

TOWN OF BASSENDEAN

NOTICE OF BRIEFINGS SESSION

A Briefings Session of the Council of the Town of Bassendean will be held on Tuesday, 17 April 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

Leave of Absence

Cr Bob Brown

4.0 DEPUTATIONS

5.0 DECLARATIONS OF INTEREST

6.0 REPORTS

6.1 Proposed Additions and Alterations to Single House at Lot 37 (No. 6) Daylesford Road, Bassendean, Owner: Krista Davies, Applicant: Davley Building Pty Ltd (Veronica Nicholls) (Ref: DABC/BDVAPPS/2018/028 – Cameron Hartley, Planning Officer)

APPLICATION

The application proposes additions to the existing single house at Lot 37 (No. 6) Daylesford Road, Bassendean which is situated partly within the Swan River flood fringe. The extent of the works are nearly entirely located within the flood fringe.

The proposed finished floor level to the habitable room additions is beneath that recommended to provide protection in the event of a 1% average exceedance probability. The application also includes a minor variation to Part 5.4.1 of the R-Codes which deals with visual privacy.

The application is referred to Council for consideration of the policy implications, and liability issues, associated with either refusing or approving the application.

ATTACHMENTS

Attachment No. 1:

- Plans for the proposed development
- Correspondence dated 15 July 2014 from McLeod's Barristers and Solicitors

BACKGROUND

The Town's records show the following development history for the subject property:

- 1964 – Brick and Tile dwelling
- 1969 – Shed
- 1973 – Carport
- 1978 – Patio
- 2011 – Swimming pool
- 2011 – Garden shed
- 2014 – Carport

The proposed additions and alterations which are the subject of this application include an additional bedroom with ensuite along with an extension to another existing bedroom. Development is contained to the north western corner of the lot, towards the rear of the site.

COMMUNICATION & ENGAGEMENT

The application was referred to the affected landowner to the north of the site, with respect to a reduced boundary setback for visual privacy, from 28 February to 21 March 2018.

A site visit was conducted by the assessing officer, to explain the extent of the variation to the adjoining affected landowner. No objection was formally provided by the landowner, however comments were made with concerns regarding construction noise. As this matter is dealt with by separate legislation under the *Environmental Protection Act (1986)*, a copy of the approval will be provided to the Town's Environmental Health Officer to monitor any noise concerns submitted by nearby residents during the construction of the development.

As the development proposes works within the flood fringe, the application was referred to the Department of Water and Environment Regulation (DWER) who provide technical advice on development within the floodway and flood fringe and their potential impact on major flows during flood events. Further detail regarding their response is provided within the comment section of this report.

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 <i>How we will be judged</i> |
|---|--|--|
| 3.3 Enhance the Town's appearance | 3.3.1 Improve amenity and the public realm | Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance) |

COMMENT

The rationale for prescribing floor levels in flood prone areas is to protect both people and property. If the Town approves development of habitable rooms below the recommended flood mitigation levels of 500mm above the 1% average exceedance probability, any resulting property damage due to inundation during a flood event, would expose the Town as the approving authority to potential liability claims. However, as discussed later in this report and as provided in the legal advice (provided to the Town in 2014), this may not be the case where a decision made by council is made in good faith.

Although applications for dwellings and dwelling additions within the Swan River flood fringe are not common, the Town has considered five such applications since February 2013, being:

- No. 160 West Road, Bassendean – February 2013;
- No. 27 Anstey Road, Bassendean – May 2013; and
- No. 9 Broun Way, Bassendean – 26 June 2014
- No.12b Hyland Street - 22 July 2014
- No.142 Whitfield Street, Bassendean – 24 July 2014

Most of these applications were conditionally approved, including a condition for the Town to enter into a deed of agreement with each landowner in order to protect the Town's interests in indemnifying the council against any damages that may arise from approving under height structures within the flood fringe.

In more recent applications for dwellings and dwelling additions, including No.142 Whitfield and 12b Hyland Street, the requirement for a caveat was tested at the State Administrative Tribunal (SAT).

The advice from the Town's solicitors was that the requirement for a caveat would likely fail at the SAT and as a result, the Town approved these applications with a notification on the title relating to the potential for the property to be affected by flooding rather than a caveat.

The existing dwelling has a finished floor level of 5.07m above Australian Height Datum (AHD). The proposed additions incorporate a new bedroom with ensuite and extension to an existing bedroom which are to match those of the existing dwelling (5.07m AHD).

1% average exceedance probability flood level at this location is 5.00m above AHD, and it is a normal requirement for finished floor levels to be set 500mm above this level (i.e. 5.50m above AHD).

Accordingly, while the proposed finished floor level of 5.07m sits marginally above the level required to provide 100 year AEP flood protection, it sits beneath the 5.50m level required by today's development standards.

Part of the assessment of this application for development approval involved referral to the Department of Water and Environment Regulation (DWER). The following comments were provided by the Department's Floodplain Management Supervising Engineer:

"The Department of Water, in carrying out its role in floodplain management, provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The Swan River Flood Study shows that a large portion of the Lot is affected by major flooding with the 1% average exceedance probability flood level currently estimated to be 5.0 m AHD (refer to attached plan). It should be noted that the floodplain mapping for this area is currently being revised and flood levels are expected to be slightly lower in this area. The revised mapping is expected to be available in ~ 2 to 3 months.

Based on our floodplain development strategy for the area, proposed development (ie, filling, building, etc) is considered acceptable with regard to major flooding. However, minimum habitable floor levels of 5.5 m AHD are recommended to ensure adequate flood protection.

With regard to this proposal the following additional comments are provided:

- *We acknowledge that our recommended minimum habitable floor recommendation may impact on other planning issues (such as access, privacy, streetscaping, etc) when integrating with existing adjacent development. Should these issues be identified, consideration may be given to a lower minimum habitable floor level.*
- Based on our existing flood mapping, the proposed floor level of 5.07 will provide 1 in 100 AEP flood protection, albeit with a minimal (0.07 m) amount of freeboard
- *The preliminary results of the floodplain mapping review suggest that the proposed floor level will provide an adequate level of flood protection into the future.*

Please not this advice is related to major flooding only and other planning issues (ie, environmental , stormwater, etc) may also need to be addressed.”

There are two issues regarding risk that are the subject of consideration. The first is the higher risk of flood related property damage resulting from adding more floor area below the recommended 1% average exceedance probability to habitable rooms. Secondly, in terms of risk to people, the additions primarily act to improve the amenity of the dwelling, not necessarily the number of people living in the dwelling.

From a longer term planning perspective, permitting additions to a dwelling that does not conform to current flood plain management standards may act to prolong the life of the building, and therefore the probability of flood damage. However, there has been a steady pattern in recent years of dwellings in the flood fringe being replaced rather than being added on to, as evident in the minimal examples being brought to council, thus lessening the risk of flood damage in an aggregate sense within the flood fringe in particular and the flood plain generally.

Development within the Swan River Flood Plain is assessed in reference to Local Planning Policy No.4 – ‘Floodway Management and Development Policy’. This policy allows minor additions to dwellings within the floodway, however, the policy is silent, and therefore excludes additions to dwellings within the flood fringe that are below the recommended levels.

As alluded to earlier in this report, a conditional approval granted by the Town to development at Lot 300 (No.12b) Hyland Street Bassendean on 22 July 2014 included the resolution that, in accordance with advice provided by the Town’s solicitors:

“2. The recommended approach of incorporating a s70A notification into planning approvals lieu of a condition requiring owners to enter into a legal agreement be utilised by the Town where development is proposed within flood affected areas.”

It should be noted that the imposition of a Section 70A notification on the title may not protect the Town against the possibility of a claim for damages arising from the flooding of the dwelling. Section 70A notifications are explained in the correspondence from McLeod’s Barristers and Solicitors dated 15 July 2014 which has been provided as an attachment to this report.

However, where a decision is made taking into account the Town’s Local Planning Policy 4 and advice from relevant regulatory authorities, the decision to grant development approval ought not to be considered negligent.

On the strength of this advice previously contemplated and approved by Council, the assessing officer suggests a condition whereby the applicant is to place a section 70A notification against their title will be sufficient in protecting the Town’s interests with respect to the proposed development.

Visual Privacy Variation and Neighbour Consultation

The additions facing the northern property boundary is designed to be set back 4.062m from the closest boundary at 8 Daylesford Road. Due to the nature of the floor levels of the additions being over 500mm from natural ground level, to match the existing dwelling, the works are required to be assessed against the visual privacy provisions of the R-Codes. The major opening in question (bedroom window) is required to be set back so as to not overlook any portion of an adjoining landowner’s property within a 4.5m cone of vision.

As the extent of the variation is minimal (the variation stems from the lack of a 4.5m setback, with the proposed being 438mm less than that prescribed, to the major opening of the wall) and the extent of overlooking is confined to an area where no structure exists nor where the area can be used as an active habitable space, the assessing officer suggests this variation is capable for design principle assessment and approval within the Residential Design Codes. The lack of objection from the neighbour seemingly supports this conclusion.

OPTIONS

Council has the following options in regard to the proposed additions at 6 Daylesford Road, Bassendean.

1. Refuse the application on the basis that development is below the recommended floor level for development in the Swan River flood fringe;

Or

2. Grant development approval subject to conditions including the requirement that a Section 70A advising of potential flooding impacts be registered against the Certificate of Title for the property.

STATUTORY REQUIREMENTS

Planning and Development (Local Planning Schemes) Regulations 2015

67. Matters to be considered by local government

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving:

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

LOCAL PLANNING POLICY No.4 – 'FLOODWAY MANAGEMENT AND DEVELOPMENT POLICY'

The following extract applies to this application

1.2 Within the flood fringe areas defined on the floodplain mapping, Council will consider each planning application on its merits and will determine the development standards or refuse approval for that development after taking into account -

- a) *The specific site characteristics of the development site and the surrounding areas including natural surface or fill levels and existing floor levels;*
- b) *Areas of environmental significance,*
- c) *Potential impacts of the proposal on the hydrology, ecology and amenity of the floodplain, and*
- d) *Any positive aspects of the development'*

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

FINANCIAL CONSIDERATIONS

Nil to Council. The applicant will be responsible for meeting the costs associated with the notification on title as identified within the officer recommendation.

OFFICER RECOMMENDATION — ITEM 6.1

That Council grants development approval for the proposed additions and alterations to the Single House at Lot 37 (No. 6) Daylesford Road, Bassendean, subject to the following conditions and specific footnotes:

1. All Stormwater being contained and disposed of on site;
2. The property owners lodging a notification pursuant to section 70A of the *Transfer of Land Act 1893* (WA) for endorsement on the certificate of title for the land. The notification shall be in the following terms:

'Registered proprietors and prospective purchasers of land described above or any part thereof ("the Land") are notified that the land is located within the Swan River Flood Plain and may be subject to flooding. Further information regarding anticipated flood levels is available upon request from the Town of Bassendean.

All costs of and incidental to the preparation of and registration of the Section 70A Notification shall be met by the applicant or the owner of the land';

3. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street;

4. Existing street trees within the street verge adjacent to the development site being protected with barricades during construction in accordance with the Town's policy for street tree protection;
5. All building works to be carried out under this development approval shall be contained within the boundaries of the subject lot;
6. A building permit shall be issued prior to the commencement of any works on site.

Footnotes:

- (a) In accordance with the provisions of the Town of Bassendean Local Planning Policy No.4 "Floodplain Management and Development", the applicant / owner is hereby notified of the flood hazard associated with the land upon which the development is intended to be undertaken.
- (b) The proponent should give detailed consideration to this matter in advance of proceeding with the development.
- (c) In accordance with the provisions of the Town of Bassendean Local Planning Policy No.4 "Floodplain Management and Development" the dwelling should be designed in such a way that it drains in the event of a flood.
- (d) All electrical installations should be designed to achieve a minimum clearance of 500mm above the 1% average exceedance probability, in accordance with the provisions of Councils Local Planning Policy No.4 – Flood Plain Management and Development, and be suitably insulated.
- (e) The section 70A required as part of this approval can be prepared by the Town's solicitors (at the applicant's cost) or can be prepared by the applicant and lodged at Landgate.

Voting requirements: Simple Majority

6.2 Joint Metropolitan Central Development Assessment Panel Application – Form 1 – Development Assessment Panel Application for Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings – Lot 54 (Nos. 25-27) Hamilton Street; Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean, Owner: T & T Management Services Pty Ltd. Applicant: Peter Webb & Associates (Ref: DABC/BDVAPPS/2018 - 026)

APPLICATION

At its Ordinary Council meeting held in May 2011, Council resolved to require that all Joint Development Assessment Panel (JDAP) applications be the subject of a report to Council in order that Council can make an alternative recommendation to the Metropolitan Central JDAP, should it see fit.

ATTACHMENTS

Attachment No. 2:

1. Applicant's Planning Report titled:
Application for Planning Approval - Proposed Aged Care Facility, Multiple Dwellings & Shops - Prepared by Peter Webb and Associates

Annexures to Planning Report comprising:

- (a) Annexure 1 – WAPC Amalgamation Approval.
- (b) Annexure 2 – Certificates of Title x 3.
- (c) Annexure 3 – Annotated Site Photographs.
- (d) Annexure 4 – Design Drawings comprising:
 - EX1 – Existing Site Plan;
 - Schedule of Finishes 8 Dec 2017
 - SK1 – Proposed Site Plan;
 - SK2 – Lower Ground Floor Plan;
 - SK3 – Upper Ground Floor Plan;
 - SK4 – First Floor Plan;
 - SK5 – Second Floor Plan;
 - SK6 – Third Floor Plan;
 - SK7 – Elevations;
 - SK8 – Elevations;
 - SK9 – Sections;
 - SK10 – Shadow Plan;
 - Perspective 1 – Old Perth Rd; and
 - Perspective 2 – From Hamilton St / Old Perth Rd corner.
- (e) Annexure 5 – Landscape Plan.
- (f) Annexure 6 – Correspondence comprising:

- (i) 22 Oct 2014 from Peter Webb & Associates to Town of Bassendean; and
- (ii) 13 Nov 2014 reply from Town of Bassendean to Peter Webb & Associates.
- (g) Annexure 7 – Local Planning Policy No. 1 Compliance Report.
- (h) Annexure 8 – Waste Management Plan.
- (i) Annexure 9 – Traffic Impact Statement.
- (j) Annexure 10 – Contaminated Site Audit.
- (k) Annexure 11 – Stormwater Drainage Management Plan.

2. Aerial Photo / Location Plan

BACKGROUND

Background information is provided within the Form 1 report, below.

COMMUNICATION AND ENGAGEMENT

Consultation undertaken and responses received are discussed in detail in the Form 1 report, below.

STRATEGIC IMPLICATIONS

The following components of the Town’s adopted Strategic Community Plan 2017-2027 are of relevance when considering the application for development approval:

Strategic Priority 3: Built Environment

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| Objective 3.1: Plan for an increased population and changing demographics | Strategy 3.1.1 Facilitate diverse housing and facility choices. |
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Strategic Priority 4: Economic

| | |
|--|--|
| Objective 4.1: Build Economic Capacity | Strategy 4.1.1 Encourage and attract new investment and increase capacity for local employment. |
| | Strategy 4.1.2 Plan for and build capacity for commercial and industrial. |
| Objective 4.2: Facilitate local business retention and growth | Strategy 4.2.2 Continue the activation of Bassendean’s Town Centre. |

COMMENT

Detailed comments in relation to the proposed development are contained within the Form 1 report, below.

STATUTORY REQUIREMENTS

All statutory requirements are discussed in detail in the Form 1 report, below.

FINANCIAL CONSIDERATIONS

Nil

CONCLUSION

The remainder of this report includes the Senior Planning Officer's report and recommendation to the JDAP. The report is presented in the format required by the Development Assessment Panel Regulations (Form 1 – Responsible Authority Report).

Council's options are to either endorse the recommendation contained in the report below, or to make an alternative recommendation.

Council's nominated members for the JDAP are Mayor McLennan and Councillor Hamilton. Alternate members, should the need arise, are Councillor Brown and Councillor Wilson.

The Development Assessment Panel Training notes make the following comments in terms of Local Government representatives as DAP members:

"The role of a local government representative is made difficult by their dual roles of local government Councillor and DAP member.

The Code of Conduct acknowledges this difficulty in clause 2.1.2. A local government may make a decision in relation to a DAP application as a basis for providing a DAP with a recommendation, as it is required to do in accordance with regulation 12.

Clause 2.1.2 provides that a local government DAP member is not precluded from voting in relation to a DAP application where it has also been involved with the decision or recommendation made by the local government.

Clause 2.1.2 requires only that local government DAP member exercise independent judgment, and consider the application on its planning merits.”

OFFICER RECOMMENDATION – ITEM 6.2

That Council endorses the Senior Planning Officer’s Form 1 – Responsible Authority Report for the Application for Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings at Lot 54 (Nos. 25-27) Hamilton Street, Lot 84 (No. 68) Old Perth Road and Lot 85 (No. 70) Old Perth Road, Bassendean.

Voting requirements: Simple Majority

Form 1 - Responsible Authority Report
(Regulation 12)

| | |
|-----------------------------------|--|
| Property Location: | Lot 54 (Nos. 25-27) Hamilton Street; Lot 84 (No. 68) Old Perth Road; and Lot 85 (No. 70) Old Perth Road, Bassendean |
| Development Description: | Mixed Development Comprising Additions and Alterations to Nursing Home, Shops and 18 Multiple Dwellings |
| DAP Name: | Metro Central Joint Development Assessment Panel |
| Applicant: | Peter Webb & Associates |
| Owner: | T & T Management Services Pty Ltd |
| Value of Development: | \$13 million |
| LG Reference: | 2018-026 |
| Responsible Authority: | Town of Bassendean |
| Authorising Officer: | Christian Buttle, Senior Planning Officer |
| DAP File No: | DAP/18/01379 |
| Report Due Date: | Friday, 4 May 2018 |
| Application Received Date: | 16 February 2018 |
| Application Process Days: | To be updated prior to sending report to JDAP secretariat |
| Attachment(s): | <p>Planning Report titled: Application for Planning Approval - Proposed Aged Care Facility, Multiple Dwellings & Shops - Prepared by Peter Webb and Associates</p> <p>Annexures to Planning Report comprising: (l) Annexure 1 – WAPC Amalgamation Approval. (m)Annexure 2 – Certificates of Title x 3.</p> |

| | |
|--|---|
| | <p>(n) Annexure 3 – Annotated Site Photographs.</p> <p>(o) Annexure 4 – Design Drawings comprising:</p> <ul style="list-style-type: none">• EX1 – Existing Site Plan;• Schedule of Finishes 8 Dec 2017;• SK1 – Proposed Site Plan;• SK2 – Lower Ground Floor Plan;• SK3 – Upper Ground Floor Plan;• SK4 – First Floor Plan;• SK5 – Second Floor Plan;• SK6 – Third Floor Plan;• SK7 – Elevations;• SK8 – Elevations;• SK9 – Sections;• SK10 – Shadow Plan;• Perspective 1 – Old Perth Rd; and• Perspective 2 – From Hamilton St / Old Perth Rd corner. <p>(p) Annexure 5 – Landscape Plan.</p> <p>(q) Annexure 6 – Correspondence comprising:</p> <p>(iii) 22 Oct 2014 from Peter Webb & Associates to Town of Bassendean; and</p> <p>(iv) 13 Nov 2014 reply from Town of Bassendean to Peter Webb & Associates.</p> <p>(r) Annexure 7 – Local Planning Policy No. 1 Compliance Report.</p> <p>(s) Annexure 8 – Waste Management Plan.</p> <p>(t) Annexure 9 – Traffic Impact Statement.</p> <p>(u) Annexure 10 – Contaminated Site Audit.</p> <p>(v) Annexure 11 – Stormwater Drainage Management Plan.</p> <p>Aerial Photo / Location Plan</p> |
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Officer Recommendation:

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01379 is appropriate for consideration as a 'P' and 'D' land use ('P' for Nursing Home component) and compatible with the objectives of the zoning table in accordance with the Town of Bassendean Local Planning Scheme No. 10.
2. **Approve** DAP Application reference DAP/1801379 and accompanying plans dated 31 October 2017:

Drg No. EX1 Issue DA (site analysis plan)

Drg No. SK1 Issue B (site plan)

Drg No. SK2 Issue C (lower ground floor plan)

Drg No. SK3 Issue B (upper ground floor plan)

Drg No. SK4 Issue A (first floor plan)

Drg No. SK5 Issue A (second floor plan)

Drg No. SK6 Issue A (third floor plan)

Drg No. SK7 Issue A (elevations)

Drg No. SK8 Issue A (elevations)

Drg No. SK9 Issue A (sections)

Drg No. SK10 Issue A (shadow plan)

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Bassendean Local Planning Scheme No. 10, subject to the following conditions as follows:

Conditions

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Prior to the issue of a Building Permit for this development, Lots 54, 84 & 85 shall be amalgamated into a single lot on a Certificate of Title or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a building permit, or the completion of the development, whichever occurs earlier.
3. Solid walls or fences that are situated between the street alignment and the building line not exceeding 800mm in height above natural ground level.
4. External finishes according with those identified on the 'Schedule of Finishes' prepared by Montague Grant Architects and dated 8 December 2017 unless otherwise approved.

5. The blank section of wall associated with the fire pump room and transformer compound on the Old Perth Road frontage of the development shall be modified by replacing the solid balustrade to the balcony of the lounge above (which forms a continuation of the wall to the pump room and transformer) with clear glass balustrade and:
 - (a) Replacing the transformer and pump room with shop fronts to match the remainder of the design of the ground floor of the Old Perth Road frontage of the development, including awnings above; or
 - (b) Applying a piece of public art to this location to the satisfaction of the Town, and in accordance with the provisions contained within Local Planning Policy No. 1 Town Centre Strategy and Guidelines and Local Planning Policy No. 15 – Percent for Art Policy
6. Solid balustrading to balconies shall be replaced with clear glass balustrading to the extent required that when viewed from the street balconies to the development are predominantly open to the satisfaction of the Town.
7. All multiple dwellings being provided with balconies incorporating a minimum usable area of 10 sq.metres within minimum dimensions of 2.4 metres. (see advice note).
8. An updated landscaping plan being provided prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private realm and the public realm adjoining the development site and which updates the plan submitted in conjunction with the application for development approval by:
 - (a) providing accurate details with respect to the Hamilton Street road reserve;
 - (b) providing details of proposed landscape treatment to the Hamilton Street road reserve; and
 - (c) incorporating street tree planting within the Hamilton Street road reserve in accordance with the Town's Street Tree Master Plan.
9. Street trees shall be a minimum height of 2m at the time of planting and shall be spaced generally at 7m centres.
10. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter.
11. Existing street trees within the street verge adjacent to the development site being protected with barricades during construction in accordance with the Town's Policy for street tree protection.

12. The submission of a detailed lighting plan is to be provided showing all security and safety lighting throughout all public and interior circulation areas, along with external lighting to the Old Perth Road and Hamilton Street frontages of the development site for the approval of the Town, prior to the issue of a building permit. Display lighting to commercial premises on both the Old Perth Road and Hamilton Street frontages shall be time-switched to remain on every evening until at least 15 minutes after the last train has left Bassendean Train Station.
13. The redundant crossover on the Old Perth Road frontage of the site and the second redundant crossover at the Hamilton Street / Old Perth Road intersection shall each be removed and the verge / footpath shall be reinstated to the satisfaction of the Town.
14. Works proposed within the road reserve around the perimeter of the site (such as footpath forward of the shop tenancies) shall be the subject of a separate plan to be submitted for the Town's approval in advance of any such works being undertaken.
15. The on site car parking spaces and access ways being constructed and maintained thereafter to the Town's specifications and those contained within AS2890.1 – Part 1: Off-street parking and Part 6: Off-street parking for people with disabilities. Drawings submitted for a Building Permit shall incorporate the following design changes:
 - (a) The length of the accessible car bay and the adjoining visitor car bay shall each be increased to 5.4m minimum without compromising the prescribed aisle width behind these bays. The column to the rear of the visitor bay shall be positioned in accordance with Figure 5.2 of AS2890.1; and
 - (b) The width of the aisle between shared use car parking bays 19 and 20 shall be increased to a minimum of 6.1 metres, clear of the columns.
16. A longitudinal section of the vehicle access driveway to the lower ground floor car park shall be provided to the satisfaction of the Town prior to or in conjunction with the application for a Building Permit which demonstrates that the ramp to the car park has been designed in accordance with the provisions contained within Cl 2.5.3 of AS2890.1 (Circulation roadway and ramp grades).
17. Car parking on any subsequent strata plan shall be allocated in accordance with the approved drawings and the following requirements:
 - (a) Each multiple dwelling shall be allocated 1 car parking bay;
 - (b) Nursing Home being allocated 20 car parking bays;
 - (c) 60 sq.m shop tenancies being allocated 2 car parking bays and the 99 sq.m shop tenancy being allocated 3 car parking bays; and

- (d) 6 visitor car parking bays and the accessible car parking bay all being retained for the shared use of visitors to all components of the development.
- 18. Visitor parking spaces being clearly marked for "Visitors Only" and used only as such.
- 19. Prior to the submission of an application for a building permit, details of the security intercom system are to be provided to demonstrate that visitors can make contact with all components of the development in order to gain access to the visitor parking bays. The security intercom system is required to be installed and operational in accordance with the approved details prior to the occupation of the development on the subject lot and maintained thereafter.
- 20. A minimum of 12 bicycle parking spaces shall be provided within the secure car park and a minimum of 4 bicycle parking spaces shall be provided for visitors, external to the building. All bicycle parking spaces shall be constructed in accordance with the provisions of AS 2890.3 (as amended). Details of the location and design of the required bicycle parking spaces shall be submitted prior to or in conjunction with the application for a Building Permit.
- 21. The development shall be designed to accommodate storage of stormwater on site to a minimum of a 1:20 year storm event with any proposal to connect to the Town's drainage infrastructure network to accept stormwater associated with an event beyond 1:20 years incorporating a restricted outlet flow. (see footnote)
- 22. The provision of an externally accessed storage unit of not less than 4 sq.metres internal area for each dwelling. All stores to have minimum internal dimensions of 1.5m minimum with the exception of stores 10-14 which are approved with lesser internal dimensions subject to:
 - (a) These stores being allocated to the same dwelling as the car parking bay to which they are predominantly located in front of; and
 - (b) The door to these stores being removed and replaced with a roller door which incorporates a width that matches the car bay width forward of each respective store.
- 23. A pedestrian path (separate from car parking bays) being provided to stores 6-9.
- 24. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street. Prior to the issue of a building permit, details being submitted of all proposed ventilation systems, including the location of plant equipment, vents and air conditioning units for the Town's approval. All equipment must be adequately screened to the satisfaction of the Town.

25. External clothes drying is prohibited where visible from the street.
26. Each dwelling shall be provided with a mechanical clothes dryer.
27. An updated Waste Management Plan (WMP) is to be submitted for the Town's approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
 - (a) Consistency with respect to the identified number of bins that will be needed to service the proposed development;
 - (b) The need for an updated WMP to be prepared in the event of future change of use to any of the shop tenancies where any proposed new use would generate additional waste beyond that which the plan has been designed for;
 - (c) The number of bins that are anticipated to require kerbside collection from the development other than the nursing home;
 - (d) The number of bins that will be provided to the multiple dwellings and to the shops;
 - (e) Details of advice to be provided to owners and occupiers regarding the WMP; and
 - (f) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development;
28. The bin storage areas on site are:
 - (a) To be surrounded by a 1.8 metre high minimum wall with a self-closing gates (where outside a building) or doors (where inside a building);
 - (b) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
29. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles.
30. Visually impermeable roller shutters (external and internal), doors, grilles and security bars shall not be installed on any part of the frontage of the development facing Old Perth Road or Hamilton Street.
31. Prior to commencement of development, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works to the satisfaction of the Town of Bassendean on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

32. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.
33. Prior to the issue of a building permit the applicant shall lodge a Construction Management Plan to the satisfaction of the Town of Bassendean that provides details of the following:
 - (a) Estimated timeline and phasing of construction;
 - (b) Dust control measures;
 - (c) Noise control measures;
 - (d) Access points for heavy vehicles during demolition and construction; and
 - (e) 24 hours contact details of staff available to deal with either an emergency situation or to respond to complaints.
34. The incorporation of public art into the proposed development or a cash-in-lieu payment of one percent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 "Percent for Art Policy". Detailed arrangements and agreement with respect to art to be provided on site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.
35. Prior to the issue of a Building Permit, the applicant shall pay to the Town of Bassendean the 2% contribution of the building construction costs as prescribed under LPP No. 1 - Town Centre Area Strategy and Guidelines for Bassendean. The 2% contribution is inclusive of the 1% public art contribution required in accordance with the previous condition.
36. Prior to the issue of a building permit, a development bond for the sum of \$9,000 being lodged with the Town to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.

37. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Town, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period.

Advice Notes

1. The issue of a Building Permit is required prior to the commencement of any construction works on site.
2. The street number being prominently displayed at the front of the development.
3. Individual unit numbers being prominently displayed at the pedestrian entrance to each individual dwelling.
4. Balconies shall be modified generally in accordance with the design modifications advocated within this report.
5. **Dial Before You Dig:**
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please telephone 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via Dial Before You Dig "1100" number in advance of any construction activities.
6. Telecommunications Act 1997 (Commonwealth)

The **nbn**[™] network is Australia's new landline phone and internet network. It's designed to provide all Australians with access to fast and reliable phone and internet services, no matter where you live.

nbn (the company) was established in 2009 to design, build and operate Australia's new broadband network. They are responsible for providing wholesale services to phone companies and internet service providers who offer **nbn**[™] plans for homes and businesses.

Each building unit or lot in a new real estate development needs to be serviced by “fibre-ready facilities” under the Telecommunications Act. For new homes, nbn enables developers to connect to the **nbn**[™] network upfront in the new build process – but the developer needs to apply via www.nbn.com.au/newdevelopments. **nbn** asks that you apply at least 3 months before civils commence. If you do not have these facilities in place, there may be a delay with your titles process.

Telstra and **nbn** (and its authorised contractors) are the only companies that are permitted to conduct works on network and assets.

Any person interfering with a facility or installation owned by Telstra or **nbn** is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to telecommunication infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on assets in any way, please contact Telstra's Network Integrity Team on 1800 810 443 or **nbn** on relocationworks@nbnc.com.au.

7. If the development approval lapses, no development shall be carried out without further approval having first been sought and obtained.
8. If the applicant is aggrieved by this decision there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
9. Separate approval must be obtained from the Town's Asset Services Department for the proposed crossover.
10. Separate approval must be obtained from the Town's Asset Services Department for any proposed connection to the Town's drainage infrastructure network.
11. A separate application and approval is required for any signage proposed for the development.
12. The applicant must liaise with Main Roads Western Australia with respect to arrangements to be implemented for the required relocation of the electronic 40kph school zone sign.

13. Department of Water and Environmental Regulation related advice:

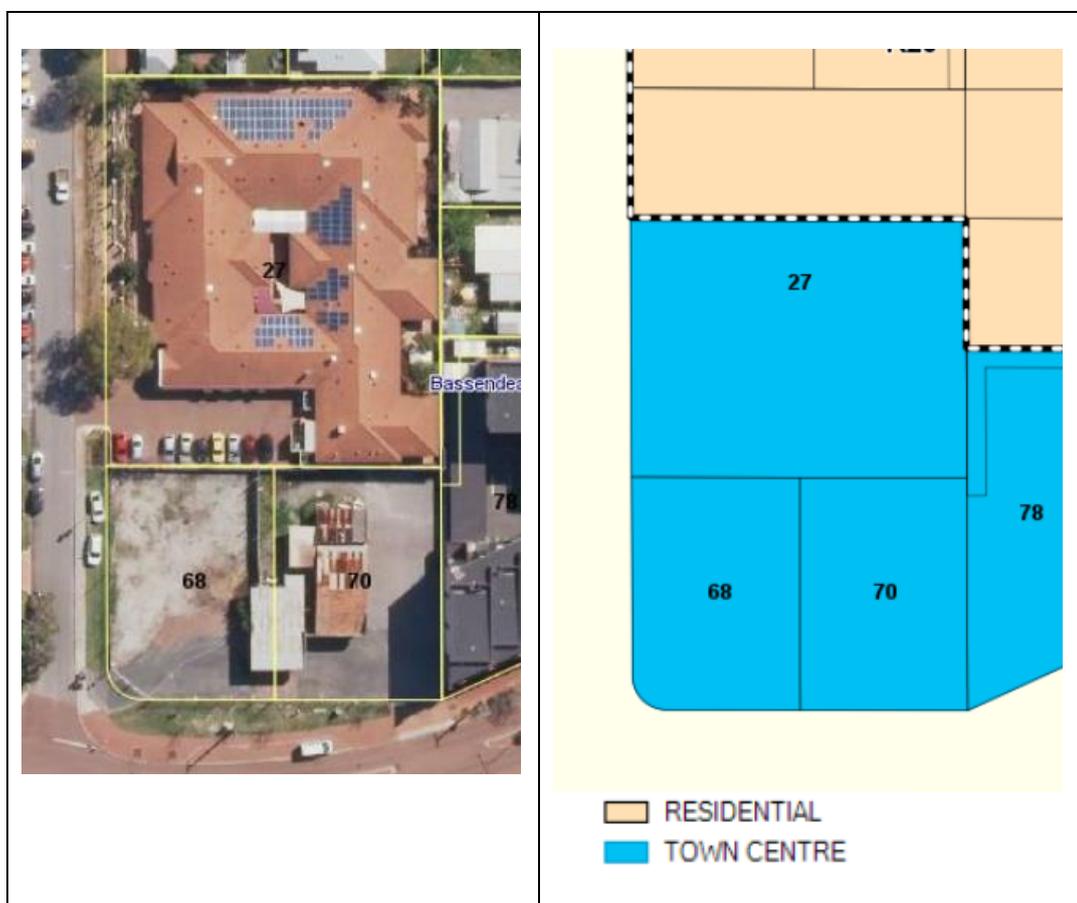
In accordance with regulation 31(1) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition relating to site contamination. A current list of accredited auditors is available from www.dwer.wa.gov.au."

An "acid sulphate soils self-assessment form" can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au.

The "acid sulphate soils self-assessment form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation website at: www.dwer.wa.gov.au."

Details: outline of development application

| | |
|----------------------------|--|
| Zoning within MRS: | The entirety of the development site is zoned Urban under the Metropolitan Region Scheme. |
| Zoning within LPS10 | The majority of the site is zoned Town Centre by the Town of Bassendean Local Planning Scheme No. 10 (LPS10). A portion of the site upon which the existing Nursing Home is situated is zoned Residential with an R20 density code under LPS10. (See extract of Zoning Map and Aerial Photo, below) |
| Insert Use Class: | Shop (P) use within the Town Centre Zone; Multiple Dwelling (D) use within the Town Centre Zone; and Nursing Home (use not listed) |
| Insert Strategy Policy: | Town of Bassendean Local Planning Policy No. 1 - Town Centre Strategy and Guidelines |
| Insert Development Scheme: | Town of Bassendean Local Planning Scheme No. 10 (District Zoning Scheme). |
| Insert Lot Size: | Lot 54 (Nos. 25-27) Hamilton Street: 3,101 sq.m; Lot 84 (No. 68) Old Perth Rd: 922 sq.m; Lot 85 (No. 70) Old Perth Rd: 924 sq.m <hr/> TOTAL COMBINED AREA = 4,947 sq.m <hr/> |
| Insert Existing Land Use: | Lot 54 (Nos. 25-27) Hamilton Street – Nursing Home Lots 84 and 85 (Nos. 68-70) Old Perth Road – Currently unused. Most recently used for the purpose of Motor Vehicle Sales. |



The application proposes:

- Retention of the existing Nursing Home on Lot 54 (Nos. 25-27) Hamilton Street;
- Internal modifications and additions to the Nursing Home and integration of this facility into the new development;
- Removal of the former Service Station / Car Yard development on Lots 84 and 85 (Nos. 68-70) Old Perth Road and development of this land in the following manner:
 - (a) Lower Ground Floor – Three shop tenancies along with 52 car parking bays, store rooms and service infrastructure (bin storage area / fire pump room / transformer compound);
 - (b) Upper Ground Floor – Aged Care Facility which integrates with the existing Nursing Home;
 - (c) First Floor – Aged Care Facility which integrates with the existing Nursing Home;
 - (d) Second Floor – 9 Multiple Dwellings; and
 - (e) Third Floor – 9 Multiple Dwellings.

The following table identifies the zoning of the site and associated land use permissibility:

| Zoning | Proposed Land Use | Land Use Permissibility |
|---|---|--|
| Town Centre (Majority of Development Site) | • Shops | • 'P' (permitted) |
| | • Multiple Dwellings | • 'D' (not permitted unless discretion is exercised to grant approval) |
| | • Nursing Home | • Use Not Listed (see further comments after table) |
| Residential (Small portion of development site) | The part of the Nursing Home which is situated on the land that is zoned Residential is to remain unchanged from that which currently exists. | |

Use Not Listed

CI 3.4.2 of LPS10 states that:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 67 of the deemed provisions in considering an application for development approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

Clause 3.2.3 of LPS10 sets down the objectives of the Town Centre Zone.

“The objectives of the Town Centre Zone are:

- a) *To promote, facilitate and strengthen the town centre zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;*
- b) *To recognise the unique and specific function of each precinct within the town centre in terms of:*

- (i) Traditional main street pedestrian based commercial retail, west of Wilson Street;*
 - (ii) Civic, drive-by commercial and town centre living uses between Wilson and Whitfield Street; and*
 - (iii) Car based retail in the Bassendean Village Shopping Centre;*
- c) *To accommodate a diversity of commercial, cultural and residential facilities;*
- d) *To encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area;*
- e) *To achieve safety and efficiency in traffic circulation;*
- f) *To ensure that buildings, ancillary structures and advertising are of high quality and achieve an architectural theme contributing to the uniqueness of the townscape;*
- g) *To provide sheltered places for pedestrians and shade to car parking areas;*
- h) *To preclude the storage of bulky and unsightly goods from public view;*
- i) *To provide landscaping appropriate to the scale of development; and*
- j) *To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.”*

The proposed Nursing Home land use is consistent with the objectives set down for the Town Centre Zone.

Background:

The Town's records for the development of Lot 54 (Nos. 25-27) Hamilton Street show the following applications:

- 1971 – 39 Bed 'C' class hospital;
- 1975 – Application for minor additions and alterations;
- 1994 – Outbuilding;
- 2002 – Additions and Alterations to Nursing Home (which increased the number of beds on site to 44);
- 2005 – Patio; and
- 2016 – Solar Panels.

The existing Nursing Home is intended to be retained, modified, extended and incorporated into the new development.

Noting that the former car yard site is to be completely redeveloped, the development history of this site will not be discussed in detail. The site was originally developed as a service station circa 1930 and was used as a car sales yard for approximately 30 years until around late 2015 / early 2016. The site has been unoccupied since this time.

The proposal mixed use development is generally consistent with the vision set down for the Old Perth Rd precinct within the Town of Bassendean Local Planning Policy No. 1 – Town Centre Strategy and Guidelines. It is reflective of other mixed use developments that have occurred within the Town Centre within the last 5 years including:

- 78-80 Old Perth Rd (directly adjoining the development site) – Three (and part four) storey development comprising ground floor commercial tenancies and 34 multiple dwellings;
- 85 Old Perth Rd (diagonally opposite the development site) – Five storey development comprising ground floor commercial tenancies and 40 multiple dwellings; and
- 93 Old Perth Rd (approx. 120m from development site) – Four storey development comprising ground floor commercial tenancies and 25 multiple dwellings.

A large portion of the development site is already used for nursing home purposes and a separate nursing home exists directly opposite the proposed development.

Legislation & policy:

Local Government Legislation and Policy

(a) Town of Bassendean Local Planning Scheme No. 10, including:

- Clause 3.2.3 – Objectives of Town Centre Zone;
- Clause 4.5 – Variations to Site and Development Standards and Requirements;
- Clause 4.7.2 – Car parking;
- Clause 4.10 – General Development Requirements – Town Centre Zone

LPS10 is accessible via the following link:

<http://www.bassendean.wa.gov.au/documents/town-planning-local-planning-scheme-10-gazetted>

(b) Local Planning Policy:

- Local Planning Policy No. 1 – Town Centre Strategy and Guidelines;
- Local Planning Policy No. 8 – Parking Specifications;
- Local Planning Policy 10 – Window Security for Non-Residential Property Facades;
- Local Planning Policy No. 14 – On-site Stormwater Retention Policy;
- Local Planning Policy No. 15 – Percent for Art Policy; and
- Local Planning Policy No. 18 – Landscaping with Local Plants.

Relevant Local Planning Policies are accessible via the following link:
<http://www.bassendean.wa.gov.au/documents/town-planning-local-planning-scheme-10-policies>

(c) Town of Bassendean Strategic Community Plan

The following components of the Town’s adopted Strategic Community Plan 2017-2027 are of relevance when considering the application for development approval:

Strategic Priority 3: Built Environment

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|--|--|
| Objective 3.1: Plan for an increased population and changing demographics | Strategy 3.1.1 Facilitate diverse housing and facility choices. |
|--|--|

Strategic Priority 4: Economic

| | |
|--|--|
| Objective 4.1: Build Economic Capacity | Strategy 4.1.1 Encourage and attract new investment and increase capacity for local employment. |
| | Strategy 4.1.2 Plan for and build capacity for commercial and industrial. |
| Objective 4.2: Facilitate local business retention and growth | Strategy 4.2.2 Continue the activation of Bassendean’s Town Centre. |

State Government Policies

The following state government policies are of relevance when considering the application for development approval:

- (a) Perth and Peel @ 3.5 million (Bassendean is an identified District Centre)
- (b) State Planning Policy 3.1 – Residential Design Codes of Western Australia
- (c) State Planning Policy 4.2 – Activity Centres for Perth and Peel

Local Policies

The main policy against which the application for development approval must be assessed is the Town’s adopted Local Planning Policy No. 1 – Town Centre Strategy and Guidelines.

Consultation:

Public Consultation

The application was advertised by mail to the properties highlighted in red on the following aerial photo extract.



Consultation was not applicable for the property on the opposite side of Hamilton St cnr Old Perth Rd as this site (which is also developed with a nursing home) is held in the same ownership as the development site.

A total of seven (7) public submissions were received in response to the advertising of the application with the matters raised in the submissions, along with an officer response, summarised in the following table:

| Comments in support of application | | Officer's Comments |
|------------------------------------|--|--|
| 1. | Nursing Home land use is appropriate for the site. | Supported. The proposed development incorporates (in part) an extension to an existing nursing home. A separate nursing home also exists on the opposite corner of Hamilton Street and Old Perth Road. |
| 2. | Height of building is acceptable and in keeping with streetscape noting height of building at 85 Old Perth Rd. | Supported. The Town's adopted LPP1 – Town Centre Strategy and Guidelines contemplates building heights of between 3 and 5 stories. |
| 3. | No objection if a car parking shortfall is proposed. | Conditionally Supported. |

| | | |
|---|--|---|
| | | See more detailed comments in planning assessment section of report. |
| 4. | Proposed development will benefit the immediate area greatly. | <p>Conditionally Supported.</p> <p>General development concept supported. Various detailed matters requiring further adjustment / refinement as discussed in more detail throughout the report.</p> |
| Comments objecting to the application (or components of the application) | | Officer's Comments |
| 1. | In accordance with CI 8.3 and 8.5 of LPP1, the blank wall that is more than 2m wide to the eastern end of the ground floor should be removed and replaced with shop frontages. | <p>Noted.</p> <p>The submitters' comment is acknowledged and accurately reflects the provisions contained within LPP1.</p> <p>This component of the design is the subject of more detailed discussion and consideration within the planning assessment section of the report under Design element 6.2.4 – Building Appearance.</p> |
| 2. | In accordance with CI 8.7 of LPP1, an awning should be provided along the length of the Old Perth Rd frontage and also along Hamilton St. | <p>Not supported.</p> <p>An awning is provided along the length of the commercial frontages on the Old Perth Road frontage of the development.</p> <p>This awning also wraps around the Hamilton Street frontage of the ground floor shop 3 and an awning is also provided above the entrance to the lobby immediately adjacent to shop 3.</p> <p>Provision of an awning along the full length of the Hamilton Street frontage of the development is not warranted for the following reasons:</p> <p>(a) The ground floor of the development is set back around 2.4 metres from the Hamilton Street property boundary;</p> |

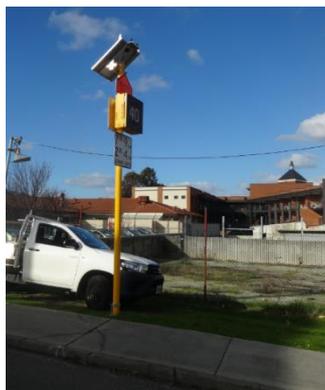
| | | |
|----|---|--|
| | | <p>(b) The Hamilton Street footpath is positioned immediately adjacent to the kerb and not the property boundary (the footpath is around 3.6m from the property boundary); and</p> <p>(c) Noting the combined 6m separation between the building alignment and footpath alignment described in points (a) and (b) above, an awning on this side of the building will serve little practical purpose.</p> |
| 3. | <p>Privacy / Overlooking – windows from the development look directly into our courtyard.</p> <p>(3 separate submissions)</p> | <p>Not supported.</p> <p>This component of the design is the subject of more detailed discussion and consideration within the planning assessment section of the report under Design element 6.4.1 – Visual Privacy.</p> |
| 4. | <p>Reduced Sunlight and Ventilation increasing dampness.</p> <p>West side of the ‘Whitfield’ development is the only open side of this development which provides a breezeway and view.</p> <p>(5 separate submissions)</p> | <p>Not Supported.</p> <p>While it is acknowledged that the proposed development, if approved, would cast afternoon shadow toward the ‘Whitfield’ development, the proposal is fully compliant with overshadowing provisions contained within both the R-Codes and the Town’s LPP1 – Town Centre Strategy and Guidelines.</p> |
| 5. | <p>Increased noise, traffic and pollution from staff, residents and visitors.</p> <p>(2 separate submissions)</p> | <p>Not supported.</p> <p>The land uses proposed are consistent with those already established within the Town Centre and the intensity of development is commensurate with that expected within the Town Centre.</p> |
| 6. | <p>The Whitfield development is mostly 3 stories and would be dwarfed / towered over by a 5 storey building adjacent.</p> <p>(4 separate submissions)</p> | <p>Not supported.</p> <p>The building height contemplated is accommodated by the Town’s adopted LPP1 – Town Centre Strategy and Guidelines, which sets down parameters for development of this kind.</p> |

| | | |
|-----|---|--|
| 7. | <p>Proximity of development – potential fire hazard if too close.</p> <p>(2 separate submissions)</p> | <p>Not supported.</p> <p>This is a matter that will be appropriately addressed in conjunction with the application for a building permit for the proposed development.</p> |
| 8. | <p>A drainage problem already exists with the nursing home which will be exacerbated by the excavation required for the car park.</p> | <p>Not supported.</p> <p>This is a matter for which information has been provided in support of the application for development approval, and for which more detailed information will also need to be provided in support of the application for a building permit.</p> <p>Drainage associated with any completed development needs to be appropriately contained on site / disposed of, and if this is not occurring, there are compliance actions that can be undertaken to address any areas of non-compliance.</p> |
| 9. | <p>Adverse impact on property values.</p> <p>(4 separate submissions)</p> | <p>Not supported.</p> <p>The impact (if any) on the value of other properties is unknown and is not a valid planning consideration.</p> |
| 10. | <p>A smaller development closer in character to the existing nursing home buildings would be supported.</p> <p>(2 separate submissions)</p> | <p>Noted.</p> <p>Comments regarding building height are addressed above.</p> |

Consultation with other Agencies or Consultants

Main Roads Western Australia (MRWA)

The proposed development was referred to MRWA as the proposed new crossover which serves the main car park for the development conflicts with the location of the recently installed electronic 40kph school zone sign that is shown in the photo below.



The proposed development would require the sign to be located approximately 2m toward Old Perth Rd (south). MRWA have advised that the proposed re-location can be accommodated, and the applicant will need to liaise directly with this agency with respect to required works

Department of Water and Environmental Regulation (DWER)

The proposed development was referred to DWER as lots 84-85 (Nos. 68-70) Old Perth Rd were each reported as suspected contaminated sites under the Contaminated Sites Act 2003 in February 2014, noting the former use of these lots as a service station / mechanical repair station.

DWER advise that the proposed development involves a change of land use from a potentially contaminating activity to a sensitive land use and therefore, DWER would typically recommend that a condition be placed on any approval granted for the development requiring the assessment and, if required, management of contamination to ensure that the site is suitable for the proposed development.

DWER also note that the application documentation includes a letter dated 11 Jan 2016 from an accredited contaminated sites auditor (Vanessa Bryant of Senversa) which demonstrates that appropriate action has commenced in relation to the site. (Also see Annexure 10 – Contaminated Site Audit (Senversa) to Applicant's planning report)

To ensure that identified contamination is appropriately managed or remediated prior to development, DWER have recommended that the following contamination condition and advice note be included in any approval granted for development of the site:

“Condition X

- a) *Prior to commencement of development, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.*
- b) *If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works to the satisfaction of the Western Australian Planning Commission on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.*

Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines. (Department of Water and Environmental Regulation)

Advice

In relation to Condition [X] and in accordance with regulation 31(1) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition [X]. A current list of accredited auditors is available from www.dwer.wa.gov.au."

DWER go on to state that the site is identified as having a moderate to low risk of acid sulfate soils occurring within 3m of natural ground level, but a high to moderate risk beyond 3m beneath natural ground level, and that a similar development adjacent to the proposed development required active management of acid sulfate soils. DWER advise that it is also likely that acid sulfate soil disturbance will occur through soil excavation and dewatering activities in conjunction with the proposed development. On this basis, they also recommend that the following acid sulfate soil condition and advice note be applied in the event that the proposed development is approved:

"Condition X

- a) *An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation)*

Advice

Condition [X] makes reference to an "acid sulphate soils self-assessment form". This form can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au.

The "acid sulphate soils self-assessment form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation website at: www.dwer.wa.gov.au."

External Design Review

The Town took the opportunity to seek independent design review input following an earlier attempt to submit an application for the proposed development (this earlier application was not formalised).

This design review took the form of planning staff from the Town discussing the plans with an Architect from Hames Sharley, the consultants who had been responsible for preparation of LPP1 – Town Centre Strategy and Guidelines.

Comments resulting from this initial design review which were conveyed to the applicant are provided below:

Comments Resulting from Architectural Review including consideration of Bulk and Scale (recession plane for solar access for street) along with Cross Ventilation and Solar Access for development itself

- Open up the ground level courtyard to more sun (increase size), noting:
 - (a) the limited solar access that is afforded to this space; and
 - (b) the scale of built form surrounding this space.
(i.e. four storeys of built form around a small courtyard)

Consider opportunities to bring at least the nursing home levels of the building out to the Old Perth Road and Hamilton Street property boundaries to assist in this respect (opportunity exists for these levels of the building being brought out to street boundaries);

- Landscaping detail shown on drawings for central courtyards are highly misrepresentative of landscape treatment that could actually be achieved within this space (drawings show 7m high trees on top of concrete slab to car park below with planters incorporating 400mm soil depth);
- Activate the area in front of the blank wall on the Hamilton Street side of the building which sits between shop 3 and the car park entry (i.e. consider incorporating a break out space for nursing home patients and their families into the design on the outside of the building into the design of the project);
- Blank wall to transformer and fire pump room on Old Perth Road frontage of the development only acceptable if a suitable public art concept can be formulated for consideration in conjunction with the application for development approval;
- Increase size of entry foyer to development and consider relocation to corner of building or Old Perth Road frontage;
- Provide weather protection to entry foyer (none shown on perspectives);
- Consider direct link between entry foyer and adjoining commercial tenancy, especially if it is contemplated that it may be a café;
- Consider balconies surrounding lounges on OPR / Hamilton St corner;
- Reconsider the impact of the modifications to the existing entry to the existing section of nursing home facing Hamilton Street. The revised entry arrangement is considered to be inferior to that which currently exists. An entry of an equivalent standard to that which currently exists should be maintained as the existing section of nursing home will operate independently from the new section of development;

- Open up corridors throughout the proposed development to the outside through the introduction of windows and 'view corridors' within the building. Proposed development is very internalised and internal amenity for nursing home in particular but also apartment occupiers could be improved greatly by internal design adjustments to provide a relationship between the inside spaces and the outside. At the moment, the view down corridors is commonly to exit doors or blank walls. See markings on attached plans for a diagrammatic explanation in this respect;
- Integration of two buildings and carrying over architectural language from existing structure into new building. Perspectives show a very different built form between what is proposed and what is existing. Consider introducing some sections of pitched roof over some of the lower sections of the proposed building to tie in with the pitched roof form of the existing building (and the pitched roof which is proposed over the uppermost level of the proposed building);
- Crime Prevention Through Environmental Design (CPTED) – be mindful of the emergency exit next to the fire pump room – don't create a space which is enclosed on both sides (as shown on the perspectives). Make sure that the right hand side of this area is not enclosed and is stepped back to tie in with the same design approach that has been utilised with the adjoining 'Whitfield' development (see attached photo)

Building Bulk

No concerns held with building bulk, provided that shadowing does not extend beyond kerb line on opposite side of Old Perth Road. Indeed, it was suggested that it may be possible to bring some sections of the building closer to street boundaries.

Cross Ventilation / Solar Access

If there is a desire to push forward with the design concept as presented (what I will call the donut design for ease of reference) in lieu of a design incorporating a single building layer along street boundaries along with fully enclosed circulation spaces for the apartments, which are both notionally at odds with the design approach advocated within the Town Centre Policy and Strategy should only be supported where there is refinement to the design concept to provide:

- Increased size central courtyard;
- Improved cross-ventilation within individual units; and
- Refinement to design to allow optimised solar access to living areas.

Within Part 6 of their written planning report ('Response to Pre-Application Issues'), the applicant has provided comment in relation to how the plans that are now the subject of formal consideration were modified in relation to the pre-application discussions.

The main changes that have resulted from the drawings that are now the subject of consideration to those which were first provided to the Town are summarised as follows:

- Ground level courtyard increased in size from approximately 8m x 12.5m (96 sq.m) to 11.5m x 14.5m (167 sq.m);
- Slight increase in extent of active frontage to Hamilton St frontage;
- Re-location of vehicle access to car park from Old Perth Rd frontage to Hamilton St frontage;
- Introduction of balconies to the nursing home component of the development at the Hamilton St / Old Perth Rd corner of the development;
- Introduction of sections of 'mid-level' pitched roof on the additions in an attempt to provide greater connectivity in design between existing building and proposed works; and
- Significant design re-configuration to Multiple Dwellings in order to provide enhanced solar access to living areas and opportunities for cross-ventilation along with provision of vented sky lights to all multiple dwellings on the third floor.

In general, the design changes are seen to have positively improved the design from that which was first presented to the Town.

Planning assessment:

A summary of the planning assessment is provided below:

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|-----------------------|---|---|---|
| 6.1.1 Building Size | Maximum permissible plot ratio of 2.0. | <p>Clause 7.5 – Building Envelope:</p> <p>An agreed envelope of footprint and height will define new development on each lot. There is no plot ratio limit in the Town Centre.</p> <p>A minimum height of 3 storeys or 10 metres is set for buildings in the Town Centre.</p> | <p>Complies.</p> <p>No plot ratio limit prescribed.</p> |
| 6.1.2 Building height | <p>Top of external wall = 18m.</p> <p>Top of pitched roof = 21m.</p> | <p>Clause 7.5 – Building Envelope:</p> <p>A minimum height of 3 storeys and a maximum height of 5 storeys.</p> | <p>Complies.</p> <p>A maximum building height of 5 storeys is proposed.</p> |
| 6.1.3 Street setback | <p>Min primary street setback 2 m.</p> <p>Minimum secondary street setback 2 m.</p> | <p>Clause 7.5 – Building Envelope:</p> <p>Development should generally have nil setback to front and side boundaries.</p> <p>Residential entry foyers at ground level can have a nil setback.</p> | <p>Complies.</p> <p>Nil setback generally to ground floor commercial development on Old Perth Road frontage of development site.</p> <p>2.4m setback generally to ground floor on Hamilton</p> |

| | | | Street frontage of development site. |
|---|--|--|--|
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.1.4 Lot boundary setbacks | Table 5 = prescribed side setback of 4m. | Clause 7.5 – Building Envelope: Development should generally have nil set back to front and side boundaries. Rear setbacks should be provided suitable to accommodate parking and avoid overshadowing of neighbouring buildings. Rear setbacks from residential adjoining should provide privacy and comply with R Code requirements. | Does Not Comply with Deemed-to-Comply provisions of the R-Codes. Consideration against Design principles required. See detailed comments, below. |
| Provisions within LPP1 take precedence over those specified within Table 5 of the R-Codes. However, acceptability of side setbacks proposed alongside the 'Whitfield' development at Nos. 78-80 Old Perth Rd are largely to be determined having regard to visual privacy considerations. As such, see further comment in part 6.4.2 – Visual Privacy, later within the report. | | | |
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.1.5 Open space | No requirements specified. | No requirements specified. | Complies. |
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.2.1 Street surveillance | Street elevation addresses street and | Clause 8.7 – Awnings, canopies and balconies: | Does not comply with LPP1 requirements. |

| | | | |
|--|---|---|--|
| | <p>clearly defined entry.</p> <p>Building has habitable room windows or balconies facing street.</p> <p>Basement parking structures no more than 1m above ground level.</p> | <p>Other elements such as balconies and terraces provide spaces for people to be part of the street environment and contribute to passive surveillance as 'eyes on the street'.</p> <ul style="list-style-type: none"> • Balconies and terraces are encouraged on street facades in residential and mixed use buildings; and • Balconies should have predominantly open balustrades, while considering the need for screening of washing and air conditioner units and solar screens. | <p>Consideration against the provisions of CI 6.3 – Variation Discretion of LPP1 required in relation to balcony design.</p> |
|--|---|---|--|

The proposal demonstrates compliance with R-Code provisions as both the Hamilton Street and Old Perth Road frontages of the building address the street with facades parallel to the street and clearly defined entry points which are visible and accessed from the street.

The building has both habitable room windows and balconies which face each of the street frontages although the balustrading to the balconies is more solid than open which conflicts with the requirements contained within LPP1 and which calls for “predominantly open balustrades”.

This matter could be addressed by way of condition of approval, if the development were to be approved.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|-------------------------------|--|---|--|
| 6.2.2 Street walls and fences | Front walls and fences within the front setback are visually | Clause 9.5 – Safety and Security: Solid fencing / screening above 0.8m high is | Does not comply with provisions of LPP1 – Town Centre Strategy and Guidelines |

| | <p>permeable above 1.2m</p> | <p>discouraged on street frontages.</p> | <p>Consideration against the provisions of Cl 6.3 – Variation Discretion of LPP1 required in relation to wall/fence heights within the Hamilton St street setback area.</p> <p>Hamilton Street frontage of site contains two sections of solid brick wall/fence (one adjacent to car park entry and one adjacent to main lobby) which each exceed 0.8m in height above natural ground level.</p> <p>No solid fencing on Old Perth Road frontage of site.</p> |
|---|--|---|--|
| <p>The solid wall/fence alongside the main entry to the car park reaches approximately 1.65m in height above natural ground level.</p> <p>The solid wall/fence alongside the main entry lobby reaches approximately 1.05m in height above natural ground level.</p> <p>There is nothing preventing the height of these sections of solid wall/fence being lowered to meet provisions contained within LPP1, and lowering height would have beneficial outcomes from a crime prevention through environmental design (CPTED) perspective.</p> <p>This matter could be addressed by way of condition of approval, if the development were to be approved.</p> | | | |
| <p>Design Element</p> | <p>Residential Design Codes</p> | <p>Town Centre Strategy</p> | <p>Compliance / Officer Comments</p> |
| <p>6.2.3 Sight lines</p> | <p>Walls, fences and other structures truncated within a 1.5m x 1.5m truncation area</p> | <p>No specific provisions.</p> | <p>Complies.</p> |

| | adjacent to intersection of driveway and street alignment. | | |
|--|--|--|---|
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.2.4 Building appearance | Buildings that comply with the provisions of a special control area. | <p>Part 8, including:</p> <ul style="list-style-type: none"> • 8.2 – Building character; • 8.3 – Facades; • 8.4 – Roofs; • 8.5 – Old Perth Road frontage; • 8.6 – Building Entry; • 8.7 – Awnings, canopies & balconies; • 8.8 – Materials and colour; • 8.9 – Signage and public art; and • 8.10 – Plant and equipment. <p>See more detailed comments on policy requirements, below.</p> | <p>Does not comply with provisions of LPP1 – Town Centre Strategy and Guidelines</p> <p>Consideration against the provisions of CI 6.3 – Variation Discretion of LPP1 required in relation to various components of design as discussed below.</p> |
| <p>LPP1 – Town Centre Strategy and Guidelines sets down detailed design requirements for new development as summarised below:</p> <p><u>8.2 - Building Character:</u></p> <ul style="list-style-type: none"> • Buildings should reflect contemporary lifestyle, function and materials and not mimic historic styles; and • Buildings should have a proportion and scale appropriate to their location and respecting neighbouring buildings. <p><u>8.3 – Facades:</u></p> <ul style="list-style-type: none"> • Ground floor facades should be distinctive from upper levels; • Circulation spaces such as stairs and foyers should be positioned and glazed to add activity that is visible from the street; and • Glazing of facades is encouraged to provide visibility between inside and outside the building. | | | |

8.4 – Roofs:

- Pitched roofs should respect and be consistent in pitch with roofs in close proximity.

8.5 – Old Perth Road frontage:

- Non-residential and mixed use buildings shall have nil setbacks to Old Perth Road frontage;
- Glazed shopfronts are required in retail and commercial buildings. Old Perth Road facades should have a minimum of 80% clear glazed area at ground level;
- Blank walls longer than 2.0 metres at street level are not permitted;
- Upper levels of buildings fronting Old Perth Road should include functional size balconies; and
- All frontages on Old Perth Road should be well illuminated.

8.6 – Building Entry:

- The primary building entrance should be clearly identifiable and visible from the primary street; and
- Pedestrian shelter, signage and lighting should be provided at primary entrances.

8.7 – Awnings, Canopies and Balconies:

- Residential and mixed use buildings shall have pedestrian shelter such as awnings or canopies over entrances;
- Balconies and terraces are encouraged on street facades in residential and mixed use buildings; and
- Balconies should have predominantly open balustrades, while considering the need for screening of washing and air conditioner units and solar screens.

8.8 – Materials and Colour:

- Respond to neighbouring buildings with complimentary colours and materials; and
- A limited palette of external colours and building materials should be used to ensure building harmony.

8.9 – Signage and Public Art:

- Refer to public art policy and master plan and commercial advertising signage policy;
- A public realm contribution of 2% of building construction cost will be required for development in Bassendean Town Centre. This includes provision for public art;
- All building signage will be of a high standard and generally not exceed 5% of the building wall area to which it is fixed;
- Signage suspended below awnings, canopies or balconies or cantilevered will have a minimum clearance above footpath level of 2.7m; and
- Signage shall not obscure display windows by more than 5% area.

The following comments are provided in relation to the Town's assessment of applicable LPP1 provisions (Note: where no comments are provided, it is seen that policy provisions have been satisfactorily addressed):

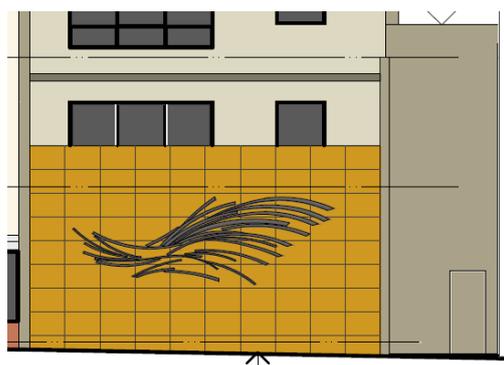
Stairwell on Hamilton St Frontage of Development

A stairwell has been positioned on the Hamilton St frontage of the development, but has not been glazed in any manner, contrary to the preferred arrangement identified within LPP1. Given the floor level of the landings within the stair, it is difficult (although not impossible) to position windows so that they would line up with other windows on either side of the stairwell. Given that the stair occupies only a very small proportion of the façade and that there is a large number of other windows and balconies facing Hamilton St, the stairwell is considered to be acceptable as proposed in this instance.

Extent of Blank Wall to Old Perth Road Frontage

The development incorporates a section of blank wall at the eastern end of the Old Perth Rd frontage that is 12m in length whereas LPP1 restricts sections of blank wall to 2m in length.

The drawings show a transformer compound, fire pump room and fire escape / fire tanks in this location as shown in the extract from the Old Perth Rd elevation, shown below. The prominence of this blank section of wall is exacerbated by the fact that it also constitutes balustrade associated with a common lounge area of the nursing home component of the development. This solid balustrade should be replaced with open balustrade in accordance with LPP1 requirements.



In acknowledgement of the conflict with LPP1 policy provisions, the applicant has notionally shown this section of wall as being the location of the public art for the development.

This approach should only be accepted if an appropriately designed piece of public art can be commissioned for this location. If not, the design should be adjusted to remove the transformer and fire pump rooms and replace these spaces with shop fronts and associated awnings as per the remainder of the Old Perth Rd frontage of the proposed development. This could be dealt with by way of a condition if the development were to be approved.

Functional Size Balconies

This is the subject of more detailed discussion under Design Element 6.3.1 – Outdoor Living Areas. As presented, concern is held with respect to the functionality of a number of balconies for the proposed multiple dwellings.

Predominantly Open Balustrades to Balconies

LPP1 specifies a requirement for the balustrade of balconies to be predominantly open. Contrary to this requirement, the balustrade design that has been incorporated into the design is predominantly solid, with a lesser amount of glazed balustrade used in the design. This matter could be dealt with by way of a condition, if the development were to be approved.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|----------------------------|--|--|--|
| 6.3.1 Outdoor living areas | Each unit to be provided with at least one balcony or equivalent accessed directly from a habitable room with a min area of 10 sq.m and min dimension of 2.4m. | Clause 8.5 – Old Perth Road Frontage: Upper levels of buildings fronting Old Perth Road should include functional size balconies. | Does Not Comply with Deemed-to-Comply provisions of the R-Codes. Consideration against Design principles required. See detailed comments, below. |

Balconies for units 2, 3, 4, 5, 6, 7, 8, 9, 12 and 18 meet the requirements contained within the DTC provisions of the R-Codes.

Balconies for units 1, 10, 11, 13, 14, 15, 16 and 17 do not meet the requirements contained within the DTC provisions of the R-Codes and accordingly must be assessed against the associated Design principles.

Design principle 6.3.1 (P1) requires:

“Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.”

The applicant’s planning report states that the multiple dwellings have generally been designed in accordance with the 10 sq.m area with 2.4m dimension requirements that are specified within cl 6.3.1 of the R-Codes. It goes on to state that:

“Units 10, 11, 14 & 15 have smaller balconies, and these have been made smaller to provide for solar access to dwellings below. However, these balconies are still of sufficient size to be used for over 55’s occupants and therefore, still satisfy the Design Principles of Part 6.3.1 which requires balconies to be used in conjunction with a habitable room and (if possible) open to winter sun.”

This does not actually explain how the balconies are of a sufficient size (i.e. by way of plans showing how they could be appropriately furnished) and makes no comment about access to winter sun.

The following balconies have area and/or dimensions that are less than those specified within the DTC provisions of the R-Codes:

- U1: 3.05m x 2.85m = 8.69 sq.m (plus extra 'unusable' area of 5.0m x 1.2m);
- U10: 3.05m x 2.20m = 6.71 sq.m (plus extra 'unusable' area of 4.4m x 0.5m);
- U11: 4.20m x 1.80m = 7.56 sq.m (plus extra 'unusable' area of 1.3m x 3.8m);
- U13: 3.00m x 3.10m = 9.30 sq.m (plus extra 'unusable' area of 1.2m x 0.7m);
- U14: 2.65m x 2.70m = 7.16 sq.m (plus second balcony of 1.6m x 2.8m = 4.48 sq.m);
- U15: 3.50m x 1.8m = 6.30 sq.m;
- U16: 3.70m x 2.60m = 9.62 sq.m (plus extra usable area of 2.0m x 1.4m) along with second balcony of 5.10m x 1.40m = 7.10 sq.m;
- U17: 3.00m x 2.80m = 8.40 sq.m.

With the exception of the balcony for U16 (and possibly U13) all of the balconies above are seen to be unreasonably small and/or have unreasonably restricted dimensions that will detrimentally affect their use.

There is the capacity to quite simply modify all of the balconies identified above to meet the area and dimension requirements specified within the DTC provisions of the R-Codes. Only one such balcony adjustment would cause impact on northern solar access to another dwelling (increasing size of balcony to U15 will affect solar access to U6). Adjustments that can be made to balconies, along with any associated impact on solar access to other dwellings, is identified below:

(Unless detailed otherwise, the suggested change does not result in adverse solar access impacts for any other unit)

- U1: Extend balcony toward Hamilton St (west) or Old Perth Rd (south);
- U10: As per discussion above for U1;
- U11: Extend balcony to the north to extent required to achieve 10 sq.m area;
- U13: As per discussion above for U11;
- U14: Extend balcony to the west to extent required to achieve 10 sq.m area;
- U15: Extend balcony to north to extent required to achieve 10 sq.m area (it is noted that this change will have some limited impact on 6);
- U16: Adjust section of balcony immediately adjacent to B2 of U15 in order to provide balcony of prescribed overall size with 2.4m dimension;
- U17: Extend balcony toward Old Perth Rd (south).

This matter could be addressed by way of condition of approval (requiring balconies to be adjusted in the manner identified above), if the development were to be approved.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|-------------------|--|--|---|
| 6.3.2 Landscaping | Landscaping of open spaces in accordance with the following: <ul style="list-style-type: none"> • Separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with public footpath and car parking areas; • Lighting to pathways and car parking areas; and • Clear sight lines at pedestrian and vehicle crossings. | Clause 7.10 – Landscape and Hardscape All spaces around buildings are to be designed to offer attractive amenity for users and passers-by. <ul style="list-style-type: none"> • A town centre public realm contribution of 2% of development cost will be payable to Council as a condition of development approval; • Landscape provision will be assessed on quality rather than quantity; and • Generally use water-wise and indigenous plant species. | <p>Does not demonstrate compliance with Deemed-to-Comply provisions of the R-Codes.</p> <p>See detailed comments, below.</p> |

Landscape Plan

The landscape plan has been reviewed by the Town’s Parks and Gardens Supervisor who has indicated that he is generally happy with the plant species selected and that the plan is generally acceptable.

The plan shows retention of existing street trees within the road reserve adjoining the site along with an existing Jacaranda on site alongside the ‘service entrance’ to the development. The plan is outdated, however, in that it shows works within the Hamilton Street road reserve that are no longer proposed (embayed parking and footpath re-location), so it should be updated to reflect existing verge treatments that are proposed to be retained. In doing so, it should show how the existing ‘soft’ verge area along Hamilton Street is

to be treated and should also incorporate provision of street tree planting within the Hamilton Street verge area.

The need for an updated landscape plan to be provided, implemented and for landscaping to be subsequently maintained throughout the life of the development can be dealt with by way of conditions in the event that the proposed development is approved.

R-Codes

The R-Codes requires that the development incorporate lighting to pedestrian pathways and car parking areas (the Town’s LPP1 – Town Centre Strategy and Guidelines separately includes a requirements relating to lighting as specified within Part 9.6 – External Lighting). Lighting requirements can be dealt with by way of a condition in the event that the proposed development is approved.

6.3.3 – Parking (Cars)

The requirements for the provision of on-site car parking spaces for the development are set down by provisions contained within:

- The R-Codes for Multiple Dwellings; and
- LPS10 for the Shops and Nursing Home.

Also of relevance are provisions contained within:

- LPP1 – Town Centre Strategy and Guidelines; and
- SPP4.2 – Activity Centres for Perth and Peel.

| | Provided by Proposed Development | Prescribed by R-Codes or LPS10 | If SPP 4.2 – Activity Centres is used | Officer Comment |
|----------------------------------|---|--|--|--|
| 18 Multiple Dwellings | 18 | 19 (1 bay per unit for units 2-9 & 11-18) (1.25 bays per unit for units 1 & 10). | 19 | Accept 18 bays (1 bay per unit) |
| Multiple Dwelling Visitor | 5 | 5 (0.25 bays per unit) | 5 | Visitor bays not to be solely restricted to multiple dwellings |

| | | | | |
|-------------------------------|-----------|---|---|--|
| Nursing Home and Shops | 27 | 38 (LPS10 requirement for Nursing Home is 1 bay per 5 beds) (LPS10 requirement for Shops is 8 per 100 sq.m of gross floor area) | 31 (SPP 4.2 Activity Centre suggests provision of 4-5 bays per 100 sq.m of floor area for shops) | Accept 27 bays |
| Un-allocated visitor | 1 | 0 | 0 | 6 visitor bays for the shared use of all components of the development |
| Accessible (Disabled) | 1 | 0* | 0 | 1 accessible bay for the shared use of all components of the development |
| TOTAL | 52 | 62 | 55 | 52** |

* Although an accessible bay is not prescribed by the Scheme or Codes, one of the matters to be considered by local government (under cl 67(u)(v) of the Local Planning Scheme Regulations) is that consideration be given to “access by older people and people with a disability.” Also, noting the non-residential nature of the development, car parking provision for people with a disability is a mandatory requirement from a Building Code perspective.

** It is considered reasonable to accept the car parking concession for the following reasons, but subject to the following listed requirements:

Reasons:

- (a) The Town has accepted a car parking concession for other new commercial development within the Town Centre where the number of bays has aligned with parking ratios set down within SPP4.2 – Activity Centres for Perth and Peel;
- (b) There are 3 existing car parking bays within the road reserve directly in front of the development site;

- (c) Four motorcycle / scooter bays are provided (as advocated by LPP1 – Town Centre Strategy and Guidelines);
- (d) There is potential for there to be some degree of reciprocity of use within the development;
- (e) There is potential for there to be some degree of public transport use associated with the development noting the proximity of the development site to the Bassendean Train Station, while also being located on a bus route; and
- (f) There is potential for there to be some degree of bicycle use associated with the proposed development (provided that this mode of transport is adequately catered for) (see further comments in next section of report in relation to this matter).

Requirements:

- (a) In the event that there is future strata titling of the site, the following car parking distribution shall be included on any strata plan:
 - Multiple Dwellings – 1 bay per dwelling (18 bays total);
 - Nursing Home – 20 bays;
 - Shop 1 – 2 bays;
 - Shop 2 – 2 bays;
 - Shop 3 – 3 bays; and
 - 7 shared use visitor bays (inclusive of the accessible car bay) shall remain unallocated to any individual tenancy / strata lot.
- (b) Provision of enhanced bicycle parking facilities for the development (see next section of report for further discussion on this matter).

6.3.3 – Parking (Bicycles)

The requirements for the provision of bicycle spaces for the development (as well as end of trip facilities) are set down by provisions contained within:

- The R-Codes for Multiple Dwellings; and
- LPS10 for the Shops and Nursing Home.

Also of relevance are provisions contained within:

- LPP1 – Town Centre Strategy and Guidelines; and
- SPP4.2 – Activity Centres for Perth and Peel.

| | Prescribed by R-Codes or LPS10 | If SPP 4.2 – Activity Centres is used | Provided by proposed development |
|----------------------------------|---------------------------------------|--|---|
| 18 Multiple Dwellings | 6 | N/A | 0 designated for MD's. |
| Multiple Dwelling Visitor | 2 | N/A | 0 designated for MD visitors. |

| | | | |
|--|--------------------|---|---|
| Nursing Home and Shops | See Comments below | Motorcycles and bicycles provided at 5-10% of all bays. (Approx. 3) | 0 designated for Nursing Home and Shops. |
| Un-Allocated spaces within car parking area | N/A | N/A | 8 (4 racks that can each hold 2 x bikes) |
| TOTAL | Approx. 11 | | 8 |

Clause 4.7.6 of LPS10 is titled ‘Bicycle Facilities’ and states that:

“The local government may require the provision of facilities that provide for and encourage cycling as part of any private development. Such facilities shall provide for storage and parking of bicycles and change rooms/showers for cyclists.”

Bicycle parking is also addressed within LPP4.2 – Activity Centres for Perth and Peel as follows:

3.4 Cycling

The planning and development of activity centres should also make greater provision to encourage cycling for centre employees and visitors²⁸.



Cycling is an under-exploited and healthy mode of transport. It is inexpensive, reliable and convenient, particularly for shorter trips.

Planning considerations:

| | |
|------------------------|---|
| Network provision | To promote cycling as a viable mode of transport provision should be made for a comprehensive network ²⁹ that connects the centre safely and conveniently to other local destinations. This includes dedicated or shared paths and the reallocation of road space to provide more space for cyclists, such as cycle lanes or bus lanes where cyclists are permitted. |
| End of trip facilities | Facilities should be provided to cater for and promote cycling within commercial and community developments such as showers, change rooms and lockers. |
| Cycle parking | Standards to ensure the supply of adequate cycle parking for public and private use should be adopted and mandated as part of the development control process. |

Having regard to the comments and information provided above, it would be appropriate for additional bicycle parking spaces to be provided within the secure car park (an additional two racks, catering for an additional 4 bicycles) plus provision of at least two bike racks external to the development for visitor / customer use.

| <p>End of trip facilities are provided for the nursing home (separate male and female showers and a shared locker area), and a shower has been provided within the accessible ground floor toilet for the ground floor shops. Given their small size this limited provision for the ground floor shop tenancies (single shared shower only, no lockers) is considered acceptable.</p> | | | |
|---|---|--|---|
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| <p>6.3.4 Design of car parking spaces</p> | <p>Car parking bays and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended).</p> <p>Visitor spaces marked and retained for such use, and outside security barrier.</p> <p>Car parking spaces (except visitors bays) concealed from view of the street.</p> | <p>Clause 7.4 – Development Type and Intensity in Bassendean:</p> <p>“Common parking areas below ground are encouraged.”</p> <p>Ground Level car parking area provided for development with car bays screened from view of the street.</p> | <p>Does not comply.</p> <ul style="list-style-type: none"> • Accessible car bay and adjoining visitor car parking bay are both under length; • Column position within this visitor bay does not demonstrate compliance with positioning specified within AS2890.1; and • Aisle width between shared use car parking bays 19 and 20 is under width <p>See detailed discussion below.</p> |
| <p>Visitor parking spaces are located within the basement, however this not uncommon for a building that is designed in an ‘urban’ context (i.e. without large street setbacks where such bays would ordinarily be located). Location of visitor bays within basement is supported (as exists for adjoining development) provided that suitable arrangements can be made for access, and that there are conditions specifying the need for these bays to be made available for visitor use.</p> <p>The length of the accessible car parking bay and adjoining visitor car parking bay must each be increased in length from 5.2 metres to 5.4 metres with the column to the rear of the visitor bay positioned in accordance with Figure 5.2 of AS2890.1.</p> | | | |

| <p>The aisle width between shared use car parking bays 19 and 20 must be increased from 5.8 metres to 6.1 metres minimum to satisfy the provisions contained within CI 2.5.2 of AS2890.1.</p> | | | |
|---|---|---|---|
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| <p>6.3.5 Vehicular Access</p> | <p>Vehicular access is limited to one opening per 20m street frontage that is visible from the street.</p> <p>Access to on site parking spaces is to be provided from the secondary street (Hamilton Street)</p> <p>Driveways designed for two way access to allow for vehicles to enter the street in forward gear.</p> <p>Driveways to be adequately paved and drained.</p> | <p>Clause 7.9 – Vehicle movement and parking:</p> <p>Parking should be accessed from secondary streets and not from Old Perth Road. Parking should be located to rear of or below buildings.</p> <p>Crossovers should be limited to one crossover (3 – 6m wide) per development site. Crossovers should match footpath colour.”</p> <p>Service and delivery should be provided discretely and in minimal space.</p> | <p>Does not comply with either Deemed-to-comply provisions of the R-Codes nor LPP1 requirements.</p> <p>Consideration against Design principles of R-Codes and CI 6.3 – Variation Discretion of LPP1 required in relation to proposal for two crossovers on Hamilton Street.</p> <p>See detailed discussion below.</p> |
| <p>The existing Nursing Home has a crossover on the Hamilton Street frontage of the development site which is proposed to be retained.</p> <p>There were two crossovers associated with the former car yard site (one at the street corner where Hamilton Street and Old Perth Road intersect and a second at the eastern end of the Old Perth Road frontage) which are both to be removed.</p> | | | |

A new (second) crossover is proposed to be installed on the Hamilton Street frontage of the site. The two crossovers are separated from each other by 10.2 metres.

Noting this, vehicle access arrangements must be considered against the Design principles contained within cl 6.3.5 P5 which requires:

“Vehicular access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.”

The existing crossover is intended to serve a space that will be used for deliveries and rubbish collection (for the Nursing Home).

Proposed arrangements are supported noting that:

- Vehicle access has been restricted to Hamilton Street as required by LPP1 and the R-Codes;
- Two crossovers allows for separation of cars and trucks;
- Overall number of crossovers to the site has decreased from three to two; and
- Two crossovers for a development site with over 145 metres of street frontage (as is the case with the proposed development) is not excessive.

A separate application will need to be made to the Town for the proposed new crossover.

The vehicle access to the lower ground floor ramp incorporates a change in levels of approximately 1m and the drawings do not provide sufficient information to demonstrate that the ramp has been appropriately designed with respect to gradient and transitions at the base of the ramp, across the building line and across the property boundary.

In the event that approval were to be granted, it would be appropriate that this matter be dealt with by way of a condition of approval.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|------------------|--|-------------------------|-------------------------------|
| 6.3.6 Site works | Excavation or filling between the street and a building not exceeding 0.5m except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling. | No specific provisions. | Complies. |

| | | | |
|---|---|--|---|
| | Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements. | | |
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.3.7 Retaining walls | Where a retaining wall less than 0.5m high is required on a lot boundary, it may be located up to the lot boundary. | No specific provisions. | Complies. |
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.3.8 Stormwater management | All storm water being directed to garden areas, sumps or rainwater tanks within the development site if possible. | <p>Clause 9.2 – Services and Infrastructure:</p> <p>“All stormwater shall be contained on site or connected to drainage points where supplied.”</p> <p>Local Planning Policy No. 14 (LPP14) – On-site Stormwater Policy also applies to the development.</p> | <p>Does not comply with Deemed-to-Comply provisions of the R-Codes.</p> <p>Consideration against Design principles and Town’s Local Planning Policy No. 14 – On-Site Stormwater Policy required.</p> |
| <p>The applicant has provided a “Stormwater Drainage Management Plan” report prepared by BPA Engineering Civil & Structural Consultants in support of the application for development approval.</p> <p>In summary, the report indicates that the site is unsuitable for stormwater disposal on site and on this basis recommends that stormwater be disposed of into the municipal drainage system.</p> | | | |

A Town of Bassendean drainage line does exist within the Old Perth Rd road reserve to the south of the development, but there is no drainage infrastructure in the Hamilton St road reserve. This suggests that stormwater associated with the existing nursing home must be contained on site via the use of soakwells.

In the event that discharge into the Town's system is proposed, LPP14 requires that at a minimum, the development be designed to accommodate a 1:20 year storm event on site with discharge into the Town's system only occurring where a storm event beyond 1:20 years is experienced. The report prepared by BPA indicates that this will be accommodated by way of a below ground storage tank. This corresponds with arrangements that were put in place for development of the adjoining 'Whitfield' development at Nos. 78-80 Old Perth Road.

The procedure that must be followed in conjunction with the application for a Building Permit is detailed in LPP14.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|-------------------------|--|---|--|
| 6.4.1 Visual Privacy | Major openings set back from lot boundaries in accordance with the cone of vision or screened. Prescribed setbacks from boundaries are: <u>3m</u> Beds / studies <u>4.5m</u> Major openings other than bedrooms <u>6m</u> Balconies | Clause 7.5 – Building Envelope: “Rear setbacks from residential adjoining should provide for privacy and comply with R code requirements.” | Does Not Comply with Deemed-to-Comply provisions of the R-Codes. Consideration against Design principles required. See detailed comments, below. |

Upper Ground Floor Level

The design incorporates two balconies (one directly outside the staff room approximately 5m in length and a second of approximately 26m in length which runs the length of nursing home bedrooms 2-8) which is set back 3m from the common boundary with the adjoining mixed use development at

Nos.78-80 Old Perth Road. Overlooking from this component of the development is not controlled by the R-Codes as it is non-residential in nature. Notwithstanding, the proposed configuration is supported for the same reasons as those described below for the residential component of the development on the second and third floor of the development.

First Floor Level

The design incorporates a balcony of approximately 34.5m in length which runs the length of nursing home bedrooms 29-37, and which is set back 3m from the common boundary with Nos. 78-80 Old Perth Road. Comments for this component of the development are the same as those for the upper ground floor level.

Second Floor Level

The design incorporates 3 multiple dwellings and a common lounge/meeting room alongside the common boundary with Nos. 78-80 Old Perth Road which each have major openings to habitable rooms / active habitable spaces that are set back a lesser distance from the common boundary than those identified within the DTC provisions of the R-Codes as described below:

U5:

- Balcony (from Lounge) – 5.5m to boundary;
- Lounge window – 3.57m setback to boundary; and
- Balcony (from B1) – 3.57m setback to boundary.

Communal Lounge / Meeting Room

- Balcony with 3.57m setback to boundary;

U6:

- Balcony – 3.57m to boundary; and
 - Lounge window – 3.57m setback to boundary.
- (3.57m setback to B2 window of U6 meets DTC provisions of R-Codes)

U7:

- Balcony – 2.7m to boundary.

Third Floor Level

The design incorporates 3 multiple dwellings alongside the common boundary with Nos. 78-80 Old Perth Road which each have major openings to habitable rooms / active habitable spaces that are set back a lesser distance from the common boundary than those identified within the DTC provisions of the R-Codes as described below:

U14:

- Balcony (from Lounge) – 5.5m to boundary;
- Lounge window – 3.57m setback to boundary; and
- Balcony (from B1) – 3.7m setback to boundary.

U15:

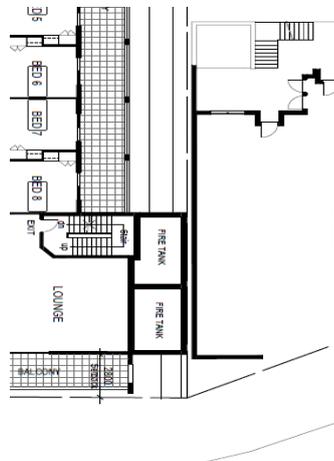
- Balcony – 3.7m to boundary; and
- Lounge window – 3.57m setback to boundary.
(3.57m setback to B2 window of U15 meets DTC provisions of R-Codes)

U16:

- Balcony – 2.7m to boundary.
(6.4m setback to Living Room window meets DTC provisions of R-Codes)

The openings to multiple dwellings on the second and third floor levels of the proposed development which are described above along with the two lower levels of nursing home are all considered to be suitable for approval under a Design principle assessment for the following reasons:

The sections of development which are closest to the Old Perth Rd end of the development sit alongside a boundary wall on the adjoining property which extends in length 22m back from the Old Perth Rd property boundary while also extending to the full height of the adjoining development. This wall is shown in the plan extract, below. As such, the portions of the development which are closest to the Old Perth Rd end of the development are looking directly toward a 3 storey blank boundary wall on the adjoining property.



The sections of development that are located centrally overlook a row of carports and vehicle access way as shown on following aerial photo extract:



The sections of development that are located furthest from Old Perth also overlook a section of car park on the adjoining development and a section of building beyond which contains bedroom windows on the first and second floors.

However, the overall separation distance between the proposed development and the wall containing those bedroom windows is 9.5 metres and this exceeds the separation distance that would result if DTC setbacks from each of the adjoining lot boundaries (i.e. 3m for bedroom + 6m for balcony) were provided. On this basis the separation distance is seen to acceptable and the Design principle met.



In addition to the reasons identified above, the following points in support of the proposed arrangement are also noted:

- Construction of the adjoining development was completed approximately two years ago, so arrangements that exist on the adjoining property are unlikely to change for a considerable period of time; and
- It is the two levels of nursing home additions that sit ‘alongside’ development on the adjoining property while the uppermost two levels of the proposed development, being the multiple dwellings, are positioned ‘above’ development on the adjoining property.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|--|--|--|---|
| 6.4.2 Solar access for adjoining sites | Not to overshadow adjoining residential properties by specified amounts (25% for adjoining R20 coded properties at Nos. 28 & 30 Whitfield St with specific | Clause 7.5 – Building Envelope: “Rear setbacks should be provided suitable to accommodate parking and avoid overshadowing of neighbouring buildings.” | Complies. Having regard to orientation of the lot, all shadow is cast toward the Old Perth Rd road reserve. |

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|-----------------------|--|---|--|
| | percentage not set for adjoining Town Centre zoned lot at Nos. 78-80 Old Perth Road. | | Rear setbacks not applicable noting that the development constitutes additions and alterations to the southern side of an existing building and that shadow cast from the proposed development is directed away from adjoining properties and toward the road reserve. |
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.4.3 Dwelling size | <p><u>1 Bed units:</u> 20% minimum (4 required / 1 proposed);</p> <p>and</p> <p>50% maximum (9 allowed / 1 proposed)</p> <p><u>2 Bed units:</u> 40% minimum (8 required / 15 proposed)</p> <p><u>3 Bed units:</u> No requirements / 2 proposed.</p> | <p>Clause 7.4 – Development Type and Intensity:</p> <p>Provision of affordable single or 2 bed apartments is encouraged.</p> <p>Smaller dwellings with, 1 bed/1bath or 2 bed/2 bath, flexible living space and limited internal fit out and finishes are encouraged to provide affordable housing for younger and older people.</p> | <p>Does Not Comply with Deemed-to-Comply provisions of the R-Codes.</p> <p>Consideration against Design principles required. See detailed comments, below.</p> |

The proposed dwelling mix is supported for the following reasons:

- 89% of the proposed dwellings fall into the 1 bed/1bath or 2 bed / 2 bath form of development advocated by LPP1;
- The development introduces 3 bedroom Multiple Dwellings within the Town Centre for the first time; and
- Even with the dwelling mix that is proposed within this individual development, the overall multiple dwelling apartment mix that is occurring within the Town Centre as a whole is satisfying the mix of dwelling types advocated by the R-Codes as shown below.

Completed Mixed Use Developments within the Town Centre include:

- 78-80 Old Perth Rd: 22 x 1 Bed and 12 x 2 Bed dwellings;
- 85 Old Perth Rd: 8 x 1 Bed and 32 x 2 Bed dwellings; and
- 93 Old Perth Rd: 10 x 1 Bed and 15 x 2 Bed dwellings.

The existing overall multiple dwelling mix is therefore:

- 1 Bed: 40 of 99 dwellings or 40.4%;
- 2 Bed: 59 of 99 dwellings or 59.6%; and
- 3 Bed: 0 of 99 dwellings or 0%.

If the proposed 18 Multiple Dwellings which form part of this development are included, the overall multiple dwelling mix within the Town Centre becomes:

- 1 Bed: 41 of 117 dwellings or 35%;
- 2 Bed: 74 of 117 dwellings or 63%; and
- 3 Bed: 2 of 117 dwellings or 2%.

The overall dwelling mix fits comfortably within that advocated by both the R-Codes and LPP1 – Town Centre Strategy and Guidelines.

| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
|--|---|--|---|
| 6.4.4 Outbuildings | Size of outbuildings as specified. | No specific provisions. | Complies. No outbuildings proposed. |
| Design Element | Residential Design Codes | Town Centre Strategy | Compliance / Officer Comments |
| 6.4.5 External fixtures, utilities and facilities | Solar collectors acceptable. Standard TV aerials, essential plumbing and water down pipes. | Clause 8.10 – Plant and Equipment: All plant and equipment must be concealed from public view using screening | Unable to Ascertain Compliance See comments, below. |

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| | <p>Other fixtures not visible or screened.</p> | <p>or other means that is an integral part of the building design. Surface mounted services, piping and conduits will not be permitted.</p> <p>Roof mounted equipment, aerials, antennas, masts etc. must be screened from all views including from above where applicable.</p> <p>Ground level or balcony mounted equipment/air conditioning plant must be well screened using materials to suit the building.</p> <p>All plant and equipment must have noise attenuation to council satisfaction.</p> <p>Telecommunications dishes are not permitted on roofs.</p> <p>Lift over runs shall be contained within the roof space or appropriately designed as an element of the building active frontages.</p> | |
| <p>In the event that the development is approved, this matter can be dealt with by way of a condition(s) of approval.</p> | | | |
| | <p>Storerooms - One per unit and 4m² with minimum dimensions of 1.5m.</p> | <p>No specific provisions.</p> | <p>Does Not Comply with Deemed-to-Comply provisions of the R-Codes.</p> |

| | | | |
|---|--|--|---|
| | | | <p>Consideration against the Design principles required. See detailed comments below.</p> |
| <p><u>Floor Area:</u> Stores for all multiple dwellings incorporate prescribed 4 sq.m internal area.</p> <p><u>Internal Dimensions:</u></p> <ul style="list-style-type: none"> • Stores 1-5, 16 and 17 appear to have a minimum internal dimension of 1.4m. • Stores 10-14 incorporate an internal dimension of 1.15m and as a result of this narrow width, their functionality is severely compromised (they have little actual usable storage area). Additionally it is not clear that these stores are associated with the car parking bays from which they are accessed. Functionality of the stores (and therefore ability to support) would increase if instead of a standard door (as proposed) they were provided with a roller-door with a width that was equivalent to the width of the car bay that the respective store was situated behind. Additionally, it would need to be confirmed that stores and adjoining car bays were associated with the same dwelling. <p><u>Access</u> Stores 6 and 7 are located behind visitor car parking bays and cannot be accessed. It is necessary for the path that runs behind apartment visitor bay 3 and apartment visitor bay 4 to be connected behind the lift in order to provide necessary access.</p> <p>Each of these matters can suitably be addressed by way of conditions in the event that the proposed development is approved.</p> | | | |
| | <p>Rubbish bins – communal pick up area addressing specified requirements.</p> | <p>Clause 7.9 – Vehicle movement and parking: “Consideration should be given to location, access to and storage of recycling and other rubbish bins including communal bin facilities.”</p> | <p>Complies Waste Management Plan has been provided and is generally acceptable but requires some refinement.</p> |

| | | | |
|--|--|---|-----------------------------------|
| | | <p>Clause 9.3 – Servicing and maintenance:</p> <p>All waste storage and delivered goods should be contained within buildings. Rubbish storage and collection facilities shall comply with the current general requirements of the Town of Bassendean and will be efficient, convenient and allow for collection of recyclable material.</p> | <p>See further comment below.</p> |
|--|--|---|-----------------------------------|

The application for development approval is supported by a Waste Management Plan (WMP) prepared by Aurora Environmental. In summary, the WMP explains that waste management will be dealt with in the following manner:

- Two separate bin storage areas are proposed which are positioned in two separate locations.
- The existing bin storage area that serves the nursing home will be retained and will continue to service the nursing home component of the development. The private collection arrangements that are in place with respect to this waste service will continue to operate as they currently do, but collection frequencies will be increased to cater for the increased size of the expanded nursing home.
- A new bin storage area will be Incorporated into the car parking area that services the development. This bin storage area will house 240L bins (general and recycling) for both the proposed 18 multiple dwellings and the 3 shop tenancies.
- The new bin storage area is of a sufficient size to accommodate the number of bins that are projected to be required based upon land uses shown on the plans that are the subject of the current application (i.e. 18 MD's and 3 shops).

There are some inconsistencies in the WMP which should be rectified by way of an updated document. For example:

- In Table 3 (pg. 8) the WMP indicates that the multiple dwellings will generate 2140L of general waste per week and 2140L of recyclables per fortnight. Based upon a weekly collection for general waste and fortnightly collection for recyclables, this equates to a need for 9 general 240L bins and 9 recycling bins for the multiple dwellings. However in Table 6 (pg. 9), the WMP states that the multiple dwellings will be provided with 8 general bins and 5 recycling bins;

| | | | |
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| <ul style="list-style-type: none"> • There should be a need for an updated WMP to be prepared in the event of future change of use to any of the shop tenancies where any proposed new use would generate additional waste; • The WMP refers to a potential need for 20 bins to be placed kerbside for collection but does not account for bins associated with the commercial tenancies that will also need to be placed kerbside for collection; and • The WMP should set the number of bins that are to be provided for each of the uses. A definitive figure is needed by the Town in order that matters such as delivery of the correct number of bins and setting of correct rubbish charges to different components of the development can be set. <p>In the event that development approval is granted, the need for an updated waste management plan can be dealt with by way of a condition of approval.</p> | | | |
| | <p>Clothes drying screened from view from the primary or secondary street.</p> | | <p>Conditions recommended that mechanical clothes drying facilities be provided for each dwelling and for clothes drying to be screened from view of street or any other public place.</p> |

Local Planning Scheme No. 10, by virtue of Clause 5.5, gives the local government the ability to vary the site and development standards for all development other than residential development.

Similarly, the Town Centre Area Strategy, which is adopted as a Planning Policy under the Scheme, gives the discretion to vary any part of the Guidelines, subject to the quality of the building and place design being considered when granting any variation.

The Residential Design Codes provides Deemed-to-comply development standards to ensure a certain path to approval and also the opportunity to provide performance based solutions under the associated Design Principles.

Local Planning Scheme

Local Planning Scheme No. 10 (LPS10) sets down a limited number of development controls against which the development proposal must be assessed against.

Clause 4.10 of LPS10 is titled 'General Development Requirements – Town Centre Zone.' It states that in considering applications for development approval within the Town Centre Zone, the local government (or in this case the Metro Central JDAP in lieu of the local government) shall have regard to the Objective for the Zone and that all development shall have regard to:

- (a) The Town Centre Design Guidelines; and
- (b) Any other relevant policy statement prepared by the local government.

With respect to residential development (as is proposed in this instance), CI 4.10 states that:

- The local government may, at its discretion, permit residential development within the Town Centre Zone to a maximum density of R-AC3; and that
- Residential development shall only be permitted where the local government is satisfied that this development is complementary to the scale and character of buildings within the Town Centre Zone.

Car parking requirements are also specified within Table 2 of the Scheme and these requirements have been discussed in detail within the report.

Local Planning Policies

Local Planning Policy No. 1 – Town Centre Strategy and Guidelines and Local Planning Policy No. 15 – Percent for Art Policy each identify the requirements for:

- A 1% Town Centre infrastructure contribution to be provided; and
- A 1% Art Contribution to be provided (or for public art to be provided on site to a value equivalent to 1% of the construction cost of the development)

Conditions have been included within the recommendation in relation to each of these matters.

In their submission (pages 15 and 16 of the planning report), the applicant has a mistaken understanding of required contributions in relation to public art (referring to a 2% or \$260,000 public art contribution based upon the \$13M development value).

Actual requirements are:

- 1% (or \$130,000) contribution toward public infrastructure; and

- 1% (or \$130,000) contribution toward public art, or (as is more likely with this proposal) an equivalent amount being spent on public art associated with the development itself.

Accordingly, the actual required financial contribution associated with the development is likely to be \$130,000 for infrastructure (with public art being provided on site as part of the development).

This is not considered to be unreasonable requirement given the discretion that is being supported (particularly linked to car parking provision) for the development. This requirement has also been provided consistently in conjunction with other approvals for similar development within the Town Centre.

Options/Alternatives

If the Development Assessment Panel believes that it is not appropriate to exercise discretion as advocated within this report and the associated officer recommendation, it could choose to incorporate additional conditions or refuse the application subject to specifying appropriate reasons.

Council Recommendation:

To be included following Council's consideration of the application.

Conclusion:

This application represents the fourth Mixed Use development within the Town Centre to take advantage of increased development potential offered under the provisions of LPS10 (RAC3 density of development) and the Town Centre Strategy and Guidelines following the completion of mixed use developments at No. 85 Old Perth Road, Nos. 78-80 Old Perth Road and No. 93 Old Perth Road.

The proposal is generally consistent with LPS10 incorporating the Residential Design Codes and Local Planning Policies. Where adjustment / refinement is required, this is able to be dealt with via recommended conditions of approval. The proposed development should deliver the type of building envisaged by the sites zoning and the Town of Bassendean Town Centre Area Strategy.

6.3 Possible Improvement Plan for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill- Ownership Lot 4 Birmingham Properties Pty Ltd/ Ladrift Pty Ltd /Matax Pty Ltd/- Lot 5- Town of Bassendean(Ref: A3693 & A3714 – Anthony Dowling, Director Strategic Planning and Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is ascertain whether Council is prepared to enter into further dialogue with the Birmingham Properties regarding the above properties.

ATTACHMENTS

Attachment No. 3:

Correspondence received from Lavan Legal on behalf of Birmingham properties Pty Ltd.

BACKGROUND

This matter was last considered by Council at its meeting held in February this year when it was resolved in response to an offer to purchase Lot 5 (No. 246) Morley Drive East, Eden Hill, by OCM – 30/02/18, as follows:

“MOVED Cr McLennan, Seconded Cr Hamilton, that:

- 1. In response to the offer to purchase the Town of Bassendean owned Lot 5 (No. 246) Morley Drive East, Eden Hill, by the owners of the adjoining Lot 4 (No. 248) Morley Drive East, Eden Hill, the owners of No. 248 Morley Drive East and their representatives be advised that Council declines the current offer to purchase.*
- 2. Council requests that the Chief Executive Officer proceed immediately with actions required to have an Improvement Plan prepared for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill, pursuant to the provisions contained within Part 8 of the Planning and Development Act 2005.*
- 3. Officers present a further report to the Ordinary Council Meeting in March 2018 detailing proposed actions to be undertaken in conjunction with the initiation of an Improvement Plan for the land in question and remediation works required to be undertaken for Lot 5, for Council's consideration.”*

Details of Council's resolution has been passed onto Birmingham properties, which has resulted in the letter being received from Lavan, which is summarised further in the comment section below.

Having regard to the comments raised in the letter, officers have not progressed points 2 and 3 of the February resolution.

COMMUNICATION AND ENGAGEMENT

No external consultation has been carried out in the preparation of this report.

STRATEGIC IMPLICATIONS

The Town of Bassendean contains the following objectives and strategies under Strategic Priority 4: Economic:

Objective 4.1: Build economic capacity

4.1.1: Encourage and attract investment and increase capacity for local employment; and

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

Objective 4.2: Facilitate local business retention and growth

4.2.3: Enhance economic activity in neighbourhood centres.

COMMENT

The correspondence from Lavan includes the following key points:

1. There have been negotiations which span several years, between Birmingham Properties and the Town, concerning the possible acquisition of lot 5, being land owned by the Town.
2. Birmingham Properties are very concerned about the unilateral rejection of the offer to acquire lot 5, without further consultation with the company and indeed with an attempt to initiate an improvement plan for lots 4 & 5, as well as presumably, a potential rezoning of that land.
3. Birmingham Properties strongly opposes any rezoning of the land and improvement plan which would see the current commercial opportunities eliminated and residential uses substituted, through zoning and improvement plan processes.
4. Improvement plans are ordinarily undertaken for significantly larger land holdings than those the subject of lots 4 & 5, are complicated statutory planning documents and of course require support from the Western Australian Planning Commission (WAPC) at a minimum.

5. Any rezoning of the land requires support not only from the WAPC, but also the Minister for Planning.
6. Birmingham Property's position is that the highest and best use of the land, supported by planning advice from its consultant, is for commercial purposes, consistent with the current zoning, not residential purposes. With that in mind, my client will vigorously oppose at Department of Planning and Commission level, any attempts to change the current status of the land from commercially focused, to a residential site
7. Rather than coming embroiled in a contest with the council regarding the most appropriate form of development for lots 4 & 5, my client would prefer to continue negotiations with the council and its officers to see if an appropriate development could be progressed, which integrates lots 4 & 5 and would potentially facilitate an acquisition of lot 5 by my client. For that purpose, my client is prepared to work up a schematic development plan with a renowned architectural consultant and then to discuss that proposal with council on a conceptual level.
8. The Town is asked to indicate, by way of written response, whether Council is prepared to embrace the further discussions contemplated in this letter, rather than proceed to initiate proposals, which could prove destructive to the best community outcome for the land the subject of consideration. It is also worth bearing in mind, that there is currently an environmental investigation underway with respect to lots 4 & 5 and it would be premature to progress any form of development proposals or improvement plans, or indeed any rezoning, of the land, until after that investigation has been concluded.

Manager Development Services' Comments

Point 1 - it is recognised that the Town has been discussing the possible sale of Lot 5 to Birmingham Properties since September 2016.

Point 2 – Lot 5 is owned by the Town of Bassendean, and subject to the provision about the sale of land contained within the Local Government Act 1995, it is at Council's absolute discretion how it chooses to manage its property portfolio.

Council's previous support in principle, has always been conditional upon, amongst other things, the preparation of a concept plan showing the ultimate development of Lots 4 & 5 Morley Drive East with this concept plan forming part of the public advertising required by the sale by private treaty under the Act.

Council's resolution to investigate the Improvement Plan process is presumably borne out the lack of any real economic activity on Lot 4, and the fact that the site has been under-utilised for more than 20 years.

Point 3 - the potential loss of commercial development opportunities has no foundation. Council has made no decision in this regard. On the contrary, a proposed mixed use designation/zoning is likely to retain opportunities for future commercial/ retail development but at a suitable scale and within an appropriate built form.

In terms of future development scale and form, Council is required to have particular regard to State Planning Policy (SPP) 4.2 – Activity Centres for Perth and Peel.

This policy requires a local government to develop and reflect through its strategic planning framework a hierarchy of activity centres.

Based on the site's location and size, and having regard to nearby existing commercial-based centres (eg. Kiara shopping centre), this site lends itself to being designated and developed as either a Local Centre or Neighbourhood Centre (as per the centres hierarchy prescribed in *SPP 4.2*). Consideration of which of these categories ought to apply to this site will be determined through the review of the current local planning strategy, and within the context of the recommended commercial floor space projections cited in the draft Local Economic Overview. (NB: The draft Overview is intended to be presented to Council at its May 2018 Ordinary Meeting for consideration of endorsement).

Points 4 and 5 – it is recognised that the Improvement Plan process and any Scheme Amendment would require the support of the Western Australian Planning Commission and the Minister for Planning. It is also accepted that Improvement Plans, often apply to larger sites, with multiple land ownerships, however, the Shenton Park Rehabilitation Hospital Improvement Plan, as an example, appears to be in one ownership.

Point 6 – Whilst it is evident that Birmingham Properties' position is that the highest and best use of the site is for commercial purposes, no proposals have been submitted for the redevelopment of the site for commercial purposes during the last 20 years or so.

Notwithstanding Birmingham Properties' contention that the site's highest and best use is for commercial purposes only, Council may wish to consider commissioning its own viability assessment of at least lot 5 to satisfy itself whether this is the case as claimed prior to further considering the proposition of disposing the land to Birmingham Properties.

Points 7 and 8 ask for Council to reconsider its position and allow further dialogue between the Town and Birmingham Properties, leading to the preparation of a schematic development plan for further discussion with the Town.

Options for Council

Options for Council include to reaffirm its previous decision or to hold further discussions with Birmingham Properties, as requested. If Council reaffirms its previous decision, then a report on the Improvement Plan process will be presented to Council in May.

Should the Improvement Plan option prove to be unviable, then Council will need to address the future of the sites through the Local Planning Strategy.

STATUTORY REQUIREMENTS

Nil at this stage.

FINANCIAL CONSIDERATIONS

Nil at this stage.

OFFICER RECOMMENDATION — ITEM 6.3

1. That Council reaffirms its previous resolution OCM – 30/02/18 made at the Ordinary Council meeting held on 27 February 2018;

Or

2. That Council:

(a) Revokes its resolution OCM – 30/02/18 made at the Ordinary Council meeting held on 27 February 2018, which reads:

“MOVED Cr McLennan, Seconded Cr Hamilton, that:

1. *In response to the offer to purchase the Town of Bassendean owned Lot 5 (No. 246) Morley Drive East, Eden Hill, by the owners of the adjoining Lot 4 (No. 248) Morley Drive East, Eden Hill, the owners of No. 248 Morley Drive East and their representatives be advised that Council declines the current offer to purchase.*
2. *Council requests that the Chief Executive Officer proceed immediately with actions required to have an Improvement Plan prepared for Lots 4 & 5 (Nos. 246 & 248) Morley Drive East, Eden Hill, pursuant to the provisions contained within Part 8 of the Planning and Development Act 2005.*
3. *Officers present a further report to the Ordinary Council Meeting in March 2018 detailing proposed actions to be undertaken in conjunction with the initiation of an Improvement Plan for the land in question and remediation works required to be undertaken for Lot 5, for Council’s consideration.*

And

- (b) Enters into further discussions with Birmingham Properties leading to the development of a concept plan for the redevelopment of lots 4 and 5 Morey Drive East, Eden Hill.

Voting requirements:
Point 1 - Simple Majority
Point 2 - Absolute Majority

6.4 Adoption of Town of Bassendean Dust and Building Waste Local Law 2018 (Ref: LAWE/LOCLWS/2 Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is Council to consider the submissions made on the Draft Town of Bassendean Dust and Building Waste Local Law 2018 with a view to finalising the Local Law.

ATTACHMENTS

Attachment No. 4

- Proposed Town of Bassendean Dust and Building Waste Local Law 2018
- Comments received from the Department of Local Government.

BACKGROUND

This matter was last considered by Council at its meeting held in December last year, when it was resolved by OCM – 9/12/17 as follows:

“MOVED Cr Quinton, Seconded Cr Wilson, that Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the Local Government Act 1995 for the proposed Town of Bassendean Dust and Waste Local Law attached to the Ordinary Council Agenda of 19 December 2017.”

COMMUNICATION AND ENGAGEMENT

The proposed local law was advertised in accordance with the provisions of section 3.12 of the Local Government act 1995. An advert was placed in the *West Australian* on 18th January 2018, which included the purpose and effect of the local law, inviting any submissions to be made by 2nd March 2018.

Details of the proposed local law were also advertised through *your say Bassendean*, with hard copies of the proposed local law being available at the Customer Service Centre and the Memorial Library.

No public submissions were received.

Consultation did occur with the Minister for Local Government, which led to the informal comments being received from the Department of Local Government, which are included as an attachment.

STRATEGIC IMPLICATIONS

| Objectives <i>What we need to achieve</i> | Strategies <i>How we're going to do it</i> | Measures of Success <i>How we will be judged</i> |
|---|---|--|
| 3.3 Enhance the Town's appearance | 3.3.1 Improve amenity and the public realm | Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance) |
| | 3.3.2 Strengthen and promote Bassendean's unique character and heritage | |
| | 3.3.3 Implement design policies and provisions of buildings and places | |

COMMENT

The purpose of this local law is to provide for the regulation, control and management of dust and building waste on building sites and subdivisions on land within the district to protect and enhance the environment and amenity of the district.

No public submissions were made in response to statutory advertising. The comments received from the Department of Local Government have been incorporated into the final version of the local law attached to this agenda.

STATUTORY REQUIREMENTS

The following represents the process outlined under section 3.12 of the Act which remains outstanding.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —

- (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Under section 3.13 of the Act, if the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

FINANCIAL CONSIDERATIONS

The cost of advertising the three local laws currently being prepared was \$654.35 and has been met out of Account 401333.

OFFICER RECOMMENDATION — ITEM 6.4

That Council makes the Town of Bassendean Town of Bassendean Dust and Building Waste Local Law 2018 as attached to the Ordinary Council Agenda dated 24 April 2018.

Voting requirements: Absolute Majority

6.5 Adoption of Town of Bassendean Repeal Local Law 2018 (Ref: LAWE/LOCLWS/2 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is Council to consider the submissions made on the Draft Town of Bassendean Repeal Local Law 2018 with a view to finalising the Local Law.

ATTACHMENTS

Attachment No. 5:

Proposed Town of Bassendean Repeal Local Law 2018

BACKGROUND

This matter was last considered by Council at its meeting held in October last year, when it was resolved by OCM – 6/10/17 as follows:

“MOVED Cr Pule, Seconded Cr Bridges, that under the powers conferred on it under the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Bassendean proposes to make the Town of Bassendean Repeal Local Law to repeal the following Local Laws:

- (a) The By-law regarding Discount on Rates, published in the Government Gazette on 17 September 1920;*
- (b) The Schedule of Poundage and Sustenance Fees, published in the Government Gazette on 19 February 1915 and as amended and published in the Government Gazette on 16 December 1921, 7 September 1923, 9 October 1942, 13 August 1948 and 18 April 1952;*
- (c) The By-law prescribing a Shopping and Residential Area, published in the Government Gazette on 11 January 1935;*
- (d) The Local Law relating to Parks and Reserves, published in the Government Gazette on 13 August 1937;*
- (e) The Local Law relating to Health Model By-laws Series "A", published in the Government Gazette on 14 November 1941;*
- (f) The Adoption of Draft Model By-laws (Street Lawns and Gardens) No. 11, published in the Government Gazette on 11 June 1963;*
- (g) The By-laws relating to Parking of Commercial Vehicles on Street Verges, published in the Government Gazette on 29 May 1981 and as amended and published in the Government Gazette on 21 April 1989;*
- (h) The By-law relating to Refuse, Rubbish, Dangerous Things and Nuisances, published in the Government Gazette on 22 July 1983;*

- (i) *The By-law relating to Conduct of Proceedings and the Business of Council, published in the Government Gazette on 15 November 1991 and as amended and published in the Government Gazette on 19 January 1996;*
- (j) *The Town of Bassendean Urban Environment and Nuisance Local Law, published in the Government Gazette on 16 August 2001; and*
- (k) *The Town of Bassendean Signs, Hoardings and Bill Posting Local Law, published in the Government Gazette on 16 August 2001.”*

COMMUNICATION AND ENGAGEMENT

The proposed local law was advertised in accordance with the provisions of Section 3.12 of the Local Government Act 1995. An advert was placed in the *West Australian* on 18 January 2018, which included the purpose and effect of the local law, inviting any submissions to be made by 2 March 2018.

Details of the proposed local law were also advertised through *your say Bassendean*, with hard copies of the proposed local law being available at the Customer Service Centre and the Memorial Library. No public submissions were received.

Consultation did occur with the Minister for Local Government, which led to the following informal comments being received from the Department of Local Government:

“This email is regarding your letter dated 18 January 2018 concerning the Town's proposed repeal local law. The Department has considered the draft and no significant issues have been identified. Some minor comments are noted below:

Town of Bassendean Repeal Local Law

1. Minor edits

The following minor issues were noted:

- a) The number "2018" should be added to the local law's title and the citation in clause 1.*
- b) It is uncertain whether the Town can repeal the fees listed in paragraph (a), since the power to set and amend those fees was repealed in 1960. However, leaving the paragraph in the local law is unlikely to cause any legal issues. Whether the fees are repealed or not, it appears they have been overruled by the poundage fees prescribed in the Local Government (Misc. Provisions) Act 1960.*
- c) The Town should also ensure that all citations and gazettal dates are accurate prior to the local law being submitted to Council.”*

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 <i>How we will be judged</i> |
|---|---|--|
| 3.3 Enhance the Town's appearance | 3.3.1 Improve amenity and the public realm | Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance) |
| | 3.3.2 Strengthen and promote Bassendean's unique character and heritage | |
| | 3.3.3 Implement design policies and provisions of buildings and places | |

COMMENT

The purpose of this local law is to repeal a number of obsolete local laws. No public submissions were made in response to statutory advertising. The comments received from the Department of Local Government in terms of minor editing have been incorporated into the final version of the local law attached to this agenda.

STATUTORY REQUIREMENTS

The following represents the process outlined under section 3.12 of the Act which remains outstanding:

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Under section 3.13 of the Act, if the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

FINANCIAL CONSIDERATIONS

The cost of advertising the three local laws currently being prepared was \$654.35 and has been met out of Account 401333.

OFFICER RECOMMENDATION — ITEM 6.5

That Council makes the Town of Bassendean Repeal Local Law 2018 as attached to the Ordinary Council Agenda of 24 April 2018.

Voting requirements: Absolute Majority

6.6 RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Swales and Traffic Islands on Shackleton Street, Bassendean (Ref: SEWD/TENDNG/19) – Rohini Dias, Engineering Technical Coordinator

APPLICATION

The purpose of this report is to appoint a successful contractor from those tender offers received for RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Construct Swales and Traffic Islands on Shackleton St, Bassendean.

ATTACHMENTS

Confidential Attachment No. 1:

BACKGROUND

Potential contractors were invited to submit an offer for RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Construct Swales and Traffic Islands on Shackleton St, Bassendean through the WALGA Preferred Supplier program (EQuotes portal) on 15 March 2018.

The Town received three responses, prior to the closing time 10am on Wednesday 28 March 2018.

COMMUNICATION AND ENGAGEMENT

The Request documents were uploaded to 36 suppliers on the WALGA Drainage panel.

STRATEGIC IMPLICATIONS

Natural Environment

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

An Evaluation Panel was formed to assess each submission against the selection criteria. The Panel included the Engineering Technical Coordinator, Engineering Design Officer, and the Director Corporate Services.

Pricing details, regarded as commercial in confidence, and the selection criteria weightings are included in the confidential attachment.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL CONSIDERATIONS

The costs associated with this contract are included in the 2017/18 Budget. Details are included in the confidential attachments.

OFFICER RECOMMENDATION – ITEM 6.6

That Council appoints WCP Civil Pty Ltd to undertake the work as required in RFQ CO 364W 2017-18 Supply and Construct Eco Cells, Swales and Traffic Islands on Shackleton Street, Bassendean in accordance with its offer and the specifications and terms and conditions for works to be completed and finalised prior to Friday 8 June 2018.

Voting Requirement: Absolute majority

6.7 Damaged Crossover - 18 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 matter regarding the damaged crossover at 18 Anzac Terrace, Bassendean and relating to the construction works at 6 River Street, Bassendean.

ATTACHMENTS

Attachment No. 6:

- Photos of the verge and crossover at 18 Anzac Terrace, after the incident occurred;
- Photo of the verge and crossover at 18 Anzac Terrace from Google Street View, before the incident occurred.

BACKGROUND

On 16 February 2017, the Town was notified by the resident at 18 Anzac Terrace in regards to the crossover adjacent to his property which was allegedly damaged by a skip bin truck accessing the neighbouring property located at 6 River Street, Bassendean.

Officers inspected the crossover on the same day the complaint was received. Attachment No. 1, provides a photograph of the verge which shows the damage crossover and outlines the non-compliant verge treatment.

At the time of the inspection, the owner at 18 Anzac Terrace was notified about the non-compliant verge treatment and was informed that the retaining wall was required to be removed due to potential trip hazard.

On 16 February 2017 and then via email on 20 February 2017, the bin delivery company was contacted, however, the company did not accept responsibility for the damage to the crossover.

Further correspondence was carried out with the owners of 6 River Street, the property where the bin was delivered.

COMMUNICATION & ENGAGEMENT

At an on-site meeting, the Town’s Compliance Officer, Works Supervisor and the owners at 6 River Street, discussed that cracked section of the crossover was required to be replaced. The resident from 6 River Street advised that the crossover was allegedly cracked before the delivery truck hit the crossover and that the 18 Anzac Terrace non-compliant verge treatment contributed to the cracks in the crossover.

On 13 March 2017, the Town emailed the property owner of 6 River Street, Bassendean to seek an update in regards to the repair/reinstatement works required to crossover located adjacent to 18 Anzac Terrace as the crossover was damaged and a potential hazard.

On 23 March 2017, a response was received from the property owner at 6 River Street stating that they were waiting on quotes to be provided to repair the damaged crossover.

STRATEGIC IMPLICATIONS

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

| Objectives <i>What we need to achieve</i> | Strategies <i>How we’re going to do it</i> | Measures of Success <i>How we will be judged</i> |
|---|---|--|
| 3.2 Enhance connectivity between places and people | 3.2.1 Connect the Town through a safe and inviting walking and cycling network. | Community / Stakeholder Satisfaction Survey (roads, footpaths and cycle paths) |
| | 3.2.3 Enhance the liveability of local neighbourhoods | |

COMMENT

The crossover adjacent to 18 Anzac Terrace was installed in 1989 by the Town of Bassendean, and staff have inspected the crossover to confirm the construction was compliant with the specifications relevant at the time.

On 29 August 2017, the matter was referred to the Manager Asset Services and he advised that the issue was a civil matter and should be resolved between both parties.

Staff are cognisant of the frustration experienced by the owner of 18 Anzac Terrace, but given that the damage was not caused by the Town, the recommendation to Council is that a civil action is the most appropriate way for this to be resolved, if the two parties cannot resolve the matter.

STATUTORY REQUIREMENTS

Local Government (Uniform Local Provisions) Regulations 1996 - Reg 13

13. *Requirement to construct or repair crossing — Sch. 9.1
cl. 7(3)*

- (1) A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.*
- (2) If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.*
- (3) A person given a notice under sub-regulation (1) must comply with the notice.*

Penalty: a fine of \$5 000.

[Regulation 13 amended in Gazette 1 Feb 2013 p. 430.]

FINANCIAL CONSIDERATIONS

From the information provided, it is clear that the Town of Bassendean did not damage the crossover and that a dispute has arisen between neighbours regarding the alleged damaged to a crossover.

In August 2017, the matter was escalated to the Manager Asset Service and he advised that the issues was a civil matter and should be resolved between both parties. This can be undertaken mutually between the parties or via the small claims tribunal.

The Magistrates Court deals with civil matters that involve minor claims for debt or damages up to \$10,000.

Asset Services have advised that no formal quote has been provided to the parties, however, should a private contractor undertake the repair, the estimated cost would be a minimum of \$1,250

OFFICER RECOMMENDATION – ITEM 6.7

That Council:

1. Acknowledges that the damage to the crossover is a civil matter to be resolved between the property owners of 18 Anzac Terrace and 6 River Road, Bassendean; and
2. Requests that the property owners of 18 Anzac Terrace and 6 River Road, Bassendean resolve this matter mutually to undertake the required repairs to the crossover.

Voting Requirement: simple majority

6.8 RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean (Ref: SEWD/TENDNG/16) –Rohini Dias, Engineering Technical Co-ordinator)

APPLICATION

The purpose of this report is to appoint a successful contractor from those tender offers received for RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean.

ATTACHMENTS

Confidential Attachment No. 2:

BACKGROUND

Potential tenderers were invited to submit a tender offer for “RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean” through a Western Australian Newspaper advertisement, Town of Bassendean Webpage and a Facebook article on Saturday 17 February 2018.

The Town received five responses, prior to the closing time 11am on Friday 9 March 2018.

COMMUNICATION AND ENGAGEMENT

The “Request for Tender” was advertised in the West Australian Newspaper on Saturday, 17 February 2018 and through the Town’s website and Facebook page.

STRATEGIC IMPLICATIONS

The adopted Strategic Community Plan 2017-2027, contains 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 <i>How we will be judged</i> |
|---|--|---|
| 3.2 Enhance connectivity between places and people | 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

An Evaluation Panel was formed to assess each submission against the selection criteria. The Panel included the Engineering Technical Coordinator, Engineering Tech Assist/Compliance Officer, and the Director of Corporate Services.

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

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL CONSIDERATIONS

The costs associated with this contract are included in the 2017/18 Capital Budget.

All contract and project financial information is provided in the confidential report.

OFFICER RECOMMENDATION – ITEM 6.8

That Council appoints T C Drainage to undertake the work as required in RFT CO 074 2017-18 Provision of Root Cutting and Drainage Pipe Relining for the Town of Bassendean in accordance with its offer and the specifications and terms and conditions for works commencing 30 April 2018 and to be completed and finalised prior to Friday 15 June 2018.

Voting Requirement: Absolute majority

6.9 Casa Mia Reroofing (Ref: DABC/BDVAPPS/2016-120 – Ken Cardy (Manager Asset Services))

APPLICATION

The purpose of this report is to advise Council that staff have liaised, with the owner of 13 Hamilton Street, Bassendean, regarding the Town's installation of zincalume roofing to the Casa Mia School at 11 Hamilton Street, Bassendean.

ATTACHMENTS

Attachment No. 7:

- Solarban Tinting quote
- Superior Slat System quote
- Installation Plan

BACKGROUND

At the Ordinary Council Meeting (OCM- 25/01/18) Council resolved the following:

OCM – 25/01/18 - MOVED Cr Hamilton, Seconded Cr Gangell, that Council:

- 1. Requests staff to liaise with the owner of 13 Hamilton Street regarding the Town's installation of zincalume roofing to the Casa Mia School at 11 Hamilton Street in an effort to seek an economical solution to the reflective glare issue it is reported to have created;*
- 2. Requests that a summary of the agreed course of action, together with the financial costings and any other implications be provided to Council for consideration prior to the commencement of any remedial works;*
- 3. Funds any remedial work from the residual balance of the initial budget allocation for the roofing works that is left over from the works completed in December 2017;*
- 4. Requests staff to prepare a "Reflective Roofing Policy" for Council's consideration when reviewing the Town's building policies; and*
- 5. In future, when capital works are planned to be conducted on one of the Town's buildings that will potentially impact adjoining properties, communication with the adjacent property owners about the proposed works will be undertaken prior to any works commencing.*

COMMUNICATION & ENGAGEMENT

On 23 January 2018, a Council inspection was undertaken at the above site and the resident of 13 Hamilton Street was in attendance.

Officers have been in communications with the resident of 13 Hamilton Street and he is aware a report is being presented to Council.

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2017 - 2027 includes the following under Strategic Priority Built Environment:

| Objectives <i>What we need to achieve</i> | Strategies <i>How we're going to do it</i> | Measures of Success <i>How we will be judged</i> |
|---|---|--|
| 3.3 Enhance the Town's appearance | 3.3.1 Improve amenity and the public realm | Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance) |
| | 3.3.2 Strengthen and promote Bassendean's unique character and heritage | |
| | 3.3.3 Implement design policies and provisions of buildings and places | |

COMMENT

Officers have had discussions with the zincalume roofing manufacture, (BHP) regarding the possibility of repainting the roof to a duller colour but the manufacture advised, the roof would no longer be covered under warranty. The cost to remove and replace the zincalume roof with a more suitable material would cost between \$10,000 and \$15,000.

Officers have met with the residents of 13 Hamilton St Bassendean to discuss the glare issue and possible solutions to remedy the situation.

Officers did note the glare from the zincalume roof had decreased as the roof has oxidised, but there was a distinctive glare towards the alfresco and the kitchen areas. The zincalume roof will further oxidise over coming years and the glare will continue to decrease, but as the alfresco and kitchen areas look directly onto the 11 Hamilton Street roof, the glare from the roof will continue to be a concern for the resident.

The resident of 13 Hamilton Street has suggested that tinting to a portion of the upstairs area be undertaken and the installation of aluminium elliptical louvered slats on the boundary border, near the alfresco area, would provide an acceptable solution.

The resident also stated if the Town purchased the aluminium elliptical louvered slats, he would, through his building company, install the slats at his cost.

Two quotes were taken for the aluminium elliptical louvered slats (Oxworks - \$4,620 and (Superior Metal Industries Australia - \$4,240.)

The resident also stated:

Just confirming our discussion yesterday the following is being proposed as a solution to Motion 11.2 held on the 30th January, 2018:

The Town engages a Contractor to complete the tinting of the upstairs living areas to a cost of \$544.50 (Inc Gst). This addresses the issue of reflection to the top storey living areas

The Town supplies materials for the installation of materials as per the attached quote of \$3854.60+gst for aluminium louvered screens along the 13/11 Hamilton St boundary (louvered so as to allow air flow but inhibit light) along the boundary as shown. This addresses the issue of reflection to the ground floor and external living areas.

I am happy to provide all labour for the installation of the screen at no cost to the Town.

In line with Council's resolution (OCM – 25/01/18) Asset Services, have introduced a new working practice , when capital works are planned to be conducted on one of the Town's buildings that will potentially impact adjoining properties, communication with the adjacent property owners about the proposed works will be undertaken prior to any works commencing.

With regards to "Reflective Roofing Policy" the Manager Development Services has provided the following statement - *The preparation of a reflective roofing policy will be addressed as part of the review of existing planning policies and preparation of new planning policies.*

STATUTORY REQUIREMENTS

N/A

FINANCIAL CONSIDERATIONS

The total costs for louvered slat (\$4,240.06) and tinting upstairs \$544.50, totals \$4,784.56.

The capital budget (AB1701) for the 11 Hamilton reroofing project was \$80,000. A total of \$66,902 was the final contractor's cost of the project.

OFFICER RECOMMENDATION — ITEM 6.9

That:

1. Council provides an ex-gratia payment to the property owner at 13 Hamilton Street, Bassendean, of \$4,784.56 for the potential glare to the property caused by the reroofing of the Casa Mia building at 11 Hamilton Street;
2. The payment of \$4,784.56 be funded from account AB1701; and
3. The Town makes this payment as a final amount and no further claims for this matter will be accepted by Council.

Voting requirements: Simple Majority

6.10 1 Surrey Street, Bassendean – Project Brief for Option 2C Design (Ref: COMDEV/TENDNG/10 - Director Operational Services, Simon Stewert-Dawkins)

APPLICATION

The purpose of this report is to seek Council approval for a draft project brief in order to appoint suitable contractors to achieve OCM – 11/02/18 resolution to explore the SIA Architect Option 2c design.

ATTACHMENTS

Attachment No. 8:

- Draft - 1 Surrey Street Interpretation, Infant Heath, Community Use and Playgroup Project Brief for 2c Design
- Department of Health, Child & Adolescent Community Health Services Consultancy / Clinic Room Layout (RL.CO4.04) & Typical child Health Clinic Layout (CC.001) Plans

BACKGROUND

In November 2015, Council (OCM-6/11/15) approved SIA Architect option 2C design for 1 Surrey Street. As a result, SIA Architects Pty Ltd and the Town's officers held regular meetings with a Steering Group which included representatives from Bassendean Historical Society and Bassendean Arts Council to provide feedback on the detailed designs.

Once the 2C detailed designs were completed, they were submitted to the State Heritage Office and Development Services for approval. After receiving the required conditional approvals, in November 2016 Council (OCM-14/11/16) noted that in accordance with the early Council (OCM-6/11/15) resolution and the 2016/2017 Capital budget provisions, the Lotterywest grant application would be submitted.

Lotterywest advised in March 2017 that the Town of Bassendean had been awarded a \$375,000 grant, which was \$100,000 more than anticipated or allocated in the budget.

In April 2017, a Notice of Motion (OCM – 3/04/17) was supported by Council to rescind resolution OCM-6/11/15 and to prepare plans consistent with the SIA Architect Option 1 design.

In order to achieve the new direction an officer report was presented to the May 2017 Ordinary Council Meeting and Council (OCM – 12/05/17) resolved to list funds in the draft 2017/2018 Budget to engage a heritage architect to project manage the consultation, design and construction of the Option 1 project.

Council allocated funds in the 2017/2018 Budget and invited tenders in accordance RFQ 351 2017-18 to project manage the 1 Surrey Street consultation, design and construction, this also included a separate offer/ fee for the museum consultant.

Council considered the tender submissions in November 2017, which included feedback received from Lotterywest and key stakeholders and (OCM – 14/11/17) resolved:

1. *Note the RFQ 351 2017-18 Heritage Architect report associated with the project management of the consultation, design and construction process at 1 Surrey Street, Bassendean and notes the following:*
 - a) *Insufficient funding allocation;*
 - b) *LotteryWest Grant Variation requirements;*
 - c) *Stakeholder feedback received;*
 - d) *Risks and consequences associated with the stakeholder & community consultation process, the detailed investigation and design process;*
2. *Does not accept any of RFQ 351 2017-18 Heritage Architect proposals submitted to project manage the consultation, design and construction process at 1 Surrey Street, Bassendean;*
3. *Requests staff provide an update of all expenditure to date associated with the investigation and creation of plans for the 1 Surrey Street Project;*
4. *Requests staff investigate the whole of life costs for the 1 Surrey Street Project and provide to this Council the business cases for Option 1 and Option 2c; and*
5. *Requests staff inform the key stakeholders that a Councillor Workshop will be held early in the New Year to consider alternative options that include the whole of life costs including any ongoing management requirements associated with future options for the use of the 1 Surrey Street heritage site.*

To implement the Council OCM – 14/11/17 resolution, a report was submitted to the December 2017 Ordinary Council Meeting requesting the 2017/18 Budget be amended to engage a contractor to prepare a Whole of Life Costs for Options 1 and 2C and Business Case for 1 Surrey Street, Bassendean. Council (OCM– 12/12/17) request staff provide as much information as possible on the financial aspects of the project and resolved to defer any further expenditure pending the outcome of the January 2018 Councillor workshop.

In February 2018, a report was tabled confirming the Councillors' Workshop and advised that in order to progress any proposals, the Town requires Council authority to expend funds from the 2017/18 Budget.

Council (OCM – 11/02/18) resolved to amend the 2017/18 Budget for the purpose of engaging a suitable contractor to explore the SIA Architect Option 2C design with a view to repurposing the homestead and extension for use as a Family & Children's Services Facility.

To progress the Council (OCM – 11/02/18), a draft project brief has been prepared for Council consideration.

COMMUNICATION & ENGAGEMENT

Due to the Local Government Elections Occurring in October 2017, the Mayor and newly elected Councillors requested a Councillor Briefing, which occurred on the 21 November 2017

In response to Council resolutions OCM – 14/11/17 and OCM– 12/12/17, a Councillor Workshop occurred on the 31 January 2018. Initially Mr Paul Bridges made a presentation to Elected Members and then the Director Operational Services provided the year to date expenditure and the Whole of Life Costs for option 1 and option 2 based from a 2014 SIA Architects report previously presented to Council.

Considering the project time delays, the Town made contact with Lotterywest concerning Grant variation requirements, however at the time of publishing this report a preliminary response had not been received.

STRATEGIC IMPLICATIONS

The Community Strategic Plan 2017-2027, contains the following under the 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 <i>How we will be judged</i> |
|---|---|--|
| 3.3 Enhance the Town's appearance | 3.3.1 Improve amenity and the public realm | Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance) |
| | 3.3.2 Strengthen and promote Bassendean's unique character and heritage | |
| | 3.3.3 Implement design policies and provisions of buildings and places | |

COMMENT

As a result of Council (OCM – 11/02/18) direction, staff have liaised with or obtained relevant information from the following organisations:

- State Heritage Office correspondence 15th October 2012;
- Museum Australia WA correspondence 28th August 2015;
- Department of Health, Child & Adolescent Community Health Services advise 5th April 2018;
- Nature Play WA to obtain information on early year's nature play space information;
- Referred to the Town of Bassendean RElax Program and Early Parenting Groups to identified potential community/ cultural activities that would be compatible or complementary for parents and carers of young children to come together;
- Referred to the current Playgroups list on the Town of Bassendean community directory; and
- LotteryWest grant variation dated 19 July 2017.

The intention of providing a draft project brief is for Council to articulate for SIA Architects the interpretation requirements for the heritage listed site and potential multifunctional uses for the Option 2c design.

As Council is aware, previously the State Heritage Office, Bassendean Historical Society Inc, National Trust of Australia (WA), the Royal Western Australian Historical Society (Inc) provided letters of support for the option 2C design.

While Council has resolved to return to the previously approved SIA Architect 2C design, Council has requested the use of the buildings be explored and therefore, it would be prudent to liaise with the above stakeholders concerning the proposed Interpretation, Infant Heath, Community Use and Playgroup use of the facility

Keeping in mind the Lotterywest funding variation requirement that the first claim for grant funds is required by 30 April 2019, Officers have prepared the following timeline to explain that it is very possible that Council will not be able to achieve the time frames

| Activity | Required date |
|---|--|
| Obtain quote, appoint consultant and undertake key stakeholder consultation | May 2018 |
| Obtain quote from SIA Architects to review drawings and specifications to accommodate Council (OCM – 11/02/18) direction and project brief | May 2018 |
| Workshop with State Heritage Office, Bassendean Historical Society Inc, National Trust of Australia (WA), The Royal Western Australian Historical Society | May 2018 <i>Unlikely to be achieved due to insufficient time to coordinate all involved</i> |
| Council receives letters of support from key stakeholders | May 2018 <i>Unlikely to be achieved due to insufficient time</i> |
| Capital funds listed in the draft 2018/2019 Budget <i>NB. Currently the Town only has the March 2017 pre-tender estimate</i> | June 2018 |
| SIA Architects were necessary makes “very minor” amendments to drawings/specifications. <i>NB. Any significant changes will take addition time and resources</i> | June 2018 <i>May not be achievable within timeframe</i> |
| 1 Surrey Street Development Application submitted in accordance with 2C design to Town of Bassendean & State Heritage for change of use | June 2018 <i>Any delays will result in not achieving required submission date and will impact all the remaining tasks</i> |
| Planning approval <i>Nb Generally advertising and assessment a 90 day process</i> | September 2018 <i>Refer to above comments</i> |
| Town of Bassendean to invite tenders for the 1 Surrey Street Restoration works | October 2018 <i>Refer to above comments</i> |
| Council to approve the Heritage Builder | February 2019 <i>Refer to above comments</i> |
| Heritage Builder appointed | March 2019 <i>Refer to above comments</i> |
| Heritage Builder commences works | April 2019 <i>Refer to above comments</i> |
| Town of Bassendean submits 1 st claim to Lotterywest | 30 th April 2019 <i>Refer to above comments</i> |

Considering the above timeframes will most likely not be achievable, it is recommended that Council formally advises Lotterywest the following:

- After exploring the Option 1 and 2C designs further, it has become evident that there is no Council support for pursuing Option 1.
- Considering the significant funds invested to prepare plans for the 2C design, Council (OCM – 11/02/18) resolved in February 2018 to engage suitable contractors to explore the SIA Architect Option 2C design to house the Family & Children's Services Facilities, which has been highlighted as a priority for the Bassendean community through the recent community strategic planning process.
- Request a further Grant Extension (Application 421010236) to allow Council the time required to consult with the following organisations in regards to the Option 2C plans:
 - State Heritage Office;
 - Bassendean Historical Society Inc;
 - National Trust of Australia (WA); and
 - Royal Western Australian Historical Society Inc.

While the Town has liaised with a consultant to undertake a workshop with stakeholders who previously provided letters of support, at the time of preparing this report, a quote had not been requested as staff are unclear if the draft project brief will be endorsed/approved to enable the project to proceed.

Once Council approves the project brief, it is intended to obtain a quote from an independent consultant to conduct the stakeholder workshop and a quote from SIA Architects and if required, sub-consultants.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations 1996
Heritage of Western Australia Act 1990

FINANCIAL CONSIDERATIONS

The 2017/18 Budget of \$80,000 allocated to account 151359: Pensioner Guard Cottage – Architect General, has been amended in accordance with Council (OCM – 11/02/18) resolution for the purpose of engaging a suitable contractor to explore the SIA Architect Option 2C design, with a view to repurposing the homestead and extension for use as a Family & Children's Services Facility.

OFFICER RECOMMENDATION – ITEM 6.10

That Council:

1. Approves the 1 Surrey Street project brief attached to the Ordinary Council Meeting Agenda of 24 April 2018;
2. Writes to Lotterywest to:
 - a) Advise that after exploring the SIA Architect Option 1 designs further, it has become evident that there is no Council support for pursuing Option 1 design;
 - b) Advise that after considering the significant funds invested to prepare plans for the 2C design, Council (OCM – 11/02/18) resolved in February 2018 to engage suitable contractors to explore the SIA Architect Option 2C design to house the Family & Children's Services Facilities, which has been highlighted as a priority for the Bassendean community through the recent community strategic planning process;
 - c) Request a further extension for the Grant (Application 421010236) to allow Council time to consult with the following organisations in regards to the Option 2C plans:
 - State Heritage Office;
 - Bassendean Historical Society Inc;
 - National Trust of Australia (WA);
 - Royal Western Australian Historical Society Inc;
3. Engages a suitable consultant to undertake a workshop with an appropriate representative from the State Heritage Office; Bassendean Historical Society Inc; National Trust of Australia (WA); the Royal Western Australian Historical Society Inc, Department of Health, Child & Adolescent Community Health Services, together with representatives from Council with a view to repurposing the SIA Architect Option 2C design for the proposed Interpretation of the heritage listed site, incorporating an Infant Health Clinic and providing the opportunity for other community use of the facility and for the consultant to provide a report on the outcomes to achieve the Council direction; and

4. Engages SIA Architects Pty Ltd to review the approved project brief, the outcomes of the stakeholder workshop and if necessary, for the architect and subcontractors to make minor amendments to the 2C design to enable a development application to be submitted in a timely manner.

Voting Requirements: Simple Majority

6.11 Adoption of the Reconciliation Action Plan 2018 – 2021 (Ref: GOVN/CCLMEET/26 – Graeme Haggart, Director Community Development)

APPLICATION

For Council to adopt the Reconciliation Action Plan 2018 - 2021 (RAP).

ATTACHMENT

Attachment No. 9:

Final draft Reconciliation Action Plan 2018 – 2021

BACKGROUND

Council last considered this matter in September 2017 when it was resolved (OCM – 13/09/17) that Council:

1. Endorses the Reconciliation Action Plan 2018 – 2021; and
2. Forwards the Reconciliation Action Plan 2018 – 2021 to be registered by Reconciliation Australia (RA).

RA acknowledged the achievements of the Town with the inaugural RAP and so proposed the Town elevate this RAP to being an Innovate Plan.

All RAPs have the same structure, however, Innovate RAPs have modified compulsory elements to that of Reflect RAPs.

The amendments were made and the document returned to RA for its further consideration.

Councillors workshopped the final draft RAP on Wednesday 21 March 2018. The final draft RAP 2018 – 2021 is presented for adoption.

COMMUNITY ENGAGEMENT

The Town has engaged in consultation with RA to ensure the final draft RAP is compliant and becomes registered.

COMMENT

The drawing up of the Town's second RAP– Innovate RAP, has taken some time. Officers are confident the final draft RAP is implementable and achievable.

On adoption, the Town can confirm that RA can proceed with registering the Town's RAP.

Once adopted, the RAP Working Group can then meet to prepare an Implementation Action Plan for the 2018/19 year.

STATUTORY REQUIREMENTS

Local Govt Act 1995

FINANCIAL CONSIDERATIONS

Funding for implementing the RAP for 2018/19 will be a consideration of the budget process and follow the development of the Implementation Action Plan.

Council has provided funds in each of the past four budgets for RAP activity. Ongoing RAP activity funding has been allocated in the long-term financial plan.

OFFICER RECOMMENDATION – ITEM 6.11

That Council adopts the Reconciliation Action Plan 2018 – 2021 as attached to the Ordinary Council Meeting Agenda of 24 April 2018.

Voting requirements: Simple Majority

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

APPLICATION

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

ATTACHMENTS

Attachment No. 10:

Draft Policy 6.7 - Electronic Recording and Livestreaming of Council Meetings

BACKGROUND

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

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

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

COMMUNICATION & ENGAGEMENT

Nil. No Community Engagement was requested by Council.

STRATEGIC IMPLICATIONS

Strategic Priority 5. Good Governance

Objective 5.1 - Enhance organisational accountability

COMMENT

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

STATUTORY REQUIREMENTS

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

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION — ITEM 6.12

That Council adopts the revised Policy 6.17 - Electronic Recordings and Live Streaming of Council Meetings attached to the Ordinary Council Agenda of 24 April 2018.

Voting requirements: Absolute Majority

6.13 Adoption of a Policy for the Conduct of Town of Bassendean Advisory Groups in anticipation that the Council might Disband the Current Design Bassendean Committee (Ref: GOVN/CCLMEET/19 - Bob Jarvis CEO)

APPLICATION

Council's consideration of a new Policy for the conduct of Town of Bassendean Advisory Groups in anticipation that the Council might disband the current Design Bassendean Committee in the near future in favour of an advisory group established under this policy of Council which is similar to that used by the City of Vincent.

ATTACHMENT:

Attachment No. 11:

Draft Town of Bassendean Advisory Group Policy

BACKGROUND

At its Ordinary Meeting in March of 2018 the Council resolved the following (OCM – 16/03/18):

MOVED Cr McLennan, Seconded Cr Wilson, that Council:

1. Receives the information on the Town of Vincent's Advisory Group structure; and
2. Requests staff draft an "Advisory Group" policy in alignment with the example provided by the City of Vincent with the inclusion of a requirement for "declarations of interest" for consideration by Council, with a view to this replacing the current Design Bassendean Committee structure.

It should also be noted that a report, outlining Council's resolution and intent, went to the Design Bassendean Committee meeting held on 5 April 2018, at which the Committee made the following recommendation to Council:

"MOVED Coan Harvey, Seconded Phillip Burton that the Committee supports the Design Bassendean Committee transitioning to an Advisory Group of Council."

The unconfirmed minutes of the Committee meeting, along with its recommendations to Council, will form part of this Council Agenda.

COMMUNICATION AND ENGAGEMENT

The Design Bassendean Committee Members were consulted on its views on disbanding the Committee and being part of an Advisory Group.

STRATEGIC IMPLICATIONS

5: Good Governance

| Objectives <i>What we need to achieve</i> | Strategies <i>How we're going to do it</i> | Measures of Success <i>How we will be judged</i> |
|---|---|--|
| 5.2 Proactively partner with the community and our stakeholders | 5.2.1 Improve customer interfaces and service | Community / Stakeholder Satisfaction Survey (Community engagement and participation) |
| | 5.2.2 Engage and communicate with the community | |
| | 5.2.3 Advocate and develop strong partnerships to benefit community | |

COMMENT

The attached draft policy is substantially based on that adopted by the Town of Vincent, and has only been modified to strengthen the importance of maintaining impartiality and ethical behaviour in decision making – given that working groups are not covered by the Local Government Act 1995 or the Town's adopted Local Law – Standing Orders 2011.

A copy of the Town of Vincent's policy was provided as an attachment to the report that went to the March 2018 Ordinary Council Meeting, and so Councillors will be very familiar with its content and intent.

If Council is satisfied with the policy, and wishes to pursue the change proposed, it would need to, adopt the policy, disband the current Design Bassendean Committee (Absolute Majority Required) and establish a Design Bassendean Working Group which would operate pursuant to the adopted policy. It would also need to determine and resolve to appoint the membership of the Working Group, but it has been assumed that Council would wish to have the same membership as the current Design Bassendean Committee. Council should, in accordance with the policy, outline the objectives for the advisory group, and the following is suggested:

“To provide advice to Council and professional officers, and feedback on the Town’s adopted Strategic Planning Framework”

STATUTORY REQUIREMENTS

Sections 5.8 and 5.11 of the Local Government Act 1995 cover the establishment of committees of council and the tenure of committees which includes disbanding of committees by Council.

It should be noted that advisory groups are not provided for in the Local Government Act 1995, nor are they covered by the Town’s Local Law Standing Orders.

FINANCIAL IMPLICATIONS

There will be some modest costs associated with advertising the changes and the revised meeting schedule.

OFFICER RECOMMENDATION – ITEM 6.13

That Council:

1. Adopts the Town of Bassendean Advisory Group Policy attached to Ordinary Council meeting Agenda of 24 April 2018;
2. Disbands the Design Bassendean Committee;
3. Establishes a Design Bassendean Advisory Group to operate pursuant to the adopted Town of Bassendean Advisory Group Policy; with the following Objectives: “To provide advice to Council and professional officers, and feedback on the Town’s adopted Strategic Planning Framework”, and
4. Appoints the following as the inaugural members of the Design Bassendean Advisory Group, expiring at the next Local Government Elections:

| | |
|---------------------------|--|
| Councillors | Cr McLennan Cr Gangell Cr Wilson |
| Community Representatives | Ross Jutras-Minett Coan Harvey Phillip Burton Moss Johnson David Doy Jennie Collins |

Voting requirement: Absolute majority

6.14 Quarterly Report for Period Ended 31 March 2018 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive the Quarterly Report for the period ended 31 March 2018.

ATTACHMENTS

Attachment No. 12:

Quarterly Report P/E 31 March 2018

BACKGROUND

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables in the 2017-2027 Corporate Business Plan, where those deliverables will commence in the current financial year.

The Quarterly Report also provides information on the progress of cash in lieu projects and grants applied for and received in each quarter.

Included in this quarter also is a summary of activities in the environmental health area, which will be included in future reports.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

OFFICER RECOMMENDATION – ITEM 6.14

That Council receives the Quarterly Report for the quarter ended 31 March 2018.

Voting requirements: Simple majority

6.15 Design Bassendean Committee Meeting held on 5 April 2018 (Ref: GOVN/CCL/MEET/36 – Anthony Dowling, Director Strategic Planning)

APPLICATION

Council is requested to receive this report on the Design Bassendean Committee meeting held on 5 April 2018 and consider the Committee's resolutions for adoption.

ATTACHMENTS

Attachment No. 13:

- List of Committee Objectives, Strategies and Projects (extract from Strategic Priority 3: Built Environment of the Town's 2017-2027 Strategic Community Plan).
- Design Bassendean Committee Minutes of 5 April 2018.

BACKGROUND

Council has established the Design Bassendean Committee to inform and make recommendations to it in respect to the objectives, strategies, and projects listed respectively under Strategic Priority 3: Built Environment of the Town's 2017-2027 Strategic Community Plan and its Corporate Business Plan 2016 – 2020.

The Committee is to meet at least quarterly in a calendar year. It can also hold additional meetings as and when required. Scheduled meetings for 2018 are 7 February, 6 June, 8 August and 5 December.

The second meeting of the Committee was convened on 5 April 2018 to consider and discuss the following matters:

1. A proposal to disband the committee and reconstitute it as an advisory group of Council (see OCM – 16/03/18);
2. The Phase 2 report of the *Bassendean Built Form and Character Study*;
3. Preliminary land use and residential density changes; and
4. Proposed community engagement/consultation strategies for strategic planning projects.

Ensuing discussion in respect to the aforementioned matters took place at the meeting leading to four resolutions made by the Committee as set out in the minutes of the meeting attached to this report.

STRATEGIC IMPLICATIONS

Convening the Committee assists in achieving Strategic Priority 5: Good Governance in the Town's *2017-2027 Strategic Community Plan*) and related strategies 5.2.2 and 5.2.3 below:

| Objectives <i>What we need to achieve</i> | Strategies <i>How we're going to do it</i> | Measures of Success <i>How we will be judged</i> |
|---|---|--|
| 5.2 Proactively partner with the community and our stakeholders | 5.2.1 Improve customer interfaces and service | Community / Stakeholder Satisfaction Survey (Community engagement and participation) |
| | 5.2.2 Engage and communicate with the community | |
| | 5.2.3 Advocate and develop strong partnerships to benefit community | |

COMMENT

In respect to Committee resolution 8.2, the Committee considered that the study to date had articulated the existing character and types of design responses adequately to enable the commencement of the development of a local planning policy and design guidelines to guide the shape and form of future development within the context of preserving the Town's unique character.

The Committee considers the development of a suitable local planning policy and design guidelines as a priority task. This is principally for two reasons:

- To effect as soon as possible further direction in respect to the desired form, scale, and disposition etc of future development within the Town; and
- To augment proposed State Planning Policies *SPP 7.0—Design Principles* and *SPP 7.3—Apartment Design*, which the adoption of by the Western Australian Planning Commission (WAPC) is understood to be imminent.

In respect to the latter, the proposed SPP's will apply unilaterally across the State. Augmenting the State Planning Policy provisions with the development and adoption of a local planning policy (or policies) and local design guidelines is one way of ensuring that future development within the Town is cognisant of preserving the Town's unique character.

The Committee is cognisant too that prioritising the development of a local planning policy and design guidelines may impact the timing of other strategic planning projects and possibly entail additional resources to assist in carrying out this task.

The Director Strategic Planning is currently identifying whether additional resources will be required to undertake this work.

On the face of it, this is likely as the development of design guidelines will benefit from the assistance of either an urban designer and/or a graphic designer experienced in designing and illustrating development site layouts and building forms. Ideally, design guidelines ought to be highly illustrative and graphical as this best conveys the form, scale and disposition of future development desired.

There is flexibility within the current Strategic Planning budget to procure the services of an appropriate designer on a short-term contract if such a need is identified.

It is anticipated that development of a suitable draft local planning policy and design guidelines is likely to take at least until mid-June 2018 to complete (excluding the time required for statutory public advertising of the draft local planning policy).

This work, along with the development of three (3) residential density scenarios (Committee resolution 8.3), the undertaking of the Bassendean Transport Study (now underway and due for completion by mid-August 2018), and the need to carry out subsequent community engagement and consultation associated with these projects/tasks, is likely to 'push-back' by at least several months the scheduled completion of the draft revised Local Planning Strategy.

This will require review and likely recalibration of the currently adopted Strategic Planning Framework implementation timetable, which the Director Strategic Planning aims to present to firstly, the Bassendean Design Committee (as per its resolution 8.4) at a likely future meeting of the Committee in early May 2018, and thereafter to Council at its May 2018 Ordinary Meeting.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil

COMMITTEE/OFFICER RECOMMENDATION – ITEM 6.15

That Council:

1. Receives the report on the meeting of the Design Bassendean Committee held on 5 April 2018; and
2. Receives the *Bassendean Built Form and Character Study* to inform the preparation of a local planning policy and design guidelines that seek to find the right balance between developing for the future and preserving our Town's unique character and that the key matters to be considered are:
 - (a) Resourcing implications for the Town's administration;
 - (b) Impact on the timing of other strategic planning projects;
 - (c) Development of a community consultation plan; and
 - (d) Draft *State Planning Policy 7—Design Principles* and draft *State Planning Policy 7.3—Apartment Design.*;
3. The Director Strategic Planning be requested to prepare three residential density scenarios for further consideration by the Bassendean Design Committee, with each scenario maintaining the State's dwelling target for the Town of Bassendean of an additional 4,150 dwellings by 2050; and
4. The Director Strategic Planning be requested to prepare a revised draft schedule of the strategic planning framework for further consideration by the Design Bassendean Committee.

Voting requirement: Simple majority

**6.16 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 March 2018 | | |
|--|----------------------------------|---|
| Applicati on No | Property Address | Description |
| 201700056 | 124 FIRST AVENUE, BASSENDEAN | BIN STORE TO BE ROOFED OVER |
| 201700052 | 49A HARCOURT STREET, BASSENDEAN | DOUBLE STOREY DWELLING |
| 201700050 | 18 SECOND AVENUE, BASSENDEAN | 8X TWO BEDROOM APARTMENT |
| 201700058 | 17 DEAKIN STREET, BASSENDEAN | SWIMMING POOL BARRIER FENCE |
| 201700054 | 24 KENNY STREET, BASSENDEAN | ADDITION/ALTERATION |
| 201700055 | WEST ROAD, BASSENDEAN | TENANCY FIT-OUT BANKING BRANCH |
| 201700059 | 18 SECOND AVENUE, BASSENDEAN | FULL DEMOLITION WITHIN BOUNDARIES |
| 201700051 | 40 ESTHER STREET, EDEN HILL | 3X DWELLING |
| 201700016 | 15 SYLVIA WAY, EDEN HILL | PATIO (RETROSPECTIVE APPROVAL) |
| 201700012 | 50 DEVON ROAD, BASSENDEAN | PATIO |
| 201700073 | 38 BROADWAY, BASSENDEAN | FOUR GROUPED DWELLINGS |
| 201700071 | 6 FREELAND WAY, EDEN HILL | PATIO |
| 201700079 | 50 DEVON ROAD, BASSENDEAN | NEW BATHROOM AND WIR TO BE INSTALLED COMING OFF BEDROOM |
| 201700075 | 94 KATHLEEN STREET, BASSENDEAN | PATIO |
| 201700074 | 300 COLLIER ROAD, BASSENDEAN | OFFICE FIT OUT |
| 201700076 | 20 PARNELL PARADE, BASSENDEAN | DEMOLITION |
| 201700026 | 51 NORTH ROAD, BASSENDEAN | SHED |
| 201700065 | 25 ASHFIELD PARADE, ASHFIELD | STAIR INSTALLATION AND WINDOW CONVERTED TO DOOR |
| 201700066 | 17 DEAKIN STREET, BASSENDEAN | FIBREGLASS POOL |
| 201700062 | 28 PALMERSTON STREET, BASSENDEAN | FRONT FENCE APPROVAL |
| 201700068 | 46 PEARSON STREET, ASHFIELD | DEMOLITION OF RESIDENTIAL DWELLING |
| 201700060 | 38 THIRD AVENUE, BASSENDEAN | 8X TWO BEDROOM APARTMENTS |
| 201700064 | 80 WHITFIELD STREET, BASSENDEAN | PATIO |
| 201700043 | 50 MICKLETON TERRACE, BASSENDEAN | ANCILLARY ACCOMMODATION |
| 201700087 | 38 THIRD AVENUE, BASSENDEAN | DEMOLITION |
| 201700085 | 41 CUMBERLAND WAY, BASSENDEAN | SINGLE DWELLING |
| 201700088 | 73 WHITFIELD STREET, BASSENDEAN | FULL SITE CLEARANCE OF RESIDENTIAL PROPERTY |
| 201700084 | 76 KENNY STREET, BASSENDEAN | DEMOLITION |
| 201700086 | 56 FOURTH AVENUE, BASSENDEAN | DEMOLITION CLEAR ENTIRE SITE |
| 201600347 | 101 IVANHOE STREET, EDEN HILL | FLAT PATIO |

OFFICER RECOMMENDATION – ITEM 6.16

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

Voting requirement: Simple majority

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

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

| Planning and Subdivision Applications Determined to 6 Apr 2018 | | | |
|---|--|--|----------------------|
| Applic No. | Property Address | Description | Determination |
| 2018-006 | 80 IOLANTHE STREET BASSENDEAN 6054 | SINGLE HOUSE | DELEGATE APPROVED |
| 2018-032 | 13 CUMBERLAND WAY BASSENDEAN 6054 | SINGLE HOUSE | DELEGATE APPROVED |
| 2018-033 | 14 / 117 OLD PERTH ROAD BASSENDEAN 6054 | PATIO | DELEGATE APPROVED |
| 2018-036 | 290 COLLIER ROAD BASSENDEAN 6054 | SIGNAGE | DELEGATE APPROVED |
| 2018-037 | 49 ASHFIELD PARADE ASHFIELD 6054 | RE - ROOFING (TILES TO COLORBOND) | DELEGATE APPROVED |
| Subdivision Applications | | | |
| Strata Plan 78032 | 18 SECOND AVENUE BASSENDEAN 6054 | FORM 24 & FORM 26 - CERTIFICATE OF APPROVAL - STRATA PLAN FOR 8 MULTIPLE DWELLINGS | DELEGATE APPROVED |
| Strata Plan 78044 | 38 THIRD AVENUE BASSENDEAN 6054 | FORM 24 & FORM 26 - CERTIFICATE OF APPROVAL - STRATA PLAN FOR 8 MULTIPLE DWELLINGS | DELEGATE APPROVED |
| 156384 | 9 BARTON PARADE BASSENDEAN 6054 | TWO LOT SUBDIVISION | STATUTORY ADVICE |
| 245-18 | 4 CALNON STREET BASSENDEAN 6054 | TWO LOT SURVEY STRATA SUBDIVISION | STATUTORY ADVICE |
| 288-18 | 86 REID STREET BASSENDEAN 6054 | TWO LOT SURVEY STRATA SUBDIVISION | STATUTORY ADVICE |

OFFICER RECOMMENDATION – ITEM 6.17

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

Voting requirement: Simple majority

7.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

7.1 Notice of Motion – Cr McLennan: Tree Preservation Order - 248 Morley Drive East)

Cr McLennan has advised that she wishes to move the following notice of motion:

“That Council commences the process of implementing a preservation order over the mature tree located on the north-west boundary of Lot 4 (No. 248) Morley Drive East, Eden Hill, in accordance with the provisions of Clause 5.7.7.2 of Local Planning Scheme 10.”

Strategic Implications:

Objective 2.2: Protect our river, bushland reserves and biodiversity
Strategies 2.2.1: Protect and restore our biodiversity and ecosystems

7.2 Notice of Motion – Cr Quinton: Proposed Local Studies Collection Working Group

Cr Quinton has advised that she wishes to move the following motion:

“That the Town of Bassendean establish a Local Studies Collection Working Group.

The working group will:

- 1. Consult with community and stakeholders to build the local studies collection within the Town of Bassendean Memorial Library and support the librarian in developing the collection;*
- 2. Promote that history through projects and events;*
- 3. Report those findings to the People Services Committee”.*

BACKGROUND – CR QUINTON

The former Local Studies Committee ran for more than 10 years and worked to build the local studies collection within the Town of Bassendean’s Memorial Library.

At the Local Government election in 2017, all Committees were abolished. The newly elected councillors agreed that the Local Studies Collection Committee would make part of the People Service’s Committee to ensure cross communication of resources and information.

7.3 Notice of Motion – Cr Quinton: Establish a Integrated Children and Family Services Centre Working Group

Cr Quinton has advised that she wishes to move the following motion:

“That The Town of Bassendean establish a Integrated Children and Family Services Centre Working Group.

The working Group will:

- a) Define the need, scope of services and stakeholders to ideally be accommodated by an Integrated Children and Family Services Centre Working Group; and*
- b) Investigate a model that would be both acceptable to the community and feasible to the Town including reviewing previous models considered by the Town; and*
- c) Report those findings to the People Services Committee.”*

BACKGROUND – CR QUINTON

During the previous Liveable Town’s Advisory Committee meeting in August 2017, the Committee resolved to establish a Family and Children’s Services Working Group.

In response to a Notice of Motion by Cr McLennan, at the March OCM, Council resolved (OCM – 34/03/17) that it:

1. Affirms the high value that is placed upon families and children in our community and its commitment to provide appropriate facilities to meet the requirements of this important group;
2. Recognises the need for upgraded infant health and other children & families’ facilities within the Town of Bassendean;
3. Notes the previous failure of plans for a Children & Families’ Services Centre to proceed (OCM – 14/12/13);
4. In light of the above, reconsiders establishing a Children and Families’ Services facility including: a) Defining a model that would be both acceptable to the community and feasible for the Town; b) Defining the scope of services to ideally be accommodated by such a facility; c) Identifying suitable sites for such a facility to be located; and d) Identifying potential funding sources for the project; and

5. Refers the matter to the Liveable Town Advisory Committee to action in consultation with the community.

The approach to be taken on this matter is recommended to be the establishment of a Working Party with Terms of Reference defined by part 4 above. Council recently considered the merits of leasing commercial property in the Town Centre to accommodate the Child Health Clinic in response to the facility no longer meeting the purpose: The building was constructed in the 1950's. Council resolved not to proceed with leasing premises, but to investigate enhancing the existing facility to better meet client needs as an interim measure and as part of this process, refers the condition of the building to the Asset Management Working Group.

Following an extensive process that took many years, in December 2013, Council resolved not proceed with the proposal for a Children and Family Services Centre. The May 2013 report includes design and cost estimates to construct the facility at the original site, being from Hamilton Street to James Street and from the Tennis Courts to abut residential properties and including the Child Health Clinic site. The cash flow business model for this facility (both options 1 & 2) showed an operating deficit and was not supported by Council. Council resolved to consider the facility on an alternate site, being the Senior Citizens' Centre and down James Street.

The second document in the attachments is the concept plan and capital cost estimates that was beyond the Town's borrowing capacity. It was at this point the project was abandoned. The Town continues to experience gentrification with an increase in the number of young families taking residency. The number of live births remains historically high. An initiator of the proposal to establish an Integrated Children and Family Services Centre was a petition received by the Town in 2006 seeking Council provide better facilities for playgroups.

As a short term outcome, the Children Services component of Ashfield Community Centre that accommodated Out of School Child Care Services was adapted to provide playgroups through the day. A Federal Government funded facilitated playgroup was provided in the Centre. This facility now provides long day care service (Wind in the Willows Ashfield) and can no longer meet playgroup needs. No new community facilities have been constructed by the Town in the intervening years. Playgroups continue to operate in the Town but the demand for Council facilities for the purpose has reduced. Wind in the Willows Bassendean celebrated 40 years of service to the community in Wilson Street last year.

The facility, while maintained in good working order, is 40 years old. The nature of childcare has radically changed in that time and the facility has been adapted to meet those changes. It nevertheless remains a 40 year old facility.

A “homely environment” is undoubtedly a strength and assists Wind in the Willows achieve the requirement to meet all financial outgoings through parent fees. Growing Wind in the Willows business model and the establishment of a second Centre, Wind in the Willows Ashfield, was as a result of changes in local demand. Alternate Out of School Care services were being established on School properties. This in turn reduced demands for primary school aged childcare services while at the same the Town was unable to meet demand for under school-aged care.

In 2015, the Town transitioned the Ashfield Centre to long day care, specialising in 3–5 year olds. In doing so, the Bassendean Centre was able to specialise on 0 – 3 year olds. This model continues today. Demand continues to be stubbornly higher than can be accommodated Future industry changes may well see children as young as three years old becoming more formally engaged in the education system. This may affect demand for placements.

The Committee resolved:

COMMITTEE RECOMMENDATION - ITEM 9.2(a) LTAC – 2/08/17 MOVED Kylie Turner, Seconded Jeanette Maddison, that:

1. An Integrated Children and Family Services Centre Working Group be established;
2. Membership include Jeanette Maddison, Kylie Turner, Cr John Gangell and that expressions of interest be called from the community;
3. The Working Group Terms of Reference be: a) Define the need, scope of services and stakeholders to ideally be accommodated by such a facility; and b) Investigate a model that would be both acceptable to the community and feasible to the Town including reviewing previous models considered by the Town.

7.4 Notice of Motion – Cr Hamilton: Information Process & Distribution Timelines

Cr Hamilton has advised that she wishes to move the following motion:

“That Council:

- 1. Directs the CEO to organise the provision of a detailed overview of this Council’s economic position to all Councillors within 30 days of each local government election. This should be via a workshop briefing that provides as a minimum a detailed analysis of the Town’s financial position, the latest Auditors Reports, and notification of any variations that may impact on the budget;*
- 2. Requests staff to provide to Councillors the proposed scope of works and/or brief prior to the engagement of consultants preparing reports for Council’s consideration;*
- 3. Requests staff to provide to Councillors with a simple summary sheet listing all contracts entered into by the Town each month listing key material points such as total value and length of contract; and*
- 4. Requires Consultants’ Reports that are prepared for consideration by Council to be presented to all Councillors within 30 days of each report completion date.*

Background – Cr Hamilton

Strategic Priority 5: Good Governance

5.1 Enhance Organisational Accountability

5.1.3 Strengthen Governance, Risk Management and Compliance

5.1.4 Improve efficiency and effectiveness of planning and services

5.3 Strive for Improvement and Innovation

5.3.1 Adopt and measure against best practices ensuring a focus on continuous improvement

The role of Councillors is to examine all the facts and thereafter provide considered decision making and direction for this Town. The timely distribution of information to Councillors is an important component to this process.

Recent instances of delayed presentation of reports on the *Community Facilities, Ovals/Reserves & Boating Infrastructure Audit & Needs Assessment* and a *significant variation affecting the Budget* has highlighted the potential to improve the process for timely dissemination of information to Councillors.

By providing a stronger structure to the information distribution process, Councillors can be confident that they are receiving up to date data on a more regular basis.

This conforms with the aims of our Strategic Community Plan to promote continuous improvement.

OFFICER COMMENT

INDUCTION- Item 1

The Town does provide an induction to all new Councillor's following the election. All Directors address the induction and Officers provide information on:

- Governance- including the role of Councillors and their responsibility under the Local Government Act
- Town Planning- Provide an overview of the current planning projects and statutory requirements
- Asset Services- Provides information on the projects contained in the budget
- Community Services- Provides information on the services we provide and community expectations
- Financial Management- Provides information on the financial management of the Town, Investments, Financial positions and budget and reporting requirements.

Note: the requirement to provide an audit report within 30 days of the Election may be problematic if this is not available. The Audit report is provided to the Audit and Governance Committee and Council with the Annual Financial Statements and Annual Report. This report is presented to the Annual General Meeting of Electors. In regards to the variations between the Actual opening surplus and budget surplus, this forms part of the consideration when reviewing the adopted budget in February.

ENGAGEMENT OF CONSULTANTS- Item 2

Projects included in the budget are authorised by Council when it adopts its budget. The scope of works and engagement of consultants for those projects cannot be withheld until Council make a decision.

This will create unnecessary delays. Staff have delegated authority to enter into contracts without any reference to Council. It would entirely impracticable to delay a projects pending a further decision by Council to engage a consultant.

We would need further clarifications of what consultants Council requires information - eg Auditors are consultants.

LIST OF CONTRACTS

A list of contracts is available any time to Councillors at their request. It is the responsibility of Staff to monitor and maintain a contracts register for the community.

CONSULTANTS' REPORTS

Generally, consultants' reports are presented to Council as part of reports on projects within the budget. We would need further clarifications of what consultant reports Council requires information. Eg - environmental, financial, community, economic.

It should be noted that costs for consultancies and projects are reported monthly in the Financial Statements on Page 227-28.

GENERAL COMMENT

The role of a Council is included in Clause 2.7 of the Local Government Act and this includes:

- Governs the local government affairs;
- Is responsible for the performance of the local government's functions;
- Oversee the allocation of the local government finances and resources; and
- Determines local government policies.

The role of a Councillor:- (Clause 2.10 of the Local Government Act)

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*

- (e) *performs such other functions as are given to a councillor by this Act or any other written law*

There is the issue of whether the separation of duties between Councillors (who make policy for the good governance of the district) and Staff who are there to ensure that resolutions of Council are fully actioned within the required timeframe. To delay any projects would be considered inappropriate, given that Staff are under considerable pressure to complete all the projects within the adopted budget and the financial year.

Council needs to reconsider the intent of this Notice of Motion, as it may cause considerable delays in undertaking projects that have been authorised by Council and delegated to Staff to complete within the adopted budget.

8.0 CONFIDENTIAL BUSINESS

9.0 CLOSURE

The next Briefing Session will be held on Tuesday 15 May 2018 commencing at 7.00pm.