

TOWN OF BASSENDEAN AGENDA BRIEFING SESSION 18 AUGUST 2020

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TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday, 18 August 2020, commencing at 6.00pm.

In accordance with regulation 12(2) and 14D of the *Local Government (Administration) Regulations 1996*, public notice is hereby given that due to the public health emergency arising from the COVID-19 Pandemic, the Mayor has considered it appropriate for the Briefing Session to be held by electronic means.

Members of the public may still participate in public question time by providing their written questions to the Town by 12 noon on the day of the meeting for inclusion at the meeting. Questions may be sent to the Town at:
yoursay@bassendean.wa.gov.au

The Mayor will preside at the Briefing Session. 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.

A G E N D A

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 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.

2.0 ATTENDANCES AND APOLOGIES

Apologies

Cr Sarah Quinton
Ms Peta Mabbs

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 PUBLIC QUESTION TIME/STATEMENTS

Members of the public may still participate in public question time by providing their written questions to the Town by 12 noon on the day of the meeting for inclusion at the meeting. Questions may be sent to the Town at: yoursay@bassendean.wa.gov.au.

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.

Item 7.1	Proposed Tree Preservation Order
Property Address (if applicable)	10 (Lot 4) Anzac Terrace, Bassendean
Landowner/Applicant (if applicable)	Bruce Armstrong & Katherine McCann
Ref	ENVM/NOTIF/1
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 1	Arboricultural Assessment

Purpose

The purpose of this report is for Council to consider making a Tree Preservation Order (TPO) for the Lemon Scented Gum (*Corymbia citriodora*) located at 10 (Lot 4) Anzac Terrace, Bassendean.

Background

In May 2020, the Town approached the owners of the subject site regarding the potential for the tree on site to be protected by a TPO. Later that same month, the landowners nominated the subject tree for a TPO in accordance with Local Planning Scheme No.10 (LPS 10).

The Town engaged a suitably qualified arboricultural consultant to undertake a review of the subject tree to determine if it was suitable for a TPO. A copy of the arboricultural assessment is attached.

Communication and Engagement

In accordance with Clause 4.7.7.3 of LPS 10, the Town gave written notice to the owner of the subject site as well as advertising the matter to the owners and occupiers of properties immediately abutting the site. Consultation was open for a period of 21 days, being from 2 July 2020 to 23 July 2020.

At the close of the advertising period, no submissions were received.

Strategic Implications

Strategic Priority 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> Conserve, enhance and repair natural and urban areas Facilitate management of reserves by Friends groups 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> Restoration and revegetation measures improve

Support the creation of a more green and shaded Town	Create an urban forest throughout reserves, gardens and streets • Protect existing trees and green spaces	SHORT TERM • Fewer trees lost during development • Increased proportion of tree cover • Reduced heat island effect
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Comment

Where a local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

- aesthetic quality
- historical association
- rarity
- any other characteristics which make the tree worthy of preservation.

The arboricultural report identified that the tree is healthy, is seen to have a useful life expectancy of at least 40 years and contributes a range of benefits to the ecosystem and the amenity of the area. It further notes that whilst no remedial pruning is necessary at this time, consideration should be given in future to ensure the vitality of the tree.

Given that the above, as well as the tree presenting as large and aesthetically impressive, the Town supports it being protected via a TPO.

Statutory Requirements

In accordance with clause 4.7.7.6 of LPS 10, the local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this section.

Financial Considerations

Nil.

Officer Recommendation – Item 7.1

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes a Tree Preservation Order for the Lemon Scented Gum (*Corymbia citriodora*) located at 10 (Lot 4) Anzac Terrace, Bassendean.

Voting requirements: Simple majority

Item 7.2	Proposed Tree Preservation Orders
Property Address	40 (Lot 2) and 42 (Lot 3) North Road, Bassendean
Landowner	Hilary Lewis
Ref	ENVM/NOTIF/1
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 2	<ul style="list-style-type: none">• Consultation Plan• Submission• Landowner Comment• Arboricultural Assessment

Purpose

The purpose of this report is for Council to consider making tree preservation orders (TPOs) for seven trees located at 40 (Lot 2) and 42 (Lot 3) North Road, Bassendean.

Background

On 26 September 2017, Council resolved to investigate the merits of making TPOs over seven trees located on the subject lots, in accordance with the provisions of Clause 4.7.7.2 of Local Planning Scheme No. 10 (LPS 10). It should be noted that both lots are in the same ownership.

In accordance with Council's resolution, the Town engaged a suitably qualified arboricultural consultant to undertake a review of the seven trees on the site and make recommendations regarding the preservation of the trees.

A copy of the arboricultural assessment is attached.

Communication and Engagement

In accordance with Clause 4.7.7.3 of LPS 10, the Town gave written notice to the owner of the subject site as well as advertising the matter to owners and occupiers of properties immediately abutting the site. Consultation was open for a period of 22 days, being from 23 April to 15 May 2020.

In response, both the owner of the subject site and a neighbour provided comment regarding the identified trees. The submissions are attached and are further discussed in the report.

Strategic Implications

Strategic Priority 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> Conserve, enhance and repair natural and urban areas Facilitate management of reserves by Friends groups 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> Restoration and revegetation measures improve
Support the creation of a more green and shaded Town	<ul style="list-style-type: none"> Create an urban forest throughout reserves, gardens and streets Protect existing trees and green spaces 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Fewer trees lost during development Increased proportion of tree cover Reduced heat island effect

Comment

Assessment

Where a local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

- aesthetic quality
- historical association
- rarity
- any other characteristics which make the tree worthy of preservation.

The arboricultural report identified that whilst trees two and three are of outstanding size and significance, other trees on the site also provide a wide range of benefits to the urban environment and consideration should be given to protecting those other trees. Subject to approved maintenance recommended by the arboricultural report, it is considered that all seven trees should be protected via TPOs.

There were also three other trees on site which were assessed by the arboriculturalist, however, these were not included in the attached document as they were considered to be of poor health and/or in problematic locations to neighbouring properties. As such, those three trees are not recommended for TPOs.

Tree Debris and Fire Hazards

Comment was received from an adjacent landowner in respect to tree debris causing a fire hazard. As part of the recommendation for TPOs, maintenance will be required by the landowner. The landowner is also required to remove all flammable material and thereafter maintain the land in accordance with the annual Fuel Load Notice issued under the *Bushfire Act 1954*.

Port Jackson Fig

Comment was also received from an adjacent landowner in respect of the Port Jackson Fig located at the rear of the subject site, abutting the neighbouring property. The arboriculturalist did not support the retention of this tree given its location conflicts with infrastructure and therefore, it has not been recommended for a TPO.

Maintenance

Whilst supportive of the TPOs, the landowner advised that due to financial constraints, any remedial arboricultural work may not be able to be undertaken in the near future.

Whilst the Town acknowledges that there may be factors impacting a landowner's ability to undertake maintenance of trees, the remedial work recommended as part of the arboriculturalist report is required to ensure the health and vitality of the trees. Additionally, this maintenance is also required near the 'fall zone' of a tree for the safety of people in close proximity of the tree. As such, should Council resolve to make the TPOs, it is also recommended that Council requires the maintenance of the trees be undertaken within 90 days.

Statutory Requirements

In accordance with clause 4.7.7.6 of LPS 10, the local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this section.

Financial Considerations

Nil.

Officer Recommendation – Item 7.2

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No.10:

1. Makes Tree Preservation Orders for the three trees located on 40 (Lot 2) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020;
2. Makes Tree Preservation Orders for the four trees located on 42 (Lot 3) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020; and
3. Directs the landowner to undertake the maintenance of each tree in accordance with the recommendations of the submitted arboricultural assessment, within 90 days of the date of this resolution.

Voting requirements: Simple majority

Item 7.3	Draft Local Planning Policy – Home Based Businesses
Property Address	N/A
Landowner/Applicant	N/A
Ref	
Directorate	Community Planning
Decision Type	Executive
Attachment No. 3	<ul style="list-style-type: none"> • Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations • Council Policy 3.1 – Home Based Business Policy • Draft Local Planning Policy – Home Based Businesses

Purpose

The purpose of this report is for Council to consider revoking Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations (CP 1.16) and Council Policy 3.1 - Home Based Businesses Policy (CP 3.1) and adopting a draft Local Planning Policy - Home Based Businesses for the purposes of advertising.

Background

The purpose of CP 1.16 is to set out the administrative procedure for dealing with unauthorised Home Occupations.

The purpose of CP 3.1 is to strengthen the Town’s reputation as an attractive location for home based businesses, and to encourage their registration, by creating awareness of the Town’s welcoming attitude and by providing them with appropriate information and assistance.

Both policies were last reviewed in March 2014.

Proposal

To revoke CP 1.6 and CP 3.1 and adopt a draft Local Planning Policy - Home Based Businesses for the purposes of advertising.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Support the local economy	<ul style="list-style-type: none"> • Prioritise infrastructure projects that generate local employment and support a circular economy 	<ul style="list-style-type: none"> • Increased local employment, relative to non-local employment • Increased local supply-chain use, relative to non-local supply

	<ul style="list-style-type: none"> • Ensure the local economy is positioned to recover from crises 	
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Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> • Build understanding and support for the vision and Strategic Community Plan • Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations • Create an organisational culture of performance, innovation and excellence • Develop shared values between Council, administration and the community 	<ul style="list-style-type: none"> • Openness and transparency of decision making • Enhanced staff morale • Staff have appropriate strategic direction • Agreement on the link between projects and Strategic Community Plan • General alignment regarding values

Comment

Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations

CP 1.16 sets out the administrative steps to be taken by Town staff in the event that the Town becomes aware of an unauthorised Home Occupation. In the considering the appropriateness of CP 1.16, it is noted that the subject matter of CP 1.16 does not fall within the role and responsibility of the Council as defined by the *Local Government Act 1995*, and is instead dealt with under the enforcement provisions of the *Planning and Development Act 2005* (P&D Act).

In any event, the content of the policy does not relate to discretionary decisions of Council, is operational in nature and should therefore be dealt with administratively in the same way that any other unauthorised land uses would be dealt with.

It will therefore be recommended that Council revoke CP 1.16.

Council Policy 3.1 - Home Based Businesses Policy

CP 3.1 provides a range of strategies generally related to the promotion of home based businesses, such as creating a database/directory, encouraging membership through the local Chamber of Commerce and promoting businesses through the Town's publications.

With the exception of the Chamber of Commerce (which is outside the influence of the Town), a number of the strategies within the existing policy have merit, with some business promotion already occurring, including:

- News articles on the Town's website;
- The 'be a loyal local campaign' promoted on the Town's website and social media channels; and
- Promotion of the Bassendean Business Network.

Notwithstanding, these matters can occur administratively and do not require a formal position of Council. What is required, however, is formal guidance on determining applications for development approval for home based businesses under the P&D Act. It is therefore considered more appropriate to create a local planning policy (LPP) to deal with this matter.

Draft Local Planning Policy – Home Based Businesses

The draft LPP primarily seeks to provide guidance for the assessment of applications for home based businesses, having regard to the impacts the proposed business could have on the character and amenity of the surrounding residential area or nearby residents. The draft LPP provides:

- Guidance for the assessment of home based businesses, including Family Day Cares, Home Businesses and Home Occupations;
- Information requirements to guide applicants when submitting applications for home based businesses;
- Consultation requirements for home based businesses; and
- Acceptable criteria in respect to hours/days of operation and anticipated number of clients/customers or children.

Hours of Operation

It is considered appropriate to specify acceptable hours of operation to provide certainty to applicants. The proposed hours of operation generally align with retail shopping hours, with the exception that home based businesses cannot operate on Sundays and Public Holidays. It should be noted that applicants can still apply to operate outside of these hours, but applications that vary the requirements of the Policy will be required to be determined by Council.

Consultation Requirements

The draft policy outlines the instances where an application for a home based business will require consultation. Home Occupations and Family Day Care businesses that comply with the requirements of the policy will not require consultation, as the requirements of the policy will mitigate any impacts associated with these uses. Given the more impactful scale of Home Businesses (i.e. can use up to 50m² and two external employees, not members of the occupier's household), these applications will require consultation prior to determination.

Family Day Care Businesses

The proposed hours of operation for Family Days Care businesses differs to other home based businesses, given before and after school care is often required. The number of children that may be cared has been determined based on lot size so as to mitigate any potential impacts associated with noise, parking and play areas.

Traffic and Car Parking

To control traffic movements, clients for Home Businesses and Home Occupations will be required to attend premises on an appointment only basis, with a minimum 15 minute interval between clients.

Where parking is provided in the driveway, it is not to obstruct the footpath and while it is expected that most parking will be provided on site, the use of the road for car parking is contemplated, subject to it being appropriate in the particular location.

Non-Residential Uses in Residential Zones

The draft Policy deals with applications for home based businesses only, and does not deal with applications for non-residential uses in residential zones (such as Child Care Centres, Short Stay Accommodation and Places of Worship). Given the extent of considerations required for these uses, they will be dealt with via a separate local planning policy, having regard to the draft Local Planning Scheme and pending State Administrative Tribunal decisions on such matters.

Conclusion

The enforcement provisions of the P&D Act suitably establish requirements for dealing with unauthorised Home Occupations. Given the content matter of CP 1.16 and CP 3.1 are administrative in nature and do not provide guidance for a discretionary decision of Council, it is recommended that Council revoke the policies.

Formal policy guidance is required in the form of an LPP to provide certainty for residents and prospective home business operators. It is therefore recommended that the draft LPP be adopted for the purposes of advertising.

Statutory Requirements

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the local government resolves to create a local planning policy, it must advertise the proposed policy for public comment. The Regulations require a notice advising of the proposed policy to be prepared by the local government and published in a newspaper circulating the Scheme area.

Following public consultation, the draft policy will be referred back to Council for determination in light of any submissions received.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 7.3

That Council:

1. Revokes Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations;
2. Revokes Council Policy 3.1 – Home Based Businesses Policy; and
3. Pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy – Home Based Businesses.

Voting requirements:

Points 1 and 2 - Absolute majority

Point 3 - Simple majority

Item 7.4	Revocation of Local Planning Policy No. 18 – Landscaping with Local Plants
Property Address	N/A
Landowner/Applicant	N/A
Ref	LUAP/POLCY/21
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 4	<ul style="list-style-type: none"> • Local Planning Policy No.18 – Landscaping with Local Plants • Draft landscaping information sheet

Purpose

The purpose of this report is for Council to consider revoking Local Planning Policy No.18 – Landscaping with Local Plants.

Background

Local Planning Policy No.18 – Landscaping with Local Plants was adopted by Council in October 2016. The purpose of the policy is to assist the Town in promoting the protection and enhancement of natural resources within the region by prescribing minimum standards for landscaping with local native plants.

Proposal

To revoke Local Planning Policy No. 18 – Landscaping with Local Plants for the reasons outlined in this report and to include relevant information from the policy within an information sheet.

Communication and Engagement

Nil.

Strategic Implications

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> • Conserve, enhance and repair natural and urban areas • Facilitate management of reserves by Friends groups 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> • Restoration and revegetation measures improve
Support the creation of a more green and shaded Town	<ul style="list-style-type: none"> • Create an urban forest throughout reserves, gardens and streets • Protect existing trees and green spaces 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Fewer trees lost during development • Increased proportion of tree cover • Reduced heat island effect

Comment

Planning policies are the adopted position of the Council on various planning matters which either expand on the requirements in the Local Planning Scheme or provide direction on those matters where the Scheme enables the Council to exercise discretion. Information sheets provide guidance and assistance to landowners and applicants.

In considering the value of the Policy, the following is relevant:

- The primary objective of the policy is to provide applicants guidance as to the standard of landscaping expected by Council, consistent with the purpose of an information sheet;
- The policy provides, in broad terms, for the imposition of conditions on development approvals requiring the preparation and implementation of landscaping plans, but does not provide particular decision-making guidance as to the assessment and determination of those plans. Conditions relating to landscaping plans are quite common and well accepted by the development industry and as such, it is not necessary to have a Local Planning Policy to guide their imposition.
- The policy requires landscaping plans to '*focus on the use of local species*' but does not specifically prescribe the use of local species. Whilst the Town will generally encourage the use of local species, it is considered more appropriate that species are chosen based on the applicable soil type, the available area for the plant to grow, the location of services (such as overhead power) and planting for solar control (i.e. providing shade in summer and solar access in winter). Notwithstanding, preference will always be given to the use of native plants, where possible.
- The Town has recently appointed a compliance officer to (among other things) ensure conditions (including installation and maintenance of landscaping) are appropriately complied with. The Town can ensure appropriate species have been planted via this process.

Based on the above, it is considered more appropriate to transfer the information contained within the current policy to an information sheet and make it publicly available on the Town's website. A copy of the draft information sheet is attached.

Statutory Requirements

Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that Council is able to revoke a Local Planning Policy by publishing a notice of revocation in a newspaper circulating the Scheme area.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 7.4

That Council, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes Local Planning Policy No. 18 – Landscaping with Local Plants.

Voting requirements: Absolute majority

Item 7.5	Draft Local Planning Policy No. 6 - Industrial Zones Design Guidelines
Property Address	N/A
Landowner / Applicant	N/A
Ref	LUAP/POLCY/11
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 5	<ul style="list-style-type: none"> • Local Planning Policy No. 6 – Industrial Zones Design Guidelines • Draft Local Planning Policy No. 6 – Industrial Development

Purpose

The purpose of this report is for Council to consider amending Local Planning Policy No. 6 – Industrial Zones Design Guidelines.

Background

In considering a fencing audit in relation to compliance matters for various properties within the Tonkin Park Industrial Estate, Council at its 23 April 2019 OCM in part resolved the following:

“Requests officers undertake an entire review of Local Planning Policy No 6 – Industrial Zones Development Guidelines to regulate development standards during future renewal of industrial sites to achieve the following objectives:

- a) *To ensure built form and design provides a high standard of amenity and sustainability;*
- b) *To achieve coordinated, quality development outcomes into the future that maximise streetscape amenity and tree canopy;*
- c) *To establish a cohesive framework for the assessment of future applications for development within this zone.”*

The review of LPP 6 and the draft amended policy forms the basis of this report.

Proposal

A copy of the draft policy is attached. Details of the draft policy are discussed in the following sections.

Communication and Engagement

The draft amended policy was presented to the Design Bassendean Advisory Group electronically on 29 April 2020. At the close of the submission period on 15 May 2020, the following themes had been raised:

- Incorporation of sustainable building elements into design such as solar panels and battery cells;
- Landscaping, including the requirement to provide shade trees, protection of street trees, irrigation and a minimum percentage of the site as landscaped area;
- The use of mesh fencing;
- Incorporation of end-of-trip facilities;
- Building height and plot ratio; and
- Public art.

These matters are discussed below.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Be innovative in responses to sustainability challenges	<ul style="list-style-type: none"> • Embed sustainability considerations in Council decision making • Practise early uptake of suitable new technologies and innovations 	SHORT TERM <ul style="list-style-type: none"> • Examples of being first adopters are evident
Value and conserve and protect our water resources and waterways	<ul style="list-style-type: none"> • Implement waterwise initiatives and policies for residents, businesses and other organisations • Convert drains into living streams 	SHORT TERM <ul style="list-style-type: none"> • Gold Waterwise Council status is retained • Quality of water flows into Swan River improves • Stream restoration measures improve

Comment

Built Form

To improve built form outcomes, provisions relating to building articulation and presentation have been included, as well as requiring the entry to the development to be clearly identifiable from the street. A higher standard of built form outcome is achieved through the use of a varying building designs and materials. As well as improving the quality of development, this will also ensure consistency with newer industrial developments occurring adjacent the Town's industrial zones within the Tonkin Highway Industrial Estate in the City of Bayswater.

Side Setbacks

The existing policy requires a 4.5 metre setback to one side boundary only, with the intent of this provision to provide vehicle access for servicing. It is considered appropriate to determine side setbacks having regard to vehicle access, manoeuvring, loading and unloading arrangements of individual businesses, as opposed to prescribing a vehicle access that may not be required.

Where a vehicle access is required, the minimum width of 4.5 metres will still be required, unless it can be demonstrated that a reduced width provides adequate access for service vehicles.

The requirements of the *Building Code of Australia 2015* are also required to be met, which will require fire rating of walls where prescribed.

Plot Ratio and Site Coverage

Provisions relating to plot ratio and site coverage have been deleted, as site coverage and the ratio of building to site area will be determined by the application of required setbacks, car parking and landscaped areas.

As there are no height restrictions in the industrial zone and existing buildings have been developed to varying heights, it is not considered necessary to provide limitations in this respect. Further, given all land abutting residential zoned land has already been developed and roads provide separation, height controls for industrial land abutting residential land were not required.

Landscaping

The landscaping provisions have been updated to:

- Require shade trees at a ratio of 1 per 4 car parking bays;
- Specify the need for irrigation and appropriate shade trees in landscaped areas; and
- Specify the minimum width of landscaped areas.

The Town has not included a requirement for a minimum percentage of the site to be landscaped for the following reasons:

- The location of landscaping adjacent streets is considered the most appropriate location for landscaping;
- In practicality, small portions of landscaping elsewhere on site to meet the obligations of the requirement are often not maintained in perpetuity (i.e. vehicles parking on these areas, used for storage etc.).
- Maintenance by external contractors (mowing companies and the like) can result in OHS issues for the business operating on site depending on the type of business and if access should be restricted to employees only.
- Consolidated areas of landscaping are typically maintained to a higher standard; and
- The landscaping can conflict with vehicle circulation throughout the site and general use of sites that are for an industrial purpose.

Fencing

The draft policy proposes to delete the requirement for fencing to be setback 2 metres from the street alignment, which will provide for fencing to be located on the lot boundary. The following matters are relevant considerations in this respect:

- As acknowledged in the fencing review of the TPIE, there are inconsistent fencing setbacks within the TPIE.
- Approximately 13% of properties have approved fencing on the boundary, issued under delegation, by Council or as part of a Building Permit. These landowners are therefore not required to further set back the fence.
- Providing for fencing on the boundary will enable existing landowners with fencing set back to modify the fencing to the boundary, ultimately resulting in consistent fencing throughout the area.
- The City of Bayswater permits fencing on the boundary in the adjacent special control area of the Tonkin Highway Industrial Estate to a maximum height of 1.8m. Providing fencing on the boundary will ensure uniform fencing throughout the entire industrial estate.
- An additional provision requiring the street verge to be landscaped and maintained to the satisfaction of the Town has been included in the draft policy. This will ensure landscaping is visible from the street, despite the fencing being located on the boundary. In this respect it should be noted that fencing is still required to be open style.
- It is a reasonable expectation that landowners can secure the entire boundaries of their property, to in part negate matters pertaining to public liability where compensation is sought from injured third parties or damage to property.

The Town has included the requirement for palisade fencing where it faces a street as this is considered to be a higher standard of fencing, improving the design standard in the industrial area.

Industrial Units

The requirement for internal walls of industrial units to be of masonry construction has been deleted as it serves no planning purpose, and is not a requirement under the Building Code of Australia.

Servicing

The existing policy does not provide criteria for wastewater. The draft policy requires, where the development is used for vehicle or equipment servicing, an approved bunded wash down area with a petrol and oil trap to be provided in compliance with the requirements of the Water Corporation.

Signage

The existing policy does not provide criteria for signage. Whilst Local Planning Policy No. 16 – Control of Advertisements under the Local Planning Scheme No. 10 provides some criteria for signage, it does not specify requirements in industrial areas. Signage provisions have therefore been included to ensure any signage is integrated into the design of the building, and open style palisade and mesh fencing is not wrapped in signage.

Sustainable Building Design

The Town investigated the ability to require the incorporation of suitable building elements such as solar panels and battery cells into designs. This was not considered suitable for the following reasons:

- Any condition imposed on an approval must meet the 'Newbury Test', which were borne from the *Newbury District Council v Secretary of State for the Environment (1981 AC 578)* decision, in that:
 - A condition must be for a planning purpose and not for an ulterior purpose and;
 - A condition must fairly and reasonably relate to the proposed development and;
 - A condition must not be so unreasonable that no reasonable planning authority could have imposed it.

Further, the condition must reasonably and fairly related to the development, and have a nexus between the development and the condition (*Western Australian Planning Commission v Temwood Holding Pty Ltd (2004 HCA 63)*). The Town is not satisfied that the requirement to provide renewable energy sources serves a planning purpose, and would therefore fail these requirements.

Whilst the Town may not be able to prescribe specific sustainable building elements, it can encourage environmentally sustainable design, making it clear to applicants that the Town will look favourably on proposals that include these elements. A provision has been included in the draft policy to this effect.

It should also be noted that the *Building Code of Australia 2015* (Section J) sets out requirements for building energy efficiency. There are a range of requirements relating to lighting, insulation, glazing and mechanical services. Whilst it is acknowledged that these requirements are more to do with the efficient use of energy as opposed to providing renewable energy, it does ensure some level of sustainable design in industrial development.

End of Trip Facilities

The draft policy does not include provisions relating to bicycle parking or end-of-trip facilities, as there are no scheme provisions relating to such requirements nor local planning policies requiring such facilities. The Town is intending to update Local Planning Policy No. 8 – Parking Specifications, to include requirements to provide such facilities, which is considered the appropriate policy to deal with such matters. Section 6.3 of this policy can be expanded to refer to these requirements once created.

Public Art

Suggestion was made that contributions for public art could be made. Whilst the Town will separately be reviewing its public art policy, it is not considered appropriate to include public art either on-site or as a contribution due to the *BGC Australia Pty Ltd v Metro East JDAP decision (2018 DR 87)*.

In that case, BGC Australia Pty Ltd had lodged a Development Application for the addition of two asphalt batching plants and the reconfiguration of material bin stores at a property used for existing industrial purposes. A condition was imposed on the development approval for the provision or contribution towards public art, which was appealed by the applicant.

The State Administrative Tribunal (SAT) found that the Public Art Policy did not link the requirement to provide public art with a proper identification of how the development created the need for such art. As a result, the SAT found that the application of the Public Art Policy had no proper planning purpose and the condition was deleted. Given this determination, it is unlikely the Town would be able to successfully impose a condition for public art for industrial developments.

The Town notes that public art installed in other industrial areas such as the Tonkin Highway Industrial Park, has been installed by the developer of the estate.

Conclusion

The modifications to the policy will ensure a higher standard of built form and design, improve the streetscape by virtue of additional landscaping provisions and result in a coordinated approach to development. It is therefore recommended Council advertises the draft policy.

Statutory Requirements

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the local government resolves to amend a local planning policy, it must advertise the proposed policy for public comment. The Regulations require a notice advising of the proposed policy to be prepared by the local government and published in a newspaper circulating the Scheme area.

Following public consultation, the draft policy will be referred back to Council for determination in light of any submissions received.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 7.5

That Council, pursuant to Clause 5(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the draft Local Planning Policy No. 6 – Industrial Development.

Voting requirements: Simple Majority

Item 7.6	Draft Amended Local Planning Policy No. 4 – Floodplain Management and Development
Property Address	N/A
Landowner/Applicant	N/A
Ref	
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 6	<ul style="list-style-type: none"> • Existing Local Planning Policy No. 4 – Floodplain Management and Development • Draft amended Local Planning Policy No. 4 – Floodplain Management and Development

Purpose

The purpose of this report is for Council to consider adopting a draft amended Local Planning No. 4 – Floodplain Management and Development (LPP 4) for the purposes of advertising.

Background

LPP 4 was adopted by Council in 2008 and was subject to a minor review in 2014. On 26 February 2019, Council considered a report on the potential review of LPP4 and resolved to:

“commence a review of Local Planning Policy No. 4 – Floodplain Management and Development Policy, with a further report to be presented to Council following preparation of a draft revised policy.”

This report considers a draft revised policy.

Proposal

To adopt a draft amended LPP 4 for the purposes of advertising.

Communication and Engagement

In response to Council’s February 2019 resolution, the Town has liaised with the Department of Water and Environmental Regulation (DWER) and the Department of Fire and Emergency Services (DFES) regarding the policy as well as the potential realignment of the Floodway, particularly in relation to the properties at the southern end of West Road. In response, the departments advises as follows:

DWER

- the current boundary of the Floodway should not change;
- Based on updated flood modelling, development or filling is no longer seen to be obstructive to major river flows that would result in increased flood levels upstream (this represents a change to its previous position that development within the Floodway was not acceptable as it would obstruct major river flows and would result in increased flood levels upstream);

- Notwithstanding that development within the Floodway will not cause adverse upstream hydrological impacts, the flooding that is expected within the Floodway is relatively deep and hazardous to vehicles and people at peak levels; and
- Unless DFES are satisfied that appropriate emergency management controls can be established in relation to development and/or subdivision of land within the Floodway, further development or subdivision of land within the Floodway is not supported.

DFES

- DFES oppose further development and/or subdivision of land within the Floodway and advise that this position will be held unless satisfactory arrangements could be put in place to allow safe access and egress from Floodway land to the Flood Fringe. In this respect, the only possible way for this to be achieved would involve filling the entirety of the Floodway or constructing a levee around the land within the Floodway.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> • Conserve, enhance and repair natural and urban areas • Facilitate management of reserves by Friends groups 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> • Restoration and revegetation measures improve

Comment

Eastern Metropolitan Regional Council

Over recent years, and on behalf the EMRC, consultants BMT WBM Pty Ltd have been undertaking a series of studies in relation to the Swan and Helena Rivers.

These studies have been supported by the DWER, the Towns of Bassendean and Victoria Park and the Cities of Bayswater, Belmont, Swan and South Perth.

The BMT studies that have been undertaken to date explain that the best way to manage future flood risk is to avoid flood consequences through risk based land use planning. In this respect, the BMT studies recommend that new development in the floodway be avoided in line with the Town’s established policy position.

State Planning Policies

There are two relevant State Planning Policies relating to the matter, being State Planning Policy 2.0 – Environment and Natural Resources Policy (SPP 2.0) and State Planning Policy 2.10 – Swan-Canning River System (SPP 2.10).

With regard to water resources, SPP 2.0 requires decision makers to “*consider flood risk by identifying floodways and land affected by 1 in 100 year flood events and avoid intensifying the potential for flooding as a result of inappropriately located land uses and development.*”

The WAPC are currently in the process of reviewing its water-related policies (including those identified above), however, it is understood that the presumption against development within the Floodway will remain unchanged.

Proposed amendment to Policy

Having regard to the comments provided above, the current policy provisions (which allow for development and/or subdivision of properties within the Flood Fringe but which generally prohibits development and/or subdivision within the Floodway) remain unchanged. The amended policy does reflect DWER’s updated position on obstructions within the floodway.

Other changes have been made to simplify the policy, remove supplementary information that is better provided in another form and to provide greater clarity in decision making.

Statutory Requirements

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the local government resolves to amend a local planning policy, it must advertise the proposed policy for public comment. The Regulations require a notice advising of the proposed policy to be prepared by the local government and published in a newspaper circulating the Scheme area. In addition, the draft policy will be advertised to owners of land within the floodplain area as well as the following agencies:

- BMT WBM Pty Ltd (Authors of the *Swan and Helena Rivers Flood Study and Floodplain Management Plan – Floodplain Development Strategy* for the Eastern Metropolitan Regional Council (EMRC));
- Department of Water and Environmental Regulation;
- Department of Fire and Emergency Services;
- Swan River Trust;
- Bassendean State Emergency Service;
- Bassendean Local Emergency Management Committee; and
- Western Australian Planning Commission/Department of Planning, Lands and Heritage.

Following public consultation, the draft policy will be referred back to Council for determination in light of any submissions received.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 7.6

That Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises for public comment, the draft amended Local Planning Policy 4 – Floodplain Management and Development.

Voting requirements: Simple Majority.

Item 7.7	Festive Season Closure 2020/21
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	HR/LIAIS/2
Directorate	Office of the Chief Executive Officer
Decision Type	Executive
Attachment No. 7	Festive Season Office (Administration) Closure Policy

Purpose

The purpose of this report is for Council to consider closing the Administration during the Festive Season period.

Background

Council Policy 6.12 - Festive Season Office (Administration) Closure (CP 6.12) provides that the Administration is closed during the Festive Season (Christmas to New Year) each year. The closure period varies from year to year based on when the public holidays (Christmas Day, Boxing Day and New Year's Day) fall within the festive season.

Generally, there is little or no customer interaction during this period. Emergency contacts are available during the Festive Season period, as well as Ranger Services and a skeleton staff roster in some services.

Proposal

It is proposed to close the Administration from midday to 5pm on Friday, 18 December 2020 (End of Year Function) and from the close of business on Wednesday, 23 December 2020 to Friday, 8 January 2021, inclusive (Festive Season Closure Period). The closure includes nine and a half ordinary working days and three public holidays. Thursday, 24 December 2020 and the period from Monday, 4 January to Friday, 8 January 2021, fall outside the scope of the Policy.

The proposed closure is summarised below.

Friday, 18 December 2020 – From 12 noon (TBC)	Proposed Elected Member and Staff End of Year Function
Monday, 21 December 2020	Open
Tuesday, 22 December 2020	Open
Wednesday, 23 December 2020	Open
Thursday, 24 December 2020	Christmas Eve - Closed
Friday, 25 December 2020	Christmas Day - Closed
Monday, 28 December 2020	Boxing Day Public Holiday - Closed
Tuesday, 29 December 2020	Closed
Wednesday, 30 December 2020	Closed
Thursday, 31 December 2020	Closed

Friday, 1 January 2021	News Year's Day – Closed
Monday, 4 January 2021	Closed
Tuesday, 5 January 2021	Closed
Wednesday, 6 January 2021	Closed
Thursday, 7 January 2021	Closed
Friday, 8 January 2021	Closed

Communication and Engagement

Communication will be provided to all employees advising of the Festive Season closure period.

In the lead up to the Festive Season, the Town will communicate the closure period and service opening times on social media, community newspaper and flyers displayed throughout service areas.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Fostering a culture of collaboration and trust between the organisation and community	<ul style="list-style-type: none"> Provide opportunity to listen and involve our community in decisions that affect them 	<ul style="list-style-type: none"> Greater community support for decision making

Comment

An extended closure period provides an opportunity for employees to utilise Annual Leave or other appropriate entitlements. This reduces the Leave Liability to the Town and payment of higher duties along with supporting a family friendly work environment for employees to enjoy the festive season.

The Town's outstation services will operate the following hours during the Festive Season:

- **Youth Services** - Last day Friday, 18 December 2020, reopening 12 January 2021;
- **Wind in the Willows** - Last day Tuesday, 22 December 2020, reopening 5 January 2021;
- **Disability Services** - Last day Thursday, 24 December 2020 (8.30am to 12.30pm), reopening on 4 January 2021; and
- **Library** – Last day Wednesday, 23 December 2020, reopening 11 January 2021

Statutory Requirements

CP 6.12 provides that the Administration Office will be closed during the Festive Season (Christmas to New Year).

Town of Bassendean employees are covered by either the 'Town of Bassendean Enterprise Agreement 2017-2020' or 'Town of Bassendean Asset Services Enterprise Agreement 2017-2020'. As per the agreement provisions, employees have an entitlement of two additional days off (conditions apply) to be taken as part of the Festive Season closure period between Christmas and New Year.

Financial Considerations

This closure period will reduce the Employee Leave Liability for the Town and decrease Higher Duties payments usually paid in the first week of January to back fill leave requirements.

Officer Recommendation – Item 7.7

That, in addition to the closure dates provided by *Council Policy 6.12 - Festive Season Office (Administration) Closure*, Council:

1. Approves the closing of the Customer Services Centre, Administration Building, Library, Seniors and Disability Services Office, Wind in the Willows Child Care Centre (Bassendean and Ashfield), Youth Services and Council Depot as per the proposed Festive Season period outlined above.
2. Requests the Chief Executive Officer to provide emergency contact details to the public for the Festive period in accordance with the policy.
3. Requests the CEO to provide a skeleton staff during the Festive Season in accordance with the policy.

Voting requirements: Simple majority

Item 7.8	Audit and Governance Committee Meeting held on 5 August 2020
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/CCLMEET/18
Directorate	Corporate Services
Decision Type	Executive
Attachment No. 8 Confidential Attachment No. 1	Minutes of the Audit and Governance Committee meeting held on 5 August 2020 Audit Risk Register – High Level Report Internal Network Audit – Executive Summary Report (Redacted)

Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 5 August 2020.

Communication and Engagement

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

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> • Early identification of potential risks / issues/opportunities • Embed opportunity cost considerations 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Efficient and effective Council meetings • Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts <p>LONG TERM</p> <ul style="list-style-type: none"> • Examples of being first adopters

Comment

The following items were discussed:

OAG Audit Committees Better Practice Guide

The Western Australian Auditor General has prepared a Better Practice Guide for Audit Committees in Western Australia (“the Guide”). The purpose of the Guide is to provide better practice principles and guidance to accountable authorities, audit committee members and senior managers with responsibility for audit committee activities. The Guide includes a detailed and comprehensive example Audit Committee Charter, which was tabled for discussion and feedback.

Annual Closed Circuit Television (CCTV)

The purpose of the report was to present the 2019/20 annual statistics for the Towns’ existing CCTV systems, as per the requirements of the Town’s CCTV Management and Operational Manual.

CONFIDENTIAL BUSINESS

Audit Risk Register

The Audit Risk Register – High-Level Report is updated and tabled at each meeting of the Committee. It presents a summary of the Town’s audit risks and audit recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken to address those recommendations.

Internal Network Audit

The Town engaged Stott Hoare to undertake a network audit in June 2020. The purpose of the network audit was to undertake an audit of the current IT environment focusing on investigating the cause of slowness of the IT network and reported network connectivity drop outs, providing recommendations to the Town to address the issues found.

IT staff have commenced preparation of a comprehensive IT strategy for the Town, reflecting the findings of the Network Audit and recommendations of the 2019 Information Systems review by BroadReach Consulting.

Report of Suspected Serious Misconduct

The Audit and Governance Committee was provided with a summary report of suspected serious misconduct as reported to the Corruption and Crime Commission in May 2020.

Officer Recommendation – Item 7.8

That Council receives the report on the Audit and Governance Committee meeting held on 5 August 2020.

Voting requirements: Simple majority

Item 7.9	Accounts Paid – July 2020
Ref	FINM/CREDTS/4
Directorate	Corporate Services
Decision Type	Legislative
Attachment No. 9	List of Payments - July 2020

Purpose

The purpose of this report is for Council to receive the list of payments for July 2020.

Background

Payments made during July 2020 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> Build understanding and support for the vision and Strategic Community Plan Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations Create an organisational culture of performance, innovation and excellence Develop shared values between Council, administration and the community 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Openness and transparency of decision making Enhanced staff morale Staff have appropriate strategic direction Agreement on the link between projects and Strategic Community Plan General alignment regarding values

Statutory Requirements

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.

Financial Considerations

All payments are authorised prior to disbursement in accordance with the Town's Purchasing Policy, Procurement Guidelines and allocated budgets.

Officer Recommendation – Item 7.9

That Council receive the list of payments for July 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.

10.0 CLOSURE

The next Briefings Session will be held on Tuesday 22 September 2020, commencing at 6.00pm.