

# TOWN OF BASSENDEAN

## NOTICE OF BRIEFINGS SESSION

A Briefings Session of the Council of the Town of Bassendean will be held on Tuesday, 19 February 2019 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

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## 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.

#### **Live Streaming – Audio and Video**

*The Town is committed to engaging with its community and recognises that providing opportunities for the community to attend Council meetings will result in more informed and engaged residents.*

*Live Streaming will commence at the times that the meetings are due to commence and finish when the Presiding Member closes or adjourns the meeting for any reason.*

*Meetings closed for consideration of matters under Section 5.23 of the Local Government Act or by resolution of Council will not be streamed.*

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

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**2.0 ATTENDANCES AND APOLOGIES**

Apologies

Mr Brian Reed, Manager Development Services

**3.0 DEPUTATIONS**

**4.0 DECLARATIONS OF INTEREST**

**5.0 ADDRESSES BY MEMBERS OF THE PUBLIC**

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda only.

*It should be noted that comments are recorded and live streamed via YouTube, and that there is no protection from legal action being taken against you, should it arise from your comments delivered at the meeting.*

## **6.0** **REPORTS**

### **Broadway Share Path**

Information will be provided to Councillors prior to the Briefings Session via the Councillors' Bulletin, for discussion at this meeting.

### **6.1** **Call for Notices of Motions - National General Assembly 2019 (Ref: GOVR/LREGLIA/2 - Sue Perkins, Executive Assistant)**

#### **APPLICATION**

The purpose of this report is for Council to consider whether it wishes to put forward any notices of motions for inclusion on the agenda for the 2019 National General Assembly.

This item was deferred at the December 2018 Ordinary Council meeting, to allow more time for Councillors to provide notices of motions if they wished to.

#### **BACKGROUND**

The National General Assembly of Local Government is to be held from 16-19 June 2019 at the National Convention Centre in Canberra.

This will be the 25<sup>th</sup> National General Assembly and will focus on the future of local government and local communities. It will consider what Councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

As the major event on the annual local government events calendar, the NGA typically attracts more than 800 mayors, councillors and senior officers from councils across Australia. The NGA is Council's opportunity to contribute to the development of national local government policy and to receive updates on the top policy issues facing local government nationally.

#### **COMMUNICATION & ENGAGEMENT**

Nil.

#### **STRATEGIC IMPLICATIONS**

Nil.

## COMMENT

Convened annually, the National General Assembly of Local Government (NGALG) is the peak national event for local government associations in Australia. With representatives attending from over 800 local government areas, the NGALG provides an important national platform for local government to share experiences, views and engage directly with the Federal Government. Certain criteria must be addressed to be included in NGALG Business Papers, including:

1. be relevant to the work of local government nationally;
2. be consistent with the themes of the NGA;
3. complement or build on the policy objectives of the local state government association;
4. be from a council which is a financial member of their local state government association;
5. propose a clear action and outcome; and
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

It is proposed to submit a motion for consideration of the NGALG before the closing date of 29 March 2019. Broadly, the topic would give consideration of opportunities that promote ways for greater collaboration between Federal, State and Local government to progress initiatives at the local level that are aligned with local community and local government vision and priorities.

## STATUTORY REQUIREMENTS

Nil.

## FINANCIAL CONSIDERATIONS

Nil.

## OFFICER RECOMMENDATION – ITEM 6.1

That a paper be prepared addressing government collaboration in achieving community vision, for consideration at the National General Assembly to be held in Canberra in June 2019.

**Voting requirements: Simple Majority**

**6.2 Waste Local Law (Ref: WSTMNGT/SVPROVN/5, Maria Fatouros - Senior Environmental Health Officer and Ariadne MacLeod - Recycling and Waste Officer)**

**APPLICATION**

The purpose of this report is for Council to introduce new Waste Local Laws.

The proposed Town of Bassendean Waste Local Law 2019 is to provide for the regulation, control and management of waste and recycling collection services within the Town.

The effect of this local law is the efficient and orderly separation and removal of general, recycling and organic (FOGO) waste from households within the Town to minimise the impact on landfill and make the best use of these resources.

**ATTACHMENTS**

**Attachment No. 1:**

Town of Bassendean Waste Local Law 2019

**BACKGROUND**

Since the introduction of the Waste Avoidance and Resource Recovery (WARR) Act in 2007, the management of household refuse has come under this Act, rather than the *Health (Miscellaneous Provisions) Act 1911*. Transition arrangements are in place allowing local governments to continue to use the refuse provisions in their Health Local Laws, however this will no longer be the case as the new Public Health Act is progressively adopted and enforced (the Act received Royal Assent on 25/7/2016).

The attached draft Town of Bassendean Waste Local Law 2019 is based upon the WALGA Waste Local Law template with only minor changes to reflect the waste management services provided by the Town and Town specific requirements relating to the storage of bins.

In part, Part 4, Division 2 of the Town of Bassendean Health Local Law 2001 (Disposal of Refuse) will be repealed as part of the process of adopting this new local law.

## COMMUNICATION & ENGAGEMENT

Under Section 3.12 of the Local Government Act 1995, Council is to give State-wide public notice for not less than 6 weeks, stating its intention to introduce a new local law and invite public submissions to be made during this time.

A copy of the draft Waste Local Law will be sent to the Minister for Local Government and Communities and the Minister for the Environment for comment.

A copy of the attached Draft Waste Local Law 2019 was circulated internally to Ranger Services, Asset Services, Planning and Health Services for feedback.

## STRATEGIC IMPLICATIONS

Town of Bassendean Strategic Community Plan:

Strategic Priority 2: Natural Environment

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

## COMMENT

Following the disallowance of a number of waste local laws by the Joint Standing Committee on Delegated Legislation, WALGA developed a template Waste Local Law that addresses the committee's concerns and ensures consistency with the WARR Act.

The Draft Town of Bassendean Waste Local Law 2019 is a key tool to improve the Town's management and enforcement of waste related activities and support the goals of the Towns Draft Waste Strategy. These draft laws cover all aspects of the Towns waste management services with provisions relating to the planned three bin service, verge collection, public bins and waste management facilities.

The draft laws will form an integral component of the Town's future approach to waste management and in particular, provide a mechanism to reinforce educational campaigns aimed at changing behaviour and increasing the diversion of materials from landfill.

### *Bassendean Strategic Waste Plan & Waste Strategy 2030*

The Waste Strategy 2030 has been endorsed by Cabinet and was launched by the Premier on 10 February 2019. WALGA's waste plan template, which the Town's waste plan will be based on, will be presented to Council once finalised.

### STATUTORY REQUIREMENTS

- *Waste Avoidance and Resources Recovery Act 2007*, Section 64(2)
- *Local Government Functions and General Regulations – Regulation 3*
- *Local Government Act 1995*, Section 3.12
- This local law repeals part 4, division 2 of the *Town of Bassendean Health Local Law 2001*, as published in the Government Gazette on 24 August 2001, except for the following clauses that will be considered for repeal as part of the proposed Town of Bassendean Animals, Nuisance, Environment and Pests Local Laws 2019 currently being drafted.
  - a) clause 4.11;
  - b) clause 4.15; and
  - c) clause 4.16.

The process of making a local law is governed by section 3.12 of *the Local Government Act 1995*.

**Section 3.12 (2) of the Act requires the person presiding at the Council meeting to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.**

As this is a requirement of the Act, this matter cannot be dealt with en bloc.

### Purpose and Effect

#### **Purpose**

The purpose of this local law is to provide for the regulation, control and management of waste and recycling collection services within the Town.

**Effect**

The effect of this local law is for the efficient and orderly separation and removal of general, recycling and organics waste (FOGO) from households in the Town to minimise the impact on landfill and make the best use of these materials.

**FINANCIAL CONSIDERATIONS**

An appropriate budget line exists for the cost of giving public notice and advertising.

**OFFICER RECOMMENDATION – ITEM 6.2**

That the Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the *Local Government Act 1995* for the Draft Town of Bassendean Waste Local Law 2019 as attached to the February 2019 Ordinary Council Agenda.

**Voting requirement- Simple Majority**

**6.3 Animals, Environment, Nuisance & Pests Local Law (Ref: PUBH/LEGLTN/1 - Jeff Somes, Environmental Health Officer)**

APPLICATION

The purpose of this report is for Council to introduce new Animals, Environment Nuisance and Pest Local Law.

ATTACHMENTS

**Attachment No. 2:**

Draft Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019

BACKGROUND

The purpose of this draft Local Law is to shift a number of provisions of the Town's existing Health Local Law from the *Health (Miscellaneous Provisions) Act 1911* (Health Act), to the *Local Government Act 1995*. As part of this process, it was also appropriate to review the existing provisions dealing with animals, nuisances and pests to ensure they are contemporary.

The new *Public Health Act 2016* (the Act), which received royal ascent in 2016, will replace the existing Health Act. As part of the transition to the new Act, the Health Act will be repealed including the provision that enables local governments to make Health Local Laws.

A benefit of transferring these local laws to under the Local Government Act 1995, is that it will enable authorised officers to issue infringement notices where education attempts fail. Currently, the only option for enforcement under the Health Act is through a Court of Law, where the solicitors fees routinely exceed the fine and costs the Courts are prepared to award.

Included in these draft local laws are a number of provisions, which are currently dealt with under the Local Government Act, such as light overspill, disused material, unsightly overgrowth and the storing and wrecking of vehicles. Creating local laws to deal with these regulatory issues will provide authorised officers the ability to issue infringement notices. Currently, where enforcement action is required, it has to be through the Courts following the expiry of a Notice. It is important to note that the option to undertake enforcement through the Courts will remain where it is deemed appropriate.

## COMMUNICATION & ENGAGEMENT

Under Section 3.12 of the Local Government Act 1995, Council is to give State-wide public notice for not less than 6 weeks, stating its intention to introduce a new local law and invite public submissions to be made during this time.

A copy of the draft *Animals, Environment, Nuisance and Pests Local Law* will also be sent to the Minister for Local Government and Communities and the Minister for Health, Mental Health, for comment.

A copy of the attached Draft Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019, has been circulated internally to Ranger Services, Planning Services and Health Services for feedback.

## STRATEGIC IMPLICATIONS

Town of Bassendean Strategic Community Plan:

1.3 Plan for a healthy and safe community	1.3.1 Facilitate safer neighbourhood environments	Community / Stakeholder Satisfaction Survey (Safety, Health and Well-being)
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)

## COMMENT

The proposed local law brings together the majority of the environment and nuisance provisions under the one local law.

The provisions in the proposed local law are based upon pro-forma or 'model' local laws, that have previously been vetted by the Joint Standing Committee on Delegated Legislation, so are likely to meet the Committee's approval.

A review of the existing Health Local Law has resulted in minor amendments with the most significant being changes to the keeping of poultry. In particular, the number of poultry permitted to be kept without written approval, is reduced from 20 to 12 birds. This brings the Town into line with the majority of metropolitan local governments and further, it assists in the management of nuisances as lot sizes continue to decline.

The provision relating to the setbacks of poultry enclosures to a dwelling is also amended. The setback of 9 metres to any dwelling will be amended to 9 metres from a neighbouring dwelling and 5 metres to the opening of the dwelling of the person keeping the poultry. The intent of this change is to allow for greater opportunity for residents to keep poultry on smaller parcels of land whilst maintaining the amenity of their neighbours i.e. odour, flies, noise and vermin which are commonly associated with the keeping of poultry.

### STATUTORY REQUIREMENTS

- *Health ( Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*
- *Local Government Act 1995, Section 3.12*
- The Town of Bassendean Health Local Law 2001, amended as follows:
  1. Part 4, Division 1 is repealed;
  2. Part 4, Division 2 clauses 4.15 and 4.16 are repealed;
  3. Part 4, Division 3 is repealed;
  4. Part 5, Division 1 is repealed;
  5. Part 5, Division 2 is repealed;
  6. Part 5, Division 3 is repealed;
  7. Part 5, Division 4 is repealed; and
  8. Part 6, is repealed.

The process for making a local law is governed by section 3.12 of the *Local Government Act 1995*.

**Section 3.12 (2) of the Act requires the person presiding at the Council Meeting to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.**

As this is a requirement of the Act, this matter cannot be dealt with en bloc.

### Purpose and Effect

#### **Purpose**

The purpose of this proposed local law is to provide for the regulation, control and management of animals, pests, nuisances and the prevention of environmental damage within the District.

**Effect**

The effect of this local law is to establish the requirements with which any person keeping animals, or who's premises is the source of pests, or is undertaking activities that have the potential to have an impact on the environment or create a nuisance, must comply.

**FINANCIAL CONSIDERATIONS**

An appropriate budget line exists for the cost of giving public notice and advertising.

**OFFICER RECOMMENDATION - ITEM 6.3**

That:

1. Council gives statewide public notice for a period of not less than 6 weeks that it proposes to make the Town of Bassendean Animals, Environment, Nuisance and Pest Local Law 2019; and
2. At the expiry of the comment period all comments will be considered and reported back to Council for its consideration prior to the local law being recommended for adoption.

**Voting requirement - Simple Majority**

## **6.4 Proposed Amendment 11 to Local Planning Scheme No. 10 (Ref: LPS10.11 – Alex Snadden, Planning Officer)**

### APPLICATION

The purpose of this report is for Council to consider initiation of an amendment to Local Planning Scheme No. 10 (the scheme) to modify Table 1 (Zoning Table) of the Scheme to amend the use of 'Convenience Store' from a 'P' use, and the use of 'Service Station' from an 'A' use, to an 'X', not permitted use within the 'Town Centre' zone and 'Local Shopping' zone.

### ATTACHMENTS

#### **Attachment No. 3:**

- Scheme Amendment Report No. 11.
- Process for standard amendments to Local Planning Schemes flowchart

### BACKGROUND

At Council's Ordinary Meeting held on the 17 December 2018, Council resolved to move the following motion:

*"That Council:*

- 1. Requests staff review and commence the process of changing the permitted use of properties zoned Local Shopping Centre to prohibit development of 'Convenience Stores Providing for the Sale of Fuel and Convenience Goods' and 'Service Stations' at undesirable locations within the Town; and*
- 2. Requests staff to review and commence the process of changing the permitted use of properties zoned Town Centre to prohibit development of 'Convenience Stores Providing for the Sale of Fuel and Convenience Goods' and 'Service Stations' at undesirable locations within the Town's Central Business District."*

### STATUTORY REQUIREMENTS

*Planning and Development Act 2005*

Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

*Planning and Development (Local Planning Schemes) Regulations 2015*

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a resolution of a local government to adopt an amendment to a local planning scheme which must specify if it is a “basic amendment”, “standard amendment” or “complex” and an explanation of the reason for the local government for forming that opinion.

This amendment is considered to be a “standard amendment” by Town Staff by virtue of it being:

- i. An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.
- ii. An amendment that is not a complex or basic amendment.

The process that a standard amendment will follow can be found within the attachments to this report.

### COMMUNICATION & ENGAGEMENT

Should the Council resolve to initiate the Amendment, it would then be referred to the Environmental Protection Authority for consent to advertise. Should consent be granted, the Amendment is to be advertised for a minimum period of 42 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area in accordance with section 47 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as per the requirements for a standard amendment.

The amendment, in addition to a notice published in a newspaper within the Scheme area, will also be advertised through the ‘Your Say Bassendean Platform’ with links to Facebook and via letters to the owners and occupiers of land within the Town Centre and Local Shopping zones, with the exception of the mixed use development sites and shopping centres where the notification will be sent to the body corporate/managing authority.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
3.1 Plan for an increased population and changing demographics	3.1.3 Plan for Local Neighbourhoods and their Centres	The number of new dwelling approvals granted by the Town against the Perth Peel @ 3.5 million planning framework target for Bassendean (4,200 new dwellings by 2050). The level of community engagement and participation into Local Area Planning (Input into plans and policy development).
3.2 Enhance connectivity between places and people	3.2.3 Enhance the livability of Local Neighbourhoods	Community/Stakeholder Satisfaction Survey

**COMMENT**

As requested by Council, Town staff have completed a review of the appropriateness of allowing land use activities that permit the sale of petroleum products within the Town Centre and Local Shopping zones.

Currently as it stands the use of a 'Convenience Store' is considered a 'P' use, which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme, within the 'Town Centre' and 'Local Shopping' zones.

Currently as it stands the use of a 'Service Station' is considered an 'A' use which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions, within the 'Town Centre' and 'Local Shopping' zones.

Officers, as part of that review, consider that land use activities involving the retailing of petroleum products within the Town Centre and Local Shopping zones will contradict the objectives of the zones as well as impacting on the amenity of adjoining (sensitive) land uses through emissions. This has been discussed in detail within the attached Scheme Amendment Report.

Permitting these activities within inappropriate locations opposes the principles of proper and orderly planning. Town Staff therefore recommend that Council resolve to initiate an amendment to the Towns Local Planning Scheme that will result in the land use permissibility of a Convenience Store and Service Station being an 'X' use or not permitted land use within the Town Centre and Local Shopping zones.

The proposed scheme amendment will not have any detrimental impacts on the function of the Towns commercial zones. The commercial zones will still permit a range of uses that allow retailing of convenience goods and products (i.e. Corner Shop and Shop). The 'Convenience Store' land use would remain a 'D' use and a 'Service station; would remain an 'A' use within the 'Light Industry' and 'General Industry' zones, which are considered appropriate locations to support such an activity.

The two convenience stores (No. 310 Collier Road, Bassendean & Unit 1, No. 335 Collier Road, Bassendean) and solitary service station (No. 309 Guildford Road, Bassendean) existing within the Town will not be affected by the amendment and will continue to operate.

#### FINANCIAL CONSIDERATIONS

The costs of administrating and advertising the proposed amendment will be met for the Town Planning operational accounts.

#### OFFICER RECOMMENDATION — ITEM 6.4

That:

1. Council resolves to support to initiate proposed Amendment No. 11 to the Town of Bassendean Local Planning Scheme No. 10 to modify Table 1 – Zoning Table by changing the land use permissibility of 'Convenience Store' and 'Service Stations' in the Town Centre and Local Shopping zones to an 'X' use, meaning the use(s) will not be permitted in these zones.
2. Such amendment is a "standard" amendment pursuant to the Planning and Development (Local Planning Schemes) Regulations by virtue of it being:
  - i. An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.

- ii. An amendment that is not a complex or basic amendment.
3. The proposal be referred to the Environmental Protection Authority for comment prior to advertising.
4. The amendment be advertised for a period of 42 days in accordance with the requirements for a Standard Amendment.
5. Following the advertisement period, present the proposal back to Council for further consideration.

**Voting requirements: Simple Majority**

**6.5 Request to the Minister of Lands to Dedicate the Laneway between Guildford Road and Kenny/Kathleen Streets as a Public Road (Ref: ROAD/STMNGT/4 - Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is to commence the process leading to the dedication of the above right of way to a public road.

ATTACHMENTS

**Attachment No. 4:**

- Petition presented to the December Council meeting.
- Plan showing the Right of Way and the location of the petitioners.

BACKGROUND

This matter was last considered by Council at its meeting held in December last year when it was resolved by OCM-3/12/18 as follows:

*“That Council receive the petition requesting the Town of Bassendean make a request to the Minister of Lands to dedicate the laneway between Guildford Road and Kenny/Kathleen Street as a public road.”*

The process that needs to be followed to dedicate the land as a public road is discussed under the comment section of this report.

COMMUNICATION & ENGAGEMENT

If Council wishes to pursue dedicating the land as a public road, consultation will be required to be undertaken with the owner of the right of way and adjoining landowners, public utility providers and the Western Australians Planning Commission.

STRATEGIC IMPLICATIONS

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

The right-of-way has a length of around 218m and is approximately 5.0m wide. It is owned by the estate of Parker and Kenny, a company that is no longer in existence, which carried many of the original subdivision in the Town.

The right-of-way was created through the subdivision of adjoining land and pursuant to section 167A of the *Transfer of Land Act 1893*, the right of way is for the use and benefit of the abutting lots created on Plan 2787.

Of the 22 properties that adjoin the right-of-way, it appears that only 11 properties have a legitimate right to use the right-of-way.

It is understood that the right-of-way has been paved by the Town in the past.

The City of Bayswater's Rights of Ways Study includes useful information on the processes to be followed to dedicate the land as a public road, which is summarised below:

### **PROCESS FOR DEDICATING A RIGHT OF WAY AS A PUBLIC ROAD**

This procedure outlines Council's requirements for the dedication of private rights of ways as a public road, and has regard to the requirements of the Department of Land Information and the Western Australian Planning Commission.

1. A private right of way may be dedicated as a public road under Section 56 of the Land Administration Act 1997. This may occur on:
  - a) the request of the owner of the street or right of way made to the local government;
  - b) the request of the owners of rateable property abutting the street or right of way or at least the owners of more than one half of the sum of the rateable values of the abutting properties; or

- c) the request of the Local Government, where the public has had uninterrupted use of the street or right of way for a period of not less than ten years.

A report to Council is to be prepared to initiate the process for dedicating a right of way as a public road. It is noted that there is no requirement to advertise the proposed dedication for public comment, however it is recommended that all adjoining owners be advised of the proposal and given an opportunity to comment.

Following Council's resolution to initiate the dedication process, all adjoining owners, the owner of the land if applicable and all servicing agencies are to be advised of the proposal and provided 30 days to comment.

If objections are received, a further report to Council will be required to consider whether to proceed with the dedication of the land.

### **PROCESS FOR ACQUIRING A PRIVATE ROAD AS CROWN LAND**

1. Under Section 52 of the Land Administration Act, a local government may request the Minister for Land Information to acquire any private road or right of way as Crown land.
2. A report to Council is to be prepared to initiate the process for acquiring a private right of way as Crown land.
3. Following Council's resolution to initiate the acquisition process, the following public advertising must be undertaken:
  - a) Take all reasonable steps to give notice of the intention to acquire the land to the owner of the freehold land and the owners of the land abutting the subject road or right of way;
  - b) Advise all suppliers of public utility services to the subject land;
  - c) Notify the Western Australian Planning Commission of the proposal and seek approval; and
  - d) Provide a 30 day comment period from the date of the notice that persons may lodge an objection to the proposal.
4. If objections to the proposal are received, a further report to Council is required to consider whether to proceed with the acquisition process.

Following on from consideration of actions associated with this right of way, it would also be opportune to consider reviewing all of the Town's rights of ways. Should Council wish to proceed in this manner, a budget allocation may be required should capacity not be available to undertake these works internally.

### **Conclusion**

Advertising a proposal for the Minister of lands to acquire the land as Crown land is supported. This action is a part of a two stage process to dedicate the right-of-way as a public road. It is however necessary for the land to be acquired under section 52 of the Act, prior to taking action under section 56 of the Act for the following reasons:

- the original petition presented to Council was signed by the owners of the land representing 28% of the land adjoining the right- of- way; and
- the Town cannot confirm that the public has had uninterrupted use of the street or right of way for a period of not less than ten years.

### **STATUTORY REQUIREMENTS**

The statutory power to dedicate the right of way as a public road is derived from Section 52 and section 56 of the Land Administration Act 1997.

### **FINANCIAL CONSIDERATIONS**

If the land becomes a public road dedicated to the Town, it will become an asset of the Town and the ongoing costs of maintenance and repair will become the Town's responsibility.

### **OFFICER RECOMMENDATION — ITEM 6.5**

That Council:

1. Council initiates the processes under section 52 of the Land Administration Act to acquire P054415 Lot 100 on Plan 054415 as Crown Land.; and
2. A further report be presented to Council to consider carrying out a review of the Town's rights of ways.

**Voting requirements: Simple Majority**

**6.6 Proposed Review of Local Planning Policy No. 4 – Floodplain Management and Development Policy (Ref: LUAP/POLCY/4 - Christian Buttle, Senior Planning Officer)**

**APPLICATION**

To consider authorising staff to commence a review of Local Planning No. 4 – Floodplain Management and Development Policy (LPP4).

**BACKGROUND**

LPP4 was adopted by Council following the gazettal of Local Planning Scheme No. 8 in 2008. The policy was also subject to minor review in 2014.

**COMMUNICATION & ENGAGEMENT**

No communication and engagement has been undertaken at this stage, however, it is anticipated (at a minimum) that communication and engagement would occur with the following parties:

- Affected owners and occupiers (in particular those within the floodway);
- BMT WBM Pty Ltd (Authors of the Swan and Helena Rivers Flood Study and Floodplain Management Plan – Floodplain Development Strategy for the Eastern Metropolitan Regional Council);
- Department of Water and Environmental Regulation (state government agency responsible for floodplain mapping);
- Department of Fire and Emergency Services (Hazard Planning Branch) (hazard management agency for the state);
- Bassendean State Emergency Service (provides trained volunteers to respond to emergencies, including flooding);
- Swan River Trust (advisory body to the Department of Biodiversity, Conservation and Attractions providing independent advice on the protection of the Swan and Canning rivers and related developments); and
- Western Australian Planning Commission/Department of Planning, Lands and Heritage (state government planning authority).

**STRATEGIC IMPLICATIONS**

The following components of the Town's Strategic Community Plan are of relevance with respect to this matter:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
2.2 Protect our River, Bushland Reserves, and Biodiversity	2.2.1 Protect and restore our biodiversity and ecosystems	Community / Stakeholder satisfaction Survey (River, Bushland and Reserves)  Biodiversity and Bush Condition ("Keighery" Scale of bush condition) measurement
	2.2.2 Sustainably manage significant natural areas	
	2.2.3 Partner with stakeholders to actively protect, rehabilitate and enhance access to the river	
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices	The number of new dwelling approvals granted by the Town against the <i>Perth Peel @ 3.5 Million</i> planning framework target for Bassendean (4,200 new dwellings by 2050)  The level of community engagement and participation into Local Area Planning (Input into plans and policy development.)
	3.1.2 Implement sustainable design and development principles	
	3.1.3 Plan for local neighbourhoods and their centres	
	3.1.4 Ensure infrastructure is appropriate for service delivery	

### COMMENT

Staff consider it an opportune time to carry out a review of LPP4, for the following reasons:

### Resolution of Council – August 2017

At its meeting held August 2017, Council resolved as follows:

"11.2 Notice of Motion – Cr Brown: Floodway Contingent Development"

OCM – 24/08/17

### COUNCIL RESOLUTION – ITEM 11.2

*MOVED Cr Brown, Seconded Cr Pule, that the Town of Bassendean **supports** subdivision in accordance with current zoning of those properties within the 100 year floodway situated on West Road and Whitfield Street, Bassendean.*

**CARRIED 4/2**

*Crs Brown, Pule, Gangell & Lewis voted in favour of the motion. Crs Bridges & McLennan voted against the motion."*

This notice of motion is inconsistent with adopted Council policy and 3 of the 6 Councillors who voted on this matter are no longer Councillors.

Four members of the current Council were not Councillors when this notice of motion was carried.

### **EMRC Report**

On behalf of the EMRC, a report titled "*Swan and Helena Rivers Flood Study and Floodplain Management Plan – Floodplain Development Strategy*" has recently been completed by consultants BMT. This report contains recommendations relating to development within the floodplain. The document can be found at:

<https://www.bassendean.wa.gov.au/documents/688/swan-and-helena-rivers-floodplain-development-strategy>

### **Recent Subdivision Applications within Floodway**

Applications for subdivision for the following properties within the floodway have recently been dealt with by the Western Australian Planning Commission:

- Lot 636 (No. 183) West Road (initially refused and then subsequently approved via an appeal process);
- Lot 631 (No. 184) West Road (refused and then application for review (appeal) dismissed via a SAT review process);
- Lot 630 (No. 186) West Road (application yet to be determined); and
- Lot 638 (No. 193) West Road (application yet to be determined).

### **State Administrative Tribunal (SAT) Review**

The subdivision application for the property at No. 184 West Road was refused by the Western Australian Planning Commission and was then subject to an application for review with SAT. The application for review was subsequently dismissed. The Town has been advised that this SAT decision is now subject to judicial review.

### **Local Resident Advocacy and Department of Water and Environmental Regulation (DWER) Review**

As a result of local resident advocacy, the DWER have given a commitment to undertake a specific review of the alignment of the boundary between the floodway and flood fringe with respect to the 9 residential zoned properties which are currently situated within the floodway south of Villiers Street East. It is anticipated that this review will be complete within the near future (likely Feb/Mar 2019).

### **Steps Associated with Undertaking Review of LPP4**

The likely process to carry out a review of LPP4 will involve:

- Staff review of the current policy;
- Liaison with relevant state government agencies;
- Discussion with Council at a Concept Workshop;
- Presentation of a draft revised policy to Council for consent to advertise for public comment;
- Public consultation (minimum 3 weeks);
- Preparation of a final draft taking into account input provided during public advertising period; and
- Final adoption of revised policy by Council.

Discussion with Council at a Concept Workshop could also be undertaken upfront, if Council were of the opinion that this would be beneficial in guiding the review process.

### **STATUTORY REQUIREMENTS**

Schedule 2 (Deemed provisions for local planning schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015 sets down the procedures for preparing or amending a local planning policy.

### **FINANCIAL CONSIDERATIONS**

If Council agrees that a review of LPP4 should be commenced, limited funds will be expended in conjunction with the public advertising of the policy documents.

### **OFFICER RECOMMENDATION — ITEM 6.6**

Council authorise staff to commence a review of Local Planning Policy No. 4 – Floodplain Management and Development Policy, with a further report to be presented to Council following preparation of a draft revised policy.

**Voting requirements: Simple Majority**

**6.7 Community Group Funding Request received from Eden Hill Community Action Network (Ref: COMMDEV/LIAIS/5 - Graeme Haggart, Director Community Development)**

APPLICATION

Council is requested to consider an application for Community Group Sponsorship funding from Eden Hill Community Action Network.

ATTACHMENTS

**Attachment No. 5:**

Eden Hill CAN Completed Community Group Sponsorship Application

BACKGROUND

Officers have received an application for funding to the value \$4,000 from the Eden Hill Community Action Network (Inc) under the Community Groups Sponsorship category of the Donations, Sponsorship and Grants Policy (Policy 6.11).

Council agreed at the October 2018 Ordinary Council Meeting (OCM – 13/10/18) to adopt the revised Policy 6.11 - Donations, Sponsorships and Grants.

The revised policy includes for sponsorship for Community Groups to a maximum \$5,000 in any one year by the Town. This category of grants now incorporates Community Event Sponsorship.

Eligible activities for funding within the Community Groups sponsorship category includes: events, pilot projects, workshops, activities, brochures/pamphlets, artwork and publicity.

Costs of incorporation can be sought to a maximum \$1,000 and recurrent event grants are now set at a maximum \$3,000. Applicants must demonstrate at least 50% the cost of events are met by in-kind or from other sources.

At that October Council Meeting Council considered a request for Community Event Sponsorship funding from Eden Hill CAN for a Christmas Party being planned for 1 December 2018. Eden Hill CAN submitted the application for Community Event Sponsorship to ensure they were in a position to commit to expenditure for that event.

At the October Council Meeting, Council noted the Eden Hill CAN was wanting to apply for reimbursement of establishment costs, insurance cover premiums and for an event to be conducted in the first half of 2019.

In considering the reviewed Policy, Council stipulated that funding would ordinarily only be made once in a financial year to any community group. In doing so, though, Council sought to be satisfied it has the rights to approve funding on more than one occasion in a financial year to any group at its discretion.

The Sponsorship guidelines provides that applications for Community Group Sponsorship will be considered by the People Services Committee. Referring the application to the People Services Committee would result in the Eden Hill CAN's application coming to Council in the March Ordinary Council Meeting for determination. This application is being referred directly to Council as the Group is desiring to conduct an event on 31 March and require to book and commit to expenses in a timely fashion.

### COMMUNICATION & ENGAGEMENT

The Eden Hill CAN has consulted Town Officers regularly during the development of the funding application.

### STRATEGIC IMPLICATIONS

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
	1.1.4 Continue to support and facilitate participation on the arts, community festivals and events	
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.5 Support our volunteers and community groups to remain empowered, dynamic and inclusive	Community / Stakeholder Satisfaction Survey (Activity and connectivity) Volunteer Rate
5.2 Proactively partner with the community and our stakeholders	5.2.3 Advocate and develop strong partnerships to benefit community	Community / Stakeholder Satisfaction Survey (Community engagement and participation)

## COMMENT

Eden Hill Community Action Network was formed in February 2018 and became incorporated in August 2018. The Group, at that time, had no funds of its own. The cost of incorporation and insurance premiums were met by members of the Group on the understanding they would be reimbursed when funding permits.

The Group has successfully conducted their first event, being the Christmas Party on 1 December 2018 at the Caledonian Soccer Club facilities for which Council approved a \$1,000 Community Event Sponsorship. More than one hundred Eden Hill residents attended and was deemed highly successful. The funding for this event has been acquitted in a timely fashion.

The group has assisted the Town by providing a barbeque at the Old Perth Road Street Party in December and again on 11 February for the Old Perth Road Town Team Movement gathering from which the group has generated some income. The group has also assisted the Town with the official opening of the Mary Crescent Reserve playground on Saturday 16 February.

As stated above, the Application is for reimbursement of establishment costs and a request for funding to support the group conduct a Neighbours Day event in Eden Hill on 31 March.

Officers have assessed the application as being compliant and recommend Council support the application.

## STATUTORY REQUIREMENTS

Local Government Act 1995  
Policy 6.11 - Donations, Sponsorships and Grants

## FINANCIAL CONSIDERATIONS

A \$30,000 allocation for Community Group Sponsorship was adopted in the 2018/19 Budget, of which \$21,810 remains uncommitted.

At least three other community groups have requested the funding guidelines and are known to be preparing an application.

OFFICER RECOMMENDATION — ITEM 6.7

That Council approves a sponsorship of \$4,000 to Eden Hill Community Action Network (Inc); and that a sponsorship agreement be finalised between the Town and Eden Hill Community Action Network (Inc).

**Voting requirements: Absolute Majority**

**6.8 Town of Bassendean Access and Inclusion Plan 2019 – 2024 (Ref: COMMDEV/PLANNG/2 – Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of this report is for Council to adopt the endorsed Access and Inclusion Plan (AIP) as amended following feedback received during a public comment period.

ATTACHMENTS

**Attachment No. 6:**

Revised endorsed Town of Bassendean Access and Inclusion Plan 2019 – 2024

BACKGROUND

At the 27 November 2018 Ordinary Council Meeting, it was resolved (OCM – 11/11/18) *“that Council endorses for public comment the draft Town of Bassendean Access and Inclusion Plan 2018-2022 as attached to the Ordinary Council Agenda of 27 November 2018.”*

COMMUNICATION AND ENGAGEMENT

A public comment period commenced on 18 December 2018 and closed 31 January 2019.

The project was listed on the *Your Say Bassendean* website and available in hard copy in the Customer Service Centre and Bassendean Memorial Library.

In accordance with legislative requirement, the public comment period was advertised in the Eastern Reporter.

The Town also promoted the public comment period on the Town’s Facebook page, on the Town’s website and with “point of sale” information in the Customer Service Centre and Library. These were provided in varying formats, including electronically and in hard copy.

The Consultant *“the Include Group”* sent a copy of the advertisement to all the people they engaged with in the consultation process for the Plans’ preparation to seek their views on the endorsed Plan.

The endorsed Plan was also forwarded to the Department of Communities (Disability Services) for compliance auditing.

COMMENT

A table of comments received and the actions taken is included in the attachments.

The consultants, “*the Include Group*”, have been forwarded the feedback and have incorporated changes as noted in the comments column of the consolidated feedback table.

The revised endorsed Access and Inclusion Plan that incorporates the feedback received, has been forwarded to the Department of Communities (Disability Services), who confirm it to be compliant.

The revised endorsed Plan is presented as an attachment to this agenda.

The Director Community Development seeks Council adopt the revised endorsed Plan.

**STATUTORY REQUIREMENTS**

- Local Govt Act 1995
- Disability Discrimination Act (1993)
- WA Disability Services Act (2004)
- Equal Opportunity Act (1988)
- Federal Disability Discrimination Act (1992)

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.3 Ensure our unique culture and history are shared and celebrated	Community / Stakeholder Satisfaction Survey (Engagement and Participation)
1.3 Plan for a healthy and safe community	1.3.2 Promote and advocate community health and well-being	Community / Stakeholder Satisfaction Survey (Safety, health and well-being)

**FINANCIAL CONSIDERATIONS**

There are no direct financial implications in this report other than the cost of publishing the adopted Plan.

**OFFICER RECOMMENDATION – ITEM 6.8**

That Council adopts Town of Bassendean Access and Inclusion Plan 2019-2024 as attached to the Ordinary Council Agenda of 26 February 2019.

**Voting requirements: Simple majority**

**6.9 Appointment of Community Members to Working Groups (Ref: COMDEV/MEETS/4 and COMDEV/MEETS/5 Graeme Haggart, Director Community Development)**

APPLICATION

Council is requested to consider appointing community members to Working Groups from nominations received.

ATTACHMENTS

**Confidential Attachment No. 1:**

List of nominees including their stated credentials (in full)

**Attachment No. 7:**

- Terms of Reference - Access and Inclusion Working Group
- Terms of Reference - Suicide Prevention Working Group.

BACKGROUND

At the Ordinary Council Meeting held on 25 September 2018, it was resolved in part (OCM – 22/09/18) *“that Council establishes an Access and Inclusion Working Group that reports to the People Services Committee.”*

At the Ordinary Council Meeting held on 23 October 2018, it was resolved in part (OCM – 17/10/18) *“that Council establishes a Suicide Prevention Working Group that reports to the People Services Committee.”*

At the Ordinary Council Meeting held on 27 November 2018, Council adopted (OCM – 12/11/18) Terms of References for both Working Groups.

Officers have sought nominations from the community seeking to be appointed as members of the Working Groups and did so on the Town’s website, facebook page and in the Community Newspaper Group. Community members were asked to complete and submit a Nomination Form that included a statement of credentials in support of their nomination.

COMMUNICATION & ENGAGEMENT

Four community members attended the October People Services Committee where establishing the Suicide Prevention Working Group was discussed. They have since submitted nominations.

Request for nominations was advertised in the Eastern Reporter Newspaper, in a news item on the Town’s website and through multiple Facebook posts.

Two nominations received for Community Group representatives for the disbanded Access and Inclusion Committee agreed for their nominations to be carried forward to the Access and Inclusion Working Group.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we’re going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.2 Ensure all community members have the opportunity to be active, socialise and be connected	1.2.4 Ensure people with disability and those from diverse backgrounds are valued and supported to participate in community life	Community / Stakeholder Satisfaction Survey (Activity and connectivity)  Volunteer rate
1.3 Plan for a healthy and safe community	1.3.2 Promote and advocate community health and well-being	Community / Stakeholder Satisfaction Survey (Safety, Health and Well-being)

**COMMENT**

**Suicide Prevention Working Group**

A total of 17 nominations have been received seeking to be appointed to the Suicide Prevention Working Group.

Nominees names, residential suburb and a word for word copy of their submitted credentials is included with the attachments.

The Terms of Reference states that membership of the Working Group will comprise:

- One appointed Councillor;
- Representatives of organisations who provide mental health services to residents of the Town; and
- Individuals who have skills, experience, interest and commitment to contribute to reducing the incidents of mental health disorders in the community; and
- Capacity to co-opt further members with relevant expertise as required.

It is therefore mute on the size of the Working Party.

Council may deem it appropriate to select from within the list of nominees or to invite all nominees to attend and contribute to the Working Group meeting and function.

#### Access and Inclusion Working Group

No additional nominations have been received.

As noted in the Report to the September 2018 OCM, the Town is required to maintain an Access and Inclusion Plan and work toward achieving the actions in the Plan. An annual progress report is prepared and sent to the Department of Communities (Disability Services) and a statutory report is provided in the Town's Annual Report. The Town is not required to maintain an Access and Inclusion Committee or Working Group although it is considered best practice to have a mechanism to monitor the implementation progress of the Access and Inclusion Plan actions.

Given the lack of community member nominations for the Committee (now disbanded) and then for the Working Group, it is recommended establishing the Working Group not proceed. It is further recommended the Director Community Development who is responsible for ensuring the Access and Inclusion Plan is being actioned, make periodic progress reports to the People Services Committee on the Plans implementation.

#### STATUTORY REQUIREMENTS

Local Government Act 1995  
Disability Services Act 1993

#### FINANCIAL CONSIDERATIONS

There are no financial implications inherent in this report.

#### OFFICER RECOMMENDATION — ITEM 6.9

That Council:

1(a) Appoints all 15 nominees as listed in the Confidential Attachments included in the Ordinary Council Agenda of 26 February 2019;

**OR**

1(b) Appoints the following 8 members to the Suicide Prevention Working Group:

2. Does not proceed with an Access and Inclusion Working Group and revokes OCM – 22/09/18, part, which reads:  
  
*“Establishes an Access and Inclusion Working Group that reports to the People Services Committee”;*
3. The Director Community Development to periodically provide progress reports to the People Services Committee on the implementation of the Access and Inclusion Plan actions; and
4. Writes to all nominees expressing appreciation for their preparedness to contribute to community affairs in the Town.

**Voting requirements: Absolute Majority**

**6.10 Draft Policy - Annual Performance Review, Chief Executive Officer (Ref: GOVN/COUNCILS/1 – Renae Maher, HR Coordinator)**

**APPLICATION**

Council is requested to consider adopting a policy which establishes a consistent, transparent, independent and accountable review process in line with section 5.38 of the Local Government Act 1995.

**ATTACHMENT**

**Attachment No. 8:**

Draft Policy - Annual Performance Review, Chief Executive Officer

**BACKGROUND**

Assessing the performance of the CEO is the responsibility of Council. The CEO is the link between the Council and the administration and ensuring the CEO's KPI's are aligned to the Town's Corporate Business Plan Strategies and Council priorities are imperative for the delivery of an effective community service.

The formalised review policy and process is an opportunity to pro-actively discuss, set and measure the expected performance standards, establish key objectives, identify goals and enhance professional development.

The process also enables Council to determine what needs to be delivered in order to continually achieve good governance, sustainable management of resources and highly responsive community engagement and collaboration.

**COMMUNICATION AND ENGAGEMENT**

This policy has been developed as an internal process for Council to review the CEO's performance. Further community consultation or engagement is considered unnecessary for the purpose of this policy.

**STRATEGIC IMPLICATIONS**

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

**STATUTORY REQUIREMENTS**

Section 5.38 of the *Local Government Act 1995*, requires the performance of each employee who is employed for a term of more than one year, including the CEO, be reviewed at least once in relation to every year of employment.

Adopting the proposed Policy, supports and strengthens Council's compliance to the Act.

**FINANCIAL CONSIDERATIONS**

Nil

**COMMENT**

Nil

**OFFICER RECOMMENDATION – ITEM 6.10**

That Council adopts the Annual Performance Review – Chief Executive Officer Policy attached to the Ordinary Council Agenda of 28 February 2019.

**Voting requirement: Simple majority**

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

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

<b>Building Applications Determined in the Month of December 2018</b>		
<b>Application No</b>	<b>Property Address</b>	<b>Description</b>
201800282	20 BLACKTHORN ROAD, EDEN HILL	PERGOLA SHADE CLOTH
201800281	43 ESTHER STREET, EDEN HILL	RESIDENTIAL DWELLING
201800285	7 KENMURE AVENUE, ASHFIELD	RETAINING WALL FENCING & VINE FRAMEWORK (RETROSPECTIVE)
201800283	190 ANZAC TERRACE, BASSENDEAN	STEEL FRAME ROOM TO EXISTING PATIO
201800264	34 NORTH ROAD, BASSENDEAN	DWELLING
201800268	16 ROSETTA STREET, BASSENDEAN	FULL DEMOLITION DWELLING
201800267	8 ATKINS WAY, EDEN HILL	RETROSPECTIVE PATIO & SHED
201800263	1 ASHFIELD PARADE, ASHFIELD	SWIMMING POOL & FENCE
201800269	38 GERALDINE STREET, BASSENDEAN	SWIMMING POOL & FENCE
201800218	96 KENNY STREET, BASSENDEAN	FLAT PATIO
201800278	20 KENMURE AVENUE, ASHFIELD	2 STOREY DWELLING (AMENDMENT TO 201800153)
201800270	81 KATHLEEN STREET, BASSENDEAN	DEMOLITION GARAGE AND HOUSE
201800272	176 WALTER ROAD EAST, BASSENDEAN	FULL DEMOLITION
201800275	186 WALTER ROAD EAST, BASSENDEAN	DEMOLITION SINGLE STOREY RESIDENTIAL DWELLING
201800271	23 PURSER LOOP, BASSENDEAN	ADDITIONS/ALTERATIONS
201800279	6 CLARKE WAY, BASSENDEAN	RETROSPECTIVE PATIO (ENCLOSURE)
201800277	73 SECOND AVENUE, BASSENDEAN	FULL DEMOLITION
201800273	176 MORLEY DRIVE, EDEN HILL	PATIO
201700264	98 KENNY STREET, BASSENDEAN	SHED & PATIO WITH DECK

<b>Building Applications Determined in the Month of January 2019</b>		
<b>Application No</b>	<b>Property Address</b>	<b>Description</b>
201800284	20 SUCCESS ROAD, BASSENDEAN	STEEL FRAME / STEEL ROOF PATIO
201800288	14 PALMERSTON STREET, BASSENDEAN	RELOCATION OF DWELLING & SHED
201800286	18 THIRD AVENUE, BASSENDEAN	STORAGE SHED / WORKSHOP
201800289	31 ANZAC TERRACE, BASSENDEAN	ADDITIONS / ALTERATIONS TO EXISTING DWELLING
201800287	8 HANWELL WAY, BASSENDEAN	SOLAR PANEL
201800245	144 MORLEY DRIVE, EDEN HILL	SHED
201800266	62 IVANHOE STREET, BASSENDEAN	PATIO
201800290	54 RUGBY STREET, BASSENDEAN	RETROSPECTIVE APPROVAL - PATIO
201900010	79 VILLIERS STREET WEST, BASSENDEAN	PATIO
201900002	11 SUCCESS ROAD, BASSENDEAN	RETROSPECTIVE APPROVAL - 2X PATIO & 1X STOREROOM / SHED
201900006	117 FIRST AVENUE, BASSENDEAN	2 X PATIO
201900004	31 TROY STREET, BASSENDEAN	FRONT FENCE APPLICATION
201900008	50 LORD STREET, EDEN HILL	RESIDENTIAL ADDITIONS & ALTERATIONS
201900007	90 BROADWAY, BASSENDEAN	TWO STOREY DWELLING
201900003	13A GALLAGHER STREET, EDEN HILL	POOL & FENCE
201900009	47 SEVENTH AVENUE, BASSENDEAN	CARPORT
201900005	90 BROADWAY, BASSENDEAN	RETAINING WALL
201800166	39 FIFTH AVENUE, BASSENDEAN	RESIDENTIAL ADDITIONS/ALTERATIONS
201800176	33A FOURTH AVENUE, BASSENDEAN	DWELLING & GARAGE

**OFFICER RECOMMENDATION – ITEM 6.11**

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

**Voting requirement: Simple majority**

**6.12 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:

<b>Planning and Subdivision Applications Determined to 1 February 2019</b>			
<b>Applic No.</b>	<b>Property Address</b>	<b>Description</b>	<b>Determination</b>
2018-053	90 BROADWAY BASSENDEAN 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	Delegate Approved
2018-078	67 HAMILTON STREET BASSENDEAN 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	Delegate Approved
2018-113	188 ANZAC TERRACE BASSENDEAN 6054	TWO GROUPED DWELLINGS	Delegate Approved
2018-120	20 KENMURE AVENUE ASHFIELD 6054	AMENDED APPLICATION FOR SINGLE HOUSE (INCREASE PROPOSED FINISHED FLOOR LEVELS)	Delegate Approved
2018-125	19B JAMES STREET BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2018-126	7 KENMURE AVENUE ASHFIELD 6054	AMENDED APPLICATION FOR ADDITIONS AND ALTERATIONS TO SINGLE HOUSE AND ANCILLARY DWELLING	Delegate Approved
2018-134	143 FIRST AVENUE EDEN HILL 6054	SINGLE HOUSE	Delegate Approved
2018-138	186 WALTER ROAD EAST BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2018-141	184 RAILWAY PARADE BASSENDEAN 6054	WAREHOUSE AND ASSOCIATED OFFICE	Delegate Approved
2018-142	12C CENTENARY COURT BASSENDEAN 6054	PATIO	Delegate Refused
2018-143	34 PALMERSTON STREET BASSENDEAN 6054	AMENDED APPLICATION FOR ADDITIONS AND ALTERATIONS TO SINGLE HOUSE TO EXTEND PERIOD OF VALIDITY OF APPROVAL	Delegate Approved
2018-144	45 KATHLEEN STREET BASSENDEAN 6054	OUTBUILDING	Delegate Approved
2018-146	57 HARDY ROAD ASHFIELD 6054	SINGLE HOUSE	Delegate Approved

2018-147	43 ESTHER STREET EDEN HILL 6054	SINGLE HOUSE	Delegate Approved
2018-148	18A THIRD AVENUE BASSENDEAN 6054	OUTBUILDING	Delegate Approved
2018-151	2 SHACKLETON STREET BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2018-152	35 CLARKE WAY BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2018-153	39 FIFTH AVENUE BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	Delegate Approved
2018-154	144 MORLEY DRIVE EDEN HILL 6054	OUTBUILDING	Delegate Approved
2018-155	3/62 IVANHOE STREET BASSENDEAN 6054	PATIO	Delegate Approved
2018-156	96 KENNY STREET BASSENDEAN 6054	PATIO	Delegate Approved
2018-157	10 PERWAY LANE BASSENDEAN 6054	PATIO	Delegate Approved
2018-159	91 FREELAND WAY EDEN HILL 6054	OUTBUILDING	Delegate Approved
2018-160	16 ROSETTA STREET BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2018-162	73 SECOND AVENUE BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved
2019-004	LOT 2 WEST ROAD BASSENDEAN WA 6054 (HAWAIIAN BASSENDEAN SHOPPING CENTRE)	CHANGE OF USE FROM SHOP (TASTY PEAR POP UP SHOP) TO PRIVATE RECREATION (PILATES STUDIO)	Delegate Approved
2019-005	1 NURSTEAD AVENUE BASSENDEAN 6054	DEMOLITION (HOUSING AUTHORITY)	Statutory Advice (Recommend Approval)
	<b>Subdivision Applications</b>		
1244-18	58 SCADDAN STREET BASSENDEAN 6054	TWO LOT SURVEY STRATA	Statutory Advice (Recommend Approval)
1268-18	39 HAIG STREET ASHFIELD 6054	TWO LOT SURVEY STRATA	Statutory Advice (Recommend Approval)
1319-18	7 MANN WAY BASSENDEAN 6054	THREE LOT SURVEY STRATA	Statutory Advice (Recommend Approval)
157495	20 BRADSHAW STREET EDEN HILL 6054	TWO LOT SUBDIVISION	Statutory Advice (Recommend Approval)

### OFFICER RECOMMENDATION – ITEM 6.12

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**

**8.0 CONFIDENTIAL BUSINESS**

*It should be noted that that the audio and live streaming will be turned off whilst confidential items are being discussed.*

**9.0 CLOSURE**

The next Briefings Session will be held on Tuesday 19 March 2019 commencing at 7.00pm.