of being directly elected by the electors of the Town, and advises the Minister for Local Government of its decision and requests that the method be introduced at the next Local Government Elections in 2017, and
2. Authorises the CEO to prepare a submission to the Local Government Advisory Board under Section 2.18(3) of the Local Government Act 1995, seeking the Minister's approval for seven councillors for the Town in addition to a Mayor elected by the electors of the Town.

Voting Requirement:

Point 1 - Special Majority

Point 2 - Absolute Majority

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

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

Building Applications Determined in the Month of May 2016		
Application No	Property Address	Description
201600097	20 COLSTOUN ROAD, ASHFIELD	PATIO
201600095	18 BARTON PARADE, BASSENDEAN	DWELLING
201600055	61 VILLIERS STREET WEST, BASSENDEAN	RETROSPECTIVE DWELLING ALTERATIONS
201600056	74 BROADWAY, BASSENDEAN	SINGLE DWELLING
201600086	7 CARNEGIE ROAD, BASSENDEAN	NEW DWELLING
201600130	106 WALTER ROAD EAST, BASSENDEAN	PATIO
201600138	17 MARY CRESCENT, EDEN HILL	SINGLE STOREY RESIDENTAL ADDITION
201600132	69 WHITFIELD STREET, BASSENDEAN	FULL DEMOLITION
201600139	6 RAILWAY PARADE, BASSENDEAN	ANCILLARY ACCOMMODATION
201600131	11 FOURTH AVENUE, BASSENDEAN	ALTERATIONS TO EXISTING DWELLING
201600133	113 WHITFIELD STREET, BASSENDEAN	CARPORT & FENCE
201500286	8 PRYDE WAY, EDEN HILL	DWELLING
201600114	18 BASSENDEAN PARADE, BASSENDEAN	SWIMMING POOL FENCE
201600118	18 DEVON ROAD, BASSENDEAN	SWIMMING POOL
201600116	59 FOURTH AVENUE, BASSENDEAN	RETAINING WALL
201600112	18 WENDLEBURY WAY, EDEN HILL	FENCE APPLICATION
201600119	72 PENZANCE STREET, BASSENDEAN	ALTERATIONS
201600115	11 IVANHOE STREET, BASSENDEAN	FENCE
201600113	18 BASSENDEAN PARADE, BASSENDEAN	FIBREGLASS SWIMMING POOL
201600154	27 LITTLEMORE WAY, EDEN HILL	SWIMMING POOL & FENCE
201600155	16 BASSENDEAN PARADE, BASSENDEAN	CARPORT
201600144	31 PARKER STREET, BASSENDEAN	DWELLING
201600143	47 THIRD AVENUE, BASSENDEAN	DEMOLITION
201600147	3 ROYER COURT, ASHFIELD	RETROSPECTIVE SPA APPROVAL
201600141	25 WALTER ROAD EAST, BASSENDEAN	FENCE
201600103	29 KATHLEEN STREET, BASSENDEAN	ALTERATIONS/ADDITIONS
201600120	23 PENZANCE STREET, BASSENDEAN	PATIO
201600128	25-27 HAMILTON STREET, BASSENDEAN	INSTALL SOLAR PANELS TO ROOF
201600127	135 GUILDFORD ROAD, BASSENDEAN	DWELLING (RECORD OF HOUSING AUTHORITY PERMIT ONLY)
201600123	24 JACKSON STREET, BASSENDEAN	INSTALLATION OF SOLAR PANELS
201600121	37 FISHER STREET, ASHFIELD	PATIO
201600129	24 HAMILTON STREET, BASSENDEAN	INSTALL SOLAR PANELS
201600125	60 VILLIERS STREET WEST, BASSENDEAN	SWIMMING POOL + POOL FENCE
201400425	2 CHARLBURY WAY, EDEN HILL	FENCE APPLICATION

OFFICER RECOMMENDATION – ITEM 10.8

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

Voting requirement: Simple majority

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

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

Planning and Subdivision Applications Determined to 17 June 2016			
Applic No.	Property Address	Type of Development	Determination
2010-088	164 WEST ROAD BASSENDEAN 6054	PARKING OF A COMMERCIAL VEHICLE	REFUSED
2010-089	2 DEAKIN STREET BASSENDEAN 6054	PARKING OF A COMMERCIAL VEHICLE	DELEGATE APPROVED
2010-102	26 MAY ROAD EDEN HILL 6054	PARKING OF A COMMERCIAL VEHICLE	REFUSED
2015-148	27 JACKSON STREET BASSENDEAN 6054	ADDITIONS/ALTERATIONS TO WORKSHOP & OFFICES	DELEGATE APPROVED
2015-213	70 SECOND AVENUE BASSENDEAN 6054	8 MULTIPLE DWELLINGS	REFUSED
2015-237	19 LORD STREET BASSENDEAN 6054	8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2015-244	90 ANZAC TERRACE BASSENDEAN 6054	8 MULTIPLE DWELLINGS (RENEWAL OF APPROVAL)	DELEGATE APPROVED
2015-249	137 WHITFIELD STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-016	12 SECOND AVENUE BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2016-030	8 KIRKE STREET EDEN HILL 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2016-040	85 LORD STREET EDEN HILL 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2016-048	75 KATHLEEN STREET BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2016-055	UNIT A 74 BROADWAY BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-059	UNIT A 11 FIFTH AVENUE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-060	19 WALKINGTON WAY EDEN HILL 6054	BEE KEEPING	REFUSED
2016-063	88 BROADWAY BASSENDEAN 6054	TWO GROUPED DWELLINGS	DELEGATE APPROVED

2016-064	27 BLACKTHORN ROAD EDEN HILL 6054	PATIO	DELEGATE APPROVED
2016-068	97 WEST ROAD BASSENDEAN 6054	RETAINING WALLS	DELEGATE APPROVED
2016-069	39 MALEY STREET ASHFIELD 6054	HOME BUSINESS - ELECTRONIC REPAIRS	DELEGATE APPROVED
2016-070	69 WHITFIELD STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2016-077	87 ANZAC TERRACE BASSENDEAN 6054	REVISED APPLICATION FOR THREE GROUPED DWELLINGS (REVISION TO DA: 2015-036)	DELEGATE APPROVED
2016-078	24 RUGBY STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-079	17 CHAPMAN STREET BASSENDEAN 6054	SIX GROUPED DWELLINGS	STATUTORY ADVICE
2016-086	16 BASSENDEAN PARADE BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2016-087	22 JAMES STREET BASSENDEAN 6054	DECK AND PATIO ADDITION TO SINGLE HOUSE	DELEGATE APPROVED
2016-091	Unit 2 72 IVANHOE STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2016-098	135 GUILDFORD ROAD BASSENDEAN 6054	SINGLE HOUSE	STATUTORY ADVICE
	Subdivision Applications		
462-16	4 PROWSE STREET BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
474-16	73 THIRD AVENUE EDEN HILL 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE
491-16	42 THIRD AVENUE BASSENDEAN 6054	FOUR LOT SURVEY STRATA	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 10.9

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

Voting requirement: Simple majority

10.10 Bassendean Local Emergency Management Committee Meeting held on 1 June 2016 (Ref: GOVN/CCLMEET/18 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean Local Emergency Management Committee held on 1 June 2016.

ATTACHMENTS

Attachment No. 6

- Bassendean Local Emergency Management Committee Minutes of 1 June 2016.

BACKGROUND

The Bassendean Local Emergency Management Committee meets at least quarterly on the first (or second) Wednesday in the months of February, April, August and November.

The Committee is required to conduct an annual exercise to test planning readiness and organizational capability. This additional meeting was scheduled principally to conduct the annual exercise.

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

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

Membership of the Committee includes:

- Two Councillors of the Town of Bassendean;
- The Local Emergency Coordinator (Officer in Charge of the Kiara Police Station);

- Other combat agency representatives including Department for Fire and Emergency Services (District Manager and SES Unit Manager);
- Department for Health (St John's Hospitals Midland);
- Child Protection and Family Support; and
- Relevant Officers of the Town (DOS, MAS, Snr EHO, Snr Ranger).

A representative of the State Emergency Management Committee Secretariat (SEMC) attends Committee meetings in an advisory capacity. The Director Community Development is the Executive Officer to the Committee and as such does not have voting rights.

STRATEGIC IMPLICATIONS

The Local Emergency Management Committee

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

COMMENT

The meeting was principally to conduct the annual exercise. The Exercise, titled T-Bone, was facilitated by the outgoing OIC of the Kiara Police Station, Senior Sergeant Ian North.

A t-bone scenario included a truck v's train collision at the Collier Road crossing in morning peak hour that resulted in the spill of 4,000 litres of Hydrogen Peroxide (H₂O₂) into the environment, including the drains and emitting a toxic plume. There were several casualties and an exclusion zone was created. An evacuation was called for and an evacuation centre established.

The Committee conducted a discussion exercise including composition of the Incident Support Group and of their role; who requires evacuating and to where; the means of communicating the incident and maintaining up to date to the community; medical response arrangements; traffic implications; the establishment of a Recovery Committee; and Recovery planning.

The Committee also considered the following issues:

1. Advice of a revised State Emergency Management Policy structure.
2. Annual capability reporting process to SEMC.

3. Post incident report by SES of 13 jobs attended to due to storm damage.
4. Updated key holder and contact details

STATUTORY REQUIREMENTS

The Emergency Management Act 2005 prescribes that:

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

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

SEMC Policy 2.5 – Emergency Management for Local Government

ADP – 05 – Emergency Management for Local Government (Procedures)

FINANCIAL CONSIDERATIONS

There are no direct financial implications associated with the Committee meeting minutes.

OFFICER RECOMMENDATION – ITEM 10.10

That Council receives the report on the meeting of the Bassendean Local Emergency Management Committee held on 1 June 2016.

Voting requirements: Simple majority

10.11 Liveable Town Advisory Committee (LTAC) Meeting held on 7 June 2016 (Ref: GOVN/CCL/MEET/34 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Liveable Town Advisory Committee held on Tuesday 7 June 2016.

ATTACHMENTS

Attachment No. 7: Liveable Town Advisory Committee Minutes of 7 June 2016.

BACKGROUND

The Committee has the following role:

1. To advise Council on current trends and issues relating to services for children, young people, seniors, and families, and to recommend strategies and policies to address the changing environment for current and future residents in the Town;
2. To consult with and define residents' aspirations and needs, and to articulate their emerging priorities for provision of services, infrastructure and environmental protection;
3. To advise Council on actions the Town can take that strengthen residents' sense of place, connectivity with their community and achieve enhanced civic participation and reconciliation matters with First Nation People of the region;
4. To monitor and report to Council on implementation progress on matters referred to the Committee by Council;
5. To develop strategies to achieve the Town's Positioning Statement "That the Town of Bassendean will become a hub of recreation, arts and culture in Perth's Eastern Region";
6. To recommend to Council issues to be considered for inclusion within the Town's strategic plans;

7. To provide advice on issues impacting upon the business community and recommend strategies to foster economic development in the Town and Region;
8. To provide advice on issues impacting upon the natural environment and recommend strategies to enhance protection of the natural and built environment in the Town; and
9. To provide advice on heritage and matters impacting upon the preservation of pre-European and the Colonial/post-colonial historic record and recommend strategies and actions to enhance their protection.

The Officer Reports provide an update on those activities and is provided to assist the Committee in defining the nature of future agenda items to be referred by Officers.

STRATEGIC IMPLICATIONS

The LTAC meets all six (6) themes of the Corporate Business Plan 2015-2019:

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

COMMENT

The following items were considered at the meeting:

1. Committee Work Program:

Reports were provided on the progress of the three established Working Groups. Notes of the Working Group meetings were attached with the Agenda.

The Committee resolved that the next Bassendean Briefings include an introduction to the Liveable Town Advisory Committee and a request for those with areas of expertise within the Town who are willing on a voluntary basis, to offer advice and assistance to working groups to improve the liveability of the Town, provide their names and areas of expertise for a list to be drawn upon to assist in Committee determinations.

2. Ongoing Activity Progress Reports:

Officers reported on activities relevant to Committee under their Lines of Business:

- a.) *Recreation:*
- b.) *Culture:*
- c.) *Economic Development:*
- d.) *Children Services:*

3. Buster the Fun Bus:

The Committee considered an Officer Report that was prepared as a result of a Notice of Motion seeking consideration to contracting Buster the Fun Bus to the Town on a trial basis.

The Committee recommends that Council:

1. Authorises the CEO to enter into discussions with the City of Fremantle to contract the services of "Buster the Fun Bus" on Thursdays in Term 3 2016;
2. Receives an Officer report on the outcome of the trial period at the September Ordinary Council Meeting; and
3. Considers allocating \$6,000 in the draft 2016/2017 budget to fund "Buster the Fun Bus" for the trial period, and if determined, for term 4 2016.

OFFICER COMMENT

Subsequent to the report being considered by the Committee, the Director Community Development received advice that the costings provided to him may be inaccurate given the price being charged for the service to the City of Melville was \$500/session. The costings would require to be reviewed. There has been no updated information received on the matter.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

The Committee requests Council considers allocating \$6,000 in the draft 2016/17 Budget to fund the Buster the Fun Bus trial for Term 3 - 2016.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.11

That:

1. The next Bassendean Briefings include an introduction to the Liveable Town Advisory Committee and a request for those with areas of expertise within the Town who are willing on a voluntary basis, to offer advice and assistance to working groups to improve the liveability of the Town, provide their names and areas of expertise for a list to be drawn upon to assist in Committee determinations;
2. Council authorises the CEO to enter into discussions with the City of Fremantle to contract the services of “Buster the Fun Bus” on Thursdays in Term 3 - 2016;
3. Council receives an Officer report on the outcome of the trial period at the September Ordinary Council Meeting;
4. Council considers allocating \$6,000 in the draft 2016/17 Budget to fund “Buster the Fun Bus” for the trial period, and if determined, for Term 4 - 2016; and
5. Council receives the report of the meeting of the Liveable Town Advisory Committee held on 7 June 2016.

Voting requirement:

Points 1, 2, 4 & 5 - Simple Majority

Point 4 - Absolute Majority

10.12 Audit & Risk Management Committee Meeting held on 8 June 2016 (Ref: GOVNCCL/MEET/3, Michael Costarella, Director Corporate Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Audit & Risk Management Committee held on 9 March 2016 and adopt the recommendations from the Committee.

ATTACHMENTS

Attachment No. 8: Minutes of the Audit & Risk Management Committee meetings held on 8 June 2016.

Confidential Attachment No. 3:
Debtors Write-off and Interim Audit Report

COMMENT

The following items were discussed

1. 2015/16 Interim Audit – Macri & Partners

This report is to provide Council, through the Audit and Risk Management Committee, with details of the Interim Audit Report and provide management comments and information on the remedial action taken.

OFFICER RECOMMENDATION – ITEM 8.1

That the Audit and Risk Management Committee receives the:

1. Interim Audit Report for the 2015/16 financial period, from Macri & Partners; and
2. Statement on the Fraud and Error Assessment and authorises the Chairperson of the Audit and Risk Management Committee to sign the Statement and on-forward it to the Auditors.

The Committee noted Point 1 and 2 above and agreed to add the additional Points 3 to 6 in the Committee Recommendation as follows:

3. Requests a report detailing the processes and procedures that have been put in place to address the issues raised in the interim audit report;

4. Requests a report be presented to the next meeting of the Audit & Risk Management Committee that addresses the issues raised in the past three interim audits and whether any matters remain outstanding;
5. Requests that within six months an internal audit of the procurement system **and include Fraud Risk Analysis with a focus on the procurement process** be undertaken and reported to this Committee; and
6. Supports in principle the concept of additional resources to ensure compliance with governance issues and seeks a report as to the possible implementation of this.

Note: The Notice of Motion 11.2 of the Ordinary Council Agenda refers to an amendment to item 5 of this recommendation ie “and include Fraud Risk Analysis with a focus on the procurement process”. At the discretion of Council, this could be dealt with as an amendment as opposed to a Notice of Motion.

2. Cash in Lieu report on all matters relating to Development Agreement and Arrangements for the Town Centre Project with LandCorp and Swan Districts Football Club

This report was presented to address the Notice of Motion that was passed by Council at its March 2016 meeting which relates to the Cash-in-Lieu applicable to the Town Centre project.

OFFICER RECOMMENDATION

1. The information on the Cash-in-Lieu for the Town Centre Redevelopment be noted; and

An addition point 2 was added to the Officer Recommendation as shown in bold below:

2. Council informs the development agreement partners that the Town will require a cash-in-lieu payment from any lots developed to enable purchase of local open space in areas destined for future higher density coding.

3. Annual Closed Circuit Television (CCTV) Report

This report presented the annual reportable statistics for the Town's installed CCTV systems as required in the Closed Circuit Television (CCTV) Management & Operational Manual.

4. Heritage Project at 1 Surrey Street

Cr Bridges presented a Notice of Motion for the Audit and Risk Management Committee to review the governance charter for the proposed heritage project at 1 Surrey Street to ensure due diligence is applied to the sustainability of the project.

5. Various Debts Write-off

This report recommends that various outstanding and unrecoverable debts totalling \$2,205, be written off.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.12

That:

1. Council notes the Interim Audit Report for the 2014/15 financial period from Macri & Partners;
2. Council notes the Statement on the Fraud and Error Assessment and authorises the Chairperson of the Audit and Risk Management Committee to sign the Statement and on-forward it to the Auditors;
3. A report detailing the processes and procedures that have been put in place to address the issues raised in the interim audit report be presented;
4. A report be presented to the next meeting of the Audit & Risk Management Committee that addresses the issues raised in the past three interim audits and whether any matters remain outstanding;
5. Within six months, an internal audit of the procurement system be undertaken and reported to the Audit and Risk Management Committee;
6. Council supports in principle the concept of additional resources to ensure compliance with governance issues and seeks a report as to the possible implementation of this;
7. The information on the Cash-in-Lieu for the Town Centre Redevelopment be received;

8. Council informs the development agreement partners that the Town will require a cash-in-lieu payment from any lots developed to enable purchase of local open space in areas destined for future higher density coding.
9. Council notes the annual CCTV Management and Operation report.
10. The governance charter for the proposed heritage project at 1 Surrey Street is reviewed by the Audit and Risk Management Committee to ensure due diligence is applied to the sustainability of the project; and
11. Council writes off debtors of \$2,205 as listed in the Confidential Report to the Audit & Risk Management Committee Agenda of 8 June 2016.

Voting requirement: Absolute Majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 9: List of Accounts

BACKGROUND

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

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION - ITEM 10.13

That Council receives the List of Accounts paid for May 2016, as attached to the Ordinary Council Agenda of 28 June 2016.

Voting Requirements: Simple majority

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

APPLICATION

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

ATTACHMENTS:

Attachment No. 10: Financial Reports for May 2016

BACKGROUND

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

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2015/16 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

COMMENT

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 3.4% ahead of Budget Year to date. Interest on investments is 8.3% ahead of estimates. Grants, Subsidies and Contributions, are 5.9% ahead of budget YTD forecasts, and Fees & charges, Service charges are on target.

Total expenditure by nature & type for YTD is 6.38% below Budget YTD expectations. Employee costs are over-expended by 2.5%, Utilities, interest Expenses and other expenses are slightly under expended. Materials & contracts are well under expended at 19.8%. Insurance Premiums are in accordance with budget expectations in the current reporting period.

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.

Infrastructure Capital projects and property plant & equipment are behind required budgeting levels, with current level of expenditure to YTD budget at 60%.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ended the 31 March 2016. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.14

That:

1. The Financial Reports for the period ended 31 May 2016, as attached to the Ordinary Council Agenda of 28 June 2016, be received; and
2. The budget amendments listed (Including Transfers to Reserves) for adoption in the Financial Statements as attached to the Ordinary Council Agenda of 28 June 2016, be approved.

Voting Requirements: Absolute majority

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

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

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

Issue ID	Assigned To	Brief Description	Action Taken
85670	Bob Jarvis	OCM-24/8/15 - Notice of Motion – Cr Carter	Report to May 2016 OCM. Recommend deletion.
90188	Bob Jarvis	OCM-34/3/16 - Notice of Motion – Cr Pule: Cash in Lieu report on all matters relating to Development Agreement and arrangements for the Town Centre Project with Landcorp and Swan Districts Football Club	The matter has been referred to the Audit and Risk Management Committee to be held on Wednesday 8th June 2016. Recommendations from this meeting will be presented to the OCM in June 2016. Recommend deletion.
89619	Simon Stewert-Dawkins	OCM-30/2/16 - Development of an Urban Forest Strategy	Liveable Town Advisory Committee's Urban Forest Working Group have held meetings on the 25 May, 31 May and 14 June and continue to undertake the tasks outlined in the Terms of Reference. Recommend deletion.

91644	Simon Stewert-Dawkins	OCM-31/5/16 - Cr McLennan: Container Deposit Scheme	Letter sent to major political parties seeking policy commitment to strengthen the "Keep Australia Beautiful Litter Prevention Strategy for Western Australia 2015-2020", by introducing a Container Deposit Scheme in Western Australia by 2018. Recommend deletion.
91092	Brian Reed	OCM-30/4/16 - Notice of Motion - Cr Brown: NearMaps	Information on procurement decisions reported to Councillors via the bulletin on 24th June 2016. Recommend deletion.
91631	Brian Reed	OCM-8/5/16 - Comprehensive Strategic Planning Framework for the Town Prepared by Taylor Burrell Barnett	Funds for Year 1 of the Strategic Planning Framework included in the 2016/17 draft Budget and funds for Years 2 and 3 in the Long Term Financial Plan. Recommend deletion.
91632	Brian Reed	OCM-9/5/16 - Petition relating to the Bassendean Town Centre Redevelopment	Landcorp and Swan Districts advised of concerns at Stakeholder Reference Group Meeting. Recommend deletion.
91628	Dylan Stokes	OCM-6/5/15 - Unauthorised Construction of a Front Screen Wall at Lot 20; No. 63 Ivanhoe Street, Bassendean	Wall has been modified, further minor modifications required. Recommend deletion.
90190	Ken Cardy	OCM-12/4/16, OCM-37/3/16 - Weed Management	Item listed in draft 2016-17 Capital Budget for Council approval and ongoing steam trials cost listed in draft Operational Budget for Council Approval. Recommend deletion.
91634	Ken Cardy	OCM-11/5/16 - Bulk Rubbish Contract	Letters forwarded to contractors regarding date changes. Recommend deletion.
91633	Mandy Godfrey	OCM-10/5/16 - RFT CO 046 2015-16 Provision of Plumbing and Gas Services	Letters forward to successful and unsuccessful contractors. No further action. Recommend deletion.

91635	Mandy Godfrey	OCM-12/5/16 - RFT CO 047 2015-16 Provision of Concrete Footpaths and Crossovers	Letters forward to successful and unsuccessful contractors. No further action. Recommend deletion.
91636	Mandy Godfrey	OCM-13/5/16 - RFT CO 043 2015-16 Provision of Turf Maintenance at Steel Blue Oval, Ashfield Reserve and Jubilee Reserve	Letters forward to successful and unsuccessful contractors. No further action. Recommend deletion..
91637	Marnie Woodley	OCM-14/5/16 - Fence Replacement Wind In the Willows Ashfield	Fence installed on 24 July. Recommend deletion.
90180	Mona Soliman	OCM-13/3/16 - Hyde Retirement Village Solar Energy Installation	Inclusion in the 2016-2017 capital budget has been completed. Recommend deletion.
91093	Salvatore Siciliano	OCM-32/4/16 - Sports Achievement Awards	Sport Achievement Awards were presented at the Ordinary Council Meeting held on Tuesday 24 May 2016. Recommend deletion.
91630	Timothy Roberts	OCM-7/5/16 - Proposed 9 Lot Subdivision of Lot 336 (No. 147) West Road, Bassendean	Western Australian Planning Commission advised of Council decision. Applicant advised of Council preparedness to initiate a scheme amendment. Site nominated for inclusions within State Register of heritage places. Recommend deletion.
91642	Yvonne Zaffino	OCM-29/5/16 - Cr McLennan: Council Meeting Schedule	Meeting Schedule Policy amended and public advertising has been carried out. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.15

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 28 June 2016 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

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

The 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 10.16

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

Voting Requirements: Simple majority

10.17 Calendar for July 2016 (Ref: Sue Perkins, Executive Assistant)

Tue	5 Jul	6.00pm	Citizenship Ceremony – Community Hall
Wed	6 Jul	10.00am	Access & Inclusion Committee Meeting – Council Chamber (Cr Pule)
Thu	7 Jul	7.00pm	Special Council Meeting – Adoption of the Budget – Council Chamber
Tue	12 Jul	5.00pm	Presentation by the EMRC – Resource Recovery – Community Engagement (All Councillors)
Tue	12 Jul	6.00pm	Municipal Heritage Inventory Review Committee Meeting – Council Chamber (Crs Pule, Bridges & McLennan)
Tue	19 Jul	7.00pm	Briefings Session – Council Chamber
Thu	21 Jul	6.00pm	EMRC Council Meeting – If required – (Crs Lewis & Bridges)
Tue	26 Jul	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	29 Jul	5.00pm	Youth Advisory Council Meeting

OFFICER RECOMMENDATION - ITEM 10.17

That the Calendar for July 2016 be adopted.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Bridges: Container Deposit Scheme

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

“That the Town of Bassendean supports the Western Australian Local Government Association’s campaign to:

- *Continue to actively advocate for the implementation of a Container Deposit Scheme in Western Australia; and*
- *Include the implementation of a Container Deposit Scheme in the Associations Election Platform.”*

BACKGROUND INFORMATION – CR BRIDGES

Local Governments in Western Australia are long term supporters of Container Deposit Schemes (CDS). By placing an economic value on empty containers, these schemes provide multiple benefits, including:

Shifting the cost of managing waste - Local Governments and their ratepayers currently cover the cost of collecting and managing containers that end up in kerbside collections, at drop off sites or as litter. Local Governments areas which attract tourists often have to manage waste generated by visitors who do not contribute financially to the ‘clean-up’ of various products through rates. The overall costs of managing these products need to be shifted onto the producers and consumers of products.

Modelling by the NSW Local Government Association showed that a CDS would result in Local Governments actually getting paid for their recycled products from the kerbside system - rather than having to pay to get it processed. This is because a CDS has the potential to reduce the uncertainty within the commodity market, it creates a ‘cleaner’ product, with a higher, more consistent value. It has also been found that a CDS could reduce the amount of material that is processed through the kerbside system by as much as 17% but increase the value of the remaining material by 19-47%.

Reducing the amount of litter - According to the 2013/14 Keep Australia Beautiful National Litter Index. WA has one of the highest volume of litter in the nation. In WA, of the top 12 littered items, 5 were beverage containers. In South Australia, beverage containers, covered by the Container Deposit Legislation (CDL), did not rate in the top 12 littered items.

In SA, nearly 80% of the CDL containers that are sold are returned for the 10 cent refund. Introducing a CDS in WA would significantly reduce the amount of litter.

Improving our recycling rate - Western Australia's overall waste diversion from landfill is currently 39%, the target for waste diversion for 2014/15 was 55% diversion from landfill. A CDS is one way to help increase waste diversion. In South Australia the recycling rate is over 70%. As well as recovering more containers, there are additional benefits to a CDS. Such schemes can encourage businesses to establish 'collection depots' that not only collect containers but other forms of recyclables, such as scrap metals. This means that recycling becomes more accessible to the general population.

Interstate Progress on Container Deposit Schemes

In 2013/14 NSW was the most littered state. The NSW Government recently announced that they will progress the implementation of a Container Deposit Scheme, with a 10c deposit and a similar range of products covered as South Australia and the Northern Territory. Queensland is also progressing the development of a Container Deposit Scheme. Previously, there was a national process in place to investigate options for managing packaging. This was the main reason given for not progressing a CDS in WA. A breakdown in the national process, and interstate developments, presents WALGA and Local Government with an opportunity to strongly advocate for a Container Deposit Scheme in Western Australia.

Recycling Activity in Western Australia 2013-14. Available from <http://www.wasteauthority.wa.gov.au/publications/recycling-activity-2013-14>

Western Australian Waste Strategy Creating the Right Environment. Available from http://www.wasteauthority.wa.gov.au/media/files/documents/WA_Waste_Strategy.pdf

Keep Australia Beautiful National Litter Index Annual Report 2013/14. Available from <http://kab.org.au/wp-content/uploads/2012/05/9980-KAB-NLI-Report-2013-14-for-web.pdf>

NSW Container Deposit Scheme. Available from <http://www.epa.nsw.gov.au/waste/container-deposit-scheme.htm>

QLD Container Deposit Scheme Advisory Group <https://www.ehp.qld.gov.au/waste/container-deposit-scheme.html>

OFFICER COMMENT

In May 2016, Cr McLennan moved a Notice of Motion and Council (OCM–31/05/16) resolved that the Town of Bassendean recognises the July 2017 start date of the Container Deposit Scheme (CDS) in NSW, plus the already successfully operating CDS litter reduction programs in SA & NT and writes to the major political parties seeking policy commitment to strengthen the “Keep Australia Beautiful Litter Prevention Strategy for Western Australia 2015-2020”, by introducing a CDS initiative in Western Australia aligned with NSW, SA and NT by 2018.

In regards to the above Notice of Motion, the Town will continue to support the Western Australian Local Government Association’s campaign to implement a Container Deposit Scheme in Western Australia.

11.2 Notice of Motion – Cr Bridges: Fraud Risk Analysis

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

“That the internal audit referred to in item ARMC – 1/06/16 include a Fraud Risk Analysis with a focus on the procurement process.”

BACKGROUND INFORMATION – CR BRIDGES

ARMC - 1/06/16

MOVED Cr Mike Lewis, Seconded Mr Ian Walters, that the Audit and Risk Management Committee:

1. **Notes** the Interim Audit Report for the 2014/15 financial period from Macri & Partners;
2. **Notes** the Statement on the Fraud and Error Assessment and authorises the Chairperson of the Audit and Risk Management Committee to sign the Statement and on-forward it to the Auditors;
3. **Requests a report detailing the processes and procedures that have been put in place to address the issues raised in the interim audit report;**

4. Requests a report be presented to the next meeting of the Audit & Risk Management Committee that addresses the issues raised in the past three interim audits and whether any matters remain outstanding;
5. Requests that within six months an internal audit of the procurement system be undertaken and reported to this Committee; and
6. Supports in principle the concept of additional resources to ensure compliance with governance issues and seeks a report as to the possible implementation of this.

11.3 **Notice of Motion – Cr Brown: Diaries for Councillors**

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

“That the Town of Bassendean, at the earliest opportunity, provide Councillors with a diary book and thereafter require Councillors to notate in this diary all and any contact or communication with any person seeking contact or communication with Councillors in their position as a Councillor for the Town of Bassendean. Such notation will include the time, date, method and or place of contact, the identity of the person contacting or communicating with the Councillor, their reason for doing so and any action taken by the Councillor as a consequence of the contact or communication. The diary may also be used to enter detail of any council related duties undertaken by the Councillor at their discretion. Maintaining this written diary will form part of the Councillor’s official duty and be subject to Local Government document retention guidelines. Each year the diaries will be provided by Councillors to the Town and stored for a period of safekeeping.”

BACKGROUND INFORMATION – CR BROWN

Councillors should not be discouraged from meeting and maintaining dialog with people or organisations seeking interaction with the Town. To do so should be viewed as entirely appropriate.

However, at a recent Council meeting, there was discussion concerning the appropriateness of Councillors meeting with people seeking to conduct business or otherwise influence a decision of the Town. It became apparent from this discussion few guidelines exist and the recording of such contact is entirely at the discretion of the individual Councillor.

In an era of burgeoning development, sophisticated lobbying, complex redevelopment and increasing politicisation of local government, there exists a demand for a higher level of accountability. The accurate recording of contact or communication can overcome any inference of bias or perception of impropriety, and maintains a higher degree of ethical standards.

Following a period of safe document retention, it may be the Town's Library then retain the diaries for posterity.

OFFICER COMMENT

The use of diaries may well assist Councillors in complying with the Records Act and Council's new policy on disclosing meetings with developers, and if they are handed in to the Administration each year they would be kept in the Records system for the requisite period. However, this is essentially a voluntary matter as there is no statutory requirement for Councillors to keep records in this format. An offer of a diary is forwarded to Councillors each year.

11.4 Notice of Motion – Cr Pule: Business Plans for Civic Centre Buildings

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

“That the Chief Executive Officer begins the investigation and preparation for suitable Business Plans to incorporate the development of the Civic Centre Buildings in conjunction with the LandCorp Development in order to obtain the best benefits for the Town.”

COMMENT – CR PULE

1. There are real cost benefits that may be achieved by working in partnership with LandCorp to develop the Civic Centre Buildings. The Town already has a number of past proposal which did not go ahead. These can also be considered in part in the new considerations.
2. The current Civic Buildings are ageing and need to be renewed to meet the growing needs of the community.
3. Community consultation may now express a favourable view of such Civic Centre renewal.
4. If the Town can prepare good Business Plans and proposals quickly, they can be achieved by incorporating with the LandCorp development and save public open space.
5. Working in partnership with the community and LandCorp can deliver very beneficial synergies that can make this project viable and achievable.
6. Past plans and designs can contribute to the Concept Designs and community consultation can add the current community view.
7. Now is also an opportune time to seek sizeable grants to support this project.
8. This is part of the long term Strategic Plan ... *“to improve the quality of life in Bassendean”* and part of the Bettering Bassendean Concepts, especially in bettering aging infrastructure.

OFFICER COMMENT

If this Motion is passed, it needs to be recognised as the beginning of potentially a long process even with LandCorp’s assistance. The lifting of the reservation on which the Council buildings are located would require the approval of both Houses of Parliament to a recommendation from the Minister. It is assumed that the Minister would not entertain the proposal unless the business case and plans, are well developed and sustainable, and not detrimental to the State Government’s interests. It is clear that the existing buildings are ageing and becoming more expensive to maintain. Some form of long term planning is required to ensure that the Town’s administration and community meeting facilities are adequately housed for the future.

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

13.0 **CONFIDENTIAL BUSINESS**

13.1 **Recycling & Refuse Waste Collection Interim Contract (Ref: WSTMNGT/TENDNG/6 - Ken Cardy, Manager Asset Services)**

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

13.2 **Sports Achievement Award (Ref: COMR/AWADP/4 –Tim Dayman, Recreation Development Officer)**

In order to maintain the confidentiality of the name of the nominee, this report is to be discussed with members of the public excluded under Section 5.23 (2) (b) of the Local Government Act.

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 26 July 2016.