

ATTACHMENTS

BRIEFINGS SESSION AGENDA

19 FEBRUARY 2019

Attachment No. 1

Town of Bassendean Waste Local Law 2019

Attachment No. 2

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

Attachment No. 3

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

Attachment No. 4

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

Attachment No. 5

Eden Hill CAN Completed Community Group Sponsorship Application

Attachment No. 6

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

Attachment No. 7

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

Attachment No. 8:

Draft Policy - Annual Performance Review, Chief Executive Officer

Confidential Attachments

Confidential Attachment 1

Suicide Prevention Working Group - List of nominees including their stated credentials (in full)

ATTACHMENT NO. 1

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

TOWN OF BASSENDEAN

WASTE LOCAL LAW 2019

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

Town of Bassendean

Waste Local Law 2019

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**Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995**

Town of Bassendean

Waste Local Law 2019

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Bassendean resolved on 26 February 2019 to make the following local law.

Part 1 - Preliminary

1.1 Short title

This is the Town of Bassendean Waste Local Law 2019.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals part 4, division 2 of the Town of Bassendean Health Local Law 2001, as published in the *Government Gazette* on 24 August 2001, except for the following clauses:

- a) clause 4.11;
- b) clause 4.15; and
- c) clause 4.16

1.5 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

bulk waste means bulky goods generated from residential dwellings; as approved by the local government, not including mattresses, fridges or freezers.

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

green waste means vegetative material as approved by the local government;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means Town of Bassendean;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste ;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street setback has the same meaning as in the State Planning Policy 3.1 Residential Design Codes or R-Codes;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste has the same meaning as in the WARR Act;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the LG Act, shall be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination shall be recorded in a publicly accessible register of determinations that shall be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

Part 2 - Local government waste

2.1 Supply of receptacles

- (1) Subject to subclause (2), the local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) In the case of multi-residential premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number and size of the receptacles to be supplied for collection and removal, from those premises, of collectable waste.
- (3) The owner of premises to which subclause (1) and (2) applies shall—
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises shall not deposit or permit to be deposited in a receptacle any non-collectable waste.

- (2) A person shall not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle—
- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has a capacity of 140 litres – more than 70 kilograms of collectable waste; or
 - (c) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises shall not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has a capacity of 360 litres – more than 70 kilograms of recycling waste; or
- (d) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises shall not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises shall comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises shall—

- (a) except for a reasonable period before and after collection time, keep each receptacle in an approved storage compound, or be screened from public view, and located outside the street setback;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is —
 - (i) within 1 metre of the carriageway;
 - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person; and
- (c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause shall state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and

- (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, shall not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) shall deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) shall otherwise comply with those terms and conditions.
- (2) Where green waste or bulk waste has been deposited on a verge for a verge waste collection, a person shall not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person shall not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Part 3 - General duties

3.1 Duties of an owner or occupier

An owner or occupier of premises shall—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;

- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
 - (iv) ensure that each receptacle does not obstruct pedestrian movement on footpaths or obstruct vehicle road safety site lines;
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law.

3.2 Removal of waste from premises

- (1) A person shall not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person shall not remove any waste from a receptacle without the approval of—
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person shall not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

Part 4 - Operation of waste facilities

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
 - (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility shall comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person shall comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person shall, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
 - (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person shall not deposit waste at a waste facility other than—
 - (a) at a location determined by a sign and in accordance with the sign; and

- (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person shall not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility;
or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person shall not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

Part 5 - Enforcement

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2); and
- (g) an approval under clause 3.3.

5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to

a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Schedule 1 - Meaning of 'non-collectable waste'
[Clause 1.5(1)]

non-collectable waste means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

Schedule 2 - Prescribed offences

Item No.	Clause No.	Description	Modified Penalty
1	2.1(3)(a)	Failing to pay fee or charge	\$350
2	2.1(3)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)(a), (b) and (c)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	2.4(a), (b), (c) and (d)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
15	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
16	2.9(b)	Removing a receptacle from premises	\$400
17	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
18	2.10(2)	Removing waste for commercial purposes	\$350
19	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
20	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
21	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
23	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
26	3.1(e)	Failing to comply with a direction to remove waste from a receptacle	\$300

Item No.	Clause No.	Description	Modified Penalty
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	3.3 (a)	Depositing waste without authority into a receptacle provided for the use of the general public in a public place	\$300
30	3.3(b)	Removing waste without authority from a receptacle provide for the use of the general public in a public place	\$300
31	4.3(2)	Failing to comply with a sign or direction	\$500
32	4.3(4)	Failing to comply with a direction to leave	\$500
33	4.4(1)	Disposing waste without payment of fee or charge	\$500
34	4.5(1)	Depositing waste contrary to sign or direction	\$500
35	4.6(1)(a)	Removing waste without authority in a waste facility	\$250
36	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500
37	4.6(1)(c)	Lighting a fire in a waste facility	\$300
38	4.6(1)(d)	Removing or interfering with any flora in a waste facility	\$300
39	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	\$300
40	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
41	4.6(2)	Acting in an abusive or threatening manner	\$300

ATTACHMENT NO. 2

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

**ANIMALS, ENVIRONMENT, NUISANCE AND PESTS
LOCAL LAW 2019**

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ANIMALS, ENVIRONMENT, NUISANCE AND PESTS LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ANIMALS, ENVIRONMENT, NUISANCE & PESTS LOCAL LAW 2019

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on 26 February 2019 to make the following local law.

Part 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed or amended —

The *Town of Bassendean Health Local Law 2001*, published in the *Government Gazette* on 24 August 2001 are amended as follows:

1. Part 4, Division 1 is repealed;
2. Part 4, Division 2 clauses 4.15 and 4.16 are repealed;
3. Part 4, Division 3 is repealed;
4. Part 5, Division 1 is repealed;
5. Part 5, Division 2 is repealed;
6. Part 5, Division 3 is repealed;
7. Part 5, Division 4 is repealed; and
8. Part 6, is repealed.

1.5 Interpretation

(1) In this local law, unless the context specifies otherwise—

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 2015*;

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law caged

birds includes budgerigars, canaries, finches, quail, doves and other small birds;

Code of Practice—Pigeon Keeping means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003* as amended from time to time;

commercial wrecking means the activity of wrecking vehicles or machinery for the purpose of conducting a business by offering vehicles, machinery or parts thereof for

purchase, trade, sale or gain;

district means the district of the local government;

land includes any building or structure on the land;

local government means the Town of Bassendean;

lot has the meaning given to it by the *Planning and Development Act 2005*;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment by a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

other caged birds includes parrots, galahs, corellas and the like;

owner where used in relation to land, has the meaning given by the Local Government Act 1995;

permit means a permit issued under this local law;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Water and Environmental Regulation;

poultry includes fowls, peafowl, turkeys, geese, ducks, bantams and other domestic fowls;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

Schedule means a schedule to this local law;

thoroughfare means any highway or thoroughfare which the public are entitled to use, including the verge and other things including bridges and culverts appurtenant to it;

Commercial vehicle means a motor vehicle having a tare weight in excess of 3000 kilograms;

vehicle means any motor vehicle, part of a motor vehicle in a state of disrepair or in the process of being wrecked whether licensed or not; and

wreck includes the dismantling, breaking up, storage and disposal of vehicles.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.
- (3) Where in this local law a duty, obligation or liability is imposed on an owner or occupier the

duty shall be deemed to be imposed jointly and severally on each owner and occupier.

- (4) Where under this local law the local government is authorised to carry out actions or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, Subdivision 3 of the Act.

Part 2—KEEPING OF ANIMALS

Division 1 - Keeping of animals and birds

2.1 Interpretation

In this division, unless the context otherwise requires -

animal includes cats, dogs, rabbits, ferrets or the like; and

bird includes but is not limited to poultry, galahs, parrots, corellas, cockatoos and other Australian native birds, budgerigars, finches, pigeons and doves or the like.

2.2 Cleanliness

An owner or occupier of a premises, in or on which an animal or bird is kept shall –

- a) keep the premises free from excrement, filth, food waste and all other matter which is, or is likely to become offensive or attract rats or other vectors of disease;
- b) when so directed by local government, clean and disinfect the premises;
- c) keep the premises, so far as possible free from flies or other vectors of disease, by spraying with a residual insecticide or other effective means; and
- d) ensure the keeping of the animal or bird does not cause a nuisance and is not offensive or dangerous to health.

2.3 Animal enclosures

- (1) A person shall not keep or cause, or permit to be kept, any animal enclosure on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The local government may by notice in writing direct the owner or occupier require the surface of the ground of all enclosures used for the keeping of animals to be paved, graded and drained.

2.4 Disposal of dead animals

An owner or occupier of land on which there is a dead animal shall immediately dispose of the dead animal in such a manner as not to cause or be a nuisance to any person.

Division 2 - Keeping of large animals

2.5 Interpretation

In this Division, unless the context otherwise requires –

cow includes an ox, calf, or bull;

horse includes an ass, mule, donkey or pony; and

large animal includes a pig, sheep, goat, deer, llama, alpaca or camel.

2.6 Conditions for keeping of an animal

- (1) Subject to subsection (2) an owner or occupier of premises shall not keep or allow to be kept any horse, cow or large animal on those premises.
- (2) An owner or occupier of premises may upon written application to the local government, request permission to keep one or more sheep or horse.

The number of sheep or horses permitted by the local government shall be at a rate not greater than one horse or sheep per 2000 square metres of land set aside for the exclusive use of the sheep or horse.

- (3) The owner or occupier of premises with approval to keep sheep or horses, shall provide for their use a stable or enclosure which shall:
 - (a) not be situated within 30 meters of a dwelling;
 - (b) be constructed of an impervious material; and
 - (c) have a floor, constructed of cement, concrete or other similar impervious material with the upper surface of which at least 75mm above the surface of the ground.
- (4) The owner or occupier of any premises on which a stable is located shall:
 - (a) maintain the stable in a clean condition, free of insect pests, rodents and offensive odour;
 - (b) when so directed in writing by an authorised person, clean, wash and disinfect the stable; and
 - (c) when so directed in writing by an authorised person, spray the stable or such parts as may be directed, with a residual insecticide.

Division 3 - Keeping of poultry, pigeons and caged birds

2.7 Limitation on numbers of poultry and pigeons and caged birds

- (1) An owner or occupier of premises shall –
 - (a) subject to clause 1(b), not keep a combined total of more than 12 poultry or caged birds without the written approval of the local government, on any one lot of land;
 - (b) not keep more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 75;
 - (c) subject to subsection (3), not keep any of the following:
 - (i) geese
 - (ii) a turkey
 - (iii) peafowl
 - (iv) rooster
 - (v) other caged birdson any land within the Town of Bassendean.
- (2) The local government may either reduce the approved number of poultry, pigeons or caged birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or caged birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.
- (3) The local government may, upon written application to it, grant approval to a person who is the owner or occupier of premises to keep on those premises, either a goose, gander, turkey, peafowl, rooster or other caged birds.
- (4) A person who has been granted approval under subsection (3) hereof, to keep a goose, gander, turkey, peafowl, rooster or other caged birds, on the premises may do so only while he/she is the occupier thereof.

- (5) The local government may cancel the approval granted to an occupier under subsection (3) hereof, upon receipt of a justified complaint relating to the keeping of either a goose, gander, turkey, peafowl, rooster or other caged birds.

2.8 Conditions for keeping poultry in limited numbers

A person who keeps poultry or permits poultry to be kept shall ensure that –

- (a) no poultry are kept within 9 meters of a neighbouring dwelling and 5 meters from an opening to a dwelling;
- (b) no poultry approach within 9 meters of a public street, public building, commercial premises or food premises;
- (c) all poultry are kept in an enclosure not closer than 1.2 meters to any property boundary, within which is a properly constructed, weatherproof structure for roosting, which shall:
 - (i) allow a minimum of 0.3 square metres of floor area per fowl;
 - (ii) have an impervious floor of 50 millimetre minimum thickness, graded to the front to facilitate easy cleaning;
 - (iii) be designed to allow easy access for cleaning; and
 - (iv) have the walls and roof constructed of an impervious material.
- (d) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition;
- (e) the enclosures have an otherwise unobstructed area of at least 20 square metres; and
- (f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease when so directed by an authorised person.

2.9 Conditions for keeping of pigeons in limited numbers

- (1) A person who keeps, or permits to be kept, pigeons shall ensure that:
- (a) no opening to a pigeon loft, including openings for ventilation, is within 15 meters of a public street, public building, commercial premises or food premises;
 - (b) no opening to a pigeon loft, including openings for ventilation, is within 9 meters of any residential dwelling;
 - (c) no pigeon loft is located within 1.2 metres of a boundary of an adjoining property;
 - (d) all structures used to house pigeons shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;
 - (e) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an authorised person;
 - (f) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease when so directed by an authorised person;
 - (g) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between specified hours of the day, if health or nuisance related problems become evident; and
 - (h) where there is any discrepancy between this Section relating to the Keeping of Pigeons, cage-birds and other cage-birds and the Code of Practice – Pidgeon Keeping the higher standard of construction and hygiene shall prevail.

2.10 Removal of non-conforming structure or enclosure

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of sections 2.8 and 2.9 respectively, the local government may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary within the time specified in the notice.
- (2) Where a notice is issued under subclause (1), the requirements set out in the notice must be complied with within the period specified in the notice.

2.11 Restrictions on pigeon nesting or perching

- (1) The local government may by notice in writing direct the owner or occupier of a premises in which pigeons are in a habit of nesting or perching, to take such actions as the authorised person considers necessary to prevent them from continuing to do so.
- (2) Where a notice is issued under subclause (1), the requirements set out in the notice must be complied with within the period specified in the notice.

Part 3— LANDCARE

Division 1 – Liquid waste

3.1 Interpretation

In this division, unless the context otherwise requires:

Liquid refuse includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and

Liquid waste means bathroom, kitchen, scullery and laundry wastes, the contents of septic tanks, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

3.2 Deposit of liquid refuse

An owner and/or occupier of land shall take reasonable steps to -

- (a) contain all liquid refuse on the land; and
- (b) ensure no liquid refuse is released or escapes from the land, whether by means of wind, water or any other cause.

3.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall:
 - (a) provide one or more of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one or more of the following methods:
 - (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator; or
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or the Local government; or

- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

Division 2—Unightly land and disused materials

3.4 Removal of refuse and disused material

- (1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of any nature or kind which in the opinion of authorised person is likely to give the lot an untidy appearance and, or does not conform with the general appearance of other land in that part of the district.
- (2) The local government may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary to remove of refuse, rubbish or disused material from the lot within the time frame specified in the notice.

3.5 Removal of unsightly overgrowth of vegetation

- (1) The owner or occupier of a lot shall not permit to remain on a lot any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that part of the district.
- (2) The local government may give notice in writing to the owner or occupier of a lot to take such actions as the authorised person considers necessary to remove the overgrowth of vegetation within the time specified in the notice.

3.6 Storage of vehicles and machinery

The owner or occupier of a residential lot shall not –

- (a) store any vehicle, part or body of a vehicle, vessel or machinery in a state of disrepair;
- (b) allow to remain on any land, a vehicle, part or body of a vehicle, vessel, or machinery in a state of disrepair;
- (c) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery; unless-
 - (i) inside a building;
 - (ii) or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts of bodies of vehicles or machinery from the street and from adjoining properties; or
- (d) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

3.7 Commercial wrecking of vehicles

An owner or occupier of land in the district must not undertake, permit or suffer the commercial wrecking of vehicles on that land, without first having obtained written approval from the local government.

3.8 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first removing every door and lid and every lock, catch and hinge attached to a door or lid or otherwise rendering every door and lid incapable of being fastened.

Division 3 – Swimming pool backwash management

3.9 Disposal of swimming pool backwash

The owner or occupier of land on which a swimming pool is constructed shall ensure that backwash is not permitted to discharge onto or run-off onto adjacent land.

Part 4—NUISANCES

Division 1—Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that—

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land at a level that interferes unreasonably with normal daily activities; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

(1) Where—

- (a) floodlights or other exterior lights shine directly onto any other premises;
- (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land that interferes unreasonably with normal daily activities; or
- (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare

the local government may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary within the time specified in the notice.

(2) The notice referred to in subclause (1) may direct that—

- (a) floodlights or other exterior lights are used only during the hours specified in the notice;
- (b) the direction in which the lights shine be altered as specified in the notice; or
- (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance;
- (d) any combination of these measures that the local government believes to be appropriate to the circumstances.

Division 2—Smoke, fumes, odours and other emissions

4.4 Escape of smoke, fumes, odours and other emissions

- (1) An owner or occupier of land or premises shall take all reasonable steps not to cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.
- (2) Subsection (1) does not apply to odour from the use of organic fertilisers applied in accordance with the product label or in the case of bulk fertiliser in a manner as to minimise nuisance.

Division 3 – Commercial vehicle noise

4.5 Commercial vehicle noise from residential land

A person shall not start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the hours of 10.00 pm and 7.00 am on the following day without first obtaining the written approval of the local government.

Division 4—Bird nuisance

4.6 Restrictions on feeding of birds

- (1) A person shall not feed a pigeon, dove, ibis, raven, corella, lorikeet or other wild bird so as to cause a nuisance.
- (2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the local government may give notice to a person requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Part 5— PEST CONTROL

Division 1 – Flies

5.1 Interpretation

In this Division, unless the context otherwise requires:

"Flies" means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

5.2 Fly breeding matter not to be left on premises unless covered or treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on, or about the premises any matter or thing which is liable to attract, or be a breeding place for flies unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

5.3 Measures to be taken by an occupier

An occupier of premises shall ensure that:

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten animal and bird food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 200 millimetres of soil and compacted; and
- (h) excrement from pets is collected and properly disposed of without delay.

5.4 Local government may give notice directing measures to be taken

Where in the opinion of an authorised person flies are prevalent or are breeding on any premises, the local government may give to the owner or occupier of the premises a notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the authorised person are necessary to:

- (a) control the prevalence of flies;
- (b) effect the eradication of flies;
- (c) effectively prevent the breeding of flies.

Division 2 – Mosquitoes

5.5 Interpretation

In this Division, unless the context otherwise requires:

Mosquitoes means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

5.6 Premises to be kept free of mosquito breeding matter

An owner or occupier of premises shall keep the premises free of:

- (a) refuse; and
- (b) water located so as to be, liable to become the breeding place of mosquitoes.

5.7 Measures to be taken by an owner or occupier

An owner or occupier of premises:

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water:
 - (i) stocked with mosquito predatory fish; or
 - (ii) covered with a film of petroleum oil or other larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel, shall:
 - (i) keep it protected with a mosquito-proof cover; and
 - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

5.8 Drains, channels, compensating basins and septic tanks

An owner or occupier of land shall:

- (a) cause all drains, channels and compensating basins in or on the land to be kept in good order and free of mosquito larvae; and or
- (b) where a septic tank is installed on the land:
 - (i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by the local government.
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

5.9 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall:

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land;

- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that:
 - (i) the water on the land may flow into the drains without obstruction; and
 - (ii) no water shall remain on any portion of the land other than the drains; and
- (d) keep all drains in good order and free from obstruction.

5.10 Swimming pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by the local government:

- (a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or
- (b) chlorinate and adjust pH of the pool to:
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2 to 7.6; or
- (c) empty or drain the pool; or
- (d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and
- (e) maintain the pool water free of mosquito breeding.

Division 3 – Rodents

5.11 Interpretation

In this Division, unless the context otherwise requires:

rodents means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

5.12 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall:
 - (a) take effective measures to keep the premises free from rodents including:
 - (i) protecting food stuffs;
 - (ii) using a rodenticide bait or a properly baited trap; and
 - (iii) preventing rodents having access to water on the premises;
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall:
 - (i) if it is not already dead, kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance;
 - (c) take whatever measures for the eradication of rodents as an authorised person may from time to time direct.

5.13 Waste food etc.

An owner or occupier of premises shall:

- (a) not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment; and
- (b) follow any direction of the authorised person to dispose of fallen fruit, nuts or seed.

5.14 Restrictions on materials affording harbourage for rodents

- (1) An owner or occupier of premises shall cause:
 - (a) any part of the premises; or
 - (b) any material, sewer, pipe or other thing in or on the premises, that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for or harbourage of rodents.
- (2) The local government may by notice direct, an owner or occupier of premises to take whatever action that, in the opinion of an authorised person, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier of premises shall comply with a notice from, and within the time allowed by local government under this section.

Division 4 – Cockroaches

5.15 Interpretation

In this Division, unless the context otherwise requires:

Cockroach means any of the various *orthopterous* insects commonly known as cockroaches.

5.16 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including:
 - (a) washing and storing, immediately after use, cooking and eating utensils;
 - (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage; and
 - (c) whenever required by local government, treating any area with baits or other methods to eradicate cockroaches.

Division 5 - European Wasps

5.17 Interpretation

In this Division, unless the context otherwise requires:

European Wasp means a wasp *Vespula germanica*.

5.18 Measures to be taken to keep premises free from European wasp nests

An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall:

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;
- (b) follow any direction of an authorised person for the purpose of destroying the wasps and their nest; and

- (c) assist an authorised person to trace any nest that may be present in, on or about the premises.

Part 6—OBJECTIONS AND APPEALS

6.1 Objections and appeals

When the local government makes a decision under this local law as to whether it will -

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice;

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

Part 7 – ENFORCEMENT

Division 1 – Notices given under this local law

7.1 Notice of breach

- (1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such a breach.
- (2) A notice issued pursuant to subclause (1) shall—
 - a) specify the provision of this local law which has been breached;
 - b) specify the particulars of the breach; and
 - c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 7 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

7.2 Form of notices

Where this local law refers to the giving of a notice other than the giving of an infringement notice and no particular form is prescribed, it will be sufficient that the notice be in writing giving sufficient details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

Division 2 – Offences and Penalties

7.3 Offences and penalties

- (1) A person who—
 - (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law by the local government; or
 - (c) does anything which under this local law that person is prohibited from doing;commits an offence.
- (2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (3) A person who commits an offence under this local law is liable to a maximum penalty of

\$5000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Division 3 – Infringement Notices and Modified Penalties

7.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1—
 - (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Schedule 1; and
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Schedule 1.

7.5 Form of infringement notices

For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

**Schedule 1 – Prescribed Offences
[Clause 7.4]**

Item	Clause	Description of offence	Modified penalty - first offence	Modified penalty - subsequent offence
1.	2.2	Failing to keep an animal or bird in accordance with a condition of this local law	\$250	\$500
2.	2.3(1)	Failing to maintain an animal enclosure	\$250	\$500
3.	2.4	Failing to immediately dispose of a dead animal in a manner as not to cause a nuisance	\$250	\$500
4.	2.6	Failing to keep an animal in accordance with conditions of this local law	\$250	\$500
5.	2.7(1)(a)	Keeping more than 12 poultry or caged birds	\$250	\$500
6.	2.7(1)(c)	Keeping of a goose or gander, turkey, peafowl, rooster or other caged without written permission of the local government	\$250	\$500
7.	2.8	Failing to keep poultry in accordance with conditions of this local laws	\$250	\$500
8.	2.9	Failing to keep pigeons in accordance with conditions of this local laws	\$250	\$500
9.	2.10(2)	Failing to comply with a notice to remove non-conforming structure or enclosure	\$250	\$500
10.	2.11(2)	Failing to comply with a notice issued to prevent pigeons nesting or perching	\$250	\$500
11.	3.2	Release of liquid refuse from the land	\$250	\$500
12.	3.3(2)	Failing to dispose of liquid waste in an approved manner	\$250	\$500
13.	3.4(1)	Keeping or allowing to be kept on a lot refuse, rubbish or disused material giving the land an untidy appearance	\$250	\$500
14.	3.5(1)	Keeping or allowing to be kept on a lot unsightly overgrowth of vegetation giving the land an untidy appearance	\$250	\$500
15.	3.6(a)	Storing on a lot a vehicle, part or body of a vehicle or machinery in a state of disrepair	\$250	\$500
16.	3.6(b)	Storing or allowing to remain on land, a vehicle, part or body of a vehicle or machinery in a state of disrepair	\$250	\$500
17.	3.6(c)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	\$250	\$500
18.	3.6(c)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	\$250	\$500
19.	3.6(d)	Wrecking, dismantling or breaking up a vehicle, vessel or machinery so as to cause a nuisance	\$250	\$500
20.	3.7	Commercial wrecking of vehicles on land without local government approval	\$250	\$500
21.	3.8	Disposing of disused refrigerator or similar container with door or lid that can be fastened	\$250	\$500
22.	3.9	Discharging swimming pool backwash onto adjacent land	\$250	\$500

23.	4.1	Erection or use of lighting installations other than in accordance with this local law	\$250	\$500
24.	4.2(a) & (b)	Permit the emission or reflection of light	\$250	\$500
25.	4.4(1)	Allowed the escape of smoke, fumes, odour and other emissions so as to cause a nuisance	\$250	\$500
26.	4.5	Use of a commercial vehicle other than in accordance with this local law	\$250	\$500
27.	4.6(1)	Feeding a bird so as to cause or create a nuisance	\$250	\$500
28.	5.2	Failing to keep premises free of fly breeding matter	\$250	\$500
29.	5.3	Failing to comply with conditions of this local law preventing fly breeding	\$250	\$500
30.	5.6	Failing to keep premises free of mosquito breeding matter	\$250	\$500
31.	5.7	Failing to comply with a condition of this local law to prevent mosquito breeding	\$250	\$500
32.	5.8	Failing to maintain a drain, channel, compensating basin or septic tank in accordance with a condition of this local law	\$250	\$500
40.	5.9	Failing to drain land	\$250	\$500
41.	5.10	Failing to comply with a notice of the local government	\$250	\$500
42.	5.12(1)	Failing to take effective measures to eradicate rodents in or on the premises	\$250	\$500
43.	5.12(2)	Failing to take measures to eradicate rodents in accordance with this local law	\$250	\$500
44.	5.13(a)	Failing to prevent access by rodents to waste food, refuse or other waste	\$250	\$500
45.	5.13(b)	Failing to follow a direction to dispose of fallen fruit, nuts or seed	\$250	\$500
46.	5.14(1)	Failing to alter, repair, protect, remove or otherwise deal with part of a premises or other thing on the premises used as access for or harbourage of rodents	\$250	\$500
47.	5.16(1)	Failing to take effective measures to eradicate cockroaches	\$250	\$500
48.	5.18	Failing to ensure premises is free of European Wasp nests	\$250	\$500

Dated:

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

R. McLENNAN Mayor.

P. MABBS Chief Executive Officer.

ATTACHMENT NO. 3

Town of Bassendean

Local Planning Scheme No. 10

Scheme Amendment Report

Amendment No. 11

Report Prepared by the Town of Bassendean

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- | | |
|-----------------------------|---|
| 1. Local Authority: | Town of Bassendean |
| 2. Description of Scheme: | Local Planning Scheme No. 10 |
| 3. Type of Scheme: | District Zoning Scheme |
| 4. Serial No. of Amendment: | Amendment No. 11 |
| 5. Proposal | The proposed amendment seeks to amend Table 1 – Zoning Table, of Local Planning Scheme No. 10, to modify the land use permissibility of ‘Convenience Store’ and ‘Service Station’ in the ‘Town Centre’ and ‘Local Shopping’ zones to use that is not permitted ‘X’ use within these zones. The amended zoning table will read as follows: |

Use Class	Zones	
	Town Centre Zone	Local Shopping Zone
Convenience Store	X	X
Service Station	X	X

Dated this day of 2019

.....

Chief Executive Officer

1. Purpose

This amendment has been proposed to ensure that:

- 'Convenience Store' and 'Service Station' land use activities that provide for the sale of petroleum products (fuel) will not be permitted within the 'Town Centre' zone and 'Local Shopping' zone; and
- The change of permissibility to the Convenience Store and/or Service Station will not prevent the retailing of convenience goods and products in the 'Town Centre' and 'Local Shopping' zone.

2. Background

The Convenience Store land use activities is currently considered a 'P' land use and Service Station is considered an 'A' land use within the Town Centre and Local Shopping zones. These land use activities often create conflict with adjoining land uses.

Subsequently Council, at their ordinary meeting held on the 17 December 2018, unanimously resolved to:

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

This request was made by Councillors on behalf the community due to the number of expressed concerns with respect to development involving the sale of fuel & petroleum products and their proximity to adjoining and nearby or adjoining/adjacent sensitive land uses, which was highlighted with an application for a Convenience Store providing for the sale of fuel and convenience goods at Lot 75 (No. 72) Walter Road East (Corner Marion Street), Eden Hill, which was refused at a meeting of the Metro Central Joint Development Assessment Panel on 27 November 2018.

The minuted reasons for refusal suggested that it is timely for the Town to now initiate a review of permitted land uses to ascertain the suitability of these types of businesses in various locations with a view to minimize potential conflicts between adjoining land uses and road networks.

3. Report

Objectives of the Zones

Town Centre Zone

The general objectives of the Town Centre zone are to promote, facilitate and strengthen the Town Centre zone as the principal focus of the district, mainly in terms of shopping, professional, administrative, cultural, entertainment and other business activities. Subsidiary objectives are to ensure the development conforms with the Towns Local Planning Strategy and Local Planning Policies where applicable to the Town Centre.

The Town has developed a Town Centre Strategy which includes guidelines for development that further refines the objectives of the zone.

The Convenience Store and Service Station land uses are not consistent with objectives of the zone, namely they do not confirm with the intent of the Town Centre Strategy and Guidelines. The guidelines seek to focus on mixed use, compatible developments focusing on intense people spaces and reduced car dependency, which a service station and/or convenience store do not promote. This is discussed in further detail in the report.

Land use activities that involve the retailing of convenience goods and products, but do not include the retailing of petroleum products will still be permitted land use activities within the Town Centre and will remain consistent with the objectives of the zone.

Local Shopping Zone

There are four objectives of the Local Shopping Zone, these are:

- a) *"To provide for the local retail and service needs of the locality;*
- b) *To ensure that the local needs of residents are met, whilst maintaining a retail hierarchy to ensure that the catchment of the Town Centre zone is not adversely affected;*
- c) *To ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage;*
- d) *To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council."*

There are essentially three precincts within the Town by which the 'Local Shopping' Zoning applies, for the purpose of this report they are referred to as: The Walter Road East; the Colstoun Road shops; and the Corner of Ivanhoe and Morley Drive East. Should

this amendment be approved, the three precincts will still have the scope to facilitate land use activities that involve the retailing of convenience goods and products (i.e. a Shop or Corner Shop) consistent with the objectives of the zone.

In the opinion of the Town the locations whereby the Local Shopping Zoning applies are inappropriate to facilitate a Convenience Store and/or Service Station land use activity, and any proposal that involves the sale of petroleum products will create conflict with the community.

The conflict and concern these land use activities create within the community was highlighted during the assessment process for the recently considered application for a proposed 'Convenience Store' at Lot 75 (No. 72) Walter Road East, Eden Hill, which was subsequently refused at a meeting of the Metro Central Joint Development Assessment Panel. This is discussed further within the report.

Environmental Protection Authority (EPA) – Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No. 3 (June 2005)

The purpose of the EPA's guidance statement is to provide advice about the minimum requirements in which the EPA would expect to be met when the authority considers a proposal or scheme during the Environmental Impact Assessment (EIA) process. The document provides the generic separation distances between industrial activities and sensitive land uses where the industry may have the potential to affect the amenity of a sensitive land use. Whilst the document does not specify a recommended separation distance for a Convenience Store land use, it does for a Service Station. There is a precedence set that the same separation distances are applied to a Convenience Store given the impacts of the activities are the same. Table 1 outlines the recommended separation distances between the industry and the sensitive land uses.

Industry	Description of Industry	Emissions type or risk	Recommended separation distance in metres
Service Station	For premises operating during normal hours, i.e. Monday – Saturday from 0700-1900 hours	Gaseous, noise, odour, risk	50m
	Freeway service centre (24 hour operations)	Gaseous, noise, odour, risk	100m
	All other 24 hour operations	Gaseous, noise, odour, risk	200m

Table 1 - Recommended Separation Distances Between Industrial and Sensitive Land Uses

Land uses that are considered to be sensitive to emissions from industries include residential developments (single dwelling, grouped dwellings, and multiple dwellings), hospitals, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings.

A significant majority (if not all) of the Town Centre one and Local Shopping zones are within the 50m minimum recommended separation distance to a sensitive land use. Given there is also a trend towards these types of activities being 24 hour operations, it is recommended that a separation distance of 200m is achieved. This cannot be achieved in any development site within these zones

Any new development for a Service Station or Convenience Store will likely fail to achieve compliance with the recommended minimum separation distances, posing a risk to the amenity of the sensitive land uses through potential exposure gaseous, noise, odour and risk emissions. On this basis alone the land use activities should not be permissible within the Towns Town Centre and Local Shopping zones.

Local Planning Strategy

The purpose of the Towns Local Planning Strategy is to enable Council and the community to set out the vision for the Town of Bassendean, with set achievable objectives with a particular emphasis in relation to population, housing, industry and commercial development.

The Towns Local Planning Strategy was originally approved in 2008, however changes to the Strategy were endorsed by the WAPC in December of 2014 and subsequently finalized in February of 2015. The Strategy includes a Commercial strategy that outlines objectives for the commercial zones within Bassendean. The commercial strategy includes but was not limited to the following objectives

- To promote the improvement of amenity and services of local shops at an appropriate scale and facilitate integration with medium density housing developments where suitable.
- Identify the Eden Hill, Walter Road and Ashfield Local Centres as Local Shopping zones under the Local Planning Scheme and make provision for limited retail and commercial uses to service local needs only.

Allowing a service station or convenience store in the Town Centre or Local Shopping Zone is viewed as being contrary to the directions advocated in the Local Planning Strategy. Furthermore, there is a general trend towards mixed use development within the commercial zones which is facilitated by the Local Planning Scheme, but which petrol station developments are in conflict with.

Town Centre Strategy:

The objectives of the Town Centre Strategy are to create possibilities for intense people spaces which include but are not limited to the creation of:

- A good quality public realm along Old Perth Road, provide places for people to meet, stay and be a part of the Bassendean community;
- Diversity of residential housing; and
- The Bassendean Town Centre Guidelines.

The Town Centre Guidelines provide a clear expectation of development within the Town Centre. The guidelines encourage development that is consistent with the objectives of place making, innovative and sustainable design, and development that respects and positively contributes to the character, scale and amenity of the Town Centre.

The guidelines identify the preferred uses in the Town Centre as; residential (apartments, grouped dwelling, short stay accommodation); civic and community; retail focus (shops) particularly on the west & east ends, commercial (office space); higher intensity mixed use; and uses that encourage the use of public transport. A service station and/or convenience store activity does not fall appropriately within any of the preferred uses.

In addition, the guidelines encourage the reduction of car dependency. Vehicles are encouraged to move slowly and safely through the Town Centre, prioritizing pedestrian movement to encourage people to walk to the Town Centre. This will subsequently discourage high volumes of vehicles through the Town Centre. Generally speaking, a Service Station and/or Convenience Store rely heavily on a high volume of passing traffic, which is something that is discouraged in the Town Centre.

A land use that involves the sale of petroleum products, high volumes of traffic, is not a desired land use, and or will present in the desired built form of the Town. The construction of a Convenience Store and/or Service Station will contradict the objectives of the Town Centre Strategy and Town Centre Guidelines.

Walter Road East – Local Shopping Zone

The Walter Road East Local Shopping zone comprises of five separate lots (2 north/3 south) along Walter Road East, as highlighted in figure 1.

The zone either directly abuts or is only separated by a 20m wide road reserve to sensitive land uses. This will subsequently make it impossible for any future proposed Service Station/Convenience Store to achieve the recommended minimum 50m –

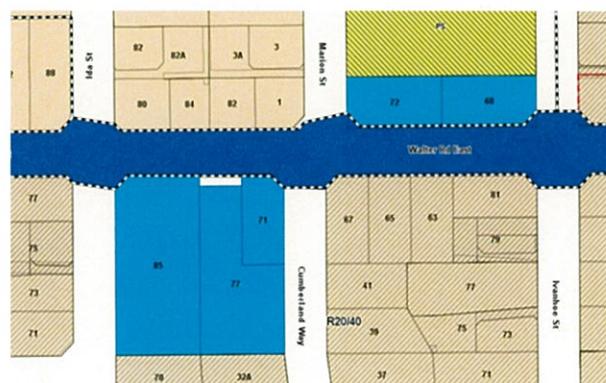


Figure 1 - Walter Road East Local Shopping Zoning

200m separation distances. Any development within the buffer would pose an unnecessary risk to the amenity of the sensitive receptors through potential exposures to gaseous, noise, odour and risk emissions.

The Town recently considered a proposed 'Convenience Store' on the northern side of Walter Road East, at Lot 75 (No. 72) Walter Road East, Eden Hill. The application was subsequently refused by the Joint Development Assessment Panel in November of 2018 primarily for its proximity to adjoining sensitive land uses (the adjoining primary school and residential development) which would result in amenity impacts; and the constricted small site which would have resulted in severe maneuverability and traffic safety issues, should the development have been approved. Any future development proposal encompassing the same activity will likely experience the same amenity impact issues.

Colstoun Road Shops – Local Shopping Zone

The Colstoun Road Local Shopping zone comprises of four small lots at the corner of Maidos Street and Colstoun Road, opposite Ashfield Reserve, as highlighted in figure 2. The zone is significantly restricted due to its small size, and realistically it would be unable to support the construction of a Service Station or Convenience Store' without severe restrictions on maneuverability (similar to the Walter Road East (North) site).



Figure 2 - Colstoun Road Shops - Local Shopping Zoning

Furthermore, the lots within the zone directly abuts residential developments (sensitive land use), making it impossible for any future proposed service station/convenience store to achieve the recommended minimum 50m-200m separation distances posing a risk to the amenity of those nearby land uses/residences. Therefore, the zone is considered inappropriate for land use activities involving the retailing of petroleum products.

Morley Drive East – Local Shopping Zone

The Morley Drive East Local Shopping zone comprises of two lots at the corner of Morley Drive East & Ivanhoe Street, as highlighted in figure 3. The development site is separated from nearby residential land by a 12m wide road reserve to the east and a 30m wide road reserve to the north and west, and abuts a reserve for recreational purposes to the south. It remains unlikely that the minimum separation distances recommended by the EPA to sensitive land uses will be achieved. Therefore, the sites are considered inappropriate for a Service Station and/or Convenience Store land use.

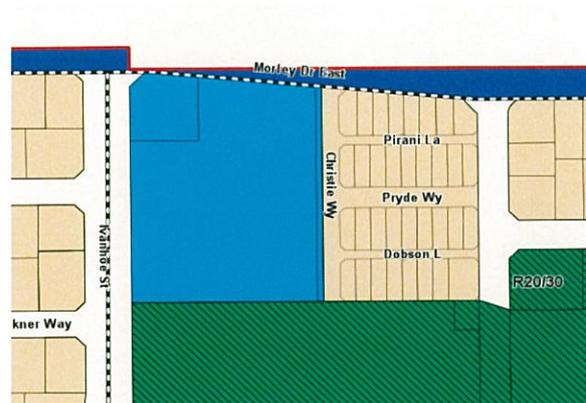


Figure 3 - Morley Drive East - Local Shopping Zone

Furthermore, Council at their ordinary Council Meeting held on the 27 November 2018 considered a proposed concept plan for the two lots, being Lot 5 (No. 246) and Lot 4 (No. 248) Morley Drive East. The plan outlines the strategic planning for the site and how the future redevelopment concept aligns with the future direction for the area, in particular the need and nexus for the type and scale of land uses proposed.

The draft concept plan proposes a mixed use activity centre comprising of the following:

- A 3000m² supermarket;
- 310m² of retail and commercial floor spaces;
- 450m² for fast food and beverages; and
- Medium density residential development.

The concept plan has not been designed in a manner to support a Service Station and/or Convenience Store land use as highlighted in figure 4.



Legend

- Supermarket
- Retail/
Commercial
F&B
- Townhouse/
Apartment

Total 3,500m²
 Total Approx. Car Bays 165 Bays
 (4.75 Bays / 100m²)

Figure 4: Eden Hill Draft Concept Plan



Existing Number of Service Stations/Convenience Stores

Within the boundary of the Town of Bassendean there is one service station (No. 309 Guildford Road, Bassendean) and two convenience stores (No. 310 Collier Road, Bassendean & Unit 1, No. 335 Collier Road, Bassendean) that already exist, none of which are located within the Town Centre or Local Shopping zones.

The existing convenience stores are relatively new developments and are appropriately located within the Bassendean Industrial Area, whilst the existing service station on Guildford Road is a long standing development (operating since the 1950s) within residential zoned land and is subject to an 'Additional Use' in accordance with Schedule 2 of the Towns Local Planning Scheme.

In addition, to the existing facilities within the Town, there are several other service stations/convenience stores within close proximity to the Towns district borders. No more than 500m beyond the Towns borders exists a further 2 petrol stations (No. 502 Guildford Road, Bayswater & No. 157 Morley Drive East, Kiara) and no further than 1000m is a third service station/convenience store in Guildford (20 Johnston Street, Guildford). All three outlets outside the Towns borders remain easily accessible to the Towns residents.

Should the proposed amendment to the use class permissibility of a service station and/or convenience store within the Town Centre and Local Shopping zones be initiated, adopted and eventually approved the Minister of Planning these existing operations will not be impacted as a direct result and there would still be scope for the Town to consider these land use activities in more appropriate locations such as the Towns 'Light Industry' and/or 'General Industry' zones. The Town is satisfied there is an adequate number of outlets easily accessible to its residents should they require petroleum products.

4. Conclusion

Permitting land use activities that involve the sale of petroleum products within the Town Centre and Local Shopping zones will contradict the objectives of the zones, as well as creating conflict with adjoining sensitive land uses. This goes against the principles of proper and orderly planning. The proposed change in permissibility will not have any detrimental impacts on the function of the Towns commercial zones.

The zones will still be able to support a range of land uses that will support retailing of convenience goods and products. For example, the Corner Shop and Shop land use activities will remain permitted, allowing the retailing of convenience goods, even though the convenience store land use will be prohibited. The Convenience Store land use would remain a 'D' use and a Service Station would remain an 'A' use within the 'Light Industry' and 'General Industry' zones.

The two convenience stores and solitary service station existing within the Town will not be affected by the amendment and will continue to operate.

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF BASSENDEAN

LOCAL PLANNING SCHEME 10

AMENDMENT NO. 11

The Bassendean Town Council under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act, 2005, hereby amends the above local planning scheme by:

1. Amending the zoning table as follows:

Use Class	Zones	
	Town Centre Zone	Local Shopping Zone
Convenience Store	X	X
Service Station	X	X

ADOPTION

Adopted by resolution of the Council of the Town of Bassendean at the Ordinary Meeting of the Council held on the ____ day of _____ 2019.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted by Resolution of the local government of the Town of Bassendean at the Ordinary Meeting of Council held on the ___ day of _____, _____, and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

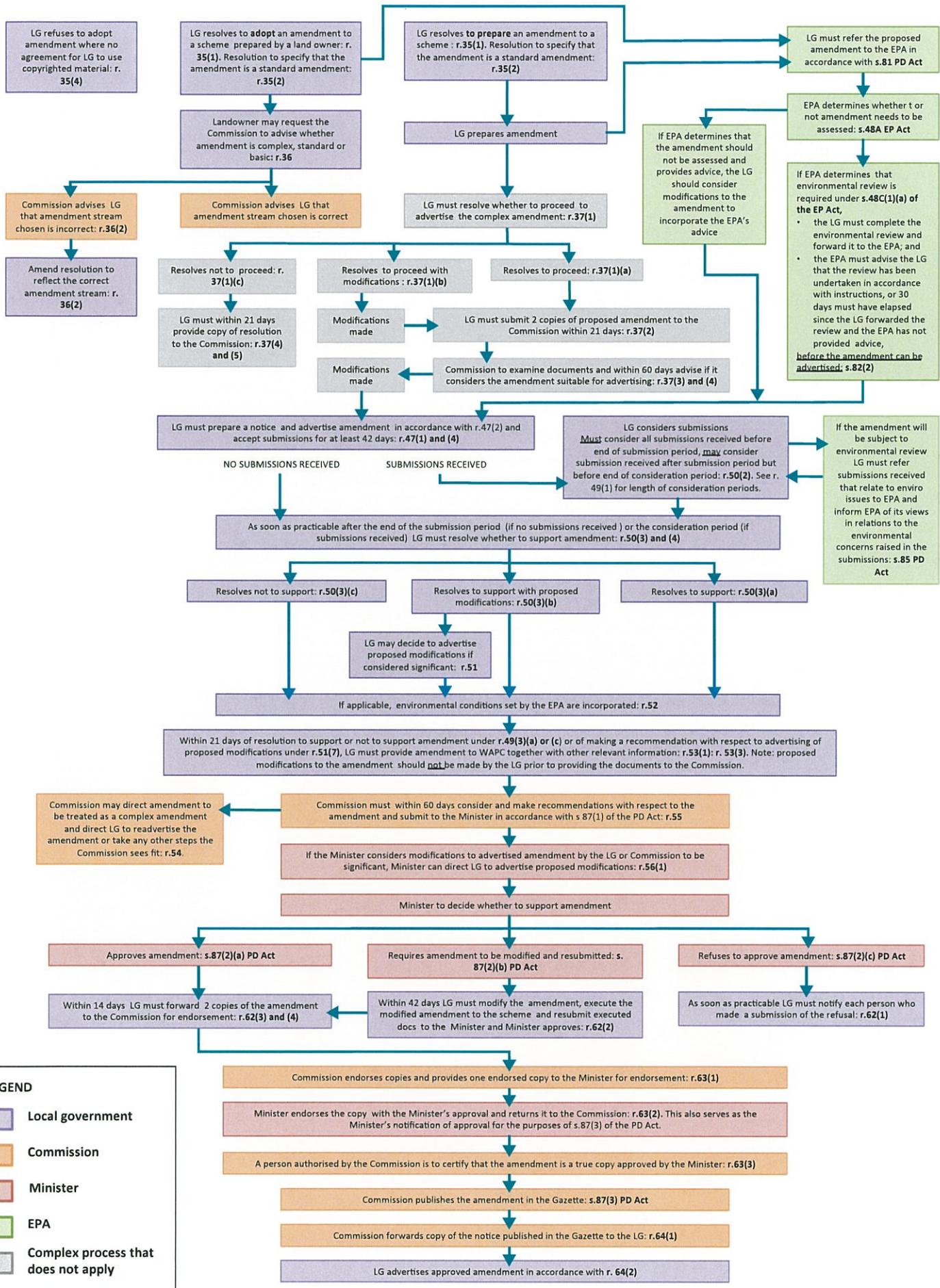
Date.....

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

Date.....

Process for standard amendments to local planning schemes flowchart



LEGEND

- Local government
- Commission
- Minister
- EPA
- Complex process that does not apply

ATTACHMENT NO. 4

PETITION COVER PAGE
 First page of petition – attach additional pages as required.

*Tabled @
 Ordinary Council
 Meeting 18 Dec '18.*

To: The Mayor
 Town of Bassendean
 35 Old Perth Road
 BASSENDEAN WA 6054

We the undersigned rate payers of the Town of Bassendean request – The lane way between Guildford rd and Kenny/Kathleen st is not legally accessible by many of the homeowners and businesses who use it for essential access. We request that the Town of Bassendean make a request to the Minister of lands to dedicate the lane as a public road.

_____ (clearly define purpose)

for the following reasons This laneway is essential vehicle access for many of the homeowners with properties with a boundary on the laneway. _____ (produce summary of reasons supporting requests)

As the initiator of this petition, my name is Callan White _____ and I can be contacted at 18a Watson st, Bassendean , 0424187719 _____ (Address and phone contact) for further information in relation to this matter.

(As per clause 6.11 of the Town of Bassendean Standing Orders Local Law 2011, each additional page must contain the terms of the petition.)

Name	Address	Signature	Date
Jacinta Twohig (Bristow-Baohm)	16 kenny Street Bassendean WA 6054	<i>[Signature]</i>	8/12/18.
Mary Dinneen	173 Guildford Rd Bassendean 6054	<i>[Signature]</i>	8/12/18
Catherine Mannes	24 Kenny St, Bassendean WA 6054	<i>[Signature]</i>	8/12/18
JOHN RODGERS	144 GUILDFORD ROAD BASSENDEAN	<i>[Signature]</i>	8/12/18
John Wainman	5 Palmers ton SE, Bassendean	<i>[Signature]</i>	8-12-18
Mark Taylor	7 PALMERSTON ST BASSENDEAN	<i>[Signature]</i>	8,12,18
Callan White	14 kenny St Bassendean	<i>[Signature]</i>	8,12/18
JOSEPHINE MUNJAI	10 KATHLEEN ST BASSENDEAN	<i>[Signature]</i>	9/12/18



Kathleen	guildford	kenndy	
10 - For sale w Denise	167	16 ✓	
Palmerston	'Entry of road	18 x	
7 - dog	169 x	20 x	
5 ✓ not home	171 rental		
3 left petition	165 - vacant		
	163 - WA vascular center		
	161 - childcare		16 total
	159 - mechanic		22
	145 - gate - For sale		
	147 ✓		
	149 - away		

ATTACHMENT NO. 5

Community Groups Fund - APPLICATION FORM

NAME OF APPLICANT GROUP: **Eden Hill Community Action Network Inc. (Eden Hill CAN)**

NAME OF EVENT: **Eden Hill CAN group running costs 2018-19 financial year and Eden Hill Neighbour Day Event**

TYPE OF APPLICANT GROUP: **Incorporated charitable (non-profit) organisation**

CONTACT PERSON: (Must be over 18yrs)

Name: **Christina Carey**

Position /Role: **Chairperson, Eden Hill Community Action Network Inc.**

POSTAL ADDRESS (For Invoices): **12 Kirke Street Eden Hill WA 6054**

PHYSICAL ADDRESS: **As Above**

Suburb

Postal Code

E-mail: **EdenHillCAN@gmail.com**

Work Phone: **08 9480 3677**

Home Phone: NA

Mobile: **0400 226 963**

HAS THE APPLICANT APPLIED FOR OTHER FUNDING FROM COUNCIL OR ANY OTHER FUNDING BODY FOR THIS PROJECT?

~~YES~~ **NO**

IS THE APPLICANT GROUP REGISTERED FOR GST?

~~YES~~ **NO**

DOES THE APPLICANT GROUP HAVE AN AUSTRALIAN BUSINESS NUMBER (ABN)?

~~If YES ABN is:~~ _____ **NO**

IS THE APPLICANT GROUP INCORPORATED?

YES ~~NO~~

Incorporation number on top of incorporation certificate is: **A1026340V**

DOES THE APPLICANT GROUP HAVE CURRENT PUBLIC LIABILITY INSURANCE?

YES (See Appendix 1) ~~NO~~

PROJECT DESCRIPTION (Brief description of overall project – 150 words max):

Funding is requested for the cost of incorporation of the Eden Hill Community Action Network Inc (Eden Hill CAN), Volunteer and Public Liability Insurance costs, website establishment and running costs along with the printing of two editions of the Eden Hill CAN newsletter. Approximately 2,000 copies will be printed of each edition of the newsletter and distributed to all households in Eden Hill. The website and newsletter aim to keep residents informed of local news and events and encourage residents to engage in the Eden Hill and wider Town of Bassendean community.

The Eden Hill CAN Neighbour Day event will coincide the national Neighbour Day on Sunday 31st of March. In line with 2019 Neighbour Day theme of 'Loneliness: what neighbours can do to create connections' the event aims to connect people in the Eden Hill community. The event will consist of a free morning tea, entertainment and a small number of various 'market' stalls at Mary Crescent Reserve Eden Hill. A number of the stalls will be allocated to local sporting or other community groups, giving attendees an opportunity to engage with these groups.

BRIEF BACKGROUND OF ORGANISATION (Purpose, how long in operation, etc):

Following the successful model of the Ashfield CAN, the Eden Hill Community Action Network was launched in April 2018 and became incorporated in September 2018. The group aims to encourage, support and promote a safe, engaged, connected and culturally vibrant Eden Hill Community. Specifically the group aims to keep community members informed of local issues and news via our Facebook page, a website and regular edition of a newsletter distributed to all Eden Hill households. Through these mediums, the group aims to encourage and facilitate feedback or engagement with local issues where applicable. The group also aims to build connections between community members through local events and activities in order to help create a safe and culturally vibrant community and support the wellbeing of its members.

PROJECT OUTCOMES:

An Eden Hill CAN website and newsletter will enable community members to stay up-to-date with local news and events and it is hoped this will encourage community members to actively engage on local issues. This will assist in fostering a sense of connection and community within Eden Hill and the wider Town of Bassendean Community. Promoting local events through the website and newsletter will provide opportunities for individuals to engage with their neighbours the wider Eden Hill community. It is hoped that these medium will better spread the word of local events and result in greater levels of attendance.

The Eden Hill CAN Neighbour Day event will provide a much needed local event for Eden Hill and will give community members an opportunity to meet and connect with each other. This will help foster a sense of connection and community which is beneficial for wellbeing. As mentioned a number of the stall at the event will be allocated to local sporting or other community groups. Not only will this encourage attendees to engage with these groups but will also be beneficial for the groups by increasing their profile and potentially membership.

This project addresses the following Objectivities in the Town of Bassendean *Strategic Community Plan 2017-2027*:

- 1.1 Build a sense of place and belonging
- 1.2 Ensure all community members have the opportunity to be active, socialise and be connected
- 1.3 Plan for a healthy and safe community
- 3.2 Enhance connectivity between places and people.

WHAT RELATIONSHIP DOES YOUR ORGANISATION HAVE WITH OTHER SERVICES WITHIN THE COMMUNITY?

The Eden Hill CAN has a strong and positive working relationship with the Town of Bassendean. Eden Hill CAN has formed a positive relationship with the Bassendean Caledonians Soccer Club (Soccer Club) which supported the successful 2018 Eden Hill Community Christmas Party. The Soccer Club are continuing to support the group by providing their club rooms in-kind for management committee meetings and other events. In exchange, Eden Hill CAN is supporting the club with free promotion and advertising. We hope to expand this type of mutually-beneficial relationship to other groups within the community. The Eden Hill CAN has also developed relationships with Eden Hill Primary School and Blue Sky Community Group in Lockridge which provides services to people in need in the local area.

WHAT BENEFITS DO YOU SEE FOR YOUR GROUP FROM THIS PROJECT?

This project will contribute directly to the group's aim to encourage, support and promote a safe, engaged, connected and culturally vibrant Eden Hill Community. Specifically being incorporated provides a solid management structure for the group along with allowing it to apply for and raise funds towards its objectives. Having Volunteer and Public Liability Insurance is essential to the operation of the groups. Having a website and regular newsletter enables Eden Hill CAN to keep its community informed, contributing to an engaged and connected community.

The Eden Hill CAN Neighbour Day event, consisting of a community morning tea and a small number of 'market' stalls will directly contribute to Eden Hill CAN's objective of creating an engaged, connected and culturally vibrant Eden Hill Community. It is hope that this connection and vibrancy will in turn contribute to a safer community.

TARGET GROUP:

This project will target all members of the Eden Hill community. This includes not only those who live and work in Eden Hill, but also those whose children attend the local school, anyone who recreates in Eden Hill or otherwise has a connection to the Eden Hill Community.

The Eden Hill CAN Facebook page already boasts close to 400 followers. It is expected that the website will be able to reach many more community members who are not on social media. Approximately 2000 copies will be printed of each edition the Eden Hill CAN newsletter. These will be distributed to all household within Eden Hill and copies placed at other prominent locals including the Bassendean Memorial Library and MP Dave Kelly's office.

It is anticipated that the Eden Hill CAN Neighbour Day event will attract around 250 attends from Eden Hill and elsewhere within the Town of Bassendean.

BUDGET

INCOME	
Funding requested from the Community Groups Fund (GST exclusive)	\$4,000.00
Estimated income from stall/vendor fees for Neighbour Day Event	\$200.00
TOTAL INCOME	\$4,200

IN KIND SUPPORT	
Please detail all areas of IN KIND support you are receiving or expecting to receive. E.G. Venue donation, materials, printing, publicity, marketing, professional services	
Management Committee Meetings - 8 committee members, 5 meetings @ 1.5 hours each @ \$35/ hour	\$2,100.00
Website design and maintenance – 12 hours @ \$65/hour	\$780.00
Newsletter Distribution – 15 hours @ \$35/hour	\$525.00
Newsletter Design and Layout - 6 hours per newsletter x 2 newsletters @ \$65/hour	\$780.00
Event coordination – 4 people @ 6 hours each @ \$35/hour	\$840.00
Event logistics - 10 volunteers @ 5 hours each @ \$35/hour	\$1,750.00
TOTAL IN KIND SUPPORT	\$6,775.00

Expenditure	
Eden Hill CAN Group Costs	
Incorporation cost	\$121.80
Insurance costs	\$770.00
Website costs	\$200.00
Newsletter – 2 editions at \$764 each	\$1,528.00
Other misc group costs	\$380.20
Eden Hill CAN Neighbour Day	
Event table & chair hire	\$500.00
Event entertainment	\$400.00
Event misc	\$100.00
Event morning tea	\$200.00
TOTAL EXPENDITURE	\$4,200

Acceptance of Conditions

I have read and understand the conditions that apply to the Community Fund. I am authorised to accept them on behalf of the applicant group.

APPLICANT GROUP: Eden Hill Community Action Network Inc.

Authorised Person (Print): Christina Carey

SIGNATURE OF APPLICANT:

A handwritten signature in black ink, appearing to read 'Christina Carey', written over a faint horizontal line.

DATE: 1/2/2019

Appendix 1 – Eden Hill Community Action Network Insurance Certificate of Currency



Certificate of Currency

POLICY NO: 201811-1097 BIA
INSURANCE TYPE: Public and Products Liability
POLICY WORDING: BIA InsureWest Tailored NFP General Liability G2 - 2014
THE INSURED: Eden Hill Community Action Network
BUSINESS: Business and Professional Associations
POLICY PERIOD: From: 12/11/2018 4pm To: 31/10/2019 4pm
Both days inclusive (Local Standard Time)
LIMIT OF INDEMNITY:
Public Liability \$20,000,000 any one Occurrence
Products Liability \$20,000,000 any one Occurrence and in the aggregate any one Period of Insurance
SUB-LIMITS:
Molestation \$1,000,000 any one Occurrence
TERRITORIAL LIMITS: As per wording
ENDORSEMENTS SUBJECT TO FULL WORDING: Molestation Exclusion Sub-Limit \$1,000,000 GL G2 - 2014

A handwritten signature in black ink, appearing to be 'T. H. ...', written over a horizontal dotted line.

Signed for and on behalf of Berkley Insurance Australia.
Date of issue 13/11/2018

This policy is current at date of issue.
For full details of cover please refer to the policy wording.
This certificate is only valid at the date of issue.

ATTACHMENT NO. 6

TOWN OF BASSENDEAN



ACCESS AND INCLUSION PLAN

2019-2024

The Town of Bassendean Access and Inclusion Plan 2019 – 2024 outlines its commitment to building an accessible community for all residents, visitors and all other stakeholders.

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Note:

This document is available in alternative formats upon request including in standard or large print, electronically by email, in audio format on CD and on the Town’s website at www.bassendean.wa.gov.au

1. Introduction

The Town of Bassendean includes the suburbs of Bassendean, Eden Hill and Ashfield featuring suburban style homes served by 97 kilometres of roads and 65 kilometres of footpaths. In addition, the Town includes a significant area of developed general industrial land including Tonkin Park. The total land area is 11 square kilometres and the Town has a population of 15,092 (2016 Census), up from 14,404 people in 2011.

Located 10 kilometres from the Perth GPO, with its river boundary, railway and freeway access, Bassendean is a comfortable and convenient location in which to live, work, shop and recreate. Council is proud of its strong community spirit and through its corporate and strategic plans, seeks to conserve, develop and enhance these essential qualities. In these documents the Town recognises the importance of working in partnership with community members, seeks to encourage active community participation and respond to the community's changing needs by the provision of high quality and equitable services.

The Town of Bassendean continues to strive to maintain its unique character, while encouraging ongoing development sensitive to the needs of all residents. Because of Council's commitment to sensitively meeting the needs of all residents, workers, volunteers and visitors in the Town, this Access and Inclusion Plan (AIP) has been adopted. It will be regularly reviewed to ensure people with disability, their families and carers within the Town of Bassendean can achieve their desired quality of life and have access to the same facilities, functions, events and services offered to the wider community.

2. Vision and Mission

The following Vision Statement outlines where the Town would like to be in the Year 2030:

"A connected community, developing a vibrant and sustainable future that is built upon the foundations of our past."

Strategic Priority 1: Social of the Town's Strategic Community Plan (2017-2027) relates to the access and inclusion. The following strategies apply:

1.2 Ensure all community members have the opportunity to be active, socialise and be connected.	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.
	1.2.4 Ensure people with disability and those from diverse backgrounds are valued and supported to participate in community life

3. Disability Demographics

3.1 Australia

The 2016 Census of Population and Housing showed that the number of people with a need for assistance with core activities increased to 1,202,900 people or 5.1% of the population in 2016, up from 998,600 people, or 4.6% of the population in 2011, with females more likely to have need for assistance than males in 2016 (5.4% compared with 4.8%).

Reflecting the strong relationship between age and disability some 1.1% of people aged 0-4 years needed assistance in 2016, increasing to 47% of people aged 85 years and over. People with a need for assistance had a much older age structure than people who did not have a need for assistance. Some 53% of people who had a need for assistance were aged 65 years and older, compared with 13% of those who did not have a need for assistance.

More women than men 75 and over needed assistance (32% women, 24% men in 2016). This is the result of the different disease profiles seen in males compared with females, with females experiencing higher rates of disease commonly associated with disability. For example, the 2014 National Health Survey shows Australian women aged 75 years or older were almost 50% more likely to report having arthritis than men of the same age.

However, around the ages of 5 to 19, males were almost twice as likely as females to report a need for assistance (4% males, 2.1% females). Analysis of the 2015 Survey of Disability, Ageing and Caring (SDAC) results show this may be partly due to autism spectrum disorders which are more commonly found in males of this age group.

The proportion of people with need for assistance who were employed increased from 7.7% in 2011 to 8.6% in 2016. For people aged 15 to 64 years who needed assistance, the proportion employed increased from 16% in 2011 to 18% in 2016.

Of people in the labour force with a need for assistance in 2016 (108,300 people), one in six were unemployed (16% or 17,800 people). This is compared with one in fifteen people (6.8% or 759,300 people) of the 11.2 million people who did not have a need for assistance.

People with a need for assistance and in the labour-force were more likely to be working part-time than people who did not have a need for assistance (46% compared with 30%).

3.2 Western Australia

Western Australia had the lowest proportion of people who needed assistance in 2016, being 3.9% or 95,700 people.

However, by 2026 the number of people with disability in Western Australia is expected to increase by more than 210,000, due mainly to our ageing population. The proportion of the State's population of people aged under 65 with disability is expected to remain relatively steady.

3.3 Bassendean

Based on the Town's population and the above-mentioned findings, it is estimated that there are approximately 1,629 people with disability living in the Town.

Of people aged 15 years and over, during the two weeks before the Census, 10.8% assisted family members or others due to a disability, long term illness or problems related to old age.

4. Legislation

The [Disability Services Act 1993](#) (amended 2004) and the [Disability Services Regulations 2004](#) requires all local governments to have and implement a Disability Access and Inclusion Plan (DAIP), which must be reviewed at least every five years. With this Plan, the Town is extending the concept to address access and inclusion issues beyond disability, hence the title Access and Inclusion Plan (AIP).

The Act adopts consistent definitions and assurances as outlined in other related Acts and Conventions, including:

- Western Australian Equal Opportunity Act 1984 (amended 1988);
- Commonwealth Disability Discrimination Act 1992; and
- United Nations Convention of the Right of Persons with a Disability.

The Act defines disability as that which:

- Is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments;
- Is permanent, or likely to be permanent;
- May or may not be of a chronic or episodic nature;
- Results in substantially reduced capacity of the person for communication, social interaction, learning or mobility; and a need for continuing support services.

The Act further requires that:

- All practicable measures must be undertaken to ensure the AIP is implemented by the Town, its officers and relevant agents and contractors;
- Public consultation must be undertaken by key stakeholders;
- Public consultation must be advertised through the local government's local paper;
- The DAIP must be made available in alternative formats on request;
- The DAIP must be lodged with the Department of Communities ([Disability Services](#));
- The DAIP must be promoted on the Town's website and advertised in the local paper;
- Progress of the AIP must be reported annually to the Department of Communities; and
- The DAIP progress is to be reported in the Town's Annual Report.

These matters have been and will continue to be under observed by the Town in this broader Access and Inclusion Plan.

5. Current Services

The Town provides a range of services, activities and events that are inclusive of people with disability, including:

- Arts and Culture;
- Building Services;
- Children's Services;
- Citizenship;
- Community Development;
- Community Transport;
- Customer Service;
- Depot;
- Facilities for Hire;
- Health Services;
- Heritage;
- Justice of the Peace;
- Library and Information Services;
- Old Perth Road Markets;
- Parks and Reserves;
- Ranger Services;
- Recreation Services;
- Seniors and Disability Services;
- Strategic Planning;
- Town Planning;
- Volunteering;
- Waste and Recycling; and
- Youth Services.

The Town of Bassendean [Seniors and Disability Services](#) is a small community agency offering personalised Home Care Services that support independence and the wellbeing of seniors, frail aged and people with disability.

6. Achievements to Date

The Town of Bassendean has made considerable progress to provide or improve access for people with a disability. Some of the main achievements include:

- Accessible furniture and equipment for the Bassendean Memorial Library has been purchased as required in the annual budget, e.g., adjustable tables, illuminated magnifying glasses, large print books, audiocassettes, large print screens, e-books etc;
- Wheelchairs and trolleys are available for people with disability on request in the Library;
- Town's website contains documents in formats to be user friendly for people with vision impairments and to contain relevant information for people with disability;
- The Town participated in projects such as 'You're Welcome' to provide accurate information to people with disability about the accessibility of council facilities, local businesses and services;
- Council members and volunteers were provided the opportunity to attend disability awareness training;
- The Access and Inclusion Committee met regularly and made recommendations to Council for adopting and actioning;

- Held annual community events for the International Day of People with Disability, partnering with local schools and DSC Local Area Coordinators and families;
- Supported people with disability to be included in their community through the Count Me In Grant (social inclusion);
- Supported people with disability under 65 to test their eligibility and gain access to NDS funding and services;
- Council election candidate’s information was provided in various formats to be accessible by people with disability; and
- The Town ensured equal employment principles were upheld and reflected in all workforce development activities.

Progress against the City’s 2012 – 2017 DAIP has been reported annually to the Department of Communities – Disability Services.

7. Disability Policy

The Council has adopted the following Disability Policy:

“Philosophical Statement

The Town of Bassendean recognises that people with disability are valued and equal members of the community who make a variety of contributions to social, economic and cultural life. The Town of Bassendean believes that a community that recognises and celebrates diversity and supports the participation of all its members makes for a richer community life.

People with disability have the same basic human rights as other members of society and are entitled to exercise those basic human rights. All individuals have the inherent right to be respected for their human worth and dignity. People with disability have the same rights as other members of society to receive information and access to Council's functions, facilities, events, services and processes and be fully involved in consultation processes.

This policy forms the basis of understanding and implementation of the DAIP is intended to influence and ultimately compliment the Town of Bassendean's corporate documents including the Community Strategic Plan, Asset Management Plans and the Workforce Development Plan.

Policy Aim

The purpose of the Town’s Disability Access and Inclusion Policy is to provide guidelines to:

1. *Ensure that people with disability have the same level of access to Council's facilities, functions, services and employment opportunities as all other members of the community;*
2. *Ensure people with a disability can participate fully in Council processes, functions and events; and*
3. *Encourage broader services provided within the Town cater for the needs of people with disability and their carers.*

Policy Principles

1. *Council recognises that people with disability have the same rights to services that assist them in achieving their quality of life and provide them with opportunities to fulfil their individual potential.*
2. *Council strives to ensure that no person who lives, works or visits the Town of Bassendean is denied access to Council facility or service on the grounds of disability. Council endorses the concept of universal design which ensures that*
3. *all members of the community have equal access to facilities, buildings and services.*
4. *Council will encourage all agencies and organisations operating within the Town to maximise the accessibility of their facilities, programmes and services.*
5. *Contractors and agents and Council will have guidelines to optimise the accessibility and availability of programmes and services for people with disability.*
6. *People with disability within the Town of Bassendean will have the same opportunities as other residents to participate in public consultation, grievance mechanisms, decision making processes and the general democratic processes of Council.*
7. *Where possible and relevant Council will provide flexible services, which complement an individual's own abilities and the support provided by their family, carers and the broader community.*
8. *Council will provide the necessary ongoing training for staff, volunteers and Councillors to ensure understanding and empathy for people with a disability, their family and carers.*
9. *People with disability will be afforded the same access to employment and accommodation in line with the principles of the Western Australian Disability Services Act (1993) amended 2004, the Equal Opportunity Act (1988) and the*
10. *Federal Disability Discrimination Act (1992).*
11. *Council will ensure that information about Council meetings, consultations, functions, facilities and services is provided in clear and concise language and is available in alternative formats upon request by people with disability."*

8. Consultation to Inform the Development of Strategies

Consultation involved both internal and external stakeholders by:

- Engaging with a diverse range of external stakeholders in accessible consultations across the Bassendean community, the Town's Disability Committee, Bassendean Cultural Advancement Group and interested Bassendean community members, Elected Members over a period of four weeks to help inform the new AIP strategies;
- Ensuring that people with disability were included in the consultation process and endeavouring to involve various groups of people with disability and their significant others including children, youth, parents, carers, seniors and extended family and Disability Employment Service Providers; and
- Conducting consultations with Town staff and Executive to identify priority AIP outcomes for the Town. Staff with responsibilities that impact on the public such as

customer service staff, building and planning staff, staff who develop or provide information to the public, ranger services and HR personnel were particularly be targeted.

Furthermore, the Town engaged with:

- Current or potential customers of the Town's facilities and their families and/or carers;
- Local community organisations and groups;
- Local businesses; and
- Advocacy services and disability peak bodies.

This level of engagement allowed the Town to gather feedback on relevant areas of interest, gaps, needs and goals in relation to access and inclusion across the Town, for collation and analysis to determine opportunities relevant to participants with special needs and support and possible infrastructure requirements.

Consultation methods included:

- Face-to-face interviews;
- Telephone interviews;
- Focus groups/small group meetings;
- Public meetings; and
- Written submissions.

In support of the above the Town also advertised in locally circulate newspapers and on social media to promote the public workshops and the availability of the draft AIP for consultation and feedback.

Ideas for progressing the AIP within the organisation, via projects, activities, services, training and other opportunities, cross referencing proposed strategies to the Town's Community Strategic Plan and other strategy documents (e.g. RAP) also formed the basis of developing the AIP.

A report collating the feedback from the consultation was presented to the Town.

9. Strategies

Outcome 1 – Access to Services

People with disability have the same opportunities as other people to access the services of, and any events organised by, the Town.

#	Strategies	Timeframe
1.1	Review the Town's marketing strategies for services and events to ensure they are inclusive of people with disability.	Ongoing
1.2	Use existing disability media to promote town services and events (e.g. 990AM Vision Australia Radio).	Ongoing
1.3	Identify and use only accessible venues for events organised/sponsored/funded by the Town.	2020/21 and ongoing
1.4	Establish and maintain a register of accessible venues, facilities and transport options throughout the Town for other service providers to use when organising an event or providing services.	2020/21 and ongoing
1.5	Provide disability and access and inclusion training for all Town personnel relevant to their job focus.	Ongoing
1.6	Facilitate a disability awareness event to promote available services and disability services within the Town (e.g. All Abilities Expo held by the City of Mandurah).	Annually
1.7	Recognise Town based businesses and organisations that practise access and inclusion.	Annually
1.8	Develop, in partnership with people with disability and wider community a Co-design Plan for access to events and services (e.g. in emergency situations, waste management) provided by the Town.	Ongoing

Outcome 2 – Access to Buildings and Other Facilities

People with disability have the same opportunities as other people to access the buildings and other facilities of the Town.

#	Strategies	Timeframe
2.1	Work with the Public Transport Authority to improve access and maintenance to all train stations within the Town, particularly regarding accessible ramps, crossings and elevators.	Ongoing
2.2	Work with relevant organisations to specify and address community expectations regarding maintenance and service standards for non-council owned government provided facilities (e.g. provision of bus shelters such as on Devon Road).	Ongoing
2.3	Pro-active compliance assessments of building contractors to ensure they don't compromise access requirements (e.g. breaking up/blocking footpaths).	Ongoing
2.4	Encourage and reward owners of older commercial properties to renovate them to become more accessible.	Ongoing
2.5	Continue to provide timely responses to rectifying damaged facilities and infrastructure (e.g. footpaths and drainage) and ensure communication of progress to affected community.	Ongoing
2.6	Undertake an assessment of all Town community facilities (e.g. Whitfield Street Playground) to ensure compliance with relevant standards regarding access.	2020/21
2.7	Investigate the provision of portable hearing loops in the Bassendean Memorial Library meeting rooms and other public meeting areas which are the responsibility of the Town (e.g. Alf Faulkner Hall)	2020/21
2.8	Undertake an assessment of all Town ramps (gradient and availability) to ensure compliance with relevant standards regarding access.	2021/22
2.9	Develop a map in an accessible format to show pedestrians and wheel chair users how best to get around, providing information on community facilities, transport, disability access, bathrooms and facilities.	2022/23
2.10	Review planning policies to improve access to facilities by powered mobility devices, prams and wheelchairs.	2022/23
2.11	Undertake an audit of street and park lighting to determine gaps and future needs.	2023/24

Outcome 3 – Access to Information

People with disability receive information from the Town in a format that will enable them to access the information as readily as other people are able to access it.

#	Strategies	Timeframe
3.1	Ensure all Town information can be printed or made available on demand in a format and language that is accessible to them (Large print, audio)	Ongoing
3.2	Broader and regular dissemination of information about the Town's services, facilities and events to residents and organisations.	Ongoing
3.3	Review and test (with user input) website and electronic communications to ensure they are fully compliant with the best practice guidelines used internationally on making websites accessible to people with disability - Web Content Accessibility Guidelines (WCAG) 2.1AA.	2020/2021
3.4	Town to support community groups to share resources and information and thus provide more activities and extend participation to more of the Town's residents.	Ongoing
3.5	Acknowledge and respect the preference to receive hard copy information and that some people prefer not to use technology and provide information in traditional formats such as noticeboards, billboards, newsletters (print and electronic) and mail drops.	Ongoing

Outcome 4 – Level and Quality of Services

People with disability receive the same level and quality of service from the staff of the Town as other people receive from the staff of the Town.

#	Strategies	Timeframe
4.1	Provide the Town's employees and volunteers with disability awareness training that includes communicating with people with disability, making information accessible and Easy English and statutory obligations.	Ongoing
4.2	Change the focus from delivering a service to delivering an effective outcome for the community (achieving an outcome may require a higher level of service). Capture the number of people who use services and put in place appropriate benchmarks to measure the service quality.	Ongoing
4.3	Strengthen community hubs (existing/emerging) to promote the integration of community groups and actively support programs and social activities that promote inclusiveness within the community.	Ongoing
4.4	Recognise the needs of culturally and linguistically diverse persons and those of different demographics (e.g. aged) in developing services.	Ongoing
4.5	Consider creating a position of Inclusion Officer in its Community Development Department.	2021/22

Outcome 5 – Complaints Handling

People with disability have the same opportunities as other people to make complaints to the Town.

#	Strategies	Timeframe
5.1	Increase awareness of town and customer policies, procedures and practices of complaints handling by employees.	Ongoing
5.2	Review procedures for recording complaints to include a section on access and inclusion related complaints.	2021/22
5.3	The Complaints Handling process needs to accommodate the different abilities within the community: <ul style="list-style-type: none">• Multi channels of soliciting feedback;• Welcome and accessible form of providing feedback reflects inclusion;• Automated phone message / feedback line (low tech way of interacting but not burdensome on the Town).	Ongoing
5.4	Timeframes on completion and increased monitoring of complaints register to ensure satisfactory resolution of complaint.	Ongoing
5.5	Collate compliments, complaints and general feedback and analyse trends and patterns to feed into continuous improvement strategies.	Ongoing

Outcome 6 – Participation in Community Consultation

People with disability have the same opportunities as other people to participate in any public consultation by the Town.

#	Strategies	Timeframe
6.1	Include people with disability, disability service providers and other disadvantaged groups in all consultations (e.g. when considering a planning application).	Ongoing
6.2	Review location and times for public meetings to maximise attendance by a broad cross section of the community.	Ongoing
6.3	Adopt a Co-design approach when consideration the Town's management and activities.	Ongoing
6.4	Reform the purpose and function of the Access and Inclusion Committee by establishing a working group to: <ul style="list-style-type: none">• Be the Town's primary consultative instrument for people with disability;• Guide the council in meeting its AIP obligations; and• Provide a more focussed and flexible approach to AIP.	2019/20
6.5	Review channels of communication to all groups in the community and invite them to participate in requests for community consultation.	Ongoing

Outcome 7 – Employment

People with disability have the same opportunities as other people to obtain and maintain employment with the Town.

#	Strategies	Timeframe
7.1	Promote volunteerism among Disability Employment Service providers and other service organisations to improve the rate of involvement of people with disability in volunteer work.	Ongoing
7.2	Ensure community awareness of employment opportunities through DES and other employment providers.	Ongoing
7.3	Provide training in disability awareness and statutory obligations for all personnel involved in the recruitment, selection, retention and ongoing management of people with disability.	2020/21
7.4	Review HR policies, procedures and practices to remove barriers to people with disability from applying for a job and working with the Town in accordance with equal opportunity legislation.	2020/21
7.5	Develop strategies to nurture an inclusive organisational culture.	Ongoing

ATTACHMENT NO. 7

Terms of Reference

Suicide Prevention Working Group

Authority:

The Working Group is established under the auspices of the People Services Committee (PSC). Working Group recommendations are to be referred to the PSC and to Council if supported by the Committee.

Background:

In August 2018 it was reported that the Town has the highest incidents of suicide in the Perth metro area.

This led to the People Services Committee considering how the Town should best to respond.

The Working Group was established by Council on recommendation from Committee in October 2018.

Purpose (Tasks & Outcomes):

To provide considered, timely and balanced advice to Council on suicide related matters relevant to the Town. This includes:

- Raise awareness of resources in the local area that support positive mental health and suicide prevention.
- Build community understanding to reduce the myths, misunderstandings and stigma associated with suicide.
- Review research to enable to target the specific needs of vulnerable groups and build capacity.
- Develop materials and initiatives/programs that support these objectives.

Membership:

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

Chairperson

The Chairperson is appointed by the Council, on recommendation of PSC. In the absence of the Chairperson, a person elected by the members will assume the Chair for the meeting.

Meetings

The SPWG will meet as required to ensure the objectives are met.

Quorum

A quorum will be by simple majority plus one.

Meeting notes

Meeting notes are to be prepared by the officers of the Town and distributed to members within five working days after the date of the meeting.

Reporting timeframes

Working Group meeting notes and recommendations are to be reported in writing to the People Services Committee at the next scheduled meeting.

Termination of the Working Group

The term of the Working Group lapses with ordinary elections of Council and may at the discretion of Council be reconvened. Termination of the Working Group shall be at the direction of the Council.

Terms of Reference

Access and Inclusion Working Group

Authority:

The Working Group is established under the auspices of the People Services Committee (PSC). Working Group recommendations are to be referred to the PSC and to Council if supported by the Committee.

Background:

All Australians have equal rights to access facilities, functions, services and employment. Barriers to access and inclusion are to be actively identified and removed.

The Town of Bassendean has been a leader in providing accessible services and facilities since the early 1990's with a Disability Access and Inclusion Plan and a Disability Access and Inclusion Committee of Council. The Committee also acted as an advocate for improved services and facilities in the community of the Town.

Council resolved to establish this Working Group in lieu of maintaining the Committee such that the business of the Committee can be conducted less encumbered by the bureaucracy surrounding the Committee structure.

The Town adopts a new Access and Inclusion Plan each 5-years and will again in early 2019. The Plan, developed in consultation with the community, defines strategies and actions to address identified barriers existent in the community.

Purpose (Tasks & Outcomes):

- To consult with the community to identify barriers to access and inclusion existent in the community;
- To work with and support the Town in working towards a genuinely inclusive community for all;
- To monitor the implementation of the Town's Access and Inclusion Plan (AIP) and prepare statutory obligation reports to Council and other stakeholders on the progress of the AIP;
- To review the Access and Inclusion Plan in accordance with legislative obligations and make recommendations to Council to improve and update the Plan; and
- To maintain networks with people with disability, their carers and service providers.

Membership:

- A minimum of one appointed Councillor;
- Residents and others with disability who express identification with the community in the Town;
- Carers of residents and others with disability who express identification with the community in the Town,
- Representatives of organisations who provide services for people with disability; and
- Individuals who have skills, experience, interest and commitment to contribute to a truly inclusive community for all.
- Capacity to co-opt further members with relevant expertise as required

Chairperson

The Chairperson is appointed by the Council, on recommendation of PSC. In the absence of the Chairperson, a person elected by the members will assume the Chair for the meeting.

Meetings

The A&IWG will meet quarterly and additionally as required to ensure the objectives are met.

Quorum

A quorum will be by simple majority plus one.

Meeting notes

Meeting notes are to be prepared by the officers of the Town and distributed to members within five working days after the date of the meeting.

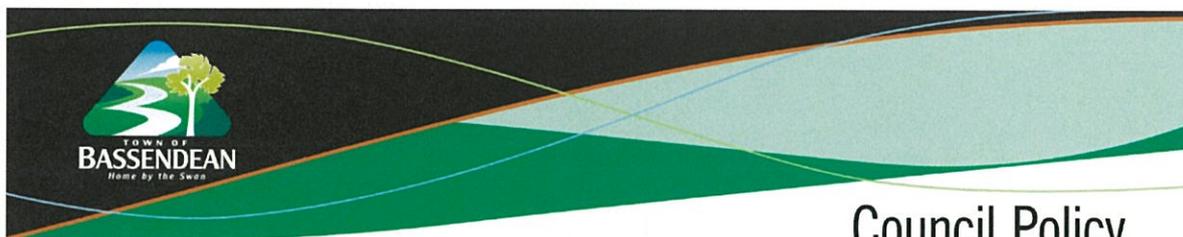
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ATTACHMENT NO. 8



Council Policy

DRAFT

Annual Performance Review – Chief Executive officer

Objective

The objective of this Policy is to establish a consistent, transparent, independent and accountable review process in line with section 5.38 of the *Local Government Act 1995*, requiring the performance of each employee who is employed for a term of more than one year, including the CEO, be reviewed at least once in relation to every year of employment.

Strategy

The performance and remuneration package review will be conducted in accordance with the Chief Executive Officer's Contract of Employment.

This process is a collaborative approach to enhance and evaluate the CEO's performance along with providing guidance for the ensuing twelve months, using the Town's agreed Corporate Business Plan and Strategies.

Review Periods

The review must be conducted annually as follows:-

- a) At a time that is no later than 3 months after the anniversary of the Commencement Date; or
- b) If otherwise determined by the Council, at a time that enables the review to coincide with other remuneration reviews conducted by the Town of Bassendean.

Interim quarterly reviews will also be undertaken by the Review Panel to discuss progress on the CEO's targets and strategy objectives.

Assessment Criteria

The performance of the CEO will be assessed against the following criteria:-

- *Leadership and Strategic Management*: Provide inspirational and astute leadership which develops and drives innovative, strategies and best practice to assist in delivery

of objectives in the Corporate Strategic Plan along with the vision and expectations of the Council and the Town. Provide exceptional management skills and strategy to build the capacity of the Town;

- *Organisational Culture*: Fosters a culture of innovation and excellence with an enabling can-do attitude. Engages with our diverse community by building and maintaining a highly responsive organisation committed to operational excellence and efficiency;
- *Key Objectives*: Ensures the efficient and timely delivery of all projects within budget. Oversees the reviews and improvements to all aspects of urban design and growth in the Town, with an emphasis on genuine community engagement to meet the challenges of growing the Town;
- *Collaboration*: Works in close collaboration with Council, the Mayor and the community to provide accurate and timely advice and information to ensure the key outcomes and objectives of the Town are met;
- *Governance*: Delivers the highest organisational integrity, corporate governance and accountability, which is demonstrated within an environment of transparency, trust, openness, honesty and fairness to all; and
- *Sustainability*: To provide responsible and sustainable management of the Town's financial resources, built and natural environment, infrastructure assets and staff.

Review Panel

The annual CEO performance review panel will consist of:

- The Mayor; and
- Two Councillors nominated by resolution of Council.

The selection of the panel will be in consultation and negotiation with the CEO and will be facilitated by an independent external person appointed by a resolution of Council in accordance with the Town's Procurement Policy and Procedures.

Councillors participating in the review process must:

- Understand the requirements and responsibilities of a performance management process
- Show an ability to be fair and objective
- Provide feedback which is constructive, specific and non-judgemental
- Be measured and unbiased in decision making
- Use good communication and interpersonal skills to participate in a productive and meaningful process

- Subjectively and effectively assess operational performance and strategy achievements

Review Process

The Human Resources Coordinator will be responsible for managing and implementing the process as outlined below:-

1. Engagement of an independent external facilitator in consultation with the Mayor and CEO and in line with the Town's Procurement and Purchasing procedures.
2. Prior to the commencement of the review the CEO will provide a self-assessment of their performance against the relevant criteria to all elected members.
3. The independent facilitator will assist the Review Panel to seek feedback from the elected members, assess the performance and agree on key focus areas for the review interview.
4. The Review Panel with support of the independent facilitator will conduct an appraisal interview with the CEO with regard to:-
 - a) Performance and Assessment Criteria;
 - b) Any changes to the work values or responsibilities of the Position;
 - c) The hours worked, including hours in addition to normal working hours;
 - d) The condition of the market and economy generally; and
 - e) The capacity of the Town to pay an increase
5. The CEO will be provided with an opportunity to provide comment.
6. The independent facilitator will attend a full Council briefing session to discuss findings.
7. The independent facilitator will provide Council and CEO with a full report including recommendations:
 - a) Endorsement of the CEO's performance for the period under review
 - b) The CEO's remuneration for the next 12 months
 - c) If required, the extension or renewal of the CEO Contract
 - d) Determination of appropriate Key Performance Indicators for the next 12 months
 - e) A professional development plan based on the above

Record Keeping

Documents in relation to the review process must be registered on the Town of Bassendean's records management system and stored on the CEO's confidential personnel file.

Application

Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed every three years.

Policy Type: Governance Policy	Responsible Officer: Chief Executive Officer/Human Resources Coordinator
Link to Strategic Community Plan: Leadership and Governance	Last Review Date: 13 January 2019
	Version 1
	Next Review due by: January 2021