

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 20 March 2018 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

A G E N D A

The Mayor will preside at Briefing Sessions. In the absence of the Mayor, the session will be presided over by the Deputy Mayor.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

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

2.0 PUBLIC QUESTION TIME

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

3.0 ATTENDANCES AND APOLOGIES

4.0 DEPUTATIONS

5.0 DECLARATIONS OF INTEREST

6.0 REPORTS

6.1 Application for Outdoor Dining (8 Napkins) at Lot 1 (Unit 4, No. 85) Old Perth Road, Bassendean, Owner: ESA (WA) Pty Ltd, Applicant: 8 Napkins Pty Ltd (Ref: DABC/BDVAPPS/2018-030 – Cameron Hartley, Planning Officer)

APPLICATION

The application proposes to increase the number of seating within the applicants lot boundaries for the ground floor café tenancy at No. 85 Old Perth Road, Bassendean (8 Napkins). The application seeks approval to vary the minimum car parking bays required under the Towns Local Planning Scheme No.10.

ATTACHMENTS

Attachment No. 1:

Site, floor and elevation plans

BACKGROUND

The Joint Development Assessment Panel, at its meeting held 30 August 2012, granted development approval for a mixed use development on the subject site comprising of retail and café uses on the ground floor and residential units above. The approved development included the provision of 19 car parking bays for the use of the ground floor commercial tenancies supplemented by 4 car parking bays on the street. An approved strata plan indicates that of the 19 bays approved on the site, four bays are for the exclusive use of the subject tenancy.

The tenancy operates 7 days a week from 5pm – 9pm Monday to Thursday and 11am to 9pm Friday to Sunday. It is noted that the area proposed for dining is not controlled by the Town and forms part of the common property for the development which the tenancy is located.

COMMUNICATION & ENGAGEMENT

If a proposed development does not comply with a standard prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to conditions as the local government thinks fit.

In considering an application for development approval, where in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site, which is the subject of consideration for the variation, the local government is to consult the affected parties and have regard to any expressed views prior to making its determination to grant the variation.

The Scheme goes on to state that the ability to approve the variation may only be exercised if the local government is satisfied that:

- (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations; and*
- (b) *The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

No consultation has been undertaken with respect to the assessment of the application, as it is expected that the approval to allow the tenancy increased patron numbers, if approved, will not adversely affect owners or occupiers within the general locality or an adjoining site. The use of the area as proposed has been endorsed by the strata company as part of the development.

STRATEGIC IMPLICATIONS

OBJECTIVE: Facilitate local business retention and growth.

STRATEGIES: Strengthen local business networks and partnerships.

OBJECTIVES: Enhance the Town's appearance.

STRATEGIES: Improve amenity and the public realm.

COMMENT

It is noted that the site is subject to the provisions of the Town's Local Planning Policy 1: Bassendean Town Centre Strategy and Guidelines. Clauses 4.7 and 8.5 of this policy seeks to promote development towards the frontage of Old Perth Road, to enhance the liveliness of the central streetscape. This policy specifically calls for cafes, restaurants and coffee shops fronting Old Perth Road which are proposing outdoor eating areas, to be encouraged. The officer suggests the proposal satisfies this policy objective.

The application falls short in relation to the car parking requirements as detailed under clause 5.7.2 of LPS 10. With an existing parking shortfall of 25 bays under LPS 10 the proposal would see the shortfall increase to 31 Bays under LPS 10, for all commercial tenancies on site.

Clause 5.5. of LPS 10 deals with variations to prescribed requirements. If a development, the subject of an application for development approval, does not comply with a standard prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government sees fit. This power may be exercised with consideration to the following matters:

- (a) the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;
- (g) any local planning policy of the Scheme area;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including appearance of the development;
- (n) the amenity of the locality including the character of the locality
- (s) the adequacy of the proposed means of access to and egress from the site and arrangement for the loading, unloading and maneuvering and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of public transport services and access for pedestrians, cyclists, older people and people with a disability; and
- (zb) any other planning consideration the local government considers appropriate.

Council shall note that the existing 25 (LPS 10) car bay shortfall is already what is existing on site for all commercial floor space. Therefore, the salient point of this assessment is whether the increased parking shortfall to 31 parking bays is likely to impact on the site and the adjoining land uses. The Council has the option to:

- Refuse the application, having regard to the non-compliance;
- Approve the application unconditionally; or
- Approve the application, subject to conditions.

It is relevant for Council to note that six recent development approvals (including the 2012 approval for this site) within the Town Centre Zone being redevelopment of Bassendean Village Shopping Centre, Mixed Use developments at 78-80, 89 and 93 Old Perth Road as well as the Cork and Bottle's change of use application, have all involved concessions with respect to car parking provision.

In the context of these approvals being granted by the Town, the relatively small scale of the proposed development and the proposal being consistent with the objectives of LPS 10 and Local Planning Policy 1, it is recommended that the application be approved subject to conditions.

STATUTORY REQUIREMENTS

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

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

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 6.1

That Council grants development approval for Outdoor Dining for Lot 1 (Unit 4, No.85) Old Perth Road, Bassendean, subject to the following conditions:

1. No more than 6 tables and 24 chairs shall be provided or permitted to remain in the outdoor dining area;
2. The development to be consistent with the approved plans stamp dated received on 23 February 2018.
3. All tables and chairs are to be contained within lot boundaries, and shall not encroach upon any other land, at all times.

Voting requirements: Simple Majority

6.2 Application for a Change of Use to Recreation – Private (Star Mites Gym Sports Pty Ltd) at Lot 119; (No. 301) Collier Road, Bassendean, (Owner: Maru Pty Ltd, Applicant: Star Mites Gym Sports Pty Ltd - Liz Gardiner) (Ref: DABC/BDVAPPS/2017-160 – Cameron Hartley, Planning Officer)

APPLICATION

The purpose of this report is for Council to consider an application for development approval for a Change of Use from Light Industry to Recreation – Private (Star Mites Gym Sports Pty Ltd) at Lot 119 (No. 301) Collier Road Bassendean. The application seeks approval to vary the minimum car parking bays required under the Towns Local Planning Scheme No.10.

ATTACHMENTS

Attachment No. 2:

- Site, Floor and Elevation Plans
- Parking allocation plan
- Business details, applicant use confirmation letter, proposed class timetable
- Parking Audit
- Schedule of submissions
- Letter of support from landowner, owner Snapes Removals and current student.

BACKGROUND

An application was submitted for a Change of Use to a Recreation – Private on 29 November 2017. The proposed facility provides mostly after school activities for young children, including newborns, and young adults. The activities undertaken include Gymnastics, Dancing and Cheerleading. 'Mum's and Bubs' and 'Phys Ed' classes for school aged children are offered in a limited capacity during the week. The application was not formally advertised, however a tenant within the facility provided an initial objection to the development proposal and a further objection after subsequent information was provided.

The property maintains a single owner for the whole site, with each tenancy forming a separate lease arrangement. There are five separate businesses operating (including the proposed tenancy) on the site and sharing the facilities including car parking. These businesses include Snapes Removals, the proposed Star Mites tenancy, Subway, Senses Australia and Catalanos Seafood.

The site is zoned 'General Industry' under Local Planning Scheme No. 10. The site is located on the corner of Collier Road and Grey Street, within the established Bassendean industrial area.

The report as attached details the proposal and can be summarised as follows:

- Classes on the site are to occur 7 days a week and include staggered starting times. Operating hours include:
 - o Monday: 3:50pm – 8:30pm
 - o Tuesday: 10am – 9:30pm
 - o Wednesday: 3:50pm – 9:30pm
 - o Thursday: 10am – 9:30pm
 - o Friday: 3:50pm – 8pm
 - o Saturday: 8am – 4:30pm
 - o Sunday: 7:45am – 8:10pm
- A maximum of 5 staff at any time;
- The application seeks to use 12 parking bays allocated to them by the landowner, however the applicant has the landowners permission to use all car parking bays on the site. Parking is allocated to tenancies through their lease arrangements; and
- There are no modifications proposed to the exterior of the existing building.

COMMUNICATION & ENGAGEMENT

The application was not formally advertised to tenants in the complex, as the assessing officer suggests the application is capable for approval with conditions which would not see any undue impacts on lease holders on the site. This will be elaborated further in this report.

Whilst the Town did not advertise the application, one tenant submitted an initial objection then after supplementary information was provided, confirmed their objection to the proposal. The objection, the Council Officers response and the applicant's response are summarised under a Schedule of Submissions as an attachment to this report.

The primary point raised as part of the objections was the parking shortfall which currently exists on the site and that the proposed land use, if approved, will unacceptably increase parking demand to the detriment of the site. The Town supports the application, which is elaborated on further within this report.

The grievance the objector has with the rating of the land and the Valuer General is not and cannot be considered as a valid planning objection for this application. It is recommended that the objector seek other avenues to pursue any miscalculation from the Valuer General.

STRATEGIC IMPLICATIONS

Objectives:

Ensure all community members have the opportunity to be active, socialise and be connected.

Strategies:

Provide accessible facilities that support leisure, learning and recreation for people of all ages.

Objectives:

Build economic capacity

Strategies:

Encourage and attract new investment and increase capacity for local employment;
Plan for and build capacity for Commercial and Industrial

COMMENT

Land Use

Local Planning Scheme No. 10 (LPS 10) dictates permissible land uses. Under Table 1 of the LPS 10, a Recreation-Private use is a 'D' or 'Discretionary' use and therefore means that 'the use is not permitted unless the local government has exercised its discretion by granting development approval.'

Clause 4.2.4 of the Scheme details the objectives of the General Industry zone, which provides guidance on the types of uses that should be considered appropriate for this zone. The objectives and justification as to how each objective has been adhered to, is as follows:

"4.2.4 General Industry

The objectives of the General Industry zone are:

- (a) *To provide for a broad range of industrial uses, excluding noxious or hazardous activities; "*

Despite the Recreation - Private use not involving an industrial use, it still maintains a discretionary use class in the General Industry zone.

Whilst the operating hours of the use, generally outside of normal business hours including weekends, is substantially different to the majority of other surrounding land uses, the Recreation-Private use does not operate in a manner that is substantially different to that of other businesses in the surrounding area and on the site.

Due to the location to Collier road, being well within an established industrial area, emissions such as noise is not likely to be greater than other industrial uses.

(b) To accommodate industry that would not otherwise comply with the performance standards of light industry

The proposed operations on the site are not considered to strictly adhere to a typically industrial use.

(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.

Whilst the use is not industrial, the use of the facility is not likely to detrimentally affect the amenity of 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.

The application does not seek to alter existing car parking access on the site. If approved, the tenancy will increase traffic movement on the site, but this is unlikely to be to the detriment of adjoining tenants or uses. The use of a school bus or buses, in a limited capacity on Tuesdays and Thursdays, is not likely to significantly impact on traffic circulation for the site.

(e) To provide car parking and landscaping appropriate to the scale of development.

Established car parking facilities are provided on site and are deemed adequate for the proposed use, as discussed later in this report.

(f) To preclude the storage of unsightly goods from public view.

No goods are to be stored in the verge or otherwise, due to the self-contained nature of the use.

(g) To ensure that development confirms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

The adopted Local Planning Strategy does not seek to change the boundaries of the existing industrial areas.

Car Parking

LPS 10 dictates permissible required car bays for differing land uses, referring to Table 2 of Clause 5.7. However this table fails to specify the bays required for 'Recreation-Private'. Clause 5.7.2.1 of the LPS 10 states the following:

“Where an application is made for development approval and the purpose for which the land or building is to be used is not specified in Table 2, the local government shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.”

Given the similarity in use, the Town has adopted the 'Gymnasium' parking requirements. Table 2 states that for a Gymnasium land use, 1 car bay is required per 20m² of gross floor area (GFA). The assessing officer notes that whilst a portion of the GFA may be used as an incidental office to the proposal, the 'Office' use has the same parking requirement under the Scheme as that of a Gymnasium.

The GFA of the site is 993m²(including mezzanine floor), therefore requiring 49.65 (50) car bays. Of the 75 bays depicted on the site plan, 20 of these bays are provided at the rear of the site behind a security gate and is not contemplated as being available to the proponent. Therefore the total number of bays to be available would be 55. A parking allocation plan provided by the landowner indicates that of these 55 bays, 11 bays are allocated to Snapes Removals, 12 bays to Subway, 12 bays to the proposed Star Mites, 5 bays to Senses and the remaining 15 bays to Catalanos. Using the above allocation of parking, the notional shortfall of parking is 38 parking bays.

However, based on the operating hours proposed by the applicant and the established operating hours for each tenancy for operations Monday to Friday, it is not likely that there is to be a conflict for parking bays.

Whilst it is proposed that there is to be classes undertaken during ordinary business hours these are to be limited in size so as to only occupy the number of bays allocated to the tenancy or include a single pick up and drop off by a school bus which does not stay on site. This conclusion that there is unlikely to be a parking shortfall is drawn from a parking audit undertaken by the Town which indicates on average 41.7 (41) bays being available at the front of the site taken from 4:11pm and 4:31pm Monday to Friday (see attachment).

With a minimal overlap between existing business operations on the site and a 'Kiss and Ride' system of dropping students off, the assessing officer suggests there will be little impact on established tenants on the site.

Based on the operating hours for Saturday, the established operating hours for each tenancy and the evidence collated over three Saturdays trading, it is clear on site that parking demand for this period will not cause a significant conflict with the established businesses. The officer notes that the only other tenancies operating from the site are Catalanos Seafoods and Subway lunch bar on a Saturday. Minimal trading occurs from Snapes Removals and are done sporadically, therefore it is unlikely that this business generates a consistent and significant use of the parking facilities. Catalanos draws the majority of trade, as the use contains a popular retail component.

Whilst it is noted that the Saturday parking audits indicate a high turnover of visitors to the site, occupying nearly all bays available at the front of the tenancy along the Collier Road frontage, there is approximately 19-22 bays which would be available to the Star Mites tenancy during this peak time. The attached timetable indicates that a maximum of 29 students will be on the site during morning classes. However, the business operates as a 'Kiss and Ride' business model, as well as staggered class times. As the bays won't be occupied after students are dropped off on site and the classes are comparatively smaller than the rest of the week, the assessing officer suggests the use will not negatively impact on the tenants on the site and will provide sufficient parking for the proposed use, as well as the existing tenants.

As no other businesses operate on Sundays, there will be a 5 bay parking surplus across the accessible site.

STATUTORY REQUIREMENTS

Local Planning Scheme 10 determines the acceptability of land uses under Table 1 and the associated parking requirements under Table 2. Council officers recommend approving the Recreation – Private land use for the reasons stated under the Comment section of the report.

REVIEW OF DECISION

Should Council refuse the application for Development Approval, or impose conditions that are unacceptable to the applicant or land owner, then the determination becomes a reviewable determination in accordance with the Planning and Development Act 2005, Part 14 and a review of the determination may be sought through the State Administrative Tribunal.

FINANCIAL CONSIDERATIONS

N/A

OFFICER RECOMMENDATION — ITEM 6.2

That Council grants development approval for the proposed Change of Use at Lot 119 (No.301) Collier Road, Bassendean, subject to the following conditions:

1. The business operating in accordance with the Recreation-Private usage in accordance with the Local Planning Scheme 10 definition. Any alternative use of the premises will require the submission of an application to the Town for a change of use.
2. The proposed Recreation-Private use is limited to a maximum capacity of 50 people at any given time. Any future proposed increase in total capacity will require lodgement of a new application for development approval and consideration by the Town;
3. Operation of the use described in the formal approval above to be in accordance with details provided in the applicant use confirmation letter dated 12 March 2018 provided by Star Mites and business detail letter and class timetable provided by TPG Place Match dated 15 February 2018. Any changes to the operations will require lodgement of a new application for development approval for consideration by the Town.

4. Any 'Come and watch sessions', whereby parents and guardians are to attend the site rather than the predominant 'drop-off and pick-up' operations as detailed by the applicant are to occur during the times when minimal business operations are occurring on the site, to the satisfaction of the Town.
5. The operation of the site is restricted to the following days and times, reflective of the approved business detail and class timetable as referenced in condition 3 of this approval, and shall not be altered without prior approval of the Town:
 - a. Monday: 3:50pm – 8:30pm
 - b. Tuesday: 10am – 9:30pm
 - c. Wednesday: 3:50pm – 9:30pm
 - d. Thursday: 10am – 9:30pm
 - e. Friday: 3:50pm – 8pm
 - f. Saturday: 8am – 4:30pm
 - g. Sunday: 7:45am – 8:10pm
6. The allocation of twelve (12) car parking spaces being provided on site for the use solely in conjunction with the subject tenancy.
7. Car parking spaces being clearly marked for use solely for the allocated business. Car parking bays are to be marked or signed to the satisfaction of the Town within 60 days from the date of this development approval.
8. This approval does not include modification to the exterior of the premises. Any proposed external modifications for the development are to be subject of a separate application including signage.
9. A maximum of 2 staff members shall be on site for the 'Mums and Bubs' classes on Tuesdays and Thursdays.
10. Buses attending the site on Tuesdays and Thursdays for 'Phys Ed' classes are not to park on the premises. All bus services will be for pick up and drop off only to the satisfaction of the Town.
11. A maximum number of 5 staff shall be on the site at any one time.
12. No products, goods, materials or waste shall be stored outside of the building unless in a designated area that has been approved by the Town for this purpose.

Footnotes:

The applicant shall ensure that the dropping off and picking up of students during specified operating hours is on a 'kiss and ride' basis where appropriate and that parents of students, students and staff are made aware of this practice to ensure the minimal number of parking bays are occupied on the site.

Voting requirements: Simple Majority

6.3 Amended Application for Development Approval for a Convenience Store (petrol station) at Lot 125 (Unit 3 No. 335) Collier Road, Bassendean (Owner: Amtank Pty Ltd, Applicant: Planning Solutions - Ref: DABC/BDVAPPS/2018-017 – Timothy Roberts, Planning Officer)

APPLICATION

The Town has received an amended development application to a Joint Development Assessment Panel (JDAP) approved convenience store (petrol station) at Lot 125 (Unit 3 No. 335) Collier Road, Bassendean. As the previous approval was decided by the JDAP, it is appropriate that this report be considered by Council. This report seeks Council's endorsement to approve the amended development application.

ATTACHMENTS

Attachment No. 3:

JDAP Notice of Determination
Form 1 Responsible Authority Report
Proposed plan of development

BACKGROUND

On 24 May 2017, the Town received a development application for a proposed convenience store located at Lot 125 (Unit 3 No. 335) Collier Road, Bassendean. The proposed development had a specified value of \$2.1 million and as such the applicant elected to have the application determined by the JDAP in lieu of Council. The criteria for opt in applications specifies a minimum project value of \$2M.

At its Ordinary Council meeting held in May 2011, Council resolved to require that all JDAP applications be the subject of a report to Council in order for Council to make an alternate recommendation to the Metropolitan Central JDAP, should it see fit.

At the Ordinary Council meeting held in July 2017, Council endorsed the planning officer's report and recommendation and the application was progressed to the JDAP on this basis. The application was considered by the Metro Central JDAP at its meeting held on 21 August 2017, where in accordance with the Town of Bassendean Local Planning Scheme No. 10, it was resolved to approve the application (see attachment).

An operator has since been secured for the proposed development. Accordingly, the applicant seeks to amend minor aspects of the approved development to accommodate the operator's operational and branding requirements. This application seeks to amend minor aspects of the development approval which do not substantially change the development approval and to delete redundant conditions that's are no longer required as a consequence of the proposed minor amendments.

COMMUNICATION & ENGAGEMENT

Under the Zoning Table (Table 1) of the Town's Local Planning Scheme, a Convenience Store is a 'D' or discretionary use in the General Industry Zone. This does not generate a need for public advertising of the application

DEPARTMENT OF PLANNING

The proposal for a Convenience Store utilises an existing crossover to Collier Road, where 19m delivery vehicles, 8.8m service vehicles and regular vehicles will enter the site. The Planning and Development Act 2005 – Instrument of Delegation dictates when a referral is required to the Western Australia Planning Commission relating to development affecting Collier Road. Collier Road is a Category 2 Road and Table 2 of the Instrument of Delegation states that a referral is required when the development application meets certain characteristics. As the proposed convenience store met a number of these characteristics, the previous application was referred to the Department of Planning for comment. The recommendations from the Department of Planning were imposed as conditions of development approval and are not altered by the proposed amendment.

DEPARTMENT OF ENVIRONMENTAL REGULATION (DER)

The subject lot is associated with a Memorial for Lot 3 on Strata Plan 22003 in addition to the common property on the site. Under the Contaminated Sites Act 2003, the site is classified as 'remediated for restricted use'. The requirements under section 58(6)(b) of the Contaminated Sites Act 2003 states the following:

'A responsible authority is not to grant approval under a scheme for any proposed development on that land, without seeking, and taking into account, the advice of the CEO as to the suitability of the land for the subdivision, amalgamation or development'.

As such, the previous application was referred to the Department of Environmental Regulation for comment which recommended that no contamination related conditions be imposed.

As the amended application seeks to amend minor aspects of the development approval, which do not substantially change the development approval, and does not propose any new works to Collier Road, no consultation was undertaken as part of this amended application.

STRATEGIC IMPLICATIONS

OBJECTIVE: Build economic capacity.

STRATEGIES: Encourage and attract new investment and increase capacity for local employment.

OBJECTIVE: Build economic capacity.

STRATEGIES: Plan for and build capacity for Commercial and Industrial.

COMMENT

Lot 125 (No. 335) Collier Road encompasses three strata lots. The total size is 3383m² split between the three strata lots with an area of 2617m² used as common property for access, parking and landscaping. The strata configuration is as follows:

Strata Lot 1 – Existing Lunch Bar of 147m². Strata Lot 2 – Existing Factory and Workshop Addition with a combined area of 502m². Strata Lot 3 – Previously used as a Service station until 2011 upon which the existing service station was demolished and the lot has remained vacant. Strata Lot 3 is 1083m². The proposed Convenience Store falls wholly within Strata Lot 3. Besides a portion of the common property used for vehicle access to Collier Road, the application has been designed to fit wholly within Strata Lot 3.

No. 335 Collier Road is zoned general industry under the Local Planning Scheme No. 10. The subject lot is adjoined by lots zoned general industry, with fringe light industry uses located to the north and east approximately 250m away and the closest residential lot located to the northeast approximately 350m away.

The subject lot is a corner lot that fronts Collier Road to the south and Fairford Street to the east. Collier Road is a dual carriageway that is a 'Category 2 Other Regional Road' (Blue Road) under the Metropolitan Region Scheme and a 'District

Distributor A Road' under the Main Roads Functional Road Hierarchy for Western Australia.

Collier Road currently carries a weekday traffic flow of approximately 17,200 vehicles. Fairford Street is a single carriageway that terminates at the junction with Collier Road.

At the Ordinary Council meeting held in July 2017, Council endorsed the planning officer's assessment of the application against the relevant legislation and subsequent recommendations for development approval. The officer's assessment forms is included as an attachment to this report. Development approval was granted by the Metro Central JDAP at its meeting on 21 August 2017 for the use and development of a convenience store on the subject site in line with the officer's recommendation.

At the time of this application, a service station operator had not been identified for the subject site. Following the grant of development approval, an operator has been secured for the proposed development. Accordingly, the applicant seeks to amend minor aspects of the approved development to accommodate the operator's operational and branding requirements. The attached reflects the proposed plan of development inclusive of the requested modifications. The following minor amendments to the previously approved development application are proposed:

1. Remove the westernmost fuel bowser and reduce the overall length of the canopy accordingly. This will effectively negate condition 8 of the JDAP development approval.
2. Extend the canopy to the convenience store building to provide weather protection for pedestrians.
3. Increase the length of car bay 2 to 5.9m whilst maintaining a car bay length of 6.2 metres for car bay 1 and 3. This will effectively negate condition 2(f) of the JDAP development approval.
4. Minor reconfiguration of the aluminium framed glazed windows on the south eastern and north eastern elevations of the retail building.
5. Reduce the height of the pylon sign to 6m, increase the width of the pylon sign from 2.0m to 2.31m, and include United's corporate colours and branding. This will effectively negate condition 2(a) of the JDAP development approval.

6. Include United fascia signage on the south eastern and north eastern elevations of the retail building and canopy. This will effectively negate condition 13 of the JDAP development approval.
7. Include 'pie face' wall signs on the retail building's south eastern, north eastern and south western elevations. This will effectively negate condition 13 of the JDAP development approval.

No other modifications to the approved development are proposed, including the overall site layout and design, access, vehicle movements, functionality, landscaping and operating elements. The proposed modifications are minor in the context of the approved development and do not substantially change the land use, operations, form and appearance of the approved development. The modifications are sought simply to cater for operational branding requirements of the service station operator. Noting that Council have previously endorsed the planning officer's assessment of the application against the relevant legislation, subsequent recommendations for development approval and that the proposed modifications are considered minor in nature and suitably addresses the planning framework, it is considered that the amended application for development approval should be approved.

STATUTORY REQUIREMENTS

Planning and Development (Development Assessment Panels) Regulations 2011.

Clause 17A provides that an owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply, under the relevant planning instrument, for the responsible authority under that instrument to amend the development approval.

As soon as practicable after an application is determined, the responsible authority must give the administrative officer of the DAP that granted the development approval written notification of the determination.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 6.3

That Council grants development approval for the amended development application for a convenience store (petrol station) at Lot 125 (Unit 3 No. 335) Collier Road, Bassendean, subject to the following conditions:

1. This approval is for the use of the building as a 'Convenience Store' only. Any alternative use of the premises will require the submission of a development application to the Town for a change of use;
2. Revised drawings shall be submitted in conjunction with the application for a building permit and such drawings shall demonstrate:
 - (a) The bin area is to be masonry in construction and equipped with a hose cock;
 - (b) A replacement crossover to Fairford Street incorporating a 5m turning radius for both the crossover wings;
 - (c) The median strip on Collier Road is to be modified to be flush for a length of 10m as shown on the approved turning template to allow fuel vehicles to turn right from Collier Road and adequately enter the site; and
 - (d) Details of a sign to be added inside the lot adjoining the Fairford Street crossover preventing fuel vehicles from entering the site from Fairford Street;
3. The applicant is responsible for all costs and works associated with modifying the kerbed median strip within Fairford Street and to the modification of the WAPC and the Town of Bassendean prior to the occupation of the Convenience Store;
4. A detailed and professionally prepared landscaping plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public realms adjoining the development site, including:

- (a) All the requirements listed under Local Planning Policy No. 18 including but not limited to: street frontages, contours, reticulation details, details of ground treatment and a plant legend showing:
 - (i) quantity of plants;
 - (ii) species name;
 - (iii) pot size of plants at time of planting;
 - (iv) height at full growth.
 - (b) Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
 - (c) All plants to be of low water use;
 - (d) Landscaping of the verge area adjacent to the development site, including the provision of four (4) substantial street trees (2 x *Corymbia Ficifolia* to Collier Road and 2 x *Eucalyptus Todtiana* to Fairford Street) of a minimum 90L pot size and minimum height of 2 metres at the time of planting in accordance with the Town's adopted Street Tree Master Plan;
 - (e) Two additional shade trees located on site or in the verge with a minimum 90L pot size and minimum height of 2 metres at the time of planting;
 - (f) The total number of plants to be planted at a minimum rate of 4 per 1m²; and
 - (g) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months;
5. Landscaping shall be installed and subsequently maintained in accordance with the approved landscaping plan;
 6. No vehicle used for the delivery of fuel is permitted on site between 7:30am to 9:00am and 2:30pm to 5:00pm on weekdays;
 7. No products, goods or materials are to be stored outside of the building unless in a designated area approved by the Town for this purpose;
 8. Separate approval being sought from the Town for any proposed fencing on Strata Lot 3;

9. All stormwater being contained on site. Details of the method of stormwater being submitted for approval in conjunction with the application for a Building Permit;
10. The car parking spaces and access ways to be designed and constructed in accordance with Local Planning Policy No. 8 and AS 2890.1 (as amended) and being maintained thereafter to the Town's satisfaction;
11. All building works carried out under this development approval are required to be contained within the boundaries of the subject lot;
12. Prior to the issue of a building permit, a development bond for the sum of \$42,000 being lodged with the Town to ensure that satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works;
13. The incorporation of public art into the proposed development or a cash-in-lieu payment of \$21,000 (one per cent of development cost) in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site with a bond being provided to the Town for the full cost of the art or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit; and
14. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Town, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period.

Advice Notes

1. The issue of a Building Permit is required prior to the commencement of any on-site works.
2. Modifications or works done to the existing crossovers in the verge will require approval from the Town's Asset Services. The applicant is to notify the Town's Asset Services department and gain all necessary approvals prior to commencing construction in the verge.

3. Regarding the proposed modifications to the median strip to Collier Road, the applicant is to ensure that all necessary approvals as required have been provided by the Western Australian Planning Commission.
4. Any development on the site is required to comply with the relevant Sub-surface Management Plan as found in the Mandatory Auditors Report by the Australian Environmental Auditors released on 26 June 2014. The management plan should include a safe and compliant method of installing the underground fuel tanks.
5. In regards to the modification of the median strip on Fairford Street, the applicant is advised that:
 - (a) The length (L) of the splitter strip at the intersection of Fairford Street and Collier Road shall be a minimum 10m in length as determined from Austroads – Guide to Road Design Part 4A (Oct, 2009) Section 6.2.2 Table 6.2.
 - (b) All associated linemarking shall be approved by MRWA and cost shall be borne by the developer.
 - (c) All construction works within the road reserve (central median strip) shall be at developer's cost and to the Town of Bassendean specifications and satisfaction.
 - (d) Asphalt shall be installed where the strip was, additional hatch linemarking (where the strip was) shall be installed.
6. The applicant is advised that they must submit an Application for Approval to Establish or Alter a Food Business, together with the required plans and prescribed fee to the Health Department at the Town of Bassendean. The plans must include details such as:
 - (a) Finishes of all walls, floors and ceilings;
 - (b) Position and type of fixtures and fittings; and
 - (c) Location of sanitary conveniences, ventilating systems, grease trap and bin storage.
7. The applicant is advised to obtain approval from the Department of Mines and Petroleum for the storage of chemicals/dangerous goods in accordance with the Dangerous Goods Safety Regulations 2007 and Dangerous Goods Safety Act 2004;

8. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping any discharges. The application is to comply with the requirements of the Environmental Protection (Unauthorised Discharges) Regulations 2004; The applicant shall give consideration to the proximity/location of on-site storm water drains and soak wells to areas where spillage of fuel may occur.
9. Any existing on-site effluent disposal system (septic tanks and leach drains/soak wells on the site shall be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974; and
10. The applicant is advised that noise generated by activities on site shall not exceed the levels as set under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent Australian Standard. No works shall commence prior to 7am.

Voting requirements: Simple Majority

6.4 Amended Application for Development Approval for a Concrete Batching Plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean, Owner: Keppel Holdings Pty Ltd, Applicant: Rowe Group (Ref: DABC/BDVAPPS/DA2018-019 – Timothy Roberts, Planning Officer)

APPLICATION

The Town has received an amended development application to an approved concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean. As the previous approval was decided by the State Administrative Tribunal, it is appropriate that this report be considered by Council. This report seeks Council's endorsement to approve the amended development application.

ATTACHMENTS

Attachment No. 4:

- SAT Approval
- Proposed plans of development

BACKGROUND

On 18 December 2015, the Town of Bassendean received a development application for a proposed concrete batching plant at Lot 105 (Nos. 2-8) Clune Street, Bassendean. The application was considered a 'deemed refusal' as it was not determined within the specified timeframes as detailed within the *Planning and Development (Local Planning Schemes) Regulations 2015*. The applicant subsequently lodged an appeal with the State Administrative Tribunal (SAT) on 15 March 2016 where after extensive mediation and receipt of amended plans, the Town was invited to reconsider its decision by 28 June 2016.

The proposed development was referred to Council for consideration at its 2016 June Ordinary Council meeting where Council resolved to refuse the application, in line with the officer's recommendation, due to non-compliance with the objectives and provisions of both Town of Bassendean Local Planning Scheme No. 10 (LPS10) and Local Planning Policy No. 6: Industrial Development Zones Development Guidelines (LPP6). The unquantified impact of the proposed development on nearby sensitive land uses as well as traffic management concerns also formed reasons for refusal.

The matter was subsequently referred to a further two directions hearings on 15 July and 5 August 2016 where the applicant was prepared to have the matter reconsidered again by Council with further information to be provided for the purpose of reconsideration. A final hearing date of 5 December 2016 was also made pending Council's resolution. At its 2016 September Ordinary Council meeting Council deferred the application to allow for further investigation. The matter was referred to the 2016 October Council meeting for reconsideration with an officer comment for approval. Council rejected the application on the grounds that Council was not satisfied with the disposal of the water from the site, which is required to remediate the dust.

The matter was progressed to a final hearing on 5 December 2016. The Council's October 2016 refusal on reconsideration had the effect that the only substantive issue was with the adequacy of the drainage and liquid waste disposal systems proposed by the applicant. The Town's expert environmental witness advised that while the existing plans did not incorporate the full design details, the essential drainage requirements are set out in the *Concrete Batching Plant Regulations*, and the issue could be adequately dealt with by a condition of development approval. There was no evidentiary basis upon which the Town was able to argue for refusal to approve the development.

The applicant did not agree with all the draft conditions proposed by the Town, and the hearing therefore dealt with the conditions in dispute. These were condition 6 (hours of operation) and conditions 7, 9 and 10 (annual and daily production limitations). The applicant's argument was that there was a need for flexibility in both hours of operation and production rates because the market needs to be able to respond to the requirements of the market. According to the applicant, this might lead to occasional nighttime concrete pours, or days during which the production rate may be substantially higher than the 350m³ per day average proposed.

The Town's solicitors submitted that the annual production limit of 105,300m³ proposed by the Town is fundamental to the acceptability of the proposal, as that annual limit was derived from the daily average rate proposed by the applicant. That in turn is the basis of the application meeting the generic recommended separation distance in the Environmental Protection Authority (EPA) Guidance Statement No. 3, which is 300-500m 'depending on size' for concrete batching plants.

The applicant's contention was that the 420m separation distance in this case is adequate based on the 350m³ daily production rate proposed.

The Tribunal had sympathy for the Town's position on the annual rate, together with the need for there to be a daily maximum limit and a limitation on the hours of operation, at least in the absence of any site specific scientific evidence from the applicant which would justify deleting those conditions. The Tribunal approved the application subject to the Town's draft conditions (see attachment). The Tribunal gave reasons for the decision in which it noted:

- (a) the Tribunal had regard to the officer's report to Council on 27 September 2016 which deals with the development application. The report identifies the relevant planning instruments and issues and canvasses the appropriate separation distance for the development, including the response from the DER which is to the effect that 420m is appropriate given the proposed production rate of 350m³ per day and reflected by the Town's expert witness statement;
- (b) the Tribunal also had regard to the draft works approval approved by the DER for the proposed development;
- (c) the Tribunal is satisfied based on the evidence of the Town's planning officer and environmental expert that the relevant issues have been canvassed and that the development should be approved subject to draft conditions proposed by the Town dated 02 December 2016.

On 6 July 2017, the Town received an amended development application that requested the addition of three silos, as well as additions to plant equipment for the approved concrete batching plant. The purpose of the proposed amended development application is to increase the storage facilities at the location. Condition 7 of the previous development approval limits the annual output from the subject site to 105,300m³. The proposed amended development application did not result in any increase to the estimated output from the approved concrete batching plant. Council at its 2017 August Ordinary Council meeting approved the amended development application to the concrete batching plant.

On 7 February 2018, the Town received an amended development application to the previously approved concrete batching plant. This application proposes the following changes:

1. Increased height of the overall plant (including silos) from 15.10m to 16.81m (approximately 17.33m including the filter);
2. Reduced height of the aggregate storage bins from 11.990m to 11.680m (approximately 11.703m including the hand rail); and
3. Minor reconfiguration of the plant.

COMMUNICATION & ENGAGEMENT

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. The previous application was therefore advertised in accordance with clause 9.4 of LPS10 through:

- (a) Advertisement in the local newspaper;
- (b) Advertisement on the Town of Bassendean website;
- (c) Letters to surrounding landowners/occupiers within the Town of Bassendean within 500m of the subject site; and
- (d) Letters to surrounding landowners/occupiers within the City of Bayswater within 500m of the subject site.

The application was also referred internally to the Town's Engineering team for comment on vehicle manoeuvring and traffic impacts. The application was also referred to the City of Bayswater and the Department of Environment Regulation (now Department of Water and Environment Regulation) for comment.

As this application is to increase the height of the overall plant and reduce the height of the aggregate storage bins with no change to annual output, it was considered that the application did warrant advertising.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

In considering applications for development approval within the General Industry zone, the local government shall have regard to the objectives for the zone within LPS10, and all development shall have regard to the relevant provisions of LPP6. The proposed plan of development is attached to this report.

LPS10 provides the majority of the subject lot with a zoning of 'General Industry', while a portion (former road reserve) is unzoned. Within LPS10, 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 LPS10, 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 is unzoned. Incidental development to the proposed usage is proposed within this unzoned portion of the land. This portion of land is required as part of a future land acquisition for the construction of the unmade Wicks Street road reserve. The proposed development should therefore also 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. Future truck parking and fencing arrangements will be conditioned to be subject to a future development application to ensure compliance after acquisition of the Wicks Street road reserve.

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 setbacks shall not be used for any purpose except for one or more of the following:

- (a) a means of egress and access;
- (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.

When considering the intended future construction of Wicks Street, the primary and secondary street setback areas will still be used in line with the above permissible purposes.

Clause 5.7.2.1 of LPS10 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 number 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 (19) 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 development approval within the General Industry zone, the local government shall have regard to the objectives 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 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 need to demonstrate compliance with a landscaping strip along the Wicks Street secondary street frontage. This can be dealt with by way of a condition of development approval. Shade trees in car parking areas have not been provided as required under the policy and as such have also been conditioned.

Fencing proposed is powder coated black link mesh fencing at a height of 2.1 metres. Fencing is proposed with a two (2) metre setback behind the street alignment in line with the requirements of LPP6. The proposal is unclear as to how fencing will be incorporated assuming the future construction of the Wicks Street road reserve and can be dealt with by a condition of development approval 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, however, are considered to be setback appropriately.

As part of its assessment of the previous development application, the DER advised that the proposed annual output was suitable for its setback to sensitive land uses:

'Given the average daily production of 350m³ and the 420m distance to residential areas (which is within the recommended 300 to 500m separation distance), a site specific technical analysis would NOT be essential. The plant will require a works approval from the Department of Environmental Regulation (DER) under Part V Division 3 of the Environmental Protection Act 1986, and during this process the DER would request further technical information if necessary.'

The plant will also be regulated via the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.'

This works approval has since been approved by the DER and the requirement to operate in accordance with the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 will be reinforced by way of condition.

The amended development application increases the height of the overall plant (including silos) from 15.10m to 16.81m (approximately 17.33m including the filter) and reduces the height of the aggregate storage bins from 11.990m to 11.680m (approximately 11.703m including the hand rail). It should be noted that the Scheme does not prescribe a maximum height for buildings or plant equipment in the industrial area, and the height and scale of the structures is comparable with other buildings and plant equipment in the industrial area.

Importantly the proposed modifications within the amended application do not result in an increase to the annual output for the site which is capped at 105,300m³. This will again be reinforced by a condition of development approval.

It is considered that the amended application for development approval suitably addresses the planning framework and noting Council's legal obligations as a decision maker, the proposed development must therefore be approved.

STATUTORY REQUIREMENTS

Relevant statutory considerations relating to the interpretation of LPS10 and LPP6 have been addressed within the comment section of the report. The local government in considering an application for development approval is to have due regard to the following matters which in the opinion of 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 are, 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 may have an affect 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 proposed means of access and egress from the site are adequate and whether adequate provisions has been made for the loading, unloading, manouevring 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 systems in the locality and the probable effect on traffic flow and safety;
- (v) whether adequate provision has been made for the landscaping of land to which the application relates;
- (y) any relevant submission made on the proposal;
- (zb) any other planning consideration the local government considers relevant.

FINANCIAL CONSIDERATIONS

The City of Bayswater refused to approve a concrete batching plant located at Nos. 277 -279 Collier Road, Bayswater in 2014. The application was approved at a SAT hearing subject to a number of conditions, which included the management of dust and noise. In 2016, the Tribunal granted approval, subject again to a number of conditions, for a modified design of the previously approved concrete batching plant, which was greatly improved in relation to these original dust and noise concerns. Following this approval by the Tribunal, the applicant made an application for an indemnity costs order against the respondent in the amount of \$248,798.42.

The Tribunal noted that an invitation from the Tribunal under s31 of the *State Administrative Tribunal Act 2004 (WA)* for a decision maker to reconsider its decision is simply that, an invitation. The decision maker may decide to refuse the invitation from the Tribunal, however, once that invitation is accepted, the decision maker must discharge its duty to genuinely attempt to decide the matter on its merit. It was apparent to the Tribunal that the City of Bayswater took the view it would always oppose the concrete batching plant regardless of any professional advice or previous decision of the Tribunal. The Tribunal found, that whilst the City of Bayswater may oppose the concrete batching plant, they are still obliged to consider the proposal on its merits and to apply the relevant provision of the planning framework, which includes the importance of consistency in decision making in the interests of orderly and proper planning.

In addition, the Tribunal found that, in circumstances where the City of Bayswater was well informed and advised by extensive professional planning, legal and environmental advice that the concrete batching plant was suitable to its location and addressed the relevant legislation, the City of Bayswater acted unreasonably in refusing to approve the application.

The Tribunal determined that the application should be awarded costs and made orders for costs inclusive of disbursements and GST or \$112,772.73.

It is requested that Council remember their duties as a decision maker and consider this application on its merits and against the relevant planning framework. Noting previous legal and environmental advice (as part of the original application) to the effect that all previous concerns and non-compliance can be addressed by way of condition; Council is reminded that the amended development application is consistent with the planning framework.

OFFICER RECOMMENDATION — ITEM 6.4

That Council approves the amended development application for the proposed mobile concrete batching plant at Lot 105 (Nos 2-8) Clune Street, Bassendean with the following conditions imposed:

1. Prior to the issue of a Building Permit, a development bond for the sum of \$10,000 being lodged with the Town of Bassendean to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.

In the event the works are not completed to a satisfactory standard, the Town may call on the bond for the purposes of completing the works;

2. A detailed landscaping plan being submitted for approval prior to or in conjunction with the application for a Building Permit which demonstrates compliance with the following requirements:
 - (a) Provision of 6 shade trees for car parking on site;
 - (b) Shade trees being planted with a minimum pot size of 90L and a minimum height of 2m at the time of planting;
 - (c) Eucalyptus Leucoxydon Rosea to be planted with a minimum pot size of 100L and a minimum height of 2 metres at the time of planting;
 - (d) All landscaped areas being reticulated;
 - (e) A focus on the use of local species as specified within the Town's adopted Local Planning Policy – Landscaping with Local Plants;
3. All landscaped areas shall be reticulated and maintained for the life of the development in accordance with the approved landscaping plan. Landscaping along the Wicks Street road reserve post resumption of the unzoned portion of the lot is to be subject of a separate development application;
4. Any fencing to be setback a minimum of two (2) metres from the Clune Street frontage, behind the landscaping strip as detailed on the approved drawings. Fencing along the Wicks Street road reserve post resumption of the unzoned portion of the lot is to be subject of a separate development application;
5. The proposed development is, at all times, to operate in accordance with the *Waste and Dust Management Plan and the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*;
6. Operating hours are to be restricted to 6:00am to 6:00pm Monday to Saturday (public holidays excluded), however, no front end loader may operate prior to 7:00am;
7. The annual output (1 January to 31 December) of the facility is limited to 105,300m³ of concrete;

8. There is to be no access to the site by trucks and semi-trailers on Sundays or public holidays;
9. Average daily production of the plant not exceeding 350m³ on any given day with a maximum production capacity of 375m³ on any given day without the further approval of the Town first having been obtained;
10. The amount of concrete batched on-site is to be provided quarterly to the Town by no more than 30 days after the end of each quarter ending 31 March, 30 June, 30 September and 31 December on any given year. The quarterly summary must identify and highlight for each working day the date and time that the maximum output was reached being:
 - (a) 350m³ as a daily average; and
 - (b) 375m³ as a daily maximum.
11. Prior to the building permit for the development being issued, detailed design drawings for the wastewater management system must be submitted to the Town for approval. The wastewater management system must thereafter be constructed in accordance with the approved plans;
12. Standing water shall not remain on site for a period greater than 120 consecutive hours, so as to minimise the possibility of mosquito breeding.
13. All uncontaminated stormwater and drainage runoff produced on site is to be disposed of onsite via the use of soakwells, approved by the Town. The soakwells must deal with the entire land area and be designed to contain a 24 hour storm duration and 100-year ARI. Details of stormwater disposal being submitted for the approval of the Town in conjunction with or prior to the issue of a Building Permit, in accordance with Local Planning Policy No. 14 – On-Site Stormwater Policy.
14. A copy of an approval issued by the Department of Environment Regulation – Licensing Section for the operation of the facility shall be submitted to the Town prior to operations commencing.

15. Any stored aggregate or sand outside the building is to be either wetted at all times or covered to prevent wind driven dust erosion.
16. Any material spills outside the material bins or waste storage bins are to be immediately wetted prior to removal of the materials.
17. Trucks must be washed down at the slump stand before leaving the site.
18. No products, goods materials or waste shall be stored outside of the material bins or waste storage bins unless in a designated area that has been approved by the Town for this purpose.
19. A bin area is:
 - (a) To be provided of not less than 10m²,
 - (b) To be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m;
 - (c) To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - (d) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
20. Bins are to be washed only in an approved wash down facility within the bin area; drained to a silt trap and disposed of via the Water Corporation sewer system or if this is not available, a leach drain soakwell system which is separate to the stormwater disposal system, or approved system, to the satisfaction of the Town of Bassendean.
21. The 19 car parking space and 18 trucks parking spaces and associated access ways shown on the approved drawings being constructed, kerbed, marked and maintained thereafter to the Town's satisfaction.
22. Concrete mixer trucks are to be parked within an approved truck parking bay only.

23. Truck parking bays are to conform to the relevant Australian Standards. Future truck parking is subject to a future application for development upon resumption of the unzoned portion of the lot.
24. The required crossover post resumption of the unzoned portion of land shall be constructed to Council's specifications. (Note: Separate application and approval required).
25. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition.
26. No retail sales to be carried out from the premises.
27. Signage being subject to a separate application.
28. The street number being prominently displayed at the front of the development.
29. The issue of a Building Permit prior to the commencement of any on site works.

Voting requirements: Simple Majority

6.5 North Road On-Street Parking (Ref: LAWE/REPRTNG/3 – Sharna Merritt – Senior Ranger)

APPLICATION

The purpose of this report is to provide Council with feedback from a resident regarding the on-street parking on North Road, Bassendean, during large community events at Steel Blue Oval.

ATTACHMENTS

Attachment No. 5:

- Line marking drawing for North Road on-street parking.

BACKGROUND

In November 2017, the Town received a complaint in relation to dangerous parking on North Road, Bassendean, when large community events are held at Steel Blue Oval.

The complaint is in particular reference to the length between Guildford Road and Devon Road, where the majority of overflow parking occurs.

There are existing parking restrictions in many areas of this location for football season parking, however, these only cover 8am to 6pm Saturdays from March to August and therefore do not control parking outside of these days.

COMMUNICATION & ENGAGEMENT

Should Council support this request, all affected residents in this location will be consulted to determine if they support the change in restrictions from the current football season arrangements to an at all times ‘No Parking’ on the road restriction.

STRATEGIC IMPLICATIONS

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

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

	3.2.3 Enhance the liveability of local neighbourhoods.	Community/ Stakeholder Satisfaction Survey (access to public transport both access to Town and within.)
	3.2.4 Enhance road safety through design	

COMMENT

The Town’s Engineering Technical Co-ordinator and Rangers attended North Road, Bassendean with the complainant to discuss the situation, investigate the relevant factors and determine if any restrictions would be required.

The only section determined to be of concern in this location is the west side of the road on the bend between Brook Street and Prowse Street. When vehicles are parked on both sides of the street in this location, it was determined that vehicular navigation of this portion of road could be difficult.

The Technical Engineering Co-ordinator has advised that as the road is only 7.3m wide in this location, it is not wide enough to allow sufficient space for vehicle traffic when vehicles are parked on both sides of the road.

Outside of events held at Steel Blue Oval, parking in this location is not generally an issue, however, as a result of this investigation and in order to ensure overflow parking in this location is controlled, the restrictions would be required to be installed ‘at all times’, as it would be difficult and confusing for the public and residents to specify each individual event as not all of them are regularly held events and may be one off occasions.

Taking into consideration the layout of the road, direction of the bend, width of the road, and the crest of the hill, it was determined by officers that ‘No Parking’ restrictions on the west side of North Road, from 16 to 26 North Road, Bassendean would alleviate many of the issues experienced when vehicles park on both sides of the road.

As there are currently football parking restrictions in this location, a new installation of restrictions would not be required, and it would simply be an amendment to existing restrictions. This amendment being from ‘No Parking, 8am to 6pm, Saturdays, March to August’ to ‘No Parking’ on the road at all times.

This will not affect authorised verge parking should the property owner wish to utilise this space for temporary parking.

If Council supports this request, the Town will undertake a survey of the residents affected (16 to 26 North Road) to determine their support of these changes.

STATUTORY REQUIREMENTS

Local Government Act 1995
Parking and Parking Facilities Local Law 2010
Road Traffic Code 2000
AS 2890.5 1993 Parking facilities - On-street parking

FINANCIAL CONSIDERATIONS

Asset Services have estimated that it will cost approximately \$500 to undertake the proposed modifications to the parking restrictions. The amendment to existing restrictions in this location can be covered within in the current Operational Budget 2017-18 "Street Signs & Road Marking" WR0004.

OFFICER RECOMMENDATION- ITEM 6.5

That:

1. The residents between 16 and 26 North Road, Bassendean, be invited to provide feedback on the proposal to amend current restrictions from 'No Parking, 8am to 6pm, Saturdays, March to August to 'No Parking' on the road restrictions.
2. Subject to the majority of affected residents between 16 and 26 North Road supporting the amended parking restrictions, the Town arranges the proposed modifications.

Voting Requirements: - Simple majority

6.6 Broadway Proposed Principal Shared Path (Ref: TRAF/PLANNING/3 ROAD/DESCONT/5 – Ken Cardy, Manager Asset Services, Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report is to advise Council that Officers have received a letter from the Public Transport Authority (PTA) seeking Council's support to improve cycling and pedestrian infrastructure along Broadway, from Iolanthe Street to Railway Parade, terminating at the Bassendean Train Station.

ATTACHMENTS

Attachment No. 6:

- Public Transport Authority letter of 13 March 2018
- Map of area showing current structure

BACKGROUND

The Western Australian Bicycle Network Plan (WABN) prepared by the Department of Transport provides a framework for infrastructure improvements and in recent years, the Perth to Midland Principal Shared Path has been constructed to create safe and efficient cycling links.

In 2013, Council (OCM10/4/13) adopted the Bassendean Bike Plan. The Bassendean Bike Plan outlines a number of proposals to improve the cycle network including the expansion of the Principal Share Path Network.

On 13 March 2018, the attached letter from the Public Transport Authority was received in regards to pedestrian and cycling upgrades to Broadway

The current infrastructure located on the southern side of Broadway is a 1.2-metre standard pedestrian footpath from Railway Parade to Ivanhoe Street and on the northern side, a 1.5-metre standard pedestrian footpath, adjacent to property boundary, from Railway Parade to Iolanthe Street.

Broadway has a 30-metre road reserve with a road carriage width of 9.6 metres.

On the north and south side of Broadway, there is a large number of established Jacaranda trees.

Ivanhoe Street from Broadway to Railway Parade, on both sides of the road, has an existing 1.5-metre footpath adjacent to the property boundary and a 1.2m edge line painted on both sides of Ivanhoe, for cyclist

COMMUNICATION & ENGAGEMENT

Recently, the Public Transport Authority has been liaising with the Town’s Engineering Officers regarding the possibility of including a Principal Shared Path on the road portion of Broadway and carried out a site visit to identify any additional costing that may be involved, other than the footpath construction cost, such as power pole relocation, tree removal etc.

Options discussed were:

- Proposed Principal Shared Path (PSP) on road pavement with coloured Asphalt- PSP from Bassendean Station to Iolanthe St
- In between trees on southern verge of Broadway in Con/coloured asphalt (no tree removal required)
- In Ivanhoe St, the section between Railway Parade and the Broadway Parade is in question to have a footpath behind the car parking area.
- All crossing and gaps in the median island crossings, ramps are requested to be upgraded by Town of Bassendean as a part of PSP.
- Existing concrete footpath on northern side of the Broadway is to remain, unless Town of Bassendean wants to remove.
- Cost of design and construction by Public Transport Authority.

STRATEGIC IMPLICATIONS

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

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

COMMENT

At this stage the Public Transport Authority is currently in the concept design phase and intends to put forward a concept design to the Town, for our support, in April 2018, with a view to complete the detailed design drawings before the end of the 2017-18 financial year.

As part of the preliminary discussions with the Public Transport Authority, Officers have requested that Community Consultation is undertaken once the draft concept design drawings have prepared.

The Town's adopted Road Hierarchy designates this section of Broadway as a Local Distributor Road based upon it having less than 3,000 vehicles per day travelling along it.

Under the Western Australian Planning Commission's *Development Control Policy (DC) 2.6 – Residential Road Planning* a 'Local Distributor Road' ought to have a road reserve width of between 14.4 metres - 23 metres with a carriageway width of between 6 – 10 metres.

Under this policy a dual-use path (for cyclists and pedestrians) ought to be provided on at least one side of the street.

It is acceptable to provide a bicycle lane within the street carriageway although this is less desirable than provision of a dual-use path separated from the carriageway.

The proposed Bassendean Transport Study will be reviewing the Town's current road hierarchy, especially in respect to the WAPC's road hierarchy articulated in its draft *2015 Liveable Neighbourhoods* (LN) policy.

The LN draft policy has developed a separate but relatively consistent road hierarchy classification system to the existing road hierarchy system developed by Main Roads WA (upon which the Town's current road hierarchy is based).

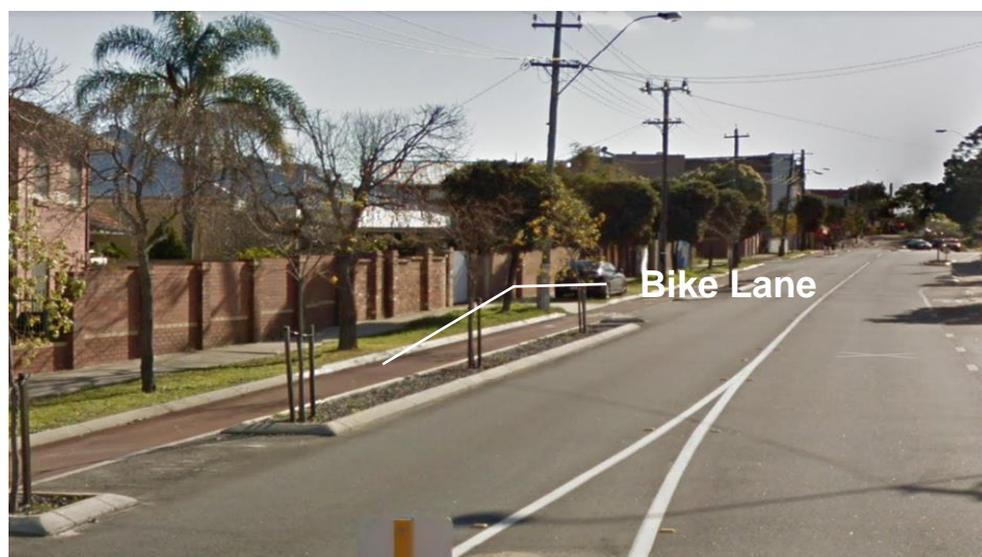
Applying the draft *2015 Liveable Neighbourhoods* policy, this section of Broadway would be classified as a '**Neighbourhood Connector B**' road.

It is unlikely that the current '**Local Distributor**' classification (and its *2015 Liveable Neighbourhoods* equivalent of '**Neighbourhood Connector B**') applied to this section of Broadway is unlikely to change following review by the Transport Study.

Given that the current width of Broadway exceeds the recommended reserve width for this road classification, the proposed on-street PSP provides an opportunity to narrow the existing carriageway width and enable a reduced speed limit along this section of Broadway.

However, it is suggested, from a cyclist safety perspective, that consideration be given to physically separating the proposed on-street PSP from the road carriageway by use of boulevard style plantings, incorporating Water Sensitive Urban Design principals and differing paving colours and on-road markings, similar to the image over denoting a bike lane provided within the in Scarborough Beach Road carriageway traversing through Mt Hawthorn.

Providing the tree plantings as part of the Principal Shared Path, will assist in improving the tree canopy and shade over the cycling route.



STATUTORY REQUIREMENTS

Nil.

FINANCIAL CONSIDERATIONS

The Public Transport Authority will cover the cost of concept drawings and it should be noted that ongoing maintenance shall be an asset management issue.

OFFICER RECOMMENDATION — ITEM 6.6

That Council:

1. Receives the Public Transport Authority letter dated 13 March 2018 regarding the proposed Principal Shared Path (PSP) in Broadway, Bassendean;
2. Provides support to the Public Transport Authority for the implementation of a Broadway Principal Shared Path extending between Iolanthe Street and the Bassendean Train Station;
3. Requests that the Public Transport Authority consider as an option for the draft Broadway Principal Shared Path concept plan, between Iolanthe Street and the Bassendean Train Station, the following:
 - a) on road carriageway by use of boulevard-style plantings to provide tree canopy/shade over the cycling route;
 - b) incorporate Water Sensitive Urban Design principles;
 - c) Use red asphalt for the Principal Shared Path to differentiate between the cycling route and the vehicle portion of road; and
4. Requests that the Public Transport Authority present the draft Broadway Principal Shared Path concept plan back to Council for consideration, prior to undertaking community consultation.

Voting requirements: Simple Majority

6.7 Bike Boulevard Community Engagement for Whitfield Street, Bassendean (Ref:ROAD/DESCONT/7 - Andreea Balica, Engineering Technical Assistant/Compliance Officer and Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to inform Council of the outcome of the Whitfield Street Safe Active Street Community Engagement process and to seek Council approval for the Town to proceed with the Detailed Design stage for this project.

ATTACHMENTS

Attachment No. 7:

- FLYT Consultation Report
- Community Responses – “Your Say Bassendean”

BACKGROUND

In 2013, Council (OCM10/4/13) adopted the Bassendean Bike Plan. The Bassendean Bike Plan outlined proposals to improve the cycle network including a proposal to provide a “Greenway” in Whitfield Street. Since the plan was adopted by Council, the Department of Transport has amended the terminology from “Greenway” to “Bicycle Boulevard” and more recently “Safe Active Street”.

During the 2016/2017 financial year, the Town received funding from the Department of Transport (DoT) to develop a concept design for a Safe Active Street in Whitfield Street.

The Town engaged FLYT Consultancy to undertake the concept design works. The scope of the design incorporated the Town of Bassendean’s Urban Forest Strategy, identified opportunities for Water Sensitive Design and included traffic calming devices that would change the priority user of the road to cyclist.

In January 2018, FLYT Consultancy were commissioned by the Town to be involved in the community engagement for the Whitfield Safe Active Street project.

COMMUNICATION & ENGAGEMENT

The Concept Drawings were included in the 16 June 2017 Councillors’ Bulletin.

On 10 October 2017, FLYT Consultants and the Engineering Technical Coordinator presented the Concept Design Drawings and Technical Notes to the Liveable Town Advisory Committee.

In November 2017, Council (OCM – 12/11/17) resolved to approve stage two of the Whitfield Street project and commenced the community consultation period. Following the completion and analysis of the community consultation process, Officers were to provide a report to the appropriate Committee, should there be a meeting, prior to the March 2018 Ordinary Council Meeting, for consideration.

The Town of Bassendean and the Department of Transport developed the consultation program, which included letter drops, engagement through “Your Say Bassendean” interactive web platform, promotion of engagement opportunities, via the Town’s social media channels, a community information session and correspondence with the key stakeholders and residents, including Bassendean Primary School, Ashfield Primary School and Bassendean Shopping Centre.

The community Consultation Program (4 weeks: started Monday 5 February and finished Monday 5 March 2018) included the following:

1. Letter drop to 850 residents and businesses on Whitfield Street and adjacent streets, which included a project information sheet, frequently asked questions sheet and project feedback forms;
2. Engagement through feedback gathering and information via the “Your Say Bassendean” interactive web platform;
3. Promotion of engagement opportunities via the Town’s social media channels which informed the community about the Whitfield Safe Active Street project and outlined details of the community consultation period.

A link was provided to the Town’s Your Say interactive web platform, which provided the option to download a copy of the typical cross sections and concept design, frequently asked questions and details regarding the community information session;

4. A community Information Session was held on Thursday 1 March 2018 at the Seniors' Community Hall (from 7.00pm to 9pm), where officers from the Town, DoT and members from consultant FLYT were on hand to provide information, answer questions and gather feedback. The community information session was attended by 31 members of the local community, as well as the Mayor and one other Councillor. The session began with an introductory presentation and continued with key topics round tables (each having one facilitator) discussions, which enabled the local attendees to discuss the project and the concept design in more details with members of the team from the Town, DoT and Flyt.
5. Posters were displayed at the Bassendean Shopping Centre, Bassendean and Ashfield Primary Schools, Bassendean Library and the Town's Customer Service Centre. The posters provided information regarding the community information session and provided a link to the Town's webpage where more information regarding the project was available.

After the four-week community consultation period had closed, Asset Services received a few telephone calls from residents asking if they could make a late submission via "Your Say Bassendean". As the interactive web platform had closed and the 93 community submissions were provided to Flyt consultants, residents were advised that "Your Say Bassendean" would not be re-opened. However, a resident did submit via an email a late submission.

As outlined above, the community consultation workshop was conducted on 1 March 2018. Due to the limited time available to provide the information back to the Department of Transport, and that the Town's Asset Committee was not scheduled to meet, Officers are presenting the community consultation feedback directly to Council for consideration.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027
Priority 3: Built Environment

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

	3.2.2 Advocate for improved and innovative transport access and solutions.	Community/ Stakeholder Satisfaction Survey (access to public transport both access to Town and within.)
	3.2.3 Enhance the livability of local neighbourhoods.	
	3.2.4 Enhance road safety through design	

COMMENT

After the community consultation period closed, FLYT prepared a report to summarise the community consultation feedback and the results of the survey. The report can be found as an attachment to this report.

An overview can be found below:

Total feedback received 93 total individual responses:
 32 hard copy forms and 61 online forms.

Level of support for the project from the total responses (93) with the following breakdown of responses as follows:

- Generally support the project (incl. with some changes) - 71%
- Generally don't support the project - 25%
- Not clear / not stated - 4%.

Level of support for the project responses from Whitfield Street (39):

- Generally support the project (incl. with some changes): - 64%
- Generally don't support the project - 31%
- Not clear / not stated: 5%.

The report prepared by FLYT provides more information gathered from the feedback received from the community, including positive outcomes, concerns raised by residents supporting the project and issues raised by residents who objected to the proposed project. In regard to the concerns and issues raised by residents, the report also provides a response/mitigation to the most often raised issues/concerns.

The report also includes recommendations after the community engagement process. It is mentioned that the detailed design should be undertaken considering inputs from residents and stakeholders who have raised issues to achieve a suitable outcome that meets project objectives and addresses community needs.

STATUTORY REQUIREMENTS

Nil.

FINANCIAL CONSIDERATIONS

Since developing the Concept Design of the Whitfield Safe Active Street in June 2017, the Town has been successful with receiving the Western Australian Bicycle Network (WABN) grant funding from the Department of Transport, to carry out the community engagement and detail design for the proposal. The grant was a 50/50 contribution between the Town of Bassendean and Department of Transport both contributing up to \$25,000.

The community engagement process cost was approximately \$16,500. The remaining funds (\$33,500) are proposed to be used to engage a consultant to provide a detailed design for the project, incorporating the results of the community consultation and the peer review of the concept design.

OFFICER RECOMMENDATION — ITEM 6.7

That Council:

1. Receives the FLYT Consultant report and the Community consultation responses attached to the Ordinary Council Agenda of 28 March 2018 for the Whitfield Safe Active Street project; and
2. Approves the third phase of the Whitfield Safe Active Street project, and supports the Town engaging a private consultant to provide a detailed design for the Whitfield Safe Active Street project, incorporating the results of the community consultation and the peer review of the concept design.

Voting requirements: Simple Majority

6.8 RFT CO 077 2017-18 Provision of Building & General Electrical Services (Maintenance & Minor Works) for the Town of Bassendean (Ref: COUP/TENDING/72 – Mike Costarella, Director Corporate Services and Simon Stewert-Dawkins, Director of Operational Services)

APPLICATION

The purpose of this report is to appoint a successful contractor from those tender offers received for RFT CO 077 2017-18 Provision of Building & General Electrical Services within the Town of Bassendean.

ATTACHMENTS

Confidential Attachment No. 1:

Full pricing

BACKGROUND

Potential tenderers were invited to submit a tender offer for “RFT CO 077 2017-18 Provision of Building & General Electrical Services within the Town of Bassendean” through a Western Australian Newspaper advertisement, Town of Bassendean Webpage and Facebook article on Wednesday 20 December 2017.

The Town received 11 responses, prior to the closing time 11am on Tuesday 30 January 2018.

COMMUNICATION AND ENGAGEMENT

The “Request for Tender” was advertised in the West Australian Newspaper on Wednesday, 20th December 2017 and through the Town’s website and Facebook page.

STRATEGIC IMPLICATIONS

The adopted Strategic Community Plan 2017-2027, contains the following under the Strategic Priority 5: Good Governance :

Objectives <i>What we need to achieve</i>	Strategies <i>How we’re going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile

	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked. Asset Ratio Benchmarked
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COMMENT

An Evaluation Panel was formed to assess each submission against the selection criteria. The Panel included the Building and Facilities Manager, Senior Environmental Officer, and the Director of Corporate Services.

Tenderers pricing details, regarded as commercial in confidence, and the selection criteria weightings are included in the attached Confidential Report.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations 1996

FINANCIAL CONSIDERATIONS

The costs associated with this contract are included in the 2017/18 Budget and will be included in future budgets for each year of the contract.

OFFICER RECOMMENDATION – ITEM 6.8

That Council appoints Northlake Electrical Pty Ltd to undertake the work as required in RFT CO 077 2017-18 Provision of Building and General Services within the Town of Bassendean, in accordance with their offer and the specifications and terms and conditions for a period of three (3) years, commencing 1st April 2018.

Voting Requirement: Absolute majority

6.9 Community Sporting and Recreation Facilities Fund (CSRFF) Application – Bassendean Bowling Club (Ref: GRSU/APPS-D/15 – Tim Dayman, Recreation Development Officer)

APPLICATION

The purpose of this report is to request approval from Council for Bassendean Bowling Club to apply for a small grant under the Community Sporting and Recreation Facilities Fund (CSRFF) and to rank the project in accordance with the CSRFF guidelines for Local Government Authorities.

BACKGROUND

In 2017, Officers have held several meetings with the Bassendean Bowling Club regarding the condition of the facility. It is clear that the building and external facilities need upgrading which is backed up by an infrastructure strategy report completed in June 2016 by CSS Strategic who were contracted by Landcorp as part of the previously proposed Bassendean Activity Centre Revitalisation project.

These projects included an upgrade to the floodlighting towers on “C” green, refurbishing the aprons on two of the greens and installing two new drinking fountains. Each of these projects were immediately required for the club to conduct their summer bowls competitions in a safe manner.

An application was made in September 2017 to the Department of Local Government, Sport and Cultural Industries for a CSRFF grant; however, this was unsuccessful in the first round. The Club is submitting an application for round two, in a more targeted approach.

The Club’s application for round two focuses more on items that directly influence sporting participation. The Club intends to carry out the following works:

- Install new shade shelters on all greens, replacing the old irrigation pipes with shade cloth.
- Installation new astro-turf aprons around greens B and C to prevent tripping hazards and protect their bowling equipment.
- Increase lighting capacity on the existing light towers for A and B greens.

Since the last application was submitted, the Club has installed new lights on the current towers on C green and installed one

of the two drinking fountains, as well as some security upgrades with CCTV to the value of \$14,809.

As detailed in the CSRFF Small Grant second round application, the total project cost (excl GST) is estimated at \$89,960 and funded through the following sources:

Applicant Cash	\$ 16,889
Volunteer Labour	\$ 11,975
Donated Materials	\$ 1,200
CSRFF Grant	\$ 29,948
TOB Contribution	\$ 29,948

The purpose of the CSRFF program is to provide financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well-utilised facilities.

Through CSRFF, the Western Australian Government will invest \$12 million in the 2017-2018 financial year towards the development of quality physical environments in which people can enjoy sport and recreation. The maximum grant offered for standard grant applications is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$2 million.

CSRFF Small Grants will be awarded to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$200,000. Grants given in this category must be claimed by 15 June in the relevant financial year.

Under the CSRFF Small Grants program, applicants can receive an upfront payment of their grant. Upon completion of a project, the applicant will be required to acquit the grant by providing CSRFF claim forms and sufficient evidence of expenditure.

COMMUNICATION & ENGAGEMENT

Officers have met regularly with the Club to provide assistance with its CSRFF grant application and other ongoing maintenance issues, as identified in the previously mentioned CSS Strategic infrastructure strategy report.

The Town has also been working closely with the Club regarding the renewal of the lease of the facility. The Club has requested a new 5 year term with a 5 year option.

COMMENT

The Bassendean Bowling Club regularly features in the top metropolitan greens and hosts significant events such as Country Week, including the finals.

The aprons that skirt two of the three greens are currently a trip hazard when participants step down to the green from the viewing areas. The club has reported the torn and loose carpet as an occupational health and safety issue. New synthetic grass was installed around the "A" green recently at the cost of the club. This also limits the damage done to player's bowls when they end up in the gutter.

The CSRFF Small Grant application meets all the requirements of the CSRFF Program with the Bassendean Bowling Club demonstrating that they have sufficient financial and human resources to undertake the required works. In the first round of CSRFF in July 2017, no financial request was made by the Club to Council for the proposed works. The Club is requesting financial support for this round.

Officers are recommending that Council consider and support the CSRFF Small Grant application lodged by the Bassendean Bowling Club.

In accordance with the assessment guidelines of the CSRFF program, Officers rate the project as well planned and needed by the applicant.

Additional planning will be required in relation to future works, including a kitchen refurbishment and a new water tank through other forms of funding. Officers will continue to work with the Club and Asset Services as part of the asset management planning process to source future funding.

Subject to the decision of Council, Officers will continue to work with the Bassendean Bowling Club to ensure that all required paperwork is lodged with the CSRFF small grant application to the Department of Local Government, Sport and Cultural Industries.

In the event that the CSRFF application is not successful, the Club has indicated that they would re-prioritise works to assist the Club in other areas. The Club has indicated they intend to install a water tank, which is not eligible to be funded through CSRFF but would seek a 50% contribution, equalling \$7,500 from the Town.

The Town will be notified by the Department of Local Government, Sport and Cultural Industries of the outcome of the application by June 2018.

STATUTORY REQUIREMENTS

Local Government Act 1995

STRATEGIC IMPLICATIONS

The redevelopment works at the Bassendean Bowling Club aligns with the following key themes and strategic objectives of the Corporate Business Plan 2017-2021:

Strategic Priority:
Social

Objectives:

- Build a sense of place and belonging.
- Ensure all community members have the opportunity to be active, socialise and be connected.
- Plan for a healthy and safe community.
- Improve lifestyle choices for the aged, family and youth.

FINANCIAL CONSIDERATIONS

The Club is seeking a one-third contribution for the works from the Town. Officers recommend that these costs be attributed to the 2018-19 Capital Works Budget.

The Club seeks \$29,948 (excl. GST) for the installation of the sun shelters, the installation of the artificial turf aprons and the upgrade to the A and B green lighting capacity.

Each component is quoted as follows:

Sun Shelter Installation	\$15,250
Artificial Turf Aprons	\$2,431
Lighting Upgrade	\$12,267
Total:	\$29,948

In the event that the CSRFF application is not successful, Officers recommend that \$7,500 be listed as part of the 2018-19 Capital Works Budget, representing a 50% contribution from the Town towards the installation of a water tank at the Club.

OFFICER RECOMMENDATION – ITEM 6.9

That:

1. Council supports the Community Sport Recreation Facilities Fund small grant application lodged by the Bassendean Bowling Club;
2. In accordance with the CSRFF assessment guidelines, Council rates the project as well planned and needed by the applicant;
3. Council considers \$29,948 as part of the Capital Works Budget for 2018-19 subject to Community Sport Recreation Facilities Fund Small Grant application being approved; and
4. In the event that the CSRFF application is not successful, that Council considers a contribution towards the installation of water tank at the Bassendean Bowling Club, in its 2018-19 Budget for consideration.

Voting requirement: Simple majority

**6.10 2017/18 Budget Review for the Period Ending 30 June 2018
(Ref: FINM/BUGTG/1 – Ken Lapham, Manager of Corporate Services)**

APPLICATION

Council is requested to adopt a revised 2017/18 Budget and review the opening position of 2017/18 adopted budget and proposed amendment to the opening balance in line with the Audited Annual Financial Statements for the 2016/17 financial year.

ATTACHMENTS

Attachment No. 8:

2017/18 Revised Financial Statements for the period ending 30 June 2018, including the revised budget amounts.

BACKGROUND

The 2017/18 Budget opening surplus at 1 July 2017, was anticipated to be \$2,531,579. This amount was used when Council adopted the 2017/18 Budget in July 2017. The 2017/18 Budget provides for an estimated closing surplus of \$38,324.

Following the completion of the 2016/17 end of financial year processes and after the completion of the Annual Financial Audit, the actual closing surplus for the 2016/17 financial year was finalised at being \$2,184,378.

The Audit and Governance Committee received the year ended 30th June 2017 statements at the meeting held on 4 October 2017.

At the time of this meeting, there was not enough progression with 2017/18 year to date financial data to consider options to correct the variation between the closing & opening surplus. (\$347,201)

STRATEGIC IMPLICATIONS

Good Governance

Ensure Financial sustainability

Strengthen governance, risk management and compliance.

COMMENT

Council is required to review its current budget to reduce the expenditure or increase the income (or both) by \$347,201 to make up the shortfall in anticipated surplus. A copy of the 2017/18 revised Budget, which includes the individual amendments, is included as an attachment.

The objective of the Budget review is to identify significant variations to the adopted budget. All Managers who have responsibility for a budget have made an assessment of their budget estimates to actual income & expenditure, from this point, Managers proposals are condensed to come to a final position.

Upon completing this review of the 2017/18 Budget and incorporating the amendments and the changes made to the various accounts, the net result is no change to the estimated closing surplus adopted by Council (July 2017) at 30 June 2018 of \$38,324.

The attachment to this agenda provides the required statutory reports as well as the following:

- A summary by program of the operational Income & expenditure stating the original, proposed budget, budget change and a broad description of the reasons to the variation
- The operational projects & consultancies list with changes.

A brief overview of other significant movements is:

Transfers to Reserves:

Requirement to transfer funds to the following reserves:

Unspent Grants -HCP funds of \$150,000 (received in advance),
Wind in Willows- 16/17 income not previously transferred.

Transfer from Reserves:

Requirement to amend transfer funds from the following reserves:

Employee Entitlements (Unplanned Leave taken \$90,000)
Plant & Equipment – Plant replacement not required
Land & buildings – Savings from Capital works
Unspent Grants – Grants received now spent.
HACC Asset Replacement – Reduced capital works

Operating Expenditure:

Overall savings have been achieved in the Operational & Maintenance area. Savings in Refuse Disposal areas (\$100k) has been offset by higher Reserves & Building maintenance costs.

In regards to Projects & Consultancies, savings have occurred in Development Services projects & Steam Weeding. Elected member training has an extra \$10k in funding included.

Operating Income:

Only a minor change has occurred, with reductions in Town Planning & Building income being offset by grants income.

Capital Expenditure:

A summary list of capital works that have been completed, delayed, or no longer required to be undertaken, is listed under the budget review summary details.

An overall summary of the amendments is as follows:

DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	AMENDMENTS	OPENING/ CLOSING BALANCE
ADOPTED CLOSING SURPLUS				\$38,324
VARIOUS MAINTENANCE PROJECTS	\$1,725,528	\$1,787,229	(\$61,701)	
CAPITAL WORKS	\$989,582	\$808,059	\$181,523	
OPERATING EXPENDITURE	\$5,727,827	\$5,564,043	\$163,784	
OPERATING INCOME	(\$7,135,120)	(\$7,188,537)	(\$53,417)	
ADJUSTMENT TO OPENING SURPLUS				(\$347,201)
TRANSFERS TO RESERVES	\$821,362	\$985,503		(\$164,141)
TRANSFERS FROM RESERVES	(\$1,077,343)	(\$1,251,662)		\$174,319
CLOSING SURPLUS – 30/6/2018				\$38,324

FINANCIAL CONSIDERATIONS

The 2017/18 Budget will be amended in accordance with the recommended changes, as contained in the report attached. There is no change to the adopted budgeted municipal surplus of \$38,324.

STATUTORY REQUIREMENTS

Local Government (Financial Management) regulations 1996
33A. - Review of budget

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must -*

- (a) *Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;*
 - (b) *Consider the local government's financial position as at the date of the review; and*
 - (c) *Review the outcomes for the end of that financial year that is forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

OFFICER RECOMMENDATION – ITEM 6.10

That, in accordance with Local Government (Financial Management) Regulation 33A and the Local Government Act, Council approves the Budget Review for the period ended 30 June 2018, as attached to the Ordinary Council Agenda of 28 February 2018.

Voting requirement: Absolute majority

6.11 Request for Sponsorship (Ref: COMR/SPONSHP/1 – Sue Perkins, Executive Assistant)

APPLICATION

The purpose of this report is for Council to consider a request for sponsorship from a young resident who has been chosen to take part in a space camp at NASA in the United States of America.

ATTACHMENTS

Attachment No. 9:

Letter from Applicant

BACKGROUND

A letter has been received from a 10 year old resident, who attends the Eden Hill Primary School, advising that she has nominated to go to a NASA space camp in America and hopes that Council can assist with her fundraising efforts.

This has been referred to Council as the request does not fall within the parameters of the sports achievement awards, nor the Dudley Robinson award.

COMMUNICATION AND ENGAGEMENT

Other than consultation with the applicant's referee, no community consultation has been undertaken in regards to this request.

The referee advised that the trip is open to nominations from children who have an interest and passion for space exploration. The children will leave on 14 July for a 10 day camp that is held once per year at NASA. The children are exposed to space exploration and all its off-shoots, which will give them the skills and place them in an excellent position for a future in space science.

COMMENT

Council's Donation's Policy, 6.11, states:

"The Town of Bassendean will consider applications for donations under one of the following two categories:

1. *Individuals; and*
2. *Community non profit organisations and charities.*

In considering all of the applications for funding, it needs to be clearly demonstrated that there is a direct benefit to the Town of Bassendean community.

Donations to Individuals

- a) *Donations will only be considered on receipt of a formal written application;*
- b) *Donations may be made to individuals who have excelled in an activity or endeavour that the Town wishes to recognize or those that provide a service to the residents of the Town or who officially represent the Town of Bassendean and can demonstrate that the Town will be recognized in such an event;*
- c) *Be for a purpose/event in the future;*
- d) *Donation may be made to individuals to address disadvantage and ensure equity of access; and*
- e) *Contributions will be limited to \$200 per person per year.”*

STATUTORY REQUIREMENTS

Nil – covered by Council's Donation Policy.

STRATEGIC IMPLICATIONS

Strategic Community Plan, Strategic Priority 1: Social

- 1.4 Improve lifestyle choices for the aged, families and youth:
 - 1.4.3 Enhance the wellbeing and participation of our youth and children.

FINANCIAL CONSIDERATIONS

Account number 391392, Council Donations, has a balance of \$6,000 so sufficient funds exist to cover the suggested donation.

OFFICER RECOMMENDATION – ITEM 6.11

That Council supports the request for sponsorship by donating \$200 from Account Number 391392 to assist a young resident of the Town to attend a NASA space camp in the United States of America in July 2018.

Voting requirement: Simple majority

6.12 Council's Consideration of a Proposal to Disband the Design Bassendean Committee and Replace With an Advisory Group that Operates Under Terms And Conditions Similar To Those Used For Similar Groups at the City Of Vincent (Ref: GOVN/CCLMEET/19 – Bob Jarvis, CEO)

APPLICATION

Council is requested to consider appointing an Advisory Group for Strategic Land Use Planning to replace the current Design Bassendean Committee.

ATTACHMENTS

Attachment No. 10:

Copy of the Town of Vincent Advisory Group Policy 4.2.12

BACKGROUND

The Mayor has requested the CEO to investigate the efficacy of the Advisory Group system used by the City of Vincent as an alternative to Committees of Council appointed under Sections 5.8 and 5.10 of the Local Government Act 1995. The model allows for less formal participation by community members and councillors free of some of the restraints of Standing Orders Local Laws and greater flexibility in how matters are discussed .

It has been suggested that this model might provide a more suitable way for the Town to address the Strategic Planning framework being undertaken by the Town leading to a review of the Town's Local Planning Scheme N0. 10. The model would enable an open discussion of issues leading to a consensus which might then provide the basis for a formal report to Council.

Strategic Land Use Planning is often best facilitated by involving the community early and at each stage as a way of ensuring that the direction being pursued is informed by community feedback to avoid costly final plans being presented for community consultation which, if rejected, require even more expense to rewrite.

Council has appointed a Design Bassendean Committee to provide oversight and recommendations to Council on the Strategic Planning Framework as it unfolds, but the nature of committees formed under the Local Government Act and constrained by a Standing Orders Local Law, means that workshops and briefings are continually being organised to provide broad discussion and feedback to consultants and staff preparatory to reports being sent to Council.

The Policy used by the City of Vincent sets out the rules for the operation of the Advisory Groups to ensure that good governance is maintained including maintaining the Council as the decision making body and ensuring that proper reports are prepared for Council based on the consensus reached at the advisory group level. Avoidance of conflicts of interest is addressed in the policy as well as matters of structure and conduct.

COMMUNICATION AND ENGAGEMENT

This proposal has not been given any public exposure at this stage and is provided as a suggestion for a model which might well be applied as a replacement for other non-statutory committees of Council.

The trial of the model for strategic land use planning may well inform a future decision of using it as a replacement for other appointed Advisory Committees of Council under the Act.

The only Committee at the City of Vincent is the required Audit and Risk Committee. Council may wish to test the community's view on such a change prior to formally disbanding any committee.

STRATEGIC IMPLICATIONS

The Strategic Community Plan exhorts Council to engage and consult with its community, and Advisory Groups may prove to be part of that process.

5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service
	5.2.2 Engage and communicate with the community
	5.2.3 Advocate and develop strong partnerships to benefit community

COMMENT

The Town has not previously used a model such as this, and it may take some time to use the system as efficiently as the City of Vincent, although the City might well be happy to provide assistance with this, and it is noted that the current presiding officer of the Design Bassendean Committee is an employee of that city.

The CEO notes with caution that the reference in the policy for advisory groups makes the following comment about declarations of interest:

8. CONFLICT OF INTEREST

8.1

- (a) *Whilst the financial, proximity and impartiality interest provisions of the Local Government Act 1995 do not apply to the City's Advisory and Working Groups (as it is not a Council appointed committee approved under section 5.8 of the Local Government Act 1995 and does not have any legal status), all members need to be aware that any conflict of interest needs to be recognised, to ensure that probity is maintained at all times.*
- (b) *Generally, if a matter is being discussed by the Group and a member has an interest in the matter, then the member is required to declare the interest and remove themselves from the meeting whilst discussion on that issue is taking place*
- (c) *If a Member discloses a financial or proximity interest in a matter under consideration by the Group and wishes to remain and participate in the meeting, the Member may seek approval from the Chairperson and meeting to determine whether the interest is:
* Trivial or insignificant; or
* an interest in common to a significant number of electors or ratepayers.*
- (d) *The Member should make that request to the Chairperson at the meeting and not only disclose the nature of their interest, but also the extent of that interest.*
- (e) *The Member should then depart the meeting, whilst the meeting considers the request. The meeting should then be in a position to:
 determine that the Member should not participate in that part of the meeting;
 remain in the meeting and participate in discussion; or
 *remain in the meeting only, but not participate in discussion on the matter.**

(Note: If the Disclosing Member is the Chairperson, such disclosure shall be made to the meeting.)

- (f) *Once the meeting has made a decision concerning a request, the Chairperson shall inform the Member of the decision and the Member shall comply with the Meeting's decision.*

- (g) *The Minutes/meeting notes shall record the member's disclosure of interest and the extent of the interest. They shall also record the times a Disclosing Member has departed and/or re-entered the meeting and/or is absent from the meeting during the item of interest.*
- (h) *If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior City Officer in attendance at the meeting.*
- 8.2 *Subject to 8.1 above, any person who has a financial or a proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.*

The CEO would wish to see a cautionary paragraph about avoidance of conflicts of interest being read out by the presiding officer at the commencement of each meeting, as it is possible that in the informality of the proceedings the detail in the policy will not be at hand as a guide and reminder. The non-declaration of an interest in such a meeting by an elected member could have unanticipated consequences.

It is suggested that to minimise any disquiet about a move to Advisory Committees, if such a change is proposed, that all members of the current Design Bassendean Committee, once it is formally disbanded, would be appointed to the Advisory Group.

It is also strongly suggested that the Town adopts the Vincent Policy wording almost word for word, but including the Interest Caution at the opening of the meeting, given that it has been in operation for some time and appears to not have caused the City any difficulties.

The primacy of Council is maintained in the policy and Advisory Groups cannot be treated as Committees under the Act and have no powers or delegations.

STATUTORY IMPLICATIONS

As the policy mentions, such groups are not covered by the Local Government Act 1995, but the Town's Code of Conduct applies, and councillors are still subject to the Local Government (Rules of Conduct) Regulations 2007.

The disbanding of a Committee appointed by Council will require an absolute majority.

FINANCIAL CONSIDERATIONS

There should be minimal additional costs given the number of workshops that are currently associated with informing the Design Bassendean Committee of the development of the Strategic Planning Framework.

OFFICER RECOMMENDATION – ITEM 6.12

That Council:

1. Council receives the information on the Town of Vincent's Advisory Group structure;
2. The Design Bassendean Committee members be asked to provide feedback on the process, and
3. Subject to (2), determines an evaluation process to consider appointing an Advisory Group under the Town of Vincent's Model to replace the Design Bassendean Committee.

Voting requirement: Simple majority

6.13 Review of Policy 6.7- Electronic Recordings and Live Streaming of Council Meetings (Ref: GOVN/CCLMEET/1 – Bob Jarvis – Chief Executive Officer)

APPLICATION

The purpose of this report is to provide Council with an updated Policy 6.7- Electronic Recording & Livestreaming of Council Meetings, following Council's resolution of January 2018.

ATTACHMENTS

Attachment No. 11:

Draft Policy 6.7 - Electronic Recording and Livestreaming of Council Meetings

BACKGROUND

At the January 2018 OCM, Council resolved (OCM – 14/01/18) that Council:

- “1. *Pursues a modest upgrade of the Chambers recording and audio system to improve amplification and provide a basic live streaming option using existing staff resources to design and implement using off-the-shelf equipment, acknowledging that the Chambers does not lend itself well to cabling, it will not include an audio loop or equivalent, and that \$5,000 be allocated in the Budget Review to carry out the work; and*
2. *Requests that officers redraft “Policy 6.17 – Electronic Recordings of Council Meetings” to:*
 - a) *update the objectives including a reference to transparency and accessibility for the public;*
 - b) *remove obsolete paragraphs from the strategy;*
 - c) *incorporate the provision of live streaming;*
 - d) *identify what parts of the meeting will be included/excluded in recordings &/or streaming;*
 - e) *outline what measures will be taken to ensure the public are aware that they are being recorded, including an announcement by the presiding person and a written notification in the Council Chamber;*

and presents the revised draft to Council for consideration at the February OCM.”

COMMUNICATION & ENGAGEMENT

Nil. No Community Engagement was requested by Council.

STRATEGIC IMPLICATIONS

Strategic Priority 5. Good Governance

Objective 5.1 - Enhance organisational accountability

COMMENT

Being mindful of the Council's resolution that the recordings of meetings be made available, and that live streaming of Council meetings be trialled, coupled with feedback from Councillors at the Briefing Session on 23 January 2018, the Council's policy has been amended in pursuit of these outcomes for Council's resolution from the January 2018 meeting.

STATUTORY REQUIREMENTS

Council is required to keep minutes of meetings in accordance with the Local Government Act and its Standing Orders Local Law 2011.

FINANCIAL CONSIDERATIONS

There is currently an amount of \$5,000 in the review of the 2017/18 Budget.

OFFICER RECOMMENDATION — ITEM 6.13

That Council adopts the revised Policy 6.17 - Electronic Recordings and Live Streaming of Council Meetings attached to the Ordinary Council Agenda of 27 March 2018.

Voting requirements: Absolute Majority

**6.14 River Parks Committee Meeting held on 6 February 2018
(Ref: GOVNCCL/MEET/33 – Simon Stewert-Dawkins,
Director Operation Services)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the River Parks Committee held on 6 February 2018, and consider the recommendations from the Committee.

ATTACHMENTS

Attachment No. 12:

- Minutes of the River Parks Committee held on 6 February 2018.
- Friends of Bindaring Park Bassendean, response to Town of Bassendean on the Bindaring Wetland Concept Plan.
- Department Of Biodiversity, Conservation & Attractions; Rivers & estuaries Division, Bindaring wetland Concept Design Review.
- Co Terra Bindaring Wetland Concept – Sheet 1: Rev C, Sheet 2: Rev C and Sheet 3: Rev C.
- Co Terra Bindaring Wetland Concept Plan Development Report Revision 1.

BACKGROUND

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

COMMENT

There were two presentations regarding Ashfield Flats Reserve – Land Management:

- Peter Kane, Department of Planning, Lands & Heritage, tabled a proposed works programme 2018/2023 for consideration by the Committee.
- Glen Byleveld, Department of Biodiversity, Conservation & Attractions, tabled a grant funding opportunity for consideration by the Committee.

The following reports were included in the agenda:

- Bassendean Foreshore Precinct Plan

RPMC – 1/02/18: MOVED Paul Bridges, Seconded Nonie Jekabsons, that the Committee notes the status report on the Bassendean Foreshore Precinct Plan.

- Bindaring Park – Stage 2 Bindaring Wetland Concept Plan feedback.

As background information, in November 2016, the Bassendean River Parks Management Committee considered project brief to develop concept options that address the agreed design objectives and resolved the following:

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

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

In August 2017, at the Bassendean River Parks Management Committee meeting (RPMC – 2/08/17) CoTerra Environment representatives presented three Draft Bindaring Wetland Concept plans to the committee along with an Officer report summarizing each concept with key outcomes and estimated costs associated with the designs.

The intention was for the Committee to evaluate the concept plans and supporting information, and provide feedback on the preferred option, in order for the Committee to make a recommendation to Council prior to inviting community comment.

The Committee received the three Bindaring Park Concept Plans and Concept Development Report prepared by CoTerra Environment, and resolved to seek comment from the Bassendean River Parks Management Committee members by Friday 6 October 2017, to enable a report to be presented to the next Committee meeting.

Officers received feedback from two representatives from the Committee, the Friends Of Bindaring Park friends group and the Department of Biodiversity, Conservation & Attractions; Rivers & Estuaries Division (DBCA). DBCA provided feedback on 13 November 2017 and Friends of Bindaring Park provided feedback on 12 January 2018.

To assist the newly established River Parks Committee, Officers summarised the feedback received and provided statements for each comment received, along with the following:

OFFICER RECOMMENDATION – RIVER PARKS AGENDA

- “1. The feedback received by Friends of Bindaring Park & Department of Biodiversity, Conservation & attractions, be received;*
- 2. Officers request CoTerra to update Option One to incorporate the following feedback comments:*
 - recommend that specifications ensure that space, access & fall to construct bio filters to the adoption Guidelines for Stormwater Bio filtration Systems is sufficient and depth below the floating wetlands is sufficient to prevent plant root growth into the base of the wetland;*
 - further information regarding inputs used by Coterra in the UNDO model be obtained to verify estimated treatment reduction;*
 - Coterra update pathways as per feedback and replace with boardwalk only as far as Watercorp sewer inspection. Officer seek clarification on which paths exactly friends group would like removed including pathway proposed off Watson St before sending request to Coterra; and*
 - can seek more detail from Coterra on how suggested treatment options will increase conservation values and habitat capacity.*
- 3. Officers present the updated Option 1 concept to the Committee at next meeting prior to presenting to Council for endorsement.”*

At the meeting, a community representative tabled an alternative motion that had not previously considered and involved a change in the scope to original project brief. While Officers had not had time to fully evaluate the alternative motion, the Committee was advised that it would require further investigational works, along with further costs.

The alternative motion to the Officer Recommendation, reads as follows:

“RPMC – 2/02/18: MOVED Paul Bridges, Seconded Nonie Jakobsons, that:

- 1. The feedback received by Friends of Bindaring Park Bassendean and the Department of Biodiversity, Conservation & Attractions, be received;*
- 2. Officers request CoTerra amend Option One to incorporate the following feedback comments:*

- a) *That specifications ensure that space, access & fall to construct bio filters satisfy the Guidelines for Stormwater Bio filtration Systems and delete the floating wetland.*
 - b) *Further information regarding inputs used by CoTerra in the UNDO model be obtained to verify estimated treatment reduction.*
 - c) *CoTerra to update pathways as per feedback and replace with a boardwalk as far as the first Watercorp sewer inspection. Officers to seek clarification on which paths exactly the friends group would like removed including pathways proposed off Watson St before sending this request to CoTerra;*
 - d) *CoTerra to detail how suggested treatment options will increase conservation values and habitat capacity;*
 - e) *That consideration be given to including an inspection window in the gross pollutant trap;*
3. *That CoTerra provide an amended Option Three plan and feedback that incorporates:*
- a) *Include consideration of islands to increase the wetlands habitat capacity and nutrient stripping potential;*
 - b) *Consideration of a settling pond for silt removal at the Harcourt St west outlet;*
 - c) *Incorporate as an option the reconnection of the wetland at Hyland Street and the removal of the causeway as outlined in the Option Three callout;*
 - d) *Provide a design with modified wetland levels enabling all portions of the freshwater wetland to be inter linked to a shaded pool of sufficient size and depth to be a year round expression of the underlying ground water capable of supporting an ongoing population of endemic mosquito predators;*

- e) *Provide options for the inclusion of an adjustable weir either at the current weir site, under the first boardwalk or elsewhere to maintain the wetlands freshwater ecological character by preventing the intrusion of salt due to rising river levels associated with climate change; and*
4. *Officers present the updated concepts and project estimates of the time and cost to complete these hydrological and environmental assessments of these variations to the Committee.”*

Reason: The current option does not address rising sea levels, salt inundation, natural mosquito control and enhanced environmental habitat.

To assist Council appreciate the implications of the RPC – 2/02/18 recommendation, preliminary discussions have been held with Coterra Consultant Director, Ms Rebecca Epworth.

Conterra Environment has indicated that it can undertake the additional scope of work, however, there will be a cost implication. The current 2017/18 Budget does not include any funds to make the suggested changes, therefore should Council wish to pursue the alternative proposals, additional funds will need to be listed for consideration in the draft 2018/2019 Budget.

Conterra Environment provided the below response to the RPMC – 2/02/18 resolution, with a summary of initial scope outputs and targets for changes to the concept plans.

“1a) The specification ensure that space, access and fall to construct biofilters satisfy the guidelines for biofiltration systems and delete the floating wetland.

The plan prepared is a concept plan only. Biofilter specifications will be prepared at detailed design stage.

Concept plan 1 can be revised to remove the floating wetland from the design. This will require update of the concept design drawing for Option 1, update of the costing for Option 1, revision of the UNDO modelling to remove the floating wetland from the model and update of the report.

*We would propose to undertake this work on a fee for time basis, with an estimated cost of **\$1,300 ex GST**. It is noted that this cost includes Coterra's time only. Time for EPCAD to update the concept plan and costings is included in the cost provided under item c."*

- b) Further information regarding inputs used by Coterra in the UNDO model be obtained to verify estimated treatment reduction.**

Details of the inputs used in the UNDO modelling is provided in Appendix H of the concept report.

- c) Coterra to update pathways as per feedback and replace with a boardwalk as far as the first Watercorp sewer inspection.**

Update of the concept design drawing and costings can be undertaken by EPCAD for a further fee of \$2,980 ex GST. The report can be updated for a further fee of \$1,220 ex GST.

- d) Coterra to detail how suggested treatment options will increase conservation values and habitat capacity.**

Conservation values and habitat are improved in all three concept design options through retention of black cockatoo habitat trees, removal of pest species (feral bees), extensive weed control and rehabilitation planting.

The proposed stormwater quality treatment options will improve the conservation and habitat values of the wetland through the improvement of stormwater quality discharging to Bindaring Wetland, and the opportunity for habitat within the biofilters/swales/floating wetland themselves.

- e) That consideration be given to including an inspection window in the gross pollutant trap.**

The gross pollutant trap design will be determined during detailed design stage. The report can be updated to state that a design with an inspection window is preferred by the River Parks Committee

- 3. That CoTerra provide an amended Option Three plan and feedback that incorporates:**

a) Include consideration of islands to increase the wetland habitat capacity and nutrient stripping potential.

Creation of islands in the northern wetland zone is likely to require vegetation clearing due to the earthworks required for the formation of islands and to prevent the formation of isolated pools which may increase mosquito risk. Clearing of mature native vegetation will result in a decrease in habitat capacity.

It is noted that islands cannot be included in the UNDO modelling as islands are not a best-practice stormwater treatment device and not recognised by the Department of Water and Environmental Regulation in UNDO.

b) Consideration of a settling pond for silt removal at the Harcourt Street west outlet.

Stormwater biofilters provide a superior settlement environment to sediment ponds in urban settings. Biofilters are designed to include a 'detention depth' to capture and detain first flush storm events, allowing for the settlement of suspended sediment. Biofilters are planted with dense, nutrient stripping vegetation which further assists with sediment trapping.

A biofilter is considered more appropriate than a settling pond at the Harcourt Street outlet location.

c) Incorporate as an option the reconnection of the wetland at Hyland Street and the removal of the causeway as outlined in the Option three callout.

The removal of Hyland Street and the causeway can be prepared as a fourth concept design option for an additional fee. Coterra would be happy to provide a fee proposal to undertake this work, however prior to this occurring we would recommend liaising with the key authorities in separate meetings to determine whether they would have any major objections to this proposal progressing. We would be happy to undertake this liaison on a fee for time basis.

We would also recommend engaging an engineering firm to obtain advice regarding the servicing and traffic etc. to determine whether there are any engineering show stoppers before undertaking further environmental studies.

Following liaison, it is envisioned the following technical studies (at a minimum) would be required to support the concept design (also dependent on further advice from the authorities):

- *Updated flood modelling to assess the flood risk impacts of the removal of Hyland Street and the Causeway.*
- *Wetland water balance modelling to determine the impact of the removal of control structures on typical (non-flood) water levels within the wetland and identify areas where water levels changes may impact existing vegetation (i.e. water levels are substantially reduced or increased).*
- *Contaminated land study to assess the impacts of the removal of potentially contaminated fill.*
- *Engineering servicing report to assess the impacts of the removal of services from Hyland Street – engineers advice required.*
- *Traffic study to assess the traffic impacts of the removal of Hyland Street – engineers advice required.*
- *Additional and/or more detailed studies will be required to support development applications if this option is progressed.*

d) Provide a design with modified wetland levels enabling all portions of the freshwater wetland to be interlinked to a shaded pool of sufficient size and depth to be a year round expression of the underlying groundwater capable of supporting an ongoing population of endemic mosquito predators.

Coterra would be happy to provide a fee proposal to prepare an option with modified wetland water levels, however as per above, we would recommend liaising further with the authorities prior to undertaking further investigations as it is noted that Department of Water and Environmental Regulation and Department of Biodiversity, Conservation and Attractions may oppose significant changes to the wetland topography due to:

- *Clearing of native vegetation is likely to be required (Native Vegetation Clearing Permit may be required).*
- *No environmental benefit (mosquito management is a social consideration rather than environmental).*
- *Increase in wetland area may increase mosquito breeding.*
- *Department of Fisheries should also be consulted prior to introduction of fish species to the wetland.*

- e) ***Provide options for the inclusion of an adjustable weir either at the current weir site, under the first boardwalk or elsewhere to maintain the wetlands freshwater character by preventing the intrusion of salt due to rising river levels associated with climate change.***

Coterra would be happy to provide a fee proposal to prepare an option with an adjustable weir. It is noted that detailed modelling and consultation with state government agencies will be required to inform this option.

As detailed above, options discussed in points b, c and d we recommend liaising with authorities prior to preparing any scope or undertaking any technical investigations. As discussed, these options may pose other environmental/hydrological risks which the authorities may not be in support of. However, if they are theoretically in support subject to further investigations, we can also liaise with them to determine what further information they require to ensure all requirements are met. We would therefore propose liaising with the following agencies on a fee for time basis prior to undertaking further investigations or scope determinations;

- *DBCA - Department of Biodiversity, Conservation and Attractions.*
- *DWER - Department of Water and Environmental Regulation*
- *Fisheries*
- *Engineers to consult with relevant agencies”.*

FINANCIAL CONSIDERATIONS

As outlined above, the current 2017/2018 does not include funds to undertake the RPMC requested changes. Officers support point 2a of the RPMC–2/02/18 recommendation to delete the floating wetland at an estimated cost of \$1,300 to modify the concept design and report a cost, and supports point 2c RPMC – 2/02/18 recommendation to remove a series of a paths and provision of a boardwalk, from Hyland Street to the first Water Corporation sewer inspection pit at an estimated costs of \$4,200 to modify the concept design and report.

Officers support point 2a and 2c as it will reduce the overall capital costs for the project and ongoing maintenance costs.

At this early stage, the Town has not spoken to the Department of Transport or nor has it engaged an engineering firm to provide input to point 3c of the RPC-2/02/18 proposal to remove Hyland Street and the implications associated with these works.

Prior to Council making a final determination in regards to point 3a, 3b, 3c, 3d and 3e, of the RPC–2/02/18 recommendation, it is suggested that a Councillor Workshop be conducted with Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation to discuss.

COMMITTEE RECOMMENDATION – ITEM 6.14

That Council:

1. Receives the additional information provided to the March 2018 Ordinary Council Meeting from Coterra Environmental in regards to RPMC – 2/02/18 recommendations;
2. Supports point 2a of the RPMC – 2/02/18 recommendation to delete the floating wetland and engages Coterra Environment to incorporate changes, at an estimated cost of \$1,300 to modify the concept design and report and lists funds for Council consideration in the draft 2018/2019 budget;
3. Supports point 2c of the RPMC – 2/02/18 recommendation to remove a series of a paths and provision of a boardwalk from Hyland Street to the first Water Corporation sewer inspection pit, and engages Coterra Environment to incorporate changes, at an estimated costs of \$4,200 to modify the concept design and report to incorporate changes and lists funds for Council consideration in the draft 2018/2019 budget;
4. Holds a Councillor Workshop with representatives from Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation to discuss point 3a, 3b, 3c, 3d and 3e of the RPMC – 2/02/18 recommendation; and
5. Receives the River Parks Committee minutes of 6 February 2018.

Voting requirement: Simple Majority

**6.15 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 February 2018		
Application No	Property Address	Description
201800041	140 FIRST AVENUE, EDEN HILL	CARPORT
201800021	6 BEST STREET, BASSENDEAN	RETROSPECTIVE APPROVAL OF SPA AND SAFETY BARRIER
201800025	15 KENMURE AVENUE, ASHFIELD	RETROSPECTIVE RETAINING WALL
201800024	65 ESTHER STREET, EDEN HILL	SINGLE DWELLING & GARAGE
201800020	6 MARGARET STREET, ASHFIELD	PATIO
201800028	63 FOURTH AVENUE, BASSENDEAN	FULL DEMOLITION OF SITE
201800026	70 THIRD AVENUE, BASSENDEAN	PATIO
201800022	32 THIRD AVENUE, BASSENDEAN	POOL & GLASS FENCE
201800015	7 CLARKE WAY, BASSENDEAN	ADDITIONS/ALTERATIONS
201800017	57 CHESTERTON ROAD, BASSENDEAN	PATIO
201800016	23 THIRD AVENUE, BASSENDEAN	PATIO
201800018	166 WEST ROAD, BASSENDEAN	PATIO X3
201800035	80 HAMILTON STREET, BASSENDEAN	ROOF CHANGE TO COLORBOND
201800033	59 KENNY STREET, BASSENDEAN	CARPORT
201800032	1 CLAUGHTON WAY, BASSENDEAN	SINGLE STOREY RESIDENCE
201800036	4 CLARKE WAY, BASSENDEAN	DEMOLITION
201800038	45 MALEY STREET, ASHFIELD	SHED
201800030	99 NORTH ROAD, BASSENDEAN	EXTENSION OF PARAPET WALL RETAINING WALL AND BALCONY

OFFICER RECOMMENDATION – ITEM 6.15

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

Voting requirement: Simple majority

6.16 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Brian Reed, Manager 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 12 March 2018

APPLIC NO	PROPERTY ADDRESS	DESCRIPTION.	DESCRIPTION
2017-104	19 HARDY ROAD BASSENDEAN	SINGLE HOUSE	DELEGATE APPROVED
2017-158	32A NORTH ROAD BASSENDEAN WA	SINGLE HOUSE	DELEGATE APPROVED
2017-164	13A GALLAGHER STREET EDEN HILL	SINGLE HOUSE	DELEGATE APPROVED
2017-166	50A HAMILTON STREET BASSENDEAN WA	SINGLE HOUSE	DELEGATE APPROVED
2018-006	80 IOLANTHE STREET BASSENDEAN	SINGLE HOUSE	DELEGATE APPROVED
2018-009	53 HAMILTON STREET BASSENDEAN	SINGLE HOUSE	DELEGATE APPROVED
2018-010	1/1 ANZAC TERRACE BASSENDEAN	ADDITIONS AND ALTERATIONS TO GROUPED DWELLING	DELEGATE APPROVED
2018-011	3 BROUN WAY BASSENDEAN	LIFT ADDITION TO SINGLE HOUSE	DELEGATE APPROVED
2018-018	UNIT B 7 CLARKE WAY BASSENDEAN	CARPORT AND PATIO	DELEGATE APPROVED
2018-020	95 FIRST AVENUE BASSENDEAN	AMENDED APPLICATION FOR ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2018-021	1 PERWAY LANE BASSENDEAN	PATIO	DELEGATE APPROVED

OFFICER RECOMMENDATION – ITEM 6.16

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

Voting requirement: Simple majority

7.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

7.1 Notice of Motion – Cr Wilson: The Fathering Project

Cr Wilson has advised that he wishes to move the following motion:

- “1. That Council resolves that Town staff work with the Swan Districts Football Club and The Fathering Project to assist in the co-ordination of a ‘Big Camp Out’ event for Fathers and their children to camp out on the Bassendean Oval one night this year following the end of the football season; and*
- 2. The Council requests Town Staff prepare an officer briefing for Council on any logistical issues that need to be resolved, or any costs that would need to be met in order for such an event to proceed.”*

Background – Cr Wilson

This motion seeks, in the first instance, for Town staff to work with the Swan Districts Football Club and The Fathering Project to provide assistance in organising a ‘Big Camp Out’ event for Fathers and their children to camp out on the Bassendean Oval, which the Swan Districts Football Club has set a tentative date of 20 October 2018, and in the second instance, to inform Council of any barriers or unaccounted costs that might need to be addressed in order for such an event to proceed.

See website for more information:
<http://www.thebigcampout.com.au>

OFFICER COMMENT

Officers believe that the staging of the Big Camp Out for can be facilitated in a similar manner to the staging of community events, such as the Carols by Candlelight on Bassendean Oval, and conducted as a partnership between the Town, Swan Districts Football Club and the Fathering Project.

Organisational/logistical issues that need to be taken into account include:

- Working with the Town’s Parks and Gardens section given that the annual restoration program for Bassendean Oval will occur at the conclusion of the 2018 football season, and there is a need to manage the amount of traffic on the oval, such as restricting the number of vehicles/heavy equipment.

It should be noted that the annual General Motors Car Show is proposing to hold its event the following weekend on Saturday 27 and Sunday 28 October at Bassendean Oval.

- Additional toilets would need to be ordered, food options to be considered, cleaning of venue before and after event, entertainment options on the day, promotion/marketing, risk management etc.
- A working group being organised to facilitate the planning and staging of the event. The working group could be made up of representatives of Officers, Swan Districts Football Club and the Fathering Project; and
- In terms of the Town's financial contribution to the event, the Town could cover some of the costs through an in-kind contribution of booking Bassendean Oval at no charge, providing additional toilets and bins for the event, with other costs being borne by the Swan Districts Football Club and the Fathering Project. If Council chooses to support the staging of the Big Camp Out, Officers will need to cost out the Town's contribution to supporting the event and list an amount for the 2018/2019 Budget process for Council's consideration/adoption.

It is worth noting the excellent work that the Fathering Project is conducting in the community.

7.2 Notice of Motion – Cr Wilson: Water Fountains

Cr Wilson has advised that he wishes to move the following motion:

- "1. *That Council resolves that Town staff prepare a report to Council on all of the options and costs for Australian made water fountains suitable for installation in parks that provide a facility for easy refill of water bottles; for water bubblers at a height suitable for children to use; and a facility for a fillable and tippable water dish for dogs to drink from.*
2. *That Council resolves for Town Staff prepare a report for possible locations for the installation, and for the cost of installation for such a water fountain in the Mary Crescent Reserve.*

3. *That Council requests the Town Assets Committee to conduct an audit on the location and condition of Council maintained water fountains in the Town of Bassendean and provide a report to Council on recommendations for improving access to water fountains in our shared open spaces."*

Background – Cr Wilson

This motion seeks to improve access to water fountains in our Town's shared open spaces that makes it easier for people to refill water bottles, provide drinking water to children, and also to enable dog owners to water their dogs.

8.0 **CONFIDENTIAL BUSINESS**

Nil.

9.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 17 April 2018 commencing at 7.00pm.