

**TOWN OF BASSENDEAN
AGENDA
BRIEFINGS SESSION
19 MARCH 2019**

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TOWN OF BASSENDEAN

NOTICE OF BRIEFINGS SESSION

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

A G E N D A

The Mayor will preside at Briefing Sessions. In the absence of the Mayor, the session will be presided over by the Deputy Mayor.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

Live Streaming – Audio and Video

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

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

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

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

2.0 ATTENDANCES AND APOLOGIES

Apologies

Ken Lapham – Acting Director Corporate Services
Cr Brown – Leave of Absence

3.0 DEPUTATIONS

4.0 DECLARATIONS OF INTEREST

5.0 ADDRESSES BY MEMBERS OF THE PUBLIC

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

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

6.0 REPORTS

6.1 Tonkin Park Industrial Estate (TPIE) Fencing Audit and Review (Ref: LUAP/POLCY/2, DABC/BDVAPPS/2011-135, DABC/BDVAPPS/2013-125 - Cameron Hartley, Planning Officer)

APPLICATION

The purpose of this report is to provide an audit into existing industrial fencing within the Tonkin Park Industrial Estate (TPIE) as well provide a recommendation to council as to whether the Town's Local Planning Policy No.6 (LPP6) requires modification in line with this audit's findings. This report is linked to a Council Resolution from OCM 28 July 2015, which forms an attachment to this report.

ATTACHMENTS

Attachment No. 1:

- Extract from Council Resolution dated 28 July 2015
- Map of Tonkin Park Industrial Estate
- Copy of LPP6

BACKGROUND

At its meeting held 28 July 2015, matters were brought to Council’s attention relating to five properties within the TPIE. These related to an application for retrospective approval (No.11 Purser Loop), non-compliance with conditions of development approval (Nos. 27-31 Purser Loop) and unauthorised fences (Nos.76 and 80 May Holman Drive). The predominant subject within these five separate matters before council was fencing along the front property boundary and the related policy variation to LPP6.

LPP6, amongst other provisions, specifies the setback for fencing for industrial sites. The policy requires a minimum setback of 2m behind the street alignment and to be an open style. It should be noted that LPP6 has undergone modification within the last 7 years, with the previous version of the policy (pre-2012) providing allowances to having fencing contained on the front boundary. The current policy has stood in place since August 2012, which effectively prohibits fencing along the front property boundary.

Council approved the application for retrospective fencing approval for No.11 Purser Loop, subject to verge beautification. Nos. 27-31 Purser Loop was initially refused by Council, but approved on appeal after a State Administrative Tribunal invitation to review the decision was submitted to Council.

Compliance actions for the remaining unauthorised fencing at Nos. 76-80 May Holman Drive, was to be temporarily suspended following this review of industrial fencing within the TPIE.

COMMUNICATION & ENGAGEMENT

External consultation has not been carried out associated with the preparation of this report.

STRATEGIC IMPLICATIONS

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

	3.3.3 Implement design policies and provisions of buildings and places	
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COMMENT

The result of the review of the TPIE fencing audit are as follows:

- Approximately 13% (or 12 properties) have council approved fencing on the front boundary. This includes approvals issued under delegation, by council or under a building permit;
- Approximately 23% (or 22 properties) have unapproved or unauthorised fencing forward of the building or on the front boundary;
- Approximately 34% (or 32 properties) have compliant fencing, setback the required 2 metres; and
- Approximately 20% (19 properties) have no fencing forward of the building.

Approximately 10% (9 properties) are not contained in the statistics above, as they include a combination of lots with temporary/construction fencing, were approved historically without a condition for a fencing setback or do not have any formal approval issued on the site (i.e. vacant land).

As derived from the above statistics, there is an inconsistent level of fencing within the TPIE. Whilst over half of the properties either have compliant fencing or no fencing, over a third of sites within the TPIE either have legitimised and approved front fencing along the front property boundary or have presumably followed the predominant fencing line within the street, albeit not in accordance with current policy.

As there has been a clear position made in the past to remove this policy requirement or approve fencing along the primary street boundary, which only provides for a minor aesthetic benefit, the officer suggests that a modification is required to LPP6, which would delete the setback requirements of the policy.

It should be noted that other local governments bordering the Town, such as the Cities of Swan and Bayswater, do not have any specific fencing requirements for industrial areas within their scheme or local planning policy. The City of Belmont does maintain specific fencing requirements within industrial zones; however, this does not specify a minimum setback distance.

This amendment is not required to be advertised as it represents a minor policy change, having no detrimental impact on landowners or occupiers of industrial zoned land within the Town. Indeed, this modification will remove any need for prosecution for the 22 properties, which currently have fencing on, or within 2m of the front property boundary.

STATUTORY REQUIREMENTS

As per Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, in considering an application for development approval the local government is to have due regard to any local planning policy for the scheme area. This is the head of power for enforcing the Town's planning policy requirements.

As detailed in this report, the only relevant policy requiring review is Local Planning Policy 6 (Industrial Zones Development Design Guidelines). As per the officer recommendation, this is suggested to be modified to remove the 2m setback requirement of this policy.

FINANCIAL CONSIDERATIONS

Nil. The Town would not be enforcing prosecution against any lots identified within this report, which includes unapproved or unauthorised fencing along the street boundary.

OFFICER RECOMMENDATION — ITEM 6.1

That Council:

1. Approves the modification to Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines, to delete reference for fencing to be setback 2 metres behind the street alignment; and
2. Notes that the Planning Department of the Town of Bassendean will cease compliance action against landowners of 76 and 80 May Holman Drive, Bassendean, as the fencing will comply to the modified Local Planning Policy No. 6.

Voting requirements: Simple Majority

6.2 Proposed Review of Local Planning Policy No. 2 – Energy Efficient Design (Ref: LUAP/POLCY/2 – Christian Buttle, Senior Planning Officer)

APPLICATION

To consider adopting a revised version of Local Planning Policy No. 2 – Energy Efficient Design (LPP2).

ATTACHMENTS

Attachment No. 2:

- Current Version of LPP2 – Energy Efficient Design; and
- Extract of LPP2 (Part 6.0 – Assessment Procedure) showing provisions as currently existing and as proposed.

BACKGROUND

LPP2 was originally adopted under the former Town of Bassendean Town Planning Scheme No. 3 in December 2005.

The current version of the policy was subsequently adopted under Local Planning Scheme No. 10 in 2008, and was subject to minor change in 2011.

LPP2 applies to all land within the Town that is split coded (where a property owner seeks to develop to the higher density code), and is focused on promoting passive solar design principles for new building designs, with primary focus on matters such as:

- Building orientation;
- Internal building layout;
- Courtyard orientation;
- Window orientation;
- Cross ventilation; and
- Landscaping.

Informal discussions about the effectiveness of the policy as currently drafted have been raised by some Council Members and similar discussions occur on occasion between staff and proponents when applications for development approval in split coded areas are being assessed. Noting this, and also that the policy has remained unchanged for nearly 8 years, it is considered to be an opportune time to review the operation of the policy.

COMMUNICATION & ENGAGEMENT

If Council agrees with the recommendation contained within this report, an amended version of the policy will be adopted, and this will occur without the need for public advertising.

If an amended version of the policy were adopted by Council, notice of the revised policy would be published in a local paper, and the Town would also look to inform 'regular' applicants by way of direct mail (regular mail or email) notification.

'Regular' applicants would include any applicant who has lodged an application for development approval for a dwelling(s) at the higher density code for a split coded property within the last 12 months.

STRATEGIC IMPLICATIONS

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

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices	The number of new dwelling approvals granted by the Town against the <i>Perth Peel @ 3.5 Million</i> planning framework target for Bassendean (4,200 new dwellings by 2050)
	3.1.2 Implement sustainable design and development principles	
	3.1.3 Plan for local neighbourhoods and their centres	
	3.1.4 Ensure infrastructure is appropriate for service delivery	The level of community engagement and participation into Local Area Planning (Input into plans and policy development.)

COMMENT

Local Planning Scheme No. 10 (LPS10) identifies a number of 'split coded' areas within the Town, most notably:

- The section of Bassendean generally referred to as 'The Avenues' north of the railway line through to Walter Road East;
- The north-eastern portion of Eden Hill; and
- A smaller portion of Bassendean south of the railway line (centred around Cyril St and Chapman St).

These areas are coded R20/30 or R20/40 and the lower density code prevails for subdivision or development unless an applicant can address five Scheme requirements to facilitate subdivision or development at the higher code, being:

- (a) Development or subdivision incorporating a minimum of two dwellings with street frontage;
- (b) Heritage objectives not being compromised;
- (c) Preservation of the streetscape;
- (d) Provisions contained within LPP2 – Energy Efficient Design, being satisfactorily addressed; and
- (e) Provisions contained within LPP3 – Water Sensitive Design, being satisfactorily addressed.

LPP2 advocates passive solar design principles and contains a scoring matrix from which an applicant must achieve 70 points from an available 100 points for each dwelling that is proposed.

As explained within LPP2, the passive solar design requirements which are advocated by the policy are not necessarily conducive to 'off the shelf' project home designs. Even when a 'custom' design has been prepared for a site which is the subject of a split coding, there is often the need for design change during the assessment process. One of the reasons for this is a lack of clarity as to how existing policy provisions are understood by applicants, and in this respect staff acknowledge that the scoring matrix within LPP2 would benefit from refinement (i.e. via incorporation of explanatory notes) to assist applicants gain a greater understanding of how staff undertake their assessment process.

LPP2 is reasonably well understood by a number of applicants that the Town has dealings with, and the passive solar design principles upon which the policy is based are sound principles to advocate for from a planning perspective. As identified, the policy has also been operative since before the Town's current LPS10 was gazetted in 2008. Staff acknowledge, however, that there are alternative (and perhaps more contemporary) approaches against which sustainable / energy efficient design principles can be considered as part of a planning assessment process.

The Cities of Fremantle and Kalamunda each have similar planning frameworks to the Town of Bassendean in terms of having split residential codings and sustainable / energy efficient design requirements linked to gaining development entitlements at the higher density code.

The policy requirements that are set down by each of these local authorities are very similar to each other (it would appear that the City of Kalamunda has based its policy provisions on those from the City of Fremantle), and they are summarised below as follows:

- Demonstration that dwellings which are the subject of determination have achieved a Nationwide House Energy Rating Scheme (NatHERS) star rating that is one star in excess of the current energy efficiency requirement of the Building Codes of Australia that is specified for a Class 1A dwelling (i.e. single house or grouped dwelling);
- Provision of a minimum 1.5kw photovoltaic solar panel system for each dwelling; and
- Provision of a minimum 3000L capacity rain water tank which is plumbed to either a toilet or laundry for each dwelling; or alternatively an approved grey water system that collects grey water from laundry / bathrooms and which is re-directed for irrigation / ground water recharge for each dwelling.

In considering the way by which LPP2 could be modified as part of the current review, staff are of the opinion that the scoring matrix which is currently contained within the policy should be retained (with very minor refinement as described below), noting that:

- It has been operative for a long period of time and is focused on the main design principle advocated by the Policy; that of passive solar design;
- It is well known by 'regular' applicants; and
- Retention of the scoring matrix would be of benefit for both applicants and the Town if further applications for development approval (i.e. for additions) were to be received for properties that were originally subject to assessment and determination under the policy in its current form.

Beyond providing greater clarity and explanation to the method of assessment within the scoring matrix, it is proposed that the points allocation available for landscaping be reduced from 10 points to 5 points, and that the points allocation for solar pergola or solar hot water system be increased from 10 points to 15 points and that the option of a photovoltaic solar panel system be introduced into this criterion.

Staff also acknowledge that there may be benefit in terms of moving toward the approach that is in existence at other local authorities such as Cities of Fremantle and Kalamunda. Some of the benefits associated with this alternative approach are that:

- It provides consistency with approaches in operation at other local governments;
- It is easier to understand for applicants which in turn should also make the assessment process more simplified for planning staff; and
- Responsibility for demonstrating compliance with policy provisions is shifted toward the applicant (empowering the applicant while at the same time assisting to simplify the assessment process for staff).

Taking account of arguments for retention of the current policy framework (i.e. the scoring matrix being linked to passive solar design principles) while also noting that benefit may be achieved by pursuing an alternative approach, staff are recommending that LPP2 be modified so that applicants be given the choice of either:

- (a) Dwellings achieving a 70 point score using a modified matrix which is identified in the updated section of policy provided as an attachment to this report;
or alternatively
- (b) Dwellings incorporating (i) higher than mandated star ratings; (ii) 1.5kw minimum photovoltaic systems; and (iii) 3000L rain water tanks or grey water systems.

STATUTORY REQUIREMENTS

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

Division 2 (Local planning policies) of Part 2 (Local Planning Framework) of the LPS Regs states that:

- "5. Procedure for amending a local planning policy*
- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
 - (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment."*

FINANCIAL CONSIDERATIONS

Other than costs associated with advertising the amended policy, there are no financial considerations associated with the proposed policy change.

OFFICER RECOMMENDATION — ITEM 6.2

That Council:

1. Modifies Section 6.0 – Assessment Procedure of Local Planning Policy No. 2 – Energy Efficient Design in the manner shown within the 'Policy Extract as Revised' provided as an attachment to this report;
2. Determines that the policy amendment is a minor amendment which is made without being advertised for public comment; and
3. Notes that the Town's Administration will advertise the modified policy for public notice and will provide direct notice of the change to 'regular' applicants.

Voting requirements: Simple Majority

6.3 Tree Retention on Development Sites (Ref: LUAP/PLANNING/21 – by Anthony Dowling, Director Strategic Planning)

APPLICATION

This report presents for Council's consideration and further direction suggested actions it can take through its local planning framework to address current community concerns about loss of tree canopy associated with intensification of building development occurring within the Town.

ATTACHMENTS

Attachment No. 3:

- A) Extract from section 3.3 of State Planning Policy 7.3 Residential Design Codes Vol 2 – Apartments;
- B) Local Planning Policy (LPP) 13 – Trees on Development Sites;
- C) Extract from Local Planning Scheme (LPS) 10 – Clause 4.7.7 Tree Preservation;
- D) City of Bayswater Local Planning Policy – Trees on Private Property and Street Verges; and
- E) City of Bayswater Amendment 78 to Town Planning Scheme (LPS) 24 – Trees on Private Property and Street Verges.

BACKGROUND

The current State Government focus on increasing residential (infill) development within established urban areas across the Perth Metropolitan Area – such as in the Town of Bassendean – is resulting in reduced tree canopies in these areas due to the wholesale clearing of development sites taking place to accommodate the development of infill housing.

This consequence has been recognised and acknowledged by the State and many affected local governments, resulting in the adoption and application of planning policies and controls to redress and diminish further losses of tree canopy.

The State, for its part, has recently introduced new residential apartment design codes (*State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*) that address – among other things - tree retention and the provision and protection of their associated deep soil areas.

These new codes will apply from 24 May 2019 onwards. A copy of these particular provisions is provided at **Attachment 3A**.

Presumably, the same or similar provisions will apply to planned new medium-density housing (grouped dwellings) codes slated for application in the near future, probably in the latter part of this year.

[NB: These actions by the State mean that existing local planning frameworks (schemes, policies, structure plans etc) that are presently inconsistent with the provisions contained in SPP7.3 and that might be inconsistent with the future medium-density (grouped housing) codes will progressively require modification over the ensuing year to ensure consistency.]

Many local governments too – including the Town - have adopted local planning policies incorporating tree retention and replacement provisions to offset potential losses of tree canopy caused by intensification of building development. A copy of the Town's current *Local Planning Policy (LPP) 13 – Trees on Development Sites* is provided at **Attachment 3B** to this report.

In addition to this policy the Town is also enabled - pursuant to *Local Planning Scheme (LPS) 10* - to issue (or amend) a Tree Preservation Order (TPO) to preserve an existing tree that has been identified and deemed worthy of preservation and/or maintenance. A copy of the TPO provisions contained in LPS 10 is provided at **Attachment 3C** to this report.

Under these provisions the Town is required to compile and maintain a registry of TPO's. To date, only two TPO's have been issued by the Town.

The neighbouring City of Bayswater last year adopted both a local planning policy and an amendment (Amt 78) to its Town Planning Scheme (TPS) 24 addressing this issue. A copy of its *Local Planning Policy– Trees on Private Property and Street Verges* is provided at **Attachment 3D** to this report. A copy of the proposed amendment (Amt 78) is provided at **Attachment 3E** to this report.

The City's amendment 78 has been approved but the provisions contained therein do not apply to the development of land that will be subject to assessment under SPP 7.3.

The City advised that amendment 78 was based on the tree retention and deep soil provisions in draft SPP7.3.

STRATEGIC IMPLICATIONS

The suggested responses have the potential to accord (in a limited way) the following strategic priorities and objectives of the current *Community Strategic Plan 2017-2027*:

Strategic Priority 1: Social

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
1.3 Plan for a healthy and safe community	1.3.2 Promote and advocate community health and well-being

Strategic Priority 2: Natural Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
2.1 To display leadership in environmental sustainability	2.1.1 Strengthen environmental sustainability practices and climate change mitigation

Strategic Priority 3: Built Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm
	3.3.3 Implement design policies and provisions of buildings and places

COMMENT

With the advent of new *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* the consideration of additional or enhanced tree retention provisions and controls to limit the loss of tree canopy within the Town is timely.

To this end, at least three principal actions can be undertaken by the town as follows to address the issue of canopy loss:

1. Modify/revise LPP 13 to incorporate the tree retention and deep soil area provisions (especially in Tables 3.3 a and 3.3 b) contained in section 3.3 of SPP 7.3 and apply to grouped (medium-density) housing development, and possibly to other forms and types of development as well;
2. Identify and map all existing trees within the Town (being at least 4 metres or more in height and/or a trunk diameter of 160 mm or more, and/or a canopy diameter 4 metres or more) and adding these to the Town's *Tree Preservation Order (TPO) Registry*; and

3. Develop and implement a strategy or campaign promoting and publicising the value and benefits of retaining trees on land and the desire to increasing the tree canopy within the Town.

Each of these suggested actions are further outlined as follows:

MODIFY LOCAL PLANNING POLICY (LPP) 13 – TREES ON DEVELOPMENT SITES

The effect of the tree preservation and deep soil provisions contained in SPP 7.3 is that existing LPP 13 will require modification reflecting these new provisions.

Given this, and the likelihood of the same or similar provisions being introduced later this year to apply to grouped housing development, it makes sense to further modify LPP 13 to enable these provisions to apply to future grouped dwelling developments. This will enable consistency in the application of these provisions in respect to future residential density development.

Consideration also ought to be given – through LPP 13 - to applying these provisions to other types of land use and development (eg. industrial, shopping centres), as these too can also potentially result in loss of the Town's tree canopy.

One other further consideration is to include a policy provision that enables Council to impose a standard condition on development approvals requiring that *no clearing of land nor removal of any tree is permitted until a landscape plan prepared for the approved development has been approved by the Town* (where the landscape plan has also been imposed as a condition of development approval).

INCREASE THE NUMBER OF TREE PRESERVATION ORDERS (TPO)

The TPO provisions contained in LPS 10 have rarely been applied to the preservation of trees within the Town. However, it may now be opportune to apply these provisions more comprehensively and with greater effort.

Obviously, adding more 'significant trees' to the current TPO Register will result in more trees being preserved, especially where a landowner may be contemplating avoiding the tree retention provisions prescribed under the R Codes by removing a tree (or trees) in advance of lodging a development application (DA) for residential density development.

The lodgement of a DA requires the submission of a site analysis plan and/or site development plan denoting all trees exceeding 3 metres in height to be retained on the land.

However, the identification and registration of trees in the TPO Register will be quite an onerous task as it requires nominated or identified trees to be identified individually and 'on the ground' – not just from available aerial photography.

Should Council desire this work to proceed and expediently, it will need to ensure sufficient Town resources (both human and financial) are available to carry out this work.

One other way of preserving significant trees is for LPS 10 to be suitably amended requiring development approval to be obtained to remove a 'significant tree'. This approach has been undertaken (or is being undertaken) by a number of Eastern States local governments. However, it won't necessarily have any greater effect or impact than the application of the Town's current TPO provisions contained in LPS 10.

Amending LPS 10 won't be a 'quick fix' as the amendment process is likely to be at least 12 months – possibly longer – duration.

It should be noted that in the report considered by the Bayswater City Council on Amendment 78 to its TPS 24, it was reported that no local government in WA mandates the retention of trees on private land, principally on the basis that it was considered unfair and too onerous because it would jeopardise the ability for a landowner to maximise the development potential of the land. It is also considered inconsistent with broader infill residential housing objectives.

Rather local governments to date have endeavoured to incentivise tree retention by relaxing other development controls and standards that apply to such development and/or require the planting of a new tree for every tree proposed to be removed, and in acceptable locations within the development site. Such considerations should be included in any proposed modification to LPP 13.

PROMOTIONAL AND EDUCATION CAMPAIGN OF THE BENEFITS OF TREES

It is suggested that an extensive promotional and educational campaign also be developed and implemented to promote, make aware, and educate the wider community about the value and benefits (especially the amenity benefits) of retaining existing trees and increasing the current canopy extent.

Such a campaign can leverage off the Town's communication and marketing strategy presently being developed in respect to the proposed street verge tree planting program.

STATUTORY REQUIREMENTS

Modifying and adopting a revised LPP 13 and any amendment to LPS 10 as described in the preceding section will need to accord with the procedures prescribed in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Modifying a local planning policy includes a requirement to publically advertise the modified policy for at least 21 days. Depending on the complexity of the policy, the work required in drafting, reviewing and finalising it (having regard to any submissions received to it) it is envisaged that a timeframe of between 3 - 4 months ought to be allowed in modifying and adopting a revised LPP 13.

As previously mentioned, any amendment to LPS 10 to effect new or revised tree retention provisions will take at least 12 months or longer to complete and effect.

FINANCIAL CONSIDERATIONS

Should Council determine that LPS 10 is to be amended to comprise provisions pertaining to tree retention and planting, and time is of the essence in drafting and expediting this amendment, then it may be necessary to commission a Town Planning consultant to undertake this work, especially as the Director Strategic Planning is focused on delivering the Local Planning Strategy and project managing the associated Community and Stakeholder Engagement Strategy (CSES) as well as other priority tasks being carried out in parallel to this.

It is estimated that up to \$7,500 might be required in the current financial year to commission a consultant to prepare and draft the amendment as well as assist in the review of LPP 13. Funding is available within the Strategic Planning budget for this work.

If identifying and mapping all existing trees within the Town deemed worthy of preservation and adding them to the Town's *TPO Registry* is unable to be undertaken 'in-house', especially within a short-time, then it may also be necessary to commission a consultant for this work. The quantum of work and timeframe required to perform this task will need to be scoped.

OFFICER RECOMMENDATION — ITEM 6.3

That:

1. Council agrees to the *Local Planning Policy (LPP) 13 Trees on Development Sites* being amended to include the following:
 - a) *The provisions in section 3.3 of State Planning Policy (SPP) 7.3 Residential Design Codes Volume 2 – Apartments to the effect that these provisions be applied to grouped housing development within the Town, and possibly other types of land use and development; and*
 - b) *Consideration of a provision seeking to impose as a standard condition on development approvals a requirement that no clearing of land nor removal of any tree is permitted until a landscape plan for the approved development (where also imposed as a condition of development approval) has been approved by the Town”;*
2. A scoping report be presented to the May 2019 Ordinary Meeting of Council identifying and outlining the quantum of work and human and financial resources deemed necessary to identify and map all existing trees within the Town deemed worthy of retention (criteria being at least 4 metres or more in height and/or a trunk diameter of 160 mm or more, and/or a canopy diameter 4 metres or more) and adding these to the Town’s *Tree Preservation Order (TPO) Registry*; and
3. A promotional and educational campaign of the benefits of trees, including their retention on development sites, be incorporated within the Town’s proposed communication and marketing plan being developed for the roll-out of the Town’s street verge tree planting program.

Voting requirements: Simple Majority

6.4 Vandalism of Street Verge Trees – Adjacent to 14 Pryde Way, Eden Hill (Ref: COUP/MAINT/1 – Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to advise Council that two street verge trees adjacent to 14 Pryde Way, Eden Hill, have been interfered with, hacking/chopping at base of trees, and now only the base of the trees are remaining.

ATTACHMENT

Confidential Attachment No. 1 :
Tree Investigation

BACKGROUND

On 11 October 2018, the Town received an email from the property owner of 14 Pryde Way, Eden Hill, requesting the two trees adjacent to his property be removed.

On 16 October 2018 the Parkes & Garden Supervisor inspected the trees and found them to be in a healthy condition.

On 22 October 2018, a letter was delivered to the owner, explaining that the Town placed great importance on managing and protecting street trees and the trees would not be removed.

Then on 14 November 2018, Ranger Services reported that the above two trees had been vandalised, chopped at the base of the trees, and that the vandalism occurred between Thursday 8 November to Monday 12 November 2018.

STRATEGIC IMPLICATIONS

Strategic Priority 2. Natural Environment

Strategies <i>How we're going to do it</i>	Identified Project / Program	Strategic Measures of Success
2.2.1 Protect and restore our biodiversity and ecosystems 2.2.2 Sustainably manage significant natural areas	Review strategy and plan for the protection and rehabilitation of natural areas Increase purchase, planting & maintenance of street trees:- <ul style="list-style-type: none"> • 412 to 600 trees –Eden Hill area and Ashfield (Underground Power area • Street Tree Master Plan 	Community / Stakeholder Satisfaction Survey (Rivers, Bushland and Reserves)

COMMENT

In November 2018, Ranger Services commenced the investigation process into the two vandalised street trees, both *Prunus Nigra* (*Deciduous Trees*), which had been chopped at the base of each tree, adjacent to 14 Pryde Way, Eden Hill.

Ranger Services initially tried to contact the owner of the property, but was unsuccessful on a number of occasions and left a message for the owner to contact Ranger Services, as they believed the property may have been tenanted out.

As part of the investigation, a letter was distributed to 32 surrounding properties and a report was presented to the Kiara Police Station on the issue.

No feedback from surrounding properties was received and Officers from Kiara Police Station advised no action could be taken, as there is no evidence that the owner damaged the trees.

In December 2018, all the information gathered through the investigation was provided to the Town's solicitors (McLeods Barristers & Solicitors).

On 21 January 2019, the solicitors responded and requested the Town contact the owner, if not already done so, to ask him why he had damaged the trees.

Ranger Services successfully contacted the owner and was advised by the owner, that the Kiara Police had visited him that morning, and he had denied damaging the trees and the Kiara Police advised him that no action would be taken.

Kiara Police provided confirmation that this was the outcome as no evidence was available.

The Parks Supervisor found that the trees were now structurally unsound and require replacing. Due to the state of the trees, an Arborist report is not required.

In order to protect and manage street trees Council has in place the following policies:

- 1.5 Crossover Policy
- 1.8 Significant Tree Policy
- 1.10 Street Tree Protection Policy
- 1.11 Street tree Pruning, Removal and Replacement Policy

- 1.12 Amenity Tree Evaluation Policy

Should someone illegally remove, damage, prune or poison a street tree, the Town has in place a Tree Investigation form which requires Rangers to speak to all adjacent neighbours and Asset Services to assess the amenity value and tree health.

This Tree Investigation report is provided as a confidential attachment for Council's consideration, as under the Local Government Act 1995 Clause 5.23 (2) (f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

Since 2015, officers have presented to Council the following five reports regarding vandalised street trees. At the completion of each resolution, a brief update has been provided:

- April 2015, Council (OCM – 15/04/15) Council approved the usage of a vandalism awareness sign, for 20 Wicks Street, Bassendean (*Tree Condition as July 2018 -Tree has returned to a healthy condition and sign has been removed*);
- October 2015, Council (OCM – 5/10/15) endorsed the Officer Recommendation relating to seven street trees that had been pruned or removed without permission (*Recommendations are being followed as per resolution*);
- March 2017, Council (OCM – 8/03/17) approved installation of a vandalism awareness sign on the First Avenue verge, adjacent to the vandalised street tree located adjacent to 89 Anzac Terrace (*Tree Condition as July 2018-Tree has died and pruned to a safe condition, new tree planted is sound in condition. Vandalism sign is still on location*);
- July 2017 Council (OCM – 26/07/17) approved the installation of a vandalism awareness sign adjacent to No. 1 Garnsworthy Place, Bassendean (*Tree Condition as July 2018 - Tree has died and pruned to a safe condition, two new trees planted are sound in condition. Vandalism sign is still on location*); and

- June 2018 Council (OCM – 6/06/18) authorises removal of the damaged street tree, adjacent to 4 Clarke Way, Bassendean, and replace with a tree approved by Council after construction has been completed (*Tree Condition as July 2018 - Tree has new foliage at the top of the 1.5m trunk, construction work is continuing.*)

Under Council's Street Tree Protection Policy, in the event that a person has illegally removed, damaged, pruned or poisoned a street tree, Council may prosecute the offender under the *Local Government Act 1995*, Schedule 9.1 - clause 2: Disturbing local government land or anything on it, and the Uniform Local Provisions Regulation 1996, Regulation 5 Clause 1 interfering with, or taking from, local government land or other relevant provisions under the Act.

The trunk of the trees are still in the ground and are subject to the outcome of this report.

The valuation of the trees, using the Town's Policy "Burney Method of Tree Valuation", is as follows:

The street trees were 2 metres in height, with a crown spread of 1 metre. The approximate age of the trees is 3 years. Estimated value of each tree is \$4,753.72 (totalling \$9,507.44) which includes removal costs.

Considering that the person who vandalised this street tree cannot truly be identified by Ranger Services or Kiara Police, and the Town's Solicitors have advised, *without identification evidence the Town has no case*, it is recommended that a vandalism awareness sign be installed, for a two year period, adjacent to the two trees on the verge at 14 Pryde Way, Eden Hill.

This is to further educate residents, that street trees are an asset, they are valued by the entire community, have environmental benefits and that vandalising or damaging street trees will not be tolerated. Installing a vandalism awareness sign may assist in stopping others in the future from performing a similar act.

STATUTORY REQUIREMENTS

In the event of a person illegally removing, damaging, pruning or poisoning a street tree, Council may prosecute the offender under the following:

- *Local Government Act 1995* - Schedule 9.1, clause 2. Disturbing local government land or anything on it; and
- *Local Government Act 1995* - Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 - Interfering with, or taking from, local government land or other relevant provisions under the Act. In addition to the value of the tree, a penalty of \$5,000 may be imposed.

COMMUNICATION & ENGAGEMENT

In the past, Elected Members have inspected street trees that have been reported vandalised prior to a report being presented to Council, but as these trees have been chopped to the base, it may not be necessary for Elected Members to view the vandalised street tree before resolving this matter.

The outcome of the Rangers and Kiara Police investigations was that there is no legal proof of any person vandalising the street trees.

FINANCIAL CONSIDERATIONS

If Council approves the erection of the vandalism awareness sign, the estimated cost is \$1,200 for the manufacture of the sign. Installation of the sign can be achieved from the Street Tree Operating Budget.

The cost to remove the street trees is \$300. If Council resolves to remove the trees, this can be achieved by using funds from the Street Tree Operating Budget.

OFFICER RECOMMENDATION – ITEM 6.4

That Council:

1. Approves the removal of the base of the two street trees and requests officers communicate with the property owner regarding the planting of new street trees during the 2019 planting season.(selection and location for the planting of new street trees); and
2. Installs a vandalism awareness sign on the verge adjacent to 14 Pryde Way, Eden Hill, and the vandalised street trees until new trees have developed (2 years).

Voting requirement: Simple majority

6.5 Community Sporting and Recreation Facilities Fund (CSRFF) Application – Bassendean Bowling Club (Ref: GRSU/APPS-D/15 – Tim Dayman, Recreation Development Officer)

APPLICATION

The purpose of this report is to request approval from Council for Bassendean Bowling Club to apply for a Small Grant under the Community Sporting and Recreation Facilities Fund (CSRFF) and to rank the project in accordance with the CSRFF guidelines for Local Government Authorities.

ATTACHMENTS

Attachment No. 4:

- CSRFF Small Grants Application Form
- CSRFF Grant Submission Supporting Information
- Cost Contribution Spreadsheet

BACKGROUND

In 2017, Officers have held several meetings with the Bassendean Bowling Club regarding the condition of the facility. It is clear that the building and external facilities need upgrading which is backed up by an infrastructure strategy report completed in June 2016 by CSS Strategic who were contracted by LandCorp as part of the previously proposed Bassendean Activity Centre Revitalisation project.

These projects included an upgrade to the floodlighting towers on “C” green, refurbishing the aprons on two of the greens and installing two new drinking fountains. Each of these projects were immediately required for the club to conduct their summer bowls competitions in a safe manner.

The Club has submitted applications in the past two CSRFF Small Grant rounds but were unsuccessful.

The Club’s application for March 2019 focuses more on items that directly influence sporting participation. The Club intends to carry out the following works:

- Install new shade shelters on all greens, replacing the old irrigation pipes with shade cloth to a retractable shade sail;
- Installation new astro-turf aprons around greens B and C to prevent tripping hazards and protect their bowling equipment; and

- Increase lighting capacity on the existing light towers for A and B greens.

Since the last applications were unsuccessful, the Club has installed new lights on the current towers on C green and installed one of the two drinking fountains, as well as some security upgrades with CCTV to the value of \$14,809 at the Club's own expense.

As detailed in the CSRFF Small Grant second round application, the total project cost (excl GST) is estimated at \$80,053 and funded through the following sources:

Applicant Cash	\$ 17,126
Volunteer Labour	\$ 11,725
CSRFF Grant	\$ 25,601
TOB Contribution	\$ 25,601

The purpose of the CSRFF program is to provide financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well-utilised facilities.

Through CSRFF, the State Government will invest annually in the development of high-quality physical environments in which people can enjoy sport and recreation. There is \$12 million available for allocation in this the 2019/20 funding round.

CSRFF Small Grants will be awarded to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$200,000, and as the CSRFF Grant will not exceed one third of the project cost, the total grant request may not exceed \$66,666. Grants given in this category must be claimed by 15 June in the relevant financial year.

Under the CSRFF Small Grants program, applicants can receive an upfront payment of their grant. Upon completion of a project, the applicant will be required to acquit the grant by providing CSRFF claim forms and sufficient evidence of expenditure.

COMMUNICATION & ENGAGEMENT

Officers have met regularly with the Club to provide assistance with their CSRFF grant application and other ongoing maintenance issues as identified in the previously mentioned CSS Strategic infrastructure strategy report.

COMMENT

The Bassendean Bowling Club regularly features in the top metropolitan greens and hosts significant events such as Country Week, including the finals.

The aprons that skirt two of the three greens are currently a trip hazard when participants step down to the green from the viewing areas. The club has reported the torn and loose carpet as an occupational health and safety issue. New synthetic grass was installed around the "A" green recently at the cost of the club. This also limits the damage done to player's bowls when they end up in the gutter.

The CSRFF Small Grant application meets all the requirements of the CSRFF Program with the Bassendean Bowling Club demonstrating that they have sufficient financial and human resources to undertake the required works. In the first round of CSRFF in July 2017, no financial request was made by the Club to Council for the proposed works. The Club is requesting financial support for this round to strengthen its application.

Following recommendations from the State body, Bowls WA, stating that current structures do not meet standards for safe play, Officers are recommending that Council consider and support the CSRFF Small Grant application lodged by the Bassendean Bowling Club.

In accordance with the assessment guidelines of the CSRFF program, Officers rate the project as well planned and needed by the applicant.

Subject to the decision of Council, Officers will continue to work with the Bassendean Bowling Club to ensure that all required paperwork is lodged with the CSRFF Small Grant application to the Department of Local Government, Sport and Cultural Industries. The final submission is made by the Town on the Club's behalf.

The Town will be notified by the Department of Local Government, Sport and Cultural Industries of the outcome of the application by June 2019.

STATUTORY REQUIREMENTS

Local Government Act 1995

STRATEGIC IMPLICATIONS

The redevelopment works at the Bassendean Bowling Club align with the following key themes and strategic objectives of the Corporate Business Plan 2018-2022:

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Increases in Club activity and membership.
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.	Increases in Club activity and membership.
	1.2.5 Support our volunteers and community groups to remain empowered, dynamic and inclusive	

FINANCIAL CONSIDERATIONS

The Club is seeking a one-third contribution from the Town for the following works to the value of \$25,601 (excl. GST), as identified by the Club in the CSRFF Small Grant application:

- Sun Shelter Installation \$13,963
 - Artificial Turf Aprons \$1,771
 - Lighting Upgrade \$9,867
- Total: \$25,601

Officers recommend that these costs be referred for consideration in the 2019-20 Capital Works Budget and be subject to the grant application being successful.

OFFICER RECOMMENDATION – ITEM 6.5

That:

1. Council supports the CSRFF small grant application lodged by the Bassendean Bowling Club;
2. In accordance with the CSRFF assessment guidelines, Council rates the project as well planned and needed by the applicant; and
3. \$25,601 be listed in the 2019/20 draft Capital Works Budget, subject to the CSRFF Small Grant application being approved by the Department of Local Government, Sporting and Cultural Industries.

Voting requirement: Simple majority

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

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

Building Applications Determined in the Month of February 2019		
Application No	Property Address	Description
201800222	64 BROADWAY, BASSENDEAN	RETROSPECTIVE SHED AND OUTDOOR ENTERTAINMENT AREA
201700289	45 KATHLEEN STREET, BASSENDEAN	OFFICE & SHED ADDITION
201900018	13 NORTHMOOR ROAD, EDEN HILL	SWIMMING POOL AND SECURITY BARRIER
201900014	33 EILEEN STREET, BASSENDEAN	SINGLE DWELLING
201900012	6 IRELAND WAY, BASSENDEAN	SINGLE DWELLING
201900016	186 WALTER ROAD EAST, BASSENDEAN	SINGLE DWELLING
201900015	10 JACKSON STREET, BASSENDEAN	INTERNAL SERVICE INSTALLATION (ELECTRICAL MECHANICAL HYDRAULIC)
201900019	19B JAMES STREET, BASSENDEAN	SINGLE DWELLING
201900013	10 PERWAY LANE, BASSENDEAN	PATIO
201900030	10 JACKSON STREET, BASSENDEAN	SOLAR PANEL
201900032	1 OLD PERTH ROAD, BASSENDEAN	PHARMACY FITOUT
201900031	67 HAMILTON STREET, BASSENDEAN	FENCE APPLICATION
201900033	5 MANN WAY, BASSENDEAN	FRONT FENCE APPLICATION
201900026	33 EILEEN STREET, BASSENDEAN	SWIMMING POOL FENCE
201900022	10 HARDAKER STREET, EDEN HILL	REFOOFING DWELLING (ASBESTOS TO STEEL)
201900020	15 BROOK STREET, BASSENDEAN	PATIO & PERGOLA
201900024	84 IVANHOE STREET, EDEN HILL	DWELLING
201900023	73 SECOND AVENUE, BASSENDEAN	SINGLE DWELLING
201900025	67 HARDY ROAD, ASHFIELD	FENCE
201900021	3D HARDY ROAD, BASSENDEAN	ALFRESCO LOUVERED PATIO

OFFICER RECOMMENDATION – ITEM 6.6

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

Voting requirement: Simple majority

6.7 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Brian Reed, Manager Development Services)

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

Planning and Subdivision Applications Determined to 1 March 2019			
Applic No.	Property Address	Description	Determination
2018-068	5 GARNSWORTHY PLACE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2018-106	32 HAIG STREET ASHFIELD 6054	GROUPED DWELLING	DELEGATE APPROVED
2018-109	13 GALLAGHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2018-158	15 BROOK STREET BASSENDEAN 6054	PATIO & PERGOLA	DELEGATE APPROVED
2018-163	31 CLARKE WAY BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2019-001	17A DEAKIN STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-002	91 FREELAND WAY EDEN HILL 6054	RETROSPECTIVE APPLICATION FOR RETAINING WALL	DELEGATE APPROVED
2019-006	10 JACKSON STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO ROOF OF FACTORY	DELEGATE APPROVED
2019-007	43B ESTHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-010	13A GALLAGHER STREET EDEN HILL 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2019-011	19A JAMES STREET BASSENDEAN 6054	RETAINING WALLS	DELEGATE APPROVED
2019-014	10 SCADDAN STREET BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
Subdivision Applications			
119-19	146 WEST ROAD BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE (RECOMMEND APPROVAL)
157658	6 WATKINS STREET EDEN HILL 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE (RECOMMEND APPROVAL)

OFFICER RECOMMENDATION – ITEM 6.7

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

Voting requirement: Simple majority

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

8.0 **CONFIDENTIAL BUSINESS**

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

8.1 **Service Review – Seniors and Disability Services Business Unit (Ref: COMS/SVPOVN/12 - Peta Mabbs, CEO & Graeme Haggart, Director Community Development)**

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

9.0 **CLOSURE**

The next Briefings Session will be held on Tuesday 16 April 2019 commencing at 7.00pm.