

# TOWN OF BASSENDEAN

## NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 26 September 2017 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS  
CHIEF EXECUTIVE OFFICER

21 September 2017

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## A G E N D A

Councillors, please note that the Briefing Session is open to the public and will commence at 5.00pm. A meal for Councillors and Officers will be provided at 6.00pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Gangell will be the facilitator for the Briefing Session.

### 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.

Members of the public are requested to sign the attendance sheet located on the table at the rear of the Council Chamber.

**2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC**

**2.1 Questions Taken on Notice**

**2.2 Public Question Time**

*Members of the public who wish to do so may ask questions at this point in the agenda.*

**2.3 Address by Members of the Public**

*Members of the public who wish to do so may address Council at this point in the agenda.*

*It should be noted that Public Statements are not recorded in the minutes. Statements raised by members of the public must be regarding items on the agenda.*

**3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

**4.0 DEPUTATIONS**

**5.0 CONFIRMATION OF MINUTES**

**5.1 Ordinary Council Meeting held on 22 August 2017  
(Attachment No. 1)**

**OFFICER RECOMMENDATION – ITEM 5.1(a)**

That the minutes of the Ordinary Council meeting held on 22 August 2017, be received.

**OFFICER RECOMMENDATION – ITEM 5.1(b)**

That the minutes of the Ordinary Council meeting held 22 August 2017, be confirmed as a true record.

**6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION**

### Sports Achievement Award

The Mayor will present a Sports Achievement Award to the successful recipient.

## 7.0 PETITIONS

## 8.0 DECLARATIONS OF INTEREST

## 9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

## 10.0 REPORTS

### 10.1 Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of en bloc voting as is permissible under the Town's Standing Orders Local Law 2011.

Standing Orders Local Law 2011, Clause 5.4 states:

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

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 8.0, Declarations of Interest, they should do so at this point of the agenda.

### OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 26 September 2017:

Item	Report
10.2	Proposal to Rename Clarke Way Reserve to Abell Reserve
10.3	Proposed Scheme Amendment No 10 to the Local Planning Scheme No. 10 - Deemed Provisions - Planning and Development (Local Planning Schemes) Regulations 2015
10.4	Request to Name Right of Way No. 14 bounded by Guildford Road, Geraldine Street, Shackleton Street and Cyril Street, Bassendean
10.5	Tree Preservation Order for Moreton Bay Fig Tree - 8 Thompson Road, Bassendean
10.6	Proposed Tree Preservation Order for Trees at Lot 2 (No. 40) North Road, Bassendean
10.7	Application for Proposed Seven Multiple Dwellings on Lot 238; (No. 25) Cumberland Way, Bassendean
10.8	Proposed Guildford Road Barrier Installation
10.11	Reconciliation Action Plan 2018 – 2020
10.13	Bassendean Local Studies Collection Management Committee Meeting held on 3 August 2017
10.14	Bassendean Local Emergency Management Committee Meeting held on 6 September 2017
10.15	Access and Inclusion Committee Meeting held on 13 September 2017
10.16	Determinations Made by the Principal Building Surveyor
10.17	Determinations Made by Development Services
10.18	Use of the Common Seal
10.19	Calendar for October 2017
10.20	Implementation of Council Resolutions
10.21	Accounts for Payment – August 2017

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

Item	Report
10.9	Review of Leadership and Governance Policies
10.10	Proposed Rescheduling of October 2017 Ordinary Council Meeting
10.12	Bassendean Oval Football Facilities Project Control Group Meetings held on 17 August & 7 September 2017
10.22	Financial Statements – July 2017
11.1	Notice of Motion – Cr Pule: Acknowledgement of Peter and Hazel Munro
11.2	Notice of Motion – Cr Pule: Connecting Communities – Connecting Bridge Proposal
11.3	Notice of Motion – Cr Pule: No Standing Signs on crest of Hardy Road, Ashfield
11.4	Notice of Motion – Cr McLennan: Climathon
11.5	Notice of Motion – Cr McLennan: Future Waste & Recycling Options
11.6	Notice of Motion – Cr McLennan: Principal Shared Path – Success Hill)
11.7	Notice of Motion – Cr Bridges: Rainbow Flag
13.1	Eastern Metropolitan Regional Council Resource Recovery Facility – Participant Agreement for Waste Supply & Financiers Side Deed

**10.2 Proposal to Rename Clarke Way Reserve to Abell Reserve (Ref: LUAP/SUBDIV/1 - Brian Reed, Manager Development Services)**

**APPLICATION**

The purpose of this report is to consider whether to proceed with the naming of the above reserve as 'Abell Reserve' having regards to the comments received during the consultation phase.

**ATTACHMENTS**

**Attachment No. 2:**

- Plan showing area of consultation for renaming proposal.
- Survey Responses to Renaming of Clarke Way Reserve to Abell Reserve.
- Responses from the Abell family to renaming proposal.
- Plan showing area proposed to be named Abell Reserve.

**BACKGROUND**

This matter was last considered by Council at its meeting held in December 2016 when it was resolved by OCM-6/12/16 that:

1. Permission be sought from the relatives of Clive and Carol Abell to formally name 'Clarke Way Reserve' to 'Abell Reserve';
2. Council approves the toponym (topographic name) 'Abell Reserve' for the purposes of public advertising;
3. The proposed renaming of 'Clarke Way Reserve' to 'Abell Reserve' is advertised and a minimum period of 42 days be allowed for receipt of submissions;
4. The residents of Clarke Way and adjacent Reid Street, between Elder Parade and Hamilton Street, be consulted as to the renaming of Clarke Way Reserve as Abell Reserve in honour of the community contribution to this Town made by Clive and Carol Abell, both now deceased; and
5. On completion of public advertising, the outcomes be referred back to Council for consideration and a final recommendation.

## COMMUNICATION & ENGAGEMENT

Consultation was carried out with the owners and occupiers of the 71 property owners in close proximity to the reserve, with the majority of those properties having a frontage to Clarke Way. Consultation was also augmented through the use of the Town's community engagement tool – "Your Say Bassendean".

The website was visited on 7 occasions, with 1 submission being lodged.

Support has been received from 3 members of the Abell Family to the to the naming of the reserve

The responses to the consultation are discussed further in the comment section below.

## STRATEGIC IMPLICATIONS

- 1.1 Build a sense of place and belonging.
- 1.1.3 Ensure our unique culture and history are shared and celebrated.

## COMMENT

The response from the Abell family, to the renaming proposal is included as an attachment and shows that the family supports the request, and are humbled by the proposal. Members of the family have also requested that they be able to attend the dedication of the reserve.

In this regard, it would be appropriate to invite members of the family to an unveiling of the sign that will be erected on the reserve, following the necessary approval of Landgate of the name "Abell Reserve".

The one submission that has been received as a result of general consultation supports the idea of reserves being named after local people who have made a significant contribution to our community, through volunteer work and hence supports the reserve being named as proposed.

## STATUTORY REQUIREMENTS

Land Administration Act 1997  
Policies & Standards for Geographical Naming in Western Australia (Landgate 2015)

### FINANCIAL CONSIDERATIONS

The cost of advertising the proposal associated with “Your say Bassendean” was \$482.50. The cost to manufacture and install a name sign is estimated to be in the order of \$500.

### OFFICER RECOMMENDATION — ITEM 10.2

That

- 1 Council requests the Geographic Names Team of Landgate to name Reserve 29948 Reid Street, Bassendean, to the extent shown on the plan attached to this agenda “Abell Reserve”; and
- 2 Members of the Abell family be invited to a future event when the name sign of the reserve will be unveiled.

**Voting requirements: Simple Majority**

**10.3 Proposed Scheme Amendment No 10 to the Local Planning Scheme No. 10 - Deemed Provisions - Planning and Development (Local Planning Schemes) Regulations 2015 (Ref: DABC/DBVAPPS/LPS 10.10 Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is to consider an amendment to the Local Planning Scheme No 10 to:

- Delete Scheme provisions that have been superseded by the deemed provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015;
- To introduce 'Supplemental Provisions' into the Scheme to introduce Scheme provisions that have been removed as a result of the deemed provisions; and
- To fix two anomalies in the Scheme Text.

ATTACHMENTS

**Attachment No. 3**

Schedule 2 — Deemed Provisions for Local Planning Schemes

BACKGROUND

On 25 August 2015, the Planning and Development (Local Planning Schemes) Regulations 2015 were published in the Government Gazette, which gave effect to regulations 1 and 2. The rest of the Regulations came onto effect on 19 October 2015.

The Regulations are set out as follows:

- Local Planning Scheme Regulations – sets out how local planning strategies and schemes are prepared (e.g. Town of Bassendean Local Planning Scheme No 10);
- Schedule 1 – Model provisions for local planning schemes – which provides a template to govern the form of new local planning schemes; and
- Schedule 2 – Deemed provisions - contain provisions that are automatically read into local planning schemes.

The Regulations have the following implications for the Local Planning Scheme No. 10 (LPS No. 10):

- LPS No 10 provisions continue to apply where they have not been superseded by the deemed provisions of the Regulations; and
- Deemed provisions in the Regulations apply to the Scheme despite the fact that they have not been incorporated into the Scheme.

### COMMUNICATION & ENGAGEMENT

Public advertising is not required for a basic amendment to a local planning scheme.

Consultation is required with the Environmental Protection Authority.

### STRATEGIC IMPLICATIONS

The carrying out of the amendment to reflect the deemed provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Local Planning Scheme No. 10 represents one of the actions required towards the review of the Local Planning Scheme No. 10, under the Built Environment Strategic Priority No. 3 of the Town's adopted Corporate Business Plan.

### COMMENT

A Scheme Amendment to the Local Planning Scheme No. 10 is proposed to delete the corresponding Scheme provisions that have been superseded by the deemed provisions of the regulation, primarily to avoid confusion for people using the Scheme.

Whilst not required by legislation, a Scheme Amendment will remove a number of inconsistencies, by removing clauses from the Scheme that have been superseded or amended by the Regulations. The proposed Scheme Amendment changes are summarized below and include deleting various LPS No 10 text clauses as described below:

1. **Local Planning Policy Framework** superseded by the **Local Planning Policy** requirements in the deemed provisions of the Regulations;
2. **Structure Plan Required** superseded by the **Structure Plan** requirements of the deemed provisions of the Regulations;
3. **Detailed Area Plan** superseded by the **Local Development Plan** requirements of the deemed provisions of the Regulations;

4. **Heritage Protection** superseded by the **Heritage** requirements of the deemed provisions of the Regulations;
5. **Development of Land** superseded by the **development approval** requirements of the deemed provisions of the Regulations;
6. Applications for **Planning Approval** superseded by the **development approval** requirements of the deemed provisions of the Regulations;
7. **Procedure for Dealing with Applications** superseded by the **Procedure for dealing with applications** for development approval requirements of the deemed provisions of the Regulations;
8. **Enforcement and Administration** superseded by the **Enforcement and Administration** requirements of the deemed provisions of the Regulations;
9. Changing the term **planning approval** to **development approval** for consistency with the Regulations; and
10. Changing the term **Residential Design Codes** to **R-Codes** for consistency with the Regulations
11. Deleting various **interpretations** that are included in the Regulations.

#### Supplemental Provisions

The Planning and Development Act 2005 allows a local planning scheme to include supplemental provisions to augment the deemed provision. The proposed amendment includes supplemental provisions to require an application for development approval to be submitted where a development is located in the Flood Plain of the Swan River and the proposed development does not comply with the Town's Local Planning Policy: without this provision the Town has no control from a planning perspective of the floor levels of habitable accommodation of properties located in the flood fringe or floodway.

A further supplemental provision is proposed to exempt the need for a development approval of applications for certain categories of signs: this provision was contained in the existing scheme, but has been removed as a result of the deemed provisions.

### Anomalies in Scheme Text

The proposed amendment also includes:

- Making the land use general industry a permitted use in the General Industry Zone: The gazetted version of the Scheme does not allocate a land use permissibility for general industry in the general industrial zone; and
- Updating the terminology for the applicable density code for residential development in the Town Centre, to reflect the change in terminology in the R- Codes.

### STATUTORY REQUIREMENTS

The process for amending a local planning scheme is governed by the Planning and Development (Local Planning Schemes) Regulations 2015.

Under the Regulations, Council is required to:

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
- (b) include an explanation of the reason for the local government forming that opinion.

In this case, the amendment is considered to be a basic amendment, as the amendment is designed to correct an administrative error, and to delete provisions that have been superseded by the deemed provisions in Schedule 2.

### FINANCIAL CONSIDERATIONS

The amendment has been prepared by staff. The costs of updating the Local Planning Scheme in the adopted Strategic Planning Framework were estimated to be in the order \$80,000 to \$120,000 for the Town.

The costs of administering the proposed amendment will be funded from the Town Planning operational accounts.

### OFFICER RECOMMENDATION — ITEM 10.3

That:

1. The Town of Bassendean, by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme No. 10 by:
  - (i) The layout of the scheme page is amended by the deletion of:
    - (a) Part 2 - Local Planning Policy Framework
    - (b) Part 7 – Heritage Protection
    - (c) Part 8 – Development of Land
    - (d) Part 9- Applications for Planning Approval
    - (e) Part 10 - Procedure for Dealing with Applications
    - (f) Part 11-Enforcement and Administration
  - (ii) The table of contents of the scheme is amended by:
    - (a) the deletion of the heading “Part 2 Local Planning Policy Framework” and subclauses “2.1, 2.2, 2.3, 2.4 and 2.5”;
    - (b) the deletion of “Residential Design Codes” and its replacement with “R- Codes” at 5.2.and 5.3;
    - (c) the deletion of the following clauses and subclauses under Part 6 - Special Control Areas “6.2.5, 6.2.6, 6.2.7, 6.2.8, 6.2.9, 6.2.10, 6.2.11, 6.2.12, 6.2.13, 6.2.14, 6.2.15, 6.2.16, and 6.2.17”;
    - (d) the deletion of “Part 7 – Heritage Protection and subclauses 7.1, 7.2, 7.3, 7.4, and 7.5”;
    - (e) the deletion of “Part 8 – Development of Land and subclauses 8.1, 8.2, 8.3, and 8.4”;
    - (f) the deletion of “Part 9- Applications for Planning Approval and subclauses 9.1, 9.2, 9.3, and 9.4”;
    - (g) the deletion of “Part 10 - Procedure for Dealing with Applications and subclauses 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, and 10.10”;
    - (h) the deletion of “Part 11-Enforcement and Administration and subclauses 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, and 11.7”;
    - (i) the deletion of:
      - (a) “Schedule 6- Form of application for planning approval”;
      - (b) “Schedule 7- Additional information for advertisements”;

- (c) "Schedule 8 – Notice of public advertisement of planning proposal";
  - (d) "Schedule 9- Notice of determination of application for planning approval";
- (iii) by the addition of the following subclause to "1.4 Contents of Scheme" to read:
- “(c) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) including the supplemental deemed provisions outlined in Schedule A of the scheme text.
- (iv) by the deletion of the words “Residential Design Codes” and its replacement with the words “R-Codes” at:
- (a) subclause 1.7.1.(b) (ii)
  - (b) clause 1.7.2
  - (c) subclause 1.7.2(a)
  - (d) clause 5.2
  - (e) subclause 5.2.1
  - (f) subclause 5.2.2
  - (g) subclause 5.2.3
  - (h) clause 5.3
  - (i) subclause 5.4.1
  - (j) subclause 5.5.1
  - (k) Table 2 minimum car parking spaces
- (vi) by the deletion of the words “ planning approval” and its replacement with the words “development approval” at:
- (a) the preamble to the scheme
  - (b) subclause 3.4.1(b)
  - (c) clause 3.4.2
  - (d) clause 3.4.3
  - (e) clause 4.3.2
  - (f) subclause 4.3.3(a)
  - (g) note 1 to clause 4.3.3
  - (h) subclause 4.4.2(b)
  - (i) clause 4.9.1
  - (j) clause 4.9.2
  - (k) clause 4.9.3
  - (l) clause 4.12
  - (m) clause 5.4.2
  - (n) clause 5.5.1
  - (o) clause 5.5.2

- (p) clause 5.7.2.1
- (q) clause 5.7.2.2
- (r) subclause 5.7.11 1
- (s) clause 5.8.2
- (t) clause 5.8.4
- (u) clause 5.9.2
- (v) clause 5.9.4
- (w) clause 5.10.2
- (x) clause 5.11.2

(vii) by the deletion of the words “Clause 9.4” and its replacement with the words “clause 64 of the deemed provisions” at:

- (a) clause 4.3.2
- (b) subclause 4.4.2(b)
- (c) clause 4.9.2
- (d) clause 5.4.2
- (e) subclause 5.5.2(a)

(viii) by the deletion of the words “Clause 10.2” and its replacement with the words “clause 67 of the deemed provisions” at:

- (a) subclause 3.4.2(a);
- (b) note 3 to clause 4.3.2;
- (c) subclause 5.5.3(a);

(vix) by the deletion of the following parts of the Scheme:

- (a) Part 2 – Local Planning Policy Framework
- (b) the deletion of the following clauses in relation to development areas:
  - (i) 6.2.5 Preparation of proposed structure plans;
  - (ii) 6.2.6 Details of proposed structure plan;
  - (iii) 6.2.7 Submission to Local Government and Commission;
  - (iv) 6.2.8 Advertising of structure plan;
  - (v) 6.2.9 Adoption of proposed structure plan;
  - (vi) 6.2.10 Endorsement by Commission;
  - (vii) 6.2.11 Notification of structure plan;
  - (viii) 6.2.12 Operation of structure plan;
  - (vix) 6.2.13 Inspection of Structure Plan;
  - (x) 6.2.14 Variation to structure plan;
  - (xi) 6.2.15 Detailed Area Plan;
  - (xii) 6.2.16 Right of Review;
  - (xiii) 6.2.17 Revocation of Agreed Structure Plan or Detailed Area Plan ;

- (c) Part 7 – Heritage Protection
  - (d) Part 8 – Development of Land
  - (e) Part 9 – Applications for Planning Approval
  - (f) Part 10 – Procedure for Dealing with Applications
  - (g) Part 11- Enforcement and Administration.
- (x) by amending table 1 – Zoning Table by inserting the symbol “P” for the land use “Industry General” under the “General Industry” zone.
- (xi) by the deletion of the words “R Inner City” and replacing it with “R- AC3.” under clause 5.10.3
- (xii) the deletion of the following definitions from Schedule 1 – Dictionary of defined words and expressions “advertisement” “amenity” “cultural heritage significance” “local government” “Local Planning Strategy” “owner” “place” “ Planning and Development Act” “premises” “Residential Design Codes” “substantially commenced” and “zone”
- (xiii) including supplemental provisions to the deemed provisions to read:

“Schedule A- Supplemental provisions to the deemed provisions -

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

Clause 61(1)(b)	The carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a place that is located within the Swan River Flood Plain and such development does not comply with any relevant Local Planning Scheme Policy
Clause 61(1)(c)	The erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is located within the Swan River Flood Plain and such development does not comply with any relevant Local Planning Scheme Policy
Clause 61(1)(d)	The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is located within the Swan River Flood Plain and such development does not comply with any relevant Local Planning Scheme Policy
Clause 61(1)(k)	Any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a Heritage area”

2. Council considers the Local Planning Scheme No. 10, Amendment No. 10 to be a basic amendment, as defined by Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the amendment is designed to delete provisions that have been superseded by the deemed provisions in Schedule 2.

**Voting requirements: Simple Majority**

**10.4 Request to Name Right of Way No. 14 bounded by Guildford Road, Geraldine Street, Shackleton Street and Cyril Street, Bassendean - Applicant: Jamie Strain and Toni Jackson - 131 Guildford Road, Bassendean (Ref: ROAD/STMNGT/4 - Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is to consider whether to proceed with the naming of the above right of way as 'McKinlay Lane' having regard to the comments received during the consultation phase.

ATTACHMENTS

**Attachment No. 4:**

- Survey Responses to naming of right of way.
- Community feedback on proposed naming of right of way running between Geraldine St and Shackleton St, Bassendean.
- Plan showing area proposed to be named McKinlay Lane.

BACKGROUND

This matter was last considered by Council at its meeting held in June this year when it was resolved by OCM-4/06/17 that consultation be carried out by letter with the owners and occupiers of 105-133 Guildford Road, Bassendean, to gauge the level of support for naming the right of way No. 14, bounded by Guildford Road, Geraldine Street, Shackleton Street and Cyril Street, to 'McKinlay Lane' as first preference and 'Swinbourn Lane' as second preference. The results of this consultation is to be brought back to Council to allow a recommendation to be made to Landgate and that the proposed consultation on the renaming of Clarke Way Reserve be done concurrently so that both may be submitted to Landgate at the same time.

This report deals with the naming of the right of way. The renaming of the Clarke Way Reserve is subject to a separate report on this agenda.

COMMUNICATION & ENGAGEMENT

Consultation was carried out with the owners and occupiers of the 23 property owners that adjoin the right of way. This consultation was augmented through the use of the Town's community engagement tool – "Your Say Bassendean".

The website was viewed by 16 visitors, with 9 submissions being lodged through that medium, together with a further 5 responses independent of the website.

The responses to the consultation are discussed further in the comment section below.

### STRATEGIC IMPLICATIONS

- 1.1 Build a sense of place and belonging.
- 1.1.3 Ensure our unique culture and history are shared and celebrated.

### COMMENT

A total of 14 written submissions were received in response to the consultation. 11 respondents, representing 79% of all respondents were in favour of the name "McKinlay". Two of the respondents were descendants of the Family.

One submission has been received opposing the two suggested names for the right of way, with the view that a more suitable name would be "Mary Lane". The point is made that Mary is significant to the area derived from both Mary McKinlay and Mary Crescent in Eden Hill.

The possibility of naming the right of way Mary Lane has failed Landgate's preliminary validation of proposed street names, and therefore is unsuitable for the following reasons:

- Road with same name exists within 10km.
- Road with same name exists in an adjoining suburb.
- Road with same name exists in Local Government area.
- Proposed road name is duplicated more than 6 times in the metropolitan area.
- There are too many roads with the same name.

One submission suggested the alternative names of Jackson Way or Ernest Way. The name Jackson failed Landgate's preliminary validation of proposed street names, whilst the name Ernest is not included in the Town's Nomenclature Register.

One submission asked "can we please consider consulting with the local Noongar community to discuss future opportunities for using Noongar words for our streets". This issue can be referred to the Bassendean Cultural Advancement Group as contained in Recommendation 2.

Having regard for the results of the consultation carried out by the Town, it is recommended that the right of way be named McKinlay Lane.

#### STATUTORY REQUIREMENTS

In Western Australia, the practice of officially naming features, localities and roads is covered under Section 26A of the Land Administration Act 1997

#### FINANCIAL CONSIDERATIONS

The cost to manufacture and install street name signs is estimated to be \$400.

The cost of advertising the proposal associated with “Your say Bassendean” was \$482.50.

#### OFFICER RECOMMENDATION — ITEM 10.4

That:

- 1 Council requests the Geographic Names Team of Landgate to name the right of way bounded by Guildford Road, Geraldine Street, Shackleton Street and Cyril Street, Bassendean “McKinlay Lane”, to the extent shown on the plan attached to the September 2017 Ordinary Council Agenda; and
- 2 This issue of naming streets using Noongar words be referred to the Bassendean Cultural Advancement Group.

**Voting requirements: Simple Majority**

**10.5 Tree Preservation Order for Moreton Bay Fig Tree - 8 Thompson Road, Bassendean (Ref: DABC/BDVAPPS/A4929 - Timothy Roberts, Planning Officer)**

APPLICATION

The purpose of this report is for Council to consider making a Tree Preservation Order for the Moreton Bay Fig Tree located on private property at 8 Thompson Road, Bassendean.

ATTACHMENTS

**Attachment No. 5:**

- Letter of support from owner of 8 Thompson Road, Bassendean
- Aborcultural Report

BACKGROUND

James and Jane Dodds came to West Guildford aboard the 'Rockingham' in May 1830 with their five children. When they finally reached West Guildford, Jane and James selected 20 acres of land. James constructed a prefabricated house just above the ferry landing that he had brought with him over from England. James was responsible for operating the horse ferry across the river below his house. He later re-established a second home into an early colonial inn called the Cleikum Inn at what is now No.1 North Road, Bassendean. The inn became a success for the small West Guildford community with the Agricultural Society holding meetings there from 1834. James Dodds was eventually granted another 20 acres of land adjoining the house and inn where he planted a garden, fruit trees and ran stock. James left the inn in 1836 and relocated to York. He returned to Guildford in 1844. James later died in 1857 with their daughter Mary and her husband John Thompson inheriting their land holdings.

Mary and John married in 1854 and John became the ferryman for West Guildford. They built the house 'Wilgoyen' in 1873 on the site where James had originally planted his garden at what is now 8 Thompson Road, Bassendean. Although heavily modified, the house remains intact to this day. The origins and exact age of the Moreton Bay Fig Tree are unknown with some accounts believing Jane Dodds planted the tree as part of established gardens and fruit trees when granted their additional 20 acres of land. Other records detail her daughter Mary planting the tree in conjunction with construction of the house.

At a minimum, the tree is over 140 years old and holds cultural significance for its significant landmark value and its association with the early development of West Guildford.

The Moreton Bay Fig Tree located at 8 Thompson Road, Bassendean was placed on the National Trust of Australia (WA) Register of Significant Trees in March 1984. It is the only tree on private property within the Town of Bassendean on this register. The National Trust considers this tree significant for its outstanding aesthetic quality, large height, trunk circumference, age and canopy spread. The tree is also considered to make a significant contribution to the landscape. This register, however, is no longer maintained. A plaque has been placed at the base of the trunk and reads:

*'This tree is included in the National Trust of Australia's Register of Significant Trees. Planted in the 19<sup>th</sup> century the land on which it stands was originally cultivated by the Dodd family from 1832, who arrived in the colony on the ship "Rockingham" on the 01 September 1830.'*

Since this time and with the increasing pressures of infill development, the tree had often been discussed and considered worthy of protection. At the March 2017 ordinary Council meeting, Council resolved the following:

1. Council approves the application for a Tree Preservation Order on the Moreton Bay Fig Tree (*ficus macrophylla*) located on Lot 15, No. 8 Thompson Road, Bassendean;
2. Council notes that the Town will write to the owner notifying them that Council is making a Tree Preservation Order on the Moreton Bay Fig Tree located at Lot 15, No. 8 Thompson Road, Bassendean; and
3. Seeks the consent of the owner of Lot 15, No. 8 Thompson Road, Bassendean, for a suitably qualified independent aboricultural consultant to carry out an assessment of the Moreton Bay Fig Tree.

#### COMMUNICATION & ENGAGEMENT

As per Council's March 2017 resolution, the owner was written to and notified that Council was considering make a Tree Preservation Order on the Moreton Bay Fig Tree. The owner was invited to make a written submission about the proposed order. The owner's written submission forms an attachment to this report and supports the Tree Preservation Order.

## STRATEGIC IMPLICATIONS

OBJECTIVES: Enhance the Town's appearance.

STRATEGIES: Strengthen and promote Bassendean's unique character and heritage.

## COMMENT

Following Council's March 2017 resolution, a suitably qualified independent arborcultural consultant was engaged to assess the Moreton Bay Fig Tree. The results of the arborcultural assessment forms are attached to this report. The report assessed the tree's condition, provided recommendations for maintenance and made comment on both the aesthetic value and rarity of species.

Where a local government makes an order for the preservation and maintenance of a tree, it is to have regard to the tree's aesthetic quality, historical association, rarity and any other characteristics, which in the opinion of the local government make the tree worthy of preservation.

The arborcultural consultant did not consider the tree to have outstanding aesthetic value due to previous pruning that subsequently modified the natural shape of the tree, when compared to an open grown tree in a park or area of public open space. This pruning was required to provide clearance from the adjacent aerial power lines. In terms of rarity; this Australian species was commonly planted at the time of European settlement and more recently in areas of public open space.

The tree was considered to be of satisfactory health and structural condition, which is typical for the species and age class of this tree. The arborcultural consultant recommended Council make a Tree Preservation Order based on its outstanding size and age.

The Moreton Bay Fig Tree and associated dwelling were afforded a category two management category within the recently adopted Municipal Heritage Inventory. A category two listing means that the property is considered very important to the heritage of the locality and conservation is highly desirable however the Municipal Heritage Inventory is an information only resource and provides no statutory protection. The Town is in the process of updating its Heritage List within Local Planning Scheme No. 10 that would afford a property statutory protection however this process is generally reserved for built heritage.

Making a Tree Preservation Order will acknowledge and reinforce this recommended level of protection.

The local government may consider other characteristics, which make the tree worthy of preservation. Noting that the lot is coded R25 with an area of 2,442m<sup>2</sup>, the property owner currently has the option to build six dwellings on site. The tree's canopy takes up approximately 500m<sup>2</sup> of the lot and as such compromises the lot's current development potential. At the March 2017 Council meeting, Council resolved that:

*'Council supports, in principle, a density variation to Lot 15, No 8 Thompson Road, Bassendean, when any proposed development retains the Moreton Bay Fig Tree so that the existing development potential can still be achieved.'*

This resolution in conjunction with current review of the Local Planning Strategy will not guarantee the tree's protection. Noting the tree's historical association as well as the assessment and recommendations contained within the arborcultural report, it is considered appropriate that Council make an order for the preservation and maintenance of the Moreton Bay Fig Tree located on Lot 15 (No. 8) Thompson Road, Bassendean.

### STATUTORY REQUIREMENTS

Town of Bassendean Local Planning Scheme No. 10

Where the local government makes an order for a Tree Preservation Order, the local government is to give notice of the order to the owner/occupier of the land on which the tree is located.

A person may not cut, remove or otherwise destroy; or cause or permit to be cut, removed or otherwise destroyed, a tree the subject of Tree Preservation Order without the written consent of the local government.

The local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this Section. A copy of the Registry is to be kept at the offices of the local government and made available for public inspection during office hours.

### FINANCIAL CONSIDERATIONS

Nil.

**OFFICER RECOMMENDATION — ITEM 10.5**

That Council:

1. Makes a Tree Preservation Order for the Moreton Bay Fig Tree located at Lot 15 (No. 8) Thompson Road, Bassendean;
2. Notes that the Town will update its Registry of Tree Preservation Orders to include the Moreton Bay Fig Tree located at Lot 15 (No. 8) Thompson Road, Bassendean; and
3. Notes that the Town will write to the owner of Lot 15 (No. 8) Thompson Road, Bassendean notifying them of Council's decision.

**Voting requirements: Simple Majority**

**10.6 Proposed Tree Preservation Order for Trees at Lot 2 (No. 40) North Road, Bassendean (Ref: DABC/BDVAPPS/A3826 - Timothy Roberts, Planning Officer)**

**APPLICATION**

The purpose of this report is for Council to consider a request from the property owner to place a Tree Preservation Order on a selection of trees at her property at Lot 2 (No. 40) North Road, Bassendean.

**ATTACHMENTS**

**Attachment No. 6:**

- Letter from owner requesting a Tree Preservation Order – 40 North Road, Bassendean; and
- Town of Bassendean Registry of Tree Preservation Orders.

**BACKGROUND**

Issue 87 of Bassendean Briefings (August 2012) requested submissions from property owners who would like to nominate trees growing on their property that might be protected by a Tree Preservation Order. The owner of Lot 2 (No. 40) North Road, Bassendean wrote to the Town requesting a Tree Preservation Order be made for a number of 'significant' trees on her property

The dwelling at Lot 2 (No. 40) North Road, Bassendean is listed within the Town's recently adopted Municipal Heritage Inventory (MHI) with an assigned management category two. A category two listing means that the property is considered very important to the heritage of the locality and conservation is highly desirable. The Municipal Heritage Inventory is an information only resource and provides no statutory protection. The Town is in the process of updating its Heritage List within Local Planning Scheme No. 10 that would afford a property statutory protection however this process is generally reserved for built heritage. Residential gardens are often a part of a dwellings heritage and making a Tree Preservation Order will acknowledge and reinforce this recommended level of protection.

On 3 July 2017 and in response to the consultation undertaken as part of the review of MHI, the property owner again wrote to the Town seeking a Tree Preservation Order for a number of trees on the property. The letter forms an attachment to this report. The owner considers a number of trees on the property to be significant and worthy of protection.

### COMMUNICATION & ENGAGEMENT

Where the local government proposes to order a tree to be preserved, the local government is to give notice of the proposed order to the owner on which the tree is located and invite the owner to make a written submission about the proposed order within 14 days.

### STRATEGIC IMPLICATIONS

OBJECTIVE: Enhance the Town's appearance.

STRATEGY: Strengthen and promote Bassendean's unique character and heritage.

### COMMENT

Mature urban trees confer many benefits including shade and cooler air temperatures, screening (privacy) and noise reduction, built form aesthetic amelioration, energy conservation, mitigation of the urban heat island effect, air quality improvement and oxygen production, carbon/uptake/storage and greenhouse gas reduction, minimisation of storm water run-off and improvement of water quality, fauna habitat and food source. In general, they enhance our built and natural environments with larger trees providing more benefits.

The Town manages and controls the preservation and maintenance of established and significant trees within its road reserves and parks. There is a mechanism within Local Planning Scheme No. 10 for the Town to make an order for the preservation and maintenance of trees on private property. There is currently only one tree on the Town's Registry of Tree Preservation Orders. A copy of the Town's Registry of Tree Preservation Orders forms an attachment to this report. Six other trees are currently the subject of an application for a Tree Preservation Order with a Tree Preservation Order for the Moreton Bay Fig Tree located at 8 Thompson Road, Bassendean, subject to a separate report to Council.

Preserving significant trees on private property is becoming increasingly important noting the increasing pressures of infill development.

The local government may order the preservation and maintenance of a tree having regard to a tree's aesthetic quality, historical association, rarity or other characteristics, which in the opinion of the local government, makes the tree worthy of preservation. An assessment by a suitably qualified arborculturalist is necessary to determine whether any of the trees located at Lot 2 (No. 40) North Road, Bassendean qualify for a Tree Preservation Order under this criteria.

### STATUTORY REQUIREMENTS

Clause 5.7.7.4 of Local Planning Scheme No. 10 (LPS 10) details the purpose of a Tree Preservation Order being a person shall not cut remove or otherwise destroy; or cause or permit to be cut, removed or otherwise destroyed a tree the subject of a proposed order without the prior written consent of the local government.

### FINANCIAL CONSIDERATIONS

The estimated cost of an arborcultural assessment is approximately \$1000, which can be funded from the Town Planning operational accounts.

### OFFICER RECOMMENDATION — ITEM 10.6

That Council:

1. Approves the application for a Tree Preservation Order at Lot 2 (No. 40) North Road, Bassendean;
2. Seeks the consent of the owner of Lot 2 (No. 40) North Road, Bassendean for a suitably qualified independent arborculturalist to carry out an assessment on trees at this property with the outcomes referred back to Council for consideration; and
3. Notes that on receipt of the arborculturalist assessment, the Town will write to the owner notifying them that Council is considering making a Tree Preservation Order inviting the owner to make a written submission.

**Voting requirements: Simple Majority**

**10.7 Application for Proposed Seven Multiple Dwellings on Lot 238; (No. 25) Cumberland Way, Bassendean, Owner: Big Fat Emerald Pty Ltd, Applicant: Mikasa Design (Ref: DABC/BDVAPPS/2016-089 – Dylan Stokes, Planning Officer)**

APPLICATION

The purpose of this report is for Council to consider an application for seven multiple dwellings at No. 25 Cumberland Way, Bassendean.

ATTACHMENTS

**Attachment No. 7:**

- Plans of Proposed Development.
- Schedule of Submissions

BACKGROUND

The application was initially submitted on 13 May 2016. As the application incorporated a range of variations to the Residential Design Codes (R-Codes), the application was advertised to adjoining landowners for comment for a period of 21 days. During the advertising period, there were substantial objections made by several landowners relating to the proposal. As a result of the objections, Dave Kelly MLA and Member for Bassendean became involved and having regard to concerns raised by neighbours and the local MLA on behalf of local residents, it was determined that the application would be referred to a Council meeting for determination in lieu of being determined under delegated authority.

Since the application was advertised to neighbouring property owners, the plans have since been modified a number of times and to an extent whereby staff would now recommend that the proposal be approved.

STRATEGIC IMPLICATIONS

Objectives:

Plan for an increased population and changing demographics

Strategies:

Facilitate diverse housing and facility choices

Implement sustainable design and development principles

Plan for local neighbourhoods and their centres

## COMMENT

The initial application as advertised incorporated multiple variations to the R-Codes and was not supported by planning officers regardless of the objections that were received from surrounding landowners. The application has been amended to meet the Deemed-to-Comply (DTC) requirements of the R-Codes and to satisfactorily address the relevant requirements of Local Planning Scheme No. 10 to the point where Council Officers would recommend approval of the application.

## CONSULTATION AND ENGAGEMENT

A total of four objections were received regarding the proposed development. The objections have been summarised into a Schedule of Submissions and added as an attachment to the report in addition to a comment on behalf of the assessing Officer as to how each objection has been considered and responded to.

The primary areas of concern raised as part of the objections is summarised as follows:

- Overshadowing;
- Overlooking/Visual Privacy;
- Screening; and
- Lot Boundary Setbacks.

All these matters were identified as part of the advertising process in June 2016. The application has been amended multiple times since being advertised to meet the DTC provisions and therefore these matters are now considered to be adequately addressed. Many of the remaining issues raised were not relevant planning considerations or were outside of what is required in the R-Codes.

## STATUTORY REQUIREMENTS

Part 6 of the R-Codes outlines requirements applicable to multiple dwelling applications and includes provisions relating to building height, lot boundary setbacks, open space, plot ratio, outdoor living areas, visual privacy and overshadowing. All of the DTC provisions have been met for Part 6, with no part of the application having to be considered against the associated Design Principles.

Clause 5.3.1.2 of LPS 10 applies to all applications seeking assessment under the split coding requirements.

In order for the multiple dwellings to be considered on the subject site, the application must be assessed against the R40 coding and therefore the requirements under Clause 5.3.1.2 must be met. The requirements under Clause 5.3.1.2 have been achieved as follows:

- a) *In the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared accessway, where required to service development to the rear;*

The proposal incorporates two multiple dwellings on the ground floor that directly face the street, and a further two dwellings on the first floor.

- b) *There is due regard for relevant Local Planning Policies;*

The application has adequately met the requirements of Local Planning Policy 2 (Energy Efficient Design) and Local Planning Policy 3 (Water Sensitive Design).

- c) *Identified heritage objectives are not compromised*

25 Cumberland Way is not listed under the recently adopted version of the Municipal Heritage Inventory.

- d) *The proposal demonstrates elements of water sensitive urban design;*

The application is considered to meet the relevant policy relating to water sensitive design, with soak wells and grading to landscaped areas.

- e) *The existing streetscape is being preserved.*

The application has a 3.0m setback to the balcony, 4.0m setback to the building and a 7.1m average building setback. The proposed development would meet the 3m minimum and 6m average setback requirements for a standard R20 coded lot. The application incorporates a pitched roof design, which was modified from a skillion roof as part of the initial application to better conform with the existing streetscape. The proposal takes into account the materials of the adjoining dwellings and is considered to address the streetscape adequately with a large amount of glazed area and a mixture of face brick and cladding to Cumberland Way. Whilst the development is two storey in size, it falls within the height and setback requirements that a single house would be permitted as of right under the Deemed to Comply requirements of the R-Codes.

### Matters to be Considered by Local Government

By virtue of Clause 67 of the deemed provisions for local planning schemes that are contained within the Planning and Development (Local Planning Schemes) Regulations 2015, the Town is required to consider a range of matters, to the extent that, in the opinion of the local government, those matters are relevant to the application.

Clause 67(b) of the deemed provisions, includes:

*“the requirements of orderly and proper planning including any proposed local planning scheme or **amendment to this Scheme that has been advertised** under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that **the local government is seriously considering adopting or approving**” (emphasis added)*

In this regard, Scheme Amendment No. 8, which aims to introduce additional controls over multiple dwellings is currently being considered by the Minister for Planning. While the Minister for Planning has directed the Town to delete the 25 metre frontage requirement, the notion of only approving multiple dwellings on plot ratio controls (as opposed to land area per dwelling controls) within an 800m walking distance of the Bassendean Train Station has been endorsed. Based upon a land area per dwelling assessment, the development site could accommodate only 3 dwellings compared to the 7 dwellings which are able to be approved under a plot ratio assessment (the current control mechanism).

Noting that the development site is located outside of the 800m walkable catchment and relies upon a plot ratio assessment for approval of 7 dwellings, Council could contemplate refusal of the current application, noting the advanced progress of the Scheme Amendment. Against the provisions of the Scheme Amendment, the proposed development could be seen as being contrary to the requirements of orderly and proper planning as:

- the Amendment has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015;
- the results of advertising have been considered by Council with the Amendment receiving final adoption by Council;
- the Amendment has been considered by the Western Australian Planning Commission who have made their recommendation to the Minister; and
- the Minister has indicated support for the Amendment with the exception of the 25 metre frontage requirement.

Notwithstanding the above, staff would not recommend taking this approach with this particular application noting that:

- It was lodged with the Town on 12 May 2016; and
- During the 16 month period that the application has been with the Town the design has been amended 5 times in order to bring the proposal into compliance with the R-Codes and the Scheme.

Although there is the capacity for Council to refuse the application based upon the advanced progress of the Scheme Amendment, staff can find no examples on the State Administrative Tribunal website of cases where a proposed amendment to a scheme has been relied upon in this manner to refuse an application for development approval.

Another reason that the Town would not recommend that the current application be refused on the basis of the pending amendment is that there are no other Multiple Dwelling applications that are currently being assessed by the Town. The current application could be used as a 'cut off' proposal, with any future applications which are situated outside of an 800m walkable distance from the Bassendean train station not being supported if they would rely on a plot ratio assessment in lieu of a land area per dwelling assessment.

#### Review of Decision

Should Council refuse the application for Development Approval, or impose conditions that are unacceptable to the applicant or land owner, then the determination becomes a reviewable determination in accordance with the Planning and Development Act 2005 Part 14 and a review of the determination may be sought through the State Administrative Tribunal.

#### FINANCIAL CONSIDERATIONS

Should Council not accept the Officer recommendation, it's possible that an application for review will be made to the State Administrative Tribunal and costs would be incurred, as it would be necessary to engage independent external planning consultants to defend any such decision of Council. Officers of the Town would not be in a position to defend Council's decision due to the conflict of interest which would arise.

### OFFICER RECOMMENDATION – ITEM 10.7

That:

1. Council grants development approval for the proposed Seven Multiple Dwellings at Lot 238 (25) Cumberland Way, Bassendean, subject to the following conditions:
  - a. Revised drawings shall be submitted in conjunction with or in advance of an application for a building permit and such drawings shall demonstrate details of the solar pergolas including fixed louvers angled at 34 degrees towards the north;
  - b. A detailed landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which addresses the following:
    - (i) Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
    - (ii) Low water use plants;
    - (iii) Landscaping of the verge area adjacent to the development site, including the provision of substantial street trees (2 x Eucalyptus Todtiana) in accordance with the Town's adopted Street Tree Master Plan; and
    - (iv) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months;
  - c. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
  - d. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;
  - e. Provision of lighting to pathways and car parking areas;
  - f. The existing crossovers on the Cumberland Way frontage of the development site being removed and the verge and kerbing being reinstated to the satisfaction of the Town;

- g. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Cumberland Way frontage of the development site and this crossover being constructed in accordance with that approval;
- h. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
- i. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction;
- j. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
- k. Vehicles entering and exiting the subject site in a forward direction;
- l. Each dwelling being provided with one car parking space and one store room. Such arrangement shall be reflected on any subsequent strata plan for the property;
- m. A minimum of three (3) and one (1) bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located in the area identified on the approved drawings and shall be constructed in accordance with the provisions of AS 2890.3 (as amended);
- n. All stormwater being contained and disposed of on site. Details of the method of storm water containment and disposal shall be included with the drawings submitted for a Building Permit;
- o. Prior to the issue of a building permit a development bond for the sum of \$3,500 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;
- p. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'.

- Detailed arrangements and agreement with respect to the art are to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
- q. The street number being prominently displayed at the front of the development;
  - r. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height. Where the ground levels vary on either side of the fence, the required 1.8 metre height shall be measured above the higher ground level;
  - s. A separate application and approval being obtained for any proposed fencing within the street setback area;
  - t. Visual privacy screening being a minimum of 1.6 metres above floor level and incorporating a maximum 50mm gap between slats and no more than 25% of the surface area of the screened area being open. Opaque glass shall permanently be installed and shall not result in any form of overlooking to the adjoining landowners;
  - u. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
  - v. External clothes drying facilities shall be screened from view of the street or any other public place at all times. No drying of clothes from upper floor balconies (units 4 & 5) or ground floor outdoor living areas (units 1 & 2) is permitted;
  - w. Air-conditioning units and external fittings shall be incorporated into the building or screened from view. Details of the treatment of such external fittings to the building being submitted prior to the issue of a building permit to the satisfaction of the Manager Development Services;
  - x. A Waste Management Plan (WMP) is to be submitted for the Towns approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:

- (i) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the on site separation of materials for recycling and the expectations of owners and/or tenants;
  - (ii) Site Plan showing the location and size of the on-site rubbish disposal area, including the number of general rubbish and recycling bins to be provided for the development, including sharing arrangements where the number of bins is less than the number of dwellings;
  - (iii) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
  - (iv) Details of intended method of collection (private contractor or Council contractor);
  - (v) Details of arrangements for transferring bins from the bin storage area to the verge for collection and subsequently from the verge back to the bin storage area, including timeframes at each stage;
  - (vi) Details of where the bins would be located when waiting collection;
  - (vii) Details of advice to be provided to owners and occupiers regarding the WMP; and
  - (viii) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development;
- y. The bin storage area is:
- (i) To be provided with a self closing gate;
  - (ii) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
  - (iii) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;
- z. The proposed boundary wall shall be finished to the satisfaction of the Town;

- aa. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;
  - bb. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period; and
  - cc. The issue of a building permit prior to the commencement of any on-site works.
2. Staff be authorised to refuse any future development applications for Multiple Dwellings which are situated beyond an 800 metre walkable distance from the Bassendean Train Station (as identified on the maps associated with Amendment 8 to Local Planning Scheme No. 10) if such applications rely on plot ratio for dwelling density rather than demonstrating compliance with the respective land area per dwelling requirements under the applicable residential density code for the development site.

**Voting requirements: Simple Majority**

**10.8 Proposed Guildford Road Barrier Installation (Ref: ROAD/MAINT/3 – Simon Stewert-Dawkins- Director Operational Services & Ken Cardy, A/Director Operational Services)**

APPLICATION

The purpose of the report to advise Council that Main Roads Western Australia has submitted a report recommending the removal of four street trees adjacent to Guildford Road and the Ashfield Train Station, in order to facilitate the installation of a road barrier to protect the pedestrian footbridge piers from potential traffic impact.

ATTACHMENTS

**Attachment No.8:**

- Main Roads Western Australia – Guildford Road Barrier Installation – Ashfield Station.
- Tree Species Information sheet – *Callistemon viminalis*.

BACKGROUND

In May 2012, the Tree Consultative Tree Committee considered the *Ficus microcarpa* variety *hilli*, commonly known as Hills Weeping Fig trees adjacent to Guildford Road, be included onto the Significant Tree Register.

The feedback from Main Roads Western Australia's (MRWA) Acting Asset Manager advised, in part, that the *Ficus* tree roots were contributing to road drainage blockages, lifted kerbs, and damaging the road pavement. At this time, MRWA advised that current planning for the widening of Guildford Road indicates the widening to be on the north side of Guildford Road and this widening would require the removal of the *Ficus* trees. As these plans were being reviewed by the Department of Transport and would most likely recommend changes to the Guildford Road configuration, which would impact the trees, MRWA objected to these *Ficus* trees being included on the Council's Significant Tree Register.

The Tree Consultative Tree Committees (TCC - 13/05/12) MOVED Cr Pule, Seconded Cr Gangell resolved that the proposal to include the Guildford Road *Ficus* trees onto the Significant Tree Register was withdrawn.

In March 2017, MRWA advised that it intended to write to Council to advise that it had engaged consultant firm Parsons Brinckerhoff to review the 1994 Guildford Road design plans that illustrate the current carriageway being reconfigured into a dual carriageway and a number of intersections either being closed or modified to improve road user safety. As MRWA had not provided a letter, the Town has sought an update on the progress of the study and when the Council will be provided the opportunity to provide comment.

In April 2017, MRWA submitted the attached Guildford Road Barrier Installation proposal to be provided to protect the piers of the pedestrian footbridge, adjacent Ashfield Train Station, from traffic impact.

On 1 September 2017, the MRWA's Road Planning Officer provided an update in regards to the review of the 1994 Guildford Road design plans, to advise that the Guildford Road review is in its earlier stages, with insufficient detail available at the moment to provide direction regarding the placement of barriers at the footbridge. Given it may take some time for any improvement to this section of Guildford Road to come to fruition, it may be best to assess the placement of the barriers within the context of current environment.

Currently, the three piers supports of the pedestrian footbridge are not provided with adequate protection from traffic travelling in both directions.

In order to improve road safety, MRWA has determined that four ficus trees be removed along the north side of Guildford Road, a number of street light pole be relocated, installation of a barrier and planting of replacement trees.

### COMMUNICATION & ENGAGEMENT

On Tuesday 19 September 2017, Main Roads WA representatives held an onsite meeting with Elected Members and Council Officers at the intersection of Guildford Road and Colstoun Road, Ashfield, to discuss the attached report.

At this meeting, Main Roads WA representatives reinforced the need to increase the safety aspect, surrounding the pedestrian footbridge, and the intersection of Colstoun and Guildford Roads. Main Roads WA mentioned that even though there was no history of accidents affecting the pedestrian bridge or trees within this area, it was concerned that if an accident did occur, it may be serious for pedestrians using the bridge at the time, and passengers of the vehicle involved.

Main Roads representatives furthermore advised Elected Members that Guildford Road is managed by Main Roads WA and, through this meeting, were commencing their consultation process.

Figures from the Main Roads WA website show that, between the period 2012 to 2016, 28 road vehicle accidents occurred within 30 meters of this intersection. All accidents were from vehicles entering and leaving Guildford Road. Of the 28 vehicle accidents, four passengers were hospitalised.

### STRATEGIC IMPLICATIONS

The Bassendean Strategic Community Plan 2017-2027 states, in part, under:

#### Natural Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
2.3 Ensure the Town's open space is attractive and inviting.	2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection.	Tree Canopy Area monitoring (Private & Public Realms)

#### Built Environment

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
3.2 Enhance connectivity between places and people	3.2.4 Enhance road safety through design	Community/Satisfaction survey (roads, footpaths and cycle paths)

### COMMENT

The pedestrian footbridge over Guildford Road is a Public Transport Authority asset and MRWA is responsible for the delivering and management of a safe and efficient main road network through operations including:

- Building the State's major government road infrastructure projects;
- Providing infrastructure and operations that improve road efficiency resulting in improvements in traffic and freight levels of service;
- Maintaining the State's major government roads, bridges, verges and reserves;
- Using technology to optimise the real-time management of the network and providing traveller information; and

- Improving community amenity through the development and roadside stopping places, the incorporation of public art into infrastructure and understanding the needs of all transport users.

As such, Guildford Road is a primary distributor road and managed by MRWA.

MRWA conducted an investigation and provided the attached report to outline the proposed risks associated with a vehicle impacting the pedestrian bridge and the barrier works that are required to be undertaken to protect the piers of the pedestrian bridge.

The MRWA landscape plan – figure 9 illustrates that four Ficus trees will be removed and that seven Syzygium Pinnacle™ trees are proposed to be planted.

Syzygium Pinnacle is a variety of a Lilly Pilly tree which has a very narrow, compact and dense growing habit and is ideal for planting along fences or for screening. The trees grow to approximately 6 – 10 metres high and have a narrow growth habit reaching 1 – 1.5m wide. Its leaves are rounded, bright glossy green with attractive contrasting reddish-brown new growth with white flowers.

For the Guildford Road verge, the Town of Bassendean Street Tree Master Plan (OCM1 – 3/12/09) recommends that *Callistemon viminalis*, commonly known as Bottlebrush tree, be planted. This tree grows to approximately 8 - 9 metres and is a spectacular (spring and summer) when in flower. The tree has a relatively small root zone, which makes this an ideal species for use in small medians or adjacent to footpaths. An image and description of the *Callistemon* tree is attached from the Town of Bassendean's Tree Species Information sheet.

In viewing the MRWA landscape plan, it can be seen that only a small portion of the area where the four trees have been removed, is proposed to be replanted and that the canopy cover will be significantly reduced. MRWA has advised that any proposed planting will be limited to the area shown in figure 9, due to underground services. As a result, Council can accept the plans presented, which incorporates seven Syzygium Pinnacle™ trees to be planted, or request that *Callistemon viminalis* be planted. If *Callistemon*, then the spacing between each plants will be altered for the same location. MRWA has indicated that potentially only 2 *Callistemon* trees would be planted.

The advantage of the Callistemon viminalis planting is that the canopy size is larger, providing shade and that the flowers will attract native birds, the disadvantage is that less replacement trees will be provided.

It is therefore suggested that Council requests the planting of Callistemon viminalis replacement plantings at close planting intervals. In addition, the area should be mulched and the trees be watered and maintained for 2 years until established.

### STATUTORY REQUIREMENTS

Local Government Act 1995  
Main Roads Act 1930

As Council is aware, MRWA administers the Main Roads Act 1930 with the primary purpose for the construction, maintenance, supervision and management of highways and is responsible for the erection of regulatory signage, the installation of regulatory road markings and the operation of all traffic signals throughout the State.

### FINANCIAL CONSIDERATIONS

In accordance with Council's Amenity Tree Evaluation Policy, the Town requested in April 2017 that MRWA include into the report the value of each tree. The MRWA report advises that the combined value of the four trees is \$178,917.

### OFFICER RECOMMENDATION — ITEM 10.8

The Council:

1. Receives the Guildford Road Barrier Installation report from Main Roads WA to protect the piers of the Ashfield pedestrian footbridge and vehicle safety attached to the September 2017 Ordinary Council Meeting agenda;
2. Requests that Main Roads WA consult with residents on; upgrading the road safety aspects of the site through the installation of traffic barriers; the proposal for the removal of four Ficus trees on the north side of Guildford Road; the relocation of street light poles, and the planting of suitable replacement trees;
3. Requests that the Main Roads WA amend the Guildford Road barrier installation report to ensure that the Landscape proposal detailed in figure 9 requires:

- a) The planting of *Callistemon viminalis* replacement plantings at close planting intervals to provide tree canopy cover and screening of the railway reserve;
  - b) The proposed new street tree plantings be watered off the existing Town of Bassendean reticulation mainline;
  - c) The reticulation mainline to be protected and/or reinstated to the satisfaction of the Town of Bassendean;
  - d) The verge area is mulched and the trees are maintained by Main Roads WA for 2 years until the trees have established; and
4. Requests that should the Guildford Road street light poles be removed or additional light poles installed, that Energy Efficient luminaires be used and that the poles be “Ebony” Colorbond Night Sky™ or similar colour to match the existing poles.

**Voting requirements: Simple Majority**

**10.9 Review of Leadership and Governance Policies (Ref: GOVR/POLCY/1 - Bob Jarvis, Chief Executive Officer and the Corporate Management Team)**

APPLICATION

Council is request to adopt the revised Leadership and Governance Policies.

ATTACHMENT

**Attachment No. 9:**

Leadership and Governance Policies

BACKGROUND

At the June 2017 Ordinary Council Meeting it was resolved (OCM – 12/06/17) *“that Council endorses the amendments and/or deletions to the Leadership and Governance policies as included in the Ordinary Council Agenda attachments of 27 June 2017, for public comment prior to adoption.”*

This report follows the public comment period and seeks the policies be adopted.

COMMUNITY ENGAGEMENT

The endorsed policies were put for a period of public comment from 21 July to 23 August 2017. The policies were available on line via the Town’s “Your Say Bassendean” community engagement platform and in hard copy at the Customer Services Centre and the Bassendean Library.

Awareness to the request for comment was through an article in the Eastern Reporter newspaper, several posts on the Town’s Facebook page and posting on the Town’s Website.

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2017-2027 includes a strategy to strengthen governance, risk management and compliance within the Good Governance Strategic Priority.

COMMENT

Comment was sought for a period of more than 4 weeks. In all, the community engagement platform received 78 visits over the consultation period with daily page view spikes appearing to correlate with the three Facebook page posts.

Of the total visits, 66 participants visited the project or tool page; 12 participants visited multiple pages and 7 participants downloaded a document. One respondent participated in the survey with a submission. One hard copy submission was also received.

Both submissions received commented on multiple policies.

The table in the attachment includes details of the respondent, their comment in full and a response to each comment from the Corporate Management Team.

The Officer recommendation is to confirm only the changes made by Council.

### STATUTORY REQUIREMENTS

Local Government Act 1995

### FINANCIAL CONSIDERATIONS

Nil.

### OFFICER RECOMMENDATION - ITEM 10.9

That Council adopts the Leadership and Governance Policies attached to the Ordinary Council Agenda of 26 September 2017 and amended and endorsed by Council at the June 2017 Ordinary Council Meeting.

**Voting requirements: Absolute Majority**

## **10.10 Proposed Rescheduling of October 2017 Ordinary Council Meeting (Ref: GOVN/CCLMEET1 - Bob Jarvis, CEO)**

### APPLICATION

As the Local Government Elections are to be held on 21 October 2017, Councillors may wish to consider rescheduling the Ordinary Council meeting scheduled for 24 October 2017 and to give consideration to the type of, and appointments to, Committees of Council that will continue beyond the Local Government Election on 21 October 2017. All committees of Council expire on Election Day.

### ATTACHMENTS

#### **Attachment No. 10:**

- List of current Internal Committees and current appointed Delegates.
- Instruments of Appointment and Delegation:
  - Audit and Risk Management Committee
  - Access and Inclusion Committee
  - Local Emergency Management Committee

### BACKGROUND

This item was considered at the Councillors' Information workshop held on 12 September 2017. A number of options were discussed and it was generally agreed that the October Ordinary Meeting of Council should be shifted to 17 October, and that the first Ordinary Meeting of the new Council will be 27 November.

The discussion centred on making arrangements for the advertising for any community vacancies for those committees that have a statutory basis – these are the Audit and Risk Committee, Local Emergency Management Committee, and the Access and Inclusion Committee so that these can be resolved, at the 17 October Meeting, to be continued after the Election, and so that, at a Special Meeting to be held on Monday 23 October 2017, the requisite number of Councillors can be appointed to those committees. This meeting is traditionally for the swearing in of the new Councillors, the election of the Mayor and Deputy Mayor, and the order of seating in the Chamber. It is suggested that this year it will not only include the appointment of Councillors to the statutory Committees but also appointments to external Committees and agencies such as the Eastern Metropolitan Region Council, Perth Airport Municipalities Group, and the West Australian Local Government Association's Zone Meeting and Annual General Meeting.

It was generally agreed that any other Committees that might continue, or be created will be the discretion of the new Council, and the call for public nominations to those committees will be made after the number and nature of those Committees is resolved by the new Council.

### COMMUNITY ENGAGEMENT

It will be necessary to publicly advertise the change of meeting dates for Council and include any consequential changes to committee meeting dates.

It will also be necessary, if Council agrees to these changes, to advertise for the community representatives to the statutory committees and appoint any agencies with representatives to those committees.

### STATUTORY REQUIREMENTS

#### Local Government Act 1995

It is a requirement for each local government to publicly advertise its meeting schedule for the ensuing twelve months.

The Local Government Act 1995 also prescribes the types of Committees that can be formed by Council and the level of delegations, from Council, to those Committees that can be made. These details are below:

#### 5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate \* to a committee any of its powers and duties other than this power of delegation.

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed; and
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f) above.

*[Section 5.17 amended by No. 49 of 2004 s. 16(2).]*

FINANCIAL CONSIDERATIONS

Nil.

COMMENT

The Statutory Committees which are proposed to be continued have formal Instruments of Appointments and Delegations approved by Council which may need to be reviewed and are attached for information.

It should be noted that at the Councillors' Information Workshop, some Committees were mentioned by some Councillors as possibly being continued, and perhaps time limited. Such changes would need to be the subject of a separate resolution for this report.

Recently, in July, Council resolved to participate in a Project Control Group (PCG) whose role is to oversee the consultancy to develop detailed business case scenarios for Football Facilities at Bassendean Oval. At the time, Council appointed four members, Councillors Gangell, Lewis and Pule and the Director Community Development. The PCG has conducted two meetings to date. All minutes of the PCG meetings are presented to Council with an Officer Report, ensuring the minutes are open to the public. The Department for Local Government, Sport and Cultural Industries who established the PCG has commented that this PCG is unique in that it is the only PCG that they have been involved with that has included elected members. Council may determine that representation on the PCG be by Officers as is customary, or for Council to appoint Councillors as was the case in July.

These have not been included and will be included in a separate report to the new Council for consideration.

It should be noted that the following Notice of Motion was passed in September 2016. This will be considered by the new Council as part of the review of Committees.

**OCM – 38/09/16**

*MOVED Cr McLennan, Seconded Cr Brown, that Council considers the establishment of a Sustainability Advisory Group as part of its review of Committees in 2017, with the (draft) objectives including:*

- a) *Providing advice & making recommendations relating to:*
- *The formulation of a community & Council vision for environmental sustainability & leadership; and*
  - *The development & implementation of environmental initiatives & programs.*
- b) *Acting in an advisory capacity on matters referred to it by Council or by officers relating to the natural and built environment, with specific focus on:*
- *Environmentally sustainable building design;*
  - *Water use and efficiency;*
  - *Energy efficiency and renewable energy;*
  - *Green spaces, urban vegetation and biodiversity;*
  - *Water in the environment (water quality and natural water sources); and*
  - *Waste minimisation & management.*

- c) *Consulting with the community and informing Council of sustainability matters of importance to the community.*

CARRIED UNANIMOUSLY 6/0

OFFICER RECOMMENDATION – ITEM 10.10

That:

1. Council reschedules its October Ordinary Council meeting from Tuesday 24 October 2017 to Tuesday 17 October 2017 and that the Calendar for October 2017 be amended accordingly;
2. Council adopts the Instrument of Appointment and Delegation for the following Statutory Committees:
  - Audit and Risk Management Committee;
  - Bassendean Local Emergency Management Committee; and
  - Access and Inclusion Committee;
3. Approves the advertising for any community representation, and the call for representatives from external agencies to make up the membership of the Audit and Risk Management Committee, Access and Inclusion Committee and Local Emergency Management Committee, so that those representatives can be appointed in advance of the appointment of Councillors to those Committees after the local government election on 21 October 2017, and the continuation of those Committees can be confirmed;
4. All other existing Committees of Council be discontinued on election day on 21 October 2017, and current members be thanked in writing for their contribution to their community and the Town; and
5. Consideration of new Committees of Council be held over until the November Ordinary Council meeting when the new Council is formed.

**Voting requirement: Absolute majority**

**10.11 Reconciliation Action Plan 2018 – 2020 (Ref: GOVN/CCLMEET/26 – Graeme Haggart, Director Community Development)**

APPLICATION

For Council to endorse the Reconciliation Action Plan 2018 - 2020 (RAP) that will then be referred to Reconciliation Australia (RA) for approval.

ATTACHMENT

**Attachment No. 11:**

Draft Reconciliation Action Plan 2018 – 2020

BACKGROUND

An Officer's report was presented to the March 2017 Ordinary Council meeting detailing the implementation of the Town's inaugural RAP 2012 - 2016.

At that time, Council noted a new draft Reconciliation Action Plan 2018 – 2020 was being prepared.

Council held a workshop on the draft RAP on Tuesday 29 August 2017 with the RAP Consultants.

At the Workshop, Council was advised that adopting a RAP enables the Town to commit to implementing and measuring practical actions that build respectful relationships and create opportunities for Aboriginal and Torres Strait Islander peoples.

It was noted there are four different levels of RAPs within the Reconciliation Australia's RAP Program:

- Reflect;
- Innovate;
- Stretch; and
- Elevate.

Each RAP document template sets out action, target, responsibility, and timeline columns under the headings 'relationships', 'respect', 'opportunities', as well as a 'tracking progress and reporting' section.

Staff from across the Town have met with the Consultants to build the RAP 2018 – 2020.

Members of the RAP Working Group include: Tony Dowling, Salvatore Siciliano, Greg Neri, Janet Megarrity, Rhonda Browning, William Barry, Mark Bettridge and Graeme Haggart.

The RAP document is strategic. An Implementation Action Plan will be prepared each year that details how the RAP is to be implemented in the following year.

### COMMUNITY ENGAGEMENT

In drafting the new RAP, the Consultants consulted with the local community at various forums, including the Closing the Gap Lunch event and Christmas BBQ at Ashfield Reserve. The Consultants also referred progress of the RAP for the advice of the Bassendean Cultural Advancement Group throughout the drafting process.

The consultants also obtained information from the 2015 Audit of Accessibility of the Town's Services for Aboriginal People in which service Managers and local Aboriginal community members were interviewed. The process resulted in a report on how the Town can modify business to improve access to services.

### COMMENT

Considerable respect and relationship building progress has occurred in recent years resulting from the inaugural RAP. This new RAP has been constructed to build to the momentum of that inaugural plan.

As with the inaugural RAP, the new draft RAP is an all of organisation document with most services of the Town having responsibility for implementing aspects of the plan.

It should be noted that some actions of the inaugural RAP were not accomplished and are not necessarily carried forward to the new RAP as priority and importance of those actions may have changed in the intervening years. As described above, for relevance purposes an annual action plan will be developed and reported against for each of the three years of the new RAP.

Many of the well-established and landmark activities such as NAIDOC Week Family Day, daily raising the Flags, and so on have been carried forward.

Council is asked to endorse the new RAP in order it can be sent to Reconciliation Australia (RA) for their quality assurance appraisal and registration.

Once registered by RA, the final document will then be returned for adoption by Council. The Action Plan for 2018 will then be presented to Council.

#### STATUTORY REQUIREMENTS

Nil.

#### FINANCIAL CONSIDERATIONS

Funding for implementing the RAP has been provided in each of the past 4 financial year budgets.

As previously articulated, a significant component of the annual budget has been in engaging Consultants to manage the RAP implementation process. As the funding has been annual, the contract cannot be for longer than the funded period. Each year the Town is required to seek Requests for Quote from a range of providers and to engage a firm for a defined program of activity. This has proved cumbersome but necessary, as there is no commitment to the Reconciliation process beyond the current budget each year. This also leads to inflated hourly labour costs and loss of historic and contextual knowledge when new Contractors are appointed.

A new ongoing part-time staff position to undertake implementation of the RAP is recommended to be referred for consideration to the Workforce Plan when next reviewed with the position costs borne from an offset in the RAP budget allocation.

#### OFFICER RECOMMENDATION – ITEM 10.11

That Council:

1. Endorses the Reconciliation Action Plan 2018 – 2020; and
2. Forwards the Reconciliation Action Plan 2018 – 2020 to be registered by Reconciliation Australia.

**Voting requirements: Simple Majority**

**10.12 Bassendean Oval Football Facilities Project Control Group Meetings held on 17 August & 7 September 2017 (Ref: COMDEV/PLANNG/4 – Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of the report is for Council to receive the minutes of the meeting of the Bassendean Oval Football Facilities Project Control Group meetings held on 17 August and 7 September 2017.

ATTACHMENTS

**Attachment No. 12:**

Minutes of the Bassendean Oval Football Facilities Project Control Group meeting held on 17 August and 7 September 2017.

BACKGROUND

An Officer Report presented to Council in July 2017 noted that with the exception of Swan Districts Football Club (SDFC), all WAFC Clubs have or are in the processes of achieving infrastructure renewal.

An objective of the now abandoned Bassendean Activity Centre project was capital input for SDFC facilities.

There remains a need for facility renewal for SDFC at Bassendean Oval.

The Department for Local Government, Sport and Cultural Industries (the Department) initiated the process to develop business case for the renewal or redevelopment of the SDFC football facilities at Bassendean Oval.

The Department established a Project Control Group (PCG) comprising four representatives (Councillors Gangell, Lewis and Pule, and the Director Community Development) from the Town; and one representative from SDFC (CEO), the Department (Senior Projects Manager); and West Australian Football Commission (Manager State Facilities).

The primary role for the PCG is to oversee the Contract Consultant engaged to undertake the business case study.

The Town hosts and presides over the meetings of the PCG. The Town will also manage the contractual mechanisms.

## STRATEGIC IMPLICATIONS

The Town's Strategic Community Plan 2017-2027 includes a strategy to: Provide accessible facilities that support leisure, learning and recreation for people of all ages.

## COMMENT

At the inaugural meeting the PCG (17 August 2017) considered the following:

1. A background to the project was provided by the Department
2. Draft Terms of Reference for the PCG that it was agreed would be confirmed at the next meeting.
3. Draft Scope of Services for the Consultant including that the study is to conform with the Department of Treasury's Strategic Asset Management Framework. It was agreed the Scope of Works is to be confirmed at the next meeting.
4. Mechanisms to ensure the community is maintained informed.

The meeting the PCG held on 7 September 2017 considered the following:

1. The Draft Terms of Reference for the PCG was confirmed as circulated.
2. The Draft Consultant's Scope of Services was confirmed as circulated.
3. Progress with the communication strategy and a note that the SDFC is proposing to seek CSRFF funding for minor around ground capital improvements in the March 2018 round external to this project.

## STATUTORY REQUIREMENTS

Local Government Act 1995 – Section 6.8.

## FINANCIAL CONSIDERATIONS

Funding for the project is being sourced from the Department, WAFC and LandCorp. The Town will provide in-kind support by facilitating the PCG, managing the project funds and managing the consultancy process.

Council is requested amend the budget to reflect the \$55,000 being received for the project and authorize the funds be expended.

OFFICER RECOMMENDATION – ITEM 10.12

That:

1. Council receives the report on the minutes of the Bassendean Oval Football Facilities Project Control Group meetings held on 17 August 2017 and 7 September 2017;
2. Council amends the 2017/18 Budget to include the receipt of \$55,000 for the Bassendean Oval Football Facilities Business Case Consultancy; and
3. Expenditure be authorised in accordance with Section 6.8 of the Local Government Act.

**Voting requirements:**

**Point 2 and 3: Absolute majority**

**Point 1: Simple majority**

**10.13 Bassendean Local Studies Collection Management Committee Meeting held on 3 August 2017 (Renata Pietracatella, Manager Library and Information Services)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Bassendean Local Studies Collection Management Committee held on 3 August 2017.

ATTACHMENT

**Attachment No. 13:**

Bassendean Local Studies Collection Management Committee Minutes of 3 August 2017

COMMENT

Local Studies Collection Management Committee meeting did not proceed due to the lack of a quorum. Participating members engaged in informal discussion.

OFFICER RECOMMENDATION — ITEM 10.13

That Council notes that the Bassendean Local Studies Collection Management Committee meeting held on 3 August 2017, did not achieve a quorum.

**Voting requirements: Simple majority**

**10.14 Bassendean Local Emergency Management Committee Meeting held on 6 September 2017 (Ref: GOVN/CCLMEET/18 – Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean Local Emergency Management Committee held on 6 September 2017.

ATTACHMENTS

**Attachment No. 14:**

Minutes of the Bassendean Local Emergency Management Committee meeting held 6 September 2017.

BACKGROUND

The Bassendean Local Emergency Management Committee meets at least quarterly and in 2017 meets on the first Wednesday in the months of February, June, September and November.

The Committee is required to conduct an annual exercise to test planning readiness and organizational capability. In 2017 an additional meeting was scheduled in April principally to conduct the annual exercise.

The roles of the Committee are defined in Section 39 of the Emergency Management Act 2005 and have adopted in the Committee's Instrument of Appointment and Delegation as being:

1. To advise and assist the Town of Bassendean in ensuring that local emergency management arrangements are established for the Town;
2. To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
3. To carry out other emergency management arrangement activities as directed by the SEMC or prescribed by the regulations.

Membership of the Committee includes:

- Two Councillors of the Town of Bassendean;
- The Local Emergency Coordinator (Officer in Charge of the Kiara Police Station);
- Other combat agency representatives including Department for Fire and Emergency Services (District Manager and SES Unit Manager);
- Department for Health (St John's Hospitals Midland);
- Child Protection and Family Support; and
- Relevant Officers of the Town (DOS, MAS, Snr EHO, Snr Ranger).

A representative of the State Emergency Management Committee Secretariat (SEMC) attends Committee meetings in an advisory capacity. The Director Community Development is the Executive Officer to the Committee and as such does not have voting rights.

### STRATEGIC IMPLICATIONS

The Local Emergency Management Committee

- Improves the organisations capability and capacity; and
- Assists provide a safe environment.

### COMMENT

At the meeting Committee considered the following:

1. A copy of the annual Capability Survey prepared and submitted by the Director Community Development of the Office of Emergency Management was tabled with the agenda. The Survey highlighted the need for the Town to have a dedicated Emergency Management Officer as the Town's legislated EM responsibilities continues to widen.
2. The EMRC's Swan River Flood Mapping Project remains in progress. When complete, the Town will receive new flood height maps. The flood marker discs will be fixed to the Western Power poles at the height of a 1% flood event (1 in 100 year's event) once the new maps have been received, and following the break in the weather in autumn 2018.
3. Flood height markers are to be installed on the Town's jetties as navigation tools and to define the height of the flood water at that point.

4. The new draft Local Emergency Management Arrangements for the Town have been forwarded to the Office of Emergency Management for endorsing by the District Emergency Management Committee.
5. The purchase of generators for temporary plug in power supply to Ashfield Community Centre and the Depot was discussed. It was noted that there is limited demand for temporary power supply and the cost of provision includes the cost of wiring the facilities with dedicated temporary power circuits. Committee resolved that in the first instance, the Town investigate establishing provider agreements with hirer companies for the provision of portable power plants for the times that supply is required and to also investigate solar and battery options for the longer term.
6. The Economic Regulation Authority draft report into the collection, management and distribution of Emergency Services Levy funds was described as disappointing in that it recommended against ESL funds being directed to Local Government to meet the ever increasing emergency management roles and responsibilities: Namely to fund EM Officer and for Recovery purposes. WALGA has prepared an industry response that seeks to have these items redressed in the final report due for presentation to Cabinet on 29 September.
7. An emergency event occurred in the Town on 30 August with a gas leak in an industrial property in Wood Street. A 200m exclusion zone was evacuated by the Incident Controller. The Town was requested to attend the Incident Coordination Centre and be on standby in the event the incident escalated. Fortunately the event was managed without incident.

#### STATUTORY REQUIREMENTS

The Emergency Management Act 2005 prescribes that:

Section 38(1): A local government is to establish one or more local emergency management committees for the local government's district. And

Section 41(1): A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government's district are prepared.

SEMC Policy 2.5 – Emergency Management for Local Government  
ADP – 05 – Emergency Management for Local Government (Procedures)

**FINANCIAL CONSIDERATIONS**

No known financial implications resulting from this report.

**COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.14**

That:

1. The Town investigates establishing an agreement with hire companies for the supply of temporary power plants to meet the Town's needs during periods of extended power outages;
2. The Town explore alternative options of providing energy/power, such as solar and battery, for facilities during periods of extended power outages; and
3. Council receives the report on the meeting of the Bassendean Local Emergency Management Committee held on 6 September 2017

**Voting requirements: Simple majority**

**10.15 Access and Inclusion Committee Meeting held on 13 September 2017 (Ref: GOVN/CCLMEET/16 – Graeme Haggart, Director Community Development)**

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Access and Inclusion Committee held on 13 September 2017.

ATTACHMENTS

**Attachment No. 15:**

Access and Inclusion Committee Minutes of 13 September 2017.

STRATEGIC IMPLICATIONS

The Access & Inclusion Committee:

- Improves the organisations capability and capacity; and
- Supports inclusiveness and social wellbeing of residents of the Town through building a sense of belonging and connectivity in the community by encouraging people of all abilities to actively in community life and democratic process.

COMMENT

The main items considered at the meeting included:

Disability Access and Inclusion Plan Review

The DAIP is required to be re-written each 5 years and is now due. Funding has been allocated in the budget and will be actioned in quarter 1, 2018.

Disability Access and Inclusion Plan Implementation Report

As the existing DAIP has been in place for 5 years, no new initiatives remain to be actioned and all has largely been implemented.

Manager Seniors and Disability Services (MSDS) Report

The MSDS reported on the business unit activities including on: Workforce Issues; Home Care Packages; Home and Community Care; NDIS; Hyde Retirement Village; Brokerage; New Client Management Software; and Finance.

### Bassendean Oval Facilities

It was noted that at a recent SDFC event involving many people living with a disability, that while facilities had been hired in for the event the clients were not informed. It remains unsatisfactory that the toilets were required to be hired.

### STATUTORY REQUIREMENTS

Disability Services Act requires all Government Departments and Agencies (including Local Government) establish a Disability Access and Inclusion Committee and adopt a Plan to reduce barriers experienced in accessing the services and facilities of that organisation.

### FINANCIAL CONSIDERATIONS

Nil

### OFFICER RECOMMENDATION — ITEM 10.15

That the report on a meeting of the Access and Inclusion Committee held on 13 September 2017, be received.

**Voting requirements: Simple Majority**

**10.16 Determinations Made by the Principal Building Surveyor  
Ref: LUAP/PROCED/1 – Kallan Short, Principal Building  
Surveyor)**

The Principal Building Surveyor made the following building decisions under Delegated Authority:

<b>Building Applications Determined in the Month of August 2017</b>		
<b>Application No</b>	<b>Property Address</b>	<b>Description</b>
201700195	85 WEST ROAD, BASSENDEAN	RESIDENTIAL ADDITIONS
201700219	40 BASSENDEAN PARADE, BASSENDEAN	ADDITIONS/ALTERATIONS
201700211	133 SECOND AVENUE, EDEN HILL	OUTBUILDING
201700215	5 MANN WAY, BASSENDEAN	WORKSHOP
201700213	3 DOROTHY STREET, ASHFIELD	CARPORT
201700217	11 FIFTH AVENUE, BASSENDEAN	2 STOREY DWELLING
201700216	14 MICKLETON TERRACE, BASSENDEAN	GARDEN SHED
201700212	24 MARY CRESCENT, EDEN HILL	2 X SINGLE STOREY DWELLING
201700218	12 WALKINGTON WAY, EDEN HILL	PATIO
201700210	9 BARTON PARADE, BASSENDEAN	BRICK SCREEN WALL
201700214	33 WATSON STREET, BASSENDEAN	SINGLE STOREY DWELLING
201700230	78 VILLIERS STREET WEST, BASSENDEAN	CARPORT
201700223	21 MONS STREET, ASHFIELD	ATTIC STORAGE
201700221	93 OLD PERTH ROAD, BASSENDEAN	INTERIOR OFFICE FITOUT
201700225	15 CLARKE WAY, BASSENDEAN	VERGOLA
201700224	9 FOURTH AVENUE, BASSENDEAN	SINGLE DWELLING & DOUBLE GARAGE
201700220	3 DOROTHY STREET, ASHFIELD	ADDITIONS/ALTERATIONS
201700222	11 ROBINSON ROAD, EDEN HILL	PATIO
201700207	57 CHESTERTON ROAD, BASSENDEAN	RETAINING WALL
201700209	34 AUSSAT DRIVE, EDEN HILL	SWIMMING POOL
201700200	5 FIFTH AVENUE, BASSENDEAN	PATIO & DECK MODIFICATIONS
201700208	41 REID STREET, BASSENDEAN	FRONT FENCE
201700082	26 BLACKTHORN ROAD, EDEN HILL	KITCHEN RENOVATION

**OFFICER RECOMMENDATION – ITEM 10.16**

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

**Voting requirement: Simple majority**

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

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

<b>APPLIC NO.</b>	<b>PROPERTY ADDRESS</b>	<b>DESCRIPTION</b>	<b>DETERMINATION</b>
2017-049	66 MICKLETON TERRACE BASSENDEAN 6054	ADDITIONAL DWELLING TO SIDE OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2017-097	21 LORD STREET BASSENDEAN 6054	AMENDED APPLICATION FOR 8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2017-099	90 ANZAC TERRACE BASSENDEAN 6054	AMENDED APPLICATION FOR 8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2017-102	71A WILSON STREET BASSENDEAN 6054	SINGLE HOUSE AND ANCILLARY DWELLING	DELEGATE APPROVED
2017-114	42 WALTER ROAD EAST BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2017-116	110A SECOND AVENUE BASSENDEAN 6054	CARPORT AND PATIOS X 2	DELEGATE APPROVED
2017-118	72 WALTER ROAD EAST BASSENDEAN 6054	AMENDED APPLICATION FOR HOARDING SIGN (BILLBOARD) TO EXTEND VALIDITY OF APPROVAL	DELEGATE APPROVED
2017-126	UNIT 2/23 CYRIL STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED

**OFFICER RECOMMENDATION – ITEM 10.17**

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

**Voting requirement: Simple majority**

**10.18 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins, Executive Assistant to the CEO)**

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

The Common Seal was not attached to any documents during the reporting period.

**OFFICER RECOMMENDATION – ITEM 10.18**

That Council notes that the Common Seal was not attached to any documents during the reporting period.

**Voting Requirements: Simple majority**

**10.19 Calendar for October 2017 (Ref: Sue Perkins, Executive Assistant)**

*It should be noted that these meetings are current at the time of preparation of the agenda, however, some may change after consideration of Item No. 10.10 in this agenda.*

Wed	4 Oct		5.30pm	Audit & Risk Management Committee Meeting – Council Chamber (Crs Lewis, Pule & Bridges)
Thu	6 Oct	9.30am		Local Studies Collection Advisory Committee Meeting – Council Chamber (Cr Pule)
Tue	10 Oct	7.00pm		Liveable Town Advisory Committee Meeting – Council Chamber (Crs Gangell, Bridges & Brown (Deputy))
Mon	11 Oct	1.00pm		Hyde Retirement Village Annual General Meeting – Ashfield Community Centre (Cr Gangell)
Mon	23 Oct	7.00pm		Special Council Meeting – Swearing in of new Councillors – Council Chamber
Tue	24 Oct	7.00pm		Briefing Session – Council Chamber
Tue	24 Oct	7.00pm		Ordinary Council Meeting – Council Chamber
Thu	26 Oct	6.00pm		Councillor Induction Forum – EMRC

**OFFICER RECOMMENDATION - ITEM 10.19**

That the Calendar for October 2017 be adopted.

**Voting Requirements: Simple majority**

## **10.20 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 - Sue Perkins, Executive Assistant)**

At the Ordinary Council meeting held on 14 December 2010, it was resolved that only those items that are to be deleted from the implementation of Council resolutions be referred to Council, and all other items in progress be included in the Councillors' Bulletin on the last Friday of the month.

### **STRATEGIC IMPLICATIONS**

Strengthen Council governance and compliance.

### **COMMENT**

The following table details those resolutions of the Council that are recommended for deletion:

<b>Issue ID</b>	<b>Assigned To</b>	<b>Brief Description</b>	<b>Action Taken</b>
65658	Graeme Haggart	OCM-25/4/17, OCM-27/1/17, OCM-33/5/16, OCM-34/2/16, OCM-36/10/15, OCM-28/7/15, OCM-27/5/15 Offer to Purchase and OCM-37/2/13 - Notice of Motion – Cr Pule: Preservation of Voluntary Fire Brigade Building, Wilson Street, Bassendean, as a Museum for the Town	Council resolved to not purchase the Fire Station. DFES advised. <b>Recommend deletion.</b>
91082	Mark Bettridge	OCM-8/7/17, OCM-11/4/16 - Installation of Fenced Dog Exercise Areas	Funding will be listed in the 2018-19 Capital Budget to undertake this project as per Council's July 2017 resolution. <b>Recommend deletion</b>
60748	Timothy Roberts	OCM-6/3/17 Tree Presentation Order, 98 Thompson Street, Bassendean, OCM-17/6/12 - Tree Consultative Committee Meetings held on 20 May and 19 June 2012	Arborcultural assessment has been undertaken. Will be subject of a new report at September 2017 Council meeting. These resolutions have been actioned. <b>Recommend deletion.</b>
67550	Timothy Roberts	OCM-11/5/13 - Tree Consultative Committee Meeting held on 7 May 2013	Arborcultural assessment has been undertaken. Will be subject of a new report at September 2017 Council meeting. These resolutions have been actioned. <b>Recommend deletion.</b>
83381	Timothy Roberts	OCM-23/5/15 - Notice of Motion: Cr Bridges – Renaming of Clarke Way Reserve	Advertising period has finished. Will be subject of a new report at September 2017 Council meeting. These resolutions have been actioned. <b>Recommend deletion.</b>

Issue ID	Assigned To	Brief Description	Action Taken
ROC17/53675	BOB JARVIS	OCM-26/04/17 - 11 HAMILTON STREET, BASSENDEAN	LEASE BEING PREPARED NO FURTHER ACTION REQUIRED <b>RECOMMEND DELETION</b>
ROC17/53226	GRAEME HAGGART	OCM-22/2/17 - NOTICE OF MOTION – CR PULE: BUSINESS CONTINUITY IMPROVEMENT	THIS MATTER WAS CONSIDERED AT THE LAST LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING: THE MINUTES OF WHICH ARE REPORTED ELSEWHERE IN THIS AGENDA. <b>RECOMMEND DELETION.</b>
ROC17/53223	GRAEME HAGGART	OCM-19/2/17 - NOTICE OF MOTION – CR PULE: POTENTIAL TO TRANSFER THE LEASING OF THE LANEWAY BETWEEN MONTESSORI SCHOOL AND THE BOWLING CLUB FROM THE BOWLING CLUB TO AND FOR USE BY MONTESSORI SCHOOL	LEASING THE LANEWAY TO THE SCHOOL WILL NOT BE CONSIDERED UNTIL THE SCHOOL PURCHASES THE PROPERTY ALONGSIDE IN WHITFIELD ST. THERE IS NO MOVE TO THIS END AT PRESENT AND MAY NOT BE A REALITY FOR SOME YEARS. <b>RECOMMEND DELETION.</b>
ROC17/55793	DYLAN STOKES	OCM-4/8/17 - APPLICATION FOR A PROPOSED OUTBUILDING AT LOT 81; NO. 45 MALEY STREET BASSENDEAN	APPROVAL ISSUED. <b>RECOMMEND DELETION.</b>
ROC17/55794	DYLAN STOKES	OCM-6/8/17 - APPLICATION FOR A CHANGE OF USE TO PLACE OF WORSHIP (CHIN CHRISTIAN CHURCH) AT LOT 143; NO. 105A BROADWAY BASSENDEAN	APPROVAL ISSUED. <b>RECOMMEND DELETION</b>
ROC17/55795	DYLAN STOKES	OCM-7/8/17 - JOINT METROPOLITAN CENTRAL DEVELOPMENT ASSESSMENT PANEL APPLICATION – FORM 2 – APPLICATION FOR AMENDMENT OF A DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR A CONVENIENCE STORE – LOT 25 (NO. 300) COLLIER ROAD BASSENDEAN	DAP DETERMINATION ISSUED. DAP OPTED TO SUPPORT COUNCILS RECOMMENDATION OF MODIFYING THE CONDITION TO BE 7:30AM TO 9:00AM AND 2:30PM TO 5:00PM. <b>RECOMMEND DELETION</b>

ROC17/55001	SALVATORE SICILIANO	OCM-27/7/17 - SPORTS ACHIEVEMENT AWARDS	THIS AWARD HAS BEEN PRESENTED. <b>RECOMMEND DELETION.</b>
ROC17/55797	TIM DAYMAN	OCM-10/8/17 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) APPLICATION – BASSENDEAN BOWLING CLUB	THE CSRFF APPLICATION WHICH INCLUDES THE TOWN'S ASSESSMENT, COMMENTS AND RANKING WAS LODGED WITH THE DLGSCI ON 31 AUGUST. <b>RECOMMEND DELETION.</b>
ROC17/54531	TIMOTHY ROBERTS	OCM - 5/8/17	OFFICER RECOMMENDATION ADOPTED BY COUNCIL. NO FURTHER ACTION REQUIRED. <b>RECOMMEND DELETION.</b>
ROC17/54993	TIMOTHY ROBERTS	OCM-6/7/17 - UNAUTHORISED DEVELOPMENT OF A DOUBLE CARPORT AT LOT 56; NO. 1 GARNSWORTHY PLACE BASSENDEAN	SITE INSPECTION CONDUCTED FRIDAY 01 SEPTEMBER 2017 AND CARPORT HAS BEEN COMPLETELY REMOVED AS PER COUNCIL RESOLUTION. <b>RECOMMEND DELETION.</b>
ROC16/51876	YVONNE ZAFFINO	OCM-38/9/16 - NOTICE OF MOTION – CR MCLENNAN: ESTABLISHMENT OF A "SUSTAINABILITY ADVISORY GROUP"	THIS RESOLUTION WAS CONSIDERED AS PART OF A REVIEW OF COMMITTEES BY COUNCIL AT A WORKSHOP HELD 12 SEPTEMBER 2017. <b>RECOMMEND DELETION</b>

OFFICER RECOMMENDATION – ITEM 10.20

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 26 September 2017 be deleted from the Implementation of Council Resolutions list.

**Voting Requirements: Simple majority**

**10.21 Accounts for Payment – August 2017 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)**

**APPLICATION**

The purpose of this report is for Council to receive the Accounts for Payment in accordance with Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996.

**ATTACHMENTS**

**Attachment No. 16:**

List of Accounts

**BACKGROUND**

The monthly payments made for the period August 2017 are presented to Council, with details of payments made by the Town in relation to goods & services received.

**STRATEGIC IMPLICATIONS**

*Leadership and Governance*

**Improve capability and capacity**

- *Ensure Financial sustainability*
- *Monitor and enhance organisational performance and service delivery*

**STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

**FINANCIAL CONSIDERATIONS**

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

**OFFICER RECOMMENDATION - ITEM 10.21**

That Council receives the List of Accounts paid for August 2017, as attached to the Ordinary Council Agenda of 26 September 2017.

**Voting Requirements: Simple majority**

**10.22 Financial Statements – July 2017 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

**APPLICATION**

The Local Government Financial Management Regulations, Clause 34(1) requires that a monthly financial report be presented to Council. A Local Government is to prepare each month a statement of financial activity that clearly shows a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date.

**ATTACHMENTS:**

**Attachment No: 17**

Financial Reports for July 2017

**BACKGROUND**

Regulations require a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget.

A statement of financial activity and accompanying documents are required to be presented to Council within 2 months after the end of the month to which the statement relates.

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2017/18 financial year the amount is \$5,000 or 10% whichever is the greater.

**STRATEGIC IMPLICATIONS**

*Good Governance*

**Strategies**

- 5.1.3 Strengthen Governance, Risk Management and Compliance.
- 5.1.4 Improve efficiency and effectiveness of planning and services.

### COMMENT

The attached statements as presented represent the adopted 2017/18 Budget estimates & actual income and expenditure amounts for the period ending 31 July 2017.

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date (July 2017) is 1.54% ahead of budget Year to date estimates. Interest on investments, Operating Grants, Fees & charges, Service charges are on target.

Total expenditure by nature & type for YTD is 22.5% below Budget YTD expectations. Employee costs are 8% under budget; Utilities are 2.3% under budget. Materials & contracts are well under expended at 27%. Insurance Premiums are over budget expectations in the current reporting period.

Expenditure on Infrastructure Capital expenditure work has not commenced at this point.

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

### STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

### FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ended the 31 July 2017. The notes accompanying the statements provide a detailed breakdown to the Financial Statements.

### OFFICER RECOMMENDATION – ITEM 10.22

That:

1. The Financial Reports for the period ended 31 July 2017, as attached to the Ordinary Council Agenda of 26 September 2017, be received; and
2. Council approves the budget amendments listed for adoption in the Financial Statements for July 2017, as attached to the Ordinary Council Agenda of 26th September for 2017.

**Voting Requirements: Absolute majority**

## **11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **11.1 Notice of Motion – Cr Pule: Acknowledgement of Peter and Hazel Munro**

Cr Pule has advised that he wishes to move the following motion at this meeting:

*“That the Town of Bassendean Acknowledges Peter and Hazel Munro formerly of 27 Ashfield Parade Ashfield, by erecting a plaque on the river park side of Ashfield Parade with the appropriate commendation and service.”*

#### **Comment – Cr Pule**

Peter and Hazel Munro lived at 27 Ashfield Parade from 1955. Peter was a Manager for the Commonwealth Bank. He was a very well known person in the Community and the strands of Corymbia Citriodora (Lemon scented Gums) and Salmon Gums, now proud, mature trees on the embankment of the river at Ashfield Parade were planted by him and his wife Hazel. These trees helped to stabilize the bank and reduced major collapses. Some of the trees are still growing and holding the embankment even in pockets of where the bank had collapsed.

Peter and Hazel were well known for guarding the Community against dumpers and dumping on the river bank. Peter served as the Secretary of the Whately Progress Association and helped to build the hall in Hardy Road.

Peter is now 92 and Hazel is 87 and not in good health. During WW11 Peter served as a tail gunner in No 10 RAAF Squadron. Peter did 36 tours in the North Atlantic and Coastal France. No 10 Squadron, a RAAF maritime patrol squadron was based at Mount Batten near Plymouth UK and saw active service in WW11 doing anti submarine operations and patrols. The Squadron flew Short Sunderland Sea Planes and saw continuous service during the Second World War. The Squadron sank six U boats and set a record for the most patrol hours flown in a the single month of February 1944. The Squadron war time casualties amounted to 161 personnel killed.

Peter Munro was awarded the Legion D'honneur in 2015 (Chevalier, the highest honour) for his service over France.

This is part of the long term Strategic Plan...to improve the quality of life in Bassendean and acknowledge the achievements of the people of Bassendean..

**11.2 Notice of Motion – Cr Pule: Connecting Communities – Connecting Bridge Proposal**

Cr Pule has advised that he wishes to move the following motion at this meeting:

*“That Council:*

- 1. Receives the proposal titled "Connecting Communities - Connecting Bridge Proposal" dated August 2017, prepared by the Foreshore Environmental Action Group Inc (FEAG), which proposes a dual access bridge linking Ashfield Flats, Bassendean to Garvey Park Belmont;*
- 2. Forwards the "Connecting Communities - Connecting Bridge Proposal" dated August 2017, prepared by the Foreshore Environmental Action Group Inc. (FEAG) to the Eastern Metropolitan Region Council for consideration;*
- 3. Prepare a report for Council to consider the feasibility and partnership potentials of the project; and*
- 4. Considers listing funds in the Town of Bassendean 2017-2018 Budget for a feasibility study to be carried out for the project.”*

**COMMENT – CR PULE**

1. The Foreshore Environmental Action Group Inc (FEAG), proposes a dual access bridge linking Ashfield Flats, Bassendean to Garvey Park Belmont.

The benefits of this proposal are many.

- a) A vital connection across a divide that separates communities by the river.
- b) Mutual access to the Kayak Club, river walks, river facilities, extending the shared facilities and wetlands.
- c) Allowing easy access for people with disabilities - equal opportunities principle.
- d) One footbridge making many partnerships and cost savings.
- e) Multiple access to many facilities by shared use.

2. This proposal has historical interest and now needs to be seriously considered in partnership with the EMRC, City of Belmont and a number of river authorities and the State Government.
3. This is a great project in light of the New State and Local Government Collaboration Agreement and we need to quickly have “a project ready “ proposal to qualify for grants.
4. This is part of the long term Strategic Plan.to improve the quality of life in Bassendean and part of the Bassendean Environmental Improvement Aspirations of the Town.

#### COMMENT

Officers recommend that as the report has not been viewed that FEAG be requested to forward the report to Officers. It should be noted that no funds have been listed in the current budget and would need to be considered by Council in the 2018/19 Budget review.

#### **11.3 Notice of Motion – Cr Pule: No Standing Signs on crest of Hardy Road, Ashfield**

Cr Pule has advised that he wishes to move the following motion at this meeting:

*“That the Town of Bassendean erect No Standing signs on one side of Hardy Road on the opposite side from 1 to 9 Hardy Road, Ashfield, on the side of the Road away from the river.”*

#### Comment – Cr Pule

1. This location has just recently been the site of two concurrent accidents. A teacher from Bassendean Primary ran into a car that was on that side of the road which is a crest and additionally is curved. The two drivers were talking at the rear of the car, when another car came over the hill crest and crushed the lady against the stopped car involved in the accident. She suffered very bad crushing on both legs and pelvis and was very badly injured.
2. The same location has had many building vehicles parked and moving across the road due to building works going on there. A number of the residents have said they were afraid to be on that section of the footpath, due to the many near misses that happen there.

3. This is a prime site for further accidents and needs “No Standing” Signs on that side of the road to make it safer.
4. This is part of the long term Strategic Plan to improve the quality of life in Bassendean and part of the Bassendean Safety and wellbeing Objectives.

#### OFFICER COMMENT

Ranger Services and the Town’s Engineering Technical Coordinator have viewed the site location and support the installation of “No Standing” signs on both sides of the road, rather than just the north bound direction, due to the following factors and recommend, pending approval from Main Roads WA, extending the solid white lines between the islands:

- There is site line issues in both directions;
- There is a high volume of vehicle traffic;
- Two lanes exit onto Hardy Road in this vicinity between 1C and 5A and there have been complaints on sightline issues;
- Vehicles can currently legally park on the road;
- Legally parked vehicles significantly increase the safety risk by reducing the sightline of all traffic in both directions due to the road elevation and immediate road corner; and
- Significant bicycle activity on Hardy Road and the path, generally on weekends and the area is well used by community for dog walking.

#### **11.4 Notice of Motion – Cr McLennan: Climathon**

Cr McLennan has advised that she wishes to move the following motion at this meeting:

*“That Council:*

1. *Accepts the offer from the Curtin University Sustainability Policy (CUSP) Institute to host the 2017 Perth Climathon in Bassendean;*
2. *Broadly defines the local Climathon challenge as: “How to facilitate increasing local renewable energy production in Bassendean”*
3. *Requests officers liaise with Mr. Greg Morrison from CUSP regarding the event & secure a suitable venue within the Town for it to be held;*

4. *Agrees to waive any associated venue hire fees for the event; and*
5. *Expresses its thanks to CUSP for the opportunity to be involved in Climathon and its hope that this event may be the start of an ongoing relationship between CUSP and the Town of Bassendean and that there will be further opportunities for partnership in the future.*

#### Background – Cr McLennan

##### Strategic Implications:

Objective 2.1: To display leadership in environmental sustainability

##### Strategies

2.1.1: Strengthen environmental sustainability practices and climate change mitigation

2.1.3: Initiate and drive innovative Renewable Energy practices

The Curtin University Sustainability Policy (CUSP) Institute has offered the opportunity for the Town of Bassendean to host the upcoming 2017 Perth Climathon on the 27th of October. Climathon is a global 24-hour climate change event which takes place simultaneously in major cities around the world. It brings together the challenges of the world's cities with the people who have the passion and ability to solve them. To make Climathon a truly global event, digital tools are used to connect all locations across the world and make sure as many people as possible hear about Climathon while it is happening live.

Climathon attracts innovators, entrepreneurs, students and professionals to create innovative solutions to cities' climate challenges. Each host city/town sets its own local climate "challenge" that reflects what affects their urban life the most. Participants then tackle their area's set challenge for a full 24-hours, before pitching their ideas in front of relevant local stakeholders. These ideas can then develop into tangible, sustainable solutions that address local climate challenges across the globe. It is therefore anticipated that there may be ideas that emerge through the Climathon event that may be suitable for implementation in Bassendean.

As the host, the Town of Bassendean is required to provide only a venue for the event, a suitable challenge for the participants to solve and a welcoming address. It is hoped that this event may be the start of an ongoing relationship between CUSP and the Town of Bassendean and that there will be further opportunities for partnership in the future.

<https://climathon.climate-kic.org/images/downloadables/Climathonbrochure.pdf>

### OFFICER COMMENT

Preliminary contact has been made with WA Director for Climate-KIC Australia, at Curtin University Mr Greg Morrison to advise him that there are no venues available at this time and Officers will continue liaising with Mr Morrison to discuss options for 2018.

## 11.5 Notice of Motion – Cr McLennan: Future Waste & Recycling Options

Cr McLennan has advised that she wishes to move the following motion at this meeting:

*“That Council requests officers provide a report to the November Ordinary Council Meeting on:*

- (a) Transitioning to the best practice three-bin kerb side collection system with a view to implementation so as to take advantage of the current funding available through the W.A. State Government’s “Better Bins Program”; and*
- (b) The cost-benefit analysis of skip bins vs. the current annual verge collection for bulk rubbish services.*

### Background – Cr McLennan

#### **Strategic Implications:**

Objective 2.1:

To Display Leadership in Environmental Sustainability Strategy:

Reduce waste through sustainable waste management practices

Household waste represents about a quarter of all waste generated in Western Australia. Each year, the municipal sector (comprising mostly household waste) generates about 1.6 million tonnes of waste, or about 630 kilograms of waste per person. In Perth, there has been little improvement in the recycling rate since 2011, when it was 39%. In 2015 it had only risen to about 40%. This is below best practice recovery performance and well below the 2020 target for municipal solid waste (MSW) of 65% diversion from landfill in the Perth metropolitan area.

Kerbside systems collect the majority of household waste so it's important that these systems work well. However, only a handful of local governments offer comprehensive kerbside systems that are considered best practice, and only a few local governments are on track to meet the State Government's 2020 MSW targets. Bassendean is currently not one of these local governments.

The \$20 million Better Bins Kerbside Collection Program is a State Government initiative that provides funding to local governments to implement better practice kerbside collection services to support higher recovery and the achievement of the MSW targets.

Better Bins encourages the use of a three bin system (general waste, co-mingled recycling and organic/green waste) to support greater source separation and higher recovery. The program also encourages local governments to provide households with greater recycling capacity as a proportion of total waste, and requires local governments to transition to Australian Standards bin colours.

The Better Bins program commenced as a \$7.5 million pilot in 2014. More than \$4.6 million has already been committed to eight local governments - the Cities of Bayswater, Rockingham and Stirling, the Towns of Cambridge and Cottesloe, and the Shires of Capel, Collie and Donnybrook-Balingup. In the Perth metropolitan region, local governments have now committed to providing better practice three bin collection services to approximately 185,000 households, which is almost a quarter of all households.

The Better Bins program will pay local governments up to \$30 for each household that receives a better practice kerbside collection service. Applications must be received no later than 30 March 2018 and funding agreements must be executed no later than 30 June 2018.

In March 2017 Council appointed Suez Recycling and Recovery Pty Ltd to undertake the Town's recycling and waste services for a five-year period commencing 1st July 2017 (OCM 09/03/17). In their contract, Suez provided details of future waste management options that Council may choose to implement including the three-bin system. Given that the three-bin system is recognised as best practice and the current availability of funding to assist local governments in the transition it is timely for Council to consider this option.

Suez has also provided details of the future option to provide “on call” booking of verge side skip bins in place of the current annual verge bulk collection. Verge-side waste makes up about 11 per cent of the total waste councils collect. Although some recycling occurs through others picking items up from the verge, it is believed that this represents only a small proportion of what is actually placed out for collection. Of those items that are collected, there is only a very low recovery rate. In the 2014/15 financial year only about eight of nearly 70,000 tonnes of verge side waste was recycled according to the WA Local Government Waste and Recycling Census. In an effort to improve recycling rates, several other Councils have already adopted verge side skip bins. The City of Joondalup previously only recycled 2-4% under the previous verge bulk collection system, and now recycles more than 40% by sending the contents of skip bins to a processing facility for sorting.

[www.wasteauthority.wa.gov.au/media/files/documents/Better\\_Bins\\_Kerbside\\_Collection\\_Guidelines.pdf](http://www.wasteauthority.wa.gov.au/media/files/documents/Better_Bins_Kerbside_Collection_Guidelines.pdf)

[http://www.wasteauthority.wa.gov.au/media/files/documents/LG\\_Census\\_2014-15.pdf](http://www.wasteauthority.wa.gov.au/media/files/documents/LG_Census_2014-15.pdf)

<http://www.watoday.com.au/wa-news/why-perth-councils-are-playing-a-new-verge-collection-game-20170404-gvd9be.html>

Kerbside Collection Preference	Kerbside Collection Services—Households			Funding allocation per household
	General waste Red lid	Comingled recycling Yellow lid	Green waste/organic Green/lime lids	
<b>Preference 1</b> Three bin system, small general waste	140L or less weekly	240L or more fortnightly	240L or more fortnightly	\$30
<b>Preference 2</b> Three bin system, standard general waste	240L or less weekly	240L or more fortnightly	240L or more fortnightly	\$24
<b>Preference 3</b> Two bin system, small general waste	140L or less weekly	240L or more fortnightly	–	\$10
<b>Preference 4</b> Two bin system, standard general waste	240L or less weekly	240L or more fortnightly	–	\$4

### OFFICER COMMENT

The 2017/2018 Council adopted budget includes an amount of \$30,000 to undertake a study into all of the current waste and recycling services and the cost benefits to introduce other recycling services.

The intention with the study is to consider the three-bin kerb side collection system and the costs to ratepayers associated with implementing, which will take into consideration the funding available through the State Government's "Better Bins" Program.

**11.6 Notice of Motion – Cr McLennan: Principal Shared Path – Success Hill)**

Cr McLennan has advised that she wishes to move the following motion at this meeting:

*"That Council requests Officers write to MRWA in relation to the proposed Principal Shared Path extension along Railway Parade and communicates:*

- a) the concerns held by both Council & the local community for the mature, native trees along this route;*
- b) that only plans which do not require removal of these trees and which will not have any significant impact on the trees' roots will be acceptable to the Town of Bassendean; and*
- c) that the Town & local residents be given the opportunity to provide feedback on any draft plans prior to finalisation.*

**Background:**

**Strategic Implications:**

Strategic Priority 2: Natural Environment

Objective 2.2: Protect our river, bushland reserves & biodiversity

Strategy 2.2.1: Protect and restore our biodiversity and ecosystems.

The State Government has recently announced that \$129 million will be spent on fixing a series of dead ends and gaps in Perth's cycling path network over the next four years. This funding includes allocation to complete the section of the Principal Shared Path (PSP) along Railway Parade to Lord Street in Success Hill.

Although improvements in cycling infrastructure are welcomed and encouraged, community members have raised concerns for the existing trees along this route and the ability for the proposed path to be constructed without significantly impacting on the mature native flowering trees that line the street and provide dwindling habitat for the few remaining honey eaters in the area amongst other species.

This concern is particularly relevant considering that when recent upgrades were made to the PSP from Railway Parade to the river, multiple mature native trees were removed.

Town of Bassendean Officers have reported that MRWA (Main Roads Western Australia) are in the early stages of investigating the proposed location for this section of the PSP and that an inspection with MRWA has been conducted to determine optional routes in order to minimise the removal of trees. The Town has also requested that MRWA engage an arborist to assess the trees and ensure tree root damage is minimised.

Given the importance of retaining mature, native trees and the value placed on these remaining specimens by the community, it would be prudent to ensure that MRWA is aware from the outset that the Town of Bassendean and the community does not support removal of any further trees in order to complete this section of the path.

Indeed, if the proposed works necessitated the removal of trees consideration should be given to whether or not the extension is required in this section given that it is a very short section where cyclist are required to ride on a quiet, cul-de-sac road.

#### OFFICER COMMENT

On July 14, 2017, Main Roads WA and the Town of Bassendean's Engineering Technical Coordinator and Director Operational Services met on Railway Parade to discuss the alignment options for the proposed principal shared path

Two potential options were discussed, each were designed to minimise the impact of the mature tree's (See Attachment No. 18). The Town's recommendation is to minimise the removal of the existing mature trees and any impact on the principal shared path and therefore are in favour of Option 1.

The Town is currently waiting for further feedback from MRWA on the Department of Transport's preferred alignment.

### **11.7 Notice of Motion – Cr Bridges: Rainbow Flag**

Cr Bridges has advised in writing that he wishes to move the following motion at this meeting:

*“That the Town of Bassendean fly the rainbow flag in support of the yes vote for the same sex marriage postal survey in place of the municipal flag until the new Council is appointed in October 2017.”*

#### **Background – Cr Bridges**

At our last OCM, Council voted to join the Welcoming Cities Network to embrace beneficial social cohesion. Supporting same sex marriage is a positive way of being socially inclusive, by welcoming and supporting all members of our community on an equal basis.

### **12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

### **13.0 CONFIDENTIAL BUSINESS**

#### **13.1 Eastern Metropolitan Regional Council Resource Recovery Facility – Participant Agreement for Waste Supply & Financiers Side Deed (Ref: LEGL/AGMT/44; Simon Stewart-Dawkins, Director Operational Services)**

*This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) (c) and (d) of the Local Government Act 1995, as the Officer report discusses details of a proposed contract to be entered into.*

### **14.0 CLOSURE**

The next Ordinary Council meeting will be held either on Tuesday 17 October or 24 October 2017, which is subject to a report in this agenda.