



TOWN OF

**Bassendean**

## AGENDA

# Briefing Session

**Tuesday 19 July 2022**

Notice is hereby given of the Briefing Session  
to be held in the Council Chamber

Administration Building  
48 Old Perth Road, Bassendean WA 6054  
commencing at 6:00 pm



Local school students' artwork featured.

The above contribution is from Evie who has painted "*Kaaraks flying over Kaatamoorda (Darling Ranges)*". Evie is from Middle Primary, Bassendean Primary School.

# Meeting Information

## About the Briefing Session

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.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the Local Government Act 1995.

## Recording and Live-streaming

All participation in the meeting, except for confidential business, will be audio recorded and live-streamed on the Town's website. The live stream will be archived and made available on the Town's website after the meeting.

## 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 Briefing Session 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).

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

or if you miss it live, go to:  
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

# 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, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town 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 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 Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Information	For the Council/Committee to note.

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## **1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer**

### **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 Attendances and Apologies**

### **3 Declarations of Interest**

### **4 Announcements**

### **5 Petitions**

### **6 Public Question Time/Statements**

15 minutes will be allocated for questions by members of the public unless the Council, by resolution, decides otherwise on matters contained in the agenda.

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:  
[www.bassendean.wa.gov.au/forms/public-question-time/36](http://www.bassendean.wa.gov.au/forms/public-question-time/36)

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.

### **7 Deputations**

Deputation requests can be submitted prior to the Briefing Session via the online form:  
[Online Form - Request for Deputation » Town of Bassendean](#)

Further information can be found here:  
[About Council Meetings » Town of Bassendean](#)

## 8 Reports

8.1 Draft Local Planning Scheme No. 11	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/PLANNG/24
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<b>Previous Reports</b>	4 November 2020 28 June 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Local Planning Scheme No. 11 (Text) [8.1.1 - 37 pages]</li> <li>2. Draft Local Planning Scheme No. 11 (Map) [8.1.2 - 1 page]</li> </ol>

### Purpose

The purpose of this report is for Council to consider a draft Local Planning Scheme No. 11 (LPS 11).

### Background

There is extensive background relating to the preparation of the draft local planning frameworks, which was detailed in the report presented to Council's 28 June 2022 meeting.

With regards to the draft LPS 11 specifically, on 4 November 2020, Council resolved to adopt a draft Scheme for the purposes of advertising, subject to various modifications being made to the draft Scheme.

On 28 June 2022, Council resolved (among other things) to note that the Statutory Planning Committee of the Western Australian Planning Commission (WAPC) has determined the draft amended Local Planning Strategy as appropriate for public consultation. The current version of the draft Strategy is materially different to the version considered by Council in November 2020.

### Communication and Engagement

In addition to the various workshops formulating the original draft frameworks, on 10 June 2022, information was updated and provided to Councillors via the CEO Bulletin, ahead of the Councillor workshop held on 14 June 2022.

On 7 June 2022, Town staff met with the Department of Planning, Lands and Heritage to discuss the draft Scheme. On 17 June 2022, the Town provided the draft Scheme documents to the Department for informal review. At the time of drafting this report, no response was received. This is not problematic however, as the Department will have a further opportunity for review, prior to any public consultation.

## Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

## Comment

### Draft Amended Local Planning Scheme No. 11

Given that the current draft Strategy is materially different to the November 2020 version, a series of modifications are required to be made to that version of the draft Scheme. A summary of the recommended modifications are as follows.

LPS 11 modification	Rationale
Inclusion of the 'District Centre' zone. This was directed by the DPLH despite not being a model zone contained within the Regulations.	Draft Strategy Action 11.1.
Zoning Planning Area A (Bassendean) as District Centre.	Draft Strategy Action 27.2.
Removal of various 'Additional Uses'.	With Planning Area A (Bassendean) being zoned District Centre, the uses are able to be contemplated without the need for an 'Additional Use' designation.
Replacement of the 'Bed & Breakfast' and 'Holiday Accommodation' land uses with the 'Holiday Apartment', 'Holiday Unit', and 'Hosted Accommodation' land uses. Associated land use definitions have also been modified.	Draft Strategy Action 18.1 and due to the State Government reform to Short Stay Accommodation.
Inclusion of reference to LPP 12 and LPP 13 modifying State Planning Policy 7.3 – Residential Design Codes.	To reflect the status of the policies.
Reference to ceding of land for the purposes of widening of rights-of-ways.	To provide for the potential widening of a right of way, if deemed necessary by an adopted planning framework.
Removal of the Special Control Areas which relate to the three Heritage Areas.	No longer required as the precincts have been formally established as Heritage Areas under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

Removal of Special Control Area which related to the area between the railway line, Lord Street, Guildford Road and Earlsferry Court.	The key issue of access will be addressed as part of a future Precinct Structure Plan.
Modification to Clause 38 to include reference to the need for advice from the Department of Water and Environmental Regulation in relation to proposed development within the Flood Way and Flood Fringe.	To align with wording contained within draft <i>State Planning Policy 2.9 – Planning for Water</i> .
Reserving the Town-owned 27 Lot 100) Hyland Street as Public Open Space.	Draft Strategy Action 14.1.
Zoning the entirety of 18 (Lot 130) Anstey Road as Residential R20 (removing the existing Public Open Space reservation).	Draft Strategy Action 14.2.
Zoning the entirety of 17 (Lot 113) Harcourt Street as Residential R25 (removing the existing Public Open Space reservation).	Draft Strategy Action 14.2.
Retention of much of the split density coded land, which has previously been proposed to reduce to the 'base' code of the land or have a new higher density code.	<p>In preliminary discussions with the DPLH in preparing the draft Strategy and LPS 11, the DPLH advised that it would not support split density codings on the basis that densities should be provided on the basis of appropriate locational criteria.</p> <p>With the introduction of the various Planning Areas, the DPLH has since advised that it would not support the removal of the split density codings in Planning Areas C, D, E, F and G until relevant investigations have been completed, so as to determine the most appropriate future coding of this land. As such, draft LPS 11 continues to provide for split codings in those precincts.</p>
Identifying the Men's Shed, Maltese Club and Wind in the Willows (Ashfield) sites as Local Reserve - Civic and Community.	To better reflect the use of the sites.
Identifying Lot 589 Railway Parade as Local Reserve – Railways.	To better reflect the use of the site.

A copy of the draft Scheme is contained as Attachments 1 and 2.

### Bindaring Park

#### *Road Reserves*

There are currently constructed portions of Anstey Road, Carnegie Road and Hyland Street that are designated as Local Open Space, identified in blue below.





It is proposed that those constructed portions be identified as road reserve, rather than the current Local Open Space designation. Whilst not a change from the November 2020 version of the draft Scheme, it is noted that a number of landowners have raised an objection to that element of the draft Scheme as part of their submissions on a proposed road closure that is discussed separately within another item on this agenda. It is open to Council to adopt the draft Scheme, but with any modifications it considers appropriate.

*Town-owned lots (Anstey Road)*

The Town currently owns 17, 19, 21 and 23 Anstey Road, with 17 and 19 being zoned Residential and 21 and 23 being reserved as Local Open Space, as follows.



It is proposed that the designations remain as is under draft LPS 11. Whilst not a change from the November 2020 version of the draft Scheme, it is noted that there are various other options for the site including (but not limited to) having all four lots zoned Residential or having all four lots reserved a Local Open Space. These various options have been discussed with Councillors on numerous occasions. It is open to Council to adopt the draft Scheme, but with any modifications it considers appropriate.

### **Statutory Requirements**

If Council resolves to proceed to advertise the draft amended LPS 11, the Town must refer it to the WAPC for review. Under the Regulations, the WAPC has 90 days to examine the scheme and advise of any required modifications. In addition, the draft Scheme is required to be referred to the Environmental Protection Authority and Heritage Council of Western Australia for review.

Subject to no objections being received, the Town is required to undertake public consultation in accordance with the Regulations.

### **Financial Considerations**

The cost of advertising the draft Scheme will be met by the 2022/23 operational budget.

### **Risk Management Implications**

High. The Town has a legislated obligation to review its Local Planning Scheme.

### **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 8.1**

That:

1. Pursuant to Section 72(1) of the *Planning and Development Act 2005*, adopts draft Local Planning Scheme No. 11, as contained as Attachments 1 (text) and 2 (map); and
2. Refers the draft Local Planning Scheme No. 11 to the WAPC, Environmental Protection Authority and Heritage Council of Western Australia for review for the purposes of consent to advertise.

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

<b>8.2 Proposed Road Closures - Bindaring Park</b>	
<b>Property Address</b>	Harcourt Street, Carnegie Road and Forfar Road
<b>Landowner/Applicant</b>	State of Western Australia
<b>File Reference</b>	ROAD/RDCLRS/2
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<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. Closure Plan [8.2.1 - 1 page]</li> <li>2. Submission 1 - Stewart [8.2.2 - 1 page]</li> <li>3. Submission 2 - Da Rui [8.2.3 - 2 pages]</li> <li>4. Submission 3 - Peterson [8.2.4 - 3 pages]</li> <li>5. Submission 4 - Humphrey [8.2.5 - 2 pages]</li> <li>6. Submission 5 - Bridges [8.2.6 - 3 pages]</li> <li>7. Submission 6 - Seidel [8.2.7 - 1 page]</li> <li>8. Submission 7 - Jekabsons &amp; Johnson [8.2.8 - 2 pages]</li> <li>9. Submission 8 - Allenby [8.2.9 - 3 pages]</li> <li>10. Submission 9 - Johnston [8.2.10 - 1 page]</li> </ol>

### Purpose

The purpose of this report is for Council to consider the closure of portions of Harcourt Street, Carnegie Road and Forfar Road, Bassendean.

### Background

Bindaring Park is partly comprised of a number of road reserves which are unconstructed but are also reserved 'Parks and Recreation' (Public Open Space) under Local Planning Scheme No. 10.

To correct the inconsistency, it is proposed that portions of unconstructed road reserve not servicing existing lots (shown in lime green on the attached plan) be closed to enable the land to be amalgamated into the broader park.

### Communication and Engagement

In accordance with Section 58 of the *Land Administration Act 1997* the proposal was advertised for 36 days (19 May 2022 – 24 June 2022), by way of:

- advertisement in the local newspaper;
- direct referral to abutting landowners;

- direct referral to Friends of Bindaring and the Bassendean Preservation Group
- promotion via the Town's Facebook page;
- display on the Town's website; and
- display at the Town's Library and Customer Services Centre.

At the close of the consultation period, nine submissions were received; all supporting the proposed closure, although it is noted that they all objected to the potential amendment to the local planning scheme designation of portions of unrelated constructed roads. Those matters fall outside the scope of the subject proposal and will be considered separately as part of draft Local Planning Scheme No.11. Copies of the submissions are attached.

### **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

2.5 Value and conserve and protect our water resources and waterways

2.6 Support the creation of a more green and shaded Town

### **Comment**

The proposal is considered innocuous and simply seeks for the subject land to be appropriately identified as Local Open Space, rather than as road reserves.

### **Statutory Requirements**

In accordance with 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.

### **Risk Management Implications**

Financial Risk

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 8.2**

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 the Harcourt Street, Carnegie Road and Forfar Road road reserves as identified by the plan attached to this report, to enable the land to be amalgamated into the abutting Crown Reserve.

**Voting requirements: Simple Majority**

<b>8.3 Proposed Road Closures - Hamilton Street Reserve (and surrounds)</b>	
<b>Property Address</b>	Villiers Street, Iveson Place and Hamilton Street
<b>Landowner/Applicant</b>	State of Western Australia
<b>File Reference</b>	ROAD/RDCLRS/2
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<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. Closure Plan - as advertised [8.3.1 - 1 page]</li> <li>2. Closure Plan - amended following advertising [8.3.2 - 1 page]</li> </ol>

### Purpose

The purpose of this report is for Council to consider the closure of portions of Villiers Street, Iveson Place and Hamilton Street, Bassendean.

### Background

Hamilton Street Reserve (and surrounds) is partly comprised of a number of road reserves which are unconstructed but are also reserved 'Parks and Recreation' (Public Open Space) under Local Planning Scheme No. 10.

To correct the inconsistency, it is proposed that portions of unconstructed road reserve not servicing existing lots (shown in lime green on the attached plan) be closed to enable the land to be amalgamated into the broader park.

### Communication and Engagement

In accordance with Section 58 of the Land Administration Act 1997 the proposal was advertised for 40 days (26 May 2022 – 4 July 2022), by way of:

- advertisement in the local newspaper
- direct referral to abutting landowners
- direct referral to Ashfield CAN
- promotion via the Town's Facebook page
- display on the Town's website
- display at the Town's Library and Customer Services centre.

At the close of the consultation period, two submissions were received; both supporting the proposal.

## Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

2.5 Value and conserve and protect our water resources and waterways

2.6 Support the creation of a more green and shaded Town

## Comment

The advertised version of the proposal provided for the Hamilton Street road reserve to be closed so as to align with the current Scheme reservation. In reviewing the matter, it is considered more appropriate to close the road such that it aligns with the extent of residential-zoned land on the south of Hamilton Street, as depicted by Attachment 2. This change will preserve full road frontage for No. 119 Hamilton Street, which may be desirable in the event that the site is ever redeveloped.

In any event, the proposal is considered innocuous and simply seeks for the subject land to be appropriately identified as Local Open Space, rather than as road reserves.

## 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.

## Risk Management Implications

Financial Risk

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 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 the Villiers Street, Iveson Place and Hamilton Street road reserves as identified by the plan attached to this report, to enable the land to be amalgamated into the abutting Crown Reserve.

**Voting requirements: Simple Majority**



8.4 Addition to Local Heritage List	
<b>Property Address</b>	150 (Lot 61) West Road, Bassendean
<b>Landowner/Applicant</b>	Town of Bassendean
<b>File Reference</b>	LUAP/REGSTN/3
<b>Author</b>	Director Community Planning
<b>Department</b>	Development and Place, Community Planning
<b>Previous Reports</b>	22 May 2018 24 May 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Draft amended Heritage List [8.4.1 - 58 pages]

### Purpose

The purpose of this report is for the Council to consider entering a place, being 150 (Lot 61) West Road, Bassendean, in the Town's Heritage List, pursuant to Schedule 2, Part 3, Clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. **Background**

In accordance with Schedule 3, Part 3, Clause 8(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, the Town is required to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation. Heritage lists are informed by a Local Heritage Survey (LHS), but do not necessarily include all places included in the LHS. Typically, heritage lists only include those places that have a heritage management category 1 or 2 within the LHS, being those with the highest level of heritage significance.

In May 2018, Council resolved to adopt the Town's current Heritage List. It contains 48 places.

In May 2022, Council resolved to adopt the draft amended LHS, which included an upgrade to the management category for 150 (Lot 61) West Road, Bassendean from a category 3 to a category 2. This upgrade was based on a nomination by the landowner and now necessitates a review of the Heritage List.

## Communication and Engagement

In accordance with Schedule 2, Part 3, Clause 8(3) of the Regulations, the Town, by way of email, wrote to the owner of the subject site on the 31 May 2022, inviting them to make comment, within 21 days, on the proposal to include the premise on the Heritage List.

The owner provided written support for the proposal.

## Strategic Implications

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

7.2 Create a community closely connected to its history and heritage

## Comment

The subject site has considerable significance for the following reasons:

- The place has aesthetic value as a good example of a simple timber cottage built in the federation style.
- The place has historic value for its association with the development of Bassendean in the early 20<sup>th</sup> century.
- The place has social value as a demonstration of the scale of a typical family home of the early 20<sup>th</sup> century.

Based on the above, and the upgrade in management category from category 3 to category 2 under the LHS, it is considered appropriate to include the premises in the Town's Heritage List. Places on the Heritage List require development approval for all demolition, alterations or other development affecting the heritage significance of the place.

Conserving heritage places will ensure the community can remain closely connected to its history and heritage. Therefore, it is important to maintain an up-to-date heritage list and to recognise the Town's history and heritage to ensure it can be protected.

It is recommended that Council enter 150 (Lot 61) West Road, Bassendean in the Town's Heritage List.

## Statutory Requirements

Pursuant to Schedule 2, Part 3, Clause 8(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if Council resolves to include the premises in the Town's Heritage List, the Town is required to notify the Heritage Council of Western Australia and the owner/occupier of the place of the resolution.

## **Financial Considerations**

Nil.

## **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 – Item 8.4**

That Council, pursuant to Schedule 2, Part 3, Clause 8(3d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to enter 150 (Lot 61) West Road, Bassendean into the Town's Heritage List as place No. 49, as contained in the attachment to this report.

## **Voting requirements: Simple Majority**

<b>8.5 Amendment to Local Heritage Survey</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/REGSTN/3
<b>Author</b>	Director Community Planning
<b>Department</b>	Development and Place, Community Planning
<b>Previous Reports</b>	24 May 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. New Place Records Sandy Beach and Ashfield Flats [8.5.1 - 5 pages]

### **Purpose**

The purpose of this report is for the Council to consider amending the Local Heritage Survey (LHS) to include Sandy Beach Reserve and the Ashfield Flats as listed places.

### **Background**

On 24 May 2022, Council resolved to adopt the draft LHS.

During the deliberations on the matter, a Councillor requested staff consider the inclusion of Sandy Beach Reserve and the Ashfield Flats so as to formally recognise each reserve as a place with historical significance and heritage value to the Town.

### **Communication and Engagement**

The Ashfield Flats land is owned by the Western Australian Planning Commission (WAPC), with Sandy Beach being a Crown reserve that it is vested to the Town. As such, the Town sought comment from the WAPC on the proposals.

The WAPC advised that it had no objection to either place being included in the Town's LHS with a Management Category 3 status.

As the further review required only a 'Place Specific Review', it was not necessary to undertake broader community consultation.

### **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

7.2 Create a community closely connected to its history and heritage

### **Comment**

### Sandy Beach Reserve

Located at the end of West Road, Bassendean, Perth, Western Australia, Sandy Beach Reserve was previously part of the McDonald farm and dairy. It is a popular recreational reserve, which has been redeveloped to include a new playground and ablution facilities.

### Ashfield Flats

Located at the end of West Road, Bassendean and adjoining Sandy Beach, the Ashfield Flats hosts a walk trail and overlooks Garvey Park, Belmont, and Ron Courtney Island. The Ashfield Flats is reserved as Parks and Recreation under the Metropolitan Region Scheme and is recognised as a Bush Forever Site (number 214). The flats contain bushland on the Swan Estuary with naturally vegetated areas which provide habitat for flora and fauna.

Both the Sandy Beach Reserve and the Ashfield Flats are recognised as having cultural heritage significance due to:

- The association with the development of the district in the early 20<sup>th</sup> century:
- The picturesque environment and views of the Swan River: and
- The extensive historical and community use

Acknowledging the above, it is recommended that the Council amend the LHS to include Sandy Beach Reserve and the Ashfield Flats as Management Category 3 places.

### **Statutory Requirements**

*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Heritage Act 2018*

### **Financial Considerations**

Nil.

### **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 – Item 8.5**

That Council amends the Local Heritage Survey by adding Place No. 288 - Sandy Beach Reserve and Place No. 289 - Ashfield Flats, both as Management Category 3 places, in accordance with the attachment to this report.

**Voting requirements: Simple Majority**

<b>8.6 Draft Local Planning Policy - Short Stay Accommodation</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	LUAP/POLCY/26
<b>Author</b>	A/Manager Development and Place
<b>Department</b>	Development and Place, Community Planning
<b>Previous Reports</b>	22 February 2022
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Draft Local Planning Policy - Short Stay Accommodation [8.6.1 - 4 pages]

### **Purpose**

The purpose of this report is for Council to consider a draft Local Planning Policy – Short Stay Accommodation for public consultation.

### **Background**

On 22 February 2022, Council resolved (amongst other things) to request staff prepare a draft Local Planning Policy in relation to Short Stay Accommodation.

### **Communication and Engagement**

The draft Policy was circulated to Councillors on 24 June 2022 via the CEO Bulletin for early feedback.

### **Strategic Implications**

Priority Area 4: Driving Financial Suitability

4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.2 Ensure major decision making is informed by community feedback

### **Comment**

Short stay accommodation is the common name given to holiday homes, units, or apartments (usually built for residential purposes in the areas zoned for residential use) offered for short-term letting, usually through an online booking platform (such as Airbnb or Stayz).

The provisions within the draft policy seek to:

- provide guidance for the establishment of short stay accommodation land uses within the district, including locational and operational criteria in which the activity is to operate within.
- require the development of comprehensive management plans.
- ensure that short-stay accommodation located within residential areas will not compromise the character and amenity of the surrounding residential area or nearby residents, and that the activity can be appropriately managed by the landowner of the site.
- provide guidance on conditions that may be imposed on the activity, such as the maximum number of permitted guests onsite, time limited approvals to gauge the performance of the accommodation, and the display of the owner/managers contact details to ensure complaints can be dealt with in a timely manner.

The draft policy will provide clear guidance on short stay accommodation within the Town's district (of which there currently is none). The provisions within the draft LPP have been drafted to ensure that the amenity of nearby landowners and occupiers is not compromised. It is therefore recommended that the draft LPP be adopted for the purpose of advertising.

### **Statutory Requirements**

If the local government resolves to adopt a local planning policy the local government must advertise the proposed policy. If Council resolves to proceed, the draft policy will be made available on the Town's website and in the Town's library and customer service centre.

### **Financial Considerations**

Nil.

### **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 – Item 8.6**

That Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft Local Planning Policy – Short Stay Accommodation, as contained in the attachment to this report, for the purposes of advertising.

**Voting requirements: Simple Majority**

<b>8.7 Proposed Closure of Right of Way - Lot 503 On Deposited Plan 73906</b>	
<b>Property Address</b>	Lot 503 on Deposited Plan 73906 (abutting Ida Street, Bassendean)
<b>Landowner/Applicant</b>	Stephen Henry Parker & Daniel Kenny (deceased estate)
<b>File Reference</b>	ROAD/STMNGT/4
<b>Author</b>	A/Manager Development and Place
<b>Department</b>	Development and Place, Community Planning
<b>Previous Reports</b>	28 September 2021
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Proposed Closure Plan [8.7.1 - 1 page]

**Purpose**

The purpose of this report is for Council to consider the closure of Right of Way No. 6 (ROW 6), being Lot 503 on Deposited Plan 73906.

**Background**

ROW 6 is located to the west of Ida Street, in the block between Broadway and Scaddan Street. It is held in a deceased estate with two registered proprietors as tenants in common in equal shares. ROW 6 is 40m long, has an area of 202m<sup>2</sup>, is unconstructed, and contains Water Corporation sewerage infrastructure throughout its entire length. Illegal dumping occurs in the ROW from time to time, which the Town typically removes. A site plan follows.



On 28 September 2021, Council resolved to make a formal request to the Minister for Lands to close ROW 6. The two adjoining landowners (26A Scaddan Street and 3 Ida Street) both registered their interest in each purchasing half of the land for amalgamation into their respective lots.

Following the request to the Minister, the Department of Planning Lands and Heritage (DPLH) liaised with the landowners and advised of the costs associated with the closure (land value, documentation preparation and lodgment fees). Subsequently, Landgate advised that the cost of the land would be as follows:

- 101m<sup>2</sup> portion to be acquired by 26A Scaddan Street – \$30,000
- 101m<sup>2</sup> portion to be acquired by 3 Ida Street – \$6,500

Landgate advised that the reason for the discrepancy between the land valuations is that 26A Scaddan Street is a vacant lot, and as such the increase in lot area would immediately increase the value of the land. Conversely, 3 Ida Street comprises of a residence built in 1996 and as such redevelopment is less feasible and as such, the additional land will have less of an immediate benefit. It should be noted that the land value cost cannot be determined ahead of a recommendation for the ROW, as Landgate will only undertake valuations/assessment once a formal request to the Minister has been made.

The owner of 26A Scaddan Street subsequently advised that they will not proceed with the closure/acquisition of the ROW due to the cost. The owner of 3 Ida Street, Bassendean, subsequently registered their interest in purchasing the entire ROW and amalgamating it into their lot. This requires a new Council resolution, as the disposition of the ROW differs to what Council originally resolved in September 2021.

### **Communication and Engagement**

In May 2022, the proposed closure (and disposition of the whole ROW to 3 Ida Street) was advertised for a period of 32 days (being the 12 May to 13 June 2022) by way of letters to all adjacent owners and occupiers. In response, the Town received an objection from the owners of 26A Scaddan Street who advised that they:

- did not support the land being closed and amalgamated with 3 Ida Street; and
- are prepared to acquire the entire ROW, should the Minister agree to close the ROW.

### **Strategic Implications**

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.2 Ensure major decision making is informed by community feedback

## Comment

### Right of Way Strategy

The Right of Way Strategy was adopted by Council in March 2022. The Strategy recommendation for ROW 6 is for closure, based on its small size, poor connectivity to the road network and minimal public interest from dedicating the row as a public road. ROW 6 is overgrown and is subject to illegal dumping and as such, closure of the ROW is considered the optimal outcome from a maintenance perspective.

### Closure Options

In September 2021, Council was presented with two options for ROW6, being either:

- Option one: 202m<sup>2</sup> being amalgamated into 26A Scaddan Street; or
- Option two: equal portions (101m<sup>2</sup>) being amalgamated into 26A Scaddan Street and 3 Ida Street.

Council resolved to proceed with option two. That decision notwithstanding, the owners of 26A Scaddan Street did not accept the valuation prepared by Landgate and as such the ROW has not been disposed of and amalgamated into the lots. The options for Council to consider now are:

#### *Option one: dispose and entirely amalgamate into 3 Ida Street*

The property at 3 Ida Street contains a single house with access via Ida Street, with the side (southern boundary) directly abutting ROW 6. Whilst the landowner of 3 Ida Street initially expressed interest in attaining only half of the ROW (the 101m<sup>2</sup> portion abutting their property), they have since advised they are amenable to acquiring the entire ROW. Purchasing the entire ROW will increase their land size from 508m<sup>2</sup> to 710m<sup>2</sup>.

The landowner of 26A Scaddan Street objected to this option on the basis that they wish to acquire the ROW. The Town notes the objection, but acknowledges that that landowner had an opportunity to acquire a portion of the ROW but did not proceed due to the financial cost.

#### *Option two: dispose and entirely amalgamate into 26A Scaddan Street*

This option was previously considered by Council and was again put forth by the owner of 26A Scaddan Street as part of their submission during the advertising period.

The site remains a vacant lot and based on Landgate's reasons for the discrepancies between the previous land valuations, it is considered likely that the valuation of ROW 6 in this scenario would not be acceptable to the owners of 26A Scaddan Street. As such, this is not the recommended option by staff.

*Option three: close via a gate at the end of the ROW*

The Town advertised the proposal to all the adjoining owners and occupiers, with only the owners of the aforementioned two properties expressing an interest in acquiring the ROW. If the land is not disposed of to one or more abutting sites, it is open to Council to install a gate at the end of the ROW to restrict public access and anti-social behavior.

The Town recommends that Council pursue option one as it is consistent with the Council-adopted ROW Strategy and enables the land to be used for private residential purposes.

Conclusion

Council resolved to close ROW 6, subject to the equal disposition of the ROW (101m<sup>2</sup> each) to the adjoining landowners at 26A Scaddan Street and 3 Ida Street. Following the valuation outcome from Landgate, the owner of 26A Scaddan Street did not commit to acquiring its portion of the ROW, however, 3 Ida Street advised that they were willing to purchase the entire ROW.

The Town has undertaken a review of all ROWs within the Town as part of the adopted ROW Strategy, and ROW 6 has been deemed suitable for closure. Given the maintenance issues associated with the ROW, private acquisition of ROW 6 following closure will be beneficial to both the Town and the adjoining landowner at 3 Ida Street.

It is therefore recommended that Council endorse the proposal to close ROW 6 and authorise a request to be to the Minister for Lands for its permanent closure.

**Statutory Requirements**

Section 52 of the Land Administration Act 1997 provides for a local government to request the Minister for Lands to close a ROW by acquiring the land as Crown land where the land is designated for a public purpose on a plan of survey or sketch plan.

Unless the land is already held in freehold by the local government, before making such a request, the local government must take all reasonable steps to give notice of that request to the holder of the freehold land.

The Town has obtained probate records confirming the status of the ROW being held in deceased estate, which DPLH has confirmed is sufficient to meet the requirements of Section 52(3)(a)(i) of the Act.

The procedure also requires the local government to notify the adjacent owners and suppliers of public utilities to the land, which has occurred. Council is now required to consider submissions and should it resolve to authorise a closure request to the Minister, it must also give reasons. The Minister can then also simultaneously consider the submissions from the landowners to acquire the land.

### **Financial Considerations**

Nil, however, should Council retain ROW 6, the ongoing maintenance of the land (i.e., clearing dumped materials) will remain with the Town.

### **Risk Management Implications**

As above, in relation to illegal dumping.

### **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 8.7**

That Council authorises a request being made to the Minister for Lands pursuant to section 52 of *Land Administration Act 1997*, to close ROW 6 (being Lot 503 on Deposited Plan 73906) and dispose of it to the owner of the abutting No. 3 Ida Street, as detailed in the attached plan.

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

<b>8.8 Tree Vandalism Policy</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	COUP/POLCY/1
<b>Author</b>	Executive Manager Infrastructure, Executive Manager Sustainability & Environment
<b>Department</b>	Infrastructure, Sustainability & Environment
<b>Previous Reports</b>	OCM-9/07/20 Proposed Council Policy – Street Trees and Revocation of Various Council Policies Relating to Street Trees OCM-28/06/2022 Street and Reserve Trees Policy
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Current Council Policy Tree Vandalism [8.8.1 - 12 pages]</li> <li>2. Draft amended Tree Vandalism Policy [8.8.2 - 2 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to consider an amended Council Policy 1.13 – Tree Vandalism.

### Background

On 28 July 2020, Council resolved to adopt Council Policy 1.8 – Street Trees Policy and revoke the following Council policies:

Council Policy 1.8 - Significant Tree Policy;  
 Council Policy 1.10 - Street Tree Protection;;  
 Council Policy 1.11 - Street Tree Pruning, Removal and Replacement Policy;  
 Council Policy 1.12 - Amenity Tree Evaluation; and  
 Council Policy 1.14 - Dangerous Trees on Private Property.

Council Policy 1.13 – Tree Vandalism Policy (**CP 1.13**) remained in effect, with both Council Policies due for review by 2022. On 28 June 2022, Council resolved to adopt an amended Council Policy 1.8 – Street and Reserve Trees, and a review has subsequently been undertaken of CP 1.13.

CP 1.13 was adopted by Council in 2018, and several documents referenced within it are no longer current. These include the Street Tree Protection Policy, Amenity Tree Evaluation Policy and Street Tree Master Plan/ Urban Forrest (sic) Management Plan.

The CP 1.13 review revealed several of the provisions were administrative in nature and not appropriate for inclusion in a Council policy, covered by separate legislation and not considered best practice.

### **Proposal**

It is recommended that CP 1.13 be amended to provide high level policy guidance, with operational matters instead included in an internal Tree Vandalism Investigation Procedure.

### **Communication and Engagement**

It is considered that the need for enforcement and compliance will reduce as the Town gains the support of residents in planting trees or having trees located on verges or reserves adjacent to their properties. The Town will work towards this objective with the use of an improved marketing and engagement strategy.

### **Strategic Implications**

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

2.6 Support the creation of a more green and shaded Town

### **Comment**

The intent of CP 1.13 is to ensure that acts of tree vandalism are effectively responded to and deterred, with the current Policy including a series of objectives and a Strategy to achieve them.

Areas within the current Policy that provide high level guidance are recommended to be retained (with amendments) and include investigation, regulation, enforcement and replacement of vandalised trees.

CP 1.13 currently requires that for each instance of vandalism, the police are notified and the outcome of the Administration's investigation is reported to Council on a prescribed form. The current Policy also provides specific detail on the following aspects considered operational in nature:

- Community Education;
- Monitoring and prevention;
- Tree Vandalism Reward; and
- Promotion of Policy.



It is not considered appropriate to retain these elements in the policy, nor the detailed objectives and strategy component which are more relevant for inclusion in a plan. It is intended that all instances of tree vandalism, including outcomes of investigations, will be reported to Councillors through the Bulletin.

Several aspects within the current Policy relating to financial penalties are not based on legislation or the Town's Fees and Charges and may be challenged, with limited ability for the Town to enforce payment. The legislative head of power that enables infringement/ prosecution in response to tree vandalism, exists within both the *Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* and Regulation 5(1)(a) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

The policy is proposed to be amended to refer to taking action under the above legislation, as well as recovery of costs associated with the removal and replacement of vandalised trees and the lost amenity value.

There are no changes proposed to the *Replacement of Vandalised Trees* section of the Policy, apart from an updated reference to the Street and Reserve Tree Planting list.

### **Statutory Requirements**

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

The *Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010* and the Regulation 5(1)(a) of the *Local Government (Uniform Local Provisions) Regulations 1996* include prescribed offences relating to tree vandalism.

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Financial Risk  
Low

Although the financial risks are low, the current policy is not fit for purpose and can represent a reputational risk to the Town if elements within the current policy are not able to be implemented.

## **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 8.8**

That Council adopts the amended Council Policy 1.13 – Tree Vandalism as attached to this report.

**Voting requirements: Simple Majority**

<b>8.9 2023 Meeting Dates - Ordinary Council Meetings, Briefing Sessions, Committees and Citizenship Ceremonies</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Senior Governance Officer
<b>Department</b>	CEO'S OFFICE
<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>	Nil

### **Purpose**

The purpose is for Council to consider and endorse its Ordinary Council Meetings, Briefing Sessions, Audit and Governance Committee and Bassendean Local Emergency Management Committee meeting dates, as well as Citizenship Ceremonies for 2023.

### **Background**

Council is required to adopt its meeting dates for 2023 in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*.

### **Proposal**

To adopt the Ordinary Council Meetings, Briefing Sessions, Audit and Governance Committee and Bassendean Local Emergency Management Committee meeting dates, as well as Citizenship Ceremonies for 2023.

### **Communication and Engagement**

Once adopted, public notice will be provided in the local newspaper, the Town's website, public notice boards and social media in accordance with the requirements of the Act and regulations.

### **Strategic Implications**

Priority Area 1: Strengthening and Connecting our Community

1.1 Fostering a culture of collaboration and trust between the organisation and community

## **Comment**

### Council Meeting Schedule

The Town currently conducts its Briefing Sessions on the third Tuesday of each month, and its Ordinary Council Meeting on the fourth Tuesday of each month. These meetings commence at 6.00pm and are held in the Council Chamber.

### Meeting Dates

In 2023, due to the Anzac Day public holiday to be held on 25 April 2023, the Council meeting has been proposed for Wednesday 26 April 2023. There are no other public holidays that impact the proposed meeting schedule.

It is proposed to hold a Special Council meeting on Tuesday 24 October 2023 at 6:00pm to swear in new Councillors, after the Local Government Elections which are to be held on Saturday 21 October 2023.

As in the past, no meetings have been scheduled for January 2023, due to the practice for a number of Councillors and Officers to take leave during this time.

The venues to hold the Citizenship Ceremonies are yet to be confirmed. These will be communicated to Councillors through the CEO Bulletin closer to the date.

### Live Streaming

Council currently live streams its Briefing Sessions and Ordinary Council meetings. This benefits members of the community who cannot attend meetings in person, and allows for them to watch the live streaming in their own environment or watch the streaming at a later time.

## **Statutory Requirements**

*Local Government Act 1995, Section 5.25(1)(g) and Local Government (Administration) Regulations 1996 regulation 12.*

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

## **Financial Considerations**

Advertising costs of giving local public notice.

## **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 – Item 8.9**

That:

1. Council adopts that the following meetings for 2023, to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm:

### **Briefing Sessions**

21 February, 21 March, 18 April, 16 May, 20 June, 18 July, 15 August, 19 September, 10 October, 15 November and 13 December;

### **Ordinary Council Meetings**

28 February, 28 March, 26 April (Wed), 23 May, 27 June, 25 July, 22 August, 26 September, 17 October, 21 November and 12 December;

**Special Council Meeting** on Tuesday 24 October 2023 to swear in new Councillors;

2. Council adopts the following Audit and Governance Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean on a Wednesday, commencing at 5.30pm on 8 March, 7 June, 6 September and 6 December 2023;
3. Council adopts the following Bassendean Local Emergency Management Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean on a Wednesday, commencing at 3.30pm on 1 March, 14 June, 30 August and 1 November 2023; and
4. Council notes the Citizenship Ceremonies to be held on 26 January (Australia Day), May and September 2023 (dates to be confirmed).

**Voting requirements: Points 1 to 3: Absolute majority**

**Point 4: Simple majority**

<b>8.10 Bassendean Local Emergency Management Committee</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/12
<b>Author</b>	Director Community Planning
<b>Department</b>	Community Planning
<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. BLEMC Minutes - 8 June 2022 [8.10.1 - 5 pages]</li> <li>2. DFES Report - 8 June 2022 [8.10.2 - 3 pages]</li> </ol>

### Purpose

The purpose of this report is for Council to receive the minutes of the Bassendean Local Emergency Management Committee meetings held on 8 June 2022.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.6 Respond effectively and efficiently to crises

### Comment

The Committee discussed the following items

- The 2022 Exercise Program, with it being proposed that the BLEMC conduct a series of short duration discussion exercises as part of each LEMC meeting.
- The review of the Metropolitan North and East Recovery Group Partnering Agreement, which has been led by the Town of Bassendean.
- The Town has received a letter of compliance from the State Emergency Management Committee (SEMC) for receipt of the Town's State Risk Project as part of its emergency risk management requirements. This document was reviewed by the Department of Fire and Emergency Services (DFES) State Risk Project Team and is deemed to meet the the requirements and is compliant.
- DFES reported a shed fire. It was not major and did not require any recovery action.
- DFES and State Emergency Services is now preparing up for winter season emergency response and recovery.

## **Statutory Requirements**

Council's *Meeting Procedures Local Law 2020* states that a committee is to report on its activities when, and to the extent, required by the Council.

## **Financial Considerations**

Nil.

## **Risk Management Implications**

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 8.10**

That Council receives the report on the Bassendean Local Emergency Management Committee meeting held on 8 June 2022.

## **Voting requirements: Simple Majority**

## 9 Motions of which Previous Notice has been given

9.1 Notice of Motion - Cr Hamilton - Briefing Session	
<b>Councillor</b>	Cr Hamilton
<b>Attachments</b>	1. Briefings Session Guidelines Adopted December 2017 Updated May 2018 [9.1.1 - 5 pages]

### **Motion – 9.1**

*“That Council:*

*Requests the CEO to provide a Briefing Documents Policy for consideration by Council prior to August that includes the following:*

- 1. Briefing Agenda documents to be provided to Councillors one day earlier i.e. on a Wednesday, rather than the current schedule of a Thursday; and*
- 2. Briefing Agendas are to include all items proposed to be considered by Council at the subsequent OCM, with exceptions for items of an Urgent Nature that may be included in the OCM agenda under clause 5.5 of Meeting Procedures Local Law 2020.”*

Reasons:

Provision of the Briefing Documents one day earlier on a Wednesday facilitates an improved process for councillors whereby irrespective of public holidays, a minimum of one full business day is available for councillors to contact the administration regarding any issues with the agenda and/or attachments.

Inclusion of all items on the Briefing agenda facilitates an improved process to assist Councillors in their research, questions, community engagement and evaluation of items leading up to decision making on those items at the subsequent OCM.

### **Officer Comment**

Point 1 – supported.

Point 2 - partially supported (see comment below).

Providing the Briefing Session agenda one day earlier can be accommodated. This means that the cut off for agenda settlement will be brought forward for the Administration.



The Director Corporate Services has advised that there are time delays around provision of the List of Payments which are primarily driven by awaiting end of month cut off, then manually reviewing and updating the report. This can take 2-3 days and involves a number of Officers.

Priority will be provided for the provision of the List of Payments to be included in time for the Briefing Session with the Financial Statements only being able to be provided direct to the OCM.

The Briefing Session Guidelines, adopted by Council in 2017 states that:

**“2.2 Briefing Session Agenda**

*The agenda for the Council meeting will be published on the Friday prior to the briefing session. The matters listed on the Council meeting agenda will be the matters for discussion at the briefing session.”*

Current practice is that the Briefing Session Agenda is currently circulated on a Thursday, one day earlier than prescribed in the current Council endorsed Guidelines. Should the Notice of Motion be supported, the Briefing Session Guidelines will need to be amended and brought back to Council as a policy at a future Council meeting.

<b>9.2 Notice of Motion - Cr Hamilton - Arts, Culture and Events Committee</b>	
<b>Councillor</b>	Cr Hamilton – Arts, Culture and Events Committee
<b>Attachments</b>	Nil

**Motion – 9.2**

*“That Council:*

1. *Requests the CEO to facilitate the establishment of a formal committee of Council titled “Arts, Culture and Events Committee” the membership of which comprises nominated elected members and relevant staff; and*
2. *Coordinate the first meeting of the Arts, Culture and Events Committee to occur within 60 days from a resolution of council endorsing this motion.”*

Purpose and Reasons – Cr Hamilton:

The purpose of the Arts Culture and Events Committee is to provide information/advice about current and emerging arts and events related matters to the Town of Bassendean Council to assist in forward planning and decision making about potential cultural activities for the 2023/24 financial year and beyond.

Events and Art contribute to overall community cohesion and well-being, improved livability and economic activity in our Town. Incorporating forward planning for arts and events provides an opportunity to deliver a cohesive vision that not only celebrates the Town’s diversity and history but also promotes contemporary Arts in varied formats with the aim to enhance and augment cultural activities in the district.

It is envisaged that the ACEC will not have delegated authority, but will provide advice on engagement with the Arts community, event and grant opportunities, and may also advise Council on matters regarding planning, integration and implementation of cultural elements into Town initiatives.

The Arts, Culture and Events Committee will help identify much of the work required in the development of recommendations to Council to enable informed decision-making.

Draft Objectives and Scope:

- Reference and build on the vision for the Town to provide a cohesive creative direction and appropriate themes for all planning and development initiatives that are in line with the Town’s Arts and Culture Plan  
[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL\\_Cult\\_Plan\\_First\\_pages\\_V2.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL_Cult_Plan_First_pages_V2.pdf)

- Review the Town's Cultural Outcomes Mapping and make recommendations that draw on the Town's Strategy and best contemporary practices  
[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL\\_A3\\_Cultural\\_Outcome\\_Maps\\_V3.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Images/News/FINAL_A3_Cultural_Outcome_Maps_V3.pdf)
- Review current initiatives, identify and advise on opportunities in the Town's provision of arts activities and events.
- Provide advice to Council to guide the development and implementation of the Town's Policies relating to Arts, Events, Sponsorships and Grants.
- Provide advice on forums and other opportunities for sharing and receiving information from the arts community.
- Provide advice that ensures community expectations and relevant policies are aligned to promote Arts and Events.
- Identify Arts and Events related collaborations and strategies to maximise participation by the community and opportunities to create and engage with diverse Arts and Events activities.
- Ensure the effectiveness of the Committee's work and achievement of best value for the community is supported by strong ongoing communications between the Committee and the Town.
- Initiate and consider potential proposals for public artworks to be referred to Council for consideration.
- Consider external proposals for public artworks to be donated to the Town.

About:

The Arts, Culture and Events Committee is initially to be made up of a minimum of three nominated elected members and relevant staff. It is envisioned the Committee will operate under the Council's Standing Orders Local Law with meetings to be held quarterly or as required. With the prior approval of Council the ACEC may establish project specific Working Groups or Reference Groups in collaboration with community volunteers. Appointment to the Committee and duration of membership is to align with the Local Government election cycle.

Other documents: <https://www.bassendean.wa.gov.au/council-meetings/people-services-committee/people-services-committee/290/documents/people-services-committee-plan-att.pptx>

<https://www.bassendean.wa.gov.au/council-meetings/people-services-committee/people-services-committee/366/documents/psc-agenda-and-atts-6-march-2019.pdf>

### **Officer Response:**

This Notice of Motion is not supported.

Whilst the establishment of a Committee is provided for under the Local Government Act; the purpose, reasons, objectives and scope (as outlined in the Notice of Motion) are problematic for the following reasons:

- The Committee will impinge upon the role of the Administration; and
- It does not represent the most effective use of resources

In order to achieve the desires of the Councillor, the following alternative is proposed for consideration. This alternative seeks to mitigate the above objections to the Notice of Motion:

***“That Council:***

***Request the CEO to arrange a dedicated workshop ahead of the budget planning process for 2023/2024 for Councillors to discuss their ideas and put forward any feedback they may have that may be considered and incorporated, where appropriate, into the draft budget for 2023/2024.”***

### **Further Background:**

#### **Separation of Powers**

*“The Local Government Act recognises the importance of the demarcation between a local government’s Council and Administration,,,*

*Each of these groups of people which comprise a local government, the Council and the Administration, have different skills, mandates, powers and functions. Their roles are different and should not be confused.”*

Council’s primary role in arts, culture and events is to approve: the strategic direction via the Strategic Community Plan; annual budget; and related Council policies.

#### **Effective Use of Resources**

The Administration has recently completed numerous workshops with Councillors between February and June seeking their input and priorities for the 2022/2023 budget. In regards to arts, culture and events there were no suggestions or feedback offered by Councillors. With this in mind, establishing a Committee of Council to focus on arts, culture and events is considered unwarranted and not an effective use of resources. The opportunity cost for the Administration in supporting a committee via participation at meetings, the preparation of agendas, reports, minutes, actioning requests etc would adversely impact the effective operations of the local government by redirecting resources from Council priorities. The proposal for a committee (and potential working groups or subgroups) is considered a disproportionate response. It is also unclear what the issue is to be addressed and whether a committee is the appropriate vehicle in this regard.

The Town in recent years has had a number of Committees of Council which have subsequently been decommissioned with one of the primary reasons being a lack of material outcomes for the investment of resources, particularly noting alternative avenues for garnering input.

It is deemed that a Councillor Workshop focusing on arts, culture and events provides a cost effective alternative to the creation of a dedicated committee.

<b>9.3</b>	<b>Notice of Motion - Cr McLennan: Joint Standing Committee Cats Local Law</b>
<b>Councillor</b>	<b>Cr McLennan</b>
<b>Attachments</b>	Nil

**Motion -9.3**

*That Council:*

1. *Advocates to the Joint Standing Committee on Delegated Legislation that it apply the provisions of the Cat Act 2011 such that it allows the making of Local Laws that:*
  - *ban cats from all public areas;*
  - *place conditions on when a cat may be permitted in a public area; and/or*
  - *restrict all cats in the district to their owner’s premises; and*
2. *Through the East Metro Zone, seeks WALGA’s support to advocate to the Joint Standing Committee as above; and*
3. *Authorises the Mayor to write to the Minister for Local Government requesting support for local governments to be able to make local laws that deliver the outcomes outlined in Point 1.*

**Reasons:**

The Town recently undertook a review of our Cat Local Law and sought to introduce a number of new provisions seeking to minimize the impact of cats on wildlife and address nuisance issues. These provisions reflected community feedback and recommendations made to government through a recent parliamentary inquiry, the findings of which were presented in December 2020.

While supportive of some of the Town’s proposed provisions, the Joint Standing Committee on Delegated Legislation (JSCDL) was not supportive of the following clause that sought to restrict cats in places that are not public.

***Cats in places that are not public:***

*A cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier.*

In responding to the Town's proposed clause, the JSCDL asserted that it was inconsistent with the Cat Act 2011, and that the mention of cats being in public places within the Act implied that cats were entitled to be in such places by way of Clause 6(1) which states:

*"The owner of a registered cat must ensure that when the cat is in a public place the cat is wearing its registration tag".*

Multiple other local governments have also sought to introduce local law provisions in that restrict a cat's ability to roam in order to reduce the negative impact that roaming can have on native wildlife, neighbours and the cat's own health. Different local governments have approached the issue in variety of ways. For example, the City of Fremantle sought to restrict cats from any City controlled land. However, to date the JSCDL has not been supportive of the various attempts to restrict cats' ability to roam from their owner's properties.

The fact that the Cat Act 2011 refers to "when the cat is in a public place" does not necessitate cats being permitted in public places. Therefore, this motion seeks to challenge this interpretation of the Act and request the JSCDL and the Minister support local laws that reflect community sentiment and recommendations made to parliament and that allow for the restriction of cats' ability to roam as outlined in the motion.

**Parliamentary Inquiry Report:**

Tackling the feral cat pandemic: a plan to save Australian wildlife (2020)

[www.aph.gov.au/Parliamentary\\_Business/Committees/House/Environment\\_and\\_Energy/Feralanddomesticcats/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Environment_and_Energy/Feralanddomesticcats/Report)

**Statutory review of the Cat Act 2011 and Dog Amendment Act 2013**

<https://www.dlgsc.wa.gov.au/department/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013>

**"Keep pet cats indoors, say researchers who found they kill 230m native Australian animals each year"**

<https://www.theguardian.com/environment/2020/may/15/keep-pet-cats-indoors-say-researchers-who-found-they-kill-230m-native-australian-animals-each-year>

**OFFICER COMMENT**

An officer comment will be provided and included in the Ordinary Council Agenda.

<b>9.4 Notice of Motion - Cr Carter: Use of Glysohate</b>	
<b>Councillor</b>	Cr Carter
<b>Attachments</b>	Nil

**Motion – 9.4**

*“That Council, does not permit the use glyphosate in or near children’s playgrounds and other public places in the Town where children congregate.”*

Reasons:

The use of glyphosate is banned in many places throughout the world and remains highly contentious. Latest studies indicate that there may be long term effects on bee populations, as well as risks to human health. (see for example: the 9 July 2022 article: <https://www.theguardian.com/us-news/2022/jul/09/weedkiller-glyphosate-cdc-study-urine-samples>)

While I acknowledge that the use of glyphosate is a key method of weed control in Bassendean, I believe that the Town needs to be as risk averse as possible where children’s health is concerned. My Notice of Motion is limited to areas where children, particularly small children, congregate.

**Officer Comment**

An officer response is currently under development.

## **10 Confidential Business**

## **11 Closure**

The next Briefing Session will be held on Tuesday 16 August 2022 commencing at 6pm.

The next Ordinary Council meeting will be held on 23 August 2022 commencing at 6pm.