

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 20 February 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 Street Lighting Audit – Within 200m Radius of Success Hill Train Station (Ref:ROAD/STMNGT/6 - Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to provide Council, as per (OCM-24/11/16), with the footpath lighting report for footpaths within a 200 metres radius of the Success Hill Railway Station.

ATTACHMENTS

Attachment No. 1:

Sage Consulting Engineers Street/Road Lighting Report

BACKGROUND

At the November 2016 Ordinary Council Meeting, a Notice of Notion was submitted and Council resolved (OCM-24/11/16) as follows, to allocate funds in the February 2017 budget review to upgrade the footpath lighting within a 200 metre radius of Success Hill Railway Station:

“MOVED Cr Bridges, Seconded Cr Pule, that the Town of Bassendean allocates funds in the budget review to upgrade the footpath lighting within a 200 metre radius of Success Hill Railway Station to the minimum Main Roads WA Lighting Design Guidelines of no less than 5 lux and that this be in warm white light, not interfere with the structural integrity of the significant Morton Bay fig tree in Thompson Rd and include pedestrian lighting through Kelly Park.”

Due to competing financial demands, Council did not allocate funds in the February 2017 budget review, however, Council did allocate funding as part of the 2017/2018 Budget to undertake a street/road lighting audit within a 200 metre radius of Success Hill Railway Station.

Through the Town's procurement process, Sage Consulting Engineers Pty Ltd were contracted to undertake the above works and compare the located areas street/road lighting to the Australian Standards (AS/NZS 1158) Lighting for roads and public spaces. The scope of the work was to undertake the audit, provide recommendations of improvement and cost estimates for Council consideration.

COMMUNICATION & ENGAGEMENT

The consulting engineer contacted residents within the area who had private lighting that illuminated the footpath or road areas adjacent to their homes and requested they turn off their private lighting. Unfortunately, there were some complications within Thompson Road.

The private lighting was not turned off, as a resident was of the opinion that the full moon, on the night of the audit, would affect the street/road lighting audit and Christmas lighting would also affect the audit.

The consulting engineer did advise the resident that the full moon and the Christmas lighting would not affect the road/street lighting audit, as the lighting equipment was appropriately calibrated. To undertake the Thompson Road light reading, the contractor visited the site on a number of occasions to complete the full lighting audit in Thompson Road.

Western Power have been provided with a copy of the consulting engineer's report and provided the following feedback on replacing luminaires and stated where a new pole lighting is required, Western Power will require specification of lighting requirements so they it can provide a quote for the projects technical drawings and completion of works. The design stage can take up to 21 weeks and 10 weeks for the construction period.

On 8 February 2018, Officers met with Western Power regarding its proposed new procurement policy for replacing traditional luminaires with LED street lights.

Western Power advised that it is nearing the completion of the contractual procurement process for the supply of luminaires, and has included a range of LED luminaires including the 18 watt luminaire, currently available, which is not sufficient for all street lighting applications.

The new LED luminaires will be equivalent to the wattages available for traditional luminaires e.g. the current 42 watt CFL will have the equivalent wattage in the LED range, which may be 22 watt. This has yet to be finalised and is expected to be complete by July 1st 2018.

As soon as there is a signed contract, Western Power will be able to release the new range of LEDs. The cost to transition all Luminaires is unavailable until the contract has been signed, however, using the current 18 watt Luminaire, the estimated replacement cost, for Local Governments, per light is \$500. Western Power is also working with Synergy to ensure there is the relevant tariff available for streetlights that undergo retrofit with LED luminaire.

STRATEGIC IMPLICATIONS

Strategic Priority 1: Social

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>
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)
	1.3.2 Promote and advocate community health and well-being	

COMMENT

The Road Lighting Report considers the existing road lighting and then compares it with Australian / New Zealand Standard - AS/NZS 1158 Road Lighting and Main Roads WA (MRWA) Lighting Design Guidelines for Roadway and Public Safety.

Over the last three months, the contractor has undertaken “site measurements” within the contracted areas (Anzac Terrace, Seventh Ave, Railway Parade, Thompson Road, Lamb Street, Nurstead Ave and Lord Street).

At the times of the site audit:

- Flood lighting from Bassendean Oval was not operating; and
- No full moon was present.

The existing street lighting within the audited area was identified as:

- Local roads have a combination of 80w MV, 125w MV and 42w CLF Wester Power street lighting mounted on overhead power lines.
- Lord Street have 250w HPS and 125w MV Wester Power street lighting mounted on overhead power lines and steel poles.
- The principal shared path has MRWA standard lighting.

Readings ranged from 0.01lux to 2.57lux, with an average of 0.7lux.

The Town in the past has uplifted the low hanging branches of the large Morton Bay Fig Tree overhanging Thompson Road to increase the extent of illumination under the tree canopy, however low street light measurements were recorded immediately under this tree.

Within the Notice of Motion, presented to Council at the November 2016 Ordinary Council Meeting, it states that the Town should upgrade the footpath lighting within a 200 metre radius of Success Hill Railway Station to the minimum Main Roads WA Lighting Design Guidelines of no less than 5 lux. Furthermore, the streetlights are to be warm white light and not interfere with the structural integrity of the significant Morton Bay fig tree in Thompson Rd and include pedestrian lighting through Kelly Park.

The consultant's report states, Seventh Avenue is the only street that complies with AS/NZS 1158.3.3 Cat P3 while Thompson Road fails to comply with AS/NZS 1158.3.3 Cat P3 due to the large Morton Bay fig tree located on the corner of Thompson Road and Lamb Street.

The balance of Thompson Road measured, meet AS/NZS 1158.3.3 Cat P3. The consultant suggest the installation of private LED street lighting on the other side of the road and the Western Power street lighting removed. This would allow better light control to limit spill light and reduce energy costs.

In March 2017 Council (OCM – 6/03/17) resolved in part to approve the application for a Tree Preservation Order on the Moreton Bay Fig Tree (*ficus macrophylla*) located on Lot 15, No. 8 Thompson Road, Bassendean. On 4 January 2018, the Planning Officer wrote to the property owner to advise that any proposed future works to the Moreton Bay Fig Tree will require signed application to be lodged with the local government and is to specify the work proposed and that the Town may also consider it necessary for any application to be accompanied by an arborist assessment of the condition of the tree and impact of any proposed works. No works can be undertaken until the written consent of the Town has first been obtained.

Considering the street illumination and Tree Preservation Order associated with the Moreton Bay Fig Tree, additional design and construction consideration will need to be taken should a new streetlight be installed in order to ensure compliance. As part of the lighting design, process mounting heights adjacent the tree will need to be reduced to effectively light the area.

Anzac Terrace, Railway Parade, Lamb Street and Nurstead Avenue all require replacements of lamps with LED, cleaning of Lamps. Lord Street requires the installation of 250w HPS at 50 metre spacing.

Consultant Lighting Audit Schedule Table

Street Name	Length	AS/NZS 1158	Existing Lighting (29)	Complies
Anzac Terrace	300	P3	2 x 80W MV, 1 x 80W MV B2224, 1 x 125W MV, 1 x 42W CFL	No
Seventh Avenue	180	P3	1 x 80W MV, 2 x 80W MV B2224	Yes
Railway Ave	350	P3	3 x 80W MV, 2 x 80W MV B2224, 1 x 125W MV	No
Thompson Road	180	P3	2 x 80W MV, 1 x 125W MV	No
Lamb Street	250	P3	2 x 70W HPS, 1 x 125W MV, 1 x 42W CFL	No
Nurstead Ave	270	P3	2 x 80W MV, 1 x 125W MV, 1 x 42W CFL	No
Lord Street	190	V3	3 x 250W HPS, 1 x 125W MV	No

Legend for attached Consultants Lighting report:

- Mercury Vapour (MV)
- High Pressure Sodium (HPS)
- Compact Florescence (CFL)
- Metal Halide (MH)

Due to community concerns, it may be appropriate to increase these roads to AS/NZS 1158.3.3 Cat P2 and include vertical illuminance for facial recognition.

By increasing the lighting above category P3 (i.e. category P2) it may cause light spill onto abutting properties. Spill light will probably cause more community disagreement. Consultation with residents on Thompson Road and Seventh Ave will need to be undertaken before increasing the lighting levels. Officers will check with Western Power, regarding the light spill, for the new LED proposed lighting and seek their input into the category of LED lighting suitable for Thompson Road..

The consultant stated the most important criteria to meet when designing pedestrian street lighting is the vertical illuminance. Good vertical illuminance allows a person to identify detail, such as approaching people. MRWA requirements and AS/NZS 1158.3.1 P2 both specify a point for vertical illuminance of 0.7lux. This is likely to satisfy concerned residents in the affected area.

The consultant believes a minimum point horizontal of 5lux is excessive for residential streets and is what is expected for a shopping mall. He believes if the Town provided this level of lighting the Town would receive a number of calls from residents complaining about the increased strength of the lighting in their streets.

STATUTORY REQUIREMENTS

The consulting engineers report was based on the following Australian Standards and sources:

AS/NZS1158.3.1: 2005 Pedestrian area lighting.

AS/NZS1158.1.1: 205 Vehicular Traffic Lighting.

Western Power's current range of road lighting equipment (Distribution Design Catalogue Sections SL and DM).

MRWA Lighting Design Guidelines for Roadway and Public Safety.

FINANCIAL CONSIDERATIONS

Prior to the Australian Standards for street lighting being published, the former State Government Agency responsible for installing street lights, installed street lighting on every 2nd or 3rd poles within the inner metropolitan area. The Town of Bassendean, like most Local Governments continue to have street lighting on every 2nd or 3rd pole.

If a Local Government decides to upgrade street lighting, outside of the State Government's Underground Power grant funding programme, the costs is borne fully by that Local Government.

A financial risk to Council of upgrading the streetlights, as per the resolution, is that residents in other localities will request their streets to be upgraded outside of the State Government grant funding process and ratepayers will have to pay the full costs.

Currently there is no funds allocated in the 2017/2018 budget to undertake work listed in the Street/Road Lighting Audit Report. The following table indicates the consultants estimated costs for recommended street light upgrade works.

Consultant Lighting Audit Schedule Table

Street Name	Length	AS/NZS 1158	Existing Lighting (29)	Complies
Anzac Terrace	300	P3	2 x 80W MV, 1 x 80W MV B2224, 1 x 125W MV, 1 x 42W CFL	No
Seventh Avenue	180	P3	1 x 80W MV, 2 x 80W MV B2224	Yes
Railway Ave	350	P3	3 x 80W MV, 2 x 80W MV B2224, 1 x 125W MV	No
Thompson Road	180	P3	2 x 80W MV, 1 x 125W MV	No
Lamb Street	250	P3	2 x 70W HPS, 1 x 125W MV, 1 x 42W CFL	No
Nurstead Ave	270	P3	2 x 80W MV, 1 x 125W MV, 1 x 42W CFL	No
Lord Street	190	V3	3 x 250W HPS, 1 x 125W MV	No

If Council resolved to increase Seventh Avenues and Thompson Roads street lighting from a P3 to a P2 the following table shows the consultants recommendations and cost associated to the lighting increase.

Consultant Thompson & Seventh upgrade costs

Street Name	Length	AS/NZS 1158	Complies	Recommendations	Cost \$
Seventh Ave	180	P3	Yes	Replace all lighting with 150W MH and install additional 150W MH on all overhead line poles	\$15,000 - \$30,000
Thompson Rd	180	P3	Yes	Replace all lighting with 150W MH and install additional 150W MH on all overhead line poles	\$15,000 - \$30,000
				Total	\$30,000 - \$60,000

If Council resolved not to follow the Consultant's recommendations, but to replace existing luminaires using Western Power's proposed new light-emitting diode (LED) luminaires on the same pole, without a detailed design. The cost would be (29 luminaires in the area 26 need replacing – 3 are currently suitable) 26 x \$500 = \$13,000.

It should be noted by simply replacing the existing luminaire with an LED luminaire on the same pole, Council will not achieve the required AS/NZS 1158 Road Lighting and Main Roads WA (MRWA) Lighting Design Guidelines. The Consultant's report has highlighted the number of additional poles required to upgrade the street lighting.

While Western Power's estimated capital cost to install LED lights is significantly less than the Consultant's report, it does not include the additional poles and therefore if these poles are not provided, the desired lighting outcomes will not be achieved.

Council may amend the Officer Recommendation and allocate the funds to simply install the LED lights, however, as outlined, the consultant has recommended additional poles in order to support an increased number of luminaires.

OFFICER RECOMMENDATION — ITEM 6.1

That:

1. Council receives the Consulting Engineer's Street/Road Lighting Report and the preliminary information received from Western Power in regards to the proposed new light-emitting diode (LED) replacement program;
2. Lists \$60,000 in the draft 2018-19 Capital budget to upgrade the street current lights within a 200 metre radius of the train stations (Anzac Terrace, Railway Parade, Lamb Street, Thompson Road and Nurstead Avenue) with light-emitting diode (LED) lighting, in line with the consultant's recommendation;
3. Officers obtain a quote from Western Power for the installation of an additional street light pole in accordance with the consultant's report; and
4. After the light-emitting diode (LED) lighting is installed, that a lighting assessment in Anzac Terrace, Railway Parade, Lamb Street, Thompson Road and Nurstead Avenue be undertaken, and be compared to the AS/NZS 1158 Road Lighting requirements, and provide a further report to Council for consideration.

Voting requirements: Simple Majority

6.2 Waste Collection Option Survey (Three Bin System) (Ref: WSTMNGT/TENDNG/10); Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to present Council with the results of the December 2017 - Waste Collection Option Survey (three Bin System).

ATTACHMENTS

Attachment No. 2:

Waste Collection Options Survey Report
Ratepayers' Feedback

BACKGROUND

At the Ordinary Council Meeting (16/11/17), Council resolved to:

1. Receive the report on the preliminary costs to introduce a three-bin system to increase recycling opportunities;
2. Authorise the CEO to initiate a three bin phone survey of at least 400 ratepayers using the proposed questions attached to the November 2017 Ordinary Council Meeting agenda; and
3. Request the results of the survey be presented to the February 2018 Ordinary Council Meeting for consideration;
4. The reason why a sample of residents is being selected to participate in a survey, and the methodology for the survey, be explained to our community in a Facebook post and in an article in the next edition of the Bassendean Briefings.

Officers, through the Town's procurement process, appointed Research Solutions to undertake the following:

- Phone survey at least 400 Town of Bassendean ratepayers using the questions attached to the November 2017 OCM report to Council.
- Provide a report on all phone survey data collected, and all resident survey data collected through the Town of Bassendean's "Your Say Bassendean" survey website.

The survey was commissioned to measure the:

- Appetite for the introduction of a 3-bin waste collection system, including a general waste bin, recycling bin and green waste bin.
- Willingness to pay for the 3-bin system as a method to reduce waste and contamination;
- Levels of support/reaction to the estimated set up and ongoing additional costs for provision of service.

COMMUNICATION & ENGAGEMENT

Through the survey process, 624 (403 Phone Survey and 221 “Your Say Bassendean”) ratepayer survey data details were collected, analysed and included in the Waste Collection Option Survey undertaken by Research Solutions.

Survey information material was set up in the Towns Library, Customer Service Centre and a stand at the Bassendean Shopping Centre to provide additional opportunities for residents to participate in the survey

Officers of the Town, on the 24 January 2018, attended the briefing session for the Waste Authority Community and Industry Engagement Program. This program provides funding for the development and implementation of waste management projects, initiatives and events that promote the diversion of waste from landfill and/or recognise the adoption of improved waste management practices and achievements.

Submissions for grant funding close 12 noon on 12 February 2018. Officers have submitted a project funding application for the placement of a UV rated sticker, attached to the recycling bin lid, educating residents of designated correct recycling separation.

Currently Officers are preparing a funding submission to the Government of Western Australia Waste Authority for funding to implement a “Better Practice Kerbside Collection Service” (3 7 bin system) that will support higher recovery and the achievement of the State Government’s 2020 municipal solid waste targets. Funding application close 5pm 30 March 2018.

Furthermore, Officers are meeting with the Towns Waste Collection contractor, East Metropolitan Regional Council and other Local Governments to develop additional future recycling programs, improve current recycling programs and develop education programs. A report will be presented to Council in May 2018 highlighting proposed initiatives.

STRATEGIC IMPLICATIONS

The Community Strategic Plan 2017-2021, contains the following under the heading of:

Natural 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
2.1 To display leadership in environmental sustainability	2.1.1 Strengthen environmental sustainability practices and climate change mitigation 2.1.2 Reduce waste through sustainable waste management practices	Waste reduction ratio to population

COMMENT

The survey period was from the 4 to 17 December 2017. A total of 624 (403 Phone Surveys and 221 “Your Say Bassendean” surveys) ratepayer survey data details were collected, analysed and included in the Waste Collection Option Survey undertaken by Research Solutions.

Based on the data collected through the surveys, there is a strong support for the introduction of a 3-bin system waste collection system to reduce the amount of waste currently going to landfill.

88% of households either supported or strongly supported the introduction of green waste bin.

84% would use it regularly.

Support for the additional bin declined when a one off levy (\$80 - \$90) was introduced, however, still more than 2 in 3 households (69%) supported the introduction of the third bin.

It is also worth noting that older residents (over 40 years of age) were more likely than those younger to be opposed to the third bin introduction.

Results were consistent across all three suburbs, renters and ratepayers throughout the Town.

The survey company did note in its report the following regarding research companies, random telephone surveys, and online website and Facebook surveys:

“As a survey for which the sample is self-selected (as opposed to one initiated by the research company (via telephone calls) and randomly selected, the results from the online website and Facebook survey conducted in conjunction with the telephone survey do provide additional results for Council to consider with some caution.

Traditionally, self-selected sample surveys provide the opportunity for those with stronger views to respond; either strongly in support or strongly in opposition to a concept or proposal to register their opinions, as opposed to a broader cross section of the overall community.

The results from this survey are no exception—in comparison with the representative telephone survey there is a “skew” towards a positive response to the 3-bin waste collection concept.

Whilst the results do have a positive “skew” they generally reflect the results of the telephone survey as respondents to the website and Facebook survey were predominately younger (60% under 40 years of age) - the age group more likely to support the concept and its introduction in the Town of Bassendean.

The survey also included a strong component of Bassendean residents who were more likely to oppose the concept in comparison with those from other suburbs.

Given results from the telephone survey were consistent across suburbs, these results may indicate the presence of a vocal group of residents that may actively oppose the introduction of the new system at Council meetings and other events.

A list of comments, from residents through Facebook, regarding the survey and Waste Management options is provided as an attachment.

RISK ASSESSMENT

In terms of risk management, during the Request for Quote procurement process, a Risk Assessment of the contractor was undertaken.

In the Waste Authority funding submission, it states that, in June 2018 the Waste Authority will advise the Local Government if their funding submission has been successful. Pending a result Council will have the opportunity to review the direction of this project at this time. If successful, the project completion date is 30 June 2020.

STATUTORY REQUIREMENTS

Local Government Act 1995

Waste Avoidance and Resource Recovery Act 2007

The primary objects of this Act is to contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste free society by —

- (a) promoting the most efficient use of resources, including resource recovery and waste avoidance; and
- (b) reducing environmental harm, including pollution through waste; and
- (c) the consideration of resource management options against the following hierarchy —
 - (i) avoidance of unnecessary resource consumption;
 - (ii) resource recovery (including reuse, reprocessing, recycling and energy recovery);
 - (iii) disposal.

FINANCIAL CONSIDERATIONS

The 2017/18 budget includes an amount of \$30,000 for the appointment of a consultant to conduct recycling investigations, undertake a ratepayer survey, and obtain comments on the future waste management needs for the Town.

OFFICER RECOMMENDATION — ITEM 6.2

That:

1. Council receives the Survey Data Report on the implementation of a 3-bin waste collection system;
2. Council notes that Officers have submitted a funding application to the Waste Authority, Community and Industry Engagement, for the placement of a UV rated sticker, attached to the recycling bin lid, that will educate residents of designated correct recycling separation;

3. Officers list in the 2018-19 Capital Budget, for Council's consideration, an amount of \$38,000 for the placement of a UV rated sticker, attached to the recycling bin lid, that will educate residents of designated correct recycling separation;
4. Council notes that Officers are preparing a funding submission to the Government of Western Australia Waste Authority for funding to implement a "Better Practice Kerbside Collection Service" (3 bin system) that will support higher recovery and the achievement of the State Government's 2020 municipal solid waste targets; and
5. Officers list in the 2018-19 and 2019-20 Capital Budgets, for Council's consideration, an estimated amount of \$1,200,000 for the introduction of the three bin system within the Town of Bassendean.

Voting requirements: Simple Majority

6.3 Non-Compliant Verge Treatment at 115A Anzac Terrace, Bassendean (Ref: PARE/MAINT/1 – Andreea Balica, Engineering Technical Assistant / Compliance Officer)

APPLICATION

The purpose of this report is to bring to Council's attention the non-compliant verge treatment that was installed on the verge adjacent to 115A Anzac Terrace, Bassendean.

ATTACHMENTS

Attachment No. 3:

- Verge Treatment and Maintenance Policy;
- Permissible Verge Treatment Information Sheet;
- Activities on Thoroughfares and Trading in Thoroughfares and Public Place Local Law 2010;
- Photographs of the verge;
- Letter to owner at 115A Anzac Terrace regarding non-compliant verge treatment; and

BACKGROUND

In December 2012, Council adopted the Verge Treatment and Maintenance Policy, which was last reviewed in March 2014. The objectives of the policy are to:

- Encourage adjacent owners and occupiers to install and maintain permissible verge treatments that are waterwise, aesthetically pleasing, and that reflect our natural heritage.
- Provide guidelines as an adjunct to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law for the installation and management of verges in the Town.

In addition to the policy and local law, the Town has developed a Permissible Verge Treatment Information Sheet for residents to assist them in the design of their verge.

The Verge Treatment and Maintenance Policy states that “A *permissible verge treatment is one that is approved by Council and subject to stringent conditions*”.

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law states that:

“2.2 Activities allowed with a permit – general

(1) A person shall not, without a permit –

Unless installing, or in order to maintain, a permissible verge treatment –

(i) Lay pipes under or provide taps on any verge; or

- (ii) *Place or install any thing on any part of a thoroughfare, including gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;“*

COMMUNICATION & ENGAGEMENT

The Town sent a letter on 18 September 2017 to the owner of 115A Anzac Terrace to inform about the non-compliant verge treatment.

The owner at 115A Anzac Terrace, made contact via phone in late September/early October to advise she would like to apply for an exemption regarding the non-compliant verge treatment. The owner was advised by the Town’s Officer to send the request via email and to include in the email the reasons why she would like to retain the current verge treatment.

The owner of 115A Anzac Terrance sent an email on 7 November 2017 requesting an exemption in regards to the verge treatment. The Town’s Compliance Officer replied to the home owner via email advising that a report will be prepared for Council’s consideration and that the email will be attached to the report.

STRATEGIC IMPLICATIONS

Built Environment:

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

Site inspections were carried out on Anzac Terrace in September 2017. The site inspections revealed the verge adjacent to 115A Anzac Terrace is covered with compacted aggregate (compacted cracker dust).

The above-mentioned verge treatment does not comply with the Town's Permissible Verge Treatment Policy. The Permissible Verge Treatment Policy states that acceptable materials for a verge treatment are: composted mulch or chipper mulch material, small format porous pavers (no more than one third of the verge shall be paved), irrigation system, grass, low growing ground cover plants. The policy also gives some examples of non-acceptable materials such as frangible objects, loose objects (gravel or aggregate), concrete, bitumen and artificial turf.

Following the site inspection, a letter to inform about the non-compliant verge treatment was sent to the owner of 115A Anzac Terrace, on 18 September 2017.

The homeowner made contact with the Town via phone in late September/early October, and via email on 7 November 2017 and advised as follows:

"I am writing in regards to the conversation we had in regards to the non compliance of the verge at 115A Anzac Tce Bassendean and would like to apply for an exemption.

When I was building the property over 2 years ago I was informed by Stephanie at your Council that as long as people could not pick up loose material such as pea pebble or rainbow stone that other materials for the verge would be acceptable. I have had cracker dust which has been compacted installed which makes the verge neat and tidy unlike other verges where the grass is allowed to grow to create a fire hazard and has also eliminated the tripping hazard from the tree roots several of which were cut back when the drains and curbing for Anzac Tce were re done. (I have also noticed that directly across from me they still have not completed the footpath where the drain was re done which is also now a tripping hazard).

As I have installed a water wise garden I do not want to waste water by installing grass on the verge and do not wish to install mulch as this is a breeding ground for cockroaches.

I find it very frustrating that the Council have once again given incorrect policy. Before I bought the block at 115A Anzac Tce I contacted the Council in regards to policy about verge trees and was informed that yes it could be removed at my cost as long as another tree was planted somewhere else in Bassendean and that I would have to pay to have it watered.

When my plans were finally submitted for approval I was told I would have to flip the house as no they did not just remove trees and that I could organise for the Telstra pit next to the tree to have a trafficable lid installed or the pit moved. Telstra do not do trafficable lids and to have the pit moved would be at a cost of \$350,000. (quote was sent through to Mr Reed at your office) hence I now have a single crossover.

The cracker dust although compacted allows for water to seep through so eliminates any flooding.

As this has cost me money to have installed and will again cost money to have removed I ask that the Council approve my exemption and to leave the verge as is, regards.”

The compacted cracker dust is not listed as an acceptable material for verge treatments under the Town's Permissible Verge Treatment Policy. Due to the nature of the compacted cracker dust (fine particles well compacted) the verge area adjacent to 115A Anzac Terrace has a reduced permeability compared to compliant verge treatments (grass, mulch).

In addition, the compacted cracker dust was installed to the edge of the verge tree's trunk. Typically, approximately 90-95 percent of a tree's root system is in the top three feet of soil, and more than half is in the top one foot. The part of this root system in which construction damage should be avoided is called the Structural Root Zone (SRZ). Soil compaction is the single largest killer of urban trees. Tree roots need loose soil to grow, obtain oxygen, and absorb water and nutrients. Stockpiled building materials, heavy machinery, compaction of soils and excessive foot traffic all damage soil structure.

Lacking good soil aeration, roots suffocate and tree health declines. For this reason, the Town does not allow any works (for example crossovers) to be conducted within 1.5m from verge trees. Also, when works have to be carried out on the verge or on the property adjacent to a verge tree, the tree(s) must be protected in accordance with the Town's Street Tree Protection Policy.

The Verge Treatment and Maintenance Policy states that “A permissible verge treatment is one that is approved by Council and subject to stringent conditions”. No verge treatment application was made in regards to the verge adjacent to 115A Anzac Terrace.

STATUTORY REQUIREMENTS

Local Government Act 1995.

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Verge Treatment Policy.

FINANCIAL CONSIDERATIONS

There are no financial implications associated with this report.

OFFICER RECOMMENDATION – ITEM 6.3

That Council advises the owner of 115A Anzac Terrace, Bassendean, that her request for an exemption from the Verge Treatment Policy is declined, and that Council enforces compliance with its Verge Treatment Policy in relation to the verge at the property.

Voting Requirement – simple majority

**6.4 Success Hill Ingress and Egress - Community Feedback
(Ref: TRAF/PLANNG/3 ROAD/DESCONT/5 - Trent
Macpherson, Engineering Technical Coordinator)**

APPLICATION

The purpose of this report is to provide Council with the Success Hill entry and egress community survey feedback results, as resolved by Council at the October 2017 Ordinary Council Meeting.

ATTACHMENTS

Attachment No. 4:

- Success Hill Community Workshop Presentation – Ingress/Egress.
- Success Hill Community Survey.
- Success Road and Lord St Crash Traffic Management Assessment.
- Lord St and Walter Rd East Crash Traffic Management Assessment.
- Crash Factor Matrixes – Walter Road East and Lord Street; and Walter Road and Success Road.

BACKGROUND

At the October 2017 Ordinary Council Meeting, Council resolved for the Town's officers to seek statistical information on road incidents that have occurred at the Success Road and Lord Street intersection, measurements of the volume of traffic and delay times during peak hours. The Town to engage with the community, specifically the residents of Success Hill, and to gauge the level of concern around the existing single point of vehicle access/ egress to the Success Hill area and seek suggestions and feedback on potential solutions.

On 16 January 2018, a community workshop was conducted where residents had the opportunity to discuss options and develop possible solutions. Residents also had the opportunity to provide their feedback via a survey form provided on the evening of the workshop, distributed to the residents' letterboxes in the immediate vicinity, the Town's website (Your Say) survey or via email.

In the 2012, Local Area Traffic Management study by Opus, they recommended opening up the intersection of Walter Rd East and Lord St for it be an exit only from the Success Hill precinct, and to modify Success Road, as an entry only with an entry treatment designed to reflect this.

COMMUNICATION & ENGAGEMENT

In December 2017, a letter was delivered to residents of Success Hill, north of the train line, inviting them to attend the community workshop and to discuss and develop potential solutions of single vehicle access point to Success Hill.

Furthermore, a community workshop with the residents of Success Hill was held on 16 January 2018, and an online survey was made available through the Town’s Webpage “Your Say Bassendean” from 16 January 2018 to 5 February 2018.

STRATEGIC IMPLICATIONS

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 the community workshop for the residents of Success Hill on 16 January 2018 (54 community members attended) the Town presented potential intersection treatments for Walter Rd East/ Lord St and Success Rd/ Lord St. These treatments, were devised to improve the entry and egress to the Success Hill precinct, and included traffic count data information.

The community, following the workshop, were given the opportunity to fill in a survey form on their preferred options.

Survey Results:

Walter Rd East and Lord St intersection:

Option A: Modify the intersection to allow exit only from Success Hill, using traffic light control.

Option B: Remove traffic lights, install a roundabout and allow a exit only from Success Hill.

Other: Community to provide alternative suggestions.

Results:

Option A	42
Option B	22
Other	19
Leave as is	13

The following key alternative suggestions were received in the survey feedback:

- Modify intersection to be a fully functional four way intersection, controlled by traffic lights.
- Install retractable bollards to allow emergency vehicles into Success Hill only.
- Modify timing on existing traffic lights.

Success Rd and Lord St intersection:

Option A: Modify Success Hill Rd to allow left in, right in with no exit onto Lord St.

Option B: Install traffic island to allow right in, left in and left out only

Other: Community to provide alternative suggestions

Results:

Option A	12
Option B	40
Other	26
Leave as is	11
Unsure	1

The following “key alternative” suggestions were received in the survey feedback:

- Install a roundabout at intersection
- Install a right turn pocket on Lord St to allow vehicles to turn right onto Success Rd.
- Modify traffic timing at Walter Rd East and Lord St to allow gaps in traffic so vehicles can exit out of Success Rd.

In summary, the community's preferred option is to modify the Walter Rd East and Lord St intersection is to allow exit only from Success Hill, using traffic light control and installing a traffic island at the intersection of Success Rd and Lord St to allow right in, left in and left out only.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Council has allocated funds in the 2017/2018 budget to engage a consultant to undertake Transport study and considering the feedback receive it would be prudent to provide to the contractor to ensure that they consider residents' concerns and address recommendations to resolve the current and future transport requirements.

OFFICER RECOMMENDATION — ITEM 6.4

That Council:

1. Acknowledges the results from the survey and preferred treatments at the Walter Road East/Lord Street intersection and Success Road/Lord Street intersection;
2. Requests Main Roads WA to review the traffic light phasing to improve traffic flow between Walter Road East/Lord Street and the Guildford Road/Lord Street intersections in order to provide gaps in traffic flow to permit vehicles to gain entry to and exit from Success Road;
3. Forwards the feedback receive from the community workshop and the surveys received to the consultant appointed to undertake the Bassendean Transport Study; and
4. Notes that the recommendations from the Bassendean Transport Study will be presented to Council for consideration.

Voting requirements: Simple Majority

**6.5 Railway Parade Proposed Principal Shared Path
Community Feedback (Ref: TRAF/PLANNG/3
ROAD/DESCONT/5 - Trent Macpherson, Engineering
Technical Coordinator)**

APPLICATION

The purpose of this report is to provide Council with the community feedback on the proposed Principal Shared Path on Railway Parade, as resolved by Council at the November 2017 Ordinary Council Meeting.

ATTACHMENTS

Attachment No. 5:

- Councillor Workshop 13 February 2018 - Department of Transport presentation.
- Department of Transport 13 February 2018 revised concept plan 245215-54-SKE-001 Rev A.
- Community Workshop 16 January 2018 presentation
- Community Feedback.

BACKGROUND

At the November 2017 Ordinary Council Meeting, Council resolved that officers carry out community consultation in regards to the proposed Principal Shared Path concept.

On 16 January 2018, the Town held a community workshop with the members of the community and residents of the Success Hill precinct. At this workshop, officers of the Town and Main Roads WA representatives presented the concept design to the community and answered questions the community asked in regards to the Principal Shared Path.

Following the workshop, an online survey was made available through the Town's website "Your Say Bassendean", for members of Success Hill and the wider community to provide feedback on the proposed Principal Shared Path.

COMMUNICATION & ENGAGEMENT

In December 2017, a letter was mailed to the residents of Success Hill, north of the train line, inviting them to attend the community workshop to discuss the proposed Principal Shared Path.

On 13 February 2018, a Councillors’ Workshop was held with representatives from the Department of Transport to discuss the design options. Attached is a copy of the presentation and a revised concept plan.

The Department of Transport advised that they have listened to the feedback provided and have revised concept plan to include following changes:

1. Requires the removal of less trees/shrubs (23 vs 27), and no loss of large trees.
2. Two sections of the path could be built on platforms, this allows no disruption to roots in the area.
3. No changes to the road width at any point.

In addition, the Department advised that it would be seeking to apply a “Green Routes” pilot project initiative to support activation of the Principal Shared Path by targeting the space surrounding the path to enhance the cycling experience, increase community amenity and create bio-diverse corridors.

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 the community workshop held on 16 January 2018, (54 community members attended) Main Roads WA presented the proposed concept of the Principal Shared Path. Residents asked questions and provided feedback on the proposal. Following the workshop, an online survey was made available for the community to provide feedback.

The Town received 69 surveys forms and all feedback was forwarded to the Department of Transport to provide a follow-up comment back to the Town.

Out of the responses, 23 were supportive of the proposed concept design. The remaining responses were not supportive of the proposed concept. The feedback, which was non-supporting, included the requirement for further investigation in protecting the existing vegetation, cycle lanes on the road, create Railway Parade into a bicycle boulevard and leave the road and verge as it currently is.

STATUTORY REQUIREMENTS

N/A

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 6.5

That Council

1. Receives the community feedback regarding the proposed Principal Shared Path in Railway Parade, Bassendean;
2. Acknowledges the Department of Transport's responses provided at the Councillors' Workshop held on the 13 February 2018, including the new concept design that mitigates the loss of vegetation;
3. Approves in principle the revised concept plan 245215-54-SKE-001 Rev A for the design and construction of the Railway Parade Principal Shared Path; and
4. Requests that the Department of Transport implement the "Green Route" pilot project to support activation of the proposed Railway Parade Principal Shared Path.

Voting requirements: Simple Majority

6.6 Unauthorised Reroofing and Stormwater Management of a Property listed on the State Register of Heritage Places at 1 River Street, Bassendean (Ref: DABC/BDVAPPS/2011-224 Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is to seek Council's authorisation to commence prosecution proceedings in the event that unauthorised reroofing and stormwater maintenance at 1 River Street, Bassendean, is not modified in line with the recommendations of the State Heritage Office, within 60 days from the date of any development approval.

ATTACHMENTS

Attachment No. 6:

Refusal Notice – 1 River Street
Letter from Owner to Mayor

BACKGROUND

The dwelling located at 1 River Street, Bassendean, was constructed in 1896, as the Lockeridge Hotel, at a time when Bassendean was developing as a result of the rapid population growth caused by the gold boom. It ceased to operate as a hotel in 1902 and has been, over the years, a hospital on three separate occasions, a girl's boarding school and a Salvation Army men's home. The dwelling is now used for residential purposes. The dwelling is considered to hold cultural heritage significance to Western Australia and was subsequently permanently entered onto the State Register of Heritage Places on 29 May 2001 as the 'Success Hill Lodge (fmr)'.

On 29 November 2011, the Town of Bassendean received a development application for reroofing and stormwater maintenance to the former Success Hill Lodge located at 1 River Street, Bassendean. The application was not able to be determined due to the inadequacy of the information that accompanied the application. The Town conveyed this advice to the applicant by letter dated 17 February 2012. This letter also advised that it was observed that the proposed works had commenced without the requisite Town of Bassendean approvals or endorsement from the State Heritage Office, also required as part of this process. The Town received a response on 26 March 2012 with further detail however, the materials, works and level of detail proposed still did not allow an informed decision to be made. This shortcoming was again conveyed to the applicant by letter on 1 May 2012. No response was ever received to this letter.

Noting that the application remained undetermined within the Town's system, in conjunction with the length of time taken by the applicant to provide the requested further information and that the unauthorised works cannot be supported, the application to commence development approval was subsequently refused (attached). These unauthorised works have now become the subject of compliance action by the Town.

COMMUNICATION & ENGAGEMENT

The development application that was refused was informally referred to the State Heritage Office for comment. No formal referral was able to be undertaken as the level of detail provided could not allow for a full and comprehensive assessment. Recent communication with the State Heritage Office revealed that the applicant has expressed interest in applying for the Heritage Council's annual Heritage Grants Program, which offers assistance to private owners of State Registered heritage places to undertake urgent conservation works. Grants of up to \$100,000 are available through a competitive process and owners are required to match funds to the projects. Grants cannot be applied for until June 2018 with winners announced the following spring however, there is no guarantee that the applicant will even be successful. The Heritage Council mentioned they do not have the mechanisms within the *Heritage Places of Western Australia Act 1990* to prosecute property owners for damaging or neglecting a property listed in the State Register of Heritage Places unless that place has been demolished without approval. It was suggested that this continued non compliance become a prosecution matter by the Town if considered appropriate.

STRATEGIC IMPLICATIONS

OBJECTIVE: Build a sense of place and belonging.
STRATEGIES: Ensure our unique culture and history are shared and celebrated.

OBJECTIVE: Enhance the Town's appearance.
STRATEGIES: Strengthen and promote Bassendean's unique character and heritage.

COMMENT

As part of the refused application to commence development approval, the Town sought the advice of the State Heritage Office who have suggested the following modifications would be requested had a formal referral been made:

1. The unauthorised replacement roof sheeting is to be removed and replaced with short sheet galvanised iron roof sheeting to match the original;
2. A gutter is to be provided for the whole length of roof in either an ogee (preferable) or Stramit S profile to match the existing; and
3. The unauthorised PVC downpipes are to be removed and replaced with galvanised iron downpipes. These are to be located discreetly, consistent with their original location and with a profile and material to match the original. Downpipe materials should be compatible with existing roof materials to avoid galvanic corrosion.

As the property is on the State Register of Heritage Places, these modifications require the approval of the Town prior to the commencement of any works on site. The owner was written to on 4 January 2018 notifying the owner that it would be open to the Town to commence prosecution proceedings in the event that the roof materials/style, gutter installation and stormwater arrangements were not modified in accordance with these requirements. The Town also requested a development application reflecting these changes be lodged within 30 days from the date of the letter. The landowner wrote to both the Mayor and the Town on 31 January 2018 (attached) detailing a history of the site, financial hardship and unfamiliarity with approval processes.

The current owners purchased the site on 16 January 2004. At the time of purchase, the dwelling was listed on the State Register of Heritage Places. On 22 July 2010, the current owners applied to the Town seeking approval to pave a section of their verge for the purposes of off-street car parking. The Town's records indicate that the owner referred this application to the State Heritage Office as part of this process. This suggests that the property owners are aware of the requirements to obtain local government approval for all works in relation to a property listed within the State Register of Heritage Places.

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015 and took effect on 19 October 2015. These regulations were a major part of Western Australia's planning reform agenda, affecting arrangements for local planning schemes and amendments. These regulations introduced a set of deemed provisions that form part of every local planning scheme in the State.

As part of these deemed provisions, if a local government forms the view that a heritage place is not being properly maintained the local government may give a person, who is the owner or occupier of the heritage place, a written notice requiring the person to carry out specified repairs to the heritage place within a specified time. This specified time cannot be less than 60 days after the day on which the notice is given.

If a person fails to comply with a heritage conservation notice, the local government may enter the heritage place and carry out the repairs specified in the notice. The expenses incurred by the local government in carrying out repairs may be recovered as a debt due from the person to whom the notice was given in a court of competent jurisdiction. A person who is given a heritage conservation notice may apply to the State Administrative Tribunal for a review of a heritage conservation notice. It should be noted that a heritage conservation notice has not yet been tested within Western Australia however remains an option open to Council.

The owner has suggested that they have three options moving forward being to attempt to obtain a Lotterywest grant, subdivide the property or sell the property. It appears that subdivision is not an achievable option as the curtilage of the state listing extends to the single storey addition to the west of the original two storey building. The State Heritage Office mentioned that there is no guarantee that a Lotterywest grant would be provided and in the event that the owners were successful, they would be required to match these funds which the owners have indicated they will not have the finances to do. When a State listed place is purchased, there is a level of responsibility that comes with that purchase for the ongoing maintenance and conservation of a state heritage listed place. The dwelling is in a degree of disrepair and is in a far worse condition now than when the house was first purchased. It is considered that the only reasonable option for the owners in the event that they are not able to adequately maintain and conserve the property is for them to sell the property.

The community expects practical action in response to the risk of loss of significant heritage places. The Town has received a number of complaints from the community as well as the Bassendean Historical Society in relation to the condition of the dwelling. The Bassendean Historical Society stated that Success Hill Lodge 'has been allowed to deteriorate, so that it now has a badly neglected appearance.' Continued inaction by Council could result in the loss of this significant heritage property not only to Bassendean but also to Western Australia.

It is therefore appropriate for Council to authorise the Chief Executive Office to initiate legal action if an application for development approval is not lodged with the Town proposing modifications in line with the recommendations of the State Heritage Office. In the event that these works are not substantially commenced within 60 days from the date of any subsequent development approval, it is appropriate for Council to also authorise the Chief Executive Office to commence prosecution proceedings against the landowner.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10

A person must not commence or carry out any development without first having applied for and obtained the development approval of the local government, where required under the Scheme.

The following development does not require the development approval of the local government:

- (a) the carrying out of any building or work which does not materially affect the external appearance of the dwelling except where the building is located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990.

A person must not contravene or fail to comply with the provisions of the Scheme. A person must not commence any development within the Scheme area otherwise than in accordance with the Scheme and unless all approvals required by the Scheme have been granted. A person who fails to comply with the provisions of a Town Planning Scheme has committed an offence under Section 218 of the Planning and Development Act 2005.

Planning and Development Act 2005

Where any land within a place entered in the State Register of Heritage Places, is to be the subject of development, an application for the approval of the development is required to be made. In the case of an application under a local planning scheme, this application is to be made to the local government.

A person who commences, continues or carries out any development (or causes or permits any development to be commenced, continued or carried out), affecting land within a place entered in the State Register of Heritage Places without the prior approval of that development first having been obtained and in a manner which is in conformity with the approval, commits an offence.

Unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200,000 and in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Heritage Places of Western Australia Act 1990

Where any place is entered in the State Register of Heritage Places, applications for approval under the Planning and Development Act 2005 are not to be determined until the application in question has been referred to the Heritage Council and the advice of the Council received.

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the cost of prosecution proceedings is estimated to be approximately \$1,500. Should the matter go before a magistrate, the property owner is often required to pay the Town's costs.

OFFICER RECOMMENDATION — ITEM 6.6

That:

1. Council authorises the Chief Executive Officer to initiate legal action if a competent application for development approval at No. 1 River Street, Bassendean, is not lodged within 28 days, being 27 March 2018, with the development application to demonstrate compliance with the following:
 - (a) The unauthorised replacement roof sheeting is to be removed and replaced with short sheet galvanised iron roof sheeting to match the original;
 - (b) A gutter is to be provided for the whole length of roof in either an ogee (preferable) or Stramit S profile to match the existing;

- (c) All unauthorised external PVC pipes are to be removed and replaced with galvanised iron pipes. These are to be located discreetly, consistent with their original location and with a profile and material to match the originals. Materials should be compatible with existing roof materials to avoid galvanic corrosion; and
- 2. In the event that a competent development application is received and approved by the Town and required works are not substantially commenced within 60 days of the date of that approval, Council authorises the Chief Executive Officer to initiate legal action.

Voting requirements: Simple Majority

6.7 Draft State Planning Policy (SPP) 4.1 – Industrial Interface (Ref: GOVR/STLIAS/5 – Anthony Dowling, Director Strategic Planning)

APPLICATION

The Western Australian Planning Commission (WAPC) recently released for public consideration and comment draft *State Planning Policy 4.1 – Industrial Interface*.

The draft Policy is intended to replace existing *State Planning Policy (SPP) 4.1 – State Industrial Buffer*.

Submissions on the proposed new policy are open until 5.00pm Wednesday 21 February 2018. This date precedes the February 2018 meeting date, however, an extension of time to lodge a submission from the Town has been granted by the Department of Planning, Lands and Heritage (DPLH) until at least Thursday 1 March 2018, in order for Council to consider and determine at the February 2018 Ordinary Meeting whether it wishes to make a submission on the draft policy.

ATTACHMENTS

Attachment No. 7:

Draft SPP 4.1 – Industrial Interface

Draft SPP 4.1 – Frequently Asked Questions (FAQ's)

SPP 4.1 – State Industrial Buffer Policy

BACKGROUND

As cited on the Western Australian Planning Commission's (WAPC) website, SPP4.1 guides planning decisions with the aim of protecting the long-term future operation of industry and infrastructure facilities, by avoiding encroachment from sensitive land uses and potential land use conflicts.

The intention of the draft (revised) policy is to reflect the broader policy measures which extend beyond the application of statutory buffers. It seeks to deal more generally with providing transitioning compatible zones, reserves and land uses between industry and sensitive land uses to avoid potential conflict.

According to the WAPC key changes to the policy include:

1. The application of statutory buffers around Strategic industrial areas (e.g. Kwinana) and infrastructure facilities of State significance (eg. ports, wastewater treatment plants, and power plants) to protect these areas and infrastructure from being encroached by incompatible and sensitive land uses.
2. General industrial land and sensitive land uses managed through land use transition and control;
3. Planning decisions not solely reliant on scientific/technical studies and investigations and to consider strategic factors such as future industrial expansion;
4. Adoption of the precautionary principle where a proponent is unable to demonstrate a proposal will not cause adverse impact to sensitive land uses;
5. Reference to interface requirements for high-pressure gas pipelines in order to strengthen policy application for related proposals;
6. Greater clarity for policy implementation including guidelines that illustrate how special control areas can be applied and/or how a transitioning of compatible land use/zones can be applied.

With reference to a “statutory buffer” mentioned above, a “statutory buffer” is a legislative mechanism applied to a region scheme and/or local planning scheme (eg. a Special Control Area) which designates an area of impact surrounding an emissions generating industry or industries with select provisions to control the use and disposition of development proposed within that area.

Such buffers are generally only required for planning proposals deemed to generate significant emissions that potentially result in adverse impacts on sensitive land uses. Proposals that typically require statutory buffers include strategic industrial areas and infrastructure facilities of State significance such as a major wastewater treatment plant.

With reference to “sensitive land uses” mentioned above, a “sensitive land use” defined under the draft policy is a use which is either residential or institutional in nature, and where people live or regularly spend extended periods of time.

This use includes a dwelling, short-stay accommodation, a school, a hospital, a childcare centre, and the like. Generally, it excludes commercial or industrial premises.

A copy of the draft SPP is provided as an attachment with a series of 'frequently asked questions (FAQ's)' further explaining the draft policy. A copy of the current SPP 4.1 is also provided as an attachment.

STRATEGIC IMPLICATIONS

The draft SPP will be able to assist Council in achieving the following applicable objective cited in its *Strategic Community Plan 2017-2027*:

Strategic Priority 1: Social

Objective/s

1.3 – Plan for a Healthy and Safe Community

In line with the below strategies prescribed in the *Strategic Community Plan 2017-2027* to achieve the aforementioned objective, Council ought to lodge a submission in support of the draft SPP, with or without suggested amendments.

Strategies

1.3.1 - Facilitate safer neighbourhood environments

1.3.2 - Promote and advocate community health and well-being

COMMENT

In essence, the draft policy is similar in intent and application to the current SPP 4.1 but its format and structure has been substantially reconfigured.

It appears to provide clearer provisions regarding the protection of strategic industry and infrastructure facilities of State significance (section 5.1 of the draft policy), none of which (as far as can be ascertained) exist or are planned within the Bassendean local government area (LGA).

Sections 5.2 and 5.3 of the policy will have the most application to the Bassendean LGA.

Section 5.2 of the policy deals with principles and approaches to assessing and determining the extent of off-site impacts, especially in relation to sensitive land uses.

Section 5.3 of the policy provides for the application of the “Precautionary Principle”.

It is intended for this principle to be applied by a decision-maker (eg. local governments, Development Assessment Panels) where it is considered that a planning proposal has failed to adequately consider potential land use conflicts and demonstrate that it will not expose existing or proposed sensitive land uses to adverse impacts.

Section 6 of the draft policy outlines the various ways in which the policy is to be applied through the planning framework, and includes local planning strategies, local planning schemes, structure plans, applications to subdivide land, applications to develop land, and local planning policies.

It is noted that in respect to local planning strategies, the draft policy contains a provision that where an industrial zone has been identified to transition to a sensitive land use zone, local planning strategies should identify any existing industrial land uses with offsite impacts in the area and provide a framework for managing transition over time to avoid land use conflict between existing industries and new sensitive land uses.

This is a new provision, and quite possibly (regardless of whether draft SPP 4.1 is adopted with or without amendment) will apply to any agreement between the Town and the Minister for Planning should the Minister agree to set in motion a transitional framework for allowing multi-storey residential development on industrial land adjacent and to the north west of Ashfield Train Station, situated on Railway Parade, Ashfield (refer OCM - 27/01/18).

The draft SPP also includes guidelines (with illustrative diagrams) as to how to apply the provisions of sections 5.1 and 5.2.1 of the policy.

It is noted that the revised policy no longer includes special uses that may require a buffer area, such as major motor sports venues (eg. speedways), football and soccer stadia, presumably on the basis that these are not industrial uses.

Notwithstanding, it is recommended that the WAPC give consideration to developing a similar policy to draft SPP4.1 which addresses locational and buffer requirements for major sports venues and stadia, given that these types of uses can also generate adverse off-site impacts, particularly if they are proposed to be located within proximity of existing sensitive land uses.

This is particularly pertinent in respect to the current consideration being given by the State to the possible development of a State Football (Soccer) Centre upon Ashfield Reserve.

It is further noted that the draft policy will exempt a number of land uses from being subject to it. Pertinent to Bassendean, these include infrastructure corridors (road, rail), telecommunications infrastructure, and aircraft noise.

STATUTORY REQUIREMENTS

Planning and Development Act 2005
Planning and Development (Local Planning Scheme)
Regulations 2015

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 6.7

In response to the invitation from the Western Australian Planning Commission (WAPC) to consider and comment upon its draft *State Planning Policy (SPP) 4.1 – Industrial Interface*, Council advise the WAPC as follows:

1. The draft SPP as presented is generally supported; and
2. That the WAPC consider developing a similar State Planning Policy that addresses locational and buffer requirements for major sports venue and stadia, given that these types of uses can also generate adverse off-site impacts, particularly if they are proposed to be located within proximity of existing sensitive land uses.

Voting requirements: Simple Majority

6.8 Crèche Services for Meetings (Ref: GOVN/CCLMEET/1 - Graeme Haggart, Director Community Development)

APPLICATION

Council is requested to receive an officer report on the provision of crèche service for meetings of Council and other meetings open to community participation.

BACKGROUND

At the November 2017 meeting of Council (OCM-38/11/17) it was resolved *“that the CEO prepare a report for the consideration of Council, outlining the options and cost implications for each option, for the provision of an on-request crèche or child care service at Town meetings, including Council Meetings, Committee Meetings, and other Town meetings open to community participation.”*

COMMUNICATION & ENGAGEMENT

The Town’s Manager Children Services assisted with the preparation of the report.

STRATEGIC IMPLICATIONS

The Social Key Result Area includes an objective of “Building a sense of place and belonging” and plans to do so with a strategy to “facilitating engagement and empowerment of local communities”.

The Good Governance Key Result Area includes an objective to “Proactively partner with the community and our stakeholders” and plans to do so with a strategy to “improve customer interface and service”.

COMMENT

Councillors are entitled to reimbursement of childcare fees associated with Council business. This does not apply to community representatives on Committees.

Setting up a crèche

Crèche facilities are not subject to rigorous licencing requirements. Guidelines for the delivery of crèche services developed by the Department for Local Government and Communities uses language such as “should” and “is recommended” when articulating how to go about setting up and operating a crèche service. Those practices are adapted from childcare service standards best practice.

It is a requirement though that crèches are provided under the same roof as the parent's activity.

Duty of care requirements prevail. Failure to maintain appropriate duty of care can result in legal action against the provider.

Workers compensation and public liability insurances are a requirement.

Policies and procedures including age appropriateness, dealing with sick children, dealing with incidents/accidents and emergencies are recommended. All such documentation can be modelled on Wind in the Willows policy and procedures.

Above all, the crèche environment must be safe and secure and have access to appropriate scaled toilets and desirably an outside area.

Staffing

Staffing could be acquired through the existing Wind in the Willows staffing compliment on a voluntary opt in basis where the care is sought for after hours. In most instances that would result in it being worked as overtime.

Utilising existing staff provides assurance of care quality, Working With Children Check compliance, first aid currency and ease with administration (on payroll, etc).

Staffing ratios apply to crèche facilities: one Educator to every 4 children for 0-2 year olds, 1:5 for 2-3 year olds and 1:10 for 3 plus year olds. A minimum of 2 Educators would be required at all times, costing between \$25.92-\$30.89 per hour per Educator, not taking into consideration any penalty and overtime rates. Ordinarily a 3-hour minimum paid period applies.

Venue Options

Lesser Hall/Committee Room

The Town conducts most meetings in the Administration Building: Either in the Council Chamber, Committee Room or the Community Hall. To meet the minimum requirements means the crèche would likewise be within the Administration building. While not a particularly appealing venue for the purpose, the Community Hall Lesser Hall has in the past been used for crèche for leisure courses. The room is, however, regularly booked and where a crèche service is to be pared with a meeting, availability of the Lesser Hall will require to be considered when setting the meeting.

The Lesser Hall is for instance booked for meetings at the time of Ordinary Council Meetings. Where a meal is not provided, the Committee Room may be used for the purpose, however, given the Committee Room is the principle space for staff meeting requirements, it is not recommended the it be generally considered for use as the crèche.

Utilisation of Seniors and Ashfield Wind in the Willows

Meetings that are out of operational hours for Wind in the Willows and Seniors and Disability Services could be scheduled for the Ashfield Community Centre. The Ashfield Wind in the Willows could operate as a crèche with the meetings in the Adult Day Care Centre. The Ashfield Service already has appropriate toilets, resources etc.

Other Considerations

Toys and Equipment

Some storage can be provided in the Community Hall for a limited range of ae appropriate equipment and toys for use in the Lesser Hall or Committee Room. Ashfield Community Centre is purpose built and well equipped. The cost to replenish stocks will be minimal and can be met from existing operational budgets.

Children with additional needs

Parents of children with additional needs will require to negotiate with staff in advance. Where one on one care is required, the parent may be required to provide a carer or where necessary be informed the service is not appropriate.

Alternative Schemes

Sessional care at Wind in the Willows

During ordinary hours of operation and subject to availability, sessional care could be made available for already enrolled children at Wind in the Willows. Children would only be able to attend for the duration of the meeting and would need to be collected prior to 5:45pm in line with the operational licence. The cost could be charged at a half day fee or Council may consider waiving the fee.

A baby sitting register

Many meetings are evening meetings. it may be regarded as inappropriate to have young children in care late into the evening. A babysitting agency may be an option; fees are usually around the \$30 per hour with a minimum 3 hours.

A register of current Children's Service employees who are compliant with Working With Children Checks, may be an option.

Given the OH&S issues around working in private residences, this option would require the arrangement to be external of their employment with the Town and considered secondary employment.

STATUTORY REQUIREMENTS

Local Government Act 1995
Education and Care Services National Regulations 2012

FINANCIAL CONSIDERATIONS

At a minimum, the cost of staffing a crèche would be in the order of \$215 for each meeting and is based on 2 staff at all time, for a minimum 3 hours at approximately \$28.50 per hour. The quoted amount is inclusive of plus overhead costs (workers compensation insurance, leave provision) at 25%. This amount will be 50% greater at \$320 where evening overtime rates apply.

Other costs include resources, be they consumable or not and facility hire. Where the fee is waived there remains an opportunity cost associated with not being able to otherwise hire the facility.

Use of the facility for crèche services is likely to result in additional cleaning and potentially accelerated asset depreciation rates, given the nature of the activity. This is not costed, merely noted.

OFFICER RECOMMENDATION — ITEM 6.8

That Council:

1. Notes the information on cost and logistics of providing crèche services for Council's meetings and meetings involving the public;
2. Provides sessional care at Wind in the Willows for enrolled children during normal working hours as available and establishes a baby sitter register to assist parents to provide childcare in order they can participate in Council decision making processes on Council Committees;
3. Agrees to trial the reimbursement of the cost of the childcare for parents who are participating on Council Committees up to a maximum of \$2,500 or until 30 June 2018, whichever is the sooner; and
4. Considers allocating funds for the purpose in the 2018/19 draft budget based on the trial period outcome.

Voting requirements: Simple Majority

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

PURPOSE

The purpose of this report is for Council to consider the renewal of the lease agreement with the Bassendean Bowling Club.

BACKGROUND

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

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

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

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

The most recent number consists of:

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

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

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

COMMUNICATION AND ENGAGEMENT

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

COMMENT

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

The Bassendean Bowling Club has a consistent level of membership, has good engagement in the community, and appears to have sound governance. The Club undertakes regular fundraising, operates a bar facility and has obtained various private sponsorships, so is financially stable. The Club, as mentioned has made some amendments to the kitchen area, with the intention of allowing a small-scale commercial operation to operate, with the approval of the Town's Health Officer.

STATUTORY REQUIREMENTS

Local Government Act 1995

STRATEGIC IMPLICATIONS

- Objective:* Build a sense of place and belonging.
Strategy: Activate neighbourhood spaces to facilitate community gathering
- Objective:* Ensure all community members have the opportunity to be active, socialise and connected
Strategy: Support our volunteers and community groups to remain empowered, dynamic and inclusive.

FINANCIAL CONSIDERATIONS

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

The new lease payments to the Town will be \$4,696.72 paid in advance on May 1 and indexed by CPI annually. The exact figure will be calculated when the CPI figure is released in March. The Club also pays building insurance payments, as reimbursements to the Town in two instalments each year.

OFFICER RECOMMENDATION – ITEM 6.9

That Council instructs its solicitors to draft a new lease agreement for the use of the Bowling Club facilities at 10 Whitfield Street, Bassendean, by the Bassendean Bowling Club Inc, that includes a 5-year term with a 5-year option, commencing with the 2018 season.

Voting requirement: Simple majority

**6.10 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 January 2018		
Application No	Property Address	Description
201800005	17 BARTON PARADE, BASSENDEAN	ADDITIONS/ALTERATIONS TO EXISTING RESIDENCE
201800009	112 FIRST AVENUE, BASSENDEAN	ADDITIONS/ALTERATIONS (ENSUITE)
201800000	17 PARMELIA WAY, BASSENDEAN	EXTENSION OF DWELLING
201800008	82 SCADDAN STREET, BASSENDEAN	FENCE
201800004	21 LORD STREET, BASSENDEAN	DEMOLITION
201800002	6 DOBSON LANE, EDEN HILL	DWELLING
201800006	12 ALICE STREET, BASSENDEAN	RETROSPECTIVE COOL ROOM
201800011	32 HAIG STREET, ASHFIELD	REAR RETAINING WALL
201800013	6 FOURTH AVENUE, BASSENDEAN	PATIO
201800012	28 PARMELIA WAY, BASSENDEAN	CARPORT
201800010	130 SECOND AVENUE, BASSENDEAN	FRONT FENCE
201800014	1 BLOCKLEY WAY, BASSENDEAN	PATIO
201700284	88 HAMILTON STREET, BASSENDEAN	DWELLING
201700336	6 GAUNT STREET, EDEN HILL	ROOF REPLACEMENT
201700334	21 CHEDWORTH WAY, EDEN HILL	RESIDENTIAL DWELLING
201700337	87 PARKER STREET, BASSENDEAN	REAR VERANDA AND DECKING REDUCTION SIDE VERANDA & STAIR ADDITION
201700313	19 BROADWAY, BASSENDEAN	RESIDENTIAL ADDITIONS & ALTERATIONS
201700317	36 SCHOFIELD STREET, EDEN HILL	SINGLE RESIDENTIAL DWELLING
201700318	7 CLAY STREET, EDEN HILL	FRONT FENCE
201700307	27 MANN WAY, BASSENDEAN	FOUR RESIDENTIAL DWELLINGS
201700326	8 ROBINSON ROAD, EDEN HILL	FLAT PATIO
201700322	21 LORD STREET, BASSENDEAN	8 MULTIPLE DWELLINGS
201700321	90 ANZAC TERRACE, BASSENDEAN	8 MULTIPLE DWELLINGS
201700327	34 IOLANTHE STREET, BASSENDEAN	INTERNAL WALL REMOVAL

OFFICER RECOMMENDATION – ITEM 6.10

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

Voting requirement: Simple majority

6.11 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Senior Planning Officer)

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 9 Feb 2018			
Applic No.	Property Address	Description	Determination
2017-134	80A IOLANTHE STREET BASSENDEAN WA 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-151	59 KENNY STREET BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2017-156	1A CLAUGHTON WAY BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-161	70 THIRD AVENUE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2017-162	65 ESTHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-168	140 FIRST AVENUE EDEN HILL 6054	CARPORT	DELEGATE APPROVED
2017-170	33 TROY STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2018-001	166 WEST ROAD BASSENDEAN 6054	PATIOS X 3	DELEGATE APPROVED
2018-003	28 PARMELIA WAY BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2018-004	70 WEST ROAD BASSENDEAN 6054	NATURE BASED PLAYGROUND	STATUTORY ADVICE
2018-005	1 BLOCKLEY WAY BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2018-007	28 BRADSHAW STREET EDEN HILL 6054	DEMOLITION (HOUSING AUTHORITY)	STATUTORY ADVICE
2018-008	8 ROBINSON ROAD EDEN HILL 6054	PATIO	DELEGATE APPROVED
2018-016	23A THIRD AVENUE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
	Subdivision Applications		
156183	84 HAMILTON STREET BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 6.11

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

8.1 Request to Purchase Lot 5 (No. 246) Morley Drive East, Eden Hill (Ref: A3693, Christian Buttle, Acting Manager, Development Services)

This report is to be considered with members of the public excluded from the Chamber under Clause 5.23 of the Local Government Act 1995 as the Officer report discusses matters that relate to Clause 5.23.

8.2 Appointment of Members to Economic Development Committee – 2017 to 2019 (Ref: GOVN/CCLMEET/1 – William Barry, Snr Economic Development Officer)

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.

8.3 Sports Achievement Awards (Ref: COMR/AWADP/4 – Salvatore Siciliano, Manager Recreation & Culture and Tim Dayman, Recreation Development Officer)

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

9.0 CLOSURE

The next Briefing Session will be held on Tuesday 20 March 2018 commencing at 7.00pm.