

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 18 February 2020 at the Eden Hill Primary School, 83A Ivanhoe Street, Eden Hill, commencing at 7.30pm.

The Mayor will preside at Briefing Sessions. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

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.

AGENDA

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 a more informed and engaged community.

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
crmclennan@bassendean.wa.gov.au



Cr Kathryn Hamilton, Deputy Mayor
crhamilton@bassendean.wa.gov.au



Cr John Gangell
crgangell@bassendean.wa.gov.au



Cr Jai Wilson
crwilson@bassendean.wa.gov.au



Cr Sarah Quinton
crquinton@bassendean.wa.gov.au



Cr Hilary MacWilliam
crmacwilliam@bassendean.wa.gov.au



Cr Chris Barty
crbarty@bassendean.wa.gov.au

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 Review of Local Planning Framework (Ref: LUAP/PLANNING/14 - Luke Gibson, Director Community Planning)

APPLICATION

The purpose of this report is to inform Council and the community as to the process in undertaking a review of the local planning framework.

BACKGROUND

Local Planning Strategy

The purpose of the Strategy is to set out the long-term planning directions for the local government, apply relevant state or regional planning policy and provide a rationale for the zoning or classification of land under the Scheme. It is typically divided into two parts, as follows:

- Part 1 outlines the local government's intentions relating to planning matters, incorporating the objectives, strategies and actions, including those which have informed the preparation of the local planning scheme.
- Part 2 comprises the supporting background information, including a review of State strategic and statutory planning frameworks, an analysis of the local government's planning strategies, planning intentions and various strategic initiatives. It also examines the opportunities for, and constraints upon, development in the district, which provides the basis for many of the strategies and actions identified in Part 1.

Local Planning Scheme

A Local Planning Scheme is the principal statutory planning tool for controlling land use and development within a district. The Scheme is to be prepared in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* and incorporate relevant measures and actions proposed in the Local Planning Strategy.

Town's Current Local Planning Framework

The current Local Planning Scheme No. 10 was originally approved by the Minister for Planning and was subsequently gazetted on 24 June 2008.

That gazettal also had the effect of revoking (former) Local Planning Scheme No. 3, which had existed since 1983. The (then) new Scheme was supported by an associated Local Planning Strategy, which was endorsed by the Western Australian Planning Commission (WAPC) in May 2008.

The current Scheme has not been subject to a comprehensive review since its gazettal in 2008, although that time, 11 amendments have been initiated. Of that 11, nine have been gazetted, one was refused and one was discontinued. Currently, there are no live amendments to LPS 10.

Since the 2008 endorsement of the Local Planning Strategy, it has been reviewed once, with that review commencing in May 2011, achieving endorsement of the WAPC in December 2014 and being finalised (following the completion of the required modifications) in March 2015.

COMMUNICATION & ENGAGEMENT

Town staff have liaised with Department of Planning, Lands and Heritage staff regarding the need to review the existing planning framework and prepare a new or amended Local Planning Scheme. It is expected that liaison will continue for the life of the project.

The Town recently completed *BassenDream Our Future*; an extremely comprehensive community engagement project to develop an aspirational vision for the future of the district. At its Ordinary Council Meeting of 26 November 2019, Council resolved to adopt the associated Engagement Report which (among other things) made a series of recommendation in relation to a future review of the existing strategic planning framework and preparation of a new or amended Local Planning Scheme. These will be an essential input into that process and, in broad terms, relate to:

- Retention of public open spaces;
- Retention of trees on private land;
- Limiting higher density development to within 400m of the three railway stations and around the Bassendean town centre and providing low/lower density outside those areas;
- The need to enhance and activate the Bassendean town centre (Old Perth Road);
- The need to balance new development with existing heritage; and

- The need for new development to have a design and sustainability focus.

In addition to the above, broad community consultation will occur as part of the review process, as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In addition to the above, the Town has previously engaged consultants to undertake work on key elements that will form the basis or some of the inputs into the review of the Local Planning Framework; specifically the Local Integrated Transport Plan and the Built Form and Character Study.

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>
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices 3.1.2 Implement sustainable design and development principles 3.1.3 Plan for local neighbourhoods and their centres	The number of new dwelling approvals granted by the Town against the Perth and Peel @3.5 million planning framework target for Bassendean (4,200 new dwellings by 2050) The level of community engagement and participation into Local Area Planning (input into plans and policy development)

COMMENT

Summary of Process

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires all schemes to be reviewed every five years, and in the case of Schemes that came into effect prior to August 2015, by August 2017. Given that the Town's LPS 10 was gazetted in 2008, the August 2017 requirement is applicable and therefore, the review is now overdue.

To initiate this process, Regulation 66 requires a local government to prepare, approve and provide to the WAPC, a report of review which assesses the performance of the Scheme, including details of its gazettal, a summary of the amendments made to the scheme, population change and development activity across the district over the life of the scheme.

It must also include observations and comments about the functionality of both the Scheme and the Local Planning Strategy and contain recommendations as to the manner in which each should be reviewed and updated. The options in that regard are broadly as follows:

- Take no action on the basis that the Strategy and/or Scheme is satisfactory in its current form
- Review/amend the current Strategy and/or Scheme
- Replace the current Strategy and/or Scheme with a new Strategy and/or Scheme

That summary report is to be adopted by Council and forwarded to the WAPC to enable it to either agree with the recommendations of the report or require further consideration.

Once the WAPC ultimately agrees with the recommendations within the summary report (either as initially presented by Council or as modified following reconsideration at the direction of the WAPC), the Town will progress with the agreed actions, as guided by Part 3 (Local planning strategies) and Part 4 (Preparation or adoption of local planning scheme) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

It should be noted that any review, amendment or replacement of the Strategy and/or Scheme will require formal Council consideration and community consultation, prior to formal finalisation.

Potential Timeframes

It is acknowledged that both Council and the community are particularly interested in the potential timeframes of the review of the local planning framework. It is difficult to accurately estimate the likely timeframes associated with this project, however, the statutory timeframes include:

- WAPC determination of report of review – maximum 90 days;
- Public consultation of a new or amended strategy – minimum 21 days;
- WAPC determination of a new or amended strategy – maximum 60 days;

- WAPC examination of scheme documents (concurrent with consideration by Environmental Protection Authority, Heritage Council, abutting local governments and public authorities) – maximum 90 days;
- Public consultation of a new or amended scheme – minimum 90 days;
- Council consideration of submissions – maximum 120 days;
- Provision of Council report to the WAPC – maximum 21 days; and
- WAPC determination of a new or amended scheme – maximum 120 days.

In addition, the timeframes of the project will be influenced by the following:

- Other competing projects that require staff attention.
- Processing times by the WAPC, Minister for Planning and the EPA, which are not otherwise statutorily prescribed.
- Results on community consultation; specifically the number and complexity of submissions received.
- Whether Council and/or the WAPC require any amendments or modification to any aspect of the proposal.
- Whether Council and/or the WAPC require re-advertising of any aspect of the proposal.

In addition, it is relevant to note the timeframes that have applied at other local governments in recent times:

- City of Nedlands Local Planning Strategy – approximately two years from initial Council consideration to WAPC endorsement.
- Town of Cambridge Local Planning Strategy - approximately one year since initial Council consideration and the Strategy has not yet been formally advertised.
- City of Vincent Local Planning Scheme – approximately three and a half years between Council initiation and gazettal.

In any event, the first task is to prepare the report of review and present it to Council, so as to allow Council to determine its preferred approach to reviewing the local planning framework. That report will be presented to Council this financial year.

The decisions made by Council at that time, and the decisions subsequently made by the WAPC, will dictate the process (and therefore, in part, the timeframes) going forward.

STATUTORY REQUIREMENTS

Planning and Development Act 2005
Planning and Development (Local Planning Scheme)
Regulations 2015
Local Planning Scheme No. 10

FINANCIAL CONSIDERATIONS

Nil associated with this report, however, costs will be incurred at subsequent stages of the project.

OFFICER RECOMMENDATION — ITEM 7.1

That Council notes the information contained in the report, including that a subsequent report will be presented to Council prior to 30 June 2020.

Voting requirements: Simple Majority

7.2 Use of Transportable Building Currently Located at 10 Whitfield Street, Bassendean (Ref: COUP/USAGE/15 - Luke Gibson, Director Community Planning)

This item has been withdrawn.

7.3 Additions and Alterations to Shop (Chemist) and Medical Centre at Lot 37, (No. 1B) Colstoun Road, Ashfield, Owner/Applicant: IQD Investments Pty Ltd (Ref: DABC/BDVAPPS/2019-169 – Cameron Hartley, Planning Officer)

APPLICATION

The purpose of this report is for Council to consider an application for development approval for additions and alterations to the existing Shop (Chemist) and a partial change of use to Medical Centre at Lot 37 (No.1B) Colstoun Road, Ashfield.

The application is referred to Council for determination as it involves a significant car parking shortfall and have prompted objections from nearby landowners and occupiers.

ATTACHMENTS

Attachment No. 1:

- Advertised landowner map
- Objections received from advertised landowners or occupiers (3 pages total)
- Car parking audit
- Local Planning Policy No.7 – Local Shopping Zone Design Guidelines
- Development application plans
- Development application business details

BACKGROUND

The development site is one of four sites that make up the Ashfield Local Shopping zone on the corner of Maidos Street and Colstoun Road. The centre is comprised of a Shop (IGA), a Chemist (subject site), Fast Food Premises (Kebab Shop) and a vacant tenancy (an approved Shop).

The car parking area servicing the four commercial tenancies is located within the road reserve and does not form part of the subject site. The car parking area is controlled by the Town and contains 40 bays (31 car parking bays at the front of the premises and nine car parking bays along Maidos Street) with a 1 hour maximum parking limit.

PROPOSAL

The application involves increasing the floor area of the existing Shop by 34m² and the provision of a new 127m² Medical Centre at the rear of the Shop.

The Medical Centre is made up of a single treatment room, consulting room and associated administration and utility rooms. The applicant has advised that the Medical Centre will be a typical facility and will not be used as a drug and alcohol treatment clinic (refer Attachment).

COMMUNICATION & ENGAGEMENT

The application was advertised to adjoining landowners for a period of 21 days, being from 6 January 2020 to 27 January 2020, by means of letters to landowners and occupiers immediately abutting the site (refer attachment).

During the advertising period, two objections were received; one which was signed by two separate landowners and an occupier and a further objection from one of the same landowners. The basis of the objections relate to the car parking as well as concerns about the possibility that the Medical Centre will be used to treat substance abuse.

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>
3.1 Plan for an increased population and changing demographics	3.1.3 Plan for local neighbourhoods and their centres	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) The level of community engagement and participation into Local Area Planning (Input into plans and policy development.)
4.1 Build economic capacity	4.1.1 Encourage and attract new investment and increase capacity for local employment 4.1.2 Plan for and build capacity for Commercial and Industrial	Economic and Commercial Activity New businesses (including home based) granted development approval by the Town.
4.2 Facilitate local business retention and growth	4.2.3 Enhance economic activity in neighborhood centres	Number of local business and Stakeholder Survey (Engagement and Facilitation of local Business Networks.)

COMMENT

Local Planning Scheme No. 10

Land Use

The site is zoned 'Local Shopping' under Local Planning Scheme No.10 (LPS10). Under Table 1 of LPS 10 a 'Shop' is a 'P' (i.e. Permitted) use, with a Medical Centre a 'D' (i.e. Discretionary) use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval.

Clause 3.2.2 of the Scheme details the objectives of the Local Shopping zone, which provides guidance on the types of uses that should be considered appropriate for this zone. The objectives and justification as to how each objectives has been adhered to follows:

- a) *To provide for the local retail and services needs of the locality;*

Whilst a 'Medical Centre' is a discretionary use within the Local Shopping zone, it is suggested that this is an appropriate use to operate in association with the existing approved Shop (Chemist). If approved, this would present as the only Medical Centre within this area of Ashfield, excluding the public 'street doctor' services. The provision of a Medical Centre to better service the locality is supported.

- b) *To ensure that the local needs of residents are met, whilst maintaining a retail hierarchy to ensure that the catchment of the Town Centre zone is not adversely affected;*

The proposed development would result in an increase in medical services to meet the needs of residents. As the subject site is located approximately 1.5km from the Town Centre, the increase in retail floor space is not considered to materially impact the Town Centre.

- c) *To ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage;*

As the subject site is within the established Local Shopping zone, there is considered to be no impact on the amenity of adjoining residents. The proposed addition to the building extends to the rear and will therefore not be visible to surrounding residences on Maidos Street. The assessment of the proposal indicates that there will be no significant impact on vehicle parking, as discussed further in this report.

- d) *To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council*

With the exception of car parking and fencing, the provisions of Local Planning Policy No.7 – Local Shopping Zone Design Guidelines have been met, as further discussed below.

Car Parking

The following table details the LPS 10 car parking provisions for the site.

Use Class	LPS 10 car parking standard	Car parking assessment	Car Parking provided
Shop	8 bays per 100m ² gross floor area	98m ² of gross floor area requiring 8 bays	1 car parking bay is provided on site, which represents a shortfall of 12 bays.
Medical Clinic	5 bays per consultant	1 consultant requiring 5 bays	
Total		A total of 13 car parking bays area required	

As outlined above, the application does not comply with the car parking requirements of the scheme. In considering this matter, the following is relevant:

- Each existing tenancy within the Ashfield Local Shopping zone relies nearly entirely on parking within the road reserve at the front and side of the site. As a result of not providing car parking within the privately owned lot area, there is a notional car parking shortfall for each property.
- An audit of the Town’s adjacent car parking area was undertaken in January 2020 (over a four week period), which concluded that the car parking area is largely underutilised during the week. The minimum number of bays vacant within the publicly available car parking areas immediately abutting the site has been 25, which would still allow for additional bays to service the proposed development.

- A review of aerial imagery of the site (refer to attachment C) over the past two years suggests that, on average, there are approximately 28 bays available.

Whilst an objection noted the impact games occurring at Ashfield Reserve have on reducing the availability of bays at the front and side of the site, these bays are provided for community and commercial benefit. Furthermore, the 1 hour parking restrictions that apply to the car parking bays at the front of the site efficiently prohibits long term use on the weekends. Should this present an issue in future, the Town can monitor and enforce car parking restrictions as required.

Local Planning Policy No.7 – Local Shopping Zone Design Guidelines

This policy (refer attachment) applies to all land zoned 'Local Shopping' under LPS 10 and aims to provide guidelines for building setbacks, vehicle parking, landscaping and storage/refuse areas.

Building Setbacks

The façade of the building is being retained, with the proposed extension being to the rear of the premises only. As such, there will be no impacts to the existing streetscape and therefore the proposal is acceptable from that perspective.

Landscaping

The policy requires landscaping to the front and side boundaries for a minimum width of 2m and 1m, respectively. Given the proposed development is within an existing building, the façade of which directly abuts the road reserve, there is no opportunity to provide the required landscaping.

Given the inability to provide landscaping on site and that there is existing landscaping within the Town's road reserve adjacent the car parking area, it is considered appropriate to vary this requirement in this instance.

Storage and Refuse Areas

The applicant has provided fence screening at a height of 1.2m to the rear of the site for the bin storage area, in lieu of the 1.8m masonry (or other approved building material) required by the Policy. Should the application be approved, it will be recommended that a condition be imposed to ensure compliance with the Policy.

Conclusion

The proposal (additions and alterations to the approved Shop and the additional use of Medical Centre) is consistent with the objectives of the zone. The review of the usage of the car parking bays adjacent the site has indicated that there is sufficient capacity to service the proposed development and, as such, the proposal is supported.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10
Local Planning Policy No.7 – Local Shopping Zone Design Guidelines

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 7.3

That Council approves the application for development approval for the proposed additions and alterations to the existing Shop (Chemist) and partial change of use to Medical Centre at Lot 37 (No.1B) Colstoun Road, Ashfield, subject to the following conditions:

1. The 'Shop' and 'Medical Centre' operating in accordance with the approved business details stamp date received 19 December 2019 and 31 January 2020, which forms part of this approval.
2. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park.
3. Prior to or in conjunction with the application for a building permit, the approved plans are to be modified such that the enclosed bin store area at the rear of the site:
 - a. is constructed of 1.8m high masonry walls;
 - b. is provided with a non-visually permeable, self-closing gate; and
 - c. includes the installation of a floor waste to the base of the bin store area.

Voting requirements: Simple Majority

7.4 Third Party Appeal Rights in Planning – WALGA Consultation with Members (Ref: DABC/LEGLTN/1 Christian Buttle, Senior Planning Officer)

PURPOSE

To provide a response to the Western Australian Local Government Association (WALGA) as to whether or not the Town supports the following motion which was carried by attendees at the August 2019 WALGA Annual General Meeting (AGM):

- “1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
- 2. That there be an amendment to the Third Party Appeals process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.”*

ATTACHMENTS

Attachment No. 2:

- (Undated) WALGA Third Party Appeal Rights in Planning Discussion Paper (considered by Council at its Ordinary Meeting (OCM) held 27 June 2017);
- Officer Report titled “Third Party Appeal Rights in Planning – WALGA Discussion Paper (considered at OCM held 27 June 2017);
- Extract of Minutes from June 2017 OCM;
- Letter from WALGA dated 1 December 2017 titled “Consultation with Members – Third Party Appeal Rights in Planning” and accompanying report titled “Outcomes of Consultation – Third Party Appeal Rights in Planning”;
- Officer Report titled “Third Party Appeal Rights in Planning – WALGA Consultation with Members (considered OCM held 30 January 2018);
- Extract of Minutes from 30 January 2018 OCM;
- Extract of Minutes from WALGA State Council Meeting held 8 May 2019 (Agenda Item 5.2 ‘Preferred Model’ for Third Party Appeal Rights for Decisions Made by Development Assessment Panels); and
- Extract of Minutes from WALGA Annual General Meeting held 7 August 2019 (Agenda Item 3.9 Third Party Appeal Rights).

BACKGROUND

This matter has been the subject of ongoing consideration by WALGA since December 2016 as detailed in the timeline below:

December 2016: WALGA State Council requested a review of WALGA's policy position on Third Party Appeal Rights for planning decisions.

27 June 2017: Town of Bassendean (ToB) Council resolved to support, in-principle, the introduction of some form of Third Party Appeal Right in Western Australia, subject to arrangements giving consideration to a range of matters as detailed in the extract of Minutes (refer attachment)

September 2017: WALGA State Council considered the matter and resolved that:

- "1. State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights;*
- 2. WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model;*
- 3. The findings to be distributed for comment and the item then be considered by State Council; and*
- 4. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process."*

November 2017: WALGA collated submissions received by local governments into four options and discussed these at two workshops.

December 2017: WALGA wrote to member Councils requesting that they consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

“Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.”

30 January 2018: ToB Council resolved to endorse the position advocated by WALGA.

May 2018: WALGA State Council resolved to amend its policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs) and to further consult with members to provide more clarity on details of criteria that would need to be established before a system was implemented by the State Government.

November 2018: WALGA held a workshop to discuss Third Party Appeals. WALGA produced its ‘Preferred Model’.

May 2019: WALGA East Metropolitan Zone (of which the Town is a Member) considered the ‘Preferred Model’ for Third Party Appeals at which time it resolved that:

“There be an amendment to the Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.”

May 2019: WALGA State Council considered the ‘Preferred Model’ for Third Party Appeals at which time it resolved that WALGA:

- “1. *Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and*
2. *Endorses the ‘Preferred Model’ as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.”*

It should be noted that this position limited appeal rights to local government authorities in the situation where a DAP had determined an application against a recommendation of a local government. It did not extend to other interested parties (such as an adjoining property owner).

August 2019:

At the August 2019 WALGA AGM, an item was discussed which proposed an amendment to the existing ‘Preferred Model’ and the following motion was carried:

- “1. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
2. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.”*

November 2019: WALGA wrote to the Town asking whether Council “*supports or does not support*” the motion carried at the August 2019 WALGA AGM (as detailed above). A response is requested by 28 February 2020.

COMMUNICATION & ENGAGEMENT

WALGA has been communicating and engaging with the local government sector in relation to this matter since mid-2017.

The Town has not undertaken any communication or engagement in relation to this matter beyond providing comment and recommendations to WALGA, when requested.

STRATEGIC IMPLICATIONS

While the subject matter of this report does not align directly with any of the Objectives contained within the Community Strategic Plan 2017-2027, it sits broadly within the following objective:

STRATEGIC PRIORITY 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance) Compliance Audit Risk Management Profile Financial Ratio Benchmarked. Asset Ratio Benchmarked
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	
	5.1.4 Improve efficiency and effectiveness of planning and services	
	5.1.5 Ensure optimal management of assets	

COMMENT

Third Parties in addition to Local Governments

The legislative framework which applies to the WA planning system does not currently provide for third party appeal rights. Allowing third parties (being those in addition to Local Governments) to lodge appeals against DAP decisions would likely increase the number of appeals within the planning system. This has the potential to add additional cost to the development which is the subject of a third party appeal as well as slow the rate of development generally. Depending on the requirement of local governments to participate in the appeal, it may also represent an additional time/cost burden to the local government sector.

Based on the above, it will be recommended that Council not support the motion.

Western Australian Planning Commission or State Administrative Tribunal

In regard to the August 2019 WALGA AGM motion, the report considered did not provide a detailed discussion about the merits or rationale behind opening up appeal rights to decisions made by the Western Australian Planning Commission (WAPC) or State Administrative Tribunal (SAT).

The WAPC has responsibility for determining applications such as:

- Subdivision or amalgamation of land;
- Development on regional reserves; and
- Public works proposals (such as Department of Communities' building projects).

The SAT is the review body to which applications for review (appeals) are currently made when an applicant is aggrieved by a discretionary decision made by a local government, DAP or the WAPC. Applications to SAT are not able to be made by third parties.

Decisions made by SAT are generally final, other than in very limited circumstances where there is a question of law and a further application is made to the Supreme Court by an aggrieved party. As SAT is the current 'review' body, it unclear which entity would become the determining authority if appeals against SAT decisions were to be allowed.

It is relevant to note that the motion in question makes no reference to local government decisions. The vast majority of decisions on development are made by local government, and there would be an inconsistency in a third party right of appeal being allowed for a decision of DAP, WAPC or SAT, but not against a local government decision.

In relation to decisions that are currently made by a DAP, WAPC, or SAT, it is most often the case that it is the decisions made by a DAP that are the most contentious within local communities, noting that:

- It is the applications for development on land, and not for the subdivision or amalgamation of land which are of greatest community interest; and

- The SAT process is generally open and transparent; does provide the opportunity for a range of parties to be involved; and reasons for final decisions made are published at the end of the process.

Indeed, in the original discussion paper put out by WALGA in 2017, the existing SAT decision making process was said to be “...*efficient at considering the merits of planning applications...*”.

- The DAPs are comprised of three specialist members (one of whom is the presiding member) and two local government members, which has led to concerns being expressed by community members in relation to matters such as bias in decision making and lack of equity for local representation in the decision making process.
- Limiting appeals to DAP decisions would also allow the SAT to maintain its current role of review authority.

Based on the above, it will be recommended that Council not support the motion.

STATUTORY REQUIREMENTS

State Administrative Tribunal Act 2004
State Administrative Tribunal Regulations 2004

FINANCIAL CONSIDERATIONS

While there are no immediate financial considerations associated with the matter, the introduction of third party appeal rights has the potential to impose an additional cost burden to each local government.

Given the small number of DAP applications (approximately two per year, on average) and the fact that the majority of DAP applications have been determined in accordance with recommendations contained within the Town’s Responsible Authority Report, the likelihood of cost implications impacting the Town are low.

CONCLUSION

The matter of third party appeal rights has been the subject of extensive consideration over a significant period of time, and there are wide ranging views that are held on the matter.

Noting the fact that it is DAP decisions that have been the major source of controversy within local communities, it is considered that WALGA should maintain its position of advocating for appeal rights against DAP decisions only.

OFFICER RECOMMENDATION — ITEM 7.4

That Council advises the Western Australian Local Government Association that it does not support the August 2019 motion to amend the Preferred Model for Third Party Appeal Rights in Western Australia.

Voting requirements: Simple Majority

7.5 Old Perth Road Markets – Future Direction (Ref: ECOD/EVMNGT/2 - Salvatore Siciliano, Manager Recreation and Culture)

APPLICATION

The purpose of this report is for Council to consider options associated with the future of the Old Perth Road Markets (OPRM).

ATTACHMENTS

Attachment No. 3:

- Operational Arrangements – Old Perth Road Markets (OPRM)
- Management Agreement – Rotary Club Swan Valley (RCSV)
- Event Review of the Old Perth Road Markets (June 2016)

BACKGROUND

The OPRM were initially established in 2010 to sell produce and crafts of the local region. The OPRM is located in the west end of Old Perth Road (OPR) Bassendean and hosts between 60-100 stallholders, monthly. Today it is recognised as an arts and crafts market catering for local artisans, producers and growers, more recently with a growing focus as a “farmers’ market”.

In terms of the management arrangements for staging the OPRM, the Town initially had a Memorandum of Understanding (MOU) (OCM2-14/06/10) with the Rotary Club Swan Valley (RCSV) which has since been superseded by time-limited Management Agreements. The current Management Agreement is for the period between 1 May 2017 and 30 April 2020.

The Town also engages a Coordinator and the Bassendean Men’s Shed (BMS) to implement the traffic management plan in staging the OPRM. In June 2019, a new OPRM Coordinator was appointed on a short-term basis; being until 30 April 2020 in line with existing Management Agreement of the RCSV. This appointment has resulted in some positive changes to the staging of the OPRM.

Given the April 2020 expiration date of the Management Agreement with the RCSV and the contract with the Coordinator, it is considered timely for the Town to explore options regarding the future staging of the OPRM.

STRATEGIC IMPLICATIONS

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities
	1.1.2 Activate neighbourhood spaces to facilitate community gathering
	1.1.3 Ensure our unique culture and history are shared and celebrated
	1.1.4 Continue to support and facilitate participation in the arts, community festivals and events
4.2 Facilitate local business retention and growth	4.2.1 Strengthen local business networks and partnerships
	4.2.2 Continue the activation of Bassendean's Town Centre
	4.2.3 Enhance economic activity in neighbourhood centres

Arts and Cultural Plan 2019-2023:

The Old Perth Road Markets future direction also aligns with the newly adopted Arts and Cultural Plan 2019-2023 with the following Cultural Development Outcomes of:

- Belonging – a strengthened connection to a shared heritage;
- Sense of Place – positive sense of place is engendered; and
- Appreciation – valuing cultural diversity.

COMMUNICATION AND ENGAGEMENT

The OPRM Coordinator, RCSV and BMS have been advised of the Town's intention of conducting a review of the OPRM. Going forward, it will be important to maintain clear dialogue with those stakeholders, to ensure an open and transparent process.

COMMENT

The current management model for the OPRM is a community led four-way arrangement which includes the RCSV, the BMS, a Market Coordinator directly contracted by the Town and the Town itself.

In 2016, the Town conducted an Event Review of the OPRM, as attached. Overall, the OPRM rated highly for both people attending and the stallholders involved. The review highlighted that all events go through a lifecycle and therefore need to be refreshed to ensure they are meeting community and stakeholder expectations.

In 2018, as part of the community engagement process for developing the Arts and Cultural Plan 2019-2023, the community was surveyed regarding their experience in terms of “building a sense of place and belonging”. 92.8% of respondents indicated that they felt very or somewhat connected to their community, with the reason being that there were the opportunities to attend local arts or cultural events. When surveying the community regarding the events they attended and to rank the importance of each event, the OPRM ranked number one for each question.

In 2019, as part of the *BassenDream Our Future* community engagement process, Town residents responded strongly for markets in some form such as a “fruit and vegie” market or “regular farmer’s market” to continue to be staged in the Town of Bassendean. Respondents also positively commented for the Town to continue its “emphasis on building community through the events” and to continue “more of what has already been happening, great café’s, pop up street festivals, markets, community events and street art”.

It is evident that the OPRM remains a key activity that increases vibrancy, facilitates community connection and activates the Town Centre. To maintain the competitiveness and popularity of the markets and to ensure that they are being operated in accordance with the best management model, it will be recommended that Council undertake an Expression of Interest (EOI) process to test the market on proposals for the future staging of the OPRM. To facilitate the EOI process, it is proposed that a Request for Quote (RFQ) be conducted with submissions being assessed from a social, economic, environmental perspective. Council will be kept informed as the RFQ specifications are developed.

It will also be recommended that Council extend the Management Agreement with the RSVC and the contract with the Coordinator to 30 June 2020, so as to ensure continuity of the markets in the short term.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL IMPLICATIONS

The EOI process will not incur a direct cost other than staff time.

OFFICER RECOMMENDATION – ITEM 7.5

That Council:

1. Extends both the Management Agreement with the Rotary Club Swan Valley and the contract with the Coordinator of the Old Perth Road Markets until 30 June 2020;
2. Approves an Expression of Interest process to be conducted regarding the future staging of the Old Perth Road Markets; and
3. Notes that a report will be presented to a future Council meeting outlining the results of the Expression of Interest process.

Voting requirement: Simple Majority

7.6 Food Organics Garden Organics Charge Modelling (Ref: WSTMNGT/SVPROVN/5 Brice Campbell, Recycling and Waste Coordinator)

APPLICATION

The purpose of this report is for Council to consider the different charging models prior to the introduction of the three bin Food Organics Garden Organics (FOGO) service.

BACKGROUND

The State Government has mandated a transition to a three bin FOGO collection system by Local Governments by 2025 as a part of the State Waste Strategy. The three bin FOGO collection system preferred by the State includes:

- A 240L lime green lidded FOGO bin collected weekly;
- A 240L yellow lidded recycling bin collected fortnightly; and
- A 140L red lidded general waste bin collected fortnightly.

The State Waste Strategy also set a target of increasing material recovery to 70% by 2025 increasing to 75% by 2030.

The Town of Bassendean resolved to introduce a three bin FOGO collection system in the 2019/20 financial year at the May 2018 Ordinary Council Meeting. The Town is introducing a three bin FOGO system on 28 June 2020.

At the December 2019 Ordinary Council Meeting, Council resolved to provide Ratepayers with the option to opt out of the change to a default small general waste bin in favour of having either a large general waste bin or a second general waste bin prior to the delivery of the new FOGO bin system at their residence. The resolution also detailed that Ratepayers who choose to opt-out of the smaller general waste bin will be charged a fee no greater than the cost recovery for the provision of the large bin or second general waste bin.

This report provides Council with further detail regarding the potential structure of waste charges for the 2020/21 financial year.

COMMUNICATION & ENGAGEMENT

Officers are meeting regularly with DWER and EMRC officers to discuss and plan the Town of Bassendean FOGO rollout. Numerous community education items are planned in the lead up to the rollout and beyond.

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>
2.1 To display leadership in environmental sustainability	2.1.2 Reduce waste through sustainable waste management practices	Waste reduction ratio to population

COMMENT

The introduction of the three bin FOGO collection systems provides the Town with an opportunity to review how collection and processing of waste is charged. The current model for charging is a single fee model with charges for additional bins or Non-Rateable properties. The standard charge for waste services in 2019/20 is \$380.00 per annum.

A financial model has been built to assist in setting waste charges for the 2020/21 financial year. Included in the model is a number of assumptions including, but not limited to:

- Consumer Price Index;
- Quantity of material collected;
- Number of 140L and 240L General Waste Services; and
- EMRC processing and disposal rates.

These assumptions have been included in the model using the best data available at the time. The majority of estimated rates included in the model will be populated with actual rates during the Town's budget process. It is likely that only items such as quantities of material collected, items such as tip pass redemption rates or use of on demand services will remain estimated during the Annual Budget process. These items will be forecast based on previous usage and trends. The model also assumes that only residential properties (excluding shared services) will receive the three bin FOGO collection service. Commercial properties or residential properties sharing bins will not receive the new service in the initial rollout.

Three separate charging models have been considered and are listed below:

- All in one charge;
- Separate commercial and residential charges; and
- Separate commercial, 140L and 240L residential charges.

The standard service for properties receiving the new three bin FOGO service includes:

- A 240L lime green lidded FOGO bin collected weekly;
- A 240L yellow lidded recycling bin collected fortnightly; and
- A 140L red lidded general waste bin collected fortnightly.

For properties remaining on the existing two bin service, commercial and multi-unit developments sharing bins, their standard service will consist of:

- A 240L green lidded general waste bin collected weekly; and
- A 240L yellow lidded recycling bin collected fortnightly.

All in one charge

Three Councils, City of Melville, City of Fremantle and Town of East Fremantle, have a single charge for their standard FOGO waste service regardless of the property type and size of bins used (excluding large commercial bin services). Residents who notify the respective Council that they have a quantity of waste in excess of their standard service, are audited by Officers to determine if they are using the new service effectively. If it is found that their needs exceed the standard volume and they are sorting effectively, they are then given a larger general waste bin at no additional charge.

The advantages of this method of charging include a simplified charging model, flexible service on a needs based analysis and increased engagement with Residents regarding their waste service.

Some disadvantages are increase staff time dedicated to auditing individual waste service requirements and increased frustration from Residents in not being able to select their own waste service requirements. Another important disadvantage for this charge model is that large producers of waste are subsidized by those who produce the standard quantity of waste or less.

From the initial modelling, the all in one charge for the 2020/21 financial year is estimated to be \$383 for a standard service.

Separate commercial and residential charges

The services offered to commercial properties is significantly different when compared to the residential properties. Commercial properties do not participate in the annual greenwaste and hard waste verge collections, nor are they eligible for on demand collection of fridges, freezers or mattresses.

Continuing to operate commercial properties on a two bin collection system decreases the efficiency of the overall bin service and significantly increases the cost of providing the two bin service. Commercial properties are also not restricted to receiving waste services from the Town of Bassendean. Many larger businesses receive their waste services directly from a commercial service providers in bins of varying sizes generally not offered by Local Governments.

This models does not provide for mixed use properties. These properties would need to be individually assessed and the relevant charge applied.

This charging model is similar to the all in one model as the residential charge does not change if the size of the general waste bin is increased. The engagement process for residential properties upsizing their general waste bin remains the same as the all in one charging model.

The advantages and disadvantages are similar to the all in one charging model but with increased equity between residential and commercial properties.

From the initial modelling the commercial charge for the 2020/21 financial year is estimated to be \$349 with the residential charge estimated to be \$385.

Separate commercial, 140L and 240L residential charges

Part of Councils resolution at the December Ordinary Council Meeting included the follow feature of the FOGO bin system rollout:

“Ratepayers who choose to opt-out of the smaller general waste bin will be charged a fee no greater than the cost recovery for the provision of the larger bin or second general waste bin.”

The feature detailed above is included in the charging model by introducing a disposal ratio into the calculations. This ratio estimates the quantity of additional general waste being placed in the larger 240L general waste bin when compared to the smaller 140L general waste bin. The ratios used in calculating charges are listed below:

- 2:1;
- 3:1; and
- 4:1

I.e a ratio of 2:1 means that the 240L general waste bin contains, on average, twice (x2) the quantity of waste found in the 140L general waste bin.

This charging model retains the separate charge for commercial properties with the inclusion of an additional residential charge to account for the two different size general waste bin options.

The advantage of this charging model is that it more closely aligns with a user pays model where larger generators of waste pays a larger portion for the disposal of waste. It will also reduce the quantity of Ratepayers requesting to keep the larger general waste bin while incentivising them to reduce the size of their general waste bin to pay a lower rate.

The estimated charges for the separate commercial, 140L and 240L residential charging model is detailed in the table below.

Charge type	Ratio	140L Charge	240L Charge
Commercial	N/A	N/A	\$349
Residential	2:1	\$380	\$425
Residential	3:1	\$374	\$455
Residential	4:1	\$370	\$479

The commercial property charges above are based on the average weight of both residential and commercial general waste bins collected. Anecdotally, commercial properties usually generate a larger quantity of general waste than residential properties do.

Council may consider aligning the commercial charge to a residential charge. This will reduce the number of charges that offered reducing staff time in processing of waste related charges. It is important to note that commercial properties are not required to use Councils waste services and are free to source their collections from the private sector.

Summary

Of the three charging models above, the separate 140L and 240L residential, with a ratio of 3:1, option provides the most advantageous option for Council. The advantages include:

- Residential properties are charged based on the size of the general waste bin; and
- Residential properties are incentivised to reduce the capacity of their general waste bin.

The disadvantages of this charging option is that the system is more complex requiring constant monitoring and maintenance by a range of staff members across various departments. Ongoing bin deliveries and exchanges will impact budgets, staff time and can generate surplus bins requiring storage or recycling.

STATUTORY REQUIREMENTS

Waste Avoidance and Resource Recovery Act 2007
Waste Avoidance and Resources Recovery Regulations 2008

FINANCIAL CONSIDERATIONS

The above charges are set at a level to provide a balanced budget. The models include a number of assumptions based on the best available data at the time. Further refinement to preferred model will occur prior to the waste charges being set during the normal Annual Budget process.

OFFICER RECOMMENDATION — ITEM 7.6

That Council:

1. Notes the charging models presented in the report;
2. Selects separate 140L and 240L residential charges as the preferred charging model in the 2020/21 financial year;
3. Selects 3:1 as the preferred disposal ratio for the difference between 140L and 240L general waste bins in the 2020/21 financial year, which provides an increased cost of approximately \$81 for the option to retain a 240L general waste bin; and
4. Notes the opt out scheme will include a cost difference for retaining the 240L general waste bin.

Voting requirements: Simple Majority

7.7 Town of Bassendean Meeting Procedures Local Law 2020 (Ref: GOVR/LEGLTN/1 - Peta Mabbs, Chief Executive Officer)

APPLICATION

This Report provides the new Town of Bassendean Meeting Procedures Local Law 2020.

ATTACHMENTS

Attachment No. 4:

- New Council Meeting Procedures Local Law 2020.
- Local Government Act 1995 – Section 3.12 review requirements: Flowchart of Making a Local Law.
- Information Sheet (Example Only) – Meeting Procedures Local Law Series: Deputations and Petitions.

BACKGROUND

- In accordance with section 3.16 of the *Local Government Act 1995* (Act), a review of the Town of Bassendean (Town) Standing Orders 2011 commenced in March 2019.
- By virtue of the Act, where a local law requires amending, it is 'making a new local law' and is dealt with in accordance with s 3.12 of the Act.
- **Attachment Two** summarises the process for making a new local law under s 3.12. Reference points are included to show where the Town has met the s 3.12 requirements in the process to date.

Planning and Development Process

- To align the new Meeting Procedures Local Law 2020 (new meeting procedures) with a more contemporary meeting procedures standards, a robust planning, consultation and development process was undertaken. Consultation included:
 - (a) Western Australia Local Government Association (WALGA), Governance Manager;
 - (b) Senior Legislation Officer, Department of Local Government, Sport and Cultural Industries (DLGSC);
 - (c) Committee Clerk, Parliamentary Joint Standing Committee on Delegated Legislation;
 - (d) Several other Local Government policy or governance officers, including the Cities of Busselton and Bayswater and

Council Contribution

- Commencing in March 2019, the drafting process for the new meeting procedures incorporated input obtained through several individual telephone and face-to-face meetings with Councillors.

- On 30 July 2019 WALGA also presented to a Council Concept Workshop on the draft new meeting procedures.
- The development process also considered WALGA's model template, and more recently published Local Government meeting procedures, which had been ratified and endorsed by the Parliamentary Joint Standing Committee on Delegated Legislation (PJSC). Examples include:
 - (a) East Metropolitan Regional Council;
 - (b) City of Busselton; and
 - (c) City of Bayswater.
- Pursuant to s 3.12(3) of the Act, at the Ordinary Council Meeting of 27 August 2019, Council resolved that statewide public notice be made about the new meeting procedures.
- On 28 August 2019 the public notice was posted on relevant locations in the Town, published on the Town's website and on 31 August 2019 appeared in the West Australian newspaper.
- The six-week statutory public notice period elicited no responses.

CURRENT SITUATION

- Provided in the attachments is the new Meeting Procedures Local Law 2020.
- In keeping with the requirements under s 3.12(4) Council 'may make the local law *as proposed or make a new local law* that is not significantly different from what was proposed.
- Only minor grammatical and formatting amendments to the new meeting procedures were required to reflect feedback received during the consultation period from DLGSC.
- Advice obtained from the clerk of the PJSC is that the aforementioned amendments would not constitute changes that are 'significantly different' to the proposed new local law published by public notice.
- In effect, this enables Council to make the new meeting procedures local law by resolution.
- Council must make the new Meeting Procedures Local Law 2020 by resolution of 'absolute majority'.
- If Council resolves to make the new Meeting Procedures Local Law 2020, s 3.12(5) requires publication in the Government Gazette, followed by submission to the PJSC for scrutiny and endorsement (s 3.12(5)).

Administrative Matters

- To support the implementation of the new Meeting Procedures Local Law 2020, and foster improved understanding by members of the public about Council meetings more broadly, the Town will publish a series of information sheets.
- The information sheet series will focus on topics related to public participation at Council meetings.
- Once the new Meeting Procedures Local Law 2020 comes into effect, the first in the series of information sheets will be published on the Town's website, in an appropriate location under the Council Meetings 'tab'.
- Examples of the topics: the first information sheets will address include:
 - (a) Deputations;
 - (b) Petitions; and
 - (c) Conduct and Expected Behaviours.
- Provided as an attachment is an example information sheet on the combined topics of deputations and petitions.
- The benefit of providing and publishing a series of information sheets includes that they can be produced, updated or amended in a timely and efficient manner. Moreover, additional topics can be added to the series as required over time.

SUMMARY

- The Town's new Meeting Procedures Local Law 2020 align with contemporary standards and reflect the advice and feedback obtained during the aforementioned consultation process.
- The publication of information sheets reflect contemporary practice and represent an effective mechanism for enhancing public understanding about, and engagement in, Council meetings.
- The principles which underpin the development of the new meeting procedures and information sheets also reflect the commitment of the Town, and of Council, to engender greater community participation and engagement in the Council decision-making process.

STATUTORY REQUIREMENTS

- Sections 3.12 and 3.16 of the *Local Government Act 1995*.

OFFICER RECOMMENDATION – ITEM 7.7

That Council:

1. Repeals the Town of Bassendean Standing Orders Local Law 2011; and
2. Resolves to make the new Town of Bassendean Council Meeting Procedures Local Law 2020.

Voting requirement: Absolute majority

7.8 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 since those reported to the last Council meeting:

BUILDING APPLICATIONS DETERMINED IN THE MONTH OF JANUARY 2020			
APPLICATION NO	PROPERTY ADDRESS	DESCRIPTION	DETERMINATION
201900269	4 KENMURE AVENUE, ASHFIELD	STEEL PATIO	DELEGATE APPROVED
201900265	49 ESTHER STREET, EDEN HILL	DWELLING	DELEGATE APPROVED
201900266	29 OLD PERTH ROAD, BASSENDEAN	OFFICE FIT OUT (DENTAL CLINIC)	DELEGATE APPROVED
201900262	23 HANWELL WAY, BASSENDEAN	FACTORY WORKSHOP	DELEGATE APPROVED
201900258	18 HARDY ROAD, ASHFIELD	CARPORT	DELEGATE APPROVED
201900252	58 CYRIL STREET, BASSENDEAN	3 X SINGLE STOREY DWELLING	DELEGATE APPROVED
201900271	88 SECOND AVENUE, BASSENDEAN	DWELLING	DELEGATE APPROVED
202000012	70 NAUNTON CRESCENT, EDEN HILL	SWIMMING POOL / FENCE	DELEGATE APPROVED
202000018	70 ANZAC TERRACE, BASSENDEAN	SWIMMING POOL BARRIER	DELEGATE APPROVED
202000013	2 ROBINSON ROAD, EDEN HILL	GARDEN / STORAGE	DELEGATE APPROVED
202000011	131 KENNY STREET, BASSENDEAN	PATIO	DELEGATE APPROVED
202000015	49 FIFTH AVENUE, BASSENDEAN	PATIO ADDITION	DELEGATE APPROVED
202000004	33 CLARKE WAY, BASSENDEAN	LIMESTONE RETAINING WALL (RETROSPECTIVE)	DELEGATE APPROVED
202000008	73 KATHLEEN STREET, BASSENDEAN	RE-ROOFING	DELEGATE APPROVED
202000006	8 MCGLEW STREET, EDEN HILL	FULL DEMOLITION OF DWELLING AND SUPPORTING BUILDINGS	DELEGATE APPROVED
202000002	11 MALEY STREET, ASHFIELD	FRONT FENCE	DELEGATE APPROVED
202000005	6 DAYLESFORD ROAD, BASSENDEAN	PATIO AND DECK	DELEGATE APPROVED
202000003	140 OLD PERTH ROAD, BASSENDEAN	WOMENS CHANGE ROOM AND ACROD TOILET REPLACEMENT OF EXTERNAL STAIRCASE	DELEGATE APPROVED
202000007	49 ESTHER STREET, EDEN HILL	FRONT FENCE	DELEGATE APPROVED
202000020	70 ANZAC TERRACE, BASSENDEAN	SWIMMING POOL	DELEGATE APPROVED

202000022	35 BROADWAY, BASSENDEAN	FULL DEMOLITION OF DWELLING AND SUPPORTING BUILDINGS	DELEGATE APPROVED
202000025	2 WATSON STREET, BASSENDEAN	SWIMMING POOL & FENCE APPLICATION	DELEGATE APPROVED
202000023	38 SCADDAN STREET, BASSENDEAN	FULL DEMOLITION OF DWELLING AND SUPPORTING BUILDINGS	DELEGATE APPROVED
201900171	4 FIRST AVENUE, BASSENDEAN	DWELLING	DELEGATE APPROVED

OFFICER RECOMMENDATION – ITEM 7.8

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

Voting requirement: Simple majority

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

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

PLANNING AND SUBDIVISION APPLICATIONS DETERMINED TO 30 JANUARY 2020			
APPLICATION NUMBER	PROPERTY ADDRESS	DESCRIPTION	DETERMINATION
ALF-9	77-83 OLD PERTH ROAD BASSENDEAN 6054	ALFRESCO DINING FACILITY - 'CORK AND BOTTLE'	DELEGATE APPROVED
ALF-10	3 BROADWAY BASSENDEAN 6054	ALFRESCO DINING FACILITY - 'CAFF ON BROADWAY'	DELEGATE APPROVED
2019-069	81 KATHLEEN STREET BASSENDEAN 6054	SINGLE HOUSE AND ANCILLARY DWELLING	DELEGATE APPROVED
2019-102	8 MICKLETON TERRACE BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2019-105	34-36 OLD PERTH ROAD BASSENDEAN 6054	CHANGE OF USE TO SHOP (REMEDIAL AND SPORT MASSAGE)	DELEGATE APPROVED
2019-121	10 JACKSON STREET BASSENDEAN 6054	EXTERNAL WORKS (CAR PARKING AND LANDSCAPING) TO FACTORY	DELEGATE APPROVED
2019-122	86 REID STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-132	33 CLARKE WAY BASSENDEAN 6054	EXISTING RETAINING WALLS	DELEGATE APPROVED
2019-145	69 NORTH ROAD BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2019-147	48B CYRIL STREET BASSENDEAN 6054	HOME BUSINESS (COOKING SERVICE)	DELEGATE APPROVED
2019-148	2 WATSON STREET BASSENDEAN 6054	RETAINING WALLS	DELEGATE APPROVED
2019-155	7A CLARKE WAY BASSENDEAN 6054	GARAGE	DELEGATE APPROVED
2019-157	21A IRELAND WAY BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2019-158	18 IDA STREET BASSENDEAN 6054	AMENDED APPLICATION FOR 7 MULTIPLE DWELLINGS (TO EXTEND PERIOD OF VALIDITY OF APPROVAL)	DELEGATE REFUSED
2019-159	11 FREELAND WAY EDEN HILL 6054	BEE KEEPING	DELEGATE APPROVED
2019-160	43 BASSENDEAN PARADE BASSENDEAN 6054	AMENDED APPLICATION FOR SINGLE HOUSE (TO EXTEND PERIOD OF VALIDITY OF APPROVAL AND DESIGN MODIFICATIONS)	DELEGATE APPROVED

2019-161	U4, 329 COLLIER ROAD BASSENDEAN 6054	PROPOSED MODIFICATION TO CONDITIONS OF APPROVAL (INCREASE NUMBER OF DOGS IN CARE) FOR ANIMAL DAY CARE ESTABLISHMENT	DELEGATE APPROVED
2019-164	27 BASSENDEAN PARADE BASSENDEAN 6054	DEMOLITION	STATUTORY ADVICE – RECOMMEND APPROVAL
2019-165	6 SCADDAN STREET BASSENDEAN 6054	14 MULTIPLE DWELLINGS (DEPARTMENT OF COMMUNITIES)	STATUTORY ADVICE – RECOMMEND REFUSAL
2019-167	2A ROBINSON ROAD EDEN HILL 6054	OUTBUILDING	DELEGATE APPROVED
2019-168	13 BASSENDEAN PARADE BASSENDEAN 6054	FENCING	DELEGATE APPROVED
2019-170	58 FREELAND SQUARE EDEN HILL 6054	PATIO	DELEGATE APPROVED
2020-001	209 ANZAC TERRACE BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2020-004	147 WHITFIELD STREET BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2020-005	121 WHITFIELD STREET BASSENDEAN 6054	AMENDED APPLICATION FOR TWO GROUPED DWELLINGS (TO EXTEND PERIOD OF VALIDITY OF APPROVAL)	DELEGATE APPROVED
SUBDIVISION APPLICATIONS			
1154-19	49 BROADWAY BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE – RECOMMEND APPROVAL
WAPC 158787	6-8 SCADDAN STREET BASSENDEAN 6054	AMALGAMATION	STATUTORY ADVICE – RECOMMEND APPROVAL
WAPC 158892	92 WALTER ROAD EAST BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE – RECOMMEND APPROVAL

OFFICER RECOMMENDATION – ITEM 7.9

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

Voting requirement: Simple majority

7.10 Accounts Paid – December 2019 (Ref: FINM/CREDTS/4 – Paul White, Director Corporate Services)

APPLICATION

The Local Government (Financial Management) Regulations 1996, Regulation 13, requires a list of accounts paid by the CEO each month to be presented to Council at the next ordinary meeting of council after the list is prepared.

ATTACHMENTS

Attachment No. 5:

List of payments made under delegated authority for December 2019.

BACKGROUND

The monthly payments made for December 2019 are presented to Council, with details of payments made by the Town in relation to goods and services received.

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>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked. Asset Ratio Benchmarked

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with their allocated budget.

OFFICER RECOMMENDATION – ITEM 7.10

That Council receives the list of payments for December 2019.

Voting Requirements: Simple majority

7.11 Monthly Financial Report – December 2019 (Ref: FINM/AUD/1 – Paul White, Director Corporate Services)

APPLICATION

The Local Government (Financial Management) Regulations 1996, Regulation 34, requires that a statement of financial activity be prepared each month and presented to Council.

ATTACHMENTS:

Attachment No. 6:

Monthly Financial Report, containing the Statement of Financial Activity, for December 2019.

BACKGROUND

The statement of financial activity is to show a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date and can be presented by nature and type classification, program or Business Unit. The statement of financial activity hereby presented to Council is by nature and type classification and by program.

A statement of financial activity and accompanying documents must be presented to Council within two months after the end of the month to which the statement relates.

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted 10% or \$5,000, whichever is greater, as part of its 2019-20 Annual Budget.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people 5.1.2 Ensure financial sustainability 5.1.3 Strengthen governance, risk management and compliance	Community / Stakeholder Satisfaction Survey (Governance) Compliance Audit Risk Management Profile Financial Ratio Benchmarked. Asset Ratio Benchmarked

COMMENT

The statements of financial activity attached represent the adopted 2019/20 Annual Budget estimates and actual income and expenditure amounts for the month ending 31 December 2019. The December 2019 Statement of Financial Activity (nature and type classification) indicates that:

- Income year to date is 1.12% above budget. This is due to the adjustment for rates paid in advance offset by increased revenue from fees and charges (rubbish charges levied, additional income from swimming pool inspections, hire of reserves and hall hire). Operating grants, subsidies and contributions are currently tracking above the YTD budget. Other revenue is also above budget due to the LGIS members contribution received, transfer of LSL employee entitlement and parental leave payments;
- Expenditure year to date is 5.08% under budget. This is due to timing of materials and contracts and utility charges offset by employee costs over budget due to terminations; and
- Expenditure on capital projects is under the year to date budget due to timing and a number of projects waiting finalisation of the tender process.

The statements of financial activity provide a comparison between actual and budget income and expenditure on year to date basis. The notes accompanying the statements provide a detailed breakdown of the amounts.

Budget Amendments

There are no budget amendments identified in the statements of financial activity for December 2019.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The monthly financial report provides an overview of income and expenditure for the appropriate period. There are no direct financial implications arising from this report.

OFFICER RECOMMENDATION – ITEM 7.11

That Council receives the monthly financial report for December 2019.

Voting requirements: Simple majority

7.12 Bassendean Local Emergency Management Committee Meeting held on 5 February 2020 (Ref: GOVN/CCLMEET/12 – Luke Gibson, Director Community Planning)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean Local Emergency Management Committee held on 5 February 2020. The Committee discussed the following items:

- BLEMC – 1/02/20 - Flood Mitigation Project update
- BLEMC – 2/02/20 - Risk Management Project Report
- BLEMC – 3/02/20 - LEMA update
- BLEMC – 4/02/20 - Emergency Management Agency Reports
- BLEMC – 5/02/20 - Committee Members' contact details
- BLEMC – 6/02/20 - Preparedness, Prevention, Response and Recovery Issues

ATTACHMENTS

Attachment No. 7:

Minutes of the Bassendean Local Emergency Management Committee meeting held 5 February 2020.

COMMENT

At the commencement of the meeting, the Presiding Member commented on the passing of Gordon Munday, who had been a Local Manager of the Bassendean SES. Steve Blackford acknowledged Gordon's years of service and dedication to the community.

The Committee also considered the following:

1. An update on the completed Flood Mitigation Project and the final \$6000 of funding which has now been received;
2. A report on the Town's assessment of heatwave, air crash, HAZMAT, storm and flood, and earthquake hazards, resulting in the development of risk registers and forming the basis for further investigation of treatment options;
3. Updates to the LEMA and Recovery Plan, to be presented to Council for noting at the 28 April OCM, and for subsequent signing of the Certificate of Authorisation;
4. Reports from the Emergency Management Agencies SEMC, DEMC, WALGA EMAG and the Local Welfare Committee;

5. Post Incident and Post Exercise reports:
 - Fire in Success Hill/Pyrton area was dealt with promptly.
 - Incident report from Cleanaway regarding their fire, may be provided in due course.
6. Updated Committee contact and key holder details and;
7. Preparedness, prevention, response and recovery issues:
 - Following on from notices and infringements relating to fire break and fuel load non-compliance at 24 properties, the Town has had a successful prosecution
 - The WHO has not yet declared the Coronavirus a global pandemic, however should this happen, local governments may be required to provide resources.

After the meeting concluded, a desktop exercise was scheduled regarding the risk of fire at Success Hill, as part of the LEMC Business Plan. The Town was advised that if evacuation is required, the Town will be instructed by DFES and WAPOL. It was therefore concluded that further evacuation planning by the Town is not required.

OFFICER RECOMMENDATION – ITEM 7.12

That Council receives the report on a meeting of the Bassendean Local Emergency Management Committee held on 5 February 2020.

Voting requirements: Simple majority.

8.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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.

10.0 CLOSURE

The next Briefings Session will be held on Tuesday 17 March 2020 – time and venue to be advised.