

# AGENDA

## Ordinary Council Meeting Tuesday 27 May 2025

### NOTICE OF MEETING

Dear Council Member

The next Ordinary Meeting of Council will be held at 6:00 pm on Tuesday 27 May 2025, in the Council Chamber, Administration Building, 48 Old Perth Road, Bassendean.

Please note, that parts of this meeting may be closed to the public, as the agenda contains confidential items and attachments which may be discussed by Council behind closed doors, in accordance with s5.23 (2)(c) of the *Local Government Act 1995*.



Cameron Woods  
**CHIEF EXECUTIVE OFFICER**

15 MAY 2025

# Meeting Information

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Tune in to live streaming from the comfort of your own home by going to:  
Town of Bassendean Council - YouTube

## **Conduct at meetings**

The Town is committed to ensuring our Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community. Any person attending is required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.

For any questions regarding the Ordinary Council meeting or any item presented in the agenda, please contact the Town of Bassendean at:  
[mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au).

# Council Chambers Seating Plan



**Chief Executive Officer**  
Cameron Woods



**Mayor**  
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**Deputy Mayor**  
Cr Paul Poliwka  
[CrPoliwka@bassendean.wa.gov.au](mailto:CrPoliwka@bassendean.wa.gov.au)



**Director Corporate Services**  
Paul White



**Director Community and Place**  
Michelle Brennand



**Director Infrastructure Services**  
Shane Asmus

Public Gallery

# Council Role

Each Report presented will identify what Council's Role is in the item

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Quasi-Judicial	When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by the State Administrative Tribunal.
Information	For the Council/Committee to note.

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## **1 Declaration of Opening; Acknowledgment of Country; Declaration of Civic Duty and Responsibility**

### **Acknowledgment of Country**

The Town of Bassendean acknowledges the Whadjuk people of the Noongar Nation as the Traditional Custodians of this land. We pay our respects to Elders past and present, and acknowledge their continuing culture and the contribution they make to the region.

### **Declaration of Civic Duty and Responsibility**

I make this declaration in good faith and declare that I will duly, faithfully, honestly and with integrity fulfil the duties of my office for all the people in the Town of Bassendean according to the best of my judgement and ability.

By observing the Town's Code of Conduct and Council Meeting Procedures Local Law to ensure efficient, effective and orderly decision making, I:

- will base decisions on relevant and factually correct information
- make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness
- have read all agenda papers given to me in relation to council or committee meetings
- be open and accountable to, and represent, the community in the district.

## **2 Announcements by The Presiding Person Without Discussion**

## **3 Attendances, Apologies and Applications for Leave of Absence**

### Councillors

Cr Kathryn Hamilton, Mayor (Presiding Member)  
Cr Paul Poliwka, Deputy Mayor  
Cr Emily Wilding  
Cr Jamayne Burke  
Cr Ken John  
Cr Jennie Carter  
Cr Tallan Ames

### Officers

Mr Cameron Woods, Chief Executive Officer  
Mr Paul White, Director Corporate Services

Ms Michelle Brennand, Director Community & Place  
Mr Shane Asmus, Director Infrastructure & Sustainability  
Ms Joanne Burges, Manager Governance & Strategy  
Mr Alex Snadden, Manager Planning & Regulation  
Ms Ana Fernandez, Minute Secretary

Public

Apologies

#### **4 Declarations of Interest**

#### **5 Presentations or Deputations**

Members of the public are welcome to participate in Council meetings by making a deputation. Deputation requests must relate to an item listed on the agenda and must be submitted by 12pm (midday) on the day of the meeting.

To submit a request, please complete the online form here:

- [Online Form - Request for Deputation » Town of Bassendean](#)

For more information about how Council meetings work and how you can get involved, visit:

- [About Council Meetings » Town of Bassendean](#)

#### **6 Statements by Members of the Public**

Public statement time will be limited to two minutes per person.

Members of the public are encouraged to submit their statements in advance by completing the relevant form:

- [Online Form - Public Statement Time » Town of Bassendean](#)

Please complete this form and submit it to the Town's Chief Executive Officer by no later than 12noon on the day of the meeting.

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



## 7 Questions from Members of the Public

15 minutes will be allocated for questions by members of the public for any questions that relate to the district.

Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Questions can be submitted prior to the Council meeting to:

- Online Form – Public Question Time » Town of Bassendean

If a person asking a question is not present at the meeting, then the Mayor can choose to deal with it at the meeting or arrange a response by email.

## 8 Petitions

## 9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	1. Ordinary Council Meeting 22 April 2025 Unconfirmed Minutes [9.1.1 - 59 pages]

### Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on 22 April 2025 be received and confirmed as a true and correct record.

**Voting requirements: Simple Majority**

## 10 Business Deferred from Previous Meeting

Nil

## 11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
<b>Property Address</b>	NA
<b>Landowner/Applicant</b>	NA
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Directorate</b>	Office of the CEO
<b>Responsible Officer</b>	Chief Executive Officer
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Minutes - WALGA East Metropolitan Zone -17 April 2025 [<b>11.1.1</b> - 36 pages]</li> <li>2. PAMG Annual General Meeting 28 April 2025 Minutes [<b>11.1.2</b> - 5 pages]</li> <li>3. PAMG Special General Meeting 28 April 2025 Minutes [<b>11.1.3</b> - 9 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to note the minutes and updates from external Committees and organisations that have been received.

### Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

### Comment

The following minutes have been received from external Committees and organisations during the reporting period:

- WALGA East Metropolitan Zone – 17 April 2025
- PAMG Annual General Meeting – 28 April 2025
- PAMG Special General Meeting – 28 April 2025

### Disbandment of the Perth Airports Municipalities Group (PAMG)

The PAMG held a Special General Meeting on 28 April 2025, where it was unanimously resolved that:

*That:*

- 1. the PAMG be dissolved under Clause 44(1) of the PAMG Constitution, and*
- 2. The surplus funds of the PAMG be distributed among the members as per Clause 24(1)(e) of the Associations Incorporation Act 2015 (WA).*

This decision was made after careful consideration of the Association's current position, operations, and future viability. The PAMG Management Committee acknowledged the valuable contributions and support each member council has provided throughout the Association's existence.

Minutes of the meeting are attached and the PAMG Management Committee will update Member Council's following the satisfactions of all debts and liabilities to advise of the distribution of surplus funds.

### **Officer Recommendation – Item 11.1**

That Council notes the updates and documents from external Committees that have been received within the reporting period.

**Voting requirements: Simple Majority**

## 12 Officer Reports

### Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of en bloc voting as is permissible under the Town's Council Meeting Procedures Local Law 2020.

*Council Meeting Procedures Local Law 2020*, Clause 5.4 states:

- (1) In this clause adoption by en bloc voting means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), Council may pass an adoption by en bloc voting.
- (3) An adoption by en bloc voting may not be used for a matter –
  - (a) that requires a 75% majority or a special majority;
  - (b) in which an interest has been disclosed;
  - (c) that has been the subject of a petition or deputation;
  - (d) that is a matter on which a member wishes to make a statement; or

that is a matter on which a member wishes to move a motion that is different to the Officer recommendation.

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 4.0, Declarations of Interest, they should do so at this point of the agenda.

Item	Report	Vote
12.1	Adoption of Recommendations En Bloc	<b>Simple Majority</b>
12.2	Section 31 Reconsideration - Single House and Ancillary Dwelling - No. 70 Kenny Street, Bassendean	<b>Simple Majority</b>
12.3	Draft Local Planning Policy No. 2 - Sustainable Development	<b>Simple Majority</b>
12.4	Draft Unwanted Species List (Trees)	<b>Simple Majority</b>
12.5	Black Spot and Low Cost Urban Road Safety Grant Funding	<b>Simple Majority</b>
12.6	Graffiti Management Policy	<b>Simple Majority</b>
12.7	Policy Reviews	<b>Absolute Majority</b> <b>Simple Majority</b>
12.8	RFT 03/2025 Supply and Installation of an Automated Irrigation System - Jubilee Reserve	<b>Absolute Majority</b>
12.9	Monthly Financial Report - March 2025	<b>Simple Majority</b>
12.10	Monthly Financial Report - April 2025	<b>Simple Majority</b>
12.11	Accounts Paid - April 2025	<b>Simple Majority</b>
<b>13</b>	<b>Motions of which Previous Notice has been given</b>	

16	<b>Confidential Business</b>	
16.1	Bassendean Oval Precinct Redevelopment Project - Feasibility Study Final Report	<b>Simple Majority</b>
16.2	EMRC Amendment Deed and Voting Members	<b>Absolute Majority</b>

### **Officer Recommendation Item 12.1**

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda:

Item	Report
12.2	Section 31 Reconsideration - Single House and Ancillary Dwelling - No. 70 Kenny Street, Bassendean
12.3	Draft Local Planning Policy No. 2 - Sustainable Development
12.4	Draft Unwanted Species List (Trees)
12.5	Black Spot and Low Cost Urban Road Safety Grant Funding
12.6	Graffiti Management Policy
12.9	Monthly Financial Report - March 2025
12.10	Monthly Financial Report - April 2025
12.11	Accounts Paid - April 2025

Council is requested to consider the balance of the Officer recommendations independently.

Item	Report
12.7	Policy Reviews
12.8	RFT 03/2025 Supply and Installation of an Automated Irrigation System - Jubilee Reserve

**Voting requirements: Simple Majority**

<b>12.2 Section 31 Reconsideration - Single House and Ancillary Dwelling - No. 70 Kenny Street, Bassendean</b>	
<b>Property Address</b>	No. 70 (Lot 223) Kenny Street, Bassendean
<b>Landowner</b>	Maureen Haynes
<b>Applicant</b>	David Smith (United Studio)
<b>File Reference</b>	2024-081/1
<b>Directorate</b>	Community and Place
<b>Responsible Officer</b>	Manager Planning and Regulation
<b>Previous Reports</b>	OCM 25/02/2025 - Ageda Item 12.4 – Single House and Ancillary Dwelling – No. 70 Kenny Street, Bassendean
<b>Authority/Discretion</b>	<b>Quasi-Judicial</b> When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.
<b>Attachments</b>	Development Plans (submitted 8 May 2025) Schedule of Submissions Order of the State Administrative Tribunal dated 9 May 2025 Minutes of OCM 25/2/2025

### Report Summary

- At the Ordinary Council Meeting of 25 February 2025, Council refused an application for development approval for a Single House and Ancillary Dwelling at No. 70 Kenny Street, Bassendean.
- On 31 March 2025, the landowner lodged an application for review of Council's decision with the State Administrative Tribunal.
- On 8 May 2025 and following discussions with Town staff, the applicant submitted revised plans for consideration
- On 9 May 2025, the State Administrative Tribunal invited the Town to reconsider its decision on the application (including revised plans) pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.
- Town staff consider the modifications have adequately addressed previous concerns regarding the development proposal and its impact on the significance, character and amenity of the Kenny Street Heritage Area and



compatibility with development on adjoining land by virtue of its height, bulk, scale and appearance.

- It is recommended Council set aside its previous decision and approve the application subject to conditions.

## Purpose

The purpose of this report is for Council to reconsider its decision of 25 February 2025 to refuse an application for development approval for a Single House and Ancillary Dwelling at No. 70 Kenny Street, Bassendean following receipt of revised plans.

In reconsidering its decision, Council may resolve to:

- a) Affirm the decision; or
- b) Vary the decision; or
- c) Set aside the decision and substitute its new decision.

## Background

The subject site is located on the western side of Kenny Street, approximately 500m south of the Bassendean Town Centre. A location plan follows:



*Above: Location Plan*

The 486sqm site is regular in shape and falls approximately 1.5m from the rear to the front lot boundary. The site is vacant and void of vegetation. Surrounding properties area of similar size and dimensions and predominantly comprise single storey residences constructed prior to 1960.

## **Previous Decision**

At its Ordinary Council Meeting of 25 February 2025, Council resolved to refuse an application for development approval for a 'Single House' and 'Ancillary Dwelling' at No. 70 Kenny Street, Bassendean for the following reasons:

1. The proposed development does not comply with the provisions of the Town of Bassendean Local Planning Policy No. 4 – Heritage and Character relating to siting, scale, architectural style and form and external finishes of new dwellings within the Kenny Street Heritage Area.
2. The proposed development does not comply with the following elements of the Residential Design Codes:
  - 5.1.3 – Lot boundary setbacks
  - 5.3.1 – Outdoor living areas
  - 5.3.5 – Vehicular access
  - 5.5.1 – Ancillary dwellings
3. The proposed development is unsympathetic to the established character of the locality and will adversely impact the significance, character and amenity of the Kenny Street Heritage Area.
4. The proposed development is incompatible with development on adjoining land by virtue of excessive height, bulk, scale and appearance.
5. The proposed development is inconsistent with the principles of orderly and proper planning.

## **SAT Review Process**

On 31 March 2025, the landowner lodged an application for review of Council's decision with the State Administrative Tribunal.

Revised plans were submitted to the Town on 8 May 2025. On 9 May 2025, the State Administrative Tribunal invited the Town to reconsider its decision on the application, including revised plans.

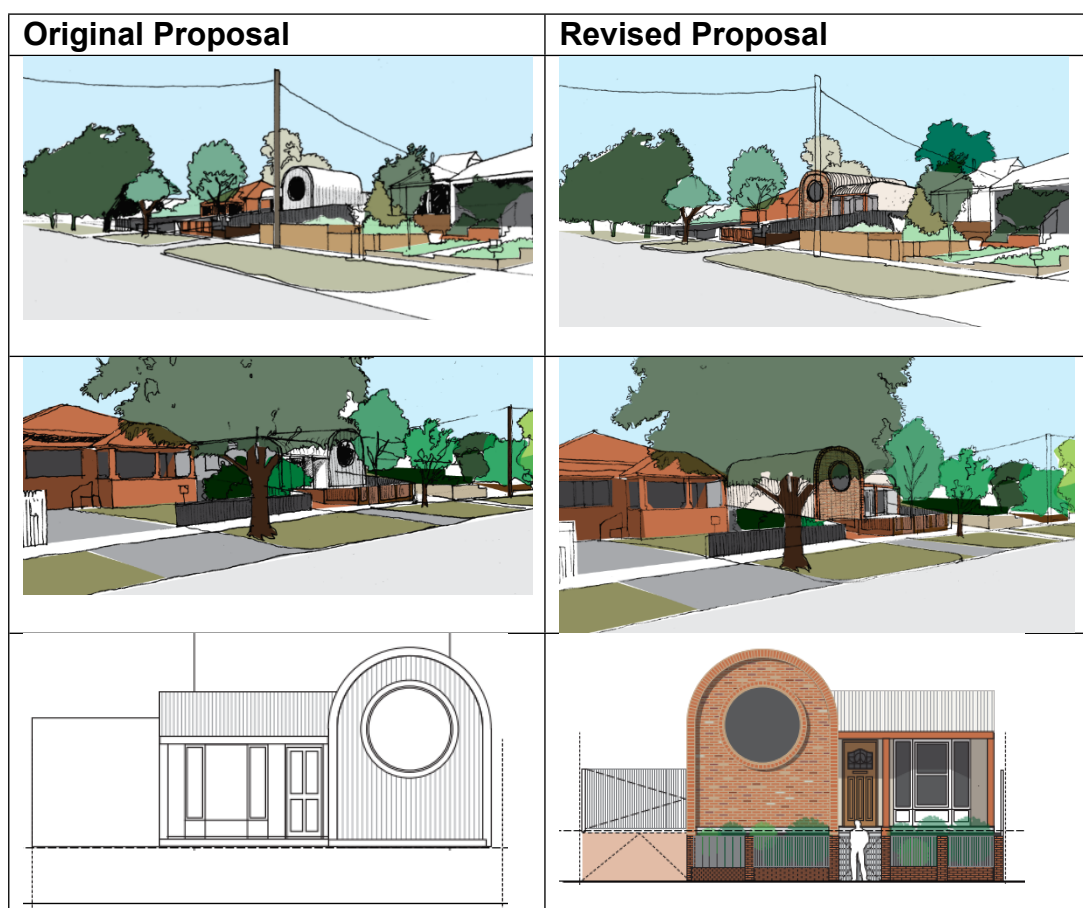
## **Revised Proposal**

Following Council's decision, the applicant has worked with Town staff to address those aspects of concern as cited in the reasons for refusal. Revised plans were subsequently lodged with the Town on 8 May 2025.

Key changes to the proposal previously refused by Council are as follows:

- A revised schedule of external colors and materials, replacing white timber cladding on the front facade with recycled brickwork.
- Relocating the two-storey section of the main residence to the southern side of the building, in turn reducing the height of the boundary wall adjacent the northern lot boundary from 5.2m to 4m and aligning the two-storey portion of the building with the existing dwelling on the adjoining property to the south.
- Modifications to the building footprint to meet the deemed-to-comply development standards of the R-Codes relating to lot boundary setbacks and vehicle access. The outdoor living area and ancillary dwelling remain non-compliant, however can be supported against the relevant design principles of the R-Codes as discussed below.

Modifications are demonstrated in revised streetscape perspectives and elevation plans below:



*Above: Revised streetscape perspectives and elevation plans*

## Communication and Engagement

Owners and occupiers of nearby and adjoining properties were not invited to comment on revised plans given the revised proposal presents as compliant development when viewed from properties owned by those who previously objected to the development. The height and length of the boundary wall abutting the northern boundary remains

non-compliant with the deemed-to-comply provisions of the R-Codes, however the owner of the adjoining (affected) property did not object to the boundary wall, which can be supported against the design principles of the R-Codes as discussed below.

An updated schedule of submissions is included as an attachment to this report.

## **Strategic Implications**

### **Performance Area 1: People**

1.2 Promote and celebrate local history, heritage and cultural diversity.

### **Performance Area 3: Place**

5.1 Responsible planning and development, with population growth concentrated around the town centre, train stations and transport corridors.

## **Comment**

The application has been assessed against the provisions of the Town's Local Planning Scheme No. 11, the Residential Design Codes and relevant Local Planning Policies - including Local Planning Policy No. 4 - Heritage and Character.

### *Compliance with Local Planning Scheme No. 11*

The site is zoned Residential R20 under Local Planning Scheme No. 11 (LPS 11) and is located within the Kenny Street Heritage Area. The Single House and Ancillary Dwelling are permitted (P) uses of the site and consistent with the R20 density code that applies.

### *Compliance with the Residential Design Codes*

Council's reasons for refusal issued 25 February 2025 cite non-compliance with the following elements of the R-Codes:

- 5.1.3 – Lot boundary setbacks
- 5.3.1 – Outdoor living areas
- 5.3.5 – Vehicular access
- 5.5.1 – Ancillary dwellings

Revised plans demonstrate compliance with the deemed-to-comply provisions of the above, with the exception of the following elements:

### *5.1.3 - Lot boundary setbacks*

The ancillary dwelling depicted on revised plans is setback from the rear lot boundary in accordance with the deemed-to-comply provisions of the R-Codes.

The boundary wall abutting the northern lot boundary has been reduced in height from 5.2m (maximum) to 4m (maximum); and reduced in length from 14.6m to 13.8m. Despite the changes, wall remains non-compliant with the deemed-to-comply provisions of the R-Codes relating to height and length and requires consideration against the following design principles:

*Buildings built up to boundaries (other than the street boundary) where this:*

- *Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *Does not compromise the design principles contained in clause 5.1.3 (below)*
- *Does not have any adverse impact on the amenity of the adjoining property;*
- *Ensures sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

*Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:*

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Building to the boundary makes effective use of space. That portion of the boundary wall that exceeds the maximum permitted wall height abuts the front setback area of the existing dwelling on the adjoining property. Due to its siting and relationship to development on the adjoining property, the wall, by virtue of its excessive height, will not adversely impact the amenity of the adjoining property by restricting access to sunlight or ventilation to the dwelling or associated outdoor living areas. The impact of the wall on the prevailing streetscape is therefore the key consideration.

Due to the period of construction of the majority of the housing stock within this section of Kenny Street, dwellings with exterior walls that are typically higher, and closer to side lot boundaries than permitted by the current planning and building regulations are a common feature of the streetscape. Despite being non-compliant with the deemed-to-comply provisions of the R-Codes, the boundary wall is similar to other examples of existing dwellings on Kenny Street and the prevailing development context.

The length of the boundary wall exceeds that permitted by 2.8m. The wall abuts a small, south-facing kitchen window of the dwelling of the adjoining property. Due to its

size, southern orientation and limited (0.8m) setback to the lot boundary, the window offers limited access to sunlight and ventilation to the dwelling. The owner of the adjoining (affected) property was invited to comment on the boundary wall proposed, however did not object on the grounds that the wall would not impact on the amenity of their property. Should Council refuse the revised proposal, the impact on the amenity of the adjoining dwelling to the north by virtue of restricted solar access may be cited as a reason for refusal.

#### Outdoor living areas (clause 5.3.1)

Obstructions that limited the functionality and usability of the shared outdoor living area and reversing bay have been removed from revised plans. Notwithstanding this, the dedicated outdoor living area remains non-compliant with the minimum 4m dimension required by the R-Codes (3.3m proposed). The outdoor living area therefore requires assessment against the following design principles of the R-Codes:

*A consolidated outdoor living area is provided to each single house and grouped dwelling which provides space for entertaining, leisure and connection to the outdoors that is:*

- *of sufficient size and dimension to be functional and usable;*
- *capable of use in conjunction with a primary living space of the dwelling;*
- *sufficient in uncovered area to allow for winter solar gain and natural ventilation into the dwelling;*
- *sufficient in uncovered area to provide for landscaping, including the planting of a tree(s); and*
- *optimises use of the northern aspect of the site.*

The portion of site dedicated as the primary 'outdoor living area' is located directly adjacent to the onsite reversing bay. It is not unreasonable to expect the reversing bay to be capable of use in conjunction with the outdoor living area most of the time, despite not being dedicated for this sole purpose. The dedicated outdoor living area provided (exclusive of the reversing bay) exceeds the minimum area required and is directly accessible from the primary living space of both the main residence and ancillary dwelling. The space is of sufficient size and dimension to accommodate outdoor furniture and landscaping, including trees. The space takes advantage of the northern aspect of the site and is predominantly uncovered in accordance with the design principles of the R-Codes.



### Ancillary dwellings (clause 5.5.1)

The deemed-to-comply provisions of the R-Codes stipulate that an ancillary dwelling should not preclude the associated single house from meeting the required minimum outdoor living area. Should the outdoor living area provided be accepted as meeting the design principles of the R-Codes as detailed above, the ancillary dwelling can also be deemed acceptable.

Modifications to the design have given rise to additional variations to the deemed-to-comply provisions of the R-Codes not previously considered by Council, specifically:

### 5.3.7 Site Works

A small portion of the front setback area is proposed to be raised to be flush with the finished level of the veranda, creating an area suitable for seating. This area requires up to 0.7m of fill within the front setback area in proximity to the northern lot boundary, supported by retaining walls. The extent of fill and height of retaining exceeds the 0.5m generally permitted in accordance with the deemed-to-comply provisions of the R-Codes and therefore, requires consideration against the following design principles:

- *Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- *Where excavation/ fill is necessary, all finished levels respecting the natural ground level at the site and as viewed from the street.*
- *Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are design, engineered and landscapes having due regard to clause 5.4.1 (visual privacy).*

The retaining walls and site works allow for the creation of a usable space within the front setback area without adversely impacting the adjoining property. The finished levels proposed are not considered excessive given the natural topography of the site and the finished level of existing dwellings on Kenny Street, which typically sit higher than street level.

For reasons outlined above, it is considered the revised proposal meets the design principles of the R-Codes.

### Compliance with Local Planning Policy No. 4 – Heritage and Character

In addition to matters relating to non-compliance with the R-Codes, Council's reasons for refusal of 25 February 2025 references non-compliance with provisions of Local Planning Policy No. 4 – Heritage and Character relating to siting, scale, architectural style and form and external finishes.

Arguably the most significant modification to the proposal is the revisions to the development's external colors and materials, particularly the replacement of vertical

white timber cladding on the front facade with recycled bricks. The use of recycled bricks provides contrast to the all-white color palette of the original proposal and a subtle reference to the heritage character of the area.

In addition to the revisions to the external colors and materials, the modified design addresses concerns relating to siting and scale by relocating the two-storey portion of the front elevation to the southern side of the building. This reduces the prominence of the highest part of the building by ensuring it sits in-line the dwelling on the adjoining property, rather than forward as previously proposed.

Although the design retains features of modern architecture, when coupled with the revised material selection, which introduces a varied color scheme, the revised proposal presents as a development that responds to the context of the Kenny Street Heritage Area and is sympathetic to surrounding heritage buildings. Furthermore, it is considered the revised design is sincere not to present as a heritage building by attempting replication (faux heritage); but incorporates modern interpretations of characteristics of heritage buildings (ie. a verandah, bullseye and multi-paned windows) to integrate, rather than replicate heritage buildings - an approach encouraged by the Local Planning Policy.

In light of the above, it is considered the revised design is sympathetic to the character of the Kenny Street Heritage Area and meets the objectives of Local Planning Policy No 4 – Heritage and Character.

### **Statutory Requirements**

In reconsidering its decision, Council may:

- a) Affirm the decision; or
- b) Vary the decision; or
- c) Set aside the decision and substitute its new decision.

If the landowner is satisfied with the varied or substituted decision, they can withdraw the application for review and the new decision comes into effect. If the landowner is not satisfied with the new decision, the proceedings are resolved via the State Administrative Tribunal.

### **Financial Considerations**

Should Council not accept the Officer recommendation, it is likely the matter will proceed to a final hearing and costs would be incurred in this event, as it would be necessary to engage an independent external consultant to defend any such determination. Officers of the Town would not be in a position to defend any such determination at a final hearing due to the conflict of interest which would arise. The estimated cost for engaging an independent external consultant(s) is \$20,000.



## **Risk Management Implications**

### Compliance

Low

### Environmental

Low

### Financial Risk

Refer to the financial considerations above.

### Reputational

Low

## **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **Officer Recommendation – Item 12.2**

1. That in response to the invitation given by the State Administrative Tribunal in its Order dated 9 May 2025 pursuant to section 31 (1) of the State Administrative Tribunal Act 2004, Council set aside its previous decision dated 25 February 2025 and grant development approval for the proposed Single House and Ancillary Dwelling at No. 70 (Lot 223) Kenny Street, Bassendean, subject to the following conditions:

### **CONDITIONS:**

- This approval is for a 'Single House' and 'Ancillary Dwelling' as defined under the Town of Bassendean Local Planning Scheme No. 11 and depicted on approved plans submitted to the Town of Bassendean on 8 May 2025.
- Prior to the initial occupation of the development a minimum 3kw photovoltaic solar panel system must be installed on each dwelling to the satisfaction of the Town of Bassendean. The solar panel systems are to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
- Prior to the occupation of the development a minimum 3000L capacity rainwater tank must be installed to each dwelling and plumbed to either a toilet or laundry within the dwelling to the satisfaction of the Town of Bassendean. Alternatively, an approved grey-water reuse system that collects grey water from the laundry

and bathrooms and re-directs it for garden irrigation / ground water recharge must be installed prior to the initial occupation of the development to the satisfaction of the Town of Bassendean. The systems must be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.

- Prior to the occupation of the development, 3-phase power shall be installed to enable the installation of vehicle charging points and/or the capacity for electric vehicle charging points to be installed at a later date, to the satisfaction of the Town of Bassendean.
- Prior to the occupation of the development, rain garden(s) with an area of no less than 2% of the area of the roof cover must be provided on site. The rain garden(s) are to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
- Prior to the occupation of the development, a minimum of 1 tree that has the potential to have a canopy with a diameter in excess of 6m upon maturity, must be planted in the location depicted on approved plans. At the time of planting, the tree must be a minimum of 2m in height and 35-litre pot size, and the tree and associated deep soil area must be retained for the life of the development to the satisfaction of the Town of Bassendean.
- Prior to the occupation of the development, a notification must be registered on the Certificate of Title under Section 70A of the *Transfer of Land Act 1893* advising prospective purchasers of the land that the site contains a tree which is required to be retained on site in perpetuity in accordance with a condition of development approval.
- The external finish of walls abutting the lot boundaries must match/ compliment the remainder of the external appearance of the development to the satisfaction of the Town of Bassendean.
- External colours, finishes and materials of the buildings are to be in accordance with the colours and material schedule stamped approved, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the buildings must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
- External fixtures, including but not limited to air-conditioning units, clothes drying facilities, satellite dishes and non-standard television aerials are to be located such that they are not visible from the street.

- Screening devices depicted on the approved plans must comply with the following:
  - (i) Minimum height of 1.6m above floor level
  - (ii) At least 75% obscure; and
  - (iii) Vertical or horizontal gaps which do not exceed 50mm in width.
- Screens must be permanently fixed, made of durable materials, installed prior to occupation and maintained for the life of the development.
- Prior to the occupation of the development, driveway, parking and manoeuvring areas are to be sealed and drained to the satisfaction of the Town of Bassendean.
- Prior to the occupation of the development, the driveway, parking and manoeuvring areas are to be sealed and drained to the satisfaction of the Town of Bassendean.
- Prior to the occupation of the development, redundant vehicle crossovers are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town of Bassendean.
- Stormwater must be contained and disposed of onsite. If ground conditions are deemed unsuitable for onsite disposal via infiltration (as verified by a geotechnical investigation), stormwater must be disposed of into the Town's drainage network at the landowners/ developers cost.
- All works, including earthworks and footings, must be contained within the site boundaries.
- All building works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
- The street number must be prominently displayed at the front of the development.

**Voting requirements: Simple Majority**

<b>12.3 Draft Local Planning Policy No. 2 - Sustainable Development</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/PLANNG
<b>Directorate</b>	Community Planning and Place
<b>Responsible Officer</b>	Manager Planning and Regulation
<b>Previous Reports</b>	24 May 2022 27 June 2023 28 November 2023 26 March 2024
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Amended Local Planning Policy No. 2 - Sustainable Development [<b>12.3.1</b> - 3 pages]</li> <li>2. Draft Amended Local Planning Policy No. 2 - Sustainable Development - With changes highlighted [<b>12.3.2</b> - 5 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider a draft amended Local Planning Policy No. 2 – Sustainable Development.

## Background

In June 2023, Council resolved to adopt minor amendments to Local Planning Policy No. 2 – Sustainable Development (LPP 2), so as to respond to impending changes to Volume 1 of the R-codes as follows:

- The introduction of Part C (Medium Density), which apply to all single houses and grouped dwellings in areas coded R30 and above, and multiple dwellings in areas coded R30 to R60.
- Amendment to Part B (Low Density) so as to only apply to residential development in areas coded up to and including R25.

However, in August 2023, the Minister for Planning advised that the above changes would be deferred. In November 2023, Council revisited LPP 2 and reinstated Attachment A (Credit Point Checklist) to the policy on the basis that State Planning Policy 7.3 – Residential Design Codes – Volume 1 (Part C) – Medium Density was not introduced as planned.

In March 2024, the planned modifications to SPP 7.3 were reinstated and the medium density codes were introduced.

In addition to this, changes to the National Construction Code (NCC) have also been introduced, which have taken effect since the 1 May 2025, which introduces a mandatory 7-star energy efficiency rating for all new class 1a dwellings (single house and grouped dwellings).

Noting these changes, it is appropriate to revisit the policy at this time.

## Strategic Implications

### Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

### Comment

The proposed amendments to the Policy are relatively minor, as follows:

- Deletion of Attachment A (Credit Point Checklist) on the basis that the elements of the table are adequately addressed under *State Planning Policy 7.3 – Residential Design Codes – Volume 1 (Part C): Medium Density*, which has now been introduced. In addition to being sufficiently covered in the Medium Density Codes, the administration's experience with applications seeking to satisfy the Credit Point Checklist has revealed conflicts between the checklist and the *deemed-to-comply* requirements of the R-Codes.
- Deletion of the requirement for development to achieve an energy efficiency rating which is one star above the current Building Code of Australia (BCA) standard for Class 1a buildings. This recommendation is based on the introduction of the *National Construction Code 2022*, which now mandates a minimum 7-star energy efficiency rating. The Town has received advice that achieving an 8-star rating—one star above the new minimum—comes at a significantly higher cost with limited additional benefit. Furthermore, in accordance with section 131 of the *Planning and Development Act 2005*, where there is a discrepancy between a Local Planning Scheme (and by extension, a local planning policy) and a building standard specified in a Building Regulation made under the *Building Act 2011*, the regulation will prevail. While the Town has not yet been challenged on enforcing this policy requirement, it is unlikely to withstand legal scrutiny given the above legislative context.

All other provisions within the policy remain.

## Statutory Requirements

Clause 5(2) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the “the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.”

Given the proposed changes to the Policy are relatively minor, it is recommended that the draft amended policy be adopted without undertaking any consultation. It is open to Council however to consider that the changes are not minor, in which case, Council is able to adopt the draft policy for the purposes of public consultation.

### **Financial Considerations**

Nil.

### **Risk Management Implications**

#### Compliance

Low

#### Environmental

Low

#### Financial Risk

Low

#### Reputational

Low

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.3**

That Council, pursuant to Clause 5(2) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended Local Planning Policy 2 – Sustainable Development as contained in attachment 1.

### **Voting requirements: Simple Majority**

<b>12.4 Draft Unwanted Species List (Trees)</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/POLCY/5
<b>Directorate</b>	Community and Place
<b>Responsible Officer</b>	Manager Planning and Regulation
<b>Previous Reports</b>	September 2024
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	1. Draft - Unwanted Species List [12.4.1 - 4 pages]

### Purpose

The purpose of this report is for Council to consider adopting an unwanted tree species list.

### Background

In September 2024 Council adopted an amended Local Planning Policy No. 13 – Tree Retention and Provision which defined a 'Regulated Tree' and 'Tree Damaging Activities' that first require development approval from the Town.

Under the exemptions listed in the Local Planning Policy, the Town may prepare and adopt an 'unwanted species list', allowing landowners and residents to carry out tree-damaging activities on listed species without requiring development approval from the Town.

### Proposal

The proposal is to adopt an unwanted species list that includes six species of trees. This is discussed within the report.

### Communication and Engagement

A draft unwanted list was circulated to the Council Members via the bulletin on the 2 May 2025, with one Council Member providing feedback and a detailed response provided by the administration on the 13 May 2025.

Should the list be adopted, it will be made available on the town's website.

## Strategic Implications

### Performance Area 2: Planet

3.1 Conserve, protect and enhance the Swan River foreshore and nature reserves.

3.2 Increase the tree canopy cover to 30% by 2040.

### Comment

The Town's Manager of Planning and Regulation in conjunction with the Town's Sustainability and Environment team recommends the following trees are included on the unwanted species list, with reasons provided in the table below.

Species Name	Comment
<i>Schinus terebinthifolius</i> (Broad Leaf pepper tree or Brazilian Pepper Tree)	<p>This is an introduced, weed-like species that spreads particularly quickly in natural environments, where it can form dense thickets that shade out and smother native vegetation. This tree species has been, and continues to be, a management issue within the Town's reserves.</p> <p>The tree is sufficiently different to <i>Schinus molle</i>, with a very distinctly different leaf shape.</p>
<i>Aceraceae</i> (Palm Trees – All Species)	Commonly meet the height requirements to meet the definition of a 'Regulated Tree' however offer minimal canopy cover or environmental value and often attract other pests such as the rainbow lorikeet and or rats, removal is consistently supported by the Town even if they meet the definition of a 'Regulated Tree'.
<i>Acer negundo</i> (Box Elder Maple)	<p>This is an introduced species that is extremely susceptible to infestation and are reproductive hosts of the Polyphagous Shot Hole Borer, increasing the infestation risk to surrounding trees.</p> <p>Whilst testing and trials continue (and will continue until an effective control is found) for the Polyphagous Shot Hole Borer, there is no specified timeframe until a successful treatment will be found. The administration recommends that these trees are still included on the unwanted list to reduce the likelihood of infestation.</p>
<i>Erythrina x sykesii</i> (Coral Tree)	<p>This is an introduced species that is extremely susceptible to infestation and are reproductive hosts of the Polyphagous Shot Hole Borer, increasing the infestation risk to surrounding trees.</p> <p>Whilst testing and trials continue (and will continue until an effective control is found) for the Polyphagous Shot Hole Borer, there is no specified timeframe until a</p>



	successful treatment will be found. The administration recommends that these trees are still included on the unwanted list to reduce the likelihood of infestation.
<i>Robinia pseudoacacia</i> (Robinia, Mop Top Robinia, Black Locust)	<p>This is an introduced species that is extremely susceptible to infestation and are reproductive hosts of the Polyphagous Shot Hole Borer, increasing the infestation risk to surrounding trees.</p> <p>Whilst testing and trials continue (and will continue until an effective control is found) for the Polyphagous Shot Hole Borer, there is no specified timeframe until a successful treatment will be found. The administration recommends that these trees are still included on the unwanted list to reduce the likelihood of infestation.</p>
<i>Plumeria</i> (Frangipani)	This is an introduced species that can commonly meet the height requirements to meet the definition of a 'Regulated Tree' however offer minimal canopy cover or environmental value and are supported by the Town for removal even if they meet the definition of a 'Regulated Tree'.

Should Council adopt the Unwanted Species List, it will serve as an addendum to Local Planning Policy No. 13 – Tree Retention and Provision.

If adopted, the list will not require the removal of any trees, but will simply exempt the listed species from requiring development approval from the Town should the owner choose to remove them.

### Statutory Requirements

N/A

### Financial Considerations

Nil.

### Risk Management Implications

#### Compliance

Low

#### Environmental

Low

Financial Risk

Low

Reputational

Low

**Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

**Officer Recommendation – Item 12.4**

That Council resolves to adopt the Unwanted Species List as contained in Attachment 1.

**Voting requirements: Simple Majority**

<b>12.5 Black Spot and Low Cost Urban Road Safety Grant Funding</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	ROAD/PROGM/3
<b>Directorate</b>	Infrastructure and Sustainability
<b>Responsible Officer</b>	Director Infrastructure and Sustainability
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Colstoun- Haig Concept Drawing [12.5.1 - 1 page]</li> <li>2. Iolanthe- Scaddan Concept Drawing [12.5.2 - 1 page]</li> <li>3. Ivanhoe- Anzac Concept Drawing [12.5.3 - 1 page]</li> <li>4. Low-Cost Urban Road Safety Locations - Appendix A [12.5.4 - 1 page]</li> </ol>

### Purpose

For Council to approve the Town's grant funding submissions for the 2026/27 Federal and State Government Black Spot Program as well as the 2025/26 Main Roads WA (MRWA) Low-Cost Urban Road Safety Program (LCURSP) grant submissions.

### Background

There are several externally funded road safety improvement grant programs that are available to Local Governments, such as the Metropolitan's Regional Road Group's (MRRG) Federal and State Government Blackspot Programs.

In the past the Town has not prioritised applications for funding under these programs, however based on the crash statistics available, there are opportunities to seek funding under this program.

To this end, the Town has analysed a number of intersections and recommends seeking grant funding through the 2026/27 Federal and State Government Black Spot Programs to implement road safety treatments at a number of high accident locations.

In addition, and further to the successful funding already received in this current financial year for the Success Hill Precinct, the Town is also recommending it seeks further grant funding for the 2025/26 and 2026/27 financial years under the Main Roads WA's Low-Cost Urban Road Safety Program (LCURSP). This Program, which

is not managed by the MRRG but is still funded through Main Roads WA supports the delivery of cost effective safety improvements in urban areas.

Under this program, the proposed treatments are intended to enhance the overall safety and accessibility of the nominated sites. So, whereas Blackspot funding typically provides for improvements to intersections, funds under this program cover a wider area to promote precinct based traffic calming.

## Proposal

### Black Spot Program

Both the Federal and State Government Black Spot Programs provide grant assistance for the implementation of cost-effective treatments at hazardous road locations, with the aim of improving road conditions and reducing crash risk at sites with a high incidence of recorded accidents.

The 2026/27 round of Black Spot applications are due to be submitted to Main Roads Western Australia (MRWA) by 11 July 2025.

Locations with higher crash rates are more competitive and more likely to secure Federal Government Black Spot funding, which provides full funding for approved projects. If a project is not selected for Federal funding, it may still be considered under the State Black Spot Program, which contributes two-thirds of the total project cost, with the remaining one-third to be funded by the Town.

The following projects have been selected based on their eligibility under the funding criteria, which require a minimum of five recorded crashes within the past five years for State funding, or at least three casualty crashes (defined as any crash where at least one person is injured and includes the following crash severities: Medical, Hospital or Fatal) within the same period for Federal funding.

The funding method can either be a score based on the benefit cost (BCR) or based on an approved road safety audit. Typically, if a project exceeds a BCR of more than 1, it will be eligible for funding. A score between 1 and 4 is approved for State Blackspot funding, which requires one-third contribution from the Town, while scores above 4 may be eligible for 100% Federal funding.

The table below details the Town's 2026/27 proposed Black Spot Program submissions and provides a guide as to the extent of funding.

Black Spot Program	Project Location	Total Crashes 2020-2024	Proposed Treatment	Estimated Project Cost	Town Contribution	Funding Method
Federal	Anzac Terrace / Ivanhoe Street	5 (5 Casualty)	Installation of speed plateaus on all entrances to roundabout, upgrades to street lighting	\$41,000	N/A	BCR 12.12
State	Scaddan Street /	5	Installation of a mini-roundabout,	\$63,550	\$21,183	BCR 7.1

	Iolanthe Street	(0 casualty)	speed plateaus on all entrances to the mini-roundabout, realignment of footpath / pram ramps to line up to the mini-roundabout, upgrades to street lighting			
Federal	Haig Street / Colstoun Road	4 (incl. 3 casualty)	Installation of a mini-roundabouts, speed plateaus on all entrances to the mini-roundabout, realignment of footpath / pram ramps to line up to the mini-roundabout, upgrades to street lighting	\$60,000	N/A	Road Safety Audit Completed  BCR 8.21
	<b>Total</b>			<b>\$163,550</b>	<b>\$21,183</b>	

### Low-Cost Urban Road Safety Program

The Low-Cost Urban Road Safety Program (LCURSP) managed by Main Roads WA (MRWA), is supported through an annual \$16 million allocation from the Road Trauma Trust Account. It provides full State funding for the identification and implementation of road safety improvements in local neighborhood areas with a higher-than-average casualty crash history.

Unlike the Black Spot Programs, LCURS program focuses on intersections or mid-block sections, the LCURS program targets broader precinct-based treatments. Grant funding under the program covers the design and construction of road safety measures but excludes drainage and street lighting works.

The 2025/26 LCURS grant submission is the second submission by the Town for the LCURS program grant funding, after the successful grant allocation of \$254,338 for the Success Hill LCURS project in 2024/25.

In 2021 the MRWA approached the Town of Bassendean with several recommendations for the Town's consideration of low-cost road safety treatments.

- Jubilee Reserve
- Broadway Arboretum
- Tonkin Business Park
- Ashfield Flats
- Success Hill Reserve – 2024/25 Project

Further review and development of the Ashfield Flats project has resulted in the project being divided into three stages. The Town has since changed the name of Stages 1 and 2 to "Bassendean Central" to better reflect its location and scope.

The Bassendean Central precinct was selected due to its proximity to the town center and the presence of several key local roads that can benefit from traffic calming measures.

In collaboration with the Main Roads WA (MRWA) and the Town, project timelines and cost estimates have been developed to deliver the Bassendean Central precinct project over the next two financial years.

Stage	MRWA Cost	Location
Stage 1 (2025/26)	\$178,330	Location 1, 2, 3, 4, 5, 6
Stage 2 (2026/27)	\$236,670	Location 7, 8, 9, 10, 11
<b>Total</b>	<b>\$451,000</b>	

The Bassendean central project cost is \$451,000 which includes Stage 1 and 2. Both stages will be fully funded through MRWA Low Cost Urban Road Safety program. Appendix A provides a breakdown of the Bassendean Central locations and treatments.

### **Communication and Engagement**

N/A at this stage (pending successful grant applications)

### **Strategic Implications**

#### **Performance Area 3: Place**

7.1 Deliver an efficient, safe, and sustainable transport network.

#### **Comment**

As outlined in this report, there are several external road funding opportunities to provide for improved road safety and road condition. It is important to actively seek funding via this method to reduce the cost to the community, while providing genuine road safety improvements and reducing road trauma.

There will be further funding opportunities under the Blackspot Program based on the traffic analysis the Town has completed thus far and along with other programs such as the LCURSP, will continue to be actively sourced.

### **Statutory Requirements**

N/A

## **Financial Considerations**

### Black Spot Program

If the Town's submissions are supported by Federal and State Government Black Spot programs, the proposed 2026/27 State Black Spot program will require a Town contribution of \$21,183, which is a third of the overall project cost for the Scadden and Iolanthe Street submission.

### LCURS Program

Bassendean Central project costs are \$178,330 to be funded by MRWA for 2025/26 (stage one) and potentially \$236,670 for 2026/27. The Bassendean Central stage one project is currently listed in the 2025/26 draft budget and will be fully funded.

## **Risk Management Implications**

### Compliance

Low

### Environmental

Low

### Financial Risk

Low

### Reputational

Low

## **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.5**

That Council approve:

1. The nominated Blackspot funding projects as outlined in this report for lodgment to Main Roads WA as part of the 2026/27 round of Blackspot applications
2. The request for funding from Main Roads WA for 2025/26 for the Bassendean Central area wide traffic calming (Stage 1) as part of their Low Cost Urban Road Safety Program

## **Voting requirements: Simple Majority**

12.6 Graffiti Management Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	
Directorate	Infrastructure and Sustainability
Responsible Officer	Director Infrastructure and Sustainability
Previous Reports	
Authority/Discretion	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
Attachments	1. Graffiti Management Policy May 2025 [12.6.1 - 4 pages]

### Purpose

The purpose of this report is for Council to consider a new Graffiti Management Policy.

### Background

Council's previous Graffiti Policy, which was primarily based on educating the community was revoked in 2020 after the gazettal of the *Graffiti Vandalism Act 2016* (WA) which provides legislative guidance to Local Governments on their capacity to manage graffiti vandalism.

This legislation provides the Town with the power to issue notices for removal of graffiti on private property and recover removal costs (under specific circumstances), and powers of entry to remove graffiti visible from a public place, without requiring a Policy.

Due to the extent of graffiti appearing in Bassendean on public and private land, it is recommended that the Town prepare a new Graffiti Management Policy, which clearly sets priorities around graffiti removal and defines when or if the Town will intervene and remove graffiti from private land.

### Proposal

For Council to review the Draft Graffiti Management Policy and consider for adoption.

### Communication and Engagement

At the 25 March 2025 Ordinary Council Meeting, Consideration of Motions from the 4 February 2025 General Meeting of Electors was presented. Council resolved that the



administration prepare a Graffiti Management Policy for Council consideration prior to 30 June 2025.

The draft Graffiti Management Policy was provided to Councillors for comment in the 24 April 2025 CEO Bulletin.

## **Strategic Implications**

### **Performance Area 3: Place**

6.2 Enhance public open space and community facilities.

### **Comment**

Graffiti on Council property and on private property, impacts the amenity of the Town's residents by creating perceptions of poor safety and increased crime.

Graffiti can also have a negative impact on the environment through pollution (including chemical and litter runoff into waterways) and damage to items of environmental heritage.

Prompt removal is the most effective method of preventing graffiti from re-appearing, hence the new Policy provides information around priority timelines for removal. It also outlines the process of how the Town will deal with graffiti removal from public and private land based on either the owner providing consent or refusing to remove the graffiti, pursuant to the *Graffiti Vandalism Act 2016*

Recognition of the importance of community involvement by way of reporting instances of graffiti and the Town's intent to create and maintain a register to record locations and costs of removal is also included in the Policy.

## **Statutory Requirements**

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

The *Graffiti Vandalism Act 2016* provides local government with the authority to issue notices for removal of graffiti on private property that is:

- a) applied to property with the consent of the owner or occupier; and
- b) visible from a public place; and
- c) considered by the local government to be unsightly or offensive.

Should the notice fail to be complied with, local government can issue infringements to the property owner or occupier and recover costs associated with removal of the graffiti.

The Act also provides local government with power of entry to remove graffiti on private land that is visible from a public place.

### **Financial Considerations**

The Town already undertakes graffiti removal from public property and budgets for this removal annually. Based on the Policy, there is likely to be an increase in the Town's focus on graffiti removal (including private properties), however the amount is unknown. An additional allocation may be necessary in future budgets and Council will be informed.

### **Risk Management Implications**

#### Compliance

Low

#### Environmental

Low

#### Financial Risk

Low

#### Reputational

Low

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.6**

That Council adopt the Graffiti Management Policy as attached to this report.

### **Voting requirements: Simple Majority**

12.7 Policy Reviews	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVR/POLCY/1
Directorate	Office of the CEO
Responsible Officer	Chief Executive Officer
Previous Reports	
Authority/Discretion	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> <li>1. Notices-of- Motion [12.7.1 - 2 pages]</li> <li>2. Festive- Season- Office-( Administration)- Closure- Policy [12.7.2 - 1 page]</li> <li>3. Councillors- Contact-with- Developers- Policy [12.7.3 - 4 pages]</li> <li>4. Attendance-at- Events- Policy [12.7.4 - 4 pages]</li> <li>5. Attendance at Events Policy Tracked Changes 280425 [12.7.5 - 4 pages]</li> <li>6. CLEAN Attendance at Events Policy 280425 [12.7.6 - 5 pages]</li> </ol>

## Purpose

The purpose of this report is for Council to consider the review of a suite of Council Policies.

## Background

The *Local Government Act 1995* 2.7 Role of Council states at (2) (b) determine the local government's policies, with some policies requiring prescribed review timeframes outlined in the associated Regulations and best practice guiding the regular review of others.

This report provides the review of the:

- Notice of Motion Policy
- Festive Season Office (Administration) Closure Policy
- Councillor Contact with Developers Policy
- Attendance at Events Policy

## Proposal

To revoke the Notice of Motion, Festive Season Office (Administration) Closure, Councillor Contact with Developers Policies and endorse the reviewed Attendance at Events Policy.

## Communication and Engagement

Reviewed policies were provided to the Corporate Management Committee for consideration prior to presentation to Council for decision.

## Strategic Implications

### Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

## Comment

### Notice of Motion Policy

The Town adopted a new Local Law in March 2020, with the Policy amended to align with the *Council Meeting Procedures Local Law 2020* (Local Law) in July 2020.

The Policy is considered surplus to need as it reflects what is already contained in the Local Law. Given this, it is recommended that this Policy be revoked.

### Festive Season Office (Administration) Closure Policy

The Policy states 'As a family-friendly Council, the Administration Office will be closed during the Festive Season (Christmas to New Year). The Chief Executive Officer is required to advise staff of the dates of the office closure by 1 July that year and ensure that the Town is able to respond to emergencies or urgent issues.' and further, 'Responsibility for the implementation of this policy rests with the Mayor, Councillors and Chief Executive Officer.'

There are three matters that are key to this current Policy:

- Closure between Christmas and New Year
- Advising staff of the dates of any potential closure; and
- Responsibility for implementation.

Ensuring that the Town can respond to emergencies or urgent issues during the festive season is paramount to the careful planning required including staffing during any proposed closure between Christmas and New Year and communication with Council Members and residents regarding confirmed arrangements.

Given the administrative nature of the intent of the current Policy, the Council and the Administration via the Mayor and the CEO will confirm any proposed closure for

the Festive Season well in advance and communicate this to staff and the community through the usual channels.

Given the proposed process, it is recommended that this Policy be revoked.

#### Councillor Contact with Developers Policy

The Department of Local Government, Sport and Cultural Industries (DLGSC) have operational guidelines [Elected Members' Relationship with Developers](#) alerting Council Members to the risks associated with their role as a decision maker on development applications and providing guidance on those areas of risk.

Provision of excerpts from these Guidelines or providing the whole document as a resource on the Town's Website would provide valuable guidance to Council Members, Developers and the community rather than having a policy that replicates the information.

Given the objective of the current policy is to 'provide guidance on the recording of prescribed contact between Council Members and developers', it is recommended that this Policy be revoked, Council Members be provided with the Operational Guidelines developed by the DLGSC and access to a fillable form for ease of record keeping.

The process outlined still allows for a Council Member to disclose any contact they may have had with a Developer via the Fillable Form and this in turn would be captured on the Contact with Developers Register on the Town's Website.

#### Attendance at Events Policy

The *Local Government Act 1995* (the Act) s5.90A(2) requires a local government to prepare and adopt a policy that deals with matters relating to the attendance of Council Members and the CEO at events.

The Town has a current policy (Attendance at Events Policy), and the administration has undertaken a review and recommends minor amendments including updating the Branding and contemporising the language e.g. Elected Member to Council Member.

The Act also requires the CEO to publish an up-to-date version of the policy on the local government's official website. Should this reviewed Policy be endorsed, it will replace the current version on the Website.

### **Statutory Requirements**

#### *Local Government Act 1995*

## **Financial Considerations**

There are no financial implications within this report.

## **Risk Management Implications**

### Compliance

Low

There is no noticeable regulatory or statutory impact.

### Environmental

Low

Given a low environmental consequence is contained, reversible impact managed by on site response, this report is not impacted.

### Financial Risk

Low

A low financial consequence is less than \$10,000 therefore there are no impacts to highlight in this report.

### Reputational

Low

Given the low consequence associated with this item of unsubstantiated, localised low impact on community trust, low profile or no media item, there is no identified impact relating to this report.

## **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation 1 – Item 12.7**

That Council:

1. Revoke the Notice of Motion Policy.
2. Revoke the Festive Season Office (Administration) Closure Policy.
3. Revoke the Councillors' Contact with Developers Policy.

**Voting requirements: Absolute Majority**

### **Officer Recommendation 2 – Item 12.7**

That Council endorse the reviewed Attendance at Events Policy.

**Voting requirements: Simple Majority**

<b>12.8 RFT 03/2025 Supply and Installation of an Automated Irrigation System - Jubilee Reserve</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	PARE/TENDNG/96
<b>Directorate</b>	Corporate Services
<b>Responsible Officer</b>	Director Corporate Services Director Infrastructure and Sustainability
<b>Previous Reports</b>	
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - RFT 03/2025 Tender Evaluation Report [<b>12.8.1</b> - 14 pages]</li> <li>2. Jubilee Reserve Irrigation Project - Budget Reconciliation [<b>12.8.2</b> - 1 page]</li> </ol>

## Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 03/2025 Supply and Install an Automatic Irrigation system at Jubilee Reserve, Eden Hill for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

## Background

The Town has a requirement to engage a contractor to supply and install the automated irrigation system at Jubilee Reserve. The Town does not have the internal resources to complete the project and as such requires an appropriate external service provider.

## Proposal

To appoint a contractor to supply and install the automated irrigation system at Jubilee Reserve for the Town of Bassendean.

## Communication and Engagement

The Request was sent to ten (10) suppliers on the WALGA Preferred Supply Panel on Wednesday 19 March 2025 and closed on Thursday 3 April 2025.

## Performance Area 3: Place

6.2 Enhance public open space and community facilities.



## Comment

Submissions were received from the following two (2) Tenderers:

- NewGround Water Services Pty Ltd
- Western Irrigation Pty Ltd.

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

## Statutory Requirements

A public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

Section 6.8 of the *Local Government Act 1995* (the Act) states:

A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) *is authorised in advance by resolution\*; or*
- (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

An additional purpose means: “*a purpose for which no expenditure estimate is included in the local government’s annual budget*”.

While the 2024/25 Annual Budget includes a budget for the Jubilee Reserve Irrigation project, and is therefore not an additional purpose for which no expenditure is included in the budget, it is nevertheless prudent to seek Council authorisation given the nature and quantum of the additional budget required to complete the project.

Section 6.11 of the Act requires a local government to give one month’s local public notice where it uses the money in a reserve account for another purpose, unless the proposed use of money has been disclosed in the annual budget.

It is proposed to partly fund the recommended budget increase from the Jubilee Reserve Reserve. The purpose of that Reserve is “*To accrue funds for major expenditure in the provision of community facilities at Jubilee Reserve*”. The

proposed use of funds from that Reserve for this project is considered consistent with the purpose of the Reserve, and consequently does not trigger the requirement for local public notice.

### **Financial Considerations**

This project was budgeted over two financial years, with 50% of the budget in 2024/25 and 50% of the budget included in the Long-Term Financial Plan for 2025/26. The intent was to undertake the procurement process in 2024/25 and proceed to contract award following adoption of the 2025/26 Annual Budget by Council.

Given the tender process is now complete with a recommendation to Council to award the contract, there is an opportunity to proceed to award the contract in May 2025, rather than wait for the new financial year. This will allow the contractor to commence ordering materials and complete the project prior to November 2025, when a fully operational irrigation system will be required for the warmer weather.

To bring the contract award forward, Council must approve a budget for the full cost of the project in 2024/25. Not only does this involve 'bringing forward' the 2025/26 budget for the project, but additional funds are required as the price submitted by the recommended tenderer exceeds the budget for this project, as shown in clause 4.4 of the confidential Tender Evaluation Report.

While some expenditure during 2024/25 is likely, the bulk of the budget will be carried forward to 2025/26, with further costs incurred as the project progresses. The overall financial impact across the two financial years is the same, aside from the required increase to the overall project budget, with the opening surplus for 2025/26 being reduced, balanced by the fact that the project does not need to be re-budgeted in 2025/26 as it will be a carried-forward project.

A summary of the financial implications is presented in Confidential Attachment 2.

### **Risk Management Implications**

#### Financial Risk

The financial risk is low. Despite the project running over budget, the Town has the capacity to meet the additional costs required, in either the current year, or via the 2025/26 Annual Budget.

#### Reputational

Reputational risk is low, as the decision before Council impacts project timing, not project completion.

## **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation – Item 12.8**

That Council:

1. Amends the adopted budget for project AP2509 Jubilee Reserve Reticulation Upgrade to increase the budget by the 2024/25 Proposed Budget Increase identified in Attachment 2.
2. Authorises the use of funds in the Jubilee Reserve Reserve for project AP2509 Jubilee Reserve Reticulation Upgrade, as specified in Confidential Attachment 2.
3. Authorises the use of Municipal funds for project AP2509 Jubilee Reserve Reticulation Upgrade, as specified in Confidential Attachment 2
2. Appoints the Tenderer recommended by the Tender Evaluation Panel as stated in the confidential RFT 03/2025 Tender Evaluation Report to supply and install an automated irrigation system at Jubilee Reserve, Eden Hill for the Town of Bassendean as specified in Tender 03/2025, for a contract period of six (6) months to commence upon Council award of the Tender and issue of the Letter of Award.

**Voting requirements: Absolute Majority**

<b>12.9 Monthly Financial Report - March 2025</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/AUD/1
<b>Directorate</b>	Corporate Services
<b>Responsible Officer</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	1. Monthly Financial Statements March 2025 [ <b>12.9.1</b> - 11 pages]

### Purpose

Due to administrative oversight at the 22 April Ordinary Council Meeting, the recommendation to receive the *Monthly Financial Report - March 2025* report was inadvertently not considered by Council and is therefore re-presented for Council's consideration.

The purpose of this report is for Council to receive the Monthly Financial Report for March 2025, which incorporates the Statement of Financial Activity.

### Background

The *Local Government (Financial Management) Regulations 1996*, Regulation 34, requires a Statement of Financial Activity to be prepared monthly and presented to the Council.

The Statement of Financial Activity compares the budget estimates with the actual revenue and expenditure figures for the year-to-date. The 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.

The variance report compares actual income and expenditures to the mid-Term budget review, which the Council adopted on February 25, 2025.

Each year Council is required to adopt a percentage or value to be used for reporting material variances. Council adopted \$15,000 or 10% whichever is higher, as part of its 2024/25 Annual Budget.

### Proposal

For Council to receive the Monthly Financial Report for March 2025.

## Communication and Engagement

Nil.

## Strategic Implications

### Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

### Comment

The Monthly Financial Report contains the Statement of Financial Activity, representing the adopted 2024/25 Mid-year budget review and actual income and expenditure amounts for March 2025.

### Statement of Financial Activity (by nature or type)

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on a year-to-date basis. The accompanying notes provide a detailed breakdown of the amounts, and the commentary is based on the March 2025 year-to-date figures.

Item	MYR Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$M	\$M	\$M	\$M	%
Revenue (including General Rates)	25.9	23.9	24.0	0.1	1
Expenditure	28.0	20.4	19.9	0.5	2
Capital Works	7.4	2.9	2.1	0.8	26
Non-Operating Grants, Subsidies and Contributions	3.4	1.3	1.1	0.2	15

### Operating Revenue

- Total Revenue is over budget by \$147k, primarily due to interest earnings arising from higher-than-forecast interest rates and higher levels of investments in the first quarter, resulting from early rates collections.

### Operating Expenditure

Total expenditure is under budget by \$476k. The main variances within the individual categories are as follows:

- Employment Costs are over budget by \$52k, considered a timing issue; and

- Materials and Contracts are under budget by \$612k, due to the timing of tree management and maintenance of infrastructure assets.

### Non-Operating Grants

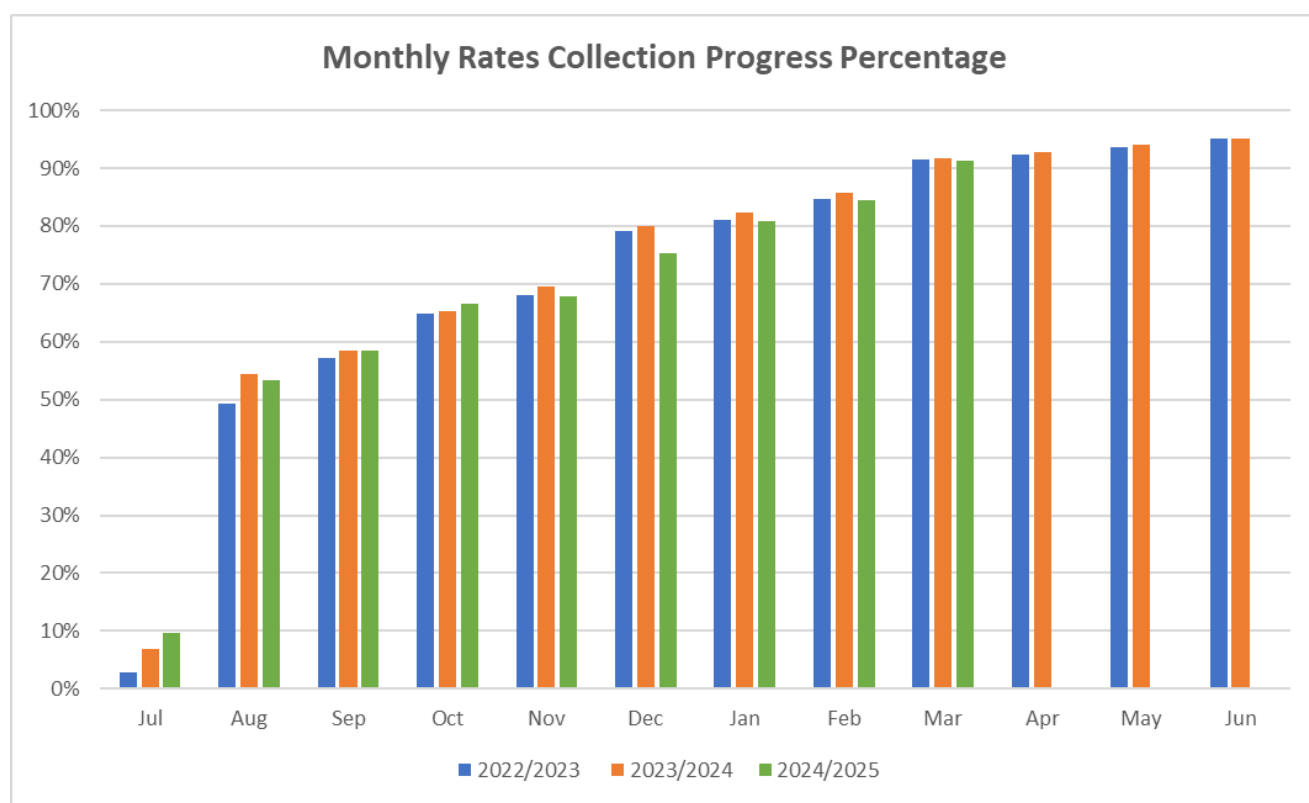
Revenue from non operating grants is under budget by \$205k. The variance is mainly due to the timing of the grants associated with road projects.

### Capital Works

While capital works are under budget, this is considered a timing issue with purchase orders having been raised but works remaining in progress.

### Rates Collection Report

The chart below shows collection at 91.3% as of 31 March 2025.



### Monthly Investment Report

The overall balance of the Town's investments is \$24.1 m. This is comprised of municipal investments of \$12m and reserve investments of \$12.1m.

The administration uses *Marketforces.org.au* to assist in assessing whether financial institutions invest funds in fossil fuel-related industries. The Town currently has 44% of its funds invested in non-fossil fuel ADIs.

## 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.

## Budget Amendments

The following budget amendments are proposed for the Monthly Financial Report for March 2025:

GL Account Code	Description	Current Budget	Amended Budget	Budget Movement	Reason
761594.237	Waste Management Stickers / Barcodes	\$0.00	\$21,500	\$21,500	Contract services to implement secure barcode technology for 2025/26 Rates Notices
081962	Waste Programs Reserve	\$300,307	\$321,807	\$21,500	

To facilitate the inclusion of barcodes for tip passes and FOGO liner vouchers on the annual Rates Notice, security technology will link the vouchers with the property and prevent fraudulent use (FOGO to be confirmed). The vouchers will be issued both on printed Rates Notices and electronically to property owners who have elected to use eRates. This will prevent eRates customers from needing to collect tip vouchers from Customer Service and enable lost/ misplaced vouchers to be reissued to property owners.

## Risk Management Implications

No Risks Identified.

## Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Officer Recommendation 1 – Item 12.9**

That Council:

1. Receives the Monthly Financial Report for the period ending 31 March 2025, which incorporates the Statement of Financial Activity for the period to March 2025.
2. Notes the Explanation of Material Variances in the Statement of Financial Activity for March 2025.

**Voting requirements: Simple Majority**



<b>12.10 Monthly Financial Report - April 2025</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/AUD/1
<b>Directorate</b>	Corporate Services
<b>Responsible Officer</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	Nil

**Please note:** A report on this item will be circulated prior to the meeting.

<b>12.11 Accounts Paid - April 2025</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Responsible Officer</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, local planning schemes & policies.
<b>Attachments</b>	1. List of Payments 1 - 30 April 2025 [12.11.1 - 13 pages]

### Purpose

The purpose of this report is for Council to receive the list of accounts paid for April 2025.

### Background

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* 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.

### Proposal

For Council to receive the list of accounts paid for April 2025.

### Communication and Engagement

Nil

### Strategic Implications

#### Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

### Comment

Payments made during April 2025 are presented to Council, showing the date, payee, amount, and description in respect of each payment for goods and services received.

## Statutory Requirements

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides:

**13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.***

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

## Financial Considerations

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

## Risk Management Implications

Financial Risk

Low

The Town has adequate controls in place to mitigate external and internal risks in accounts payable. As an extra measure, the Town uses EftSure to independently check bank account details of suppliers paid by the Town.

## Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **Officer Recommendation – Item 12.11**

That Council receives the list of accounts paid for April 2025.

## Voting requirements: Simple Majority

## 13 Motions of which Previous Notice has been given

## 14 Announcements of Notices of Motion for the next meeting

## 15 Urgent Business

## 16 Confidential Business

### **Officer Recommendation**

That the following matters be considered with members of the public excluded from the Chamber under Clause 5.23 (2) of the Local Government Act 1995, in the list below.

#### **16.1 Bassendean Oval Precinct Redevelopment Project - Feasibility Study Final Report**

#### **Reason for this Item to be discussed behind closed doors:**

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23(2)(e)(iii) of the Local Government Act as the officer report discusses a matter that if disclosed, would reveal –*

- iii. information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government.*

#### **16.2 EMRC Amendment Deed and Voting Members**

#### **Reason for this Item to be discussed behind closed doors:**

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23(2)(d) of the Local Government Act as the officer report discusses legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

## 17 Closure

The next Ordinary Council meeting will be held on Tuesday 24 June 2025 commencing at 6pm.