

TOWN OF BASSENDEAN

NOTICE OF BRIEFINGS SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 10 December 2019 at the Bassendean Youth Service, Cnr West and Guildford Roads, Bassendean, commencing at 6.30pm.

Meet with the Town of Bassendean's Mayor, Councillors, CEO and other Officers at 5.30pm, prior to the meeting.

Members of the public are encouraged to provide feedback at: yoursay.bassendean.wa.gov.au as part of a 12-month trial of delivering Council Briefing Sessions in the community.

A G E N D A

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

Audio Recording

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

The audio recording 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.

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



Mayor
Cr Renee McLennan
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Cr Kathryn Hamilton, Deputy Mayor
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2.0 ATTENDANCES AND APOLOGIES

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 POSTCARD SUBMISSIONS

If any member of the community has a question that relates to a particular agenda item, they can complete a postcard so that staff can address these issues during their short briefing on the relevant item.

Verbal questions from community members on agenda items are to be asked after Councillors have asked their questions, if time allows (limit of one question per person).

Anyone with general questions not related to agenda items, is encouraged to ask them by completing a postcard. Postcards will be available prior to the meeting to fill out and they will be followed up at a later date.

6.0 DEPUTATIONS

7.0 REPORTS

Under each report, Officers will provide a brief outline of the report. Councillors will be given the opportunity to ask any questions that they may have.

7.1 Annual Report For the Year Ended 30 June 2019

Council will be requested to consider and adopt the 2018/19 Annual Report that includes the Audited Annual Financial Statements for the year ended 30 June 2019. In the report also, is a proposed meeting date to hold the General Meeting of Electors on 10 February 2020.

The Annual Report will be finalised next week for inclusion in the Ordinary Council Agenda of 17 December 2019.

7.2 Point Reserve Jetties Update (Ref: PARE/MAINT/52 Phil Adams, Executive Manager Infrastructure)

APPLICATION

The purpose of this report is to:

- Provide an update to the Ordinary Council Meeting (OCM) report held on the 26 November 2019;
- Outline future considerations for the Point Reserve jetties including further investigations, regulatory approval requirements and associated options and costs;
- Seek approval for the expenditure of condition and structural integrity testing of North and South Jetties;
- Seek approval for expenditure for the design to reinstate North Jetty if the piles are proven to be structurally sound; and
- Seek endorsement of a provision in the Long Term Financial Plan and Annual Budget for the renewal and future maintenance of marine assets including jetties.

ATTACHMENTS

Confidential No. 1

- Quote to undertake condition and structural assessment with upgrade design for re-instatement of North Jetty.
- Quote to undertake further structural assessment for South Jetty.

BACKGROUND

At the Ordinary Council Meeting of 26 November 2019, Council resolved (OCM-8/11/19) the following:

“MOVED Cr Gangell, Seconded Cr Quinton, that Council:

- 1. Notes the actions taken to date by the Chief Executive Officer to address the safety hazards related to both jetties, including actions to remove the decking and associated timber components from both jetties as authorised by both the Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Transport (DOT), with works commencing on 19 November 2019;*
- 2. Notes the DBCA response regarding the permit for emergency works which includes the condition to reinstate North Jetty so it can be reopened to the public;*

3. *Commits to the reinstatement of the south jetty in recognition of the history and uniqueness of the two jetties to the Town of Bassendean; and*
4. *Notes that a further report will be provided at the December 2019 Ordinary Council Meeting to update Council on future considerations for the jetties, and to seek Council approval of expenditure to undertake physical works to reinstate the North and South Jetties. “*

COMMUNICATION & ENGAGEMENT

In November 2019, the Town informed the community about the deteriorating state of the two jetties via the Town’s website and Facebook page. The primary focus of communications at that stage was the public safety risks and the unsafe state of the jetties.

At the Briefing session held on 19 November 2019, the CEO provided an update on the current state of the jetties and actions taken to address public safety risks through restriction of access to the jetties.

STRATEGIC IMPLICATIONS

The management of the Point Reserve Jetties aligns with the following Strategic Priorities under the current *Community Strategic Plan 2017-2027*.

Strategic Priority 1: Social

Objectives	Strategies
1.3 Plan for a healthy and safe community	1.3.1 Facilitate safer neighbourhood environments 1.3.2 Promote and advocate community health and well-being

Strategic Priority 3: Built Environment

Objectives	Strategies
3.3 Enhance the Town’s appearance	3.3.1 Improve amenity and the public realm 3.3.2 Strengthen and promote Bassendean’s unique character and heritage
5.1 Enhance organisational accountability	5.1.2 Ensure financial sustainability 5.1.5 Ensure optimal management of assets

COMMENT

DEPENDENCIES AND CRITICAL SUCCESS FACTORS

The successful reinstatement of both the North and South Jetties hinges upon a number of key considerations outlined below.

A) Condition and Structural Assessment of Jetties

1) South Jetty assessment

Following the new information received regarding the extent of termite damage on South Jetty (tabled at the 26 November 2019 OCM), a quotation was sought from a suitably qualified marine engineer to undertake a condition and structural assessment on the current structure to include:

- detailed condition assessment of above water components noting condition of structural members and any defects;
- detailed underwater inspection of piles and bracing, including removing wrapping from all piles, with core tests to be undertaken on a number of piles;
- assessment of design loads and structural analysis; and
- collating results of the condition inspection and structural assessment into condition and structural assessment reports, outlining any defects and recommendations to reinstate structural capacity.

A quotation has been received (see confidential attachment)

In the event of the piles and superstructure not being in sufficiently good condition for a rebuild of the first three piers, other options (and associated costings) will need to be explored, including the potential option of a complete rebuild of the jetty using appropriate materials.

2) North Jetty assessment

The City of Bayswater has been contacted for information on the material used for the Riverside Gardens Project, and has provided details of the wood-plastic composite product their jetty decking is constructed from. The material is resistant to termites, micro-organisms and moisture.

A quotation has been received (see confidential attachment) from a marine engineering firm (who also quoted on the above-mentioned South Jetty assessment) to undertake a condition and structural assessment of the North Jetty piles and also provide a upgrade design for reinstatement.

The scope of work quoted includes:

- detailed underwater inspection of piles, including exposing steel and taking thickness measurements on a selection of piles
- briefly summarise risks and opportunities for reuse of existing piles, providing recommendations on testing of piles if appropriate.
- estimating design load and load schedule for testing of the
- capacity of the existing piles

Subject to the piles being in good condition, the quote also includes:

- provision of a structural design
- modelling to confirm adequate capacity of structural members with design loads
- design of decking, stringers, headstocks and connections, kerbing, safety ladder, concrete abutment
- preparation of design drawings for a new jetty suitable to be used for a tender, technical specifications, and pre-tender cost estimate.

The condition and structural integrity of the structures of both jetties will impact on the scope of works required for reinstatement, as well as associated design and construction costs. The condition and structural assessment reports will also be an informing input into the regulatory approval process (see below).

Recommendations will be made to Council on future options based on the results from the assessment of both jetties. These options would also be subject to regulatory approval from DBCA and DoT.

State Regulatory Approvals and Key Inputs

The design and construction of jetties is regulated by State agencies i.e. DBCA and DoT. A key condition of the current DBCA emergency works permit is the reinstatement of the North Jetty only. The scope of the permit will now need to be amended to implement Council's resolution to reinstate both North and South Jetties.

Officers will liaise with DBCA and DoT to ascertain the approval process and requirements for the expanded scope. It is anticipated that crucial inputs into the application process will include the design and plans for the project, in addition to financial estimates supported by relevant quotations and engineering assessments. Officers are in the process of coordinating the provision of these key input documents and information.

Note that under the terms and conditions of the existing Point Reserve jetty licence agreement, any variation to the current design and footprint of the jetties will require regulatory approval from DoT, including consent under section 18 of the Aboriginal Heritage Act 1975.

Financial Considerations

As mentioned above, the financial impact of reinstating both jetties is difficult to ascertain without key inputs such as the structural integrity testing, engineering analysis, design and associated estimates.

It is important to note that the financial implications need to be considered from a “total cost of ownership” perspective which includes capital, operational maintenance and all associated operating costs over the asset lifecycle.

Potential grant funding opportunities that could be utilised to fund the re-construction of the jetties including:

1. Coast West grants: this is a Department of Planning, Lands and Heritage (DPLH) funding stream that is available between January and April for funds between \$5,000-\$50,000, with funding based on a 50:50 co-contribution ratio.
2. LotteryWest: This is open all year round and does not have a co-contribution or funding cap.
3. Recreational Boating Facilities scheme grant: This is a DoT funding stream available July to September, with projects funded up to 70% of project value, with a maximum of \$750,000. The jetties would have to be designed to allow the berthing of boats which they currently do not. This will result in a variation from current approved jetty design/footprint which may necessitate a new application process to DBCA and DoT.

Future funding for jetties maintenance also needs to be considered in the Town's Long Term Financial Plan and Annual Budget for renewal works for assets such as jetties, pontoons and boat ramps. Ideally, the works plan needs to include \$50,000 per annum, for jetty, pontoon and boat ramp renewal as recommended by the Town's Asset Management contractor.

OTHER DEVELOPMENTS

The termite-damaged wooden jetty structures have been removed and the timber relocated to the Town's depot and stored in bounded piles raised off the ground to prevent further termite activity, pending Council's decision on how to distribute the material for potential art projects and public use.

The City of Bayswater has been contacted for information on the material used for the Riverside Gardens Project, and has provided details of the wood-plastic composite product used for their jetty decking. The material is resistant to termites, micro-organisms and moisture. The suitability of this material for use on the Point Reserve jetties will be further explored.

DBCA has agreed to extend the deadline for the provision of details of the replacement decking material and timing of reinstatement works from 14 December 2019 to 21 December 2019. DBCA has since advised that they would accept receiving the minutes for the November and December OCM in the interim, with Officers to provide DBCA with the condition and structural assessment reports in the new year.

STATUTORY REQUIREMENTS

Aboriginal Heritage Act 1975

Jetties Act 1926

Swan and Canning Rivers Management Act 2006

Canning Rivers Management Regulations 2007

Town of Bassendean Local Government Property Local Law

Statutory Context

The Department of Biodiversity, Conservation and Attractions (DBCA) through the Swan River Trust, is the regulatory body for the Swan and Canning Rivers Management (SCRM) Act 2006. The Trust is charged with the protection of the Swan and Canning Rivers and associated land, pursuant to the SCRM Act. The Act vests the river reserve in the Trust as well as establishing the Riverpark that the Trust manages. The Riverpark and the Development Control Area (DCA) are land and waters as defined in sections 9 and 10 of the Act.

The Department has overall planning, protection and management responsibility for the Swan-Canning River system. The Department provides advice, makes recommendations to and comes under the jurisdiction of the Minister for Environment. Among the Trust's various functions and powers (section 23) is the control of activities and development within the DCA. Accordingly, Part 5 of the SCRM Act outlines the role of the Trust in approving all development within the DCA.

The Department of Transport (DoT) has authority under the Jetties Act 1926 (WA). The Act defines a jetty as any structure connected to a body of water that, wholly or in part, may be used for the purpose of launching or landing a vessel.

All jetties require a licence. This is to ensure that the jetty meets all safety and maintenance standards, and does not interfere with navigation. Jetty licences are issued by DoT pursuant to sections 7 and 8 of the Jetties Act 1926. The terms of the Town's jetty licence agreement state that the licensee is not to modify the approved jetty structure in any way unless permission in writing is obtained from the Department of Transport and that the jetty must be maintained in a good, proper and safe condition.

OFFICER RECOMMENDATION — ITEM 7.2

That Council:

1. Notes the update from Officers on both Jetties, including dependencies and critical success factors;
2. Allocates funding for the condition and structural assessment of South Jetty;
3. Allocates funding for the condition and structural assessment of North Jetty piles including jetty upgrade design; and
4. Endorse provision in the Long Term Financial Plan and Annual Budget for reserves to fund the renewal and future maintenance of marine assets i.e. jetty, pontoons and boat ramps, to the value of \$50,000 per annum.

Voting requirements: Simple Majority

7.3 Bassendean Skate Park – Installation of Shade (Ref: PARE/DESCONT/13 - Ayden Mackenzie, Youth Development Officer)

APPLICATION

The purpose of this report is to inform Council on the potential of installing shade sails around the Bassendean Skate Park following a Notice of Motion at the August 2019 Ordinary Council Meeting.

ATTACHMENTS

Attachment No. 1:

Concept shade plan provided by a contractor.

Confidential Attachment No. 2:

Estimate of costs

BACKGROUND

The Bassendean Skate Park was opened in August 2008 through funding from the Town of Bassendean and the then Department of Sport and Recreation's CSRFF funding.

In late 2014 lighting was installed to increase evening use of the facility again through funding from the Town of Bassendean and the Department of Sport and Recreation's CSRFF funding.

For over ten years the Skate Park has hosted the Gravit8 Youth Festival and many other youth-oriented events.

At the August 2019 Ordinary Council Meeting, a Notice of Motion was passed to receive a report on the installation of shade sails at the Bassendean Skate Park.

“MOVED Cr Quinton, Seconded Cr Wilson, that:

- 1. Staff engage with the users of the Bassendean Youth Centre to determine their desire to construct summer time shade over the skate park on the corner of West Road and Guildford Road;*
- 2. A concept plan be presented to Council within three months, detailing any concerns raised by the young users for the need for shade over the park and reflecting their choice of design for consideration by Council; and*
- 3. Grants be explored to finance any detailed design.”*

COMMUNICATION & ENGAGEMENT

Due to the challenging nature of engaging young people within formal written consultation methods, Officers chose to speak directly with users of the skate park over a number of months to gauge their feedback informally.

This informal consultation allowed for Officers to engage with those who would not normally have been consulted as they live outside the Town of Bassendean or were infrequent users of the Bassendean Skate Park.

Through this consultation, Officers were able to gauge that there was a strong desire for shade over and around the skate park, and that its provision would increase the likelihood for young skaters and families to use the park during the day and on weekends.

Users were asked more specifically which areas of the park would be priorities for shade structures, and this resulted in several different areas being identified. Of note were; the grassed area parallel to Guildford Road (but close to the concrete surface), at the eastern end of park, near the basketball court, and over the entire skating surface.

Users generally listed the whole skate park as their priority, followed by the grassed area then jointly the two ends of the park.

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>
1.3 Plan for a healthy and safe community	1.3.2 Promote and advocate community health and well-being	Community / Stakeholder Satisfaction Survey (Safety, Health and Well-being)
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)

COMMENT

Following consultation with users of the Bassendean Skate Park, Officers have determined that there is a desire for shade to be installed. While the Notice of Motion suggests just summer time shade, many users that were consulted suggested that all year round shade would be preferred.

Users of the park noted that there are many times in spring, autumn and winter where there are many hot days and shade would be appreciated.

It is important to note that while many users requested shade over the whole park, this is not feasible as the lights would be rendered ineffective and would become a hazard to users in the evening.

Officers consulted with two WALGA preferred suppliers who specialise in shade structures, and one was able to provide some options that did not compromise the evening lighting. Only one company chose to provide a design and estimated costings as the other pulled out of the quoting process in recent weeks. The contractor has provided an option for shade structures which could be installed between the skate park and basketball court, and at the eastern end of the skate park. They have also provided some options for shade over the stage and grassed areas.

Further consultation would need to occur with the Parks and Gardens Supervisor about location of the shade sails to ensure that the grass could continue to grow.

Due to the nature of the facility and the experiences of local staff, the Town should be aware of the potential for vandalism to the shade sails. Contractors have advised that in other local government areas shade sails have been subject to items being thrown onto them, fire damage or people jumping off them. The installation of 'anti-climb' spikes may need to be considered.

Replacement costs for the shade sails and installation costs if they were to be taken down in the winter months have been detailed in the confidential attachment.

After viewing the results of the consultation and surveying the skate park area at various times of the day, Officers have concluded that shade may only be needed at the eastern end of the park and over the stage and grassed area. Natural shade is provided from around noon by the various trees surround the outskirts of the park which cover the skate bowl area.

The RA McDonald Pavilion is registered with the State Heritage Council and as such permission to block the vista of the building would need to be sought from the SHC should Council wish to proceed with the installation of any or all the shade sails.

It is estimated that to complete the project it would take Officers approximately 10 hours in sourcing quotes and applying for grant funding. Approximately 5 hours would be required to oversee the work.

STATUTORY REQUIREMENTS

The State Heritage Council would need to be consulted and permission sought as the shade sail would likely obstruct the vista of the RA McDonald Pavilion.

Planning and Building Approval would also be required.

FINANCIAL CONSIDERATIONS

A total cost estimate for all areas to be installed simultaneously provided as a confidential attachment, though the contractor has broken down the estimate into 3 modular sections.

Officers have investigated possible funding sources and the most likely option would be through Lotterywest. The Department of Local Government, Sport and Cultural Industries CRSFF funding is currently being prioritised to upgrading facilities to make them more female friendly however Officers believe it is still worth submitting an application.

Other potential funding sources include; Inclusive Participation Funding Program, or the Driving Social Inclusion through Sport and Physical Activity grant program.

Applications for both Lotterywest and CSRFF funding would be assessed in the new year and if successful funding would likely be available early in the FY2020/21 allowing for installation in the 4th quarter of 2020.

OFFICER RECOMMENDATION — ITEM 7.3

That:

1. Notes the report on the installation of shade sails at the Bassendean Skate Park.
2. If deemed a priority, investigates the potential for Lotterywest or other funding sources to contribute to any future shade sail development at the site.

3. Subject to above, allocates funds in the 2020/21 Budget for the design and installation of shade sails at the Bassendean Skate Park above the northern grassed area and/or the eastern end of the park.

Voting requirements: Simple Majority

7.4 Finalisation of Town Planning Scheme No. 4A (Ref: LUAP/PLANNING/16 – Luke Gibson, Director Community Planning and Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider actions to facilitate the finalisation of Town Planning Scheme No. 4A (TPS 4A).

ATTACHMENTS

Attachment No. 2:

- Copy of Town Planning Scheme No 4A Map.
- Letter from owner of 29 (Lot 206) Hyland Street and Lot 211 Carnegie Road regarding a land swap.

BACKGROUND

Previous Council consideration

This matter was last considered by Council at its meeting of 15 April 2019, where it resolved that staff prepare a further report for Council to examine alternative strategies to address the financial issues associated with TPS 4A.

An issues paper was presented to a Concept Workshop on 3 September 2019, and the figures used in this report are derived from that discussion paper.

Town Planning Scheme No. 4A

Town Planning Scheme No. 4A is a guided resumptive development scheme relating to Ashfield Flats, Bindaring/Pickering Park and a number of smaller areas in the Town of Bassendean. TPS 4A has been operating since 20 January 1981 and runs in parallel with Local Planning Scheme No. 10.

The Scheme has two major functions:

- To guide and facilitate the subdivision of large vacant land parcels for residential development; and
- To fund the acquisition of private land that is flood prone, for the purposes of local open space.

The Scheme also contains provisions for:

- Roads within the area to be constructed or repaired.

- Footpaths to be constructed
- Connection of the area to reticulated sewerage; and
- The closure of redundant road reserves, principally within Ashfield Flats and Bindaring Park.

The Town has met all its commitments to the Scheme, with the exception of the outstanding commitments mentioned in the comment section below.

COMMUNICATION & ENGAGEMENT

The prospect of closing the Scheme has been discussed with the Department of Planning and Heritage, resulting in the following officer level comments being received:

It appears that the objectives of Town Planning Scheme 4A (TPS 4A) have been met with the exception of:

1. *The purchase of part lots 127 Hatton Court and lot 1003 Kenny Street; and*
2. *The purchase of four lots of land required for recreation purposes.*

These requirements were identified through Amendment No. 17 in 2017, where a 3 year timeframe for finalising the Scheme was proposed by the Town

Whilst the Commission and ultimately, the Minister, could consider the repeal of TPS 4A, it may be premature given the outstanding items. There is also insufficient information on whether total 'dwelling unit contribution' requirements have been achieved. Given these contributions (including necessary inflation adjustments over time) facilitate open space acquisition (Clause 16), it is our recommendation that the Town confirms this has been achieved / addresses this component of the Scheme.

STRATEGIC IMPLICATIONS

STRATEGIC PRIORITY 2: Natural Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
2.2 Protect our River, Bushland Reserves, and Biodiversity	2.2.1 Protect and restore our biodiversity and ecosystems 2.2.2 Sustainably manage significant natural areas 2.2.3 Partner with stakeholders to actively protect, rehabilitate and enhance access to the river	Community / Stakeholder Satisfaction Survey (River, Bushland and Reserves) Biodiversity and Bush Condition (Keighery Scale of Bush Condition) measurement
2.3 Ensure the Town's open space is attractive and inviting	2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection	Community / Stakeholder Satisfaction Survey (Open Space and use of Open Space) Increase in Public Open Space Tree Canopy Area monitoring (Private and Public realms)

COMMENT

Current and anticipated financial position of the Scheme

The Scheme is currently estimated to be in deficit of approximately \$545,000.

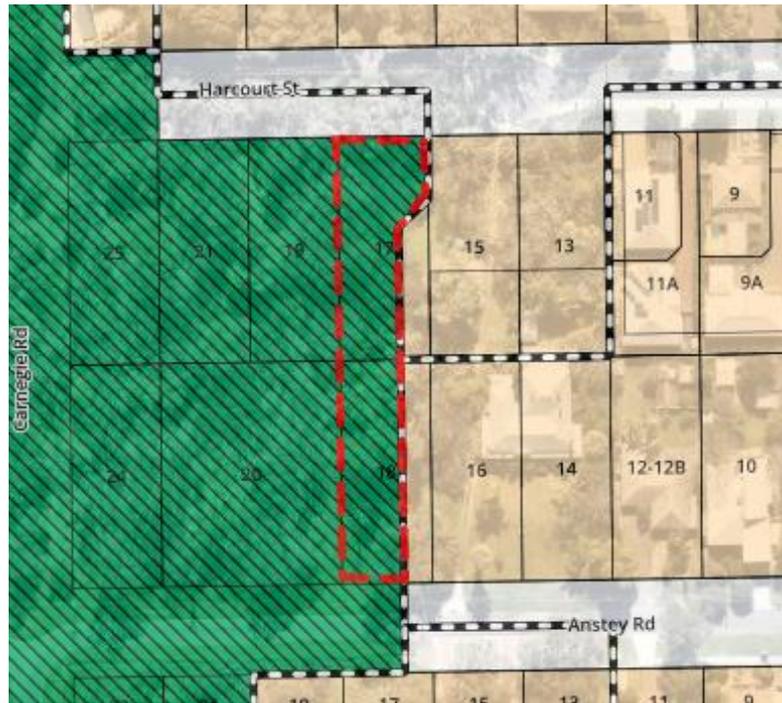
The report presented in April 2019 included a comment that the Scheme could end up in deficit by up to \$2m, based on the fact that land originally zoned for residential purposes and intended to make a financial contribution, had been reserved as Parks and Recreation under LPS 10. In addition, some land that is appropriately zoned for development is contaminated and requires remediation.

Land reserved as Parks and Recreation under LPS 10

Under the Scheme, the Town is required to acquire the following land, which is reserved as Parks and Recreation under LPS 10:

- 18 (Lot 130) Anstey Road (portion only)
- 17 (Lot 113) Harcourt Street (portion only)
- Lot 211 Carnegie Road

- 29 (Lot 206) Hyland Street (portion only)



It should be noted that the acquisition of the reserved portions of Lots 130, 113 and 206 will require the owners to subdivide their land.

Land required for Hatton Court PAW

It is necessary that the Town acquires portions of 97 (Lot 1003) Kenny Street and 13 (Lot 12) Hatton Court, as the Town has previously constructed a path over those lots.

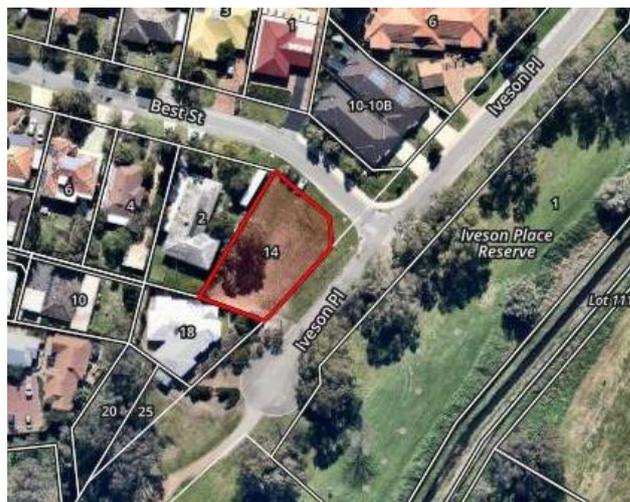


Town of Bassendean land

Whilst TPS 4A does not envisage the sale of the land to fund the acquisition of open space, in April 1996, Council resolved to credit the scheme with the income from land sales in the area. The Town owns the following land that could be sold to offset the cost of acquisition of properties required for open space.

14 Iveson Place

This lot has an area of 843m² and is zoned Residential R20. As a corner lot, it could be subdivided into two single house lots.



17 (Lot 163) and 19 (Lot 162) Anstey Road

These lots each have an area of 1012m² and are zoned Residential R25. Each lot could be subdivided into two single house lots.



27 (Lot 100) Hyland Street

This lot will soon come into the Town's ownership as a result of the land swap with the owner for land at Hamilton Street. This lot has an area of 1,369 m², with the majority of the site zoned Residential R25/30 and a small portion reserved as Parks and Recreation (local reservation). It should be noted that the owner of 29 (Lot 206) Hyland Street and Lot 211 Carnegie Road has advised that Town of a willingness to undertake a 'landswap' whereby the reserved portions of those sites are provided to the Town in return for the zoned portion 27 (Lot 100) Hyland Street (see attachment). That offer is considered reasonable and it will be recommended that Council pursues it.



Remediation of land

Each of the properties at 17 and 19 Anstey Road and 14 Iveson Place require remediation. The Town intends to obtain an estimate of the likely costs associated with the remediation works, so as to enable those costs to be included in future annual budgets.

Land to be transferred to the Western Australian Planning Commission

The Town has previously purchased 10 properties within Area E of the Scheme that have a collective area of 3.7ha. As the land is reserved for Parks and Recreation under the Metropolitan Region Scheme, an attempt should be made to sell the land to the Western Australian Planning Commission, prior to the finalisation of the 4A Scheme.



STATUTORY REQUIREMENTS

Local Government Act 1995
Planning and Development Act 2005
Town Planning Scheme No. 4A

FINANCIAL CONSIDERATIONS

The Scheme is currently estimated to be in deficit of approximately \$545,000. More detailed information will be required in relation to the cost of undertaking remediation works as well as market valuations for any lots to be disposed of.

OFFICER RECOMMENDATION — ITEM 7.4

That Council proceeds with the finalisation of Town Planning Scheme No. 4A on the following basis:

1. Staff will advocate to the Department of Planning, Lands and Heritage that it purchase the 10 properties previously acquired by the Town which are reserved for Parks and Recreation under the Metropolitan Region Scheme.
2. Staff will obtain estimates of the likely costs associated with the remediation of 17 (Lot 163) and 19 (Lot 162) Anstey Road and 14 (Lot 103) Iveson Place, as well as land valuations for those sites.
3. That the following be considered for inclusion in the 2020/21 budget:
 - The cost of the remediation of 14 (Lot 103) Iveson Place
 - The sale of 14 (Lot 103) Iveson Place, following remediation
 - The purchase of part of 97 (Lot 1003) Kenny Street and part of 13 (Lot 12) Hatton Court
4. That the following be considered for inclusion in the Corporate Business Plan for the 2021/22 financial year:
 - The costs of remediation of 17 (Lot 163) and 19 (Lot 162) Anstey Road
 - The sale of 17 (Lot 163) and 19 (Lot 162) Anstey Road, following remediation
 - The purchase of parts of 18 (Lot 130) Anstey Road and 17 (Lot 113) Harcourt Street

5. That the owners of 29 (Lot 206) Hyland Street, 18 (Lot 130) Anstey Road and 17 (Lot 113) Harcourt Street be advised of the need to subdivide their land to facilitate acquisition by the Town; and
6. That a land swap be pursued whereby the owners of 29 (Lot 206) Hyland Street and Lot 211 Carnegie Road provide those lots to the Town in return for 27 (Lot 100) Hyland Street.

Voting requirements: Simple Majority

7.5 Disposal of 246 (Lot 5) Morley Drive East, Eden Hill – Owners: Town of Bassendean and Birmingham Properties Pty Ltd/Ladrift Pty Ltd /Matax Pty Ltd (Ref: A3693 & A3714 – Luke Gibson, Director Community Planning)

APPLICATION

The purpose of this report is for Council to consider its options in relation to the potential disposal of 246 (Lot 5) Morley Drive East, Eden Hill.

ATTACHMENTS

Attachment No. 3:

- Eden Hill Master Planning Concept Plan prepared by Taylor Robinson Chaney and Broderick, dated March 2019.
- Offer and Acceptance Form and associated Special Conditions form.

BACKGROUND

The Town of Bassendean owns 246 (Lot 5) Morley Drive East, Eden Hill. This matter was last considered by Council at its meeting held 23 April 2019 where it resolved to adopt the Eden Hill Master Planning Concept Plan (prepared by Taylor Robinson Chaney and Broderick in March 2019), for the purposes of consultation with community and stakeholders on the potential sale of Lot 5. It was also resolved that further reports be presented to Council to address the following:

- The proposed purchase price of the land;
- Design amendments that address Council's desire to preserve existing significant trees;
- Assurance for the community regarding good quality design and development outcomes;
- Arrangements to ensure that the land is developed in a reasonable timeframe; and
- Any other information required to evaluate a proposal for the Council owned land to be sold by private treaty.

The proposal has not been advertised due to the need to resolve a contamination issue and obtain a fresh valuation, both of which are now completed.

The Town has recently received two unsolicited objections to the proposed concept plan, citing that the amount of retail floorspace exceeds the intended local commercial function of the site.

The proponent has indicated that they intend on continuing with the concept and will provide information to support it (rather than reducing the scale to respond to objections). The applicant has not yet lodged an application for development approval.

The proponent group has recently advised that it is still interested in acquiring the subject site, and has provided the terms upon which it will agree. Those terms are contained in the attached Offer and Acceptance Form and associated Special Conditions form.

COMMUNICATION & ENGAGEMENT

There has been no community consultation thus far. The Local Government Act 1995 prescribes consultation processes for the disposal of Town land.

STRATEGIC IMPLICATIONS

STRATEGIC PRIORITY 4: Economic

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>
4.1 Build economic capacity	4.1.1 Encourage and attract new investment and increase capacity for local employment	Economic and Commercial Activity New businesses (including home based) granted development approval by the Town.
	4.1.2 Plan for and build capacity for Commercial and Industrial	
	4.1.3 Support and promote home based businesses	
4.2 Facilitate local business retention and growth	4.2.1 Strengthen local business networks and partnerships	Number of local business and Stakeholder Survey (Engagement and Facilitation of local Business Networks)
	4.2.2 Continue the activation of Bassendean's Town Centre	
	4.2.3 Enhance economic activity in neighbourhood centres	

COMMENT

In accordance with Council's previous resolution, the Town now intends to advertise the proposed disposal. Before that occurs, it is considered prudent for Council to decide whether or not it is generally agreeable to disposing the site in accordance with the tabled proposal. In considering this matter, the following is relevant:

- Council is under no obligation to sell the land.
- If Council retains the site and the owner of Lot 5 lodges an application for development approval for that site, a potential conflict of interest will arise as the Town would have a regulatory role and be the abutting landowner. This could present a risk of reputational damage given that the development application process is likely to be contentious;
- Further to the above, disposal of the site would reduce the complexity associated with Council's role in the development process and would still allow the Town and Council to be involved in the project from a regulatory perspective.
- Given the Town's portion is only 11% of the development site and the concept plan allows for development of the larger site independently of the Town's portion, the Town, as a landowner, has only limited influence over the development timeframes or outcomes of the abutting site;
- Disposal of the site would allow the creation of one consolidated parcel, in single ownership;
- Disposal of the site would provide a significant financial benefit for the Town, providing funding opportunities for other projects;

It is recommended that Council continue to progress the disposal of the site through the private treaty provisions of the Local Government Act 1995. If Council does not agree with that approach, it will be recommended that it rescinds its previous resolution from 23 April 2019.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

If the subject site is sold, it will result in a financial benefit for the Council.

OFFICER RECOMMENDATION – ITEM 7.5

That Council:

1. Provides an in principle agreement to disposing of 246 (Lot 5) Morley Drive East, Eden Hill, in accordance with the terms offered by the owner of the abutting site; and
2. Notes that the Administration will now give public notice of the proposed disposition of 246 (Lot 5) Morley Drive East, Eden Hill, in accordance with Section 3.59 of the Local Government Act 1995.

Voting requirement: Simple Majority

7.6 Safe Active Street for Whitfield Street, Bassendean (Ref: ROAD/DESCONT/7 – David Dwyer, Engineering Technical Coordinator)

APPLICATION

The purpose of this report is to:

1. Present the results of community consultation held in September 2019
2. Inform Council of design amendments arising from the September community consultation
3. Inform Council of design amendments arising from pre-tender cost estimation and request for additional funding from Department of Transport.
4. Seek Council approval of the revised design and commencement of tendering for project construction subject to the Department of Transport approving additional funding.

ATTACHMENTS

Attachment No. 4:

- Community Consultation Report – Whitfield Safe Active Street, September 2019
- Whitfield Street Path Petition
- Whitfield Safe Active Street Design July 2019-Showing Amendments
- Amended Whitfield Safe Active Street Design December 2019

Confidential Attachment No. 3:

- Financial Considerations

BACKGROUND

The Town of Bassendean received funding from the Department of Transport in the 2016/17 financial year to develop a concept design for Whitfield Safe Active Street.

The Town of Bassendean, Department of Transport and FLYT Consulting undertook extensive community consultation between 5 February and 5 March 2018 on the Whitfield Safe Active Street concept design.

The Town of Bassendean secured funding through the Department of Transport “2018-19 Safe Active Street Program” for the detailed design and construction of Whitfield Safe Active Street. This grant agreement was for a maximum \$1,275,000 and for the project to be delivered across 2018-19 and 2019-20 financial years.

The Town of Bassendean engaged GTA Consulting to develop detailed design based on the outcome of community feedback, peer reviews of the concept design, council workshops and meeting regulatory authorities requirements for road design.

The Safe Active Street for Whitfield Street, Bassendean report was presented at Ordinary Council meeting in July 2019 (OCM 14/07/19). Subsequently, Council requested further consultation with residents of Whitfield Street, Bassendean Primary School and P&C, businesses located on Whitfield Street and any community members who provided feedback during the initial consultation.

Communication & Engagement

The Town of Bassendean sought targeted feedback from directly impacted residents and businesses and schools on its plan to create a Safe Active Street on Whitfield Street, Bassendean.

This consultation was a final check to show and discuss the design with Whitfield Street property owners and occupiers, and discuss the impact of the construction process.

Letters were sent to all residents, Bassendean Primary School and property owners/occupiers on Whitfield Street, inviting them to provide comments by email, “Your Say” or contact the Engineering Technical Coordinator to arrange a site visit.

Discussions were held with:

- Hawaiian Shopping Centre management;
- Bassendean Primary School Principal and Director of Corporate Services;
- Bassendean Primary School P&C President;
- Education Department’s Maintenance Coordinator;
- Several residents and businesses; and
- A representative of residents in the Whitfield cul-de-sac.

The Town hosted a page on its Your Say Bassendean website, inviting residents to send in questions to be answered about the project.

An indicative flyover video was also provided and publicised on Facebook and Your Say Bassendean. When community consultation finished, the Town collated and considered all submissions received.

The attached Community Consultation Report Whitfield Safe Active Street 2019 summaries feedback received during this period.

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>
3.2 Enhance connectivity between places and people	3.2.1 Connect the Town through a safe and inviting walking and cycling network.	Community / Stakeholder Satisfaction Survey (roads, footpaths and cycle paths) Community/ Stakeholder Satisfaction Survey (access to public transport both access to Town and within.)
	3.2.2 Advocate for improved and innovative transport access and solutions.	
	3.2.3 Enhance the liveability of local neighbourhoods.	
	3.2.4 Enhance road safety through design	

COMMENT

Subsequent to the Safe Active Street for Whitfield Street Bassendean Report presented at the Ordinary Council meeting in July 2019 (OCM 14/07/19), the following actions have been completed.

Community Consultation

Community consultation was undertaken in September 2019. Refer to the Communication and Engagement section of this report for further information.

Based on the community feedback received, the following design modifications have been made to the original design presented at July 2019 Ordinary Council Meeting:

1. Slow point adjacent to 74 and 73 Whitfield Street has been modified to allow access to the un-constructed crossover for battle axe development of 73. This will also address concerns raised by residents of 74A and 74B, regarding property access and bin pick up.

An alternative location for this slow point was investigated, however, due to drainage pits to the north and the raised intersection to the south, the current location is preferred to create a self-enforcing 30km/h road environment.

2. Footpath between Reid Street and the southern cul-de-sac of Whitfield Street, has been removed.

Mr Howatson represented those residents who signed the petition received in September 2016 and shown attached, when a footpath was also proposed for this section of Whitfield Street.

Pre-tender cost estimation

An independent pre-tender cost estimation was performed for the construction of Whitfield Safe Active Street, as per the original design presented at Ordinary Council Meeting in July 2019. The pre-tender cost estimation indicated a construction cost above the existing funding agreement of \$1,275,000 for the project.

Officers have had ongoing meetings with the Department of Transport to investigate the potential for additional funding such that the project as scope, remains fully funded. These meetings also investigated design amendments, which will reduce construction costs without compromising the design amenity and objective of creating a self-enforcing 30km/h road environment that encourages alternative modes of transport.

The design amendments due to budget restraints that have been made are listed below.

1. Concrete path adjacent to Guildford Rd (between West Rd & Whitfield St) to remain, as opposed to replacing with red asphalt, wheel stops to be installed in adjacent parking bays to prevent vehicle overhang of the path;
2. Remove red asphalt speed hump at entrance to shopping centre from Guildford Rd. Vehicles are traveling at slow speeds to negotiate entrance to car park;
3. Speed humps on West Rd removed from design as the Whitfield Safe Active Street route is a separated path at this location; and
4. Existing black asphalt to be retained where possible, this is approximately 85% of total length.

The design amendments identified through community consultation in September 2019 and amendments to reduce construction costs, has resulted in a reduced pre-tender cost estimation although above the original grant agreement, refer to Financial Considerations of this report.

Amendments are shown on attached “Whitfield Safe Active Street Design July 2019-Showing Amendments” and reflected on attached “Amended Whitfield Safe Active Street Design December 2019”

STATUTORY REQUIREMENTS

The Whitfield Safe Active Street has been designed with consideration of Australian Standards and Guidelines, as well as emerging 30km/h guidelines.

FINANCIAL CONSIDERATIONS

Refer to confidential attachment.

OFFICER RECOMMENDATION — ITEM 7.6

That Council:

1. Notes the Whitfield Safe Active Street, September 2019, Consultation Analysis Report;
2. Notes design amendments identified through community consultation September 2019 and to reduce construction costs; and
3. Approves the Amended Whitfield Safe Active Street Design December 2019 as attached to the Ordinary Council Agenda of 17 December 2019 for tendering and construction, subject to adequate funding being secured from Department of Transport.

Voting requirements: Simple Majority

7.7 New Council Policy 1.9 Verge Treatment Policy and Town of Bassendean Verge Treatment Guidelines 2019 (Ref: Gareth Broderick, Engineering Compliance Officer)

Please note, this item has been withdrawn.

7.8 RFT 07/2019 Road Profiling and the Supply and Laying of Asphalt (ROAD/TENDNG/48 - Paul White, Director Corporate Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender 07/2019 Road Profiling and the Supply and Laying of Asphalt for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

ATTACHMENTS

Confidential Attachment 4:

RFT 07/2019 Tender Evaluation Report

BACKGROUND

The Town has a requirement for the pavement profiling services for different capital works and road resurfacing at various locations within the Town. The Town does not have the internal resources and requires appropriate external contractors to provide the services.

The Town had a single contract for road profiling and the supply and laying of asphalt with Roads2000 Pty Ltd which expired on 28 February 2019.

COMMUNICATION AND ENGAGEMENT

The Request was advertised in WALGA e-procurement portal on 12 November 2019 and closed on 26 November 2019.

STRATEGIC IMPLICATIONS

Strategic Priority 3: Built Environment:

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

COMMENT

Submissions were received from following five (5) Tenderers:

- Roads2000 Pty Ltd;
- Fulton Hogan Industries Pty Ltd;
- Asphaltech Pty Ltd;
- Boral Asphalt; and
- KEE Surfacing.

The Evaluation Panel for this tender comprised three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

All five (5) Tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table.

CRITERIA	WEIGHTING
Relevant Experience	33.3%
Key Personnel, Skills and Resources	33.3%
Demonstrated Understanding	33.3%

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

STATUTORY REQUIREMENTS

In accordance with clause 11(2) of Part 4 of the Local Government (Functions and General) Regulations 1996, tenders do not have to be publicly invited if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

FINANCIAL CONSIDERATIONS

The costs associated with this contract will be included in the Town's Operational Budget for each year of the contract.

OFFICER RECOMMENDATION – ITEM 7.8

That Council appoints Asphaltech Pty Ltd to provide the road profiling and the supply and laying of asphalt to the Town of Bassendean as specified in Tender 07/2019 for a period of three (3) years plus an offer to extend for a further two (2) years to commence upon Council Approval and Contractor Acceptance.

Voting requirements: Absolute majority

7.9 RFT 02/2019 Cleaning Services for Council Facilities (PARE/TENDNG/77 - Paul White, Director Corporate Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender 02/2019 Cleaning Services for Council Facilities for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

ATTACHMENTS

Confidential Attachment No. 5:

RFT 02/2019 Tender Evaluation Report

BACKGROUND

The Town has a requirement to engage a contractor to provide cleaning services to 31 of the Town’s buildings. The Town does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Town had a single contract for cleaning services for Council facilities with Cleandustrial Services, which expired on 1 May 2019. Since then, the Town has procured cleaning services through quotations.

COMMUNICATION AND ENGAGEMENT

The request was advertised in the West Australian Newspaper and the Town’s website on 26 October 2019 and closed on 13 November 2019.

STRATEGIC IMPLICATIONS

Strategic Priority 3: Built Environment:

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

COMMENT

Submissions were received from the following 14 tenderers:

- Advanced National Services Pty Ltd;
- The Trustee for Bellrock Cleaning Services Trust t/as Bellrock Cleaning Services Pty Ltd;
- Brightmark Group Pty Ltd;
- Clean Start Co;
- Cleandustrial Services;
- CSCH Pty Ltd t/as Charles Service Company;
- GWC Total Management Pty Ltd;
- Iconic Property Services;
- Intelife Group Limited;
- Klean n Fresh Pty Ltd;
- MA Services Group Pty Ltd;
- Office Cleaning Experts Pty Ltd t/as OCE Corporate Cleaning;
- The Trustee for Panich Family Trust t/as DMC Cleaning; and
- Brigade Facilities Management Pty Ltd.

The Evaluation Panel for this tender comprised three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

Brigade Facilities Management Pty Ltd submitted a tender response, but did not sign as attending the mandatory briefing, and as such, was eliminated from the Tender Evaluation

All remaining 13 tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table.

QUALITATIVE CRITERIA	WEIGHTING
Relevant Experience	40%
Key Personnel, Skills and Resources	25%
Demonstrated Understanding	20%
Risk	15%

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

STATUTORY REQUIREMENTS

A public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the Local Government (Functions and General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

FINANCIAL CONSIDERATIONS

The costs associated with this contract will be included in the Town of Bassendean's Operational Budget for each year of the contract.

OFFICER RECOMMENDATION – ITEM 7.9

That Council appoints Intelife Group Limited to provide the Cleaning Services for Council Facilities for the Town of Bassendean as specified in Tender 02/2019 for a period of three (3) years with an option to extend for a further two (2) years, to commence upon Council Approval and Contractor Acceptance.

Voting requirements: Absolute majority

7.10 RFT 05/2019 Tree Pruning Services (PARE/TENDNG/76)
Paul White, Director Corporate Services

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender 05/2019 Tree Pruning Services for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

ATTACHMENTS

Confidential Attachment No. 6:

RFT 05/2019 Tender Evaluation Report

BACKGROUND

The Town requires tree pruning services to reduce the risk of property damage from verge trees and also to meet the Western Power guidelines regarding pruning of trees around power lines. The Town does not have the internal resources to undertake pruning across the Town and requires an appropriate external service provider.

The Town had a single contract for tree pruning services with Beaver Tree Services Aust Pty Ltd which expired on 30 June 2019. Since then, the Town has procured tree pruning services through quotations.

COMMUNICATION AND ENGAGEMENT

The Request was advertised in The West Australian Newspaper and the Town's website on 18 September 2019 and closed on 3 October 2019.

STRATEGIC IMPLICATIONS

Strategic Priority 2 Natural Environment:

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>

<p>2.3 Ensure the Town's open space is attractive and inviting.</p>	<p>2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection.</p>	<p>Community/Stakeholder Satisfaction Survey (Open Space and use of Open Space) Increase in Public Open Space Tree Canopy Area monitoring (Private and Public realms)</p>
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COMMENT

Submissions were received from following 7 tenderers:

- Beaver Tree Services Aust Pty Ltd;
- Cosmag Pty Ltd t/as Kennedys Tree;
- Geoff's Tree Service;
- Radiant Nominees Pty Ltd t/as Trees Need Tree Surgeons;
- Total Tree Services;
- Tree Care WA Pty Ltd; and
- Tree Defintions.

The Evaluation Panel for this tender comprised three members with the appropriate technical expertise and experience. The panel carried out the assessment of submissions in a fair and equitable manner.

All 7 tenderers met the compliance requirements of the tender and were evaluated against the criteria and weightings shown in the following table.

CRITERIA	WEIGHTING
Relevant Experience	15%
Technical Skills and Personnel	10%
Demonstrated Understanding	10%
Risk	15%
Price	50%

Pricing is regarded as commercial in confidence and is included in the attached confidential Tender Evaluation Report.

STATUTORY REQUIREMENTS

A public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the Local Government (Functions and General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

FINANCIAL CONSIDERATIONS

The costs associated with this contract will be included in the Town of Bassendean's Operational Budget for each year of the contract.

OFFICER RECOMMENDATION – ITEM 7.10

That Council appoints Beaver Tree Services Australia Pty Ltd to provide the Tree Pruning Services for the Town of Bassendean as specified in Tender 05/2019 for a period of three (3) years at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups), to commence upon Council Approval and Contractor Acceptance.

Voting requirements: Absolute majority

7.11 Proposal to Enter into a Lease Agreement with the Bassendean Community Men's Shed Inc. (Ref: A80337 – Paul White, Director Corporate Services)

APPLICATION

The purpose of this report is to provide a draft lease agreement between the Town of Bassendean and the Bassendean Community Men's Shed Inc. for the premises situated on May Holman Drive, Bassendean, for Council consideration and approval.

ATTACHMENTS:

Attachment No. 6:

- Lease Agreement for the lease of Portion of Reserve 45364, May Holman Drive, between the Town of Bassendean and the Bassendean Community Men's Shed Inc;
- Annexure 1: Deposited Plan 67748;
- Annexure 2: Lessee's cleaning obligations;
- Land Owners' Disclosure before Completion of Land Transaction.

BACKGROUND

Council resolved on 25 June 2019 to award the contract for design and construction of the Men's Shed and associated works to the preferred contractor (OCM 17/06/19). Construction has commenced and is expected to be completed by the end of the year.

Council's resolution on 25 June 2019 also addressed the requirement for a lease agreement:

"That Council:

3. Notes that a Lease Agreement with the Men's Shed Association will be developed and presented to Council for approval, prior to the completion of the Men's Shed construction. The Lease Agreement will incorporate provisions for the Association to fund the full costs of the landscape plan, outgoings and other operating and maintenance costs."

The Town engaged a lawyer to prepare an initial draft lease agreement for the purpose of discussion and consultation, based on the following broad assumptions:

- Annual rent of one dollar;

- initial lease term of five years with three additional lease terms of five years each;
- the Lessee to be liable for operating expenses;
- the Lessee to be permitted to sub-lease or hire the premises, subject to approval by the Town, and retain any associated income; and
- the Lessee to be responsible for maintenance and upkeep of the premises.

COMMUNICATION AND ENGAGEMENT

Town staff have met with representatives from the Bassendean Community Men’s Shed Inc. on two occasions to discuss the draft lease agreement in detail and have had regular email communication about various clauses within the draft lease agreement. This communication has been productive and there is broad agreement on the content of the draft lease agreement.

STRATEGIC IMPLICATIONS

Strategic Priority 1: Social

Objectives <i>What we need to achieve</i>	Strategies <i>How we’re going to do it</i>	Measures of Success <i>How we will be judged</i>
1.2 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.	Community / Stakeholder Satisfaction Survey (Activity and connectivity)
	1.2.2 Provide life-long learning opportunities	
	1.2.3 Enhance partnerships with the local Noongar people	
	1.2.4 Ensure people with disabilities and those from diverse backgrounds are valued and supported to participate in community life	Volunteer Rate
	1.2.5 Support our volunteers and community groups to remain empowered, dynamic and inclusive	

COMMENT

The site, Lot 590 on Deposited Plan 67748, was classified under section 13 of the *Contaminated Sites Act 2003* as “remediated for restricted use” on 18 November 2010 and a memorial was placed on the Certificate of Title.

The Department of Lands and Heritage, as it then was, issued a Management Order for the site on 18 October 2018 which allows it to be used for “Community Purposes”. Under the Management Order, the Town has power to lease the site for up to 21 years. Each lease, or assignment of lease, must be approved by the Minister for Lands.

The Town will seek the Minister's approval following endorsement of the lease agreement by Council.

The Town must also disclose certain information to a potential Lessee, pursuant to section 68 of the *Contaminated Sites Act 2003*. That disclosure must be made at least 14 days prior to any lease agreement and a copy of the disclosure must be provided to the CEO of the Department of Water and Environmental Regulation.

The Town disclosed the required information to the Bassendean Community Men's Shed Inc. and provided a copy of the disclosure to the CEO of the Department of Water and Environmental Regulation on 2 December 2019.

STATUTORY REQUIREMENTS

Local Government Act 1995

Section 3.58 governs disposal of property by Local Governments and details public tender and public notice requirements. The definition of "dispose" for the purposes of s 3.58 includes "lease".

Local Government (Functions and General) Regulations 1996

Regulation 30 specifies dispositions of property that are exempt from section 3.58 of the Local Government Act 1995, which relevantly include:

- 30(2)(b) A disposition of land is an exempt disposition if —
- the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Consequently, there is no requirement for the Men's Shed lease agreement to meet the public tender or advertising requirements of section 3.58 of the LGA.

Contaminated Sites Act 2003

68. Disclosure required to potential owners of certain land before change of ownership occurs

- (1) At least 14 days before the completion of a transaction which would result in another person becoming an owner, mortgagee or lessee of —
- (a) land that comprises all, or part, of a site classified as —
- (i) contaminated — remediation required;
 - (ii) contaminated — restricted use; or
 - (iii) remediated for restricted use;

Or

- (b) land in respect of which a notice under Part 4 has been given and in respect of which a memorial is registered, each owner of the land who is to be a party to the transaction must give —
- (c) a written disclosure in respect of the land in the prescribed form to each person who would become an owner, mortgagee or lessee of the land as a result of the transaction; and
- (d) a copy of that disclosure to the CEO.

Penalty: \$125 000, and a daily penalty of \$25 000.

FINANCIAL CONSIDERATIONS

Under the draft lease agreement, the Lessee is responsible for all operational expenses associated with the site and may retain any income derived from sub-leasing or hiring the premises. The Town is responsible for some incidental expenses such as the cost of preparation of the lease agreement and for the provision of initial tree stock for the site.

OFFICER RECOMMENDATION – ITEM 7.11

That Council:

1. Notes that the Town disclosed information to the Bassendean Community Men's Shed Inc., pursuant to section 68 of the *Contaminated Sites Act 2003* and provided a copy of that disclosure to the CEO of the Department of Water and Environmental Regulation on 2 December 2019;
2. Endorses the lease agreement with the Bassendean Community Men's Shed Inc. as attached to this agenda item;
3. Instructs the CEO to seek the approval of the Minister for Lands for the lease agreement with the Bassendean Community Men's Shed Inc. as attached to this agenda item; and

4. On approval by the Minister for Lands, instructs the Mayor and CEO to execute the lease agreement with the Bassendean Community Men's Shed Inc.

Voting requirements: Simple majority

7.12 Audit & Governance Committee Meetings held on 13 and 27 November 2019 (Ref: GOVN/CCLMEET/18) – Paul White, Director Corporate Services

APPLICATION

The purpose of this report is for Council to receive the report on meetings of the Audit and Governance Committee held on 13 and 27 November 2019, and consider the recommendations from the Committee.

ATTACHMENTS

Attachment No. 7

Minutes of the Audit & Governance Committee meetings held on 13 and 27 November 2019.

COMMUNICATION & ENGAGEMENT

To ensure openness, accountability and integrity, Council has appointed two community representatives to be members of the Audit & Governance Committee.

COMMENT

The following items were discussed:

Meeting held on 13 November 2019

Proposed Audit of Accounts Payable and Purchasing

Moore Stephens detailed the scope of the proposed audit which is designed to evaluate the Town's management systems, policies and procedures with respect to Accounts Payable and Purchasing.

Audited Annual Financial Statements for the year ended 30 June 2019

The Annual Financial Statements for the year ended 30 June 2019 were still subject to review by the Office of the Auditor General at the time of the meeting.

A separate meeting of the Committee was proposed for 27 November 2019 to receive the Audited Annual Financial Statements for the year ended 30 June 2019.

Audit and Risk Register

The Town reviewed internal and external audit reports and produced an Audit and Risk Register from the recommendations made in those reports. The Committee requested officers develop a more succinct summary and progress report for future meetings.

Confidential Items

The following confidential items were discussed behind closed doors, as follows:

- Update on Audit Activity;
- Contractor Legal Dispute; and
- ATO disclosure.

Meeting held on 27 November 2019

The following items were discussed:

Audited Annual Financial Statements for the Year Ended 30 June 2019

The Audited Annual Financial Statements for the Year Ended 30 June 2019 were presented to the Committee, with the Auditor General's draft Independent Auditor's Report and the Audit Completion Report from the Office of the Auditor General and Macri Partners Chartered Accountants.

The Auditor General issued an unqualified draft Independent Auditor's Report for the Town.

The Auditor General reported the following "*material matters indicate significant adverse trends in the financial position of the Town:*

- a. The Asset Sustainability Ratio and the Operating Surplus Ratio have been below the Department of Local Government, Sport and Cultural Industries standard for the past three years."*

The Auditor General made a similar finding for the year ended 30 June 2018, as reported to the Audit & Governance Committee on 7 August 2019.

The Asset Sustainability Ratio is an approximation of the extent to which assets are being renewed or replaced as the assets reach the end of their useful lives. It is calculated by measuring capital expenditure on renewal or replacement of assets, relative to depreciation expense.

The Asset Sustainability Ratio can be improved by:

- Increasing expenditure on capital renewal and replacement;
- Reviewing fair market value asset measurement; and
- Reviewing depreciation rates.

The Operating Surplus Ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes. It is calculated by measuring operating surplus (operating revenue minus operating expenses) relative to own source operating revenue. Own source operating revenue means revenue from rates, service charges, fees and user charges, reimbursements and recoveries, interest income and profit on disposal of assets.

The Operating Surplus Ratio can be improved by increasing own source revenue and reducing expenditure.

A local government must prepare a report addressing any matters identified as significant by the auditor in the audit report and provide a report to the Minister for Local Government. A report will be prepared for Council, via the Audit & Governance Committee.

Audit and Governance Committee – Meeting Dates for 2020

The following meeting dates were proposed for 2020:

11 March, 3 June, 5 August and 4 November.

COMMITTEE RECOMMENDATION – ITEM 7.12

That Council:

1. Acknowledges the 2018/19 Independent Auditor's Report and Audit Completion Report;
2. Adopts the 2018/19 Audited Annual Financial Statements; and
3. Endorses the following 2020 meeting dates of the Audit and Governance Committee to be held on a Wednesday commencing at 5.30pm to be held in the Council Chamber, 48 Old Perth Road, Bassendean:

11 March, 3 June, 5 August and 4 November.

Voting requirement: Simple majority

7.13 Nomination of Local Government Members for the Metropolitan Central Joint Development Assessment Panel (Ref: DABC/LIAIS/1 - Luke Wilson, Director Community Planning)

APPLICATION

The purpose of this report is for Council to consider extending the existing terms of the two members and two alternate members appointed to sit on the Metropolitan Central Joint Development Assessment Panel (JDAP).

BACKGROUND

JDAPs exist to determine applications for development approval that meet a certain threshold value and project size. Each JDAP comprises five members; three specialist members, one of whom is the presiding member, and two local government elected members.

At the Special Council Meeting on 22 October 2019, Council resolved to appoint Councillors McLennan and Hamilton as the local government members and Councillors Wilson and MacWilliam as deputies, with the terms expiring on 26 January 2020.

Correspondence has since been received from the DAP secretariat seeking four (4) elected Council member nominations, with the terms expiring 26 January 2022.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

The proposal simply seeks to extend the term of the existing appointed members to 2022.

STATUTORY REQUIREMENTS

Planning and Development (Development Assessment Panels) Regulations 2011.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 7.13

That Council endorses Councillors McLennan and Hamilton as local members and Councillors Wilson and MacWilliam as deputy local members to sit on the Metro Central Joint Development Assessment Panel, for a term expiring on 26 January 2022.

Voting requirements: Absolute Majority

7.14 Bassendean Local Emergency Management Committee Meeting Dates 2020 (Ref: GOVN/CCLMEET/12 - Luke Gibson, Director Community Planning)

APPLICATION

For Council to consider endorsing the 2020 meeting dates for the Bassendean Local Emergency Management Committee.

BACKGROUND

The Bassendean Local Emergency Management Committee serves to advise and assist the Town of Bassendean in ensuring that local emergency management arrangements are established for the Town.

The Instrument of Appointment and Delegation requires the Committee to meet quarterly.

STRATEGIC IMPLICATIONS

Section 5 - Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service
	5.2.2 Engage and communicate with the community
	5.2.3 Advocate and develop strong partnerships to benefit community

COMMENT

The proposed meet dates have been selected based on the availability of the meeting room, Committee members from relevant organisations, Councillors and Officers as well the schedule of Council's Corporate Calendar.

STATUTORY REQUIREMENTS

Local Government Act 1995, Section 5.25(1)(g) and Local Government (Administration) Regulation 12.

A local government is required at least once each year to give local public notice of Committee meeting dates, times and places that are open to the public and are to be held in the next 12 months.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 7.14

That Council endorses the following 2020 meeting dates of the Bassendean Local Emergency Management Committee to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 3.00pm:

- 5 February 2020
- 1 April 2020
- 1 July 2020; and
- 7 October 2020.

Voting requirement: Simple majority

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

Building Applications Determined in the Month of November 2019			
Application No	Property Address	Description	Description
201900241	12 CARMAN WAY, BASSENDEAN	FIBREGLASS SWIMMING POOL	DELEGATE APPROVED
201900243	25 BASSENDEAN PARADE, BASSENDEAN	DWELLING ALTERATIONS AND ADDITIONS	DELEGATE APPROVED
201900242	5/1 ANZAC TERRACE, BASSENDEAN	SINGLE DWELLING	DELEGATE APPROVED
201900244	1 MARY CRESCENT, EDEN HILL	BRICK & TILED DWELLING	DELEGATE APPROVED
201900208	12/1 ANZAC TERRACE, BASSENDEAN	DWELLING	DELEGATE APPROVED
201900229	17 BROADWAY, BASSENDEAN	PATIO AND DECK	DELEGATE APPROVED
201900221	28 DOROTHY STREET, ASHFIELD	CARPORT	DELEGATE APPROVED
201900225	110 HAMILTON STREET, BASSENDEAN	LIMESTONE BLOCK RETAINING WALL	DELEGATE APPROVED
201900223	5 PENZANCE STREET, BASSENDEAN	SINGLE DWELLING	DELEGATE APPROVED
201900227	12 BROADWAY, BASSENDEAN	ABOVE GROUND SEMI SUNKEN SWIMMING POOL	DELEGATE APPROVED
201900226	12 CARMAN WAY, BASSENDEAN	POOL SECURITY FENCE	DELEGATE APPROVED
201900222	4 DAYLESFORD ROAD, BASSENDEAN	POOL BARRIER FENCE	DELEGATE APPROVED
201900228	6 DEVON ROAD, BASSENDEAN	CARPORT	DELEGATE APPROVED
201900220	42 WILSON STREET, BASSENDEAN	POOL FENCE	DELEGATE APPROVED
201900224	47 NORTHMOOR ROAD, EDEN HILL	GABLE PATIO	DELEGATE APPROVED
201900237	2 SHACKLETON STREET, BASSENDEAN	RESIDENTIAL DWELLING & RETAINING WALL	DELEGATE APPROVED
201900233	64 FREELAND SQUARE, EDEN HILL	PATIO ADDITION	DELEGATE APPROVED
201900231	20 KENNY STREET, BASSENDEAN	ALFRESCO PATIO	DELEGATE APPROVED
201900239	48 RUGBY STREET, BASSENDEAN	SWIMMING POOL BARRIER	DELEGATE APPROVED
201900235	24 ELDER PARADE, BASSENDEAN	FIBREGLASS POOL & CONSTRUCTION BARRIER	DELEGATE APPROVED
201900234	4 FRENCH STREET, ASHFIELD	DOUBLE STOREY DWELLING	DELEGATE APPROVED

201900230	323 COLLIER ROAD, BASSENDEAN	SOLAR SYSTEM	DELEGATE APPROVED
201900238	21 ASHFIELD PARADE, ASHFIELD	FUL DEMOLITION AND SITE CLEARING	DELEGATE APPROVED
201900236	4 DAYLESFORD ROAD, BASSENDEAN	FIBREGLASS POOL & CONSTRUCTION BARRIER	DELEGATE APPROVED
201900232	2 FIRST AVENUE, BASSENDEAN	DWELLING	DELEGATE APPROVED
201900135	88 SECOND AVENUE, BASSENDEAN	DWELLING GARAGE & ALFRESCO	DELEGATE APPROVED
201900134	88 SECOND AVENUE, BASSENDEAN	DWELLING GARAGE & ALFRESCO	DELEGATE APPROVED

OFFICER RECOMMENDATION – ITEM 10.15

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

Voting requirement: Simple majority

7.16 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Acting Manager Development Services (Planning))

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

PLANNING AND SUBDIVISION APPLICATIONS DETERMINED TO 29 NOVEMBER 2019			
APPLIC NO.	PROPERTY ADDRESS	DESCRIPTION	DETERMINATION
2019-083	5/1 ANZAC TERRACE BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2019-138	49 ESTHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-140	4 FIRST AVENUE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-143	42A FIFTH AVENUE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2019-144	18 HARDY ROAD ASHFIELD 6054	CARPORT	DELEGATE APPROVED
2019-146	14 BROOK STREET BASSENDEAN 6054	TWO ADDITIONAL GROUPED DWELLINGS TO EXISTING SINGLE HOUSE TO FORM THREE GROUPED DWELLINGS	STATUTORY ADVICE - RECOMMEND APPROVAL
2019-150	5 SEVENTH AVENUE BASSENDEAN 6054	RETAINING WALLS, FRONT FENCE AND CARPORT	DELEGATE APPROVED
2019-151	16/47 NORTHMOOR ROAD EDEN HILL 6054	PATIO	DELEGATE APPROVED
2019-152	85 WALTER ROAD EAST EDEN HILL 6054	CHANGE OF USE - CONSULTING ROOMS	DELEGATE APPROVED
2019-154	11 BASSENDEAN PARADE BASSENDEAN 6054	BOUNDARY FENCING	DELEGATE APPROVED
SUBDIVISION APPLICATIONS			
Strata Plan 79990	6 PURSER LOOP BASSENDEAN 6054	FORM 24 & FORM 26 - CERTIFICATE OF APPROVAL - STRATA PLAN FOR 4 WAREHOUSES	DELEGATE APPROVED
WAPC 158707	49 EILEEN STREET BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE - RECOMMEND APPROVAL

OFFICER RECOMMENDATION – ITEM 7.16

That Council notes the decisions made under delegated authority by the Acting Manager, Development Services (Planning).

Voting requirement: Simple majority

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Notice of Motion – Cr Gangell: Local Planning Scheme 10

Cr Gangell has provided the following Notice of Motion:

“That Council receives a report to the 2020 February Ordinary Council Meeting for the Town to amend the Local Planning Scheme 10 text to include a table and conditions taken from the outcomes and summary recommendations of the Bassendream report, as accepted by Council in November 2019, namely certain zoning definitions and conditions for assembled development lands, related to the 3 transit oriented development rail stations of Ashfield, Bassendean and Success Hill.

Table: Bassendream Report Section 4.2 – summary of recommendations

Zoning definition	R-AC1 Mixed Use	R-AC2 Mixed Use	R-AC3 Mixed Use	R-AC4 Mixed Use
Distance from a METRONET railway station (Metres)	0-200m	200-400m	400-600m	Above 600m
Minimum size of the assembled land area (sqm)	Minimum 1200 sqm	Minimum 1400 sqm	Minimum 1600 sqm	Minimum 2000 sqm
Minimum percentage 'open space'	10.00%	15.00%	20.00%	25.00%
Max plot ratio	3	2.5	2	1.2

Note: normal standards and conditions of State Planning Policies such as SPP 7.3 Residential Design Codes – Volume 2 Apartment designs are to be read with the above table.

2. *That the Town of Bassendean acknowledges a possible 15,872 sqm of assembled land adjoining the Success Hill METRONET TOD Station, contained by the railway reserve on the north, Thompson Road on the east, Guildford Rd on the south and West Road (an extension of Lord Street) on the west, as having an indicative zoning definition of R-AC1 Mixed Use with a plot ratio of 3:1 as per the above if the Bassendream Report Section 4.2 – summary of recommendations table is adopted as part of the Bassendean Local Planning Scheme 10.*
3. *That the Town of Bassendean notes that any proposed developments that may be subject to this motion are to be presented to Council for consideration as part of any normal approval process.”*

BACKGROUND – CR GANGELL

The Bassendream Report was considered and accepted by Council at the November 2019 OCM and forms the basis of the proposed LPS 10 addition.

The Town is required to have due regard of State Planning Policies such as SPP 7.3 Residential Design Codes – Volume 2 Apartments, which is the supportive basis, and would be deemed to be part of, the proposed table Bassendream Report – Section 4.2 summary of recommendations.

The table reflects that higher density mixed use options should be close to the 3 transit oriented development (TOD) METRONET Railway Stations of Ashfield, Bassendean and Success Hill, and for any developments increasingly further away from the stations, that the densities should decrease. This aligns with the State Policy of Diverse Density by Design principles.

The table also includes a minimum percentage of open space to conserve trees and related walkability benefits, while accommodating heritage sites and other noted features of a particular area.

The suggested table and the possible assembled land development adjoining the Success Hill METRONET TOD Station align with the planning initiatives of various State Planning agencies.

OFFICER COMMENT

In considering the motion, the following is relevant:

- A report is already scheduled to be presented to Council in February 2020 on the current status of the Town's planning framework and a suggested path towards a new or amended Local Planning Scheme. That report will consider the planning for the broader district.
- The proposed table is suggested to be a "*summary of recommendations*" of section 4.2 of the Bassendream report. The actual recommendations within the Bassendream report are far more general and suggest that the Town consider various things, without being as specific as the detail contained in the table. It is therefore not considered accurate to state the proposed table is a summary of the Bassendream responses.

- Insertion of the table would have no material impact as the amendment does not propose to rezone any land.

Based on the above, the proposed motion is not supported.

9.0 **CONFIDENTIAL BUSINESS**

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

9.1 **RFT 06/2019 Provision of Restoration and Conservation Works to the Residency and the Pensioner Guard Cottage and Construction of a New Community Space at 1 Surrey St, Bassendean (PARE/TENDNG/79), Paul White, Director Corporate Services**

This matter is to be considered with members of the public excluded from the Chambers under Clause 5.23 (2) (c) of the Local Government Act 1995, as the report discusses a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

9.2 **2020 Australia Day Council WA (Auspire) – Community Citizen of the Year Awards (Ref: COMR/AWADP/2 – Salvatore Siciliano, Manager Recreation and Culture)**

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.

10.0 **CLOSURE**

The next Briefings Session will be held on Tuesday 18 February 2020 – time and venue to be advised.