

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday 19 April 2022, 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.

This meeting will be live streamed and can be viewed at: [Town of Bassendean Council - YouTube](#).

Members of the public may 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 and statements are to be submitted in advance via the online forms: [Online Form - Public Question Time » Town of Bassendean](#) [Online Form - Public Statement Time » Town of Bassendean](#). Alternatively, if electors are interested in participating at the meeting, a link can be forwarded to join the meeting by electronic means.

Deputations can be made at the meeting via the online form: [Online Form - Request for Deputation » Town of Bassendean](#). If a request is successful, the presenter will be provided with a link to join the meeting by electronic means.

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.

2.0 ATTENDANCES AND APOLOGIES

Apologies

Cr McLennan - Leave of Absence

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 PETITIONS

6.0 PUBLIC QUESTION TIME/STATEMENTS

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

Questions and statements can be submitted prior to the Briefing Session to:

Online Form - Public Question Time » Town of Bassendean

Online Form - Public Statement Time » Town of Bassendean

7.0 DEPUTATIONS

Deputation requests can be submitted prior to the Briefing Session to:

Further information can be found here:

Online Form - Request for Deputation » Town of Bassendean

8.0 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 No. 8.1	Proposed Storage Building
Property Address	77 (Lot 2) West Road, Bassendean
Landowner/Applicant	Carmelo Di Leo, Francesco Antonio Di Leo and Rosaria Foti Cuzzola
Ref	2022-022
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> Quasi-Judicial	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 permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 1	Development Plans

Purpose

The purpose of this report is for Council to consider an application for development approval for a Storage Building at 77 (Lot 2) West Road, Bassendean. The matter is referred to Council for determination as the site is subject to an Additional Use (Shop) under Schedule 2 of Local Planning Scheme No.10 (LPS 10), and the condition of the Additional Use is "as determined by Council".

Background

The subject site is a 490m² freehold lot zoned Residential R20 under LPS 10. The site contains a Single House that has been converted into a 'Shop' which is trading as the Last Crumb Cake Co. A location plan follows:



Proposal

The application involves:

- The construction of a 4.5m x 7.5m (33.75m²) Storage Building located at the rear of the existing Shop, setback 1.0m from the southern boundary.
- The proposed building has a wall height of 2.5m and ridge height of 2.89m.
- The building will be used for storage associated with the existing Shop.

The development plans are attached.

Communication and Engagement

Nil, on the basis that the proposal will not adversely impact the adjoining residential properties or the street.

Comment

Local Planning Scheme No. 10 (LPS 10)

The subject site is zoned Residential R20 under LPS 10. In accordance with Clause 3.5 and Schedule 2 of the LPS 10, the site is subject to an Additional Use for the purpose of a 'Shop'.

An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land. The building is intended to operate as part of the Shop use and is therefore considered acceptable.

State Planning Policy 7.3 – Residential Design Codes (R-Codes)

Despite the Additional Use for a Shop, the subject site is zoned Residential under LPS 10. and given the nature of the proposed building, it has been assessed against the 'outbuilding' provisions of the R-Codes.

The R-Codes include 'deemed-to-comply' criteria and design principles. Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The subject proposal complies with all relevant deemed-to-comply provisions of the R-Codes with the exception of the proposed wall height; with a wall height of 2.5m being proposed in lieu of the required 2.4m. The proposal, being only 0.1m greater than the deemed to comply standard, is not considered to detract from the streetscape or visual amenity of residents or neighbouring properties, and is therefore considered acceptable as it meets the relevant design principle.

Conclusion

The proposed building incorporates a minor wall height variation and is otherwise compliant with the relevant design principle of the R-Codes. Given the proposal will not adversely impact the streetscape or amenity of adjoining owners, it is recommended that Council conditionally approve the proposal.

Statutory Requirements

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by:

- “(a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.”

Financial Considerations

Nil.

Risk Management Implications

Should Council refuse the proposal, the applicant may seek to appeal to the State Administrative Tribunal.

Officer Recommendation – Item 8.1

That Council approve the application for development approval for the proposed Storage Building at 77 (Lot 2) West Road, Bassendean subject to the following conditions:

1. 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; and
2. Prior to application for a Building Permit, stormwater disposal plans, details and calculations must be submitted, approved, and thereafter implemented, constructed, and maintained to the satisfaction of the Town of Bassendean.

Voting requirements: Simple majority

Item No. 8.2	Proposed Outbuilding – 3A (Lot 204, Strata Lot 1) Lukin Way, Bassendean
Property Address	3A (Lot 204) Lukin Way, Bassendean
Landowner/Applicant	Landowner: Dean Anstey Applicant: Shed Rite
Ref	DABC/BDVAPP/2022-019
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input checked="" type="checkbox"/> Quasi-Judicial	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 permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
Attachment No. 2	Development Plans

Purpose

The purpose of this report is for Council to consider an application for development approval for a proposed Outbuilding at 3A (Lot 204, Strata Lot 1) Lukin Way, Bassendean. The matter is referred to Council for determination as it is outside the authority delegated to staff due to an objection on being received during the consultation period.

Background

The subject site is a 464m² strata lot, zoned Residential R20/R40 under Local Planning Scheme No. 10 (LPS 10). A location plan follows.



Proposal

The proposal involves the following:

- The construction of a 63.7m² (9.20m x 6.92m) outbuilding in the north-western rear corner of the lot.
- The proposed Outbuilding has a wall height of 2.8m and a total ridge height of 4.2m.
- The Outbuilding is setback 0.9m from the northern, eastern and western lot boundaries.
- The removal of an existing 10m² outbuilding.

The development plans are attached.

Communication and Engagement

The development application plans were referred to the owners and occupiers of affected properties for a period of 14 days (being from 2 March 2022 to 16 March 2022). At the close of the submission period, one objection was received (from 9 Lukin Way) based on the wall height and associated amenity impacts.

The applicant was invited to modify the proposal to address the concerns but has sought for the application to be determined, as originally proposed.

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

Local Planning Scheme No. 10 (LPS 10)

The subject site is zoned Residential R20/40 under LPS 10. The proposed Outbuilding is incidental to the Grouped Dwelling, which is a “P” use within the Residential zone, meaning the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

State Planning Policy 7.3 – Residential Design Codes Volume 1 and Local Planning Policy 12 - Residential Development and Fences (LPP 12)

The R-Codes include ‘deemed-to-comply’ Criteria (prefixed by “C”) and Design Principles (prefixed by “P”). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles. LPP 12 replaces the relevant ‘deemed-to-comply’ criteria contained within the R-Codes.

The following table outlines the aspects of the proposal that do not meet the (replaced) ‘deemed-to-comply’ criteria and provides an assessment against the sole design principle, being “*outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties*”.

LPP 12 Provision	Assessment
C5.4.3 – Outbuildings – B. Large and multiple outbuildings	
(i) does not exceed 60m ² in area or 10 per cent in aggregate of the site area, whichever is the lesser (in this instance, 46.4m ²);	The proposed outbuilding will have an area of 63.7m ² . In considering the Design Principle, it is relevant that the outbuilding will be visible from the street, and the site will still comply with the open space and outdoor living area requirements, suggesting that the proposal does not represent overdevelopment of the site. The proposal is therefore considered acceptable in this respect.
(ii) set back in accordance with Table 2a (that is, 1.0m);	The outbuilding is proposed to be setback 0.9m for the northern, eastern and western lot boundaries. In considering the Design Principle, it is relevant that the outbuilding will be screened from the northern property by vegetation and the eastern lot has a structure in a similar location, resulting in limited reduced amenity implications. Further, it is considered that increasing the proposed setback by 10cm would have negligible amenity benefits for the adjoining landowners. The proposal is therefore considered acceptable in this respect.
(iii) does not exceed a wall height of 2.4m;	The outbuilding is proposed to have a wall height of 2.8m. In considering the Design Principle, it is relevant that ridge height meets the deemed to comply standard and given the lot alignment, solar access impacts will be confined to the subject site. Whilst the outbuilding will present a vertical face to 9 Lukin Way that is 1.38m ² greater than a deemed to comply proposal, it is not considered to meaningfully detract from the visual amenity of residents or neighbouring properties and would in any event be meaningfully less than what would otherwise be possible if an when the abutting sites are redeveloped at the existing residential density.

Based on the above, the proposal is considered acceptable and it is recommended that it be approved.

Conclusion

Given the minor nature of the variations and given the proposal is not considered to adversely impact the amenity of surrounding properties, it is recommended that Council approve the proposal subject to appropriate conditions.

Statutory Requirements

In accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to determine the application by:

- “(a) *granting development approval without conditions; or*
- (b) granting development approval with conditions; or*
- (c) refusing to grant development approval.”*

Financial Considerations

Nil.

Risk Management Implications

Should Council refuse the proposal, the applicant may seek to appeal to the State Administrative Tribunal.

Officer Recommendation – Item 8.2

That Council approves the application for development approval for an Outbuilding at 3A (Lot 204, Strata Lot 1) Lukin Way, Bassendean subject to the following conditions:

1. 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;
2. All stormwater being contained on site. Details of the method of stormwater disposal being submitted for approval in conjunction with the application for a Building Permit; and
3. The Outbuilding shall only be used for domestic purposes associated with the property and not be used for commercial purposes or human habitation.

Voting requirements: Simple majority

Item No. 8.3	Road Closure – Portions of Extension Road and West Road, Bassendean
Property Address (if applicable)	Extension Road and a portion of West Road adjacent Bassendean Shopping Centre
Landowner/Applicant (if applicable)	State of Western Australia
File Ref	ROAD/RDCLRS/3
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 3	A. Road Closure Sketch Plan B. Submission

Purpose

The purpose of this report is for Council to consider the closure of portions of Extension Road and West Road, Bassendean.

Background

In August 2012, the Metro Central Joint Development Assessment Panel (JDAP) approved an application for the refurbishment and expansion of the Hawaiian Bassendean Shopping Centre, which involved 107 car parking bays and landscaping being located within the adjacent road reserve, and not within the confines of the site.

The Town has sought to rectify this issue by way of the landowner either purchasing the land or entering into a licence agreement for the use and ongoing management of the subject area. The landowner has requested that it be able to purchase the land, which is a matter that requires the approval of the Minister for Lands.

On 25 May 2021, Council considered a proposal to close Extension Road and a portion of West Road, to enable the land to be acquired by the owner of Lot 2 West Road and amalgamated into that site. At that meeting, Council resolved to defer consideration of the matter, pending the finalisation of the Town Centre Masterplan.

On 23 November 2021, Council resolved to adopt the Town Centre Masterplan.

On 21 December 2021, Council again considered the proposal and resolved to further defer consideration of the matter and requested information as to “*any risks associated with the current land occupation of portions of the Extension Road and West Road road reserves*”.

Communication and Engagement

In accordance with Section 58 of the *Land Administration Act 1997* the proposal was advertised for 36 days (18 March 2021 – 23 April 2021), by advertisement in the local newspaper and display on the Town’s website.

At the close of the consultation period, one submission was received; objecting to the proposal. A copy of the submission is attached, with the Town’s responses to the matters raised in the submission included in this report.

In response to the Council’s December 2021 deferral of the matter, staff sought clarification from Councillors, via the 11 February 2022 CEO bulletin, as to what information it specifically required to enable the matter to be reconsidered. Responses were requested by 25 February 2022, however, no response was received.

On 21 March 2022, the Mayor and the Director Community Planning met with the General Manager of Hawaiian to discuss the matter.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise Ensure financial planning has a long term outlook and a focus on land asset rationalisation 	<ul style="list-style-type: none"> All Town-owned buildings increased in their utilisation Defined position and strategy of when buildings need renewal Consolidated infrastructure footprint Enhanced sustainability footprint Clear indications of whole-of-life costs

Comment

Proposed Road Closure

The portions of road that the landowner is seeking to purchase (as shown on the plan contained as Attachment 2) relate to constructed areas of car parking and landscaping connecting to the shopping centre site only, and do not relate to the carriageway on West Road. With the exception of a left-in access via Guildford Road connecting to Whitfield Street, the balance of Extension Road is, for all intents and purposes, a car park and access way serving the shopping centre. Closing Extension Road will have no impact on the surrounding road network.

It is important to note that, as the proposed closure runs along the existing kerb line, all of the existing street trees located on the road side of the kerb line will remain within the road reserve. Whilst one tree will be located wholly within the private landholding, it is effectively protected by virtue of the approved landscaping plan that applies to the development.

Town Centre Masterplan

The proposed closure aligns with the adopted Town Centre Masterplan which, as it relates to the Hawaiian site, is as follows.



State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

Reference is made in the submission to the application of SPP 4.2, specifically in relation to the redevelopment of the shopping centre and the zoning of nearby properties. This proposal is for a road closure only, and SPP 4.2 is not applicable in this respect.

Whilst SPP 4.2 is used to guide the preparation of local planning strategies, schemes, and structure plans; and development control, it is not the statutory tool for rezoning land. Zoning of land occurs via the Local Planning Scheme text and associated Scheme map, which requires approval from the Minister for Planning. The Town is in the process of preparing a new local planning framework which proposes increases in density to the land surrounding the shopping centre. The timing of the new local planning framework is dependent on the Western Australian Planning Commission granting consent to advertise, and ultimately, Ministerial approval.

The ability for the landowner to redevelop the shopping centre site is consistent with the current zoning of the land.

Car Parking Bays Cash-in-Lieu of Car Parking

Concern was raised in the submission regarding the amount of car parking bays on site and the absence of cash-in-lieu of car parking bays.

This proposal is for a road closure only, and the application of cash-in-lieu of car parking is not relevant to this process.

In approving the application for the refurbishment and expansion of the shopping centre, the shortfall in car parking bays was considered. The JDAP did not impose a condition requiring the cash-in-lieu payment, and the Town cannot retrospectively seek such a contribution. Notwithstanding, the applicant has not proposed to remove car parking bays (which would require further development approval), and the road closure will rectify a land tenure anomaly to ensure the maintenance of the bays is the responsibility of the landowner, not the Town.

Parking Infringements and Signage

The submission makes reference to parking infringements from 2017 and recent parking restriction signage. The Town is aware of signage erected by the shopping centre landowner restricting parking within the road reserve, which have since been removed at the request of the Town.

Parking offences are enforced with respect to the *Parking Local Law 2019*, which is applicable to public land only. Should the land be amalgamated into the shopping centre site, it is open for the landowner to impose private parking restrictions.

Compliance with Australian Standards

Reference is made to suggested non-compliance with relevant Australian Standards at the shopping centre. This proposal relates to the road closure only. The requirement to upgrade facilities to ensure compliance with Australian Standards occurs when there is a nexus between new/redevelopment and the relevant non-compliance. Should the landowner seek to redevelop the centre in future, the Town will ensure compliance with the relevant standards.

Section 152 and Sale/Development of Land

The submission requests that the Town use Section 152 of the *Planning and Development Act 2005* to require the shopping centre owner to purchase the land from the Town.

Section 152 is for the vesting of certain land to the Crown at the time of subdivision (i.e. the Western Australian Planning Commission imposing a condition of subdivision approval requiring the landowner to cede land free of cost to the Crown for a public purpose). The land is already owned by the Crown. Further, this proposal is for a road closure only, not for the subdivision of land, and therefore Section 152 is not applicable.

Various commentary was also included in the submission regarding the sale of a portion of Bassendean Oval to the shopping centre owners, the provision of additional parking in this location and upgrades to the lighting/facilities at the Oval. Bassendean Oval is reserved as Parks and Recreation under the Metropolitan Region Scheme. Residential development is inconsistent with the use of the reserve for recreational purposes and therefore cannot be accommodated without the land first being rezoned or the purpose of the reserve being modified, both of which would require Ministerial approval. This proposal is for a road closure only, and does not relate to development/upgrades to Bassendean Oval.

State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)

The submitter incorrectly states that SPP 3.6 is mandatory, and lists a range of items that could be funded via income from a development contribution scheme (DCP). Further, this proposal is for a road closure only, and does not relate to the creation of a DCP.

The Planning Regulations Amendment Regulations 2020 amended the *Planning and Development (Local Planning Schemes) 2015* require local governments to ensure that SPP 3.6 is published in accordance with clause 87 of the deemed provisions of the Regulations. It does not require the Town prepare a DCP.

In any event, the creation of a DCP requires an amendment to the Town's Local Planning Scheme, which is a separate process to the subject road closure.

Conclusion

The portions of road proposed to be closed will provide the opportunity for the shopping centre landowner to purchase this land from the Crown and amalgamate the land into the shopping centre site.

This will rectify a land tenure anomaly and ensure the ongoing maintenance of the car parking bays, retaining walls, access ways and landscaped areas currently within the road reserve will then become the responsibility of the shopping centre landowner, once the portions of land are amalgamated into the shopping centre site.

Given the proposal will have no impact on traffic movements and will rectify the existing maintenance situation on site, it is recommended that Council request the Minister for Lands permanently close the relevant portions of Extension and West Road.

If Council does not wish to proceed as recommended, it is requested that Council specifically resolve to not support the closure, thereby concluding the matter. Such a resolution could be structured as follows:

“That Council does not authorise a request being made to the Minister for Lands pursuant to Section 58 of the Land Administration Act 1997 for the permanent closure of portions of Extension Road and West Road road reserves as identified by hatching on the Location Plan attached to this report, to enable the land to be amalgamated into Lot 2 West Road, Bassendean (Bassendean Shopping Centre).”

Statutory Requirements

In accordance with the Section 58 of *Land Administration Act 1997*, when a local government wishes a road in its district to be closed permanently, it may request the Minister to close the road.

Financial Considerations

Nil, however, should Council resolve not to close the respective portions of road reserve, there will be no ability for the shopping centre landowner to purchase the land from the Crown and amalgamate the land into the shopping centre site. The ongoing cost of maintaining the car parking bays, access ways and retaining walls within the portions of road reserve associated with the JDAP approval to redevelop the shopping centre will remain with the Town.

Whilst the Town has not expended funds in this respect to date, the Town will be responsible for the maintenance of these areas for the life of the development.

Risk Management Implications

There may be some reputational risk associated with not supporting the road closure, given that the Town, in part, originally facilitated the provision of 107 car parking bays and landscaping being located within the road reserve, and not within the confines of the site.

Officer Recommendation – Item 8.3

That Council authorises a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of portions of Extension Road and West Road road reserves as identified by hatching on the Location Plan attached to this report, to enable the land to be amalgamated into Lot 2 West Road, Bassendean (Bassendean Shopping Centre).

Voting requirements: Simple Majority

Item No. 8.4	Draft Public Open Space Strategy
Property Address	N/A
Landowner/Applicant	N/A
File Ref	PARE/POLICY/1 – POLICY – PUBLIC OPEN SPACES
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 4	Draft Public Open Space Strategy

Purpose

The purpose of this report is for Council to consider a draft Public Open Space (POS) Strategy, for the purposes of advertising.

Background

POS Strategies create the basis for the classification and hierarchy of areas of POS within the district, as well as acknowledging the existing statutory planning processes that local governments may use for the provision, development, maintenance or contributions thereof of POS. They also clearly outline to the community the type and standard of infrastructure contained within POS, and the likely maintenance and asset renewal schedule based on an established hierarchy.

The Town has undertaken a review of POS throughout the district and has prepared a draft POS Strategy for the ongoing management and coordination of POS. Actions are contained within the draft POS Strategy, which are intended to enable the Town to deliver an integrated and highly functional POS network. A copy of the draft POS Strategy is attached.

Communication and Engagement

On 1 February 2022, the draft Strategy was discussed at a Councillor workshop, with a copy of the presentation provided to Councillors in the 3 February 2022 CEO Bulletin. In that Bulletin, feedback was sought on various aspects of POS planning and the various responses were received from Councillors, have been considered as part of the preparation of the draft POS Strategy.

On 4 March 2022, the draft Strategy was provided to Councillors via the CEO Bulletin.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Creating an environment where people feel welcome and safe	<ul style="list-style-type: none"> • Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use) • Encourage the adoption of a collective responsibility towards safety 	<ul style="list-style-type: none"> • Increased use of public transport by different demographics • Increased active transport by different demographics • Reduced antisocial incidents
Supporting healthy lifestyles throughout our Town	<ul style="list-style-type: none"> • Improve functionality of amenities and lifestyle options • Improve walkability and cycle-ability, including through infrastructure improvements 	<ul style="list-style-type: none"> • Increased use of public open spaces and other amenities • Improved health and wellbeing of residents

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 • Practice early uptake of suitable new technologies and innovations 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Examples of being first adopters are evident
Foster an empowered community that drives sustainability	<ul style="list-style-type: none"> • Increase community support for sustainability considerations 	<ul style="list-style-type: none"> • Increased community support for sustainable initiatives
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
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 	<ul style="list-style-type: none"> • Gold Waterwise Council status is retained • Quality of water flows into Swan River improves • Stream restoration 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 <p>LONG TERM</p> <ul style="list-style-type: none"> • Increased proportion of tree cover • Reduced heat island effect
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Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> • Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise • Ensure financial planning has a long term outlook and a focus on land asset rationalisation 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • All Town-owned buildings increased in their utilisation • Defined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none"> • Consolidated infrastructure footprint • Enhanced sustainability footprint • Clear indications of whole-of-life costs
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> • Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities) • Leasing, Licensing and Hiring Strategy 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Increased use of facilities • Increased shared use of spaces/diversity of use

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Ensure major decision making is informed by community feedback	<ul style="list-style-type: none"> • Ensure community engagement processes are implemented in major strategic projects 	<ul style="list-style-type: none"> • Ensure community engagement processes are implemented in major strategic projects
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> • Ensure clear communication and flow of information from decision makers to operational staff • Implement a framework on decision making that identifies delegated authority for different levels of decision 	<p>SHORT TERM</p> <ul style="list-style-type: none"> • Efficient and effective Council meetings • Outcomes-focused decision making (not process-focused) • More delegated authority to CEO on appropriate items to enable Council to focus on strategy

The current Corporate Business Plan incorporates “*Develop a Public Open Space Strategy*” as a project for completion in 2021/22.

Comment

Purpose of POS Strategy

The draft POS Strategy will provide a coordinated approach to POS delivery and management within the Town. The draft POS Strategy has been prepared with the following objectives:

- Maximise the value of open spaces for the community through improved amenity and functionality;
- Identify and respond to the impacts of development, population growth, demographic change and competing demands and functions on POS;
- Identify opportunities to improve access to and functionality of POS;
- Establish appropriate levels of service across the POS hierarchy to ensure POS is cost effective to maintain; and
- Design and develop POS to meet conservation and environmental outcomes, including responding to climate change.

Existing POS

The district accommodates 42 areas of POS, as follows:

Suburb	Number of Public Open Spaces					
	Local	Neighb.	District	E & C	Regional	Total
Ashfield	0	1	1	0	2	4
Bassendean	14	6	1	4	5	30
Eden Hill	3	3	2	0	0	8
Total	17	10	4	4	7	42

From a statutory planning perspective and in accordance with the Western Australian Planning Commission's Development Control Policy 2.3 – Public Open Space in Residential Areas (DC 2.3), the base requirement is that 10% of the gross subdivisible area of land is to be ceded to the Crown for POS free of cost, or in general terms, 10% of a suburb shall be local POS.

The following table represents the percentage of POS within each suburb and for the district more broadly:

Suburb	Percentage of Public Open Space		
	Open Space (ha)	Residential land (ha)	% POS
Ashfield	8.1	49.5	16.3%
Bassendean	27.3	369.1	7.4%
Eden Hill	21.6	128.7	16.8%
Total	57.0	547.3	10.4%

The Town conducted a detailed evaluation of the current POS provision in terms of its quality; measured based upon design, functionality, infrastructure provision, accessibility, surveillance and maintenance standard.

The results of the evaluation are contained in the Strategy document. The findings of the assessment revealed an overall underperformance in the quality of POS throughout the Town. The key areas of concern included functionality, with lack of infrastructure constraining sports and recreation usages. Some POS had infrastructure, however displayed signs of ageing and degradation, indicating a maintenance issue. POS with infrastructure also somewhat lacked safety and amenity infrastructure including lighting and shading. This issue was exacerbated by a lack of passive surveillance.

Strategy Recommendations

The draft Strategy contains a series of recommended actions, ranging from some of which seek to increase the provision of open space across the district. Given the long-term nature of strategy, a staged approach to implementation would occur as and when funding is available, with the Town seeking to implement the short-term actions in the first instance.

With respect to the 10% requirement within DC 2.3, should Council adopt the recommendations contained within the draft Strategy, the overall POS within the Town would increase from 10.4% to 10.8% (with Bassendean increasing from 7.4% to 8.0%).

Public Consultation

Should Council resolve to advertise the draft POS Strategy, the Town intends to undertake advertising for a period of 28 days by various means including (but not limited to) the following :

- Copies being made available in the Town's Customer Service Centre and Library;
- The draft Strategy being made available on the Town's website;
- Promotion of the consultation process on the Town's social media platforms;
- Direct referral to the various environmental groups and community action network groups within the district; and
- Direct referral to development industry groups as required by a previous Council resolution.

Following the conclusion of the consultation period, the matter will be formally presented to Council for final adoption.

Conclusion

Providing functional and high-quality POS will lead to social and environmental benefits across the Town. The draft POS Strategy provides for a coordinated approach to the ongoing provision and management of POS.

It is therefore recommended that Council adopt the draft Strategy for the purposes of advertising.

Statutory Requirements

- *Planning and Development Act 2005*
- *Development Control Policy 2.3 – Public Open Space in Residential Areas*

Financial Considerations

Whilst there are no immediate financial considerations, implementation of the draft POS Strategy will require future budget allocations over several years, which may be supported by cash-in-lieu of POS being provided by developers / subdividers and proceeds realised from successful disposal of surplus open space.

Risk Management Implications

In the absence of an adopted POS Strategy, the Town will not have a coordinated approach to the enhancement and maintenance of POS, and no strategic basis to request public open space contributions (land or cash-in-lieu) in some circumstances.

Officer Recommendation – Item 8.4

That Council adopts the draft Public Open Space Strategy, as attached to this report, for the purposes of advertising.

Voting requirements: Simple Majority

Item No. 8.5	Review of Council Policies
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	COMDEV/POLCY/1
Directorate	Community Planning
Authority/Discretion	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 5	A. Current Council Policy– Banner Poles B. Draft amended Council Policy – Alfresco Dining and Public Trading (including proposed modifications as tracked)

Purpose

The purpose of this report is for Council to consider amending Council Policy – Alfresco Dining and Public Trading and revoking Council Policy 4.5 – Banner Poles (CP 4.5).

Background

CP 4.5 was adopted in 2001 and was last reviewed in 2014. The stated objectives of the Policy are as follows:

- “1. To provide priority access to Council for the use of the banner poles, and allow secondary access to community groups when not required for Council purposes, on a “user pays” principle that is cost neutral to the Town.
2. To enhance the Town’s visual appearance and sense of vitality through the use of well designed and appropriate banners.
3. To convey information about sporting, cultural, community, recreation and tourist events.
4. To encourage sponsor involvement in the promotion of events in the Town through providing opportunities for sponsor recognition.”

The Town currently has 13 banners poles within the district; located on Old Perth Road, Guildford Road and Collier Road. These banner poles are infrequently used.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> • Ensure clear communication and flow of information from decision makers to operational staff • Implement a framework on decision making that identifies delegated authority for different levels of decision 	<ul style="list-style-type: none"> • Efficient and effective Council meetings • Outcomes-focused decision making (not process-focused) • More delegated authority to CEO on appropriate items to enable Council to focus on strategy

Comment

CP 4.5 was last reviewed in 2014 and requires subsequent review. In undertaking the review, it is considered that some of the provisions are relevant and assist with guiding decisions regarding the future use of the banner pole structures. Rather than retain the policy in its own right, it is proposed to embed the necessary provisions within the existing Alfresco Dining and Public Trading Policy, on the basis that the use of the structure requires a permit under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*.

It is recommended that Council amend the Alfresco Dining and Public Trading Policy, and revoke CP 4.5.

Statutory Requirements

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

Financial Considerations

Nil.

Risk Management Implications

Low.

Officer Recommendation – Item 8.5

That Council amends existing Council Policy – Alfresco Dining and Public Trading, as contained as an attachment, and revokes Council Policy – Banner Poles.

Voting requirements: Absolute majority

Item No. 8.6	RFT 01/2022 Provision of Street Sweeping Services
File Ref/ROC	(ROAD/TENDNG/50)
Directorate	Corporate Services
Authority/Discretion <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 licenses, applications for other permits/licenses (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that October be appealable to the State Administrative Tribunal.
Confidential Attachment No. 1	Tender Evaluation Report

Purpose

The purpose of this report is to present to Council a summary of tenders received for RFT 01/2022 Provision of Street Sweeping Services 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 provide Street Sweeping Services. The Town does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Town had a single contract for this service with Mint Civil Pty Ltd, which expired on 31 October 2021. Since then, the Town has procured Street Sweeping Services through a quotation.

Proposal

To appoint a contractor to provide street sweeping services for the Town of Bassendean.

Communication and Engagement

The request was advertised in The West Australian Newspaper and on the Town's website on Saturday 12 February 2022 and closed on Thursday 3 March 2022.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Creating an environment where people feel welcome and safe	<ul style="list-style-type: none"> • Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use) • Encourage the adoption of a collective responsibility towards safety 	<ul style="list-style-type: none"> • Increased use of public transport by different demographics • Increased active transport by different demographics • Reduced antisocial incidents
Supporting healthy lifestyles throughout our Town	<ul style="list-style-type: none"> • Improve functionality of amenities and lifestyle options • Improve walkability and cycle-ability, including through infrastructure improvements 	<ul style="list-style-type: none"> • Increased use of public open spaces and other amenities • Improved health and wellbeing of residents

Comment

Submissions were received from the Enviropath Pty Ltd; Envirosweep; and Mint Civil 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.

All three Tenderers met the compliance requirements of the Tender and were evaluated against the qualitative criteria and weightings shown in the following table. The predetermined qualitative threshold was set at 65% for this tender.

QUALITATIVE CRITERIA	WEIGHTING
Capacity	40%
Demonstrated Experience	30%
Demonstrated Understanding of the Requirements	30%

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage two to assess value for money to the Town.

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

Statutory Requirements

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

Financial Considerations

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

Officer Recommendation – Item 8.6

That Council appoints Enviropath Pty Ltd to provide Street Sweeping Services for the Town of Bassendean, as specified in Tender 01/2022, for a period of three (3) years with a further option to extend the Term of the Contract by one (1) year, plus a further option of one (1) year, to commence upon Council Approval and Letter of Award.

Voting requirements: Absolute majority

Item No. 8.7	Bassendean Local Emergency Management Committee Meetings held on 11 August 2021, 3 November 2021 and 2 March 2022
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
File Ref/ROC	GOVN/CCLMEET/12
Previous Council Reports (if applicable)	Nil.
Directorate	Community Planning
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	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 (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Attachment No. 6	Bassendean Local Emergency Management Committee Minutes - 11 August 2021, 3 November 2021 and 2 March 2022

Purpose

The purpose of this report is for Council to receive the minutes of the Bassendean Local Emergency Management Committee meetings held on 11 August 2021, 3 November 2021 and 2 March 2022.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Ensure operational activities reflect the strategic focus of Council	<p>Ensure clear communication and flow of information from decision makers to operational staff</p> <p>Implement a framework on decision making that identifies delegated authority for different levels of decision</p>	<p>SHORT TERM</p> <p>Efficient and effective Council meetings</p> <p>Outcomes-focused decision making (not process-focused)</p> <p>More delegated authority to CEO on appropriate items to enable Council to focus on strategy</p>

Comment

The Committee discussed the following items for each meeting:

Meeting Date	Matters Discussed
11 August 2021	<ul style="list-style-type: none"> • Emergency Management Agency Reports • State Hazard Plans • Success Hill Bollard installation • EMRC's flood awareness program • Post Incident Report and Post Exercise Reports • Preparedness, Prevention, Response and Recovery Issues
3 November 2021	<ul style="list-style-type: none"> • Emergency Management Agency Reports • Post Incident Report and Post Exercise Reports • Preparedness, Prevention, Response and Recovery Issues • Local Planning Policy No. 4 – Floodplain Management and Development • Flood Aware Be Prepared Campaign • Emergency Exercise to be held on 7 December 2021
2 March 2022	<ul style="list-style-type: none"> • Emergency Management Agency Reports • Post Incident Report and Post Exercise Reports • Preparedness, Prevention, Response and Recovery Issues • Outcome of Joint Local Government Recovery Exercise held on 7 December 2021

Officer Recommendation – Item 8.7

That Council receives the Bassendean Local Emergency Management Committee minutes of 11 August and 3 November 2021 and 2 March 2022.

Voting requirements: Simple majority

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.0 CONFIDENTIAL BUSINESS

Item No. 10.1	CEO Annual Performance Review Facilitation (Consultant Recommendation)
Directorate	Office of the CEO
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
File Ref	
Authority/Discretion <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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Confidential Attachments No. 2	Proposal CEO Performance Review - Submissions Standards for CEO Recruitment, Performance and Termination Policy

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

11.0 CLOSURE

The next Briefings Session will be held on Tuesday 17 May 2022, commencing at 6.00pm.