

ATTACHMENTS

ORDINARY COUNCIL AGENDA

26 FEBRUARY 2019

Attachment No. 1:

Ordinary Council Minutes of 18 December 2018

Attachment No. 2:

Broadway Design Drawings

Attachment No. 3:

General Meeting of Electors Minutes of 5 February 2019

Attachment No. 4:

- Town of Bassendean Waste Local Law 2019 (amended 20/2/19)
- Document identifying those portions of the Town of Bassendean Waste Local Law 2019 (as amended 20/2/19) that deviates from the WALGA template Waste Local Law.

Attachment No. 5

- Draft Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019.
- Document identifying the portions of the Town of Bassendean Health Local Law 2001 affected by the review and transition to the Town Of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019.

Attachment No. 6:

- Scheme Amendment Report No. 11.
- Process for standard amendments to Local Planning Schemes flowchart

Attachment No. 7:

- Petition presented to the December Council meeting.
- Plan showing the Right of Way and the location of the petitioners.

Attachment No. 8:

Eden Hill CAN Completed Community Group Sponsorship Application

Attachment No. 9:

Revised endorsed Town of Bassendean Access and Inclusion Plan 2019 – 2024

Attachment No. 10:

- Terms of Reference - Access and Inclusion Working Group
- Terms of Reference - Suicide Prevention Working Group.

Attachment No. 11:

Draft Policy - Annual Performance Review, Chief Executive Officer

Attachment No. 12:

Quarterly Report P/E December 2018

Attachment No. 13:

Minutes of the Audit & Governance Committee held on 6 February 2019.

Attachment No. 14:

- Minutes of the Town Assets Committee meeting of 6 February 2019
- Draft Underground Power Policy - revised

Attachment No. 15:

List of payments made under delegated authority for the period December 2018 and January 2019

Attachment No. 16:

Financial Reports for December 2018

Confidential Report 13.1

Confidential Attachments 1 to 3

ATTACHMENT NO. 1

<p>TOWN OF BASSENDEAN</p> <p>ORDINARY COUNCIL MEETING</p> <p>MINUTES</p> <p>18 DECEMBER 2018</p>
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TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 18 DECEMBER 2018 AT 7.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice

Mr Aaron MacKay - Bridson/Whitfield/Watson Streets- Newly Planted Trees and Remaining Stump

The Director Operational Services wrote to Mr MacKay on 4 December 2018, in response to his query raised at the November 2018 Ordinary Council meeting, as follows:

"The Town of Bassendean's Elected Members have considered your request that the new trees be removed. In balancing the needs of our community to encourage children to play outdoors with the aim of cooling our suburb, they did not think that the trees would completely hinder children being able to play in the park. On that basis, they advised that they would prefer the two trees remain.

The Elected Members, however, requested that in future, that the Town liaise with the users of our parks and reserves, to obtain feedback on suggested tree planting locations.

In regards to the stump in the same park, this was removed by the Town's contractor on 28 November 2018."

Mr David White - Expenditure on weed control at Success Hill Reserve in the 2017/2018 financial year.

The Director Operational Services wrote to Mr White on 6 December 2018, in response to a question raised at the October 2018 Ordinary Council meeting, as follows:

"I apologise for the delay in providing a response to the question taken on notice. The Town's financial records show that in the 2017/2018 financial year, the total expenditure for weed control at Success Hill Reserve was \$7,522.90.

Further to the comments I provided at the meeting in regards to the effectiveness of the weed control, the Town uses two methods to measure success, the first being the Keighery Scale of Bushland Condition and the second being weed mapping which is undertaken every two years.

On 16 October 2018, the Town's Senior Environmental Officer provided you with a copy of the most recent weed mapping report and the final treatment report for the steam weeding and brush cutting. These reports show that the non-chemical weed control has been ineffective in the control of weeds, in particular veldt grass, however, in the areas treated with herbicides, the weed density/coverage has been reduced and the bushland condition improved.

I understand from our telephone conversation on 3 December 2018 that you are preparing a Success Hill Action Group volunteer Bushcare Action Plan. The Town is keen to work with volunteers, and the Town's Senior Environmental Officer is looking forward to receiving the Action Plan so that any required planning can be further discussed with you.

The Town's Volunteer Bush Care Guide refers to a book titled 'Bushland Weeds - A practical guide to their management', which includes case studies from the Swan Coastal Plain. For your information I have added a web link to this book http://nrpg.org.au/userfiles/Bushland_Weeds_Book.pdf.

I trust this information along with the above response to your questions will be of assistance to you. "

2.2 Public Question Time

Mr Paul Bridges, 50 West Road, Bassendean

By what resolution of Council was a decision made to fence the reserve adjacent to the RSL hall in Kenny Street. How does an association come to have exclusive use of a reserve.

The Director Operational Services advised that the lot in question was originally a residential lot. The RSL asked if this space could be used by them. There has been correspondence received recently from the RSL advising that it no longer requires use of the land.

The Mayor commented that the future use of that land is something that needs to be considered by Council.

Mrs Val Dreyer, 31 Naunton Crescent, Eden Hill

Why have the maintenance items I brought up at the last meeting about Guildford Road not been addressed.

The Director Operational services advised that these maintenance items have been scheduled into the works programme to be done in the next three weeks. The dead zanthorrea plants will also be removed.

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

In relation to Item 10.7 and the potential removal of two trees, has the amenity value of these trees been factored into the cost of the options proposed.

The Director Community Development responded that yes they have.

Ms Jane Bremmer, 47 Seventh Avenue, Bassendean

Now that we have a new Council, new mayor, new CEO, can Council provide a forum to discuss the issue of steam weeding and work collaboratively with the community.

The CEO suggested a focus group session be held in February.

2.3 Address by Members of the Public

It should be noted that public statements are not recorded in the minutes.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Renee McLennan, Mayor
Cr Bob Brown, Deputy Mayor
Cr John Gangell
Cr Kathryn Hamilton
Cr Melissa Mykytiuk
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Michael Costarella, Director Corporate Services
Mr Graeme Haggart, Director Community Development
Mr Simon Stewert-Dawkins, Director Operational Services
Mr Anthony Dowling, Director Strategic Planning
Mr Brian Reed, Manager Development Services
Mrs Amy Holmes, Minute Secretary

Public

Approximately 10 members of the public were in attendance.

Press

Nil

4.0 DEPUTATIONS

- 4.1 Mr Callan White made a deputation regarding the right of way located at 14 Kenny Street.
- 4.2 Mr Adam Wood from Urbis made a deputation regarding Item 10.3.

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 27 November 2018

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 5.1(a)**

OCM – 1/12/18 MOVED Cr Mykytiuk, Seconded Cr Brown, that the minutes of the Ordinary Council Meeting held on 27 November 2018, be received.

CARRIED UNANIMOUSLY 7/0

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 5.1(b)**

OCM – 2/12/18 MOVED Cr Wilson, Seconded Cr Mykytiuk, that the minutes of the Ordinary Council Meeting held on 27 November 2018, be confirmed as a true record, with the following amendment:

Under Item 13.0 - Confidential Business, Cr Gangell announced a notice of motion for the next meeting in relation to nominating individuals as Freeman of the Town.

CARRIED UNANIMOUSLY 7/0

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Mayor thanked the staff for their efforts in organising this evening's Christmas Street Party. There will be opportunities in the new year for people to get involved in the Town Teams programme.

7.0 PETITIONS

7.1 Petition submitted by Mr Callan White - the laneway between Guildford Road and Kenny/Kathleen Street.

COUNCIL RESOLUTION – ITEM 7.1

OCM – 3/12/18 MOVED Cr Hamilton, Seconded Cr Mykytiuk, that Council receive the petition requesting the Town of Bassendean make a request to the Minister of Lands to dedicate the laneway between Guildford Road and Kenny/Kathleen Street as a public road.

CARRIED UNANIMOUSLY 7/0

8.0 DECLARATIONS OF INTEREST

Nil

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

It was agreed that items 10.4, 10.5, 10.7, 10.9, 10.11, 10.15, 10.18 & 10.19 be removed from the en-bloc table and considered separately.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.1**

OCM – 4/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 18 December 2018:

Item	Report
10.12	Economic Development Committee Meeting held on 4 December 2018
10.13	Determinations Made by the Principal Building Surveyor
10.14	Determinations Made by Development Services
10.17	Use of the Common Seal

CARRIED UNANIMOUSLY 7/0

Council was then requested to consider the balance of the Officer recommendations independently.

Item	Report
10.2	Amended Delegation Arrangements to respond to subdivision applications involving lots that comply with WAPC Development Control Policy 2.2 – Residential Subdivision
10.3	Proposed Third-Party Signage on Payphone Facility- adjacent to the Bassendean Hotel Lot 5; No. 25 Old Perth Road, Bassendean
10.4	Station Access Cycle & Pedestrian Upgrade – Broadway, Bassendean
10.5	Draft Emission Reduction Plan
10.6	River Parks Committee – Instrument of Appointment and Delegation
10.7	Sparx Early Learning Centre – Risk Mitigation Options for Tree Roots
10.8	Annual Report for the Year Ended 30 June 2018
10.9	RFT 088 2018-19 Provision of Drainage Cured in Place Pipe (CIPP) Relining for the Town of
10.10	Call for Notices of Motions - National General Assembly 2019

10.11	Design and Implementation of a Community and Stakeholder Engagement Strategy to inform the development of a new Local Planning Strategy
10.15	Accounts for Payment – November 2018
10.16	Financial Statements – November 2018
10.18	Calendar for January 2019
10.19	Implementation of Council Resolutions
11.1	Notice of Motion – Cr Quinton: Street Doctor
11.2	Notice of Motion – Cr Quinton: Early Childhood Australia (WA Branch) Campaign
11.3	Cr Gangell: Lighting & CCTV at the Boat Ramp at Pickering Park
11.4	Notice of Motion – Cr Hamilton: Changing the Permitted Use of Properties
13.1	Application from Sparx Early Learning Centre For a New Lease/Licence Period at the Expiration of the Current Lease/Licence Agreement in 2021

10.2 Amended Delegation Arrangements to respond to subdivision applications involving lots that comply with WAPC Development Control Policy 2.2 – Residential Subdivision (Ref: GOVN/CCLMEET/6 – Alex Snadden – Planning Officer)

APPLICATION

The purpose of this report was for Council to review the delegations made to the Chief Executive Officer and to other officers under the *Local Government Act 1995* with respect to providing advice to the Western Australian Planning Commission (WAPC) on applications to amalgamate and subdivide land having regard to Development Control Policy 2.2-Residential Subdivision.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.2

OCM – 5/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council modifies the existing delegation listed in Part 4.1 of the Delegation Register to read as follows:

PLANNING SERVICES			
4.1	Advice to the Western Australian Planning Commission	Planning & Development Act 2005 & Local Planning Scheme No. 10	The authority to give advice to the Western Australian Planning Commission on applications to amalgamate and subdivide land under S142 of the Planning and Development Act 2005, provided the advice is consistent with the requirements of Local Planning Scheme No. 10 and WAPC Development Control Policy 2.2 – Residential Subdivision, subject to all applications for subdivision or amalgamation being presented to the Development Control Unit.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

10.3 Proposed Third-Party Signage on Payphone Facility-adjacent to the Bassendean Hotel Lot 5; No. 25 Old Perth Road, Bassendean, Applicant: JCDecaux C/o Urbis (Ref: DABC/BDVAPPS/2018-137 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report was for Council to consider an application for development approval for a payphone facility containing third party advertising on the footpath outside the Bassendean Hotel, and more broadly whether the Town supports this form of advertising.

Cr Brown left the Chamber at 7.50pm and returned at 7.51pm.

OFFICER RECOMMENDATION — ITEM 10.3

That Council:

1. Invites JCDecaux to lodge amended plans for an upgraded Telstra Smart City Payphone facility in another location in the west end of Old Perth Road; and
2. Authorises the Manager Development Services to deal with an amended proposal for an upgraded Telstra Smart City Payphone facility under delegated authority.

Cr Wilson moved the officer recommendation with an amendment to Point 2, as shown in bold.

COUNCIL RESOLUTION — ITEM 10.3

OCM – 6/12/18 MOVED Cr Wilson, Seconded Cr Gangell, that Council:

1. Invites JCDecaux to lodge amended plans for an upgraded Telstra Smart City Payphone facility in another location in the west end of Old Perth Road; and
2. Authorises the Manager Development Services to **negotiate** an amended proposal for an upgraded Telstra Smart City Payphone facility, **including seeking a percentage of advertising revenue for the Town, to be returned to Council for approval.**

CARRIED UNANIMOUSLY 7/0

10.4 Station Access Cycle & Pedestrian Upgrade – Broadway, Bassendean (Ref: ROAD/DESCONT/7 – David Dwyer, Engineering Technical Coordinator and Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report was to inform Council of results of the community consultation completed for the above aforementioned project and an update on the progress of the detailed design. Furthermore, seek approval to progress to construction within 2018/19 financial year.

OFFICER RECOMMENDATION — ITEM 10.4

That Council:

1. Receives feedback from the community and notes the outcome of community consultation period, and
2. Endorses the update on the progress of the detailed design for the Station Access Cycle & Pedestrian Upgrade – Broadway, Bassendean.

Cr McLennan moved an alternative motion.

COUNCIL RESOLUTION — ITEM 10.4

OCM – 7/12/18 MOVED Cr McLennan, Seconded Cr Mykytiuk, that Council:

1. Receives feedback from the community and notes the outcome of community consultation period, and
2. **Requests that the Town liaise further with the Public Transport Authority before finalisation of the plans for the Station Access Cycle & Pedestrian Upgrade (Broadway, Bassendean), particularly in relation to opportunities for improving amenity and the planting of trees along the cycle route, including the possibility of median planting.**

CARRIED UNANIMOUSLY 7/0

10.5 Draft Emission Reduction Plan (Ref: ENVM/PLANNG/1 - Jeremy Walker, Senior Environmental Officer)

APPLICATION

The purpose of this report was for Council to endorse the revised draft Town of Bassendean Emissions Reduction Plan in order to invite community comment for future Council consideration.

OFFICER RECOMMENDATION – ITEM 10.5

That:

1. Council receives the Draft Emission Reduction Plan attached to the Ordinary Council Agenda of 18 December 2018;
2. The draft Emission Reduction Plan be advertised for a period of 6 weeks in January 2019 via the Town's Facebook page, "Your Say Bassendean" website and the Eastern Reporter inviting community feedback;
3. Estimated costs be obtained for each of the projects and list funds in the draft 2018/2019 Budget, along with the estimated percentage reduction in carbon reduction; and
4. The community feedback provided will be reviewed and presented to Council for consideration.

Cr McLennan moved an alternative motion.

COUNCIL RESOLUTION – ITEM 10.5

OCM – 8/12/18 MOVED Cr McLennan, Seconded Cr Hamilton, that Council:

1. Defers consideration of the 'Draft Emissions Reduction Plan' to allow for the development of a more aspirational target; and
2. Investigates the 'One Planet Councils' model as a possible option for the Town of Bassendean.

CARRIED UNANIMOUSLY 7/0

10.6 River Parks Committee – Instrument of Appointment and Delegation (Ref: GOVN/CCLMEET/33 – Simon Stewart-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report was for Council to endorse the proposed amendments to the River Parks Committee's Instrument of Appointment and Delegation for the 2017-19 term.

Cr Gangell left the Chamber at 8.08pm and returned at 8.10pm.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.6

OCM – 9/12/18 MOVED Cr Mykytiuk, Seconded Cr Gangell, that the Instrument of Appointment of Delegation for the River Parks Committee be amended, as follows:

MEMBERSHIP

Membership of the Committee shall consist of 8 members, with voting rights, comprising the following:

- *Three Councillors from the Town of Bassendean; and*
- *Five community representatives.*

Four members in an advisory role, with no voting rights, comprising the following:

- *One representative from the Department of Planning Lands and Heritage;*
- *One representative from the Department of Biodiversity, Conservation & Attractions;*
- *One representative from the Department of Water and Environmental Regulation; and*
- *One representative from the Department of Fire & Emergency Services.*

CARRIED BY AN ABSOLUTE MAJORITY 5/2

Crs Mykytiuk, Gangell, McLennan, Brown & Quinton voted in favour of the motion. Crs Wilson & Hamilton voted against the motion.

10.7 Sparx Early Learning Centre – Risk Mitigation Options for Tree Roots (LEGL/AGMT/7 - Salvatore Siciliano – Manager Recreation and Culture)

APPLICATION

This report was for Council to determine their preferred option in mitigating the risks associated with exposed tree roots in the play area of the Sparx Early Learning Centre located at 128 Ivanhoe Street, Eden Hill.

Cr Brown left the Chamber at 8.28pm and returned at 8.29pm.

OFFICER RECOMMENDATION - ITEM 10.7

That:

1. Council receives the Arborist's Report and the Public Liability Site Risk Assessment by Local Government Insurance Services regarding exposed tree roots and associated risks of the two mature flooded gum trees;
2. Officers obtain quotations on the implementation of Option 2 for the relocation of the playground with associated ground works and fence extension, versus the viability of implementing Option 3 for the removal of both flooded gum trees; and
3. Writes to the Lessee of 128 Ivanhoe Street, Eden Hill, advising of Council's preferred interim course of action.

Cr McLennan moved an alternative motion.

COUNCIL RESOLUTION – ITEM 10.7

OCM – 10/12/18 MOVED Cr McLennan, Seconded Cr Hamilton, that:

1. Council receives the Arborist's Report and the Public Liability Site Risk Assessment by Local Government Insurance Services regarding exposed tree roots and associated risks of the two mature flooded gum trees;
2. **Council defers a decision regarding the risk mitigation options for the tree roots and in the interim, Town staff will further discuss options with the business owner.**

CARRIED UNANIMOUSLY 7/0

10.8 Annual Report for the Year Ended 30 June 2018 (Ref: FINM/AUD/7 – Peta Mabbs, Chief Executive Officer)

APPLICATION

The purpose of this report was to:

- Adopt the 2017/18 Annual Report that includes the Audited Annual Financial Statements for the year ended 30 June 2018; and
- Set a date for the General Meeting of Electors.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.8

OCM – 11/12/18 MOVED Cr Brown, Seconded Cr Gangell, that Council:

1. Accepts the Town of Bassendean's 2017/18 Annual Report for the year ended 30 June 2018; and
2. Endorses that the People Services Committee be rescheduled to Tuesday 5 March 2019; and
3. Holds its General Meeting of Electors on Tuesday 5 February 2019 in the Bassendean Community Hall, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

10.9 RFT 088 2018-19 Provision of Drainage Cured in Place Pipe (CIPP) Relining for the Town of Bassendean (Ref: SEWD/TENDNG/21 - David Dwyer, Engineering Technical Coordinator.

APPLICATION

The purpose of this report was to appoint a successful contractor from those tender offers received for RFT 088 2018-19 Provision of Drainage Cured in Place Pipe (CIPP) Relining for the Town of Bassendean.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION
- ITEM 10.9

- OCM – 12/12/18** MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council appoints T.C. Drainage (WA) Pty Ltd T/As TCD Services Australia to undertake the work as required in RFT 088 2018-19 Provision of Drainage Cured in Place Pipe (CIPP) Relining for the Town of Bassendean in accordance with its offer and the specification and terms and conditions for works to be completed and finalised by 31 May 2019.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

10.10 Call for Notices of Motions - National General Assembly 2019 (Ref: GOVR/LREGLIA/2 - Sue Perkins, Executive Assistant)

APPLICATION

The purpose of this report was for Council to consider whether it wishes to put forward any notices of motions for inclusion on the agenda for the 2019 National General Assembly.

OFFICER RECOMMENDATION – ITEM 10.10

That Council considers whether it wishes to put forward any notices of motions for inclusion on the Business Papers for the 2019 National General Assembly to be held in Canberra in June 2019.

Cr Hamilton moved that this matter be deferred to allow more time to consider.

COUNCIL RESOLUTION – ITEM 10.10

- OCM – 13/12/18** MOVED Cr Hamilton, Seconded Cr Mykytiuk, that this matter be deferred to the February 2019 Ordinary Council Meeting.

CARRIED UNANIMOUSLY 7/0

10.11 The Design and Implementation of a Community and Stakeholder Engagement Strategy to inform the vision for the development of a new Local Planning Strategy (Ref: LUAP/BASSEDEAN/LPS 2017-2030) – by Peta Mabbs, Chief Executive Officer and Anthony Dowling, Director Strategic Planning

APPLICATION

Council was requested to endorse a draft scope of work, key deliverables, and an indicative project timeline for commissioning an experienced consultant team to design and deliver a Community and Stakeholder Engagement Strategy (CSES) to inform the vision for the development of a new Local Planning Strategy.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.11

OCM – 14/12/18 MOVED Cr Mykytiuk, Seconded Cr Brown, that Council:

1. Endorses the draft scope of works, expected deliverables and indicative project timeline provided as an attachment to the Ordinary Council Meeting Agenda of 18 December 2018 for inclusion in a Request for Quotation (RfQ 374 2018-19) to design and deliver a community and stakeholder engagement strategy (CSES) to inform the vision for the development of the Town's Local Planning Strategy; and
2. Lists for inclusion in the 2018/19 Town Budget review (to be undertaken in February 2019) and the 2019/20 budget an allowance for the accepted quotation to design and deliver the CSES; leasing costs for a shop-front; and design models and tools (as outlined).

CARRIED UNANIMOUSLY 7/0

10.12 Economic Development Committee Meeting held on 4 December 2018 (Ref: GOVN/CCLMEET/13 – William Barry, Senior Economic Development Officer)

APPLICATION

The purpose of the report was for Council to receive the report on a meeting of the Economic Development Committee held on 4 December 2018, and adopt the recommendations from the Committee.

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION
— ITEM 10.12

OCM – 15/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council:

1. Identify support for traineeship/apprenticeship programmes for businesses as part of the new Economic Development Strategy;
2. Receives a review of its policies:
 - a. assessing their impact on local business; and
 - b. recommends “business friendly” policies that drive investment and support the local economy;
3. Reviews its event sponsorship programme to encourage local content; and
4. Receives the report on a meeting of the Economic Development Committee held on 4 December 2018.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-4/12/18 7/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.13

OCM – 16/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-4/12/18 7/0

10.14 Determinations Made by Development Services (Ref:
LUAP/PROCED/1 – Brian Reed, Manager Development
Services)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.14

OCM – 17/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council notes the decisions made under delegated authority by the Manager Development Services.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-4/12/18 7/0

10.15 Accounts for Payment – November 2018 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.15

OCM – 18/12/18 MOVED Cr McLennan, Seconded Cr Brown, that in accordance with Regulation 13(3) Local Government (Financial Management Regulations 1996) the List of Accounts paid for November 2018, be received.

CARRIED UNANIMOUSLY 7/0

10.16 Financial Statements – November 2018 (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.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.16

OCM – 19/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that:

1. The Financial Statements for the period ended 30 November 2018 be received; and
2. The 2018/19 Budget be amended in accordance with the schedule listed in Note 9 - Budget Amendments and as attached to the Ordinary Council Agenda of 18 December 2018.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

10.17 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.17

OCM – 20/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that Council notes that the Common Seal was not attached to any documents during the reporting period.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/12/18 7/0

10.18 Calendar for January 2019 (Ref: Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION - ITEM 10.18

OCM – 21/12/18 MOVED Cr Gangell, Seconded Cr Mykytiuk, that the Calendar for January 2019 be adopted.
CARRIED UNANIMOUSLY 7/0

10.19 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 – Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.19

OCM – 22/12/18 MOVED Cr Quinton, Seconded Cr Wilson, that the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 18 December 2018 be deleted from the Implementation of Council Resolutions list, **excluding item ROC 17/57461**.
CARRIED UNANIMOUSLY 7/0

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Quinton: Street Doctor

COUNCIL RESOLUTION – ITEM 11.1

OCM – 23/12/18 MOVED Cr Quinton, Seconded Cr Wilson, that the CEO request staff investigate and consult with the doctors and outreach workers for improved shelter options for the Street Doctor located at the Ashfield Reserve on Colstoun Road and provide a report to Council for consideration in the 2018/19 budget mid-year review.
CARRIED UNANIMOUSLY 7/0

11.2 Notice of Motion – Cr Quinton: Early Childhood Australia (WA Branch) Campaign

COUNCIL RESOLUTION – ITEM 11.2

OCM – 24/12/18 MOVED Cr Quinton, Seconded Cr Wilson, that the Town of Bassendean endorse the Early Childhood Australia (WA Branch) campaign to develop and implement a play strategy in Western Australia.

CARRIED UNANIMOUSLY 7/0

11.3 Cr Gangell: Lighting & CCTV at the Boat Ramp at Pickering Park

This motion was withdrawn.

11.4 Notice of Motion – Cr Hamilton: Changing the Permitted Use of Properties

COUNCIL RESOLUTION – ITEM 11.4

OCM – 25/12/18 MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Requests staff to review and commence the process of changing the permitted use of properties zoned Local Shopping to prohibit development of 'Convenience Stores Providing for the Sale of Fuel and Convenience Goods' and 'Service Stations' at undesirable locations within the Town; and
2. Requests staff to review and commence the process of changing the permitted use of properties zoned Town Centre to prohibit development of 'Convenience Stores Providing for the Sale of Fuel and Convenience Goods' and 'Service Stations' at undesirable locations within the Town's central business district.

CARRIED UNANIMOUSLY 7/0

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

13.0 **CONFIDENTIAL BUSINESS**

COUNCIL RESOLUTION – ITEM 13.0(a)

OCM – 26/12/18 MOVED Cr Hamilton, Seconded Cr Gangell, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 9.17pm.
CARRIED UNANIMOUSLY 7/0

All members of the public vacated the Chamber, the time being 9.17pm.

13.1 **Motions Of Which Previous Notice Has Been Given – Cr Gangell: Freeman of the Town**

COUNCIL RESOLUTION – ITEM 13.2

OCM – 27/12/18 MOVED Cr Gangell, Seconded Cr Wilson, that Council receives a report on nominations put forward for Freeman of the Town.
CARRIED UNANIMOUSLY 7/0

13.2 **Application from Sparx Early Learning Centre For a New Lease/Licence Period at the Expiration of the Current Lease/Licence Agreement in 2021 (Ref: LEGL/AGMT/7-Graeme Haggart, Director Community Development and Salvatore Siciliano, Manager Recreation & Culture)**

This matter was considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 13.2

OCM – 28/12/18 MOVED Cr Hamilton, Seconded Cr Mykytiuk, that Council:

1. Advises the proprietors of Sparx Early Learning Centre of the implications of s.3.58 for the disposition of property in accordance with the Local Government Act 1995, that precludes Council from making an immediate decision on awarding a new lease, which mandates the Town to undertake an open process;
2. Advises the proprietors of Sparx Early Learning Centre that by virtue of s.3.58 for the disposition of property of the Local Government Act 1995, that no further negotiations can take place to discuss a new lease agreement; and

3. Invites the proprietors of Sparx Early Learning Centre to lodge an expression of interest for a new lease for 128 Ivanhoe Street, Eden Hill, if the Town undertakes an open process in early to mid 2020.

CARRIED UNANIMOUSLY 7/0

COUNCIL RESOLUTION – ITEM 13.0(b)

OCM – 29/12/18 MOVED Cr Mykytiuk, Seconded Cr Hamilton, that the meeting come from behind closed doors, the time being 9.45pm.

CARRIED UNANIMOUSLY 7/0

As no members of the public returned to the Chamber, the reading aloud of the motions passed behind closed doors was dispensed with.

14.0 **CLOSURE**

The next Briefing Session will be held on Tuesday 19 February 2019 commencing at 7.00pm.

The next Ordinary Council Meeting will be held on Tuesday 26 February 2019 commencing at 7.00pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 9.45pm.

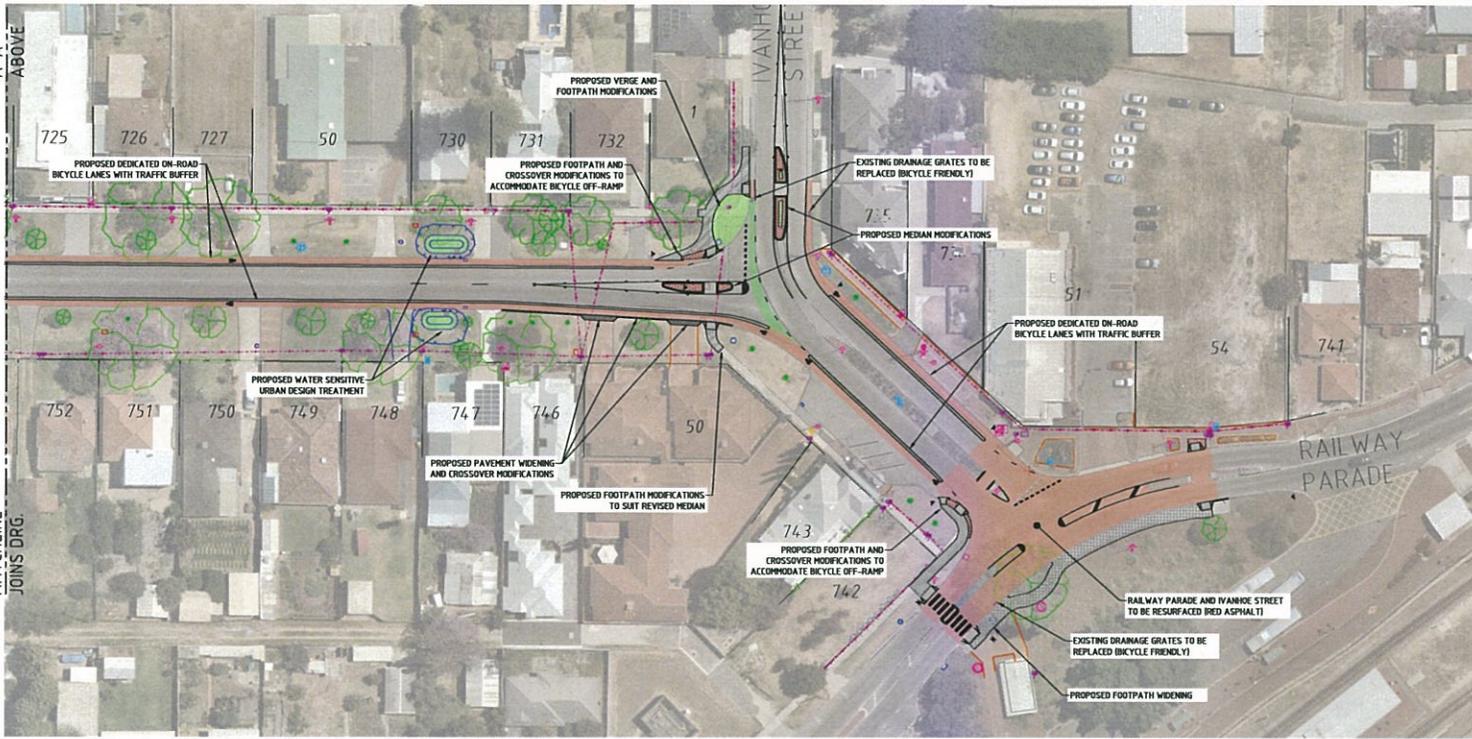
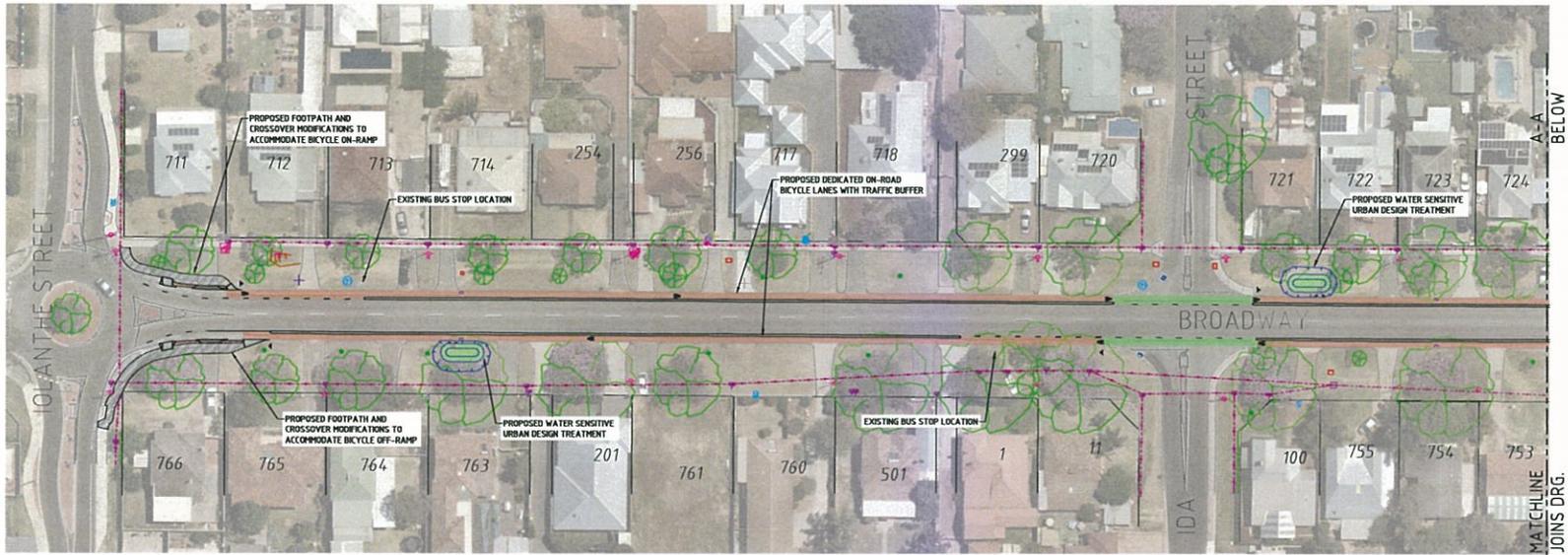
ATTACHMENT NO. 2

PTA ACTIVE NETWORKS (CYCLING) - BASSENDEAN ACCESS TO TRAIN STATION

CIVIL SERVICES

DRAWING NUMBER	DESCRIPTION
CI-000-GE-P1	COVER PAGE
CI-060-SI-P1	SITEWORKS PLAN
CI-400-RD-P1	ROADWORKS & DRAINAGE PLAN (1 OF 2)
CI-400-RD-P2	ROADWORKS & DRAINAGE PLAN (2 OF 2)
CI-406-RD-D1	STANDARD ROADWORKS DETAILS
CI-480-RD-P1	LINEMARKING & SIGNAGE PLAN (1 OF 2)
CI-480-RD-P2	LINEMARKING & SIGNAGE PLAN (2 OF 2)
CI-526-DR-D1	STANDARD DRAINAGE DETAILS





- NOTES**
- GENERAL
 - LEVELS ARE REDUCED FROM A.H.D.
 - THIS DRAWING SHALL BE READ IN CONJUNCTION WITH DRAWINGS AND THE SPECIFICATION.
 - DESIGN LEVELS SHOWN SHALL BE ON THE FINISHED SURFACE INCLUDING TOPSOIL.
 - EXISTING LEVELS & CONTOURS INDICATED ARE REFLECTIVE OF THE FEATURE SURVEY.
 - ROADWORKS
 - THE CONTRACTOR SHALL LIMIT THE MOVEMENT OF EQUIPMENT AND MANPOWER TO THE MINIMUM AREA NECESSARY AND PROTECT ALL VEGETATION ON SITE.
 - THE CONTRACTOR SHALL CUT AND FILL THE SITE AS SPECIFIED.
 - DUST CONTROL
 - THE CONTRACTOR SHALL ALLOW FOR DUST CONTROL MEASURES AS SPECIFIED.

- LEGEND**
- PROPOSED EDGE OF PAVEMENT
 - PROPOSED PAVEMENT MARKING
 - PROPOSED SIGN
 - PROPOSED RED ASPHALTIC CONCRETE PAVEMENT
 - PROPOSED GREEN ASPHALTIC CONCRETE PAVEMENT
 - PROPOSED CONCRETE CROSSOVER REINSTATEMENT
 - PROPOSED BRICK PAVING
 - PROPOSED CONCRETE INFILL (STENCIL)
 - PROPOSED 2.5m WIDE CONCRETE FOOTPATH
 - PROPOSED 2.5m WIDE CONCRETE FOOTPATH
 - PROPOSED ROCK PITCHING
 - PROPOSED LANDSCAPING BY OTHERS

C	ISSUED FOR INFORMATION	DP	DP	SN	S.NETTO	22.02.19
B	ISSUED FOR INFORMATION	DP	DP	SN	S.NETTO	21.02.19
A	ISSUED FOR INFORMATION	DP	DP	SN	S.NETTO	07.12.18
		DRW	DP	SN	APPREV/D	DATE

0 5 10 25
A1 @ 1:500 (A3 @ 1:1000)

PCG94 mAHd

WAPC No. COORDINATES DATUM

CLIENT
PUBLIC TRANSPORT AUTHORITY

PROJECT
PTA ACTIVE NETWORKS (CYCLING)
BASSENEAN ACCESS TO STATION - BROADWAY CYCLE LANE

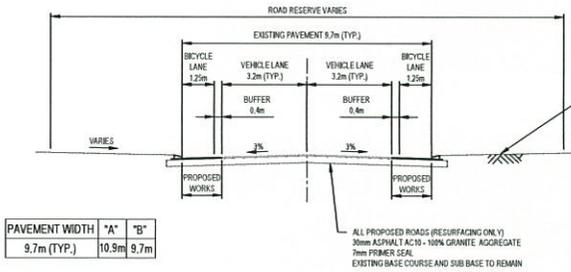
TITLE
SITEWORKS PLAN

PRELIMINARY
INFORMATION ONLY

WOOD & GRIEVE ENGINEERS

36481-2	CI-060-SI-P1	C
PROJECT No.	DRAWING No.	REVISION

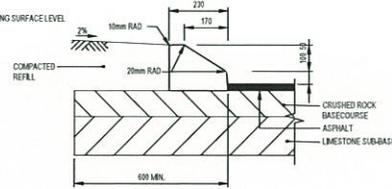
- KERBING**
1. ALL KERBS TO BE INSITU CONCRETE Fc 32 MPa AT 28 DAYS SLUMP OF 90mm.
 2. KEYED KERBING TO BE APPLIED TO CURVES WHERE THE RADIUS IS LESS THAN 40m CAR BAYS AND TRAFFIC ISLANDS.
 3. ALL KERB TO INCLUDE FIBRE MESH @ 0.9kg/m².
 4. KERB PANELS TO BE 2m, ALTERNATING CONTRACTION AND EXPANSION JOINTS.
 5. KERB FACE TOLERANCES: MK +5mm, SMK +10mm, BK +10mm.



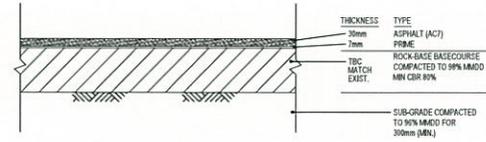
PAVEMENT WIDTH	"A"	"B"
9.7m (TYP.)	10.9m	9.7m

TYPICAL CROSS SECTION
SCALE: NTS

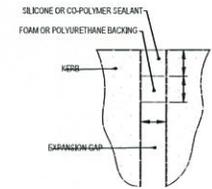
ALL PROPOSED ROADS (RESURFACING ONLY)
30mm ASPHALT AC10 - 100% GRANITE AGGREGATE
7mm PRIMER SEA
EXISTING BASE COURSE AND SUB-BASE TO REMAIN



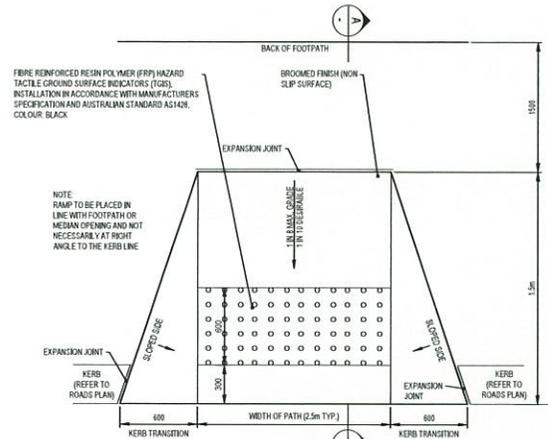
SEMI MOUNTABLE KERB DETAIL - TYPE SMK1
SCALE: 1:10



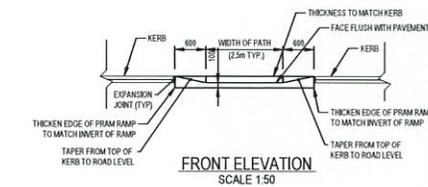
TYPICAL ASPHALT PAVEMENT DETAIL
SCALE: 1:10



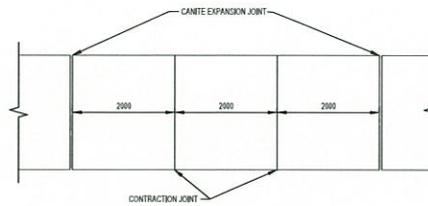
EXPANSION JOINT TYPICAL DETAIL
SCALE: 1:100



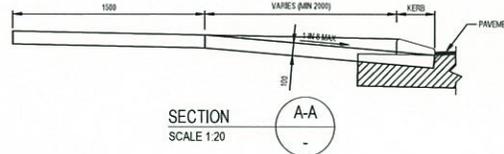
PRAM RAMP DETAIL
SCALE: 1:20



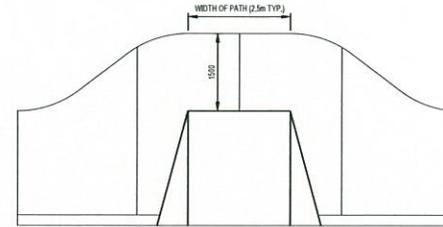
FRONT ELEVATION
SCALE: 1:50



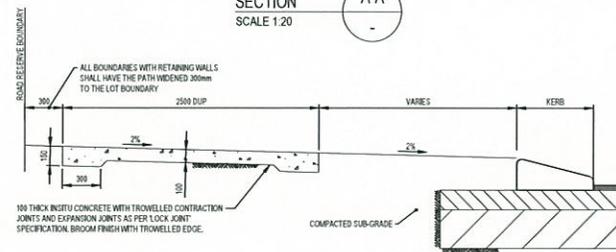
TYPICAL FOOTPATH PLAN
TYPE 'A' - CANITE AND CONSTRUCTION JOINT
SCALE: 1:20



SECTION
SCALE: 1:20



BACK OF KERB PATH AND PRAM RAMP DETAIL
SCALE: 1:20



FOOTPATH/DUAL USE PATH DETAIL
SCALE: 1:20

- NOTES**
1. ALL CONCRETE TO BE IN ACCORDANCE WITH AS 3600. MIN CYLINDRICAL COMPRESSIVE STRENGTH 28MPa. SLUMP TO BE 75mm. MAX AGGREGATE SIZE TO BE 14mm.
 2. EXCEPT WHERE SPECIFIED OTHERWISE, PATHS SHALL BE OF UNREINFORCED CONCRETE. 100mm THICK. REINFORCEMENT IS REQUIRED WHERE THE PATHS SHALL CROSS A VEHICLE CROSSING PLACE.
 3. BOX SHALL BE UNREINFORCED COMPACTED FOR A DEPTH OF 100mm WITH A PLATE COMPACTOR MIN WGT 14kg TO ACHIEVE 95% MGD. MAX DRY DENSITY TO AS1289.5.2.1. COMPACTION SHALL BE CARRIED OUT BEFORE FINAL SCREEDING TO FULL DEPTH.
 4. THE FOUNDATION OF THE PATH SHALL BE FREE FROM DELETERIOUS MATERIALS, (eg. TREE ROOTS ETC) FOR A DEPTH OF 150mm BELOW THE PATH.
 5. ALL FORMWORK TO BE 100mm IN DEPTH AND SUITABLE FOR MECHANICAL SCREEDING OF CONCRETE SURFACE. FINISHED CONCRETE THICKNESS SHALL BE 100mm ±5.4. REFER TO DETAIL FOR EDGING REQUIREMENTS.
 6. BOX TO BE THOROUGHLY SATURATED WITH WATER IMMEDIATELY PRIOR TO POURING OF CONCRETE.
 7. THE SURFACE OF THE CONCRETE SHALL BE MECHANICALLY SCREED. A DEEP BROOM FINISH (2mm) SHALL BE PROVIDED TO THE SURFACE OF THE CONCRETE WITH JOINTS AND EDGES FOLDED SMOOTH FOR 75mm WIDTH WITH JOINING AND EDGING TOOLS.
 8. LOCK JOINT MATERIALS AND SYSTEM (OR SIMILAR) WITH SPACING APPROPRIATE FOR CONTRACTION & EXPANSION SHALL BE USED AS PER LOCK JOINT SPECIFICATION.
 9. LOCK JOINT TO BE USED AROUND SCHOOL AND IN D.U.P.'s.
 10. WHERE PATHS ARE CONSTRUCTED ADJACENT TO THE KERB, THE PATH AND KERB CONTRACTION AND EXPANSION JOINTS WILL ALIGN.
 11. THE PATH SHALL BE BACKFILLED WITH CLEAN SAND. BACKFILL TO BE COMPACTED TO 95% MAX DRY DENSITY AND SHAPED LEVEL WITH TOP OF PATH.
 12. CONTRACTOR SHALL PROTECT AND MAINTAIN ALL EXISTING SERVICES. THE CONTRACTOR SHALL ALSO ARRANGE WITH APPROPRIATE AUTHORITY ANY NECESSARY RE-ALIGNMENT OR RELEVELLING OF THESE SERVICES.
 13. TOLERANCES
THE FOLLOWING TOLERANCES SHALL APPLY:
WIDTH: 2.5m (+20 -4mm)
THICKNESS: 100mm (+15 -4mm)
SURFACE IRREGULARITIES: NOT EXCEEDING 5mm
DEVIATION FROM 3m STRAIGHT EDGE: NOT EXCEEDING 10mm
 14. ALL RAMPS TO BE CONSTRUCTED USING FIBRE REINFORCED RESIN POLYMER (FRP) HAZARD TACTILE GROUND SURFACE INDICATORS (TGIS).
 15. ALL FOOTPATH TO BE OFFSET 300mm FROM THE LOT BOUNDARY. WHERE RETAINING WALL IS LOCATED ON THE BOUNDARY FOOTPATH SHALL BE WIDENED 300mm TO THE BOUNDARY LINE.
 16. FOOTPATH AT PROPOSED SERVICE CONNECTION LOCATIONS, AS DETAIL ED ON WATER, POWER AND NBN PLANS, SHALL BE LEFT OPEN AND COMPLETED FOLLOWING THE SERVICE CONNECTION BY SERVICE AUTHORITY, UNLESS OTHERWISE DIRECTED BY THE SUPERINTENDENT. THE CONTRACTOR SHALL MAKE ALL DUE ALLOWANCES.

NO.	REVISION	DATE	BY	CHECKED	APPROVED
B	ISSUED FOR INFORMATION	21.02.19	DP	DP	SN
A	ISSUED FOR INFORMATION	01.12.18	DP	DP	SN

NO.	REVISION	DATE	BY	CHECKED	APPROVED

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 WAPC No. COORDINATES DATUM
 PCG94 mAH

CLIENT: PUBLIC TRANSPORT AUTHORITY
 PROJECT: PTA ACTIVE NETWORKS (CYCLING)
 BASSENDEAN ACCESS TO STATION - BROADWAY CYCLE LANE
 TITLE: STANDARD ROADWORKS DETAILS

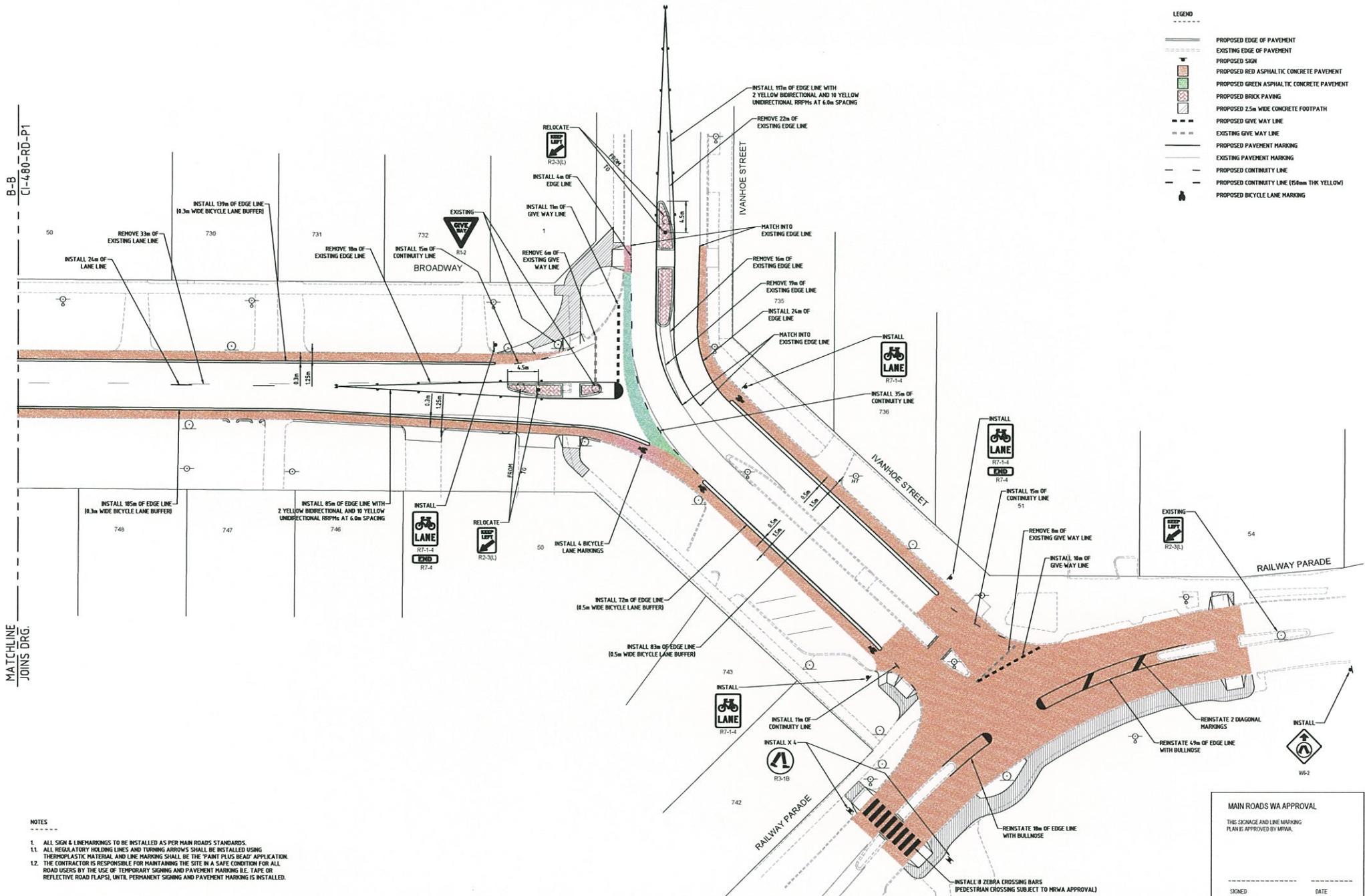
PRELIMINARY INFORMATION ONLY
 PROJECT No: 36481-2 DRAWING No: CI-406-RD-D1 REVISION: B

B-B
CI-480-RD-P1

MATCHLINE
JOINS DRG.

LEGEND

	PROPOSED EDGE OF PAVEMENT
	EXISTING EDGE OF PAVEMENT
	PROPOSED SIGN
	PROPOSED RED ASPHALTIC CONCRETE PAVEMENT
	PROPOSED GREEN ASPHALTIC CONCRETE PAVEMENT
	PROPOSED BRICK PAVING
	PROPOSED 2.5m WIDE CONCRETE FOOTPATH
	PROPOSED GIVE WAY LINE
	EXISTING GIVE WAY LINE
	PROPOSED PAVEMENT MARKING
	EXISTING PAVEMENT MARKING
	PROPOSED CONTINUITY LINE
	EXISTING CONTINUITY LINE (150mm 11% YELLOW)
	PROPOSED BICYCLE LANE MARKING



- NOTES**
1. ALL SIGN & LINE MARKINGS TO BE INSTALLED AS PER MAIN ROADS STANDARDS.
 11. ALL REGULATORY HOLDING LINES AND TURNING ARROWS SHALL BE INSTALLED USING THERMOPLASTIC MATERIAL. AND LINE MARKING SHALL BE THE PLANT PLUS READY APPLICATION.
 12. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE SITE IN A SAFE CONDITION FOR ALL ROAD USERS BY THE USE OF TEMPORARY SIGNING AND PAVEMENT MARKING I.E. TAPE OR REFLECTIVE ROAD FLAPS, UNTIL PERMANENT SIGNING AND PAVEMENT MARKING IS INSTALLED.

MAIN ROADS WA APPROVAL
THE SIGNAGE AND LINE MARKING PLAN IS APPROVED BY MRWA.
SIGNED _____ DATE _____

B	ISSUED FOR APPROVAL	DP	DP	SN	S. NETTO	17.12.18
A	ISSUED FOR INFORMATION	DP	DP	SN	S. NETTO	07.12.18
		DRW			APPROVED	DA11

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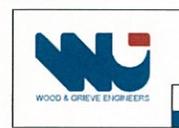
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CLIENT
PUBLIC TRANSPORT AUTHORITY

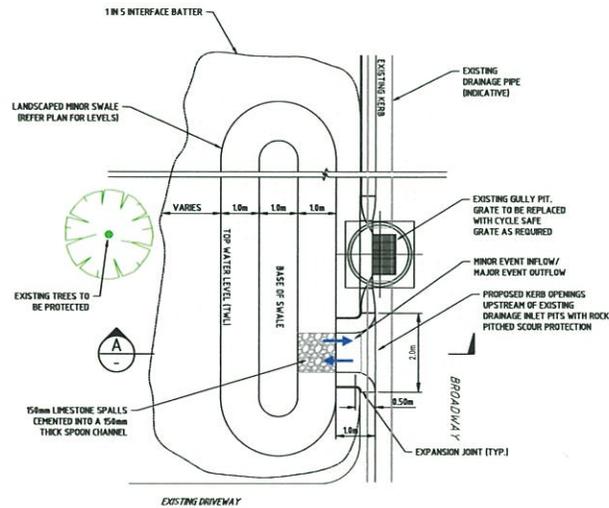
PROJECT
**PTA ACTIVE NETWORKS (CYCLING)
BASSENDEAN ACCESS TO STATION - BROADWAY CYCLE LANE**

TITLE
LINEMARKING & SIGNAGE PLAN (2 OF 2)

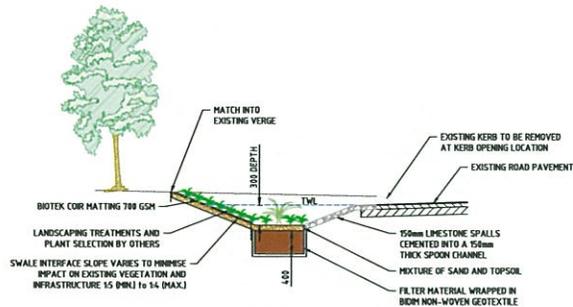


PRELIMINARY
INFORMATION ONLY

36481-2	CI-480-RD-P2	A
PROJECT No.	DRAWING No.	REVISION

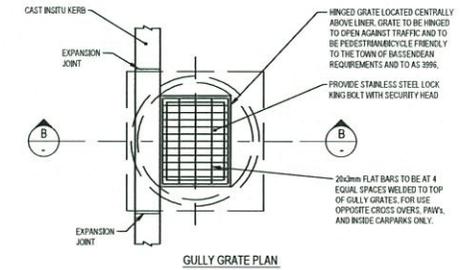


PLAN



WATER SENSITIVE URBAN DESIGN TREATMENT

SECTION A-A
N.T.S.



GULLY GRATE PLAN

B	ISSUED FOR INFORMATION	DP	DP	SN	S. NETO	21.02.19
A	ISSUED FOR INFORMATION	DP	DP	SN	S. NETO	07.02.19
		DIR	DP	SN	APPROVED	DATE



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WAP No.	PCG94	mAHD
COORDINATES	DATUM	

CLIENT
PUBLIC TRANSPORT AUTHORITY

PROJECT
PTA ACTIVE NETWORKS (CYCLING)
 BASSENDEAN ACCESS TO STATION - BROADWAY CYCLE LANE
 TITLE
STANDARD DRAINAGE DETAILS

PRELIMINARY
 INFORMATION ONLY

36481-2	CI-526-DR-D1	B
PROJECT No.	DRAWING No.	REVISION

ATTACHMENT NO. 3

TOWN OF BASSENDEAN

MINUTES

GENERAL MEETING OF ELECTORS

HELD IN THE BASSENDEAN COMMUNITY HALL
48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 5 FEBRUARY 2019 AT 7.00PM

1.0 OPENING AND WELCOME

The Mayor declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present

Councillors

Cr Renee McLennan, Mayor
Cr Bob Brown, Deputy Mayor
Cr John Gangell
Cr Kathryn Hamilton
Cr Melissa Mykytiuk
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Ken Lapham, Acting Director Corporate Services
Mr Graeme Haggart, Director Community Development
Mr Simon Stewert-Dawkins, Director Operational Services
Mr Anthony Dowling, Director Strategic Planning
Mr Brian Reed, Manager Development Services
Mrs Amy Holmes, Minute Secretary

Public

Approximately 60 members of the public were in attendance.

Press

One member of the press was in attendance.

3.0 MAYOR'S ADDRESS/REPORT

The Mayor, Cr McLennan, presented the Mayor's report for the year ended 30 June 2018 and spoke on the progress and achievements of the last 12 months:

- Mary Crescent Playground
- Bassendean Men's Shed
- 1 Surrey Street (and Infant Health Clinic)
- Reconciliation Action Plan
- Sandy Beach Playground
- Community Events
- FOGO - Food Organics & Garden Organics
- Plastic Free Bassendean
- Your Move programme
- Appointment of the new CEO, Ms Peta Mabbs

The year ahead:

- Town Centre Vibrancy project
- Town Teams
- Urban Forest
- Community Safety
- Emissions Reduction Plan
- Community Engagement Framework
- "Creating Communities" – Community Engagement Strategy to develop Vision for the Future linked to Local Planning Strategy

4.0 CEO'S ADDRESS

The Chief Executive Officer, Ms Peta Mabbs, provided an overview of administrative changes since her commencement, and outlined her three priorities:

- Good governance
- Genuine community engagement
- A plan for the future

5.0 RECEIVING OF THE 2017/18 ANNUAL REPORT

RESOLUTION – ITEM 5.0

MOVED Gerry Pule, Seconded Carol Seidel, that the 2017/18 Annual Report including the Audited Annual Financial Statements and Auditor's Report, be received.

CARRIED

Two electors voted against the motion.

6.0 GENERAL BUSINESS

6.1 Questions Taken on Notice

Mr Don Yates, 10 Thompson Road, Bassendean

Q. *In the current 2018-2019 Budget was there an allocation of funds for the footpath lighting improvements within 200m of Success Hill. If not what are the plans to address lighting in the area.*

A. The Town is committed to improving lighting around footpaths and public spaces. This year the Town has progressed lighting for:

Old Perth Road:- This involved faulty LED luminaires being replaced.

Success Hill Train Station (i.e. 200sqm surrounding the Station):- This work is in progress and will improve the current lighting around the station. As part of the lighting upgrade an additional pole will be provided in Thompson Road and Lamb Street under the Ficus tree. The lighting designs are currently being reviewed and will be presented to Western Power for quotes and scheduling. Western Power will provide a works timeline as part of providing the quote for the lighting upgrade works.

Kelly Park:- This work is also in progress. The procurement process for the work has been completed but the Western Power connection fee has come in higher than expected. This will be considered as part of the current budget review process.

All these works are expected to be completed in the first half of 2019.

Q. *When will the Town of Bassendean adopt the State Planning Policy for Developer Contribution for Infrastructure.*

- A. Development Contributions for Infrastructure is a policy of the State Government that sets out principles, guidelines and considerations for the levying of developer contributions where contributions are sought as a condition of land subdivision or development approval.

It is not compulsory for local governments to adopt this policy. A local government is to first have in place an approved Development Contribution Plan before it can levy developer contributions. The plan identifies areas subject to the levying of development contributions. These areas are required to be designated as Special Control Areas (SCA) in a local planning scheme.

The location and extent of Development Contribution Plan areas within the Town will largely be predicated on those areas identified and capable for infill development or redevelopment. Such areas are likely to result in increased demand for and use of either existing community facilities and/or new community facilities, thereby allowing for the levying of developer contributions for these purposes from those who subdivide and develop land.

Identification and designation of areas deemed suitable for infill development or redevelopment will occur through the review of the current Local Planning Strategy occurring in 2019.

The preparation of Development Contribution Plans is a matter that Council has identified as a priority and intends to consider soon.

- Q. *When will the Town of Bassendean address lighting at Bassendean Oval, Ashfield Reserve and Jubilee Reserve to avoid the traffic safety hazards and inconvenience of nearby residents.*

- A. A Community Facilities, Ovals and Reserves Audit and Needs Assessment was conducted in 2017/2018. Council endorsed the final report in July 2018 as a guiding document. One of the recommendations outlined in the final report was for a lighting audit be conducted of the Town's active sporting reserves – i.e. Steel Blue Oval, Jubilee Reserve and Ashfield Reserve. Subsequently, \$20,000 was approved by Council for a lighting audit to be undertaken in the 2018/2019 which will be completed by 30 June 2019. Also early in the 2018/2019 financial year, the Town arranged for the existing lights at Steel Blue Oval to be adjusted to reduce light spill and/or glare from the flood lights.

Q. *What are the plans to seek State and/or Federal assistance to offset possible capital expenditure to address increased rail traffic and any potential constraints to residents on both sides of the Town of Bassendean.*

A. It is understood that METRONET has commenced a process of planning for the removal of level railway crossings across the Perth metropolitan area. This includes the removal of crossings along the Perth – Midland line.

Removal of these crossings is likely to require alterations to local and regional road networks, which at this time, the nature, scope and timing of are unknown. Previous advice from the METRONET project indicated that the Town of Bassendean will be consulted in the planning process for removal of the existing level crossings.

Q. *When will the Transport Study funded by the Town of Bassendean in 2018 be released for public comment.*

A. The draft Local Integrated Transport Plan is under preparation. This cannot be finalised until the outcomes of the Main Roads WA (MRWA) Guildford Road Study are known. Main Roads has scheduled to present the outcomes of this Study to the Town in February 2019. It is expected the Transport Plan will be available mid-year following consideration by Council.

Q. *Has the impact of the increased rail traffic on the Collier Rd at grade rail crossing been included in the study considerations.*

A. Yes.

Q. *In State Planning Policy 4.2 Activity Centres, it is envisaged that road use around the Ashfield Reserve will increase substantially. Has this impact been included in the study considerations.*

Q. Yes. There is also a desire to reduce motor vehicle use and dependency and encourage other modal shifts to walking, cycling and public transit in a seamless way. This is reinforced in the Transport Study and the Town's recently launched "Your Move" programme being undertaken in partnership with the Department of Transport.

Q. *Has the trend in the reduction of internal combustion engine cars in other parts of the world been included in the Transport study considerations.*

Yes. A cursory examination of emerging future transportation and mobility trends was a specific task within the study.

- Q. *Since February 2016, bike riders can use all footpaths to ride bikes. Has this impact been included in the study considerations.*
- A. Yes. An overall SWOT analysis (i.e. Strengths, Weakness, Opportunities, and Threats) of active transport (e.g. cycling and walking) was carried out in Phase 1 of the study.
- Q. *If the minimum lighting levels have not be defined as needed now, why not.*
- A. The examination of minimum footpath lighting standards is not a consideration given the broad-based nature of the Transport study.
- Q. *Was the need for State Planning Policy 3.6 addressing Developer Contribution included in the Transport Study recommendations.*
- A. The short answer is no. Please refer to Q2 as to why the Town has not to date adopted *State Planning Policy (SPP) 3.6 Developer Contributions for Infrastructure*.
- Q. *Under 'Non Current Assets / Infrastructure', is that major part of the Lord Street Bridge Structure owned by the Town of Bassendean included in the figure of \$109,135,859. If no, since when has this major asset of the Town of Bassendean been excluded from the Non Current Assets / Infrastructure'. (The structure was built in 1969). If yes, what is that current value and related financial treatments such as depreciation and sustainable replacement values. Are there appropriate replacement insurance coverage and 3rd party risk policies in place.*
- A. This question was raised at the October 2018 Ordinary Council Meeting and a response was provided in the minutes. (In 2014, the Rail Interface Agreement was formalised between the Public Transport Authority, Main Roads Western Australian and the Town of Bassendean. In relation to the Lord Street Bridge, Main Roads Western Australia is responsible for undertaking structural maintenance of the bridge and the Town of Bassendean owns the road bridge asset and is responsible for maintaining the road surface (i.e. asphalt resealing, sweeping etc). The Town does not insure the bridge, as the Town does not own the bridge. The asset value has never been included in the Town of Bassendean's accounts for this reason.)

- Q. *Based on the installation of underground electricity and street light changes in Ashfield, what is the estimated cost to complete the program for the remaining areas of the Town of Bassendean and to also undertake the stormwater management upgrades to align with the planned population increases as per State Planning Policy 4.2 Activity Centres as published in March 2018? Is this estimate since December 2018, now more than \$50 million in 2019 terms? What strategic planning measures is the Town of Bassendean immediately doing like purchasing appropriate horizontal boring machine capability, (supported by operational staff training), and/or considering solar footpath lighting, (independent of Western Power), to substantially reduce the cost burdens on the Bassendean community, and considerably improve the overall environment and safety of our local government area while achieving faster outcomes?*

This question has been taken on notice as further research is being undertaken.

- Q. *What redress can be effected if/when the east facing retaining wall at the 1 Anzac Terrace development was to fail.*

- A. This matter has been addressed several times before. The Town appointed an engineer to provide advice on this matter. The engineer's report identified that the cracking was largely superficial as the contractor who built the wall failed to install construction joints.

The engineer identified that nothing needed to be done where the cracking was concerned as it wasn't structural and was not compromising the wall.

The wall was recently inspected on 29 January 2019 and there is no evidence to indicate the walls have moved in the last 6-7 years. Consequently, it is hard to conclude there is a structural deficiency with the walls.

- Q. *Will the Town in conjunction with the Men's Shed program consider the building and installation of 20 trial bat houses within 200m of the Swan River in order to reduce mozzies.*

- A. The Town of Bassendean has a small number of micro-bat boxes in place at Sandy Beach Reserve. An examination of similar boxes installed within the City of Bayswater, 12 months ago found the boxes were not being used by bats.

Mr Trevor Barker

- Q. *Could a seat could be provided on Old Perth Road for the many people who reside in the Aegis homes on both sides of Hamilton Street.*
- A. A seat was planned to be installed on Old Perth Road in this location, however a development application was then received for a new Aegis development at the old car yard site which would have impacted the placement of the seat. The Aegis application has now been approved by the JDAP and as a consequence the proposed seat has been placed on hold until the new building is constructed. The intention is to place a seat in this vicinity after the new Aegis building is completed.

Ms Anne Tierney

- Q. *What plans does Council have for Ashfield in terms of streetscape upgrades.*
- A. This year the Town has budgeted for triple the number of street trees to be planted this winter. Priority has been given to planting trees in Ashfield and the parts of Eden Hill where there is underground power. There will be a community engagement process specifically targeting tree planting but more broadly we are keen to seek your views on the future of Ashfield in order to develop a strong vision for the future of the Town. Over the past two years, over 370 street trees have been planted within Ashfield and the Town has been working with community groups in developing waterwise verge properties in the area. The Town has also been working closely with ASHCAN on a proposed look-out over Ashfield Flats.

Mr Don Yates, 10 Thompson Road, Bassendean

- Q. *What is the Town doing to build trust from the community.*
- A. The Mayor commented that events of the past have fostered distrust in some of the community. This is something that we are actively trying to remedy and rebuild. Many of the initiatives that the CEO and I have already mentioned tonight address the trust issue – for example, we have committed to checking in with the community to ensure we are on the right track before moving forward and we are committed to developing a framework that will allow us to be confident that we have captured the thoughts of the community when setting our direction and vision. Embracing the Town Teams concept is an illustration that we are serious about inviting the community in and empowering people to contribute in meaningful ways rather than taking a top down approach.

We hope that many of the things that the CEO touched on in her address will also help to build trust in the organisation and processes with a focus not just on compliance but on best practice.

Mr Adam Griggspall

- Q. *What is the status of the investigation into building a bridge across the Swan River to connect Bassendean with Belmont.*
- A. Mr Griggspall is referring to a proposal that was put forward by (former) Cr Gerry Pule. The previous Council supported investigating the possibility of a pedestrian bridge connecting Ashfield to Garvey Park in Belmont. In alignment with the Council resolution officers from the Town of Bassendean discussed this project with officers from the City of Belmont. There is some interest but the project is not a priority at this time and has therefore not progressed.

Mr Roy Shearer

- Q. *What will be the main focus for Council in 2019.*
- A. I hope that the addresses that the CEO and I have presented have provided clarification on what the priorities will be including organisational reform & reorientation, policy review, workforce review, strategic town planning for our local planning strategy, community engagement, a new waste strategy, Town teams and the town centre vibrancy project, Men's shed, redevelopment of 1 Surrey Street, Sandy beach playground etc. in alignment with our current community strategic plan.

Mr Bruce Keay

- Q. *What of the agreed actions were completed for the closure of TPS 4a in 2018 and secondly, what actions are to be achieved for the closure of TPS 4a in 2019.*
- A. In order to finalise the scheme, the Town would need to acquire six lots of land which are in private ownership. The cost of this was previously estimated to be approximately \$2.8 million dollars. There were no agreed actions towards the closure of TPS 4a in the Town's Corporate Business Plan 2018-2022 as this was not deemed a priority.

6.2 Public Question Time

Mr Don Yates, 10 Thompson Road, Bassendean

- Q. *Is the value of the Lord Street Bridge included in the Town's asset figures. The Town needs to investigate the ownership and also the insurance of the bridge.*
- A. The Manager Asset Services responded that the bridge is not included as it is not a Town asset.

The Director Operational Services took the question on notice and provided the following response: - The Town had entered into a Rail Interface Agreement with the State Government Department of Transport. After the 24 October 2018 Ordinary Council Meeting the 2014 agreement was reviewed. Main Roads is responsible for undertaking structural maintenance of the bridge and the Town of Bassendean owns the road bridge asset and is responsible for maintaining (resealing, sweeping etc) the road surface.

Mr Paul Bridges, 150 West Road, Bassendean

- Q. *When are the 48 properties going to be included in the Town's Municipal Heritage Inventory that is to be adopted under Local Planning Scheme No. 10.*
- A. The Manager Development Services advised that he has given a commitment to Mr Bridges that it will be a priority in the next two months.
- Q. *Is it the intention of Council to pursue the completion of the heritage incentives and heritage precinct guidelines within this financial year.*
- A. The Mayor advised that Council and staff have held discussions for the mid-year budget review and what can be realistically achieved and the matter is still in discussion.

The Manager Development Services advised that the Town is developing a brief and will consider engaging consultants to complete the task. A decision needs to be made by Council as to whether it is to be completed this financial year.

Resident - Eden Hill

- Q. *There is an increase in rat population in Eden Hill. Open drains have still not been closed.*
- A. The Mayor advised that there is a movement toward converting drains into living streams. We have put in an expression of interest to Water Corporation to make them healthier spaces.

The Manager Development Services advised that the Town issues free rat bait and monitors rat activity. The Town's Health Officer can look into this.

Ms Carol Seidel, 55 Broadway, Bassendean

- Q. *When are we going to see the bus shelters replaced.*
- A. The Mayor commented that there has been a reduction in bus shelters and their removal is not something the Town supports. The State Government has a minimum usage requirement to determine where bus shelters are installed.

In 2014, a number of bus shelters, within the Town of Bassendean, were identified as not being compliant with disability standards and needed to be either removed or replaced. The PTA's policy was to replace a bus shelter at their cost if the bus stop had a minimum average of 15 patrons per day and the Town of Bassendean's policy was to replace a bus shelter if the stop had a minimum average of 10 patrons per day.

In each instance where the Town has been informed of requests to reinstate particular shelters, the patronage of each shelter has been reviewed and these shelters are still well below the minimum average patronage.

The Town received the letter from Dave Kelly's office dated 19 September, attaching a letter from the Minister of Transport, in which Minister Saffioti responds to queries about the James Street bus shelter. Minister Saffioti requests the PTA support any application received from the Town for funding as this stop services the Hyde Retirement Village and advises that the PTA has a few refurbished shelters available for purchase for this site.

The James Street bus shelter was removed partly due to it being too close to the road and the footpath to allow wheelchair access, therefore there is no room to install a compliant bus shelter on Council land.

After many subsequent requests from HRV residents for a shelter to be constructed around the seat, the Town has agreed to obtain quotes for a narrow pergola type shelter to be constructed around the seat. The area is too narrow for installation of a refurbished bus shelter, as offered by the Minister for Transport.

Pending consultation with the residents at HRV, the proposed pergola type shelter will be installed on HRV land, adjacent to the bus stop between the footpath and the HRV car parking bay. If the proposed shelter is supported by HRV residents, a development application would need to be submitted to the Town's Planning Department for consideration.

Mrs Anne Brinkworth

- Q. *Please could you provide an update on the local history book that was being published.*
- A. The Director Community Development advised that a chapter has just been rewritten and is being proofed. The plan is to have the publication finished within this financial year and there is money in the budget to do this.
- Q. *The development of the Infant Health Centre at the Pensioner Guard Cottage has been done without any community consultation. There still needs to be community consultation on this as there are many people against it.*
- A. The Mayor responded that the timeframe on the Lotterywest grant has been exceeded and extended and we were in jeopardy of losing the funding. The current health clinic is not fit for purpose. We had funding that needed to be expended and a community service that needed to be provided. The infant health clinic will be situated at the rear of the building. The front of the building will remain as a historical interpretive centre. Ideally the consultation would have been more extensive but we did not have the time.

Mr Gerry Pule

- Q. *Has there been any more action with the three ficus trees along Guildford Road identified for removal by Main Roads.*
- A. The Mayor responded that the trees are important to Bassendean and their removal was not supported by Council. Some alternative solutions have been proposed that will retain the trees.

The Director Operational Services advised that Main Roads has indicated another possible solution that will retain the trees.

Resident - Helena Street, Guildford

- Q. *How does the Council intend to engage with and motivate the young citizens of the Town.*
- A. The Mayor commented that there is nothing specific planned as yet, but is definitely something the Town will be focusing on going forward.

Mr Tony Wood

- Q. *Is the \$375,000 funding from Lotterywest the total cost of the 1 Surrey Street project.*
- A. The Mayor responded that the total project cost is approximately \$980,000.
- Q. *Will you get a valuation to see how this development will impact on the value of the adjoining properties.*
- A. The Mayor commented that the adjoining properties were consulted about the development. The infant health clinic does not significantly change the use of the site and should not affect the value of the adjoining properties.

Mr Graham Leaver - Railway Parade, Bassendean

- Q. *Please ensure that the flag is lit at night if it is going to remain up.*
- A. The Director Operational Services commented that he was not aware this was not happening. It will be followed up with the Rangers.
- Q. *Please could you provide an update on the review of the laneways.*
- A. The Mayor advised that there has been some discussion to look at them but a review has not been undertaken at this stage.

The Manager Development Services commented that there approximately 25 rights of ways (laneways) in the Town. It was suggested this review could be carried out internally by staff which we are now struggling to complete. The project may need to be outsourced.

Mr Moss Johnson, 6 Barton Parade, Bassendean

- Q. *Can the height of the mower cut be set to significantly higher for park land. The longer grass suppresses weeds, slows water evaporation, avoids erosion and reduces soil temperature. Also, in areas closer than 50m to a water body, could a catcher be used to avoid the cut grass ending up in the water.*
- A. The Director Operational Services advised that he would follow up with the Parks Supervisor on these issues.
- Q. *Will the Design Bassendean Working Group have the opportunity to meet with Creating Communities consultants.*
- A. The Mayor advised that they would.

Mr Bruce Keay, 11 Earlsferry Court, Bassendean

- Q. *The Council should have selected one scheme scenario for consultation. Council needs to make a decision and move forward.*
- A. The Mayor commented that there was a plan to deliver the scheme amendment, however, that won't be done within the timeframe. The State Government have increased the density requirements. The timing has been pushed out but we need the community to understand what we are doing and be on board with it.

The CEO commented that a shopfront on Old Perth Road is a proposed as part of the community engagement strategy. Part of the strategy was to create a community hub. We need to have a conversation with the community about what they want to see in the future. We hope by October we will have a strong vision on what the community wants this Town to be.

Mr Paul Bridges

- Q. *Please could you provide an update on the closure of the 4a Scheme and the proposed land swap.*
- A. The Manager Development Services advised that the Town is now in the process of obtaining subdivision clearance. The lot should be ready by the end of this financial year.
- Q. *Has the Council been informed of an offer from Mr Kepinski to do a land swap.*
- A. The Manager Development Services advised that we have written to Mr Kepinski advising that the Town is in support of the land swap once the Town owns 1 Hyland Street. There has been no further communication with Mr Kepinski at this stage.

Mr Don Yates, 10 Thompson Road, Bassendean

- Q. How was the public art contribution of \$380,000 received from the developer of the Bassendean Shopping Centre, expended.
- A. The Manager Development Services responded that he would take the question on notice.

Mr Yates was provided the following response by the CEO on 9 February 2019:

“Local Planning Policy No 1 - Bassendean Town Centre Strategy and Guidelines requires a Town Centre public realm contribution of 2% of the development cost to be payable to the Town as a condition of development approval. The contribution is to be used to enhance the public realm in the vicinity of the development site and includes public art, street furniture, planting, paving and amenities such as bicycle racks, bins shade structures, signage etc.

The 2% contribution is made up of a public art component and an infrastructure component. A footnote to the JDAP stated that the Town can consider onsite art works subject to Council approval and demonstration of equivalent value and public access. The required contribution was \$380,000 based on a value of the project to be \$18m.

Public art has been provided on site to the value of \$191,805 excluding GST, which resulted in the provision of murals, screens and canopies. The Town is in possession of invoices for the art project.

The public infrastructure contribution has been spent to the value of \$183,983 excluding GST on landscaping, alteration to the footpath and median works in Old Perth Road, together with a contribution of \$ 16,500 to the Town's infrastructure fund to be used for projects in the Town Centre. The Town is in possession of invoices for the infrastructure project. In terms of the questions asked I offer the following comments:

The Bassendean Village Shopping Centre was entered in the over \$20 Million category of the Master Builders Awards 2015.

2% of at least \$20 Million is \$400,000. In the JDAP Decision of 30 Aug 2012, Item 8.2, the figure quoted was \$380,000. In February 2018, it was confirmed that none of the \$380,000 was received in cash by the Town of Bassendean. (Written answer Feb 2018 Agenda).

The contributions are based on the value of the work at building permit/license stage - the value of the project as stated on the application for a building permit was \$18m.

The money has been spent and can be accounted for. In regard to cash in lieu for parking and open space the artworks have all

been provided on private land not controlled by the Town. The policy requires art works to be visible from the public realm, but not necessarily in it. If any copyright exists this would be between Hawaiian and the artist."

6.3 Motions

Nil

7.0 CLOSURE

There being no further business, the Mayor declared the meeting closed, the time being 9.00pm.

ATTACHMENT NO. 4

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

TOWN OF BASSENDEAN

WASTE LOCAL LAW 2019

(Amended 20 Feb 2019)

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

Town of Bassendean

Waste Local Law 2019

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**Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995**

Town of Bassendean

Waste Local Law 2019

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Bassendean resolved on 26 February 2019 to make the following local law.

Part 1 - Preliminary

1.1 Short title

This is the Town of Bassendean Waste Local Law 2019.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals part 4, division 2 of the Town of Bassendean Health Local Law 2001, as published in the *Government Gazette* on 24 August 2001, except for the following clauses:

- a) clause 4.11; and
- b) clause 4.16

1.5 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

bulk waste means bulky goods generated from residential dwellings; as approved by the local government, not including mattresses, fridges or freezers.

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

green waste means vegetative material as approved by the local government;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means Town of Bassendean;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste; means waste that decomposes readily such as Food Organics and Garden Organics (FOGO) waste

organic waste receptacle means a receptacle for the deposit and collection of organic waste ;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic container;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street setback has the same meaning as in the State Planning Policy 3.1 Residential Design Codes or R-Codes;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste has the same meaning as in the WARR Act;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the LG Act, shall be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination shall be recorded in a publicly accessible register of determinations that shall be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

Part 2 - Local government waste

2.1 Supply of receptacles

- (1) Subject to subclause (2), the local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) In the case of multi-residential premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number and size of the receptacles to be supplied for collection and removal, from those premises, of collectable waste.
- (3) The owner of premises to which subclause (1) and (2) applies shall—
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises shall not deposit or permit to be deposited in a receptacle any non-collectable waste.

- (2) A person shall not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle—
- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has a capacity of 140 litres – more than 70 kilograms of collectable waste; or
 - (c) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises shall not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has a capacity of 360 litres – more than 70 kilograms of recycling waste; or
- (d) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises shall not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises shall comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises shall—

- (a) except for a reasonable period before and after collection time, keep each receptacle in an approved storage compound, or be screened from public view, and located outside the street setback;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is —
 - (i) within 1 metre of the carriageway;
 - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person; and
- (c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause shall state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and

- (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, shall not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) shall deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) shall otherwise comply with those terms and conditions.
- (2) Where green waste or bulk waste has been deposited on a verge for a verge waste collection, a person shall not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person shall not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Part 3 - General duties

3.1 Duties of an owner or occupier

An owner or occupier of premises shall—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;

- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
 - (iv) ensure that each receptacle does not obstruct pedestrian movement on footpaths or obstruct vehicle road safety site lines;
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law.

3.2 Removal of waste from premises

- (1) A person shall not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person shall not remove any waste from a receptacle without the approval of –
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person shall not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

Part 4 - Operation of waste facilities

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
 - (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility shall comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person shall comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person shall, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
 - (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person shall not deposit waste at a waste facility other than—
 - (a) at a location determined by a sign and in accordance with the sign; and

- (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person shall not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person shall not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

Part 5 - Enforcement

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2); and
- (g) an approval under clause 3.3.

5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to

a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Schedule 1 - Meaning of 'non-collectable waste'

[Clause 1.5(1)]

non-collectable waste means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

Schedule 2 - Prescribed offences

Item No.	Clause No.	Description	Modified Penalty
1	2.1(3)(a)	Failing to pay fee or charge	\$350
2	2.1(3)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)(a), (b) and (c)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	2.4(a), (b), (c) and (d)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
15	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
16	2.9(b)	Removing a receptacle from premises	\$400
17	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
18	2.10(2)	Removing waste for commercial purposes	\$350
19	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
20	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
21	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
23	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
26	3.1(e)	Failing to comply with a direction to remove waste from a receptacle	\$300

Item No.	Clause No.	Description	Modified Penalty
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	3.3 (a)	Depositing waste without authority into a receptacle provided for the use of the general public in a public place	\$300
30	3.3(b)	Removing waste without authority from a receptacle provide for the use of the general public in a public place	\$300
31	4.3(2)	Failing to comply with a sign or direction	\$500
32	4.3(4)	Failing to comply with a direction to leave	\$500
33	4.4(1)	Disposing waste without payment of fee or charge	\$500
34	4.5(1)	Depositing waste contrary to sign or direction	\$500
35	4.6(1)(a)	Removing waste without authority in a waste facility	\$250
36	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500
37	4.6(1)(c)	Lighting a fire in a waste facility	\$300
38	4.6(1)(d)	Removing or interfering with any flora in a waste facility	\$300
39	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	\$300
40	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
41	4.6(2)	Acting in an abusive or threatening manner	\$300

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

TOWN OF BASSENDEAN

WASTE LOCAL LAW 2019

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

TOWN OF BASSENDEAN

WASTE LOCAL LAW 2019

**DOCUMENT SHOWING CHANGES FROM THE WALGA TEMPLATE TO THE
TOWN OF BASSENDEAN'S PROPOSED LOCAL LAW**

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

Town of Bassendean

Waste Local Law 2019

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**Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995**

Town of Bassendean

Waste Local Law 2019

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Bassendean resolved on 26 February 2019 to make the following local law.

Part 1 - Preliminary

1.1 Short title

This is the Town of Bassendean Waste Local Law 2019.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals part 4, division 2 of the Town of Bassendean Health Local Law 2001, as published in the *Government Gazette* on 24 August 2001, except for the following clauses:

- a) clause 4.11; and
- b) clause 4.16

1.5 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

bulk waste means bulky goods generated from residential dwellings; as approved by the local government, not including mattresses, fridges or freezers.

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

green waste means vegetative material as approved by the local government;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means Town of Bassendean;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as Food Organics and Garden Organics (FOGO) waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste ;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street setback has the same meaning as in the State Planning Policy 3.1 Residential Design Codes or R-Codes;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste has the same meaning as in the WARR Act;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the LG Act, shall be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination shall be recorded in a publicly accessible register of determinations that shall be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

Part 2 - Local government waste

2.1 Supply of receptacles

- (1) Subject to subclause (2), the local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) In the case of multi-residential premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number and size of the receptacles to be supplied for collection and removal, from those premises, of collectable waste.
- (3) The owner of premises to which subclause (1) and (2) applies shall—
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises shall not deposit or permit to be deposited in a receptacle any non-collectable waste.

- (2) A person shall not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle—
- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has a capacity of 140 litres – more than 70 kilograms of collectable waste; or
 - (c) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises shall not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises shall not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has a capacity of 360 litres – more than 70 kilograms of recycling waste; or
- (d) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises shall not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises shall comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises shall—

- (a) except for a reasonable period before and after collection time, **keep each receptacle in an approved storage compound, or be screened from public view, and located outside the street setback;**
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is —
 - (i) within 1 metre of the carriageway;
 - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway,

or in such other position as is approved in writing by the local government or an authorised person; and
- (c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause shall state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and

- (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, shall not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) shall deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) shall otherwise comply with those terms and conditions.
- (2) Where green waste or bulk waste has been deposited on a verge for a verge waste collection, a person shall not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person shall not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Part 3 - General duties

3.1 Duties of an owner or occupier

An owner or occupier of premises shall—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;

- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
 - (iv) ensure that each receptacle does not obstruct pedestrian movement on footpaths or obstruct vehicle road safety site lines;
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law.

3.2 Removal of waste from premises

- (1) A person shall not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person shall not remove any waste from a receptacle without the approval of—
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person shall not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

Part 4 - Operation of waste facilities

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

(1) The local government or an authorised person may regulate the use of a waste facility—

- (a) by means of a sign; or
- (b) by giving a direction to a person within a waste facility.

(2) A person within a waste facility shall comply with a sign or direction under subclause (1).

(3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.

(4) A person shall comply with a direction under subclause (3).

4.4 Fees and charges

(1) Unless subclause (3) applies, a person shall, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.

(2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.

(3) Subclause (1) does not apply—

- (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
- (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

(1) A person shall not deposit waste at a waste facility other than—

- (a) at a location determined by a sign and in accordance with the sign; and

- (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person shall not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility;
or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person shall not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

Part 5 - Enforcement

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2); and
- (g) an approval under clause 3.3.

5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to

a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Schedule 1 - Meaning of 'non-collectable waste'
[Clause 1.5(1)]

non-collectable waste means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

Schedule 2 - Prescribed offences

Item No.	Clause No.	Description	Modified Penalty
1	2.1(3)(a)	Failing to pay fee or charge	\$350
2	2.1(3)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)(a), (b) and (c)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	2.4(a), (b), (c) and (d)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
15	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
16	2.9(b)	Removing a receptacle from premises	\$400
17	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
18	2.10(2)	Removing waste for commercial purposes	\$350
19	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
20	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
21	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
23	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
26	3.1(e)	Failing to comply with a direction to remove waste from a receptacle	\$300

Item No.	Clause No.	Description	Modified Penalty
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	3.3 (a)	Depositing waste without authority into a receptacle provided for the use of the general public in a public place	\$300
30	3.3(b)	Removing waste without authority from a receptacle provide for the use of the general public in a public place	\$300
31	4.3(2)	Failing to comply with a sign or direction	\$500
32	4.3(4)	Failing to comply with a direction to leave	\$500
33	4.4(1)	Disposing waste without payment of fee or charge	\$500
34	4.5(1)	Depositing waste contrary to sign or direction	\$500
35	4.6(1)(a)	Removing waste without authority in a waste facility	\$250
36	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500
37	4.6(1)(c)	Lighting a fire in a waste facility	\$300
38	4.6(1)(d)	Removing or interfering with any flora in a waste facility	\$300
39	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	\$300
40	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
41	4.6(2)	Acting in an abusive or threatening manner	\$300

ATTACHMENT NO. 5

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

**ANIMALS, ENVIRONMENT, NUISANCE AND PESTS
LOCAL LAW 2019**

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ANIMALS, ENVIRONMENT, NUISANCE AND PESTS LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ANIMALS, ENVIRONMENT, NUISANCE & PESTS LOCAL LAW 2019

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on 26 February 2019 to make the following local law.

Part 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed or amended —

The *Town of Bassendean Health Local Law 2001*, published in the *Government Gazette* on 24 August 2001 are amended as follows:

1. Part 4, Division 1 is repealed;
2. Part 4, Division 2 clauses 4.15 and 4.16 are repealed;
3. Part 4, Division 3 is repealed;
4. Part 5, Division 1 is repealed;
5. Part 5, Division 2 is repealed;
6. Part 5, Division 3 is repealed;
7. Part 5, Division 4 is repealed; and
8. Part 6, is repealed.

1.5 Interpretation

(1) In this local law, unless the context specifies otherwise—

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 2015*;

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law caged

birds includes budgerigars, canaries, finches, quail, doves and other small birds;

Code of Practice—Pigeon Keeping means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003* as amended from time to time;

commercial wrecking means the activity of wrecking vehicles or machinery for the purpose of conducting a business by offering vehicles, machinery or parts thereof for

purchase, trade, sale or gain;

district means the district of the local government;

land includes any building or structure on the land;

local government means the Town of Bassendean;

lot has the meaning given to it by the *Planning and Development Act 2005*;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment by a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

other caged birds includes parrots, galahs, corellas and the like;

owner where used in relation to land, has the meaning given by the Local Government Act 1995;

permit means a permit issued under this local law;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Water and Environmental Regulation;

poultry includes fowls, peafowl, turkeys, geese, ducks, bantams and other domestic fowls;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

Schedule means a schedule to this local law;

thoroughfare means any highway or thoroughfare which the public are entitled to use, including the verge and other things including bridges and culverts appurtenant to it;

Commercial vehicle means a motor vehicle having a tare weight in excess of 3000 kilograms;

vehicle means any motor vehicle, part of a motor vehicle in a state of disrepair or in the process of being wrecked whether licensed or not; and

wreck includes the dismantling, breaking up, storage and disposal of vehicles.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.
- (3) Where in this local law a duty, obligation or liability is imposed on an owner or occupier the

duty shall be deemed to be imposed jointly and severally on each owner and occupier.

- (4) Where under this local law the local government is authorised to carry out actions or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, Subdivision 3 of the Act.

Part 2—KEEPING OF ANIMALS

Division 1 - Keeping of animals and birds

2.1 Interpretation

In this division, unless the context otherwise requires -

animal includes cats, dogs, rabbits, ferrets or the like; and

bird includes but is not limited to poultry, galahs, parrots, corellas, cockatoos and other Australian native birds, budgerigars, finches, pigeons and doves or the like.

2.2 Cleanliness

An owner or occupier of a premises, in or on which an animal or bird is kept shall –

- a) keep the premises free from excrement, filth, food waste and all other matter which is, or is likely to become offensive or attract rats or other vectors of disease;
- b) when so directed by local government, clean and disinfect the premises;
- c) keep the premises, so far as possible free from flies or other vectors of disease, by spraying with a residual insecticide or other effective means; and
- d) ensure the keeping of the animal or bird does not cause a nuisance and is not offensive or dangerous to health.

2.3 Animal enclosures

- (1) A person shall not keep or cause, or permit to be kept, any animal enclosure on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The local government may by notice in writing direct the owner or occupier require the surface of the ground of all enclosures used for the keeping of animals to be paved, graded and drained.

2.4 Disposal of dead animals

An owner or occupier of land on which there is a dead animal shall immediately dispose of the dead animal in such a manner as not to cause or be a nuisance to any person.

Division 2 - Keeping of large animals

2.5 Interpretation

In this Division, unless the context otherwise requires –

cow includes an ox, calf, or bull;

horse includes an ass, mule, donkey or pony; and

large animal includes a pig, sheep, goat, deer, llama, alpaca or camel.

2.6 Conditions for keeping of an animal

- (1) Subject to subsection (2) an owner or occupier of premises shall not keep or allow to be kept any horse, cow or large animal on those premises.
- (2) An owner or occupier of premises may upon written application to the local government, request permission to keep one or more sheep or horse.

The number of sheep or horses permitted by the local government shall be at a rate not greater than one horse or sheep per 2000 square metres of land set aside for the exclusive use of the sheep or horse.

- (3) The owner or occupier of premises with approval to keep sheep or horses, shall provide for their use a stable or enclosure which shall:
 - (a) not be situated within 30 metres of a dwelling;
 - (b) be constructed of an impervious material; and
 - (c) have a floor, constructed of cement, concrete or other similar impervious material with the upper surface of which at least 75mm above the surface of the ground.
- (4) The owner or occupier of any premises on which a stable is located shall:
 - (a) maintain the stable in a clean condition, free of insect pests, rodents and offensive odour;
 - (b) when so directed in writing by an authorised person, clean, wash and disinfect the stable; and
 - (c) when so directed in writing by an authorised person, spray the stable or such parts as may be directed, with a residual insecticide.

Division 3 - Keeping of poultry, pigeons and caged birds

2.7 Limitation on numbers of poultry and pigeons and caged birds

- (1) An owner or occupier of premises shall –
 - (a) subject to clause 1(b), not keep a combined total of more than 12 poultry or caged birds or 6 ducks without the written approval of the local government, on any one lot of land;
 - (b) not keep more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 75;
 - (c) subject to subsection (3), not keep any of the following:
 - (i) geese
 - (ii) a turkey
 - (iii) peafowl
 - (iv) rooster
 - (v) other caged birdson any land within the Town of Bassendean.
- (2) The local government may either reduce the approved number of poultry, pigeons or caged birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or caged birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.
- (3) The local government may, upon written application to it, grant approval to a person who is the owner or occupier of premises to keep on those premises, either a goose, gander, turkey, peafowl, rooster or other caged birds.
- (4) A person who has been granted approval under subsection (3) hereof, to keep a goose, gander, turkey, peafowl, rooster or other caged birds, on the premises may do so only

while he/she is the occupier thereof.

- (5) The local government may cancel the approval granted to an occupier under subsection (3) hereof, upon receipt of a justified complaint relating to the keeping of either a goose, gander, turkey, peafowl, rooster or other caged birds.

2.8 Conditions for keeping poultry in limited numbers

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that –
- (a) no poultry are kept within 9 metres of a neighbouring dwelling and 5 metres from an opening to a dwelling;
 - (b) no poultry approach within 9 metres of a public street, public building, commercial premises or food premises;
 - (c) all poultry are kept in an enclosure not closer than 1.2 metres to any property boundary, within which is a properly constructed, weatherproof structure for roosting, which shall:
 - (i) allow a minimum of 0.3 square metres of floor area per fowl;
 - (ii) have an impervious floor of 50 millimetre minimum thickness, graded to the front to facilitate easy cleaning;
 - (iii) be designed to allow easy access for cleaning; and
 - (iv) have the walls and roof constructed of an impervious material.
 - (d) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition;
 - (e) the enclosures have an otherwise unobstructed area of at least 20 square metres; and
 - (f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease when so directed by an authorised person.
- (2) An owner or occupier of premises, may upon written application to the Local Government, request permission to vary the provisions contained within 2.8(1) (a), (c) and/or (e).
- (3) Local Government may cancel the approval granted to an owner/occupier under subsection (2) hereof, upon receipt of a justified complaint relating to the conditions for keeping of poultry in limited numbers.

2.9 Conditions for keeping of pigeons in limited numbers

- (1) A person who keeps, or permits to be kept, pigeons shall ensure that:
- (a) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a public street, public building, commercial premises or food premises;
 - (b) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential dwelling;
 - (c) no pigeon loft is located within 1.2 metres of a boundary of an adjoining property;
 - (d) all structures used to house pigeons shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;
 - (e) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an authorised person;
 - (f) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease when so directed by an authorised person;
 - (g) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between specified hours of the day, if health or nuisance related problems become evident; and

- (h) where there is any discrepancy between this Section relating to the Keeping of Pigeons, cage-birds and other cage-birds and the Code of Practice – Pidgeon Keeping the higher standard of construction and hygiene shall prevail.

2.10 Removal of non-conforming structure or enclosure

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of sections 2.8 and 2.9 respectively, the local government may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary within the time specified in the notice.
- (2) Where a notice is issued under subclause (1), the requirements set out in the notice must be complied with within the period specified in the notice.

2.11 Restrictions on pigeon nesting or perching

- (1) The local government may by notice in writing direct the owner or occupier of a premises in which pigeons are in a habit of nesting or perching, to take such actions as the authorised person considers necessary to prevent them from continuing to do so.
- (2) Where a notice is issued under subclause (1), the requirements set out in the notice must be complied with within the period specified in the notice.

Part 3— LANDCARE

Division 1 – Liquid waste

3.1 Interpretation

In this division, unless the context otherwise requires:

Liquid refuse includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and

Liquid waste means bathroom, kitchen, scullery and laundry wastes, the contents of septic tanks, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

3.2 Deposit of liquid refuse

An owner and/or occupier of land shall take reasonable steps to -

- (a) contain all liquid refuse on the land; and
- (b) ensure no liquid refuse is released or escapes from the land, whether by means of wind, water or any other cause.

3.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall:
 - (a) provide one or more of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and

- (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one or more of the following methods:
- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator; or
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or the Local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

Division 2—Unightly land and disused materials

3.4 Removal of refuse and disused material

- (1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of any nature or kind which in the opinion of authorised person is likely to give the lot an untidy appearance and, or does not conform with the general appearance of other land in that part of the district.
- (2) The local government may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary to remove of refuse, rubbish or disused material from the lot within the time frame specified in the notice.

3.5 Removal of unsightly overgrowth of vegetation

- (1) The owner or occupier of a lot shall not permit to remain on a lot any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that part of the district.
- (2) The local government may give notice in writing to the owner or occupier of a lot to take such actions as the authorised person considers necessary to remove the overgrowth of vegetation within the time specified in the notice.

3.6 Storage of vehicles and machinery

The owner or occupier of a residential lot shall not –

- (a) store any vehicle, part or body of a vehicle, vessel or machinery in a state of disrepair;
- (b) allow to remain on any land, a vehicle, part or body of a vehicle, vessel, or machinery in a state of disrepair;
- (c) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery; unless-
 - (i) inside a building;
 - (ii) or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts of bodies of vehicles or machinery from the street and from adjoining properties; or
- (d) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

3.7 Commercial wrecking of vehicles

An owner or occupier of land in the district must not undertake, permit or suffer the commercial wrecking of vehicles on that land, without first having obtained written approval from the local government.

3.8 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first removing every door and lid and every lock, catch and hinge attached to a door or lid or otherwise rendering every door and lid incapable of being fastened.

Division 3 – Swimming pool backwash management

3.9 Disposal of swimming pool backwash

The owner or occupier of land on which a swimming pool is constructed shall ensure that backwash is not permitted to discharge onto or run-off onto adjacent land.

Part 4—NUISANCES

Division 1—Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that—

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land at a level that interferes unreasonably with normal daily activities; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

(1) Where—

- (a) floodlights or other exterior lights shine directly onto any other premises;
- (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land that interferes unreasonably with normal daily activities; or
- (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare

the local government may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary within the time specified in the notice.

(2) The notice referred to in subclause (1) may direct that—

- (a) floodlights or other exterior lights are used only during the hours specified in the notice;
- (b) the direction in which the lights shine be altered as specified in the notice; or
- (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance;
- (d) any combination of these measures that the local government believes to be appropriate to the circumstances.

Division 2—Smoke, fumes, odours and other emissions

4.4 Escape of smoke, fumes, odours and other emissions

- (1) An owner or occupier of land or premises shall take all reasonable steps not to cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.
- (2) Subsection (1) does not apply to odour from the use of organic fertilisers applied in accordance with the product label or in the case of bulk fertiliser in a manner as to minimise nuisance.

Division 3 – Commercial vehicle noise

4.5 Commercial vehicle noise from residential land

A person shall not start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the hours of 10.00 pm and 7.00 am on the following day without first obtaining the written approval of the local government.

Division 4—Bird nuisance

4.6 Restrictions on feeding of birds

- (1) A person shall not feed a pigeon, dove, ibis, raven, corella, lorikeet or other wild bird so as to cause a nuisance.
- (2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the local government may give notice to a person requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Part 5— PEST CONTROL

Division 1 – Flies

5.1 Interpretation

In this Division, unless the context otherwise requires:

"Flies" means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

5.2 Fly breeding matter not to be left on premises unless covered or treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on, or about the premises any matter or thing which is liable to attract, or be a breeding place for flies unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

5.3 Measures to be taken by an occupier

An occupier of premises shall ensure that:

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten animal and bird food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;

- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 200 millimetres of soil and compacted; and
- (h) excrement from pets is collected and properly disposed of without delay.

5.4 Local government may give notice directing measures to be taken

Where in the opinion of an authorised person flies are prevalent or are breeding on any premises, the local government may give to the owner or occupier of the premises a notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the authorised person are necessary to:

- (a) control the prevalence of flies;
- (b) effect the eradication of flies;
- (c) effectively prevent the breeding of flies.

Division 2 – Mosquitoes

5.5 Interpretation

In this Division, unless the context otherwise requires:

Mosquitoes means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

5.6 Premises to be kept free of mosquito breeding matter

An owner or occupier of premises shall keep the premises free of:

- (a) refuse; and
- (b) water located so as to be, liable to become the breeding place of mosquitoes.

5.7 Measures to be taken by an owner or occupier

An owner or occupier of premises:

- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water:
 - (i) stocked with mosquito predatory fish; or
 - (ii) covered with a film of petroleum oil or other larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel, shall:
 - (i) keep it protected with a mosquito-proof cover; and
 - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

5.8 Drains, channels, compensating basins and septic tanks

An owner or occupier of land shall:

- (a) cause all drains, channels and compensating basins in or on the land to be kept in good order and free of mosquito larvae; and or
- (b) where a septic tank is installed on the land:
 - (i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by the local government.
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

5.9 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall:

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land;
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that:
 - (i) the water on the land may flow into the drains without obstruction; and
 - (ii) no water shall remain on any portion of the land other than the drains; and
- (d) keep all drains in good order and free from obstruction.

5.10 Swimming pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by the local government:

- (a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or
- (b) chlorinate and adjust pH of the pool to:
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2 to 7.6; or
- (c) empty or drain the pool; or
- (d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and
- (e) maintain the pool water free of mosquito breeding.

Division 3 – Rodents

5.11 Interpretation

In this Division, unless the context otherwise requires:

rodents means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

5.12 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall:
 - (a) take effective measures to keep the premises free from rodents including:
 - (i) protecting food stuffs;
 - (ii) using a rodenticide bait or a properly baited trap; and
 - (iii) preventing rodents having access to water on the premises;
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall:
 - (i) if it is not already dead, kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance;
 - (c) take whatever measures for the eradication of rodents as an authorised person may from time to time direct.

5.13 Waste food etc.

An owner or occupier of premises shall:

- (a) not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment; and
- (b) follow any direction of the authorised person to dispose of fallen fruit, nuts or seed.

5.14 Restrictions on materials affording harbourage for rodents

- (1) An owner or occupier of premises shall cause:
 - (a) any part of the premises; or
 - (b) any material, sewer, pipe or other thing in or on the premises, that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for or harbourage of rodents.
- (2) The local government may by notice direct, an owner or occupier of premises to take whatever action that, in the opinion of an authorised person, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier of premises shall comply with a notice from, and within the time allowed by local government under this section.

Division 4 – Cockroaches

5.15 Interpretation

In this Division, unless the context otherwise requires:

Cockroach means any of the various *orthopterous* insects commonly known as cockroaches.

5.16 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including:
 - (a) washing and storing, immediately after use, cooking and eating utensils;
 - (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage; and
 - (c) whenever required by local government, treating any area with baits or other methods to eradicate cockroaches.

Division 5 - European Wasps

5.17 Interpretation

In this Division, unless the context otherwise requires:

European Wasp means a wasp *Vespula germanica*.

5.18 Measures to be taken to keep premises free from European wasp nests

An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall:

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;
- (b) follow any direction of an authorised person for the purpose of destroying the wasps and their nest; and
- (c) assist an authorised person to trace any nest that may be present in, on or about the premises.

Part 6—OBJECTIONS AND APPEALS

6.1 Objections and appeals

When the local government makes a decision under this local law as to whether it will -

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice;

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

Part 7 – ENFORCEMENT

Division 1 – Notices given under this local law

7.1 Notice of breach

- (1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such a breach.
- (2) A notice issued pursuant to subclause (1) shall—
 - a) specify the provision of this local law which has been breached;
 - b) specify the particulars of the breach; and
 - c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 7 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

7.2 Form of notices

Where this local law refers to the giving of a notice other than the giving of an infringement notice and no particular form is prescribed, it will be sufficient that the notice be in writing giving sufficient details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

Division 2 – Offences and Penalties

7.3 Offences and penalties

- (1) A person who—
 - (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law by the local government; or
 - (c) does anything which under this local law that person is prohibited from doing;

commits an offence.

- (2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (3) A person who commits an offence under this local law is liable to a maximum penalty of \$5000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Division 3 – Infringement Notices and Modified Penalties

7.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1—
 - (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Schedule 1; and
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Schedule 1.

7.5 Form of infringement notices

For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

**Schedule 1 – Prescribed Offences
[Clause 7.4]**

Item	Clause	Description of offence	Modified penalty - first offence	Modified penalty - subsequent offence
1.	2.2	Failing to keep an animal or bird in accordance with a condition of this local law	\$250	\$500
2.	2.3(1)	Failing to maintain an animal enclosure	\$250	\$500
3.	2.4	Failing to immediately dispose of a dead animal in a manner as not to cause a nuisance	\$250	\$500
4.	2.6	Failing to keep an animal in accordance with conditions of this local law	\$250	\$500
5.	2.7(1)(a)	Keeping more than 12 poultry or caged birds	\$250	\$500
6.	2.7(1)(c)	Keeping of a goose or gander, turkey, peafowl, rooster or other caged without written permission of the local government	\$250	\$500
7.	2.8	Failing to keep poultry in accordance with conditions of this local laws	\$250	\$500
8.	2.9	Failing to keep pigeons in accordance with conditions of this local laws	\$250	\$500
9.	2.10(2)	Failing to comply with a notice to remove non-conforming structure or enclosure	\$250	\$500
10.	2.11(2)	Failing to comply with a notice issued to prevent pigeons nesting or perching	\$250	\$500
11.	3.2	Release of liquid refuse from the land	\$250	\$500
12.	3.3(2)	Failing to dispose of liquid waste in an approved manner	\$250	\$500
13.	3.4(1)	Keeping or allowing to be kept on a lot refuse, rubbish or disused material giving the land an untidy appearance	\$250	\$500
14.	3.5(1)	Keeping or allowing to be kept on a lot unsightly overgrowth of vegetation giving the land an untidy appearance	\$250	\$500
15.	3.6(a)	Storing on a lot a vehicle, part or body of a vehicle or machinery in a state of disrepair	\$250	\$500
16.	3.6(b)	Storing or allowing to remain on land, a vehicle, part or body of a vehicle or machinery in a state of disrepair	\$250	\$500
17.	3.6(c)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	\$250	\$500
18.	3.6(c)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	\$250	\$500
19.	3.6(d)	Wrecking, dismantling or breaking up a vehicle, vessel or machinery so as to cause a nuisance	\$250	\$500
20.	3.7	Commercial wrecking of vehicles on land without local government approval	\$250	\$500
21.	3.8	Disposing of disused refrigerator or similar container with door or lid that can be fastened	\$250	\$500
22.	3.9	Discharging swimming pool backwash onto adjacent land	\$250	\$500

23.	4.1	Erection or use of lighting installations other than in accordance with this local law	\$250	\$500
24.	4.2(a) & (b)	Permit the emission or reflection of light	\$250	\$500
25.	4.4(1)	Allowed the escape of smoke, fumes, odour and other emissions so as to cause a nuisance	\$250	\$500
26.	4.5	Use of a commercial vehicle other than in accordance with this local law	\$250	\$500
27.	4.6(1)	Feeding a bird so as to cause or create a nuisance	\$250	\$500
28.	5.2	Failing to keep premises free of fly breeding matter	\$250	\$500
29.	5.3	Failing to comply with conditions of this local law preventing fly breeding	\$250	\$500
30.	5.6	Failing to keep premises free of mosquito breeding matter	\$250	\$500
31.	5.7	Failing to comply with a condition of this local law to prevent mosquito breeding	\$250	\$500
32.	5.8	Failing to maintain a drain, channel, compensating basin or septic tank in accordance with a condition of this local law	\$250	\$500
40.	5.9	Failing to drain land	\$250	\$500
41.	5.10	Failing to comply with a notice of the local government	\$250	\$500
42.	5.12(1)	Failing to take effective measures to eradicate rodents in or on the premises	\$250	\$500
43.	5.12(2)	Failing to take measures to eradicate rodents in accordance with this local law	\$250	\$500
44.	5.13(a)	Failing to prevent access by rodents to waste food, refuse or other waste	\$250	\$500
45.	5.13(b)	Failing to follow a direction to dispose of fallen fruit, nuts or seed	\$250	\$500
46.	5.14(1)	Failing to alter, repair, protect, remove or otherwise deal with part of a premises or other thing on the premises used as access for or harbourage of rodents	\$250	\$500
47.	5.16(1)	Failing to take effective measures to eradicate cockroaches	\$250	\$500
48.	5.18	Failing to ensure premises is free of European Wasp nests	\$250	\$500

Dated:

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

R. McLENNAN Mayor.

P. MABBS Chief Executive Officer.

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PART 5 - NUISANCES AND GENERAL – Transferring this Part to the Animals, Environment, Nuisance and Pests Local Law 2019 with amendments as summarised below.

Division 1 - Nuisances

- 5.1 INTERPRETATION
- 5.2 FOOTPATHS ETC, TO BE KEPT CLEAN REPEAL – Repealing. The issues in this clause are adequately covered by other legislation.
- 5.3 ESCAPE OF SMOKE, ETC.
- 5.4 PUBLIC VEHICLES TO BE KEPT CLEAN – Repealing. This clause is obsolete
- 5.5 PROHIBITION AGAINST SPITTING – Repealing. The clause is no longer contemporary, difficult to enforce and should be repealed.
- 5.6 TRANSPORTATION, USE AND STORAGE OF OFFAL OR BLOOD – Repealing. The issue in this clause is adequately covered by other legislation and licensing requirements.
- 5.7 USE OR STORAGE OF FERTILISER – Repealing. The issues in this clause can be addressed through other mechanisms.
- 5.8 STORAGE AND DESPATCH OF ARTIFICIAL FERTILISER – Repealing. These matters can be managed through other legislation.
- 5.9 STORAGE OF FERTILISER REPEAL - Repealing. This issue can be managed through other legislation.

Division 2 - Keeping of Animals

- 5.10 CLEANLINESS
- 5.11 ANIMAL ENCLOSURES
- 5.12 SLAUGHTER OF ANIMALS – Repealing. The existing clause prevents the practice of slaughtering one's poultry for food. This practice has a long history and may still occur. The risk of nuisance should this practice continue is negligible and were it to occur it may be managed through other legislation.
- 5.13 DISPOSAL OF DEAD ANIMALS – Amending. The existing clause has been modified to accommodate the burial of one's pets on private property. The existing provisions requires the disposal of dead animals at an approved facility. Health Services does not see a risk in the infrequent burial of small animals on one's property.

Division 3 - Keeping of Large Animals

- 5.14 INTERPRETATION – Amending . The definition of 'approved animal' is deleted as not required.
- 5.15 KEEPING OF LARGE ANIMALS – Amending. The stocking rate for the keeping of sheep and horses has been reworded and simplified with a flat stocking rate of 2000m² of land for the exclusive use of that animal being the standard. The Town's Health Services is not aware of any horses or sheep being kept within the Towns boundaries however some of the larger properties, close to the river have previously stocked these animals and may wish to do so in the future .

The requirements associated with the construction of stables and sheep enclosures is also amended to be less prescriptive and more contemporary.

- 5.16 PROXIMITY OF ANIMALS TO A DWELLING HOUSE –Amending –to amend the set-back distance from a stable or sheep enclosure to a dwelling from 15 meters to 30 meters.

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

5.18 INTERPRETATION

- 5.19 LIMITATION ON NUMBERS OF POULTRY, PIGEONS AND CAGE-BIRDS – Amending. The number of poultry or other caged birds permitted to be kept without the written approval of the local government is to be reduced from 20 to 12. The current limit of 20 birds originates at least as far back as the Model By-Law Series A of 1963. Reducing the number to 12 will bring the Town into line with other similar local government and is a number more suited to today's smaller lot sizes .

5.20 CONDITIONS OF KEEPING POULTRY

- 5.21 CONDITIONS OF KEEPING PIGEONS, CAGE-BIRDS AND OTHER CAGE-BIRDS – Amending. The provision relating to the setback of poultry enclosures to a dwelling of 9 metres to any dwelling will be amended to 9 metres from a neighbouring dwelling and 5 metres to the opening of the dwelling of the person keeping the poultry. The intent of this change is to allow for greater opportunity for residents to keep poultry on smaller parcels of land whilst maintaining the amenity of their neighbours i.e. odour, flies, noise and vermin which are commonly associated with the keeping of poultry.

5.22 REMOVAL OF NON-CONFORMING STRUCTURE OR ENCLOSURE

5.23 RESTRICTIONS ON PIGEON NESTING, PERCHING AND FEEDING

Division 5 - Car Parks

5.24 INTERPRETATION

5.25 VENTILATION

5.26 EXHAUST AIR DISCHARGE POINTS AND EXHAUST REGISTERS

5.27 CAR PARK ATTENDANT BOOTHS

PART 6 - PEST CONTROL - Transferring these divisions to the Animals, Environment, Nuisance and Pest Local Law 2019 with amendments as summarised below.

Division 1 – Flies

6.1 INTERPRETATION

6.2 FLY BREEDING MATTER NOT TO BE LEFT ON PREMISES

6.3 MEASURES TO BE TAKEN BY AN OCCUPIER

6.4 OFFICER MAY GIVE NOTICE DIRECTING MEASURES TO BE TAKEN

- 6.5 LOCAL GOVERNMENT MAY EXECUTE WORK AND RECOVER COSTS – Repealing. The existing clause, were it to be applied would be viewed as an overstep by Local Government, that is

to enter onto private property to complete works to eradicate flies given the low level of fly breeding that could take place within a domestic setting.

Division 2 - Mosquitoes

- 6.6 INTERPRETATION
- 6.7 PREMISES TO BE KEPT FREE OF MOSQUITO BREEDING MATTER
- 6.8 MEASURES TO BE TAKEN BY AN OWNER OR OCCUPIER
- 6.9 MEASURES TO BE TAKEN BY OCCUPIER – Repealing. The issues in this clause can be addressed through clause 6.7.
- 6.10 REMOVAL OF UNDERGROWTH OR VEGETATION - Repealing. This clause is not in keeping with the focus of the Towns Mosquito Control and Prevention program. Although vegetation and under-growth can harbour mosquitoes so do structures and the like. The removal of vegetation would also be inconsistent with Councils endeavour to increase tree canopy coverage.
- 6.11 FILLING IN EXCAVATIONS, ETC.– Repealing. The issues contained in this clause can be addressed through clause 6.13.
- 6.12 DRAINS, CHANNELS AND SEPTIC TANKS - Amending. The term ‘compensating basins’ has been included in this clause to address mosquito breeding that occurs from time to time within Water Corporation compensating basins.
- 6.13 DRAINAGE OF LAND
- 6.14 SWIMMING POOLS

Division 3 - Rodents

- 6.15 INTERPRETATION
- 6.16 MEASURES TO BE TAKEN TO ERADICATE RODENTS
- 6.17 WASTE FOOD ETC, TO BE KEPT IN RODENT PROOF RECEPTACLES
- 6.18 RESTRICTIONS ON MATERIALS AFFORDING HARBOURAGE FOR RODENTS
- 6.19 FOOD PREMISES ETC, TO BE CLEANED AFTER USE – Repealing. Rodent activity within food businesses is addressed by the Food Act 2008.
- 6.20 RESTRICTIONS ON THE SALE OR KEEPING OF RATS REPEAL – Repealing. People do keep rats as pets without causing issues and this should not be deterred. Were a nuisance to occur then they can be addressed by other means. Currently, rats can only be kept on the premises where it is in relation to scientific or medical research.

Division 4 - Cockroaches

- 6.21 INTERPRETATION
- 6.22 MEASURES TO BE TAKEN TO ERADICATE COCKROACHES

Division 5 - European Wasps

- 6.23 INTERPRETATION

6.24 MEASURES TO BE TAKEN TO KEEP PREMISES FREE FROM EUROPEAN WASP NESTS

Division 6 – Arthropod Vectors of Disease – Repealing. This Division covers pubic lice, head lice, body lice, fleas and bed bugs. These vectors are dealt with through existing Public Health, Pharmacy and Community Health Services.

6.25 INTERPRETATION

6.26 RESPONSIBILITY OF THE OWNER OR OCCUPIER

PART 7 - INFECTIOUS DISEASES

PART 8 - LODGING HOUSES

PART 9 - OFFENSIVE TRADES

PART 10 –OFFENCES, PENALTIES, FEES AND EXPENSES

ATTACHMENT NO. 6

Town of Bassendean
Local Planning Scheme No. 10
Scheme Amendment Report
Amendment No. 11

Report Prepared by the Town of Bassendean

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- | | |
|-----------------------------|---|
| 1. Local Authority: | Town of Bassendean |
| 2. Description of Scheme: | Local Planning Scheme No. 10 |
| 3. Type of Scheme: | District Zoning Scheme |
| 4. Serial No. of Amendment: | Amendment No. 11 |
| 5. Proposal | The proposed amendment seeks to amend Table 1 – Zoning Table, of Local Planning Scheme No. 10, to modify the land use permissibility of ‘Convenience Store’ and ‘Service Station’ in the ‘Town Centre’ and ‘Local Shopping’ zones to use that is not permitted ‘X’ use within these zones. The amended zoning table will read as follows: |

Use Class	Zones	
	Town Centre Zone	Local Shopping Zone
Convenience Store	X	X
Service Station	X	X

Dated this day of 2019

.....

Chief Executive Officer

1. Purpose

This amendment has been proposed to ensure that:

- 'Convenience Store' and 'Service Station' land use activities that provide for the sale of petroleum products (fuel) will not be permitted within the 'Town Centre' zone and 'Local Shopping' zone; and
- The change of permissibility to the Convenience Store and/or Service Station will not prevent the retailing of convenience goods and products in the 'Town Centre' and 'Local Shopping' zone.

2. Background

The Convenience Store land use activities is currently considered a 'P' land use and Service Station is considered an 'A' land use within the Town Centre and Local Shopping zones. These land use activities often create conflict with adjoining land uses.

Subsequently Council, at their ordinary meeting held on the 17 December 2018, unanimously resolved to:

1. *"Requests staff review and commence the process of changing the permitted use of properties zoned Local Shopping Centre to prohibit development of 'Convenience Stores Providing for the Sale of Fuel and Convenience Goods' and 'Service Stations' at undesirable locations within the Town; and*
2. *Requests staff to review and commence the process of changing the permitted use of properties zoned Town Centre to prohibit development of 'Convenience Stores Providing for the Sale of Fuel and Convenience Goods' and 'Service Stations' at undesirable locations within the Town's Central Business District."*

This request was made by Councillors on behalf the community due to the number of expressed concerns with respect to development involving the sale of fuel & petroleum products and their proximity to adjoining and nearby or adjoining/adjacent sensitive land uses, which was highlighted with an application for a Convenience Store providing for the sale of fuel and convenience goods at Lot 75 (No. 72) Walter Road East (Corner Marion Street), Eden Hill, which was refused at a meeting of the Metro Central Joint Development Assessment Panel on 27 November 2018.

The minuted reasons for refusal suggested that it is timely for the Town to now initiate a review of permitted land uses to ascertain the suitability of these types of businesses in various locations with a view to minimize potential conflicts between adjoining land uses and road networks.

3. Report

Objectives of the Zones

Town Centre Zone

The general objectives of the Town Centre zone are to promote, facilitate and strengthen the Town Centre zone as the principal focus of the district, mainly in terms of shopping, professional, administrative, cultural, entertainment and other business activities. Subsidiary objectives are to ensure the development conforms with the Towns Local Planning Strategy and Local Planning Policies where applicable to the Town Centre.

The Town has developed a Town Centre Strategy which includes guidelines for development that further refines the objectives of the zone.

The Convenience Store and Service Station land uses are not consistent with objectives of the zone, namely they do not confirm with the intent of the Town Centre Strategy and Guidelines. The guidelines seek to focus on mixed use, compatible developments focusing on intense people spaces and reduced car dependency, which a service station and/or convenience store do not promote. This is discussed in further detail in the report.

Land use activities that involve the retailing of convenience goods and products, but do not include the retailing of petroleum products will still be permitted land use activities within the Town Centre and will remain consistent with the objectives of the zone.

Local Shopping Zone

There are four objectives of the Local Shopping Zone, these are:

- a) *"To provide for the local retail and service needs of the locality;*
- b) *To ensure that the local needs of residents are met, whilst maintaining a retail hierarchy to ensure that the catchment of the Town Centre zone is not adversely affected;*
- c) *To ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage;*
- d) *To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council."*

There are essentially three precincts within the Town by which the 'Local Shopping' Zoning applies, for the purpose of this report they are referred to as: The Walter Road East; the Colstoun Road shops; and the Corner of Ivanhoe and Morley Drive East. Should

this amendment be approved, the three precincts will still have the scope to facilitate land use activities that involve the retailing of convenience goods and products (i.e. a Shop or Corner Shop) consistent with the objectives of the zone.

In the opinion of the Town the locations whereby the Local Shopping Zoning applies are inappropriate to facilitate a Convenience Store and/or Service Station land use activity, and any proposal that involves the sale of petroleum products will create conflict with the community.

The conflict and concern these land use activities create within the community was highlighted during the assessment process for the recently considered application for a proposed 'Convenience Store' at Lot 75 (No. 72) Walter Road East, Eden Hill, which was subsequently refused at a meeting of the Metro Central Joint Development Assessment Panel. This is discussed further within the report.

Environmental Protection Authority (EPA) – Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No. 3 (June 2005)

The purpose of the EPA's guidance statement is to provide advice about the minimum requirements in which the EPA would expect to be met when the authority considers a proposal or scheme during the Environmental Impact Assessment (EIA) process. The document provides the generic separation distances between industrial activities and sensitive land uses where the industry may have the potential to affect the amenity of a sensitive land use. Whilst the document does not specify a recommended separation distance for a Convenience Store land use, it does for a Service Station. There is a precedence set that the same separation distances are applied to a Convenience Store given the impacts of the activities are the same. Table 1 outlines the recommended separation distances between the industry and the sensitive land uses.

Industry	Description of Industry	Emissions type or risk	Recommended separation distance in metres
Service Station	For premises operating during normal hours, i.e. Monday – Saturday from 0700-1900 hours	Gaseous, noise, odour, risk	50m
	Freeway service centre (24 hour operations)	Gaseous, noise, odour, risk	100m
	All other 24 hour operations	Gaseous, noise, odour, risk	200m

Table 1 - Recommended Separation Distances Between Industrial and Sensitive Land Uses

Land uses that are considered to be sensitive to emissions from industries include residential developments (single dwelling, grouped dwellings, and multiple dwellings), hospitals, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings.

A significant majority (if not all) of the Town Centre one and Local Shopping zones are within the 50m minimum recommended separation distance to a sensitive land use. Given there is also a trend towards these types of activities being 24 hour operations, it is recommended that a separation distance of 200m is achieved. This cannot be achieved in any development site within these zones

Any new development for a Service Station or Convenience Store will likely fail to achieve compliance with the recommended minimum separation distances, posing a risk to the amenity of the sensitive land uses through potential exposure gaseous, noise, odour and risk emissions. On this basis alone the land use activities should not be permissible within the Towns Town Centre and Local Shopping zones.

Local Planning Strategy

The purpose of the Towns Local Planning Strategy is to enable Council and the community to set out the vision for the Town of Bassendean, with set achievable objectives with a particular emphasis in relation to population, housing, industry and commercial development.

The Towns Local Planning Strategy was originally approved in 2008, however changes to the Strategy were endorsed by the WAPC in December of 2014 and subsequently finalized in February of 2015. The Strategy includes a Commercial strategy that outlines objectives for the commercial zones within Bassendean. The commercial strategy includes but was not limited to the following objectives

- To promote the improvement of amenity and services of local shops at an appropriate scale and facilitate integration with medium density housing developments where suitable.
- Identify the Eden Hill, Walter Road and Ashfield Local Centres as Local Shopping zones under the Local Planning Scheme and make provision for limited retail and commercial uses to service local needs only.

Allowing a service station or convenience store in the Town Centre or Local Shopping Zone is viewed as being contrary to the directions advocated in the Local Planning Strategy. Furthermore, there is a general trend towards mixed use development within the commercial zones which is facilitated by the Local Planning Scheme, but which petrol station developments are in conflict with.

200m separation distances. Any development within the buffer would pose an unnecessary risk to the amenity of the sensitive receptors through potential exposures to gaseous, noise, odour and risk emissions.

The Town recently considered a proposed 'Convenience Store' on the northern side of Walter Road East, at Lot 75 (No. 72) Walter Road East, Eden Hill. The application was subsequently refused by the Joint Development Assessment Panel in November of 2018 primarily for its proximity to adjoining sensitive land uses (the adjoining primary school and residential development) which would result in amenity impacts; and the constricted small site which would have resulted in severe maneuverability and traffic safety issues, should the development have been approved. Any future development proposal encompassing the same activity will likely experience the same amenity impact issues.

Colstoun Road Shops – Local Shopping Zone

The Colstoun Road Local Shopping zone comprises of four small lots at the corner of Maidos Street and Colstoun Road, opposite Ashfield Reserve, as highlighted in figure 2. The zone is significantly restricted due to its small size, and realistically it would be unable to support the construction of a Service Station or Convenience Store' without severe restrictions on maneuverability (similar to the Walter Road East (North) site).



Figure 2 - Colstoun Road Shops - Local Shopping Zoning

Furthermore, the lots within the zone directly abuts residential developments (sensitive land use), making it impossible for any future proposed service station/convenience store to achieve the recommended minimum 50m-200m separation distances posing a risk to the amenity of those nearby land uses/residences. Therefore, the zone is considered inappropriate for land use activities involving the retailing of petroleum products.

Morley Drive East – Local Shopping Zone

The Morley Drive East Local Shopping zone comprises of two lots at the corner of Morley Drive East & Ivanhoe Street, as highlighted in figure 3. The development site is separated from nearby residential land by a 12m wide road reserve to the east and a 30m wide road reserve to the north and west, and abuts a reserve for recreational purposes to the south. It remains unlikely that the minimum separation distances recommended by the EPA to sensitive land uses will be achieved. Therefore, the sites are considered inappropriate for a Service Station and/or Convenience Store land use.

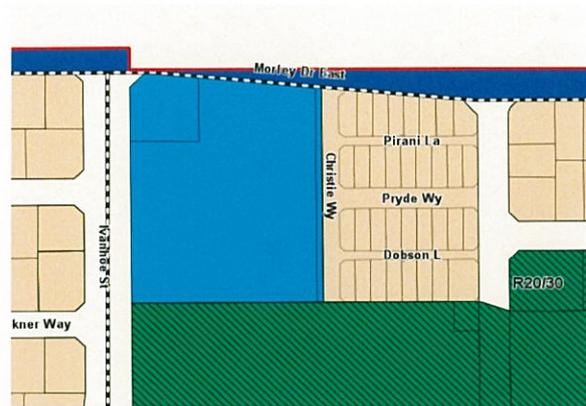


Figure 3 - Morley Drive East - Local Shopping Zone

Furthermore, Council at their ordinary Council Meeting held on the 27 November 2018 considered a proposed concept plan for the two lots, being Lot 5 (No. 246) and Lot 4 (No. 248) Morley Drive East. The plan outlines the strategic planning for the site and how the future redevelopment concept aligns with the future direction for the area, in particular the need and nexus for the type and scale of land uses proposed.

The draft concept plan proposes a mixed use activity centre comprising of the following:

- A 3000m² supermarket;
- 310m² of retail and commercial floor spaces;
- 450m² for fast food and beverages; and
- Medium density residential development.

The concept plan has not been designed in a manner to support a Service Station and/or Convenience Store land use as highlighted in figure 4.



Legend

■	Supermarket
■	Retail/ Commercial F&B
■	Townhouse/ Apartment
Total 3,500m ²	
Total Approx. Car Bays 165 Bays (4.75 Bays / 100m ²)	

Figure 4: Eden Hill Draft Concept Plan



Existing Number of Service Stations/Convenience Stores

Within the boundary of the Town of Bassendean there is one service station (No. 309 Guildford Road, Bassendean) and two convenience stores (No. 310 Collier Road, Bassendean & Unit 1, No. 335 Collier Road, Bassendean) that already exist, none of which are located within the Town Centre or Local Shopping zones.

The existing convenience stores are relatively new developments and are appropriately located within the Bassendean Industrial Area, whilst the existing service station on Guildford Road is a long standing development (operating since the 1950s) within residential zoned land and is subject to an 'Additional Use' in accordance with Schedule 2 of the Towns Local Planning Scheme.

In addition, to the existing facilities within the Town, there are several other service stations/convenience stores within close proximity to the Towns district borders. No more than 500m beyond the Towns borders exists a further 2 petrol stations (No. 502 Guildford Road, Bayswater & No. 157 Morley Drive East, Kiara) and no further than 1000m is a third service station/convenience store in Guildford (20 Johnston Street, Guildford). All three outlets outside the Towns borders remain easily accessible to the Towns residents.

Should the proposed amendment to the use class permissibility of a service station and/or convenience store within the Town Centre and Local Shopping zones be initiated, adopted and eventually approved the Minister of Planning these existing operations will not be impacted as a direct result and there would still be scope for the Town to consider these land use activities in more appropriate locations such as the Towns 'Light Industry' and/or 'General Industry' zones. The Town is satisfied there is an adequate number of outlets easily accessible to its residents should they require petroleum products.

4. Conclusion

Permitting land use activities that involve the sale of petroleum products within the Town Centre and Local Shopping zones will contradict the objectives of the zones, as well as creating conflict with adjoining sensitive land uses. This goes against the principles of proper and orderly planning. The proposed change in permissibility will not have any detrimental impacts on the function of the Towns commercial zones.

The zones will still be able to support a range of land uses that will support retailing of convenience goods and products. For example, the Corner Shop and Shop land use activities will remain permitted, allowing the retailing of convenience goods, even though the convenience store land use will be prohibited. The Convenience Store land use would remain a 'D' use and a Service Station would remain an 'A' use within the 'Light Industry' and 'General Industry' zones.

The two convenience stores and solitary service station existing within the Town will not be affected by the amendment and will continue to operate.

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF BASSENDEAN

LOCAL PLANNING SCHEME 10

AMENDMENT NO. 11

The Bassendean Town Council under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act, 2005, hereby amends the above local planning scheme by:

1. Amending the zoning table as follows:

Use Class	Zones	
	Town Centre Zone	Local Shopping Zone
Convenience Store	X	X
Service Station	X	X

ADOPTION

Adopted by resolution of the Council of the Town of Bassendean at the Ordinary Meeting of the Council held on the ____ day of _____ 2019.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted by Resolution of the local government of the Town of Bassendean at the Ordinary Meeting of Council held on the ___ day of _____, _____, and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

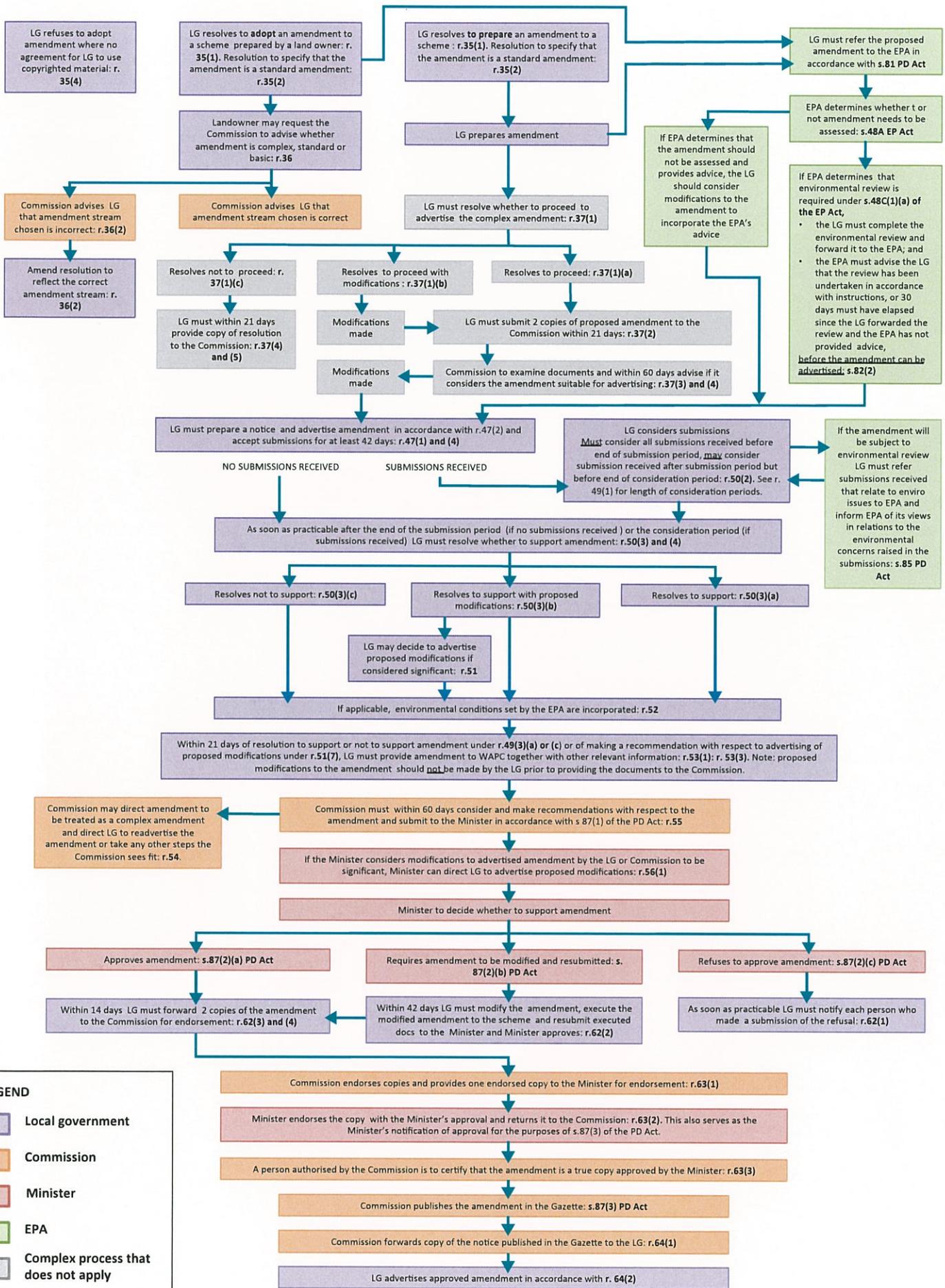
Date.....

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

Date.....

Process for standard amendments to local planning schemes flowchart



LEGEND

- Local government
- Commission
- Minister
- EPA
- Complex process that does not apply

ATTACHMENT NO. 7

PETITION COVER PAGE
 First page of petition – attach additional pages as required.

*Tabled @
 Ordinary Council
 Meeting 18 Dec '18.*

To: The Mayor
 Town of Bassendean
 35 Old Perth Road
 BASSENDEAN WA 6054

We the undersigned rate payers of the Town of Bassendean request – The lane way between Guildford rd and Kenny/Kathleen st is not legally accessible by many of the homeowners and businesses who use it for essential access. We request that the Town of Bassendean make a request to the Minister of lands to dedicate the lane as a public road.

_____ (clearly define purpose)

for the following reasons This laneway is essential vehicle access for many of the homeowners with properties with a boundary on the laneway. _____ (produce summary of reasons supporting requests)

As the initiator of this petition, my name is Callan White _____ and I can be contacted at 18a Watson st, Bassendean , 0424187719 _____ (Address and phone contact) for further information in relation to this matter.

(As per clause 6.11 of the Town of Bassendean Standing Orders Local Law 2011, each additional page must contain the terms of the petition.)

Name	Address	Signature	Date
Jacinta (Woochig) (Binstow-Baohm)	16 kenny Street Bassendean WA 6054	<i>[Signature]</i>	8/12/18.
Mary Dinneen	173 Guildford Rd Bassendean 6054	<i>[Signature]</i>	8/12/18
Catherine Manner	24 Kenny St, Bassendean WA 6054	<i>[Signature]</i>	8/12/18
JOHN RODGERS	144 GUILDFORD ROAD BASSENDEAN	<i>[Signature]</i>	8/12/18
John Wainman	5 Palmerston SE, Bassendean	<i>[Signature]</i>	8-12-18
MARK TAYLOR	7 PALMERSTON ST BASSENDEAN	<i>[Signature]</i>	8,12,18
Callan White	14 kenny st Bassendean	<i>[Signature]</i>	8,12/18
JOSEPHINE MUNYAI	10 KATHLEEN ST BASSENDEAN	<i>[Signature]</i>	9/12/18

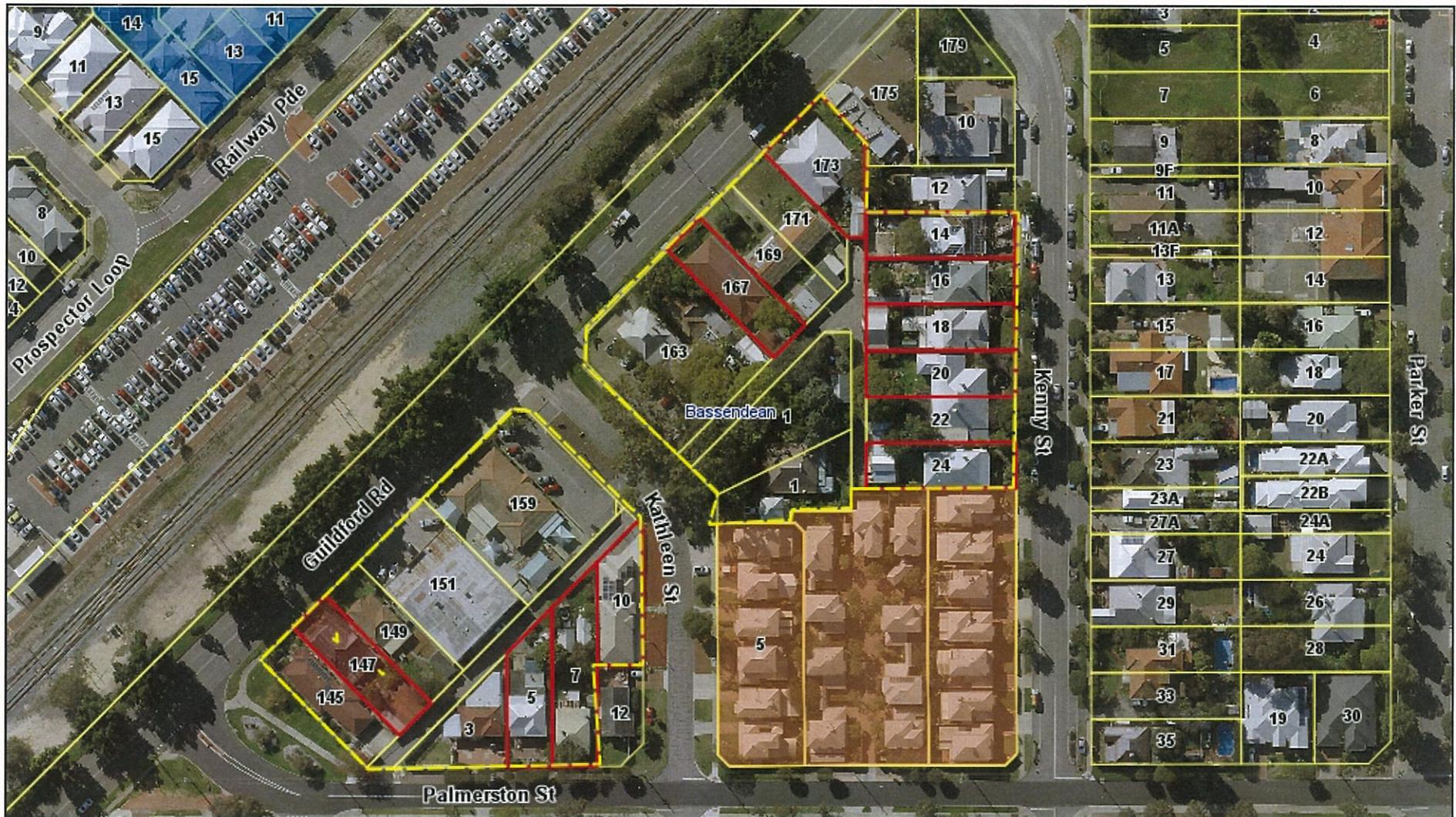


147 - away
 147 -
 145 - gate - for sale
 159 - mechanic
 161 - childcare center
 163 - WA vascular
 165 - vacant
 171 rental
 169 x
 167 Entry of row
 18 x
 16 x
 16 x
 Kennedy
 Josephine Murray
 0404115877

22
 16 total

3 left petition
 5 not home
 7 - dog
 Palmarston
 10 - for sale w house
 Kahlbeer

Gulldford




 Town of Bassendean
 35 Old Perth Road
 Bassendean WA 6054
 Phone: 9377 8000
 Fax: 9279 4257
 Email: mail@bassendean.wa.gov.au

Disclaimer: The Town Of Bassendean accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. This map is based on information provided by and with the permission of the Western Australian Land Information Authority.

Kenny Street ROW

7/01/2019

Scale: 1:1500



ATTACHMENT NO. 8

Community Groups Fund - APPLICATION FORM

NAME OF APPLICANT GROUP: **Eden Hill Community Action Network Inc. (Eden Hill CAN)**

NAME OF EVENT: **Eden Hill CAN group running costs 2018-19 financial year and Eden Hill Neighbour Day Event**

TYPE OF APPLICANT GROUP: **Incorporated charitable (non-profit) organisation**

CONTACT PERSON: (Must be over 18yrs)

Name: **Christina Carey**

Position /Role: **Chairperson, Eden Hill Community Action Network Inc.**

POSTAL ADDRESS (For Invoices): **12 Kirke Street Eden Hill WA 6054**

PHYSICAL ADDRESS: **As Above**

Suburb

Postal Code

E-mail: **EdenHillCAN@gmail.com**

Work Phone: **08 9480 3677**

Home Phone: NA

Mobile: **0400 226 963**

HAS THE APPLICANT APPLIED FOR OTHER FUNDING FROM COUNCIL OR ANY OTHER FUNDING BODY FOR THIS PROJECT?

~~YES~~ **NO**

IS THE APPLICANT GROUP REGISTERED FOR GST?

~~YES~~ **NO**

DOES THE APPLICANT GROUP HAVE AN AUSTRALIAN BUSINESS NUMBER (ABN)?

~~If YES ABN is:~~ _____ **NO**

IS THE APPLICANT GROUP INCORPORATED?

YES ~~NO~~

Incorporation number on top of incorporation certificate is: **A1026340V**

DOES THE APPLICANT GROUP HAVE CURRENT PUBLIC LIABILITY INSURANCE?

YES (See Appendix 1) ~~NO~~

PROJECT DESCRIPTION (Brief description of overall project – 150 words max):

Funding is requested for the cost of incorporation of the Eden Hill Community Action Network Inc (Eden Hill CAN), Volunteer and Public Liability Insurance costs, website establishment and running costs along with the printing of two editions of the Eden Hill CAN newsletter. Approximately 2,000 copies will be printed of each edition of the newsletter and distributed to all households in Eden Hill. The website and newsletter aim to keep residents informed of local news and events and encourage residents to engage in the Eden Hill and wider Town of Bassendean community.

The Eden Hill CAN Neighbour Day event will coincide the national Neighbour Day on Sunday 31st of March. In line with 2019 Neighbour Day theme of 'Loneliness: what neighbours can do to create connections' the event aims to connect people in the Eden Hill community. The event will consist of a free morning tea, entertainment and a small number of various 'market' stalls at Mary Crescent Reserve Eden Hill. A number of the stalls will be allocated to local sporting or other community groups, giving attendees an opportunity to engage with these groups.

BRIEF BACKGROUND OF ORGANISATION (Purpose, how long in operation, etc):

Following the successful model of the Ashfield CAN, the Eden Hill Community Action Network was launched in April 2018 and became incorporated in September 2018. The group aims to encourage, support and promote a safe, engaged, connected and culturally vibrant Eden Hill Community. Specifically the group aims to keep community members informed of local issues and news via our Facebook page, a website and regular edition of a newsletter distributed to all Eden Hill households. Through these mediums, the group aims to encourage and facilitate feedback or engagement with local issues where applicable. The group also aims to build connections between community members through local events and activities in order to help create a safe and culturally vibrant community and support the wellbeing of its members.

PROJECT OUTCOMES:

An Eden Hill CAN website and newsletter will enable community members to stay up-to-date with local news and events and it is hoped this will encourage community members to actively engage on local issues. This will assist in fostering a sense of connection and community within Eden Hill and the wider Town of Bassendean Community. Promoting local events through the website and newsletter will provide opportunities for individuals to engage with their neighbours the wider Eden Hill community. It is hoped that these medium will better spread the word of local events and result in greater levels of attendance.

The Eden Hill CAN Neighbour Day event will provide a much needed local event for Eden Hill and will give community members an opportunity to meet and connect with each other. This will help foster a sense of connection and community which is beneficial for wellbeing. As mentioned a number of the stall at the event will be allocated to local sporting or other community groups. Not only will this encourage attendees to engage with these groups but will also be beneficial for the groups by increasing their profile and potentially membership.

This project addresses the following Objectivities in the Town of Bassendean *Strategic Community Plan 2017-2027*:

- 1.1 Build a sense of place and belonging
- 1.2 Ensure all community members have the opportunity to be active, socialise and be connected
- 1.3 Plan for a healthy and safe community
- 3.2 Enhance connectivity between places and people.

WHAT RELATIONSHIP DOES YOUR ORGANISATION HAVE WITH OTHER SERVICES WITHIN THE COMMUNITY?

The Eden Hill CAN has a strong and positive working relationship with the Town of Bassendean. Eden Hill CAN has formed a positive relationship with the Bassendean Caledonians Soccer Club (Soccer Club) which supported the successful 2018 Eden Hill Community Christmas Party. The Soccer Club are continuing to support the group by providing their club rooms in-kind for management committee meetings and other events. In exchange, Eden Hill CAN is supporting the club with free promotion and advertising. We hope to expand this type of mutually-beneficial relationship to other groups within the community. The Eden Hill CAN has also developed relationships with Eden Hill Primary School and Blue Sky Community Group in Lockridge which provides services to people in need in the local area.

WHAT BENEFITS DO YOU SEE FOR YOUR GROUP FROM THIS PROJECT?

This project will contribute directly to the group's aim to encourage, support and promote a safe, engaged, connected and culturally vibrant Eden Hill Community. Specifically being incorporated provides a solid management structure for the group along with allowing it to apply for and raise funds towards its objectives. Having Volunteer and Public Liability Insurance is essential to the operation of the groups. Having a website and regular newsletter enables Eden Hill CAN to keep its community informed, contributing to an engaged and connected community.

The Eden Hill CAN Neighbour Day event, consisting of a community morning tea and a small number of 'market' stalls will directly contribute to Eden Hill CAN's objective of creating an engaged, connected and culturally vibrant Eden Hill Community. It is hope that this connection and vibrancy will in turn contribute to a safer community.

TARGET GROUP:

This project will target all members of the Eden Hill community. This includes not only those who live and work in Eden Hill, but also those whose children attend the local school, anyone who recreates in Eden Hill or otherwise has a connection to the Eden Hill Community.

The Eden Hill CAN Facebook page already boasts close to 400 followers. It is expected that the website will be able to reach many more community members who are not on social media. Approximately 2000 copies will be printed of each edition the Eden Hill CAN newsletter. These will be distributed to all household within Eden Hill and copies placed at other prominent locals including the Bassendean Memorial Library and MP Dave Kelly's office.

It is anticipated that the Eden Hill CAN Neighbour Day event will attract around 250 attends from Eden Hill and elsewhere within the Town of Bassendean.

BUDGET

INCOME	
Funding requested from the Community Groups Fund (GST exclusive)	\$4,000.00
Estimated income from stall/vendor fees for Neighbour Day Event	\$200.00
TOTAL INCOME	\$4,200

IN KIND SUPPORT	
Please detail all areas of IN KIND support you are receiving or expecting to receive. E.G. Venue donation, materials, printing, publicity, marketing, professional services	
Management Committee Meetings - 8 committee members, 5 meetings @ 1.5 hours each @ \$35/ hour	\$2,100.00
Website design and maintenance – 12 hours @ \$65/hour	\$780.00
Newsletter Distribution – 15 hours @ \$35/hour	\$525.00
Newsletter Design and Layout - 6 hours per newsletter x 2 newsletters @ \$65/hour	\$780.00
Event coordination – 4 people @ 6 hours each @ \$35/hour	\$840.00
Event logistics - 10 volunteers @ 5 hours each @ \$35/hour	\$1,750.00
TOTAL IN KIND SUPPORT	\$6,775.00

Expenditure	
Eden Hill CAN Group Costs	
Incorporation cost	\$121.80
Insurance costs	\$770.00
Website costs	\$200.00
Newsletter – 2 editions at \$764 each	\$1,528.00
Other misc group costs	\$380.20
Eden Hill CAN Neighbour Day	
Event table & chair hire	\$500.00
Event entertainment	\$400.00
Event misc	\$100.00
Event morning tea	\$200.00
TOTAL EXPENDITURE	\$4,200

Acceptance of Conditions

I have read and understand the conditions that apply to the Community Fund. I am authorised to accept them on behalf of the applicant group.

APPLICANT GROUP: Eden Hill Community Action Network Inc.

Authorised Person (Print): Christina Carey

SIGNATURE OF APPLICANT: 

DATE: 1/2/2019

Appendix 1 – Eden Hill Community Action Network Insurance Certificate of Currency



Certificate of Currency

POLICY NO: 201811-1097 BIA

INSURANCE TYPE: Public and Products Liability

POLICY WORDING: BIA InsureWest Tailored NFP General Liability G2 - 2014

THE INSURED: Eden Hill Community Action Network

BUSINESS: Business and Professional Associations

POLICY PERIOD: From: 12/11/2018 4pm To: 31/10/2019 4pm
Both days inclusive (Local Standard Time)

LIMIT OF INDEMNITY:
Public Liability \$20,000,000 any one Occurrence
Products Liability \$20,000,000 any one Occurrence and in the aggregate any one Period of Insurance

SUB-LIMITS:
Molestation \$1,000,000 any one Occurrence

TERRITORIAL LIMITS: As per wording

ENDORSEMENTS SUBJECT TO FULL WORDING: Molestation Exclusion Sub-Limit \$1,000,000 GL G2 - 2014

A handwritten signature in black ink, appearing to be 'I. H. ...', written over a dotted line.

Signed for and on behalf of Berkley Insurance Australia.
Date of issue 13/11/2018

This policy is current at date of issue.
For full details of cover please refer to the policy wording.
This certificate is only valid at the date of issue.

ATTACHMENT NO. 9

TOWN OF BASSENDEAN



ACCESS AND INCLUSION PLAN

2019-2024

The Town of Bassendean Access and Inclusion Plan 2019 – 2024 outlines its commitment to building an accessible community for all residents, visitors and all other stakeholders.

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Note:

This document is available in alternative formats upon request including in standard or large print, electronically by email, in audio format on CD and on the Town’s website at www.bassendean.wa.gov.au

1. Introduction

The Town of Bassendean includes the suburbs of Bassendean, Eden Hill and Ashfield featuring suburban style homes served by 97 kilometres of roads and 65 kilometres of footpaths. In addition, the Town includes a significant area of developed general industrial land including Tonkin Park. The total land area is 11 square kilometres and the Town has a population of 15,092 (2016 Census), up from 14,404 people in 2011.

Located 10 kilometres from the Perth GPO, with its river boundary, railway and freeway access, Bassendean is a comfortable and convenient location in which to live, work, shop and recreate. Council is proud of its strong community spirit and through its corporate and strategic plans, seeks to conserve, develop and enhance these essential qualities. In these documents the Town recognises the importance of working in partnership with community members, seeks to encourage active community participation and respond to the community's changing needs by the provision of high quality and equitable services.

The Town of Bassendean continues to strive to maintain its unique character, while encouraging ongoing development sensitive to the needs of all residents. Because of Council's commitment to sensitively meeting the needs of all residents, workers, volunteers and visitors in the Town, this Access and Inclusion Plan (AIP) has been adopted. It will be regularly reviewed to ensure people with disability, their families and carers within the Town of Bassendean can achieve their desired quality of life and have access to the same facilities, functions, events and services offered to the wider community.

2. Legislation

The [Disability Services Act 1993](#) (amended 2004) and the [Disability Services Regulations 2004](#) requires all local governments to have and implement a Disability Access and Inclusion Plan (DAIP), which must be reviewed at least every five years. With this Plan, the Town is extending the concept to address access and inclusion issues beyond disability, hence the title Access and Inclusion Plan (AIP).

The Act adopts consistent definitions and assurances as outlined in other related Acts and Conventions, including:

- Western Australian Equal Opportunity Act 1984 (amended 1988);
- Commonwealth Disability Discrimination Act 1992; and
- United Nations Convention of the Right of Persons with Disability.

The Act defines disability as that which:

- Is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments;
- Is permanent, or likely to be permanent;
- May or may not be of a chronic or episodic nature;

- Results in substantially reduced capacity of the person for communication, social interaction, learning or mobility; and a need for continuing support services.

The Act further requires that:

- All practicable measures must be undertaken to ensure the AIP is implemented by the Town, its officers and relevant agents and contractors;
- Public consultation must be undertaken by key stakeholders;
- Public consultation must be advertised through the local government’s local paper;
- The DAIP must be made available in alternative formats on request;
- The DAIP must be lodged with the Department of Communities;
- The DAIP must be promoted on the Town’s website and advertised in the local paper;
- Progress of the AIP must be reported annually to the Department of Communities; and
- The DAIP progress is to be reported in the Town’s Annual Report.

These matters have been and will continue to be under observed by the Town in this broader Access and Inclusion Plan.

3. Vision and Mission

The following Vision Statement outlines where the Town would like to be in the Year 2030:

“A connected community, developing a vibrant and sustainable future that is built upon the foundations of our past.”

Strategic Priority 1: Social of the Town’s Strategic Community Plan (2017-2027) relates to the access and inclusion. The following strategies apply:

1.2 Ensure all community members have the opportunity to be active, socialise and be connected.	1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.
	1.2.4 Ensure people with disability and those from diverse backgrounds are valued and supported to participate in community life

4. Disability Demographics

3.1 Australia

The 2016 Census of Population and Housing showed that the number of people with a need for assistance with core activities increased to 1,202,900 people or 5.1% of the population in 2016, up from 998,600 people, or 4.6% of the population in 2011, with females more likely to have need for assistance than males in 2016 (5.4% compared with 4.8%).

Reflecting the strong relationship between age and disability some 1.1% of people aged 0-4 years needed assistance in 2016, increasing to 47% of people aged 85 years and over. People with a need for assistance had a much older age structure than people who did not have a need for assistance. Some 53% of people who had a need for assistance were aged 65 years and older, compared with 13% of those who did not have a need for assistance.

More women than men 75 and over needed assistance (32% women, 24% men in 2016). This is the result of the different disease profiles seen in males compared with females, with females experiencing higher rates of disease commonly associated with disability. For example, the 2014 National Health Survey shows Australian women aged 75 years or older were almost 50% more likely to report having arthritis than men of the same age.

However, around the ages of 5 to 19, males were almost twice as likely as females to report a need for assistance (4% males, 2.1% females). Analysis of the 2015 Survey of Disability, Ageing and Caring (SDAC) results show this may be partly due to autism spectrum disorders which are more commonly found in males of this age group.

The proportion of people with need for assistance who were employed increased from 7.7% in 2011 to 8.6% in 2016. For people aged 15 to 64 years who needed assistance, the proportion employed increased from 16% in 2011 to 18% in 2016.

Of people in the labour force with a need for assistance in 2016 (108,300 people), one in six were unemployed (16% or 17,800 people). This is compared with one in fifteen people (6.8% or 759,300 people) of the 11.2 million people who did not have a need for assistance.

People with a need for assistance and in the labour-force were more likely to be working part-time than people who did not have a need for assistance (46% compared with 30%).

3.2 Western Australia

Western Australia had the lowest proportion of people who needed assistance in 2016, being 3.9% or 95,700 people.

However, by 2026 the number of people with disability in Western Australia is expected to increase by more than 210,000, due mainly to our ageing population. The proportion of the State's population of people aged under 65 with disability is expected to remain relatively steady.

3.3 Bassendean

Based on the Town's population and the above-mentioned findings, it is estimated that there are approximately 1,629 people with disability living in the Town.

Of people aged 15 years and over, during the two weeks before the Census, 10.8% assisted family members or others due to a disability, long term illness or problems related to old age.

5. Current Services

The Town provides a range of services, activities and events that are inclusive of people with disability, including:

- Arts and Culture;
- Building Services;
- Children's Services;
- Citizenship;
- Community Development;
- Community Transport;
- Customer Service;
- Depot;
- Facilities for Hire;
- Health Services;
- Heritage;
- Justice of the Peace;
- Library and Information Services;
- Old Perth Road Markets;
- Parks and Reserves;
- Ranger Services;
- Recreation Services;
- Seniors and Disability Services;
- Strategic Planning;
- Town Planning;
- Volunteering;
- Waste and Recycling; and
- Youth Services.

The Town of Bassendean [Seniors and Disability Services](#) is a small community agency offering personalised Home Care Services that support independence and the wellbeing of seniors, frail aged and people with disability.

6. Achievements to Date

The Town of Bassendean has made considerable progress to provide or improve access for people with disability. Some of the main achievements include:

- Accessible furniture and equipment for the Bassendean Memorial Library has been purchased as required in the annual budget, e.g., adjustable tables, illuminated magnifying glasses, large print books, audiocassettes, large print screens, e-books etc;
- Wheelchairs and trolleys are available for people with disability on request in the Library;
- Town's website contains documents in formats to be user friendly for people with vision impairments and to contain relevant information for people with disability;
- The Town participated in projects such as 'You're Welcome' to provide accurate information to people with disability about the accessibility of council facilities, local businesses and services;
- Council members and volunteers were provided the opportunity to attend disability awareness training;
- The Access and Inclusion Committee met regularly and made recommendations to Council for adopting and actioning;
- Held annual community events for the International Day of People with Disability, partnering with local schools and DSC Local Area Coordinators and families;
- Supported people with disability to be included in their community through the Count Me In Grant (social inclusion);

- Supported people with disability under 65 to test their eligibility and gain access to NDS funding and services;
- Council election candidate’s information was provided in various formats to be accessible by people with disability; and
- The Town ensured equal employment principles were upheld and reflected in all workforce development activities.

Progress against the City’s 2012 – 2017 DAIP has been reported annually to the Department of Communities – Disability Services.

7. Disability Policy

The Council has adopted the following Disability Policy:

“Philosophical Statement

The Town of Bassendean recognises that people with disability are valued and equal members of the community who make a variety of contributions to social, economic and cultural life. The Town of Bassendean believes that a community that recognises and celebrates diversity and supports the participation of all its members makes for a richer community life.

People with disability have the same basic human rights as other members of society and are entitled to exercise those basic human rights. All individuals have the inherent right to be respected for their human worth and dignity. People with disability have the same rights as other members of society to receive information and access to Council's functions, facilities, events, services and processes and be fully involved in consultation processes.

This policy forms the basis of understanding and implementation of the DAIP is intended to influence and ultimately compliment the Town of Bassendean's corporate documents including the Community Strategic Plan, Asset Management Plans and the Workforce Development Plan.

Policy Aim

The purpose of the Town’s Disability Access and Inclusion Policy is to provide guidelines to:

1. *Ensure that people with disability have the same level of access to Council's facilities, functions, services and employment opportunities as all other members of the community;*
2. *Ensure people with disability can participate fully in Council processes, functions and events; and*
3. *Encourage broader services provided within the Town cater for the needs of people with disability and their carers.*

Policy Principles

1. *Council recognises that people with disability have the same rights to services that assist them in achieving their quality of life and provide them with opportunities to fulfil their individual potential.*
2. *Council strives to ensure that no person who lives, works or visits the Town of Bassendean is denied access to Council facility or service on the grounds of disability. Council endorses the concept of universal design which ensures that*
3. *all members of the community have equal access to facilities, buildings and services.*
4. *Council will encourage all agencies and organisations operating within the Town to maximise the accessibility of their facilities, programmes and services.*
5. *Contractors and agents and Council will have guidelines to optimise the accessibility and availability of programmes and services for people with disability.*
6. *People with disability within the Town of Bassendean will have the same opportunities as other residents to participate in public consultation, grievance mechanisms, decision making processes and the general democratic processes of Council.*
7. *Where possible and relevant Council will provide flexible services, which complement an individual's own abilities and the support provided by their family, carers and the broader community.*
8. *Council will provide the necessary ongoing training for staff, volunteers and Councillors to ensure understanding and empathy for people with disability, their family and carers.*
9. *People with disability will be afforded the same access to employment and accommodation in line with the principles of the Western Australian Disability Services Act (1993) amended 2004, the Equal Opportunity Act (1988) and the*
10. *Federal Disability Discrimination Act (1992).*
11. *Council will ensure that information about Council meetings, consultations, functions, facilities and services is provided in clear and concise language and is available in alternative formats upon request by people with disability."*

8. Consultation to Inform the Development of Strategies

Consultation involved both internal and external stakeholders by:

- Engaging with a diverse range of external stakeholders in accessible consultations across the Bassendean community, the Town's Disability Committee, Bassendean Cultural Advancement Group and interested Bassendean community members, Elected Members over a period of four weeks to help inform the new AIP strategies;
- Ensuring that people with disability were included in the consultation process and endeavouring to involve various groups of people with disability and their significant others including children, youth, parents, carers, seniors and extended family and Disability Employment Service Providers; and
- Conducting consultations with Town staff and Executive to identify priority AIP outcomes for the Town. Staff with responsibilities that impact on the public such as customer service staff, building and planning staff, staff who develop or provide

information to the public, ranger services and HR personnel were particularly be targeted.

Furthermore, the Town engaged with:

- Current or potential customers of the Town's facilities and their families and/or carers;
- Local community organisations and groups;
- Local businesses; and
- Advocacy services and disability peak bodies.

This level of engagement allowed the Town to gather feedback on relevant areas of interest, gaps, needs and goals in relation to access and inclusion across the Town, for collation and analysis to determine opportunities relevant to participants with special needs and support and possible infrastructure requirements.

Consultation methods included:

- Face-to-face interviews;
- Telephone interviews;
- Focus groups/small group meetings;
- Public meetings; and
- Written submissions.

In support of the above, the Town also advertised in locally circulate newspapers and on social media to promote the public workshops and the availability of the draft AIP for consultation and feedback.

Ideas for progressing the AIP within the organisation, via projects, activities, services, training and other opportunities, cross referencing proposed strategies to the Town's Community Strategic Plan and other strategy documents (e.g. RAP) also formed the basis of developing the AIP.

A report collating the feedback from the consultation was presented to the Town.

Once adopted the final AIP will be promoted within the community via social media, an advertisement in a local newspaper, a notice in the Bassendean Memorial Library and the Town's website (which will be available for download).

9. Strategies

Outcome 1 – Access to Services

People with disability have the same opportunities as other people to access the services of, and any events organised by, the Town.

#	Strategies	Timeframe
1.1	Review the Town's marketing strategies for services and events to ensure they are inclusive of people with disability.	Ongoing
1.2	Use existing disability media to promote town services and events (e.g. 990AM Vision Australia Radio).	Ongoing
1.3	Identify and use only accessible venues for events organised/sponsored/funded by the Town.	2020/21 and ongoing
1.4	Establish and maintain a register of accessible venues, facilities and transport options throughout the Town for other service providers to use when organising an event or providing services.	2020/21 and ongoing
1.5	Provide disability and access and inclusion training for all Town personnel relevant to their job focus.	Ongoing
1.6	Facilitate a disability awareness event to promote available services and disability services within the Town (e.g. All Abilities Expo held by the City of Mandurah).	Annually
1.7	Recognise Town based businesses and organisations that practise access and inclusion.	Annually
1.8	Develop, in partnership with people with disability and wider community a Co-design Plan for access to events and services (e.g. in emergency situations, waste management) provided by the Town.	Ongoing

Outcome 2 – Access to Buildings and Other Facilities

People with disability have the same opportunities as other people to access the buildings and other facilities of the Town.

#	Strategies	Timeframe
2.1	Work with the Public Transport Authority to improve access and maintenance to all train stations within the Town, particularly regarding accessible ramps, crossings and elevators.	Ongoing
2.2	Work with relevant organisations to specify and address community expectations regarding maintenance and service standards for non-council owned government provided facilities (e.g. provision of bus shelters such as on Devon Road).	Ongoing
2.3	Pro-active compliance assessments of building contractors to ensure they don't compromise access requirements (e.g. breaking up/blocking footpaths).	Ongoing
2.4	Encourage and reward owners of older commercial properties to renovate them to become more accessible.	Ongoing
2.5	Continue to provide timely responses to rectifying damaged facilities and infrastructure (e.g. footpaths and drainage) and ensure communication of progress to affected community.	Ongoing
2.6	Undertake an assessment of all Town community facilities (e.g. Whitfield Street Playground) to ensure compliance with relevant standards regarding access.	2020/21
2.7	Investigate the provision of portable hearing loops in the Bassendean Memorial Library meeting rooms and other public meeting areas which are the responsibility of the Town (e.g. Alf Faulkner Hall)	2020/21
2.8	Undertake an assessment of all Town ramps (gradient and availability) to ensure compliance with relevant standards regarding access.	2021/22
2.9	Develop a map in an accessible format to show pedestrians and wheel chair users how best to get around, providing information on community facilities, transport, disability access, bathrooms and facilities.	2022/23
2.10	Review planning policies to improve access to facilities by powered mobility devices, prams and wheelchairs.	2022/23
2.11	Undertake an audit of street and park lighting to determine gaps and future needs.	2023/24

Outcome 3 – Access to Information

People with disability receive information from the Town in a format that will enable them to access the information as readily as other people are able to access it.

#	Strategies	Timeframe
3.1	Ensure all Town information can be printed or made available on demand in a format and language that is accessible to them (Large print, audio)	Ongoing
3.2	Broader and regular dissemination of information about the Town's services, facilities and events to residents and organisations.	Ongoing
3.3	Review and test (with user input) website and electronic communications to ensure they are fully compliant with the best practice guidelines used internationally on making websites accessible to people with disability - Web Content Accessibility Guidelines (WCAG) 2.1AA.	2020/2021
3.4	Town to support community groups to share resources and information and thus provide more activities and extend participation to more of the Town's residents.	Ongoing
3.5	Acknowledge and respect the preference to receive hard copy information and that some people prefer not to use technology and provide information in traditional formats such as noticeboards, billboards, newsletters (print and electronic) and mail drops.	Ongoing

Outcome 4 – Level and Quality of Services

People with disability receive the same level and quality of service from the staff of the Town as other people receive from the staff of the Town.

#	Strategies	Timeframe
4.1	Provide the Town's employees and volunteers with disability awareness training that includes communicating with people with disability, making information accessible and Easy English and statutory obligations.	Ongoing
4.2	Change the focus from delivering a service to delivering an effective outcome for the community (achieving an outcome may require a higher level of service). Capture the number of people who use services and put in place appropriate benchmarks to measure the service quality.	Ongoing
4.3	Strengthen community hubs (existing/emerging) to promote the integration of community groups and actively support programs and social activities that promote inclusiveness within the community.	Ongoing
4.4	Recognise the needs of culturally and linguistically diverse persons and those of different demographics (e.g. aged) in developing services.	Ongoing
4.5	Consider creating a position of Inclusion Officer in its Community Development Department.	2021/22

Outcome 5 – Complaints Handling

People with disability have the same opportunities as other people to make complaints to the Town.

#	Strategies	Timeframe
5.1	Increase awareness of town and customer policies, procedures and practices of complaints handling by employees.	Ongoing
5.2	Review procedures for recording complaints to include a section on access and inclusion related complaints.	2021/22
5.3	<p>The Complaints Handling process needs to accommodate the different abilities within the community:</p> <ul style="list-style-type: none"> • Multi channels of soliciting feedback; • Welcome and accessible form of providing feedback reflects inclusion; • Automated phone message / feedback line (low tech way of interacting but not burdensome on the Town). 	Ongoing
5.4	Timeframes on completion and increased monitoring of complaints register to ensure satisfactory resolution of complaint.	Ongoing
5.5	Collate compliments, complaints and general feedback and analyse trends and patterns to feed into continuous improvement strategies.	Ongoing

Outcome 6 – Participation in Community Consultation

People with disability have the same opportunities as other people to participate in any public consultation by the Town.

#	Strategies	Timeframe
6.1	Include people with disability, disability service providers and other disadvantaged groups in all consultations (e.g. when considering a planning application).	Ongoing
6.2	Review location and times for public meetings to maximise attendance by a broad cross section of the community.	Ongoing
6.3	Adopt a Co-design approach when consideration the Town’s management and activities.	Ongoing
6.4	Reform the purpose and function of the Access and Inclusion Committee by establishing a working group to: <ul style="list-style-type: none"> • Be the Town’s primary consultative instrument for people with disability; • Guide the council in meeting its AIP obligations; and • Provide a more focussed and flexible approach to AIP. 	2019/20
6.5	Review channels of communication to all groups in the community and invite them to participate in requests for community consultation.	Ongoing

Outcome 7 – Employment

People with disability have the same opportunities as other people to obtain and maintain employment with the Town.

#	Strategies	Timeframe
7.1	Promote volunteerism among Disability Employment Service providers and other service organisations to improve the rate of involvement of people with disability in volunteer work.	Ongoing
7.2	Ensure community awareness of employment opportunities through DES and other employment providers.	Ongoing
7.3	Provide training in disability awareness and statutory obligations for all personnel involved in the recruitment, selection, retention and ongoing management of people with disability.	2020/21
7.4	Review HR policies, procedures and practices to remove barriers to people with disability from applying for a job and working with the Town in accordance with equal opportunity legislation.	2020/21
7.5	Develop strategies to nurture an inclusive organisational culture.	Ongoing