

TOWN OF BASSENDEAN

MINUTES

BASSENDEAN RIVER PARKS MANAGEMENT COMMITTEE

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON WEDNESDAY 3 MAY 2017, AT 10.00AM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting, welcomed all those in attendance and conducted an Acknowledgement of Country.

2.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Attendees

Cr Bob Brown, Presiding Member
Cr Paul Bridges, Deputy Presiding Member
Peter Kane, Department of Planning
Stephen Lloyd, Department of Parks and Wildlife
Shannon Brophy, Dept of Fire & Emergency Services
Carol Seidel, Community Representative,
Melissa Mykytiuk, Community Representative,
Nonie Jekabsons, Community Representative,
Lucy Bromell, Ashfield CAN

Officers

Jeremy Walker, Environmental Officer
Simon Stewert-Dawkins, Director Operational Services
Amy Holmes, Minute Secretary

Apologies

Tim Sparks, Department of Water
Stephen Summerton, Dept of Fire & Emergency Services
Brian Vincent, Community Representative
Brian Reed, Manager Development Services

Public

Two members from the Bassendean Presentation Group.

3.0 DEPUTATIONS

Nil

4.0 CONFIRMATION OF MINUTES

4.1 Minutes of the Bassendean River Parks Management Committee meeting held on 8 February 2017

COMMITTEE/OFFICER RECOMMENDATION – ITEM 4.1

MOVED Cr Bridges, Seconded Jeremy Walker, that the minutes of the Bassendean River Parks Management Committee meeting, held on 8 February 2017 be confirmed as a true record.

CARRIED UNANIMOUSLY 11/0

5.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Presiding Member commented that this is a fantastic Committee with the opportunity to progress some iconic projects.

6.0 DECLARATIONS OF INTEREST

Nil

7.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

Cr Bridges referred to the Weed Management Plan and asked if consultation with key stakeholders has occurred. Peter Kane responded that consultation should be undertaken this month.

Cr Bridges asked about the progress of the drainage liveability report. Jeremy Walker advised that the public consultation period has concluded and feedback is being collated and a report prepared for the May Ordinary Council Meeting.

8.0 **REPORTS**

8.1 **Bindaring Park – Stage 2 Bindaring Wetland Concept Plan Development (Ref PARE/MAINT/67/69 – Jeremy Walker Senior Environmental Officer)**

APPLICATION

The purpose of this report was to provide an update report for Stage 2 Bindaring Wetland Concept Plan Development undertaken by CoTerra Environment.

BACKGROUND

At the Bassendean River Parks Management Committee meeting held 8 February 2017 (RPMC – 08/02/17), the Committee noted that CoTerra Environment had been awarded the contract and works were scheduled to start end of February.

COMMUNICATION & ENGAGEMENT

On 14 March 2017, CoTerra met with local friends group for a preliminary community consultation meeting.

STRATEGIC IMPLICATIONS

Environmental Sustainability & Adaptation to Climate Change

- Objective: Conserve, protect and provide access to the Town's waterways
- Strategy: Continue to rehabilitate and preserve the Swan River foreshore and provide responsible access to the river for the community
- Strategy: Strive to divert drainage water to recharge groundwater and ensure that run-off to the Swan River is of a high quality

COMMENT

CoTerra has finished the following tasks to date:

- Site survey;
- Level 1 Fauna Assessment & Survey; and
- Data collection & review.

CoTerra is set to start the Draft Concept Plan in the month of May, along with Urban Nutrient Decision Outcomes (UNDO) modelling, Geotechnical studies and Acid Sulfate soil investigation with the report.

Community consultation will be undertaken once draft concepts have been developed, with a final presentation to the next meeting of the Bassendean River Parks Management Committee to be held on 2 August 2017.

FINANCIAL CONSIDERATIONS

Funds have been listed in the 2016-17 Operational Budget.

Cr Bridges sought clarification on whether instruction was given not to open up Hyland Street. Jeremy Walker advised that CoTerra has received no instruction from staff and it may be considered along with other options.

A copy of the Level 1 Fauna Assessment will be sent out with the minutes and can be found on the Town's website under:

<http://www.bassendean.wa.gov.au/Profiles/bassendean/assets/moduledata/councilmeetings/76b6265e-96f8-4a94-8775-6c4a02479bb1/1.2/BRPMC-2017-05-03-att2.pdf>

COMMITTEE RECOMMENDATION – ITEM 8.1

RPMC – 1/05/17 MOVED Cr Bridges, Seconded Carol Seidel, that the Committee notes that the Level 1 Fauna Assessment has been completed with final presentation on 2 August 2017.
CARRIED UNANIMOUSLY 11/0

8.2 Ashfield Flats Reserve - Land Management (Ref PARE/MAINT/68 – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of the report is for the Department of Planning to provide an update on the Ashfield Flats Reserve land management program.

BACKGROUND

In May 2015, the Bassendean Local Emergency Management Committee considered the Ashfield Flats, 5 March 2015, bush fire and risk management issues.

As a result, in June 2015 Council (OCM-32/06/15) resolved to write to the Department of Planning and Water Corporation to request the respective agencies to:

- a) *Implement a Bushfire Management Strategy, similar to the attached document for land owned by the respective agencies; and*
- b) *Implement the attached April 2015, Ashfield Flats Reserve Preliminary Weed Management Plan, in order to reduce the fire risk and rehabilitate this important wetland and bush forever site, and it be reviewed in conjunction with those households on Hardy Road directly impacted by the fire threat, the Bassendean Preservation Group and AshfieldCAN.*

In November 2016, the Department of Planning provided to the Town with a draft Ashfield Flats Reserve Fire Management Plan and Weed Management Plan. As a consequence, the Town provided feedback concerning the draft plans and copies of the draft letter to the February 2017 Bassendean River Parks Management Committee for consideration.

The Bassendean River Parks Management Committee RPMC – 4/02/17 noted that:

1. The Department of Planning is working with key stakeholders and seeking comments on the draft Ashfield Flats Reserve Fire Management Plan and Weed Management Plan attached to the agenda of 8 February 2017; and
2. The Department of Planning has indicated that the draft final Ashfield Flats Reserve Fire Management Plan and Weed Management Plan documents will be represented to the Committee prior to being adopted and implemented.

In April 2017, the Department of Planning provided the following information:

- In relation to the Fire Management Plan, the Western Australian Planning Commission (WAPC) is seeking advice regarding the impact of the plan on the hydrology of Ashfield Flats. This relates specifically to a proposed limestone track, and any negative impact it may have on the area. The WAPC is currently awaiting feedback from the Department of Parks and Wildlife in relation to this. There has been some vegetation management on site, and a new firebreak has been implemented adjoining some residences in the northern area of Ashfield Flats.
- Due to recent water inundation, proposed summer weed mapping has been delayed. It has been re-scheduled for early May 2017.

- The Western Australian Planning Commission (WAPC) has an ongoing fox eradication program in place across the Perth Metropolitan Region. Contractors were at Ashfield Flats last year and the den in question was vacant. No evidence of foxes was found on WAPC land. The contractors are programmed to revisit the area in May 2017.
- The recent works at Lot 821 Kenny Street, Bassendean were undertaken as part of the WAPC's normal land care program. The project was undertaken in the interest of addressing the weed problem in this area as well as stabilizing the steep bank below the lookout at Kenny Street. The installation of the jute matting is intended to suppress the growth of the invasive weeds, which will address the risk posed by fire, and reduce the requirements for slashing and spraying on this steep slope in the future. This is a difficult site on which to undertake normal weed control activities. The installation of the matting has been completed, whilst native vegetation will be planted at the site to further stabilise the bank at the appropriate time, in order to maximise the successful establishment of the plantings. There was no need to produce specifications and detailed drawings for these works.

COMMUNICATION & ENGAGEMENT

The WAPC, as a landowner, has programs that cover the whole of the Metropolitan, Peel and Greater Bunbury region and seek to communicate wherever possible with interested stakeholders in respect to the works.

STRATEGIC IMPLICATIONS

Environmental Sustainability & Adaptation to Climate Change

Objectives: Conserve, protect and provide access to the Town's waterways.

Strategy: Continue to rehabilitate and preserve the Swan River foreshore and provide responsible access to the river for the community;

Strategy: Strive to divert drainage water to recharge ground water and ensure that run-off to the Swan River is of a high quality.

STATUTORY REQUIREMENTS

Bush Fire Act 1954

Local Government Act 1995

Swan and Canning Rivers Management Act 2006

Metropolitan Region Scheme
State Planning Policy 3.7 Planning in Bushfire Prone Areas
State Planning Policy 2.8 - Bushland Policy for the Perth
Metropolitan Region

FINANCIAL CONSIDERATIONS

The majority of Ashfield Flats Reserve is vested with the Western Australian Planning Commission (WAPC) and the Department of Planning is currently responsible for the management of the WAPC vested land.

COMMENT

The Department of Planning is working with key stakeholders to progress a final Ashfield Flats Reserve Fire Management Plan and Weed Management Plan.

The Department of Planning has advised that it would like to discuss the draft WAPC plans and seek comment from Committee members and key stakeholders. Once the feedback has been received, the draft final documents will be re-presented to the Committee prior to being adopted by the WAPC/ Department of Planning and being implemented.

Cr Bridges referred to the minutes of the last meeting - page 3 of 13, Item 8.1 "It was agreed by the Committee that the Town write to DFES and expresses concern about the proposal to use the Kitchener Road reserve to construct a fire track across Ashfield Flats", and asked whether this had been actioned.

The Director Operational Services advised that this had not been actioned.

Shannon Brophy suggested that the matter be referred to Stephen Summerton for comment.

Lucy Brommell asked about foxes in the area and was advised by Peter Kane that professional fox hunters will be going out there in the next couple of weeks.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 8.2

RPMC – 2/05/17 MOVED Cr Bridges, Seconded Stephen Lloyd, that the Committee notes the Department of Planning's progress report provided in the 3 May 2017 Bassendean River Parks Management Committee agenda.

CARRIED UNANIMOUSLY 11/0

8.3 Ashfield Flats Reserve - Long Term Management (Ref: PARE/DESCONT/6 - Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report was to inform the Committee of the past and recent lobbying activities to have Ashfield Flats Reserve vested with a State Government Agency, whose primary responsibility is to conserve, protect and manage natural areas.

ATTACHMENTS

- Department of Planning – Contemplative Park & Wildlife Observatory – 11 November 2016.
- Department of Planning – Riverbank Funding – 11 November 2016.
- Town of Bassendean to Hon Donna Faragher MLC - Ashfield Flats Reserve Management – 25 Jan 2017.
- Town of Bassendean to Hon Albert Jacob MLA – Ashfield Flats Reserve Management – 25 Jan 2017.
- Department of Parks & Wildlife, Director General, letter of response - 8 February 2017.
- Town of Bassendean correspondence to newly elected Ministers – 3 April 2017.
- Public Sector Renewal – amalgamated departments -28 April 2017.

BACKGROUND

Ashfield Flats Reserve represents the largest remaining river flat in the Perth Metropolitan Area (Swan River Trust 1997; State Planning Commission 1987) and covers approximately 64 hectares. This reserve is listed as a Bush Forever Site No. 214 (Department of Environmental Protection 2000) and the site is listed in the Directory of Important Wetlands in Australia.

The site consists of an escarpment, floodplains and the river foreshore and has vegetation from the Swan Complex, consisting of Melaleuca dominated wetlands, Samphire flats and Eucalyptus rudis woodlands.

The two main drains are managed by the Water Corporation. The Chapman Street Drain has a 295 ha catchment area and Kitchener Street Drain has a 30 ha catchment area, both of which flow directly into the Swan River and contribute to water quality of the Swan River.

In 2006, Council (OCM - 12/07/06) resolved to write to the Minister for Planning & Infrastructure regarding the vesting and long-term management of Ashfield Flats Reserve. The Office of the Minister for Planning & Infrastructure's letter of response advised that if a Regional Swan River Park is ultimately realised. It is possible that a Conservation Commission will emerge as the recommended manager of Ashfield Flats Reserve.

As a result, in 2007 Council (OCM - 14/06/07) resolved to seek the assistance of the East Metropolitan Regional Council (EMRC) in lobbying the State Government regarding the rehabilitation and long-term management of the Ashfield Flats Reserve.

As opportunities arise, the Town has continued to lobby the State Government.

In 2014, the EMRC and member Councils coordinated a Region River Tour of Bassendean, Bayswater and Belmont with the former Minister for the Environment; the Hon. Albert Jacob MLA, the former Minister for Planning; the Hon. John Day and the former Minister for Water; Forestry the Hon. Mia Davies, MLA.

The purpose of the Town's lobbying activities has been to highlight the significance of Ashfield Flats Reserve and to seek the vesting of Ashfield Flats Reserve to a State Government agency whose primary responsibility is to conserve, protect and manage natural areas.

STRATEGIC IMPLICATIONS

Environmental Sustainability & Adaptation to Climate Change

Objectives: Conserve, protect and provide access to the Town's waterways;

Strategy: Continue to rehabilitate and preserve the Swan River foreshore and provide responsible access to the river for the community;

Strategy: Strive to divert drainage water to recharge ground water and ensure that run-off to the Swan River is of a high quality.

STATUTORY REQUIREMENTS

Local Government Act 1995

Swan and Canning Rivers Management Act 2006

FINANCIAL CONSIDERATIONS

The Town of Bassendean Council has previously considered Ashfield Flats Strategic Management Plan and the associated costs required to manage the environmental issues identified and for the required restoration works.

RELEVANT LAW AND POLICY

Local Govt Act 1995
Aboriginal Heritage Act 1972
Swan and Canning Rivers Management Act 2006

COMMUNICATION & ENGAGEMENT

On 25 January 2017, the Town of Bassendean wrote to the former Western Australian Premier, former Minister for Environment and former Minister for Planning, concerning the vesting of Ashfield Flats Reserve. The attached letter of response was received on 8 February 2017, from the Department of Parks & Wildlife Director General

Considering the recent State Government elections, on 31 March 2017, the Town wrote to the new Minister for the Environment, the Hon Stephens Dawson MLC and the new Minister for Transport; Planning; Lands, the Hon Rita Saffioti, to outline Council's long-term objectives. At the time of preparing this agenda, no response has been received.

COMMENT

Since May 2005/2016, Council has been lobbying the respective State Governments to have Ashfield Flats Reserve vested with a State Government agency whose primary responsibility is to conserve, protect and manage natural areas such as the Department of Parks and Wildlife or Botanical Parks and Gardens Authority.

In August 2016, the Bassendean River Parks Management Committee (RPMC – 3/08/16) resolved that officers of the Town of Bassendean put forward to the WAPC, that consideration be given to a concept supported by Ashfield CAN, to develop a contemplative and wildlife observation park and lookout, on the land situated on the escarpment overlooking Ashfield Flats, adjacent to the Hardy Road and Kenny Street intersection.

In November 2016, a letter for response was received, concerning the Contemplative Park and Wildlife Observatory proposed. The letter stated in part that this site (Lot 663) was potentially contaminated during development of the subdivision.

As a consequence, the Department of Lands is unwilling to take this lot for inclusion as State Land, and vesting arrangement to the Town of Bassendean would not be possible. The WAPC is not able to support the use of the land, as requested, due to the increase in ongoing management costs related to a local public reserve and the increased risk arising from public use of the area as proposed in the AshfieldCAN proposal.

The letter went on to indicate that the Department of Planning considers it appropriate to enter into a formal arrangement of ownership, however, from the Town's perspective, the financial burden associated with the contaminated site investigations, contaminated site rehabilitation and ongoing management, would be a significant financial burden for ratepayers.

Also in August 2016, the Bassendean River Parks Management Committee (RPMC – 4/08/16) resolved in part to request the Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), to submit a 2017/2018 Riverbank Funding application for an Ashfield Flats Management Plan.

In November 2016 the Department of Planning provided the attached letter of response which in essence advised that: *“the WAPC pursues formal management plans only when an end manager has been identified and agreed to”. “This position is based on a number of factors, including the temporary or interim WAPC ownership and funding mechanism for the WAPC to acquire and manage land. As the reserve is also a Bush Forever site (Site 214) there are prior policies in place that recommend management for similar reserves by organisations best placed to undertake management, including Conservation Commission for areas of highest conservation requiring specialist land management, or the Local Government where lower levels of land management is required...It is also a requirement of the Department of Lands to have a management vesting agreed to prior to transfer of property to the State of WA, such that formal management is able to be transferred to the managing body immediately post land transfer”.*

Considering Council's previous resolutions concerning the vesting of Ashfield Flats Reserve on 25 January 2017, the Town wrote to the WA Premier and the Minister for the Environment. On 8 February 2017, the Department of Parks & Wildlife Director General responded to the Town's letter and indicated in part, that:

"The State Government is undertaking a strategic assessment under the Environmental Protection and Biodiversity Conservation Act 1999, in collaboration with the Commonwealth Government, to address impacts of urban development on matters of national environmental significance in the Perth and Peel regions".

The letter goes on to state that:

"As Ashfield Flats is recognised as a Bush Forever site, it may be eligible for consideration for improved protection and management under the strategic assessment".

After the recent State Government elections, on 31 March 2017, the Town wrote to the newly elected Minister for Transport; Planning; Lands, Hon Rita Saffioti, and the newly elected Minister for the Environment, Hon Stephen Dawson, requesting that the State Government initiate the vesting of Ashfield Flats Reserve to an appropriate State Government agency whose primary responsibility is to conserve, protect and manage natural areas such as the Department of Parks and Wildlife or Botanical Parks and Gardens Authority.

To date, no formal response has been provided, however, on Friday, 28 April 2017, the new State Government announced major changes to create a more efficient public sector by reducing the government departments from 41 to 25, by 1 July 2017.

The Department of Parks & Wildlife, Botanical Gardens & Parks Authority, Zoological Parks Authority and Rottnest Island Authority are proposed to be amalgamated to form a new Department of Biodiversity Conservation and Attractions.

Cr Bridges expressed the need to develop a management plan and establish an "end manager".

Peter Kane advised that he has not seen the correspondence of 11 November 2016 but will follow it up. He commented that in the future, there will be a management plan with conservation to be looked after by a state government department and the recreational side of it to be looked after by the Town of Bassendean. There needs to be an overarching strategic plan/vision. In the meantime, the WAPC will continue to work in conjunction with local government and allocate funds where required for necessary works.

Stephen Lloyd commented that land management and end manager needs to be resolved first then a management plan developed from there.

Preliminary site investigation of the contaminated area needs to be undertaken by the Department of Planning.

Cr Brown tabled a document on the vision of the Ashfield Flats for review by the Committee – “Re-create a vibrant, healthy wetland that once again contributes to the health of the Swan River whilst balancing the desire to provide a place of community recreation.”

OFFICER RECOMMENDATION – ITEM 8.3

That the Committee:

1. Notes the 11 November 2016 correspondence received from the Department of Planning concerning Lot 821, 52 Villiers Street, Bassendean, which states that the Department of Lands is unwilling to take this lot for inclusion as State Land and put in place a vesting arrangement to the Town of Bassendean;
2. Recommends that Council does not enter into a formal arrangement of ownership of Lot 821, 52 Villiers Street Bassendean for the Contemplative Park & Wildlife Observatory, for the land due to:
 - a) Site contamination which occurred during development of the subdivision.
 - b) The financial burden associated with the contaminated site investigations, contaminated site rehabilitation and ongoing management would be a significant financial burden for ratepayers.
 - c) Council’s previous resolutions and direction for Ashfield Flats Reserve to be vested with an appropriate State Government agency.

3. Notes the 11 November 2016 correspondence received from the Department of Planning advising that it is premature to seek Riverbank Funding for an Ashfield Flats Reserve Management Plan to be prepared, prior to an “End Manager” being resolved;
4. Notes the 8 February 2017, the Department of Parks & Wildlife Director General correspondence that State Government is undertaking a strategic assessment under the Environmental Protection and Biodiversity Conservation Act 1999, in collaboration with the Commonwealth Government, and that Ashfield Flats may be eligible for consideration for improved protection and management under the strategic assessment; and
5. Notes the 31 March 2017, correspondence to the newly elected Minister for Planning, and the newly elected Minister for the Environment, requesting that the State Government initiate the vesting of Ashfield Flats Reserve to an appropriate State Government agency whose primary responsibility is to conserve, protect and manage natural areas.

The officer recommendation lapsed for want of a mover.

Point 2 of the recommendation was not supported as the Committee are keen to see remediation work carried out and a contemplative park and wildlife observatory constructed.

COMMITTEE RECOMMENDATION – ITEM 8.3

RPMC – 3/05/17 MOVED Cr Bridges, Cr Brown, that the Committee, via Council, requests the Department of Planning to reconsider contributing funds to an Ashfield Flats Reserve Management Plan, given the likely end manager will be the new Department of Biodiversity, Conservation and Attractions.

CARRIED 6/2

Three Committee members abstained from voting.

COMMITTEE RECOMMENDATION – ITEM 8.3(a)

RPMC – 4/05/17 MOVED Cr Brown, Seconded Cr Bridges, that the Town of Bassendean accepts the offer from the WAPC to transfer ownership of Lot 821/52 Villiers Street to the Town, following the investigation and remediation of the contaminated portion of the site by the WAPC, in order to facilitate the development of the proposed contemplative park and wildlife observatory overlooking Ashfield Flats.

CARRIED 7/1

Three Committee members abstained from voting.

9.0 **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

11.0 **CONFIDENTIAL BUSINESS**

Nil

12.0 **CLOSURE**

Carol Seidel spoke on the flood event earlier this year and expressed concerns about the way it was handled, particularly in relation to public safety at Point Reserve, where the jetty was under water and there was no signage to warn the public.

Cr Brown requested Carol provide something in writing which would be presented to the Local Emergency Management Advisory Committee.

The next meeting is to be held on Wednesday 2 August 2017 commencing at 10am.

There being no further business, the Presiding Member closed the meeting at 11.37am.