



ORDINARY MEETING OF COUNCIL

Tuesday 26 March 2019

Agenda



Notice is hereby given of the Ordinary Council Meeting to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

Peta Mabbs
CHIEF EXECUTIVE OFFICER

22 March 2019

INTRODUCING OUR COUNCILLORS



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1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

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

2.1 Public Question Time

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

2.2 Address by Members of the Public

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 26 February 2019 (Attachment No. 1 and Confidential Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 26 February 2019, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held on 26 February 2019, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

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

Standing Orders Local Law 2011, Clause 5.4 states:

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 26 March 2019:

Item	Report
10.2	Tonkin Park Industrial Estate (TPIE) Fencing Audit and Review
10.3	Proposed Review of Local Planning Policy No. 2 – Energy Efficient Design
10.4	Tree Retention on Development Sites
10.6	Vandalism of Street Verge Trees – Adjacent to 14 Pryde Way, Eden Hill
10.7	Council Street Trees – 118 Whitfield Street, Bassendean
10.8	Community Sporting and Recreation Facilities Fund (CSRFF) Application – Bassendean Bowling Club
10.9	Waste Collection Services – Collection of Food Organics Garden Organics (FOGO) Waste
10.11	Determinations Made by the Principal Building Surveyor
10.12	Determinations Made by Development Services
10.13	River Parks Committee Meeting held on 5 March 2019
10.14	Bassendean Local Emergency Management Committee Meeting held on 6 March 2019
10.15	People Services Committee Meeting held on 6 March 2019
10.16	Audit & Governance Committee Meeting held on 18 March 2019
10.17	Accounts for Payment – February 2019
10.18	Financial Statements – January 2019 and February 2019
10.19	Use of the Common Seal
10.20	Calendar for April 2019
10.21	Implementation of Council Resolutions

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

Item	Report
10.5	Request for Contract Variation - Community and Stakeholder Engagement Strategy
10.10	Mid Year Review of Annual Budget 2018/19
13.1	Service Review – Seniors and Disability Services Business Unit
13.2	Probationary Period Review – Chief Executive Officer
13.3	Draft Performance Agreement – Chief Executive Officer

10.2 Tonkin Park Industrial Estate (TPIE) Fencing Audit and Review (Ref: LUAP/POLCY/2, DABC/BDVAPPS/2011-135, DABC/BDVAPPS/2013-125 - Cameron Hartley, Planning Officer)

APPLICATION

The purpose of this report is to provide an audit into existing industrial fencing within the Tonkin Park Industrial Estate (TPIE) as well provide a recommendation to council as to whether the Town's Local Planning Policy No.6 (LPP6) requires modification in line with this audit's findings. This report is linked to a Council Resolution from OCM 28 July 2015, which forms an attachment to this report.

ATTACHMENTS

Attachment No. 2:

- Extract from Council Resolution dated 28 July 2015
- Map of Tonkin Park Industrial Estate
- Copy of LPP6

BACKGROUND

At its meeting held 28 July 2015, matters were brought to Council's attention relating to five properties within the TPIE. These related to an application for retrospective approval (No.11 Purser Loop), non-compliance with conditions of development approval (Nos. 27-31 Purser Loop) and unauthorised fences (Nos.76 and 80 May Holman Drive). The predominant subject within these five separate matters before council was fencing along the front property boundary and the related policy variation to LPP6.

LPP6, amongst other provisions, specifies the setback for fencing for industrial sites. The policy requires a minimum setback of 2m behind the street alignment and to be an open style. It should be noted that LPP6 has undergone modification within the last 7 years, with the previous version of the policy (pre-2012) providing allowances to having fencing contained on the front boundary. The current policy has stood in place since August 2012, which effectively prohibits fencing along the front property boundary.

Council approved the application for retrospective fencing approval for No.11 Purser Loop, subject to verge beautification. Nos. 27-31 Purser Loop was initially refused by Council, but approved on appeal after a State Administrative Tribunal invitation to review the decision was submitted to Council.

Compliance actions for the remaining unauthorised fencing at Nos. 76-80 May Holman Drive, was to be temporarily suspended following this review of industrial fencing within the TPIE.

COMMUNICATION & ENGAGEMENT

External consultation has not been carried out associated with the preparation of this report.

STRATEGIC IMPLICATIONS

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)
	3.3.2 Strengthen and promote Bassendean's unique character and heritage	
	3.3.3 Implement design policies and provisions of buildings and places	

COMMENT

The result of the review of the TPIE fencing audit are as follows:

- Approximately 13% (or 12 properties) have council approved fencing on the front boundary. This includes approvals issued under delegation, by council or under a building permit;
- Approximately 23% (or 22 properties) have unapproved or unauthorised fencing forward of the building or on the front boundary;
- Approximately 34% (or 32 properties) have compliant fencing, setback the required 2 metres; and
- Approximately 20% (19 properties) have no fencing forward of the building.

Approximately 10% (9 properties) are not contained in the statistics above, as they include a combination of lots with temporary/construction fencing, were approved historically without a condition for a fencing setback or do not have any formal approval issued on the site (i.e. vacant land).

As derived from the above statistics, there is an inconsistent level of fencing within the TPIE.

Whilst over half of the properties either have compliant fencing or no fencing, over a third of sites within the TPIE either have legitimised and approved front fencing along the front property boundary or have presumably followed the predominant fencing line within the street, albeit not in accordance with current policy.

As there has been a clear position made in the past to remove this policy requirement or approve fencing along the primary street boundary, which only provides for a minor aesthetic benefit, the officer suggests that a modification is required to LPP6, which would delete the setback requirements of the policy.

It should be noted that other local governments bordering the Town, such as the Cities of Swan and Bayswater, do not have any specific fencing requirements for industrial areas within their scheme or local planning policy. The City of Belmont does maintain specific fencing requirements within industrial zones; however, this does not specify a minimum setback distance.

This amendment is not required to be advertised as it represents a minor policy change, having no detrimental impact on landowners or occupiers of industrial zoned land within the Town. Indeed, this modification will remove any need for prosecution for the 22 properties, which currently have fencing on, or within 2m of the front property boundary.

STATUTORY REQUIREMENTS

As per Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, in considering an application for development approval the local government is to have due regard to any local planning policy for the scheme area. This is the head of power for enforcing the Town's planning policy requirements.

As detailed in this report, the only relevant policy requiring review is Local Planning Policy 6 (Industrial Zones Development Design Guidelines). As per the officer recommendation, this is suggested to be modified to remove the 2m setback requirement of this policy.

FINANCIAL CONSIDERATIONS

Nil. The Town would not be enforcing prosecution against any lots identified within this report, which includes unapproved or unauthorised fencing along the street boundary.

OFFICER RECOMMENDATION — ITEM 10.2

That Council:

1. Approves the modification to Local Planning Policy No. 6 – Industrial Zones Development Design Guidelines, to delete reference for fencing to be setback 2 metres behind the street alignment; and
2. Notes that the Planning Department of the Town of Bassendean will cease compliance action against landowners of 76 and 80 May Holman Drive, Bassendean, as the fencing will comply to the modified Local Planning Policy No. 6.

Voting requirements: Simple Majority

10.3 Proposed Review of Local Planning Policy No. 2 – Energy Efficient Design (Ref: LUAP/POLCY/2 – Christian Buttle, Senior Planning Officer)

APPLICATION

To consider adopting a revised version of Local Planning Policy No. 2 – Energy Efficient Design (LPP2).

ATTACHMENTS

Attachment No. 3:

- Current Version of LPP2 – Energy Efficient Design; and
- Extract of LPP2 (Part 6.0 – Assessment Procedure) showing provisions as currently existing and as proposed.

BACKGROUND

LPP2 was originally adopted under the former Town of Bassendean Town Planning Scheme No. 3 in December 2005.

The current version of the policy was subsequently adopted under Local Planning Scheme No. 10 in 2008, and was subject to minor change in 2011.

LPP2 applies to all land within the Town that is split coded (where a property owner seeks to develop to the higher density code), and is focused on promoting passive solar design principles for new building designs, with primary focus on matters such as:

- Building orientation;
- Internal building layout;
- Courtyard orientation;
- Window orientation;
- Cross ventilation; and
- Landscaping.

Informal discussions about the effectiveness of the policy as currently drafted have been raised by some Council Members and similar discussions occur on occasion between staff and proponents when applications for development approval in split coded areas are being assessed. Noting this, and also that the policy has remained unchanged for nearly 8 years, it is considered to be an opportune time to review the operation of the policy.

COMMUNICATION & ENGAGEMENT

If Council agrees with the recommendation contained within this report, an amended version of the policy will be adopted, and this will occur without the need for public advertising.

If an amended version of the policy were adopted by Council, notice of the revised policy would be published in a local paper, and the Town would also look to inform 'regular' applicants by way of direct mail (regular mail or email) notification.

'Regular' applicants would include any applicant who has lodged an application for development approval for a dwelling(s) at the higher density code for a split coded property within the last 12 months.

STRATEGIC IMPLICATIONS

The following component of the Town's Strategic Community Plan is of relevance with respect to this matter:

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices	The number of new dwelling approvals granted by the Town against the <i>Perth Peel @ 3.5 Million</i> planning framework target for Bassendean (4,200 new dwellings by 2050)
	3.1.2 Implement sustainable design and development principles	
	3.1.3 Plan for local neighbourhoods and their centres	
	3.1.4 Ensure infrastructure is appropriate for service delivery	The level of community engagement and participation into Local Area Planning (Input into plans and policy development.)

COMMENT

Local Planning Scheme No. 10 (LPS10) identifies a number of 'split coded' areas within the Town, most notably:

- The section of Bassendean generally referred to as 'The Avenues' north of the railway line through to Walter Road East;
- The north-eastern portion of Eden Hill; and
- A smaller portion of Bassendean south of the railway line (centred around Cyril St and Chapman St).

These areas are coded R20/30 or R20/40 and the lower density code prevails for subdivision or development unless an applicant can address five Scheme requirements to facilitate subdivision or development at the higher code, being:

- (a) Development or subdivision incorporating a minimum of two dwellings with street frontage;
- (b) Heritage objectives not being compromised;
- (c) Preservation of the streetscape;
- (d) Provisions contained within LPP2 – Energy Efficient Design, being satisfactorily addressed; and
- (e) Provisions contained within LPP3 – Water Sensitive Design, being satisfactorily addressed.

LPP2 advocates passive solar design principles and contains a scoring matrix from which an applicant must achieve 70 points from an available 100 points for each dwelling that is proposed.

As explained within LPP2, the passive solar design requirements which are advocated by the policy are not necessarily conducive to 'off the shelf' project home designs. Even when a 'custom' design has been prepared for a site which is the subject of a split coding, there is often the need for design change during the assessment process. One of the reasons for this is a lack of clarity as to how existing policy provisions are understood by applicants, and in this respect staff acknowledge that the scoring matrix within LPP2 would benefit from refinement (i.e. via incorporation of explanatory notes) to assist applicants gain a greater understanding of how staff undertake their assessment process.

LPP2 is reasonably well understood by a number of applicants that the Town has dealings with, and the passive solar design principles upon which the policy is based are sound principles to advocate for from a planning perspective. As identified, the policy has also been operative since before the Town's current LPS10 was gazetted in 2008. Staff acknowledge, however, that there are alternative (and perhaps more contemporary) approaches against which sustainable / energy efficient design principles can be considered as part of a planning assessment process.

The Cities of Fremantle and Kalamunda each have similar planning frameworks to the Town of Bassendean in terms of having split residential codings and sustainable / energy efficient design requirements linked to gaining development entitlements at the higher density code.

The policy requirements that are set down by each of these local authorities are very similar to each other (it would appear that the City of Kalamunda has based its policy provisions on those from the City of Fremantle), and they are summarised below as follows:

- Demonstration that dwellings which are the subject of determination have achieved a Nationwide House Energy Rating Scheme (NatHERS) star rating that is one star in excess of the current energy efficiency requirement of the Building Codes of Australia that is specified for a Class 1A dwelling (i.e. single house or grouped dwelling);
- Provision of a minimum 1.5kw photovoltaic solar panel system for each dwelling; and
- Provision of a minimum 3000L capacity rain water tank which is plumbed to either a toilet or laundry for each dwelling; or alternatively an approved grey water system that collects grey water from laundry / bathrooms and which is re-directed for irrigation / ground water recharge for each dwelling.

In considering the way by which LPP2 could be modified as part of the current review, staff are of the opinion that the scoring matrix which is currently contained within the policy should be retained (with very minor refinement as described below), noting that:

- It has been operative for a long period of time and is focused on the main design principle advocated by the Policy; that of passive solar design;
- It is well known by 'regular' applicants; and
- Retention of the scoring matrix would be of benefit for both applicants and the Town if further applications for development approval (i.e. for additions) were to be received for properties that were originally subject to assessment and determination under the policy in its current form.

Beyond providing greater clarity and explanation to the method of assessment within the scoring matrix, it is proposed that the points allocation available for landscaping be reduced from 10 points to 5 points, and that the points allocation for solar pergola or solar hot water system be increased from 10 points to 15 points and that the option of a photovoltaic solar panel system be introduced into this criterion.

Staff also acknowledge that there may be benefit in terms of moving toward the approach that is in existence at other local authorities such as Cities of Fremantle and Kalamunda. Some of the benefits associated with this alternative approach are that:

- It provides consistency with approaches in operation at other local governments;
- It is easier to understand for applicants which in turn should also make the assessment process more simplified for planning staff; and
- Responsibility for demonstrating compliance with policy provisions is shifted toward the applicant (empowering the applicant while at the same time assisting to simplify the assessment process for staff).

Taking account of arguments for retention of the current policy framework (i.e. the scoring matrix being linked to passive solar design principles) while also noting that benefit may be achieved by pursuing an alternative approach, staff are recommending that LPP2 be modified so that applicants be given the choice of either:

- (a) Dwellings achieving a 70 point score using a modified matrix which is identified in the updated section of policy provided as an attachment to this report;
or alternatively
- (b) Dwellings incorporating (i) higher than mandated star ratings; (ii) 1.5kw minimum photovoltaic systems; and (iii) 3000L rain water tanks or grey water systems.

STATUTORY REQUIREMENTS

Schedule 2 (Deemed provisions for local planning schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs) sets down the procedures for preparing or amending a local planning policy.

Division 2 (Local planning policies) of Part 2 (Local Planning Framework) of the LPS Regs states that:

- “5. Procedure for amending a local planning policy*
- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
 - (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.”*

FINANCIAL CONSIDERATIONS

Other than costs associated with advertising the amended policy, there are no financial considerations associated with the proposed policy change.

OFFICER RECOMMENDATION — ITEM 10.3

That Council:

1. Modifies Section 6.0 – Assessment Procedure of Local Planning Policy No. 2 – Energy Efficient Design in the manner shown within the ‘Policy Extract as Revised’ provided as an attachment to this report;
2. Determines that the policy amendment is a minor amendment which is made without being advertised for public comment; and
3. Notes that the Town’s Administration will advertise the modified policy for public notice and will provide direct notice of the change to ‘regular’ applicants.

Voting requirements: Simple Majority

10.4 Tree Retention on Development Sites (Ref: LUAP/PLANNING/21 – by Anthony Dowling, Director Strategic Planning)

APPLICATION

This report presents for Council's consideration suggested actions it can take through the lens of its local planning framework to address current community concerns about loss of tree canopy on privately-owned land subject to planned building development intensification.

ATTACHMENTS

Attachment No. 4:

- A) Extract from section 3.3 of State Planning Policy 7.3 Residential Design Codes Vol 2 – Apartments;
- B) Local Planning Policy (LPP) 13 – Trees on Development Sites;
- C) Extract from Local Planning Scheme (LPS) 10 – Clause 4.7.7 Tree Preservation;
- D) City of Bayswater Local Planning Policy – Trees on Private Property and Street Verges; and
- E) City of Bayswater Amendment 78 to Town Planning Scheme (LPS) 24 – Trees on Private Property and Street Verges;
- F) Vegetation Height Strata Map

BACKGROUND

The current State Government focus on increasing residential (infill) development within established urban areas across the Perth Metropolitan Area – such as in the Town of Bassendean – is resulting in reduced tree canopies in these areas due to the wholesale clearing of sites earmarked and/or approved for such development.

This unintended consequence has been recognised and acknowledged by the State as well as many affected local governments, resulting in the adoption and application of planning policies and controls to redress and diminish further losses of tree canopy.

The State, for its part, has recently introduced new residential apartment (multiple dwelling) design codes (*State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*) that will address (among other things) tree retention, tree removal and replacement, and the provision and protection of associated deep soil areas. An extract copy of these provisions is provided at **Attachment A**.

The new apartment codes, including the aforementioned tree retention and replacement provisions, will apply from 24 May 2019 onwards.

The WAPC also intends similar codes to be introduced and apply to future new medium-density housing development—possibly in the latter part of 2019. It is understood that these new codes will be comprised in Volume 1 of *State Planning Policy 7.3*, replacing existing provisions contained in Part 5 of the current *Residential Design Codes of Western Australia* (the R Codes).

These actions by the State mean that existing local planning frameworks (eg. schemes, policies, structure plans etc) that are presently inconsistent with the provisions contained in SPP7.3 Volume 2 and that might be inconsistent with the future medium-density (grouped housing) codes (Volume 1) will progressively require modification to ensure consistency and alignment with SPP7.3.

Prior to the promulgation of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* many local governments – including the Town – had already adopted local planning policies incorporating tree retention and replacement provisions to offset potential losses of tree canopy caused by intensification of building development. These policies, including the Town's *Local Planning Policy (LPP) 13 – Trees on Development Sites*, will now require review and revision in light of SPP7.3. A copy of the Town's LPP 13 is provided at **Attachment B** to this report.

In addition to LPP 13, the Town's *Local Planning Scheme (LPS) 10* contains statutory provisions enabling Council to apply (or amend) a Tree Preservation Order (TPO) to preserve an existing tree that has been identified and deemed worthy of preservation and/or maintenance. A copy of these provisions is provided at **Attachment C** to this report.

Under these provisions any tree deemed worthy of preservation (eg. retention) is to be included in a registry of Tree Preservation Orders. Adding trees to this Registry can be a time-consuming process due to the requirement to identify the tree, assess its worthiness for preservation against the criteria prescribed in clause 4.7.7.2 of LPS 10, draw up and issue an order, notifying the registered proprietor and occupier of the subject lot of the proposed order and providing them with the opportunity to respond. All of this is then reported to Council for it to determine whether the subject tree is 'deemed worthy of preservation' and ought to be listed in the Registry.

Once a tree is listed in the Registry, it can only be removed from its lot with Council's consent, having regard to the procedures prescribed in clause 4.7.7.5 of LPS 10.

To date, only two (2) trees within the Town have been included in the Registry.

In effect, the system of applying a TPO through LPS 10 is similar to the process enacted by a number of eastern States local governments who have made it a requirement under their town planning schemes for development approval to be obtained to remove trees deemed worthy of preservation from private land.

To date, no WA local government mandates a requirement under their local planning schemes to obtain development approval to remove a tree deemed worthy of preservation. Nor does it seem that any are considering 'venturing down this path'.

Rather, local governments with tree retention and replacement local planning policies (eg. Bayswater, Canning, Vincent) generally require that trees to be removed from development sites be replaced with new trees at a prescribed ratio; with such trees to have 'advanced growth' and reach a prescribed height, girth and canopy spread at maturity; and be planted within an identified deep soil zone of a prescribed size.

In some circumstances, the local government may require the submission of an arboricultural report in support of any application to remove a tree.

Given that local planning policies have **no statutory force or effect** some WA local governments—such as the neighbouring City of Bayswater—have sought to amend their local planning schemes to give greater effect to their tree retention and replacement policy provisions.

A copy of the City of Bayswater's *Local Planning Policy– Trees on Private Property and Street Verges* is provided at **Attachment D** to this report. A copy of Amendment 78 to the City of Bayswater *Town Planning Scheme (TPS) 24* is provided at **Attachment E** to this report. This amendment was based on the tree retention and deep soil provisions prescribed in **draft SPP7.3**.

Although Amendment 78 has been approved it has not yet been gazetted (and therefore has no statutory effect yet). The provisions therein will not apply to the development of land that will be subject to assessment under SPP 7.3.

STRATEGIC IMPLICATIONS

The suggested responses have the potential to accord (in a limited way) the following strategic priorities and objectives of the current *Community Strategic Plan 2017-2027*:

Strategic Priority 1: Social

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
1.3 Plan for a healthy and safe community	1.3.2 Promote and advocate community health and well-being

Strategic Priority 2: Natural Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
2.1 To display leadership in environmental sustainability	2.1.1 Strengthen environmental sustainability practices and climate change mitigation

Strategic Priority 3: Built Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm
	3.3.3 Implement design policies and provisions of buildings and places

COMMENT

With the advent of new *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (and the likelihood of Volume 1 being introduced later this year for medium-density housing development) the consideration of additional or enhanced tree retention provisions and controls to limit the loss of tree canopy within the Town is timely.

To this end, at least three principal actions have been identified to address and rectify the issue of canopy loss:

1. Modify/revise LPP 13 to incorporate the tree retention and deep soil area provisions (especially in Tables 3.3 a and 3.3 b) contained in section 3.3 of SPP 7.3 and apply to grouped (medium-density) housing development and to other forms and types of development;

2. Identify all existing trees on private land within the Town 'deemed worthy of preservation' (based on agreed criteria, eg. at least 4 metres or more in height; a trunk diameter of 160 mm or more; and/or a canopy spread of 4 metres or more) and add these to the Town's *Tree Preservation Order (TPO) Registry*; and
3. Develop and implement a strategy or campaign promoting and publicising the value and benefits of retaining trees on land and the desire to increasing the tree canopy within the Town.

Each of these suggested actions are further outlined as follows:

MODIFY LOCAL PLANNING POLICY (LPP) 13 – TREES ON DEVELOPMENT SITES

The kind of tree retention and replacement provisions contained in section 3.3 of SPP7.3 are presently absent in the current R Codes. These new provisions appear to be based on a number of current local planning policies pertaining to tree retention and replacement adopted by the Cities of Stirling, Vincent, Fremantle, Canning, Bayswater and others.

As previously stated in this report, the new tree retention and replacement provisions contained in SPP 7.3 will only apply to the design of future apartment development (at this stage). Application to single house and grouped dwelling development is likely to occur later in 2019.

Given this, at least in respect to apartment design, these new provisions represent a baseline criteria for tree retention and replacement on development sites. This will require existing local planning policies applying different criteria for tree retention and replacement to either be modified to align with the new criteria, or approval be sought from the WAPC to retain their existing criteria where that criteria comprises standards exceeding the baseline criteria, or provides an acceptable alternate solution to tree retention and replacement that is not inconsistent with the policy provisions in section 3.3 of SPP 7.3.

In the interest of consistency of application, the new tree retention and replacement provisions contained in SPP 7.3 ought to also apply to single house and grouped dwelling development, as well as to other types of land use and development (eg. industrial, shopping centres) as these too can result in loss of tree canopy through development site clearing.

The simplest way to effect this is by modifying LPP 13 because it is a requirement of a decision-making authority (eg. a local government) entrusted with determining land development applications within a scheme area to have regard to local planning policies that apply to that scheme area.

However, Council needs to be mindful that applying these policy provisions to single house and grouped dwelling development and other types of land uses will have no statutory force or effect and thus can be open to challenge as to their applicability.

It is equally incumbent too upon an applicant to have regard to applicable local planning policies. An applicant cannot simply disregard these policies. On the contrary, an applicant ought to clearly demonstrate in a subdivision or development application compliance with applicable local planning policies and local planning scheme provisions. Where an applicant seeks to depart from or vary a policy or scheme provision written justification and the rationale for this must be provided.

One other further policy provision that ought to be considered in revising LPP 13 is for a standard condition to be imposed on development approvals requiring that no clearing of land nor removal of any tree is permitted until a landscape plan prepared for the approved development has been approved by the Town (where the landscape plan has also been imposed as a condition of development approval).

Should Council agree to revising LPP 13, a revised policy will be subsequently drafted and presented to Council for consideration of endorsement for public comment and feedback. However, prior to drafting the revised LPP Councillors will be invited to also consider whether the standards prescribed in section 3.3 of *SPP 7.3 Volume 2 – Apartments* applying to elements such as tree size, height at maturity, canopy spread, size of deep soil areas etc are considered applicable to the Town or whether a higher standard ought to apply.

For example, the City of Vincent requires a minimum deep soil area/zone to comprise 12% of the development site compared to 10% prescribed in section 3.3 of SPP 7.3. Where an existing tree is to be retained the aforementioned City of Vincent requirement can be reduced to 8% of the development site, compared to 7% prescribed in SPP 7.3.

To assist in considering applicable tree retention and replacement standards a matrix will be developed comparing current standards contained in various local government local planning policies.

INCREASE THE NUMBER OF TREE PRESERVATION ORDERS (TPO)

The TPO provisions contained in LPS 10 have rarely been applied to the preservation of trees within the Town. However, it may now be opportune to apply these provisions more comprehensively and with greater effort.

Adding more 'trees deemed worthy of preservation' to the current TPO Register will obviously result in more trees being preserved, and reduce the prospect of such trees being removed ahead of lodging a development application.

Presently, the addition of any trees to the Registry is usually a response to nominations made by either a landowner, or any person.

Additions could also be made through the development application process administered by the Town. Under the R Codes it is a requirement for a site analysis plan to be submitted with every application for residential development. On this plan it is a requirement to denote the position, type, and size of any existing tree exceeding 3 metres in height. From this, an assessment could be made to determine whether existing trees on development sites ought to be retained and if necessary, added to the TPO Registry.

The aforementioned processes are quite iterative in nature and apply through the day-to-day administration of LPS 10. However, if the Town desires a more systematic, intensive and expedient approach to adding trees to its Registry and elevate this task as a high priority, then it will need to provide additional human and financial resources and tools to carry this out.

The Town has existing vegetation height strata mapping (produced for the Town's draft *Urban Forest Strategy*) to assist in this work.

This mapping denotes category heights of vegetation across the Town at January 2017 (see **Attachment F**). Unfortunately, the mapping provided does not denote any cadastre making it difficult to identify individual trees on private lots. There is also no specific height category for trees 4 metres or higher (the minimum tree height for which the tree retention and replacement provisions prescribed in SPP 7.3 apply).

At the time of writing, the Town was awaiting advice from the firm that carried out the vegetation height strata mapping as to whether this mapping can be modified to denote allotments and whether the height categories can be reordered to include trees 4 metres or higher.

Whilst the Town's Intramaps software provides aerial mapping to assist in identifying trees deemed worthy of preservation, utilising this mapping (supplied by Landgate) to identify trees will be a laborious task and will require on-ground assessment that identified trees meet the criteria for 'worthiness'.

Whilst there is also free online aerial photography (eg. Google Earth) available to identify trees the photography needs to be matched to existing cadastre as this is absent from such photography. This will result in additional expense to the town (and which is currently unbudgeted).

One other way of preserving existing trees on private land is to declare that all trees on private lots are protected and that their removal requires the consent of the Town. To enact this, LPS 10 will need to be amended. Exemptions could be allowed for tree pruning and maintenance (subject to prescribed criteria).

Amending LPS 10 for this purpose is likely to take at least 12 months – possibly longer – to complete and take effect. In considering this, Council needs to be mindful that the Minister for Planning may not be prepared to approve such an amendment if the Minister considers it will jeopardise the ability of a landowner to maximise the development potential of their land and/or it will be inconsistent with broader infill residential housing objectives.

Council should also be mindful that any desire to preserve a tree on a private lot may need to be balanced against any competing desire for the provision of ecologically-designed development, especially development that seeks to optimise on-site solar access, which necessitates removal of a significant tree to achieve.

Rather than travel down the path of a scheme amendment to preserve trees, local governments (to date) have endeavoured to incentivise tree retention by relaxing other development controls and standards that apply to such development. Such considerations should be included in any proposed modification to LPP 13.

PROMOTIONAL AND EDUCATION CAMPAIGN OF THE BENEFITS OF TREES

It is suggested that an extensive promotional and educational campaign also be developed and implemented to promote, make aware, and educate the wider community about the value and benefits (especially the amenity benefits) of retaining existing trees and increasing the current canopy extent.

Such a campaign can leverage off the Town's communication and marketing strategy presently being developed in respect to the proposed street verge tree planting program.

A combination of a revised LPP 13 with an accompanying promotional and educational campaign about the benefits of retaining mature trees and/or replacing them with 'advanced growth' trees where tree removal is otherwise deemed essential, seems the best way to mitigate against canopy loss across the Town.

STATUTORY REQUIREMENTS

Modifying and adopting a revised LPP 13 and any amendment to LPS 10 as described in the preceding section will need to accord with the procedures prescribed in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Modifying a local planning policy includes a requirement to publically advertise the modified policy for at least 21 days. Depending on the complexity of the policy, the work required in drafting, reviewing and finalising it (having regard to any submissions received to it) it is envisaged that a timeframe of between 3 - 4 months ought to be allowed in modifying and adopting a revised LPP 13.

As previously mentioned, any amendment to LPS 10 to effect new or revised tree retention provisions will take at least 12 months or longer to complete and effect.

FINANCIAL CONSIDERATIONS

Through the recent project planning process that has been undertaken, the preservation of trees on development sites has been identified as a priority project. To this end, a nominal amount of \$7,500 has been allocated in the draft revised 2018-19 Town budget to assist in procuring any additional resources required to modify/revise LPP 13 and/or amend LPS 10 as outlined in this report.

OFFICER RECOMMENDATION — ITEM 10.4

That:

1. Council agrees to *Local Planning Policy (LPP) 13—Trees on Development Sites* being amended to include the following:
 - “a) The provisions in section 3.3 of State Planning Policy (SPP) 7.3 Residential Design Codes Volume 2 – Apartments be applied to the design and assessment of grouped housing development within the Town and other types of land use and development; and*
 - b) A provision that imposes as a standard condition on development approvals a requirement that no clearing of land nor removal of any tree is permitted until a landscape plan for the approved development (where also imposed as a condition of development approval) has been approved by the Town”; and*
2. A promotional and educational campaign of the benefits of trees, including their retention on development sites, be incorporated within the Town’s proposed communication and marketing plan being developed for the roll-out of the Town’s street verge tree planting program.

Voting requirements: Simple Majority

10.5 Request for Contract Variation - Community and Stakeholder Engagement Strategy (CSES) (Ref: LUAP/BASSEDEAN/LPS 2017-2030 - Anthony Dowling, Director Strategic Planning)

APPLICATION

Council is requested to approve a variation to the contract between the Town and Creating Communities Australia (CCA) Pty Ltd to design and deliver a community and stakeholder engagement strategy (CSES) to inform the vision for the development of a new Local Planning Strategy.

The purpose of the variation is to commission additional interactive 3D modelling and make this available as exhibits within the proposed Ideas Hub (which is to be located within the former Bassendean Post Office in Old Perth Road). The purpose is to benefit participants and stakeholders in understanding broad land use planning and design concepts utilised in shaping future townscapes and streetscapes.

Specifically, the additional modelling comprises:

Interactive Exhibit 1 which involves creating two 3D interactive physical models of two typical street environments – one each for the suburbs of Eden Hill and Ashfield.

Each participant will be provided with a section of a typical suburban street with 6-8 abutting private lots (3-4 either side) and be tasked with redesigning a future street section incorporating new households (density). Five (5) of these street sections will be provided for each model. The focus will be designing the future street environment as well as private properties.

The fee to produce these models, including data analysis of findings is \$17,250 (excluding GST);

Interactive Exhibit 2 which involves creating a large hybrid drawing (scale 1:2,000) of the Bassendean town centre – say extending from the west end of Old Perth Road to the Swan River and for several blocks either side of Old Perth Road and Surrey Street – and a series of 3D model elements which can be used to capture town centre values and ideas from visitors and participants. This model can be ‘built up’ by visitors and participants by adding their own 3D model elements over the consultation timeframe (April – September 2019).

The fee to produce this model, including data analysis of findings, is also \$17,250 (excluding GST).

BACKGROUND

Council, at its December 2018 Ordinary Meeting, endorsed a draft scope of works, expected deliverables and indicative project timeline for inclusion in a Request for Quotation (RfQ 374 2018-19) to design and deliver the proposed community and stakeholder engagement strategy (CSES)

Council also resolved to include an allowance (up to \$140,000) in its 2018/19 Town Budget review and the 2019/20 budget to carry out this work as well as leasing costs for a shop-front, and the production of design models and tools.

Creating Communities Australia (CCA) was the successful proponent and was awarded a subsequent contract to the value of almost \$115,000 to design and deliver the CSES.

Following a minor change to the scope of works discussed at the Inception Meeting with CCA which involved the need for additional consulting work to be undertaken and which was valued at almost \$5,700, a contract variation for this amount (Variation 1) was subsequently agreed to. This variation is within the 5% contract variation limit set by Council for the 2018-19 financial year (FY).

The value of the additional modelling work (\$34,500) exceeds the aforementioned 5% contract variation limit value. Thus, Council's approval to vary the contract value by an additional \$34,500 within the current FY is requested (Variation 2).

STRATEGIC IMPLICATIONS

As previously advised at the December 2018 Ordinary Meeting of Council, the proposed design and delivery of the CSES (including the proposed additional modelling) will accord with the following priorities and objectives of the current *Community Strategic Plan 2017-2027*:

Strategic Priority 1: Social

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
5.2 Proactively partner with the community and our stakeholders	5.2.2 Engage and communicate with the community

COMMENT

As previously advised at the December 2018 Ordinary Meeting, the CSES is an opportunity to build legitimacy and support with the community in shaping and building the future vision for the Town of Bassendean.

Understanding land use planning and design concepts, principles, objectives etc utilised in the future planning of places and regions can at times be complex and difficult to grasp, especially for the lay-person.

One of the attractions for awarding CCA to design and deliver the CSES was its proposal to utilise and incorporate 3D modelling as a way of firstly, explaining land use planning concepts, principles, objectives etc that will be applied in making a new Local Planning Strategy, and secondly, as a way to envisage and directly participate in shaping not only the town itself but their own environment in which they live, work and recreate.

It is considered that undertaking the additional modelling work will significantly add value to CCA's consultation/engagement program, as well as resulting in greater awareness of the contextual matters required to be considered in shaping the future of the Town and the needs of a diversified community.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

The additional modelling work can be funded within the current Town budget by reallocating the funds set aside to commission a heritage consultant to identify heritage precincts and prepare associated design guidelines to guide future development within these precincts (GL 261362); and to develop heritage incentives to support and encourage heritage conservation of identified heritage buildings and places within the Town (GL 261365).

The Manager Development Services has advised that commissioning of a heritage consultant to identify heritage precincts within the Town can be deferred until the 2019-2020 FY, given that the development of a scope of works for the consultant to undertake has yet to commence.

It also makes more sense for this work to await the outcomes of the CSES program as well as align with the project plan to commence the development of built form guidelines in FY 2019-2020.

The Manager Development Services has also advised that the development of heritage incentives could be carried out in-house, rather than by a consultant as initially intended, principally by referencing the Heritage Council's guidelines for developing such incentives.

At this stage, Council's endorsement only to reallocating these funds is sought, so as to not interfere with Council's consideration of adoption of the revised 2018-19 budget at this meeting.

The reallocation of these funds will be incorporated into the March 2019 Financial Statements for which approval will be sought at the April 2019 Ordinary Meeting of Council.

OFFICER RECOMMENDATION — ITEM 10.5

That Council:

1. Approves a variation (Variation 2) to the contract between the Town of Bassendean and Creating Communities Australia (RFQ 374 2018-19 Design and Implementation of a Community and Stakeholder Engagement Strategy to inform the development of a new Local Planning Strategy) to an increased value of \$34,500 for the purpose of additional modelling work as described in this report; and
2. Endorses the reallocation of \$30,000 in GL account 262362 and \$10,000 in GL account 261365 to GL account 261367 to cover the expense of the additional modelling work referenced in (1) above.

Voting requirements: Absolute Majority

10.6 Vandalism of Street Verge Trees – Adjacent to 14 Pryde Way, Eden Hill (Ref: COUP/MAINT/1 – Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to advise Council that two street verge trees adjacent to 14 Pryde Way, Eden Hill, have been interfered with, hacking/chopping at base of trees, and now only the base of the trees are remaining.

ATTACHMENT

Confidential Attachment No. 2:

Tree Investigation

BACKGROUND

In September 2015 the Town of Bassendean provided clearance of the “Eden Hill Gardens” (Pryde Way, Christie Way and Dobson Lane) subdivision indicating that all the works on site had been completed with the exception of tree planting, which was bonded with Council. At this time, Miluc Pty Ltd advised that once the majority of the housing construction work was completed, that they would plant up the streetscapes in accordance to the approved landscape plan.

After the housing construction work had been completed, Asset Services contacted Miluc Pty Ltd and wrote several letters, emails made follow up telephone calls requesting the street tree planting.

On the 12 April 2018, the Town received a letter from Miluc Pty Ltd requesting that the Town to utilise the developer’s bond money.to plant the street trees and as a result Asset Services sourced the trees and planted up the subdivision.

On 11 October 2018, the Town received an email from the property owner of 14 Pryde Way, Eden Hill, requesting the two trees adjacent to his property be removed.

The Parks & Garden Supervisor inspected the newly planted Prunus Nigra trees on 16 October 2018 and found them to be in a healthy condition.

The Prunus Nigra tree is an ornamental flowering plum with very dark purple summer foliage, in spring the tree has single pink flowers that make a spectacular display. At maturity this tree will grow to 5 metres tall providing an attractive avenue.

On 22 October 2018, a letter was delivered to the owner, explaining that the Town placed great importance on managing and protecting street trees and the trees would not be removed.

Then on 14 November 2018, Ranger Services reported that the above two trees had been vandalised, chopped at the base of the trees, and that the vandalism occurred between Thursday 8 November to Monday 12 November 2018.

STRATEGIC IMPLICATIONS

Strategic Priority 2. Natural Environment

Strategies <i>How we're going to do it</i>	Identified Project / Program	Strategic Measures of Success
2.2.1 Protect and restore our biodiversity and ecosystems 2.2.2 Sustainably manage significant natural areas	Review strategy and plan for the protection and rehabilitation of natural areas Increase purchase, planting & maintenance of street trees:- <ul style="list-style-type: none"> • 412 to 600 trees –Eden Hill area and Ashfield (Underground Power area • Street Tree Master Plan 	Community / Stakeholder Satisfaction Survey (Rivers, Bushland and Reserves)

COMMENT

In November 2018, Ranger Services commenced the investigation process into the two vandalised street trees, both Prunus Nigra, which had been chopped at the base of each tree, adjacent to 14 Pryde Way, Eden Hill.

Ranger Services initially tried to contact the resident who lived adjacent to the vandalised trees, but was unsuccessful on a number of occasions and left a message for the property owner to contact Ranger Services, as they believed the property may have been tenanted out.

As part of the investigation, a letter was distributed to 32 surrounding properties and a report was presented to the Kiara Police Station on the issue.

No feedback from surrounding properties was received and Officers from Kiara Police Station advised no action could be taken, as there is no evidence that the owner damaged the trees.

In December 2018, all the information gathered through the investigation was provided to the Town's solicitors (McLeods Barristers & Solicitors).

On 21 January 2019, the solicitors responded and requested the Town contact the property owner adjacent to the vandalised street trees, if not already done so.

Ranger Services successfully contacted the property owner adjacent to the vandalised street trees and was advised by the owner, that the Kiara Police had visited him that morning, and he had denied damaging the trees and the Kiara Police advised him that no action would be taken.

Kiara Police provided confirmation that this was the outcome as no evidence was available.

The Parks Supervisor found that the trees were now structurally unsound and require replacing. Due to the state of the trees, an Arborist report is not required.

In order to protect and manage street trees Council has in place the following policies:

Number	Town Planning & Built Environment
1.5	Crossover Policy
1.8	Significant Tree Policy
1.10	Street Tree Protection Policy
1.11	Street tree Pruning, Removal & Replacement Policy
1.12	Amenity Tree Evaluation Policy
1.13	Tree Vandalism Policy

Should someone illegally remove, damage, prune or poison a street tree, the Town has in place a Tree Investigation form which requires Rangers to speak to all adjacent neighbours and Asset Services to assess the amenity value and tree health.

This Tree Investigation report is provided as a confidential attachment for Council's consideration, as under the Local Government Act 1995 Clause 5.23 (2) (f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

Since 2015, officers have presented to Council the following five reports regarding vandalised street trees. At the completion of each resolution, a brief update has been provided:

- April 2015, Council (OCM – 15/04/15) Council approved the usage of a vandalism awareness sign, for 20 Wicks Street, Bassendean (*Tree Condition as July 2018 -Tree has returned to a healthy condition and sign has been removed*);
- October 2015, Council (OCM – 5/10/15) endorsed the Officer Recommendation relating to seven street trees that had been pruned or removed without permission (Recommendations are being followed as per resolution);
- March 2017, Council (OCM – 8/03/17) approved installation of a vandalism awareness sign on the First Avenue verge, adjacent to the vandalised street tree located adjacent to 89 Anzac Terrace until sufficiently established in approximately two years (*Tree Condition as July 2018-Tree has died and pruned to a safe condition, new tree planted will be subject to a further report as the new tree died in September 2018. (Vandalism sign is still on location)*);
- July 2017 Council (OCM – 26/07/17) approved the installation of a vandalism awareness sign adjacent to No. 1 Garnsworthy Place, Bassendean until the trees are sufficiently established in 3 years (*Tree Condition as July 2018 - Tree has died and pruned to a safe condition, two new trees planted are sound in condition. (Vandalism sign is still on location)*); and
- June 2018 Council (OCM – 6/06/18) authorises removal of the damaged street tree, adjacent to 4 Clarke Way, Bassendean, and replace with a tree approved by Council after construction has been completed (Tree Condition as July 2018 - Tree has new foliage at the top of the 1.5m trunk, construction work is continuing.

Under Council's Street Tree Protection Policy, in the event that a person has illegally removed, damaged, pruned or poisoned a street tree, Council may prosecute the offender under the *Local Government Act 1995*, Schedule 9.1 - clause 2: Disturbing local government land or anything on it, and the *Uniform Local Provisions Regulation 1996*, Regulation 5 Clause 1 interfering with, or taking from, local government land or other relevant provisions under the Act.

The trunk of the trees are still in the ground and are subject to the outcome of this report.

The valuation of the trees, using the Town's Policy "Burney Method of Tree Valuation", is as follows:

The street trees were 2 metres in height, with a crown spread of 1 metre. The approximate age of the trees is 3 years. Estimated value of each tree is \$4,753.72 (totalling \$9,507.44) which includes removal costs.

Considering that the person who vandalised this street tree cannot truly be identified by Ranger Services or Kiara Police, and the Town's Solicitors have advised, *without identification evidence the Town has no case*, it is recommended that a vandalism awareness sign be installed, for a two year period, adjacent to the two trees on the verge at 14 Pryde Way, Eden Hill.

This is to further educate residents, that street trees are an asset, they are valued by the entire community, have environmental benefits and that vandalising or damaging street trees will not be tolerated. Installing a vandalism awareness sign may assist in stopping others in the future from performing a similar act.

STATUTORY REQUIREMENTS

In the event of a person illegally removing, damaging, pruning or poisoning a street tree, Council may prosecute the offender under the following:

- *Local Government Act 1995* - Schedule 9.1, clause 2. Disturbing local government land or anything on it; and
- *Local Government Act 1995* - Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 - Interfering with, or taking from, local government land or other relevant provisions under the Act. In addition to the value of the tree, a penalty of \$5,000 may be imposed.

COMMUNICATION & ENGAGEMENT

In the past, Elected Members have inspected street trees that have been reported vandalised prior to a report being presented to Council, but as these trees have been chopped to the base, it may not be necessary for Elected Members to view the vandalised street tree before resolving this matter.

The outcome of the Rangers and Kiara Police investigations was that there is no legal proof of any person vandalising the street trees.

FINANCIAL CONSIDERATIONS

If Council approves the erection of the vandalism awareness sign, the estimated cost is \$1,200 for the manufacture of the sign. This is the same sized sign that is installed at current sites. Installation of the sign can be achieved from the Street Tree Operating Budget.

Considering the narrow road configuration of Pryde Way, Council may wish to modify the size of the vandalism awareness sign, so that the sign provides community education but does not compromise the sight lines in the street.

The cost to remove the street trees is \$300. If Council resolves to remove the trees, this can be achieved by using funds from the Street Tree Operating Budget.

OFFICER RECOMMENDATION – ITEM 10.6

That Council:

1. Approves the removal of the base of the two vandalised street trees and requests officers communicate with the property owner regarding the planting of replacement street trees during the 2019 planting season.; and
2. Installs a Vandalism Awareness sign on the verge adjacent to 14 Pryde Way, Eden Hill, until newly planted street trees are sufficiently established in approximately two years.

Voting requirement: Simple majority

**10.7 Council Street Trees – 118 Whitfield Street, Bassendean
(Ref: COUP/MAINT/1 – Ken Cardy, Manager Asset Services)**

APPLICATION

The property owner of 118 Whitfield Street Bassendean has requested both verge street trees (*Eucalyptus rudis*), located on Council land adjacent to their property, 118 Whitfield Street Bassendean, be removed as the trees have allegedly damaged the properties fence base (Limestone) which surrounds the property, possibility of damaging the house foundation and a general risk to the community and her family through falling branch.

ATTACHMENT

Confidential Attachment No. 3:

LGIS Resident's emails
letter to Resident

Attachment No. 5:

Arborist Report
Street Tree Pruning, Removal & Replacement Policy
Amenity Tree Evaluation Policy

BACKGROUND

In early February 2018, the owners of the property emailed the Town advising that one street tree located on their adjacent verge required pruning, as large branches were overhanging the house and the other street tree roots may be damaging their house footings.

In late February 2018, the Asset Services Parks & Garden Supervisor arranged for the street trees to be pruned, but was not able to access the property to view the street tree root system. He later viewed (December 2018) the street trees' root systems within the property, with the contracted Arborist

In December 2018, the owner of the property submitted a claim to Local Government Insurance Services (LGIS) for property damage.

Under Council Policy 1.11 titled "Street Tree Pruning, Removal & Replacement Policy" (See attached) only Council can approve the removal of a healthy street verge tree within the Town. As a consequence, the Officer's first recommendation is to preserve the tree. It requires Council to determine if it believes it is more prudent to remove the tree.

STRATEGIC IMPLICATIONS

Strategic Priority 2. Natural Environment

Strategies <i>How we're going to do it</i>	Identified Project / Program	Strategic Measures of Success
2.2.1 Protect and restore our biodiversity and ecosystems	Review strategy and plan for the protection and rehabilitation of natural areas	Community / Stakeholder Satisfaction Survey (Rivers, Bushland and Reserves)
2.2.2 Sustainably manage significant natural areas	Increase purchase, planting & maintenance of street trees:- <ul style="list-style-type: none"> • 412 to 600 trees –Eden Hill area and Ashfield (Underground Power area) • Street Tree Master Plan 	

COMMENT

Local Government Insurance Services (LGIS) has advised that liability could be significant and the Town must take reasonable action to prevent significant damage to this property, and is of the view that the only option available to the Town of Bassendean is to remove the trees to prevent further damages to the property and discharge the Town's duty of care. It urges the Town to act expeditiously on this issue.

The Town's Parks & Garden Supervisor has viewed the site and advised:

"I have inspected the Eucalyptus rudis. (flooded gum) which is approximately 30-40 years old and found it to be healthy and sound in structure; however the root system, seems to be causing structural damage to the fence foundation and within the property.

Both trees have been planted within one meter of the property line and each has around a 15 meter canopy radius which covers parts of the residential property. I am unsure if the trees were planted before or after the house was constructed.

Officers have cut back the tree canopies from the property line in March and December 2018. As the tree trunks are on the fence line we were unable to work on the private property side as we will be intervening with the tree protection zone".

In February 2019, Bowden Tree Consultancy were contracted to provide an Arboricultural Assessment of the trees located at 118 Whitfield Street ,Bassendean.

Arborist Recommendations:

Tree number 1 (northern tree)

- *Severing roots and consideration for root barrier installation on the property side will compromise tree stability and with ongoing conflicts highly probable, it is recommended to remove this tree to ground level and grind the stump. Consideration could be given to replacement tree planting in the upcoming cooler months further from the property boundary.*

Tree number 2 (southern tree)

- *Further root/ fence conflicts are highly probable therefore consideration could be given to replacement planting in the upcoming cooler months further from the property boundary, and subsequent removal/ grinding of the tree in the medium term (2-5years) to alleviate canopy cover loss.*

With the information provided by LGIS and Bowden Tree Consultancy, officers are recommending both street trees (Eucalyptus rudis) be removed as soon as possible and the grinding of street tree stumps.

STATUTORY REQUIREMENTS

In the event of a person illegally removing, damaging, pruning or poisoning a street tree, Council may prosecute the offender under the following:

- Local Government Act 1995 - Schedule 9.1, clause 2. Disturbing local government land or anything on it; and
- Local Government Act 1995 - Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 - Interfering with, or taking from, local government land or other relevant provisions under the Act. In addition to the value of the tree, a penalty of \$5,000 may be imposed.

COMMUNICATION & ENGAGEMENT

Officers have liaised with the owners of the property, LGIS and contracted Bowden Tree Consultancy to provide an arborist report on both trees located at 118 Whitfield Street, Bassendean.

FINANCIAL CONSIDERATIONS

If Council approves the removal of both trees, the estimated cost of \$3,000 can be met from the Street Tree Operating Budget.

OFFICER RECOMMENDATION – ITEM 10.7

That Council approves the removal of both street trees (*Eucalyptus rudis*) located at 118 Whitfield Street, Bassendean, and notes that officers will communicate with the property owners regarding the planting of new street trees during the 2019 planting season

Voting requirement: Simple majority

10.8 Community Sporting and Recreation Facilities Fund (CSRFF) Application – Bassendean Bowling Club (Ref: GRSU/APPS-D/15 – Tim Dayman, Recreation Development Officer)

APPLICATION

The purpose of this report is to request approval from Council for Bassendean Bowling Club to apply for a Small Grant under the Community Sporting and Recreation Facilities Fund (CSRFF) and to rank the project in accordance with the CSRFF guidelines for Local Government Authorities.

ATTACHMENTS

Attachment No. 6:

- CSRFF Small Grants Application Form
- CSRFF Grant Submission Supporting Information
- Cost Contribution Spreadsheet

BACKGROUND

In 2017, Officers have held several meetings with the Bassendean Bowling Club regarding the condition of the facility. It is clear that the building and external facilities need upgrading which is backed up by an infrastructure strategy report completed in June 2016 by CSS Strategic who were contracted by LandCorp as part of the previously proposed Bassendean Activity Centre Revitalisation project.

These projects included an upgrade to the floodlighting towers on “C” green, refurbishing the aprons on two of the greens and installing two new drinking fountains. Each of these projects were immediately required for the club to conduct their summer bowls competitions in a safe manner.

The Club has submitted applications in the past two CSRFF Small Grant rounds but were unsuccessful.

The Club’s application for March 2019 focuses more on items that directly influence sporting participation. The Club intends to carry out the following works:

- Install new shade shelters on all greens, replacing the old irrigation pipes with shade cloth to a retractable shade sail;
- Installation new astro-turf aprons around greens B and C to prevent tripping hazards and protect their bowling equipment; and

- Increase lighting capacity on the existing light towers for A and B greens.

Since the last applications were unsuccessful, the Club has installed new lights on the current towers on C green and installed one of the two drinking fountains, as well as some security upgrades with CCTV to the value of \$14,809 at the Club's own expense.

As detailed in the CSRFF Small Grant second round application, the total project cost (excl GST) is estimated at \$80,053 and funded through the following sources:

Applicant Cash	\$ 17,126
Volunteer Labour	\$ 11,725
CSRFF Grant	\$ 25,601
TOB Contribution	\$ 25,601

The purpose of the CSRFF program is to provide financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well-utilised facilities.

Through CSRFF, the State Government will invest annually in the development of high-quality physical environments in which people can enjoy sport and recreation. There is \$12 million available for allocation in this the 2019/20 funding round.

CSRFF Small Grants will be awarded to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$200,000, and as the CSRFF Grant will not exceed one third of the project cost, the total grant request may not exceed \$66,666. Grants given in this category must be claimed by 15 June in the relevant financial year.

Under the CSRFF Small Grants program, applicants can receive an upfront payment of their grant. Upon completion of a project, the applicant will be required to acquit the grant by providing CSRFF claim forms and sufficient evidence of expenditure.

COMMUNICATION & ENGAGEMENT

Officers have met regularly with the Club to provide assistance with their CSRFF grant application and other ongoing maintenance issues as identified in the previously mentioned CSS Strategic infrastructure strategy report.

COMMENT

The Bassendean Bowling Club regularly features in the top metropolitan greens and hosts significant events such as Country Week, including the finals.

The aprons that skirt two of the three greens are currently a trip hazard when participants step down to the green from the viewing areas. The club has reported the torn and loose carpet as an occupational health and safety issue. New synthetic grass was installed around the "A" green recently at the cost of the club. This also limits the damage done to player's bowls when they end up in the gutter.

The CSRFF Small Grant application meets all the requirements of the CSRFF Program with the Bassendean Bowling Club demonstrating that they have sufficient financial and human resources to undertake the required works. In the first round of CSRFF in July 2017, no financial request was made by the Club to Council for the proposed works. The Club is requesting financial support for this round to strengthen its application.

Following recommendations from the State body, Bowls WA, stating that current structures do not meet standards for safe play, Officers are recommending that Council consider and support the CSRFF Small Grant application lodged by the Bassendean Bowling Club.

In accordance with the assessment guidelines of the CSRFF program, Officers rate the project as well planned and needed by the applicant.

Subject to the decision of Council, Officers will continue to work with the Bassendean Bowling Club to ensure that all required paperwork is lodged with the CSRFF Small Grant application to the Department of Local Government, Sport and Cultural Industries. The final submission is made by the Town on the Club's behalf.

The Town will be notified by the Department of Local Government, Sport and Cultural Industries of the outcome of the application by June 2019.

STATUTORY REQUIREMENTS

Local Government Act 1995

STRATEGIC IMPLICATIONS

The redevelopment works at the Bassendean Bowling Club align with the following key themes and strategic objectives of the Corporate Business Plan 2018-2022:

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
1.1 Build a sense of place and belonging	1.1.1 Facilitate engagement and empowerment of local communities	Increases in Club activity and membership.
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.	Increases in Club activity and membership.
	1.2.5 Support our volunteers and community groups to remain empowered, dynamic and inclusive	

FINANCIAL CONSIDERATIONS

The Club is seeking a one-third contribution from the Town for the following works to the value of \$25,601 (excl. GST), as identified by the Club in the CSRFF Small Grant application:

- Sun Shelter Installation \$13,963
- Artificial Turf Aprons \$1,771
- Lighting Upgrade \$9,867
- Total: \$25,601

Officers recommend that these costs be referred for consideration in the 2019-20 Capital Works Budget and be subject to the grant application being successful.

OFFICER RECOMMENDATION – ITEM 10.8

That:

1. Council supports the CSRFF small grant application lodged by the Bassendean Bowling Club;
2. In accordance with the CSRFF assessment guidelines, Council rates the project as well planned and needed by the applicant; and
3. \$25,601 be listed in the 2019/20 draft Capital Works Budget, subject to the CSRFF Small Grant application being approved by the Department of Local Government, Sporting and Cultural Industries.

Voting requirement: Simple majority

10.9 Waste Collection Services – Collection of Food Organics Garden Organics (FOGO) Waste (Ref: WSTMNGT/TENDNG/10 - Ken Cardy, Manager Asset Services) and Simon Stewert-Dawkins, Director Operational Services.

APPLICATION

The purpose of this report is to provide Council with an update of the Better Bins or 3 Bin Project and propose an earlier inclusion of the Food Organic Garden Organic collection.

ATTACHMENT

Attachment No. 7

- Waste Authority Presentation - Waste Avoidance and Resource Recovery (WARR) Strategy 2030 and Action Plan.
- EMRC Media Release 22 March 2019 - EMRC's Green Light for FOGO Strategy.

BACKGROUND

Council (OCM – 28/01/18) resolved in part to advise the EMRC the following:

- “a) That the Town of Bassendean has committed to developing a waste strategy, in conjunction with the community, with the purpose of reducing the Town's waste production and increasing the Town's waste diversion levels through waste management according to measures higher up the waste hierarchy than disposal;*
- b) Therefore, the Town of Bassendean will not be committing any of its residual waste to a long term contract for a waste-to-energy Resource Recovery Facility in East Rockingham at this stage;*
- c) That instead, the Town would like to work with the EMRC to explore alternative options to the incineration of the Town's residual waste including a trial/scalable anaerobic digester facility at the EMRC's Red Hill site for the Town's residual waste; and*
- d) That the Town of Bassendean reaffirms its commitment to the EMRC and its desire to remain within the regional Council.”*

In May 2018, Council (OCM-14/05/18) resolved:

“That:

1. *In developing the Town’s new waste management strategy (OCM-38/11/17),*
 - a. *Prioritises scheduling a weekend workshop for Councillors as soon as practicable with invitations extended to the Sustainability Committee members, Suez (the Town’s waste provider), the Waste Authority, WALGA’s Waste Manager and the EMRC’s Director of Waste Services to contribute;*
 - b. *Further investigates future waste options including but not limited to:*
 - i. *Weekly FOGO for possible implementation in 2020/21 financial year;*
 - ii. *The introduction of an On-Demand Three Cubic Metre Skip Bin Request System;*
 - iii. *Expanding residential recycling mornings;*
 - iv. *Expansion of the current facilitated on-call booking system to include additional white goods, timber and mattresses;*
 - c. *Refers any proposed changes to waste management practices to the Sustainability Committee for input;*
 - d. *Conducts a community forum to gather suggestions and feedback;*
2. *Endorses the implementation of a three bin system with rollout commencing in the 2019/20 financial year (July 2019) and lists funds of \$700,000 for consideration in the draft 2018/19 budget for the purchasing of 7750 rubbish bins with a red lid, distribution of bins to households within the Town and an education program;*
3. *Defers any consideration of a budget allocation for changing of current green lid bins to a lime green bin lid until a response has been received from the Minister for the Environment to the Town’s request for reconsideration of the requirement to change the lid’s colour;*
4. *Notes the Town is arranging a “Resident Recycling Morning” on 26 May 2018 and the cost will be borne out of the current Waste Recycling Budget (GL 761352);*

5. *Requests staff continue to liaise with the EMRC regarding the purchase of an anaerobic digester (or similar) at Red Hill in accordance with Council resolution OCM – 28/01/18 and formally request that planning for such a facility be included for consideration in the EMRC draft 2019/20 budget; and*
6. *Supports investigating a Round 2 Smart Cities funding submission for a waste management themed project in collaboration with Curtin University Sustainability Policy (CUSP) Institute and provide Council with a draft of the submission, for endorsement prior to submitting the funding application.”*

In September 2018, Council (OCM – 32/09/18) endorsed the following Notice of Motion:

1. *Commits to introducing FOGO (Food Organics & Garden Organics) at the same time as the introduction of the third bin through the Better Bins Program rollout;*
2. *Writes to the EMRC requesting immediate initiation of an amendment to the current greenwaste windrow licence to permit the processing and management of FOGO waste at the Red Hill Waste Management Facility, operational by the 1st of July 2019; and requests the EMRC to continue to investigate a scalable anaerobic digestion facility for the long term management of FOGO waste; and*
3. *The third bin program roll out date to be determined once the EMRC notifies the Town confirming the application to modify the existing licencing requirements has been submitted to the Department of Water and Environmental Regulation to permit FOGO to be processed and managed at Red Hill Waste Management Facility.*

In accordance with OCM-14/05/18 above, a weekend workshop was conducted on 7 July 2018. As a result, a Waste Management Planning report was presented to the Sustainability Committee and Council (OCM – 15/10/18) resolved to receive the report and noted that the Bassendean Waste Management Planning report will be used to inform the development of a future Town of Bassendean Waste Management Strategy.

In mid-February 2019, the Premier, Mark McGowan, released the Waste Avoidance and Resource Recovery Strategy 2030 and in a media statement advised in part that “A cornerstone of the Waste Strategy is a new target that will ensure all Perth and Peel households will have a third kerbside bin for Food Organics and Garden Organics (FOGO) by 2025”.

COMMUNICATION & ENGAGEMENT

In accordance with OCM – 28/01/18; OCM – 14/05/18 and OCM – 32/09/18, the Town has written to the Eastern Metropolitan Regional Council (EMRC) and has had numerous discussions to progress Council’s stated direction.

Since the Waste Authority advised that the Town of Bassendean’s Better Bins Kerbside Collection Program “3-Bin System” was successful, Offices have been liaising with the Waste Authority and the Western Australian Local Government Authority to ensure that future publications that will be used are consistent with the States Waste programs and the implement the 3-Bin (FOGO) system.

Furthermore, Officers have been conducting meetings with the Town’s Waste Collection Contractor (Suez Recycling & Recovery Pty Ltd and other Local Governments regarding the 3-Bin delivery program and to develop additional future recycling programs.

At the December 2018 EMRC Ordinary Council Meeting the following was resolved:

“That Council:

- 1. Acknowledges the requests from the Town of Bassendean and the City of Bayswater for the investigation of the processing of Food and Garden Organic Waste (FOGO) at Red Hill Management Facility;*
- 2. Notes the options being considered for the processing of FOGO waste at Red Hill Waste Management Facility*
- 3. As part of the various options being considered, that investigations and cost modeling be undertaken on options to establish an interim financial arrangement on behalf of Member Councils with the Southern Metropolitan Regional Council or other appropriate Third Parties for the processing of FOGO commencing 1 July 2019 until the Red Hill Waste Management Facility is able to receive and process FOGO Waste;*

4. Request the outcome from the review of the various options including cost modeling be presented to the March 2019 Ordinary Council Meeting.”

On 7 March 2019, the EMRC Resource Recovery Committee considered an Officer’s report titled “Processing of Food Organics and Garden Organics (FOGO) Waste Management Facility” was presented. The key points in the Officer report were as follows:

- Options for processing FOGO Waste;
- Mobile Aerator Floor (MAF) composting system;
- Mobile Aerator Floor system could be installed and operated at Red Hill between July & November 2019;
- Site visit to view MAF processing facility at Bunbury Harvey Regional Council and private contractor facility;
- Preliminary Costings for various processing options; and
- Regional Marketing Campaign to assist with community messaging.

On Tuesday 12 March, the Chairman of the Waste Authority, Mr Marcus Geisler provided a presentation to Town of Bassendean Elected Members and staff on the Waste Avoidance and Resource Recovery (WARR) Strategy 2030 and Action Plan.

On Thursday 14 March 2019, the Chairman of the Waste Authority, provided the attached Waste Avoidance and Resource Recovery (WARR) Strategy 2030 and Action Plan presentation to the Eastern Metropolitan Regional Council.

To assist with the 3-bin (FOGO) implementation program, the Town has engaged CGM Communications to develop community engagement strategies and undertake the following:

1. **Desktop / case study research**, including:
 - Communications scan – review of communication materials, local media, past surveys to:
 - determine the history and messaging surrounding the initiatives;
 - Case study analysis – a review of similar projects in Perth and interstate to determine best practice models.
2. **Stakeholder interviews** – one-on-one discussion with CEO and Mayor to define success factors.
3. **Community research design** – based on the research and stakeholder interviews, design a community research approach to determine baseline support, communication and information needs, possible issues, and potential community advocates/detractors.

4. **Internal workshop** – conduct workshop with Councillors, Executives, other influential stakeholders as required, to:
 - Complete a SWOT analysis;
 - Identify key audiences and influencers;
 - Develop a compelling and clear narrative;
 - Define messaging for each audience; and
 - Assess communication platforms and tactic.

It is planned to have a kick-off meeting in late March 2019 with CGM communications, to discuss the above. The information gained from the workshop, community research and interviews will be used to draft a report, which would also include a set of implementable recommendations for a campaign plan.

The Town has advised the EMRC that the information gain from the CGM Communications report will be used to assist in changing community behaviour, and will be shared with the EMRC to assist with the Regional Marketing Campaign.

At the 21 March 2019, EMRC Ordinary Council meeting, the “unconfirmed minutes” state the following:

“Moved Cr Wilson Seconded Cr Mykytiuk, that:

1. *The EMRC begin the process of developing a long-term Food Organic & Garden Organic (FOGO) Strategy including, if required, seeking expressions of interest for the appropriate technology to implement long-term FOGO processing solutions to cater for all Member Council waste streams.*
2. *In the interim, the EMRC proceeds with the procurement process and licence approval for the addition of a trial mobile aerator floor (MAF) composting system for the processing of up to 10,000 TPA of FOGO waste at the Red Hill Waste Management Facility.*
3. *Approves the expenditure of up to \$400,000 ex gst for the purchase and installation of a suitable MAF system, including hardstand installation and that the funds be allocated from the secondary waste reserve.*
4. *Notes that interim arrangements are available with several third party processors of FOGO waste if the installation of a processing facility or the licence approval is delayed for whatever reason beyond planned start dates for FOGO collections by Member Councils.*
5. *Advise the Town of Bassendean and the City of Bayswater of the Council resolution and authorise the CEO to enter into negotiations with these Member Councils for a suitable processing arrangement.*

6. *Seek funding support from the waste authority for the FOGO trial at the red hill waste management facility.*
7. *That the EMRC explore all marketing opportunities for the compost product during the FOGO trial period.”*

STRATEGIC IMPLICATIONS

Town of Bassendean Strategic Community Plan:

Strategic Priority 2: Natural Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
2.1 To display leadership in environmental sustainability	2.1.2 Reduce waste through sustainable waste management practices	Waste reduction ratio to population

COMMENT

The Waste Avoidance and Resource Recovery Strategy 2030 and Action Plan provides the following eight strategies:

- A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms.
- Implement local government waste plans, which align local government waste planning processes with the Waste Avoidance and Resource Recovery Strategy 2030.
- Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development.
- Provide funding to promote the recovery of more value and resources from waste with an emphasis on focus materials.
- Review the scope and application of the waste levy to ensure it meets the objectives of Waste Avoidance and Resource Recovery Strategy 2030 and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon.
- Develop state-wide communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours.

- Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.
- Undertake a strategic review of Western Australia's waste infrastructure (including landfills) by 2020 to guide future infrastructure development.

As outlined above, one of the cornerstones of the Waste Strategy is to provide a third kerbside bin for Food Organics and Garden Organics (FOGO), the Town has been working with EMRC Officers to provide a FOGO processing facility at Red Hill Waste Management facility or to facilitate a contractor to process the FOGO waste.

After receiving the Waste Authority Better Bins grant, Council (OCM – 32/09/18) committed to introducing FOGO (Food Organics & Garden Organics) at the same time as the introduction of the third bin through the Better Bins Program rollout. Therefore, the following waste collection program will apply:

- Food Organics and Garden Organic waste derived from living matter into a dedicated composting bin (lime green-lid 240L) is collected **weekly**. Contents are processed at a predetermined Regional Resource Recovery Centre (RRRC) into high quality compost.
- Recycling bin (yellow-lid 240L) is collected **fortnightly**. The contents are sorted, baled at the Towns Waste Contractors Resource Recovery and sold for reprocessing.
- General Waste bin (red lid 140L) is collected **fortnightly** (opposite fortnight to Recycling – Yellow lid bin). This bin is mainly for waste that can't be composted or recycled and will go into landfill.

Currently, ratepayers are provided with 2 x 240 litre bins, however, with the Better Bins Program, ratepayers will be provided with an additional 140 litre bin or an additional 29% bin capacity, to ensure waste is appropriately separated.

The below tentative timelines for the implementation of the 3-Bin (FOGO) project have been prepared, however, they are subject to the Department of Environment Water and Regulation (DEWR) providing an amendment to the current licence for the processing of Food Organics at Red Hill Waste Management Facility, or an interim third party arrangements being in place to process FOGO waste:

Date	Action	Status
March 2018	Better Bins Application	Completed
June 2018	Waste Authority funding Agreement for purchase of 3 bin system	Completed
March 2019	CGM Communications appoint to conduct research that will facilitate widespread community support to behavioural change for the 3- Bin (FOGO) recycling and waste system	Commenced
March 2019	EMRC Council to consider FOGO report	Completed
April 2019	EMRC /TOB FOGO processing estimates provided to Council for consideration	
April 2019	Complete Audit of TOB recorded Household Waste Bins	
April 2019	Invite Tenders for supply of Bins and Lids	
May 2019	EMRC draft Food Organic Garden Organic (FOGO) processing Agreement and Legal Advise presented to Council for consideration and approval	
May 2019	CGM Communications to review Campaign Implementation Plan and present to Council	
June 2019	Formal announcement Better Bins Program to the community	
June 2019	Launch Engagement and Behaviour awareness campaign	
July 2019	EMRC and Town of Bassendean administration prepare a FOGO waste processing Agreement for Council consideration	
July 2019	Council appoints contractor to supply and deliver bins and lids- Issue Purchase Orders	
August-October 2019	Contractor manufactures and supplies bins and lids	
October 2019	Commence the engagement of casual staff to assist with public enquiries, waste education and the Bin Tagging Program for all properties	

November 2019	Implement stage one rollout to residential properties and stage two commercial properties. Change existing “green” lidded bin to “lime green” as per Australian Standard & Waste Authority requirement.	
December 2019 – June 2020	Waste Education and Bin audits to ensure residents comply with bin tagging program and Waste Local Law in order to minimise FOGO contamination	
June 2020	Waste Authority Grant Funding Acquittal for the Better Bins Project required	
On Going	Continued Waste Education and Bin audits to ensure residents comply with bin tagging program and Waste Local Law in order to minimise FOGO contamination	

Note: The above tentative timeframes are subject to the Department of Environment Water and Regulation (DEWR) providing an amendment to the current licence for the processing of Food Organics at Red Hill Waste Management Facility, or interim third party arrangements being in place to process FOGO waste

STATUTORY REQUIREMENTS

The Waste Avoidance and Resource Recovery (WARR) Strategy 2030 and associated Action Plan provide clear targets and actions for Community, Industry and Government to reduce waste and increase material recovery.

The strategic direction of the WA Government has been set towards a circular economy, with targets set for a 20% reduction in per capita waste generation and an increase in material recovery to 75% by 2030. The Waste Hierarchy, along with the principles of the Circular Economy are the tools used to determine best practice waste management approaches in Western Australia.

One of the Strategy Actions is the implement a Better Bin or 3-bin system for all local governments in the Perth and Peel Regions by 2025.

FINANCIAL CONSIDERATIONS

The Town has been successful in obtaining a Waste Authority grant of \$266,000 to purchase the 3rd Bin and in May 2018 Council (OCM-14/05/18) resolved in part to endorse the implementation of a three bin system and to lists \$700,000 for consideration in the draft 2018/19 budget for the purchasing of rubbish bins, distribution of bins to households and for an education program.

In September 2018, Council (OCM – 32/09/18) resolved to commit to introducing FOGO (Food Organics & Garden Organics) at the same time as the introduction of the third bin, through the Better Bins Program rollout. As a consequence the Town has liaised with the EMRC in regards to the processing of Food Organics & Garden Organics at Red Hill Waste Management Facility and requested that they engage with third parties to assist with the processing.

Officers have prepared draft tender documents for the Supply, Assembly and Delivery of Variable Sized Mobile Garbage Bins (MGBs) and Spare Parts. However, considering the change of the project scope, the draft tender now requires contractors to provide a price for the supply and delivery of counter-top kitchen caddy bins and with matching Australian Certified compostable liners.

The tender document has been designed with “Separable Portions” to provide Council with some flexibility to either include the kitchen caddy and compostable bags as part of the roll out program, or to not accept this portion of the tender.

In regards to Council’s (OCM – 32/09/18) direction, the Town continues to liaise with the EMRC regarding the FOGO management and processing financial model and it is intended that in April 2019 a report will be provided to the Ordinary Council Meeting for consideration.

OFFICER RECOMMENDATION — ITEM 10.9

That Council:

1. Notes Council resolution (OCM – 32/09/18) that committed to introducing FOGO (Food Organics & Garden Organics) at the same time as the introduction of the third bin through the Better Bins Program rollout;

2. Notes Council (OCM – 32/09/18) resolution that stated the roll out date would be determined once the EMRC notifies the Town confirming the application to modify the existing licencing requirements has been submitted to the Department of Water and Environmental Regulation to permit FOGO to be processed and managed at Red Hill Waste Management Facility;
3. Receives 26 March 2019, Waste Collection Services – Collection of Food Organics Garden Organics (FOGO) Waste report;
4. Requests Officers invite tenders for the Supply, Assembly and Delivery of Variable Sized Mobile Garbage Bins (MGBs) Spare Parts and Tender documents for the Supply, Assembly and Delivery of Variable Sized Mobile Garbage Bins (MGBs), Spare Parts, including an option for kitchen caddy bins with matching Australian Certified compostable liners; and
5. Requests Officers of the Eastern Metropolitan Regional Council and the Town of Bassendean continue to prepare the FOGO management and processing financial model and that a report be provided to the April 2019 Ordinary Council Meeting.

Voting requirements: Simple Majority

10.10 Mid Year Review of Annual Budget 2018/19 (Ref: FINM/BUGTG/1 – Ken Lapham, Acting Director Corporate Services; Jill Brazil, Acting Manager Corporate Services)

APPLICATION

Council is requested to consider the mid-year review of the Annual Budget for 2018/19.

ATTACHMENTS

Attachment No. 8

- A. Budget Review 2018/2019 Overview by Moore Stephens
- B. Budget Review 2018/2019 Financial Statements which include:
 - Statement of Comprehensive Income by Program
 - Statement of Comprehensive Income by Nature or Type
 - Note 1: Rating Information Statement
 - Note 2: Reserves Schedule
 - Note 3: Net Current Position
 - Note 4: Capital Works Program
- C. List of Proposed Project Budget Amendments included in Budget Review 2018/2019
- D. Summary of Proposed Budget Amendments by Nature or Type

BACKGROUND

The Local Government Act 1995 and Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that a Local Government undertakes a review of its annual budget for that year between 1 January and 31 March.

The budget review is to be submitted to the Department of Local Government, Sport and Cultural Industries (the Department) within 30 days after Council has made its determination. The Department does not prescribe a format for the budget review, however, the Regulations prescribe that the review must -

- a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
- b) consider the local government's financial position as at the date of the review; and
- c) review the outcomes for the end of that financial year that are forecast in the budget.

Council is to consider the review and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

DETAILS

A detailed review has been undertaken based on the actual year to date income and expenditure to 28 February 2019, with projections made to forecast the likely end of financial year result compared to the current budget.

Based upon input from across the organisation, various adjustments have been proposed. The proposed amended Budget 2018/19, which is inclusive of previously endorsed amendments by Council, together with recommended adjustments from the mid-year review, is detailed in the following attachments:

- Budget Review Financial Statements 2018/2019;
- List of proposed Project Budget Amendments included in Budget Review 2018/2019;
- Summary of Proposed Budget Amendments by Nature or Type;
- Summary of Proposed Budget Amendments by Program; and
- List of ALL proposed Budget Amendments included in Budget Review 2018/2019.

For comparison purposes, the above statements include the following data:

- Adopted Full Year Budget 2018/19: the original 2018/19 budget adopted by Council in July 2018;
- Current Proposed Amended Full Year Budget 2018/19: the original budget, including proposed amendments;
- YTD Actuals at 28 February 2019: actual income and expenditure recorded for the period 1 July 2018 to 28 February 2019; and
- Proposed Revised Budget Change 2018/19: the net difference between the Current Full Year Budget 2018/19 and the Proposed Revised Budget 2018/19.

The forecast Net Result is a surplus of \$21,614. The revised overall forecast Net Result is \$21,614 – this equates to a Nil variance.

Despite a Nil variance between the current budget forecast Net Result and the revised overall forecast Net Result, the following key variations/adjustments are highlighted:

Starting Position

- Change in actual closing surplus for the 2017/18 financial year was adjusted from \$1,646,933 to \$1,921,369 to account for income (via Council rates paid in advance). This variance created an additional amount of \$274,436 for 2018/19.

Capital Expenditure

Capital Expenditure (less than Budget by \$2,649,404).

There are a number of projects that have been delayed for various reasons.

A summary of the major Capital Works amendments includes:

- \$355K for Men's Shed construction;
- \$250K Ablution Block Sandy Beach (from Cash In Lieu);
- \$700K purchase of new bins;
- \$850K Safe Active Street (Whitfield);
- \$550K Broadway Bike Path; and
- Major savings occurred as follows: \$130K Success Hill Spillway; and \$110K for resurfacing James Street.

Operating Expenditure

- Operating expenses (more than Budget by \$333,003)

Some factors which contribute to this are:

- Additional salaries and wages costs due to termination payout of entitlements, additional project staff and long service leave; and
- Proposed new projects such as Community Engagement Strategy, Your Move and Vibrancy Projects.

Income

- Income (less than Budget by \$1,399,887)

Some factors which contribute to this are:

- Grants or Income expected but not being received during 2018/2019 – Lotterywest \$200K Men's Shed;
- Cash In Lieu \$250K Sandy beach Toilets;
- Dept. of Transport \$445K Whitfield Bike Boulevard;
- Dept. of Transport \$93K Pickering Boat Ramp;
- Recognition of Rates in Advance as Liability not Cash \$247K; and

- Details of proposed revisions to the operating budget are listed in the attachments.

Transfers to Reserves

- Transfers to Reserves

To account for unspent grants and surplus income, the funds will be transferred from Municipal funds to specific reserve funds to ensure they do not impact on the year end surplus. These items can then be re-listed next financial year when the funding is scheduled to be spent.

Some factors which contribute to this are:

- Unspent Grants Reserve of \$921K comprising:
 - \$300K – Home Care Clients Funds
 - \$510K Bike Boulevard
 - \$93K Waste Authority
 - \$18K - Other
- Reserve Interest – Interest on Investments less than anticipated by \$23K
- Waste Management Reserve - \$147K Surplus in Bulk Waste Collection
- Bus Shelter Reserve - \$24,000 Adshell Income

Transfers from Reserves

- Transfers from Reserves

There is a requirement to amend fund transfers from the following reserves:

- Plant & Equipment \$65k – Plant replacement not required;
- Community Facilities Reserve – Extra \$51K required for Mary Crescent Reserve Playground;
- Waste Management Reserve \$467K -3 bins system deferred;
- Wind in the Willow Reserve - \$600 Project Saving;
- Aged Person Reserve - \$450 Project Saving;
- Underground Power Reserve \$33k – project not proceeding;
- Land & buildings \$170k – Men’s Shed deferred to 2019/20;
- Drainage Reserve – \$10K Project Saving;
- Employee Entitlements Extra \$286k - (Unplanned Terminations and leave taken);
- HACC Asset Replacement \$15k – Project not proceeding;

- Unspent Grants \$297k– \$288K Home Care Client Funds, \$60K Other Grants;
- Details of proposed revisions to the reserves budget are listed in the attachments.

STRATEGIC IMPLICATIONS

Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked. Asset Ratio Benchmarked

FINANCIAL CONSIDERATIONS

The 2018/19 Budget is proposed to be amended in accordance with the proposed adjustments, as contained in this report and attachments, which will result in no material financial implications for the Town.

COMMUNICATION

The Chief Executive Officer, Directors and Managers, as well as other Officers where required, have been consulted and involved primarily in preparing project plans for priority projects and forecasting/reaffirming the associated budgetary implications.

Unit managers have also identified cost pressures and changes attributed to their functional area of responsibility.

STATUTORY REQUIREMENTS

The Local Government Act 1995 requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
 - (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
 - (b) Consider the local government's financial position as at the date of the review; and
 - (c) Review the outcomes for the end of that financial year that is forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

RISK MANAGEMENT

High: Failure to undertake a Budget review in the period between January and March in any financial year would be a breach of the Local Government Act (1995).

OFFICER RECOMMENDATION – ITEM 10.10

That Council adopts the mid-year budget review of the Annual Budget for the 2018/19 financial year, as detailed in the report and the amendments attached to the Ordinary Council Agenda of 22 March 2019, and in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.

Voting requirement: Absolute majority

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

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

Building Applications Determined in the Month of February 2019		
Application No	Property Address	Description
201800222	64 BROADWAY, BASSENDEAN	RETROSPECTIVE SHED AND OUTDOOR ENTERTAINMENT AREA
201700289	45 KATHLEEN STREET, BASSENDEAN	OFFICE & SHED ADDITION
201900018	13 NORTHMOOR ROAD, EDEN HILL	SWIMMING POOL AND SECURITY BARRIER
201900014	33 EILEEN STREET, BASSENDEAN	SINGLE DWELLING
201900012	6 IRELAND WAY, BASSENDEAN	SINGLE DWELLING
201900016	186 WALTER ROAD EAST, BASSENDEAN	SINGLE DWELLING
201900015	10 JACKSON STREET, BASSENDEAN	INTERNAL SERVICE INSTALLATION (ELECTRICAL MECHANICAL HYDRAULIC)
201900019	19B JAMES STREET, BASSENDEAN	SINGLE DWELLING
201900013	10 PERWAY LANE, BASSENDEAN	PATIO
201900030	10 JACKSON STREET, BASSENDEAN	SOLAR PANEL
201900032	1 OLD PERTH ROAD, BASSENDEAN	PHARMACY FITOUT
201900031	67 HAMILTON STREET, BASSENDEAN	FENCE APPLICATION
201900033	5 MANN WAY, BASSENDEAN	FRONT FENCE APPLICATION
201900026	33 EILEEN STREET, BASSENDEAN	SWIMMING POOL FENCE
201900022	10 HARDAKER STREET, EDEN HILL	REFOOFING DWELLING (ASBESTOS TO STEEL)
201900020	15 BROOK STREET, BASSENDEAN	PATIO & PERGOLA
201900024	84 IVANHOE STREET, EDEN HILL	DWELLING
201900023	73 SECOND AVENUE, BASSENDEAN	SINGLE DWELLING
201900025	67 HARDY ROAD, ASHFIELD	FENCE
201900021	3D HARDY ROAD, BASSENDEAN	ALFRESCO LOUVERED PATIO

OFFICER RECOMMENDATION – ITEM 10.11

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

Voting requirement: Simple majority

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

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

Planning and Subdivision Applications Determined to 1 March 2019			
Applic No.	Property Address	Description	Determination
2018-068	5 GARNSWORTHY PLACE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2018-106	32 HAIG STREET ASHFIELD 6054	GROUPED DWELLING	DELEGATE APPROVED
2018-109	13 GALLAGHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2018-158	15 BROOK STREET BASSENDEAN 6054	PATIO & PERGOLA	DELEGATE APPROVED
2018-163	31 CLARKE WAY BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2019-001	17A DEAKIN STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-002	91 FREELAND WAY EDEN HILL 6054	RETROSPECTIVE APPLICATION FOR RETAINING WALL	DELEGATE APPROVED
2019-006	10 JACKSON STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO ROOF OF FACTORY	DELEGATE APPROVED
2019-007	43B ESTHER STREET EDEN HILL 6054	SINGLE HOUSE	DELEGATE APPROVED
2019-010	13A GALLAGHER STREET EDEN HILL 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2019-011	19A JAMES STREET BASSENDEAN 6054	RETAINING WALLS	DELEGATE APPROVED
2019-014	10 SCADDAN STREET BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
Subdivision Applications			
119-19	146 WEST ROAD BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE (RECOMMEND APPROVAL)
157658	6 WATKINS STREET EDEN HILL 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE (RECOMMEND APPROVAL)

OFFICER RECOMMENDATION – ITEM 10.12

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

Voting requirement: Simple majority

10.13 River Parks Committee Meeting held on 5 March 2019 (Ref: GOVNCCL/MEET/33 – Simon Stewert-Dawkins, Director Operation Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the River Parks Committee held on 5 March 2019, and consider the recommendations from the Committee.

RPC – 1/03/19	Instrument of Appointment and Delegation changes
RPC – 2/03/19	Success Hill Spillway
RPC – 3/03/19	The Ashfield Flats Reserve Works Program
RPC – 4/03/19	Notice of Motion - Turf Management Practices
RPC – 5/03/19	Notice of Motion - Groundwater Sampling
RPC – 6/03/19	Notice of Motion - List decline of Success Hill Reserve and River Embankment on agenda for next meeting

ATTACHMENTS

Attachment No. 9:

Minutes of the River Parks Committee meeting of 5 March 2019, which includes:

- Presentation by Dr Gavan McGrath of Department of Biodiversity, Conservation and Attractions on Ashfield Flats hydrological study
- Email & Letter (5th March 2019) from Bassendean Preservation Group in support of the Ashfield Flats Restoration Plan
- Jane Bremmer report regarding the WALGA Weeds Forum

Please note attachments provided at the Committee meeting can be found at: <https://www.bassendean.wa.gov.au/council-meetings/river-parks-committee/370>

COMMENT

The following items were discussed and updates provided where relevant:

- Confirmation of Council (OCM – 9/12/18) amended Instrument of Appointment of Delegation for the River Parks Committee;
- Success Hill Spillway - GHD Consulting engaged to investigate and prepare two concept design in accordance with project brief presented to Committee;

- Department of Planning Lands & Heritage communication regarding the Ashfield Flats Reserve Works Program;
- Notices of Motions as follows:
 - to improve turf management practices, minimise waterway pollution and improve ecosystem functions;
 - groundwater sampling program to include testing for Perfluorooctane Sulfonate and Polyfluoroalkyl Substances; and
 - Discuss the decline of Success Hill Reserve, including river embankment, reserve and spillway and future management options.

A Notice of Motion relating to Bindaring Park and CoTerra report was tabled and is to be listed for discussion at the next meeting.

COMMITTEE RECOMMENDATION – ITEM 10.13

That Council:

1. Receives the report on a meeting of the River Parks Committee held on 5 March 2019;
2. Council receives the project update on the Success Hill Reserve collapsed spillway;
3. Requests as a matter of urgency that Town Officers ask GHD consultants to provide the Success Hill Reserve concept design options to the River Parks Committee members and Council as soon as practicable before the next Committee meeting on 4 June 2019;
4. Requests Town Officers communicate with the Department of Transport to facilitate the installation of a river speed camera in the vicinity of the Success Hill spillway to assist in efforts to reduce riverbank erosion associated with the wakes produced by speeding boats;
5. Requests Town Officers explore and apply for grants that will assist in riverbank restoration of the degraded areas at and around the Success Hill Spillway, at the discretion of the Town administration
6. Requests that Town Officers commence consultation with the traditional owners of the land with respect to the Success Hill Project;

7. Requests Town Officers ask GHD to consider design options that create swale type water sensitive urban design basins that enable the street drained water to access the groundwater and allow the overflow to exit via the existing 450mm outlet pipe to the spillway;
8. Notes the Department of Planning, Lands and Heritage's implementation works that have commenced at the Ashfield Flats Reserve;
9. Requests Town Officers communicate the Town's concern to the Department of Planning, Lands and Heritage that the information provided at the public meeting stating the fencing realignment will not take place until the conclusion of the hydrological study (18 months-two years) has not been met;
10. Requests Officers ask that the Department of Planning, Lands and Heritage, as a priority, action points 3a and 3b of OCM-21/11/18 that states:
 - 3a) *the Department of Planning, Lands and Heritage to approach the Department of Transport and request a fixed Swan River speed camera be erected at Ashfield Flats to assist with the control of boat speed, with the aim to reduce the impact of boat wash as a contribution to reducing riverbank erosion at Ashfield Flats; and a sign be erected with a contact number to report speeding boats; and*
 - 3b) *the Department of Planning, Lands and Heritage to seek the advice of the Department of Transport to direct all Swan River traffic and modify existing nautical maps to use the channel navigation markers between Ron Courtney Island and Garvey Park;*
11. Requests the Town's administration independently make their own representations to the Department of Transport in respect to the matters outlined in Point 3 above, expanding the request to a total of three fixed Swan River speed cameras and associated signage, potentially installed in suitable locations at Sandy Beach, Ashfield and Success Hill;
12. Requests Officers ask the Department of Planning, Lands and Heritage to investigate the implementation of boardwalk style pathway with portions of the project to facilitate the community's continued connection with the river and wetlands;

13. Requests Officers as a matter of urgency, that the Department of Planning, Lands and Heritage liaises with the Town's administration and the Local State Member of Parliament to facilitate and widely promote an information public meeting for the community;
14. Requests Officers to request the Department of Planning, Lands and Heritage to fast-track the installation of signage in and around the project areas to inform the public of project work and aims;
15. Request Officers advance representations to the Minister and Department of Water to achieve funding for the design of a living stream from the Chapman Road drain outlet to the Villiers Street road reserve;
16. Requests Town of Bassendean staff improve the processes and procedures around turf management of the Town's parks, reserves and street verges with a view to minimising the pollution of our waterways and the Swan River and to improve ecosystem functions within our catchment;
17. Requests the Town of Bassendean to include testing for Perfluorooctane sulfonate (PFOS) and Polyfluoroalkyl Substances (PFAS) in the groundwater sampling programme to ascertain whether these chemicals are present.

Voting requirement: Simple majority

10.14 Bassendean Local Emergency Management Committee Meeting held on 6 March 2019 (Ref: GOVN/CCLMEET/18 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Bassendean Local Emergency Management Committee held on 6 March 2019.

ATTACHMENTS

Attachment No. 10

Minutes of the Bassendean Local Emergency Management Committee meeting held 6 March 2019.

COMMENT

At the meeting Committee considered the following:

1. An update report on the Flood Mitigation Project;
2. An update report on the Local Government Emergency Risk Management Project including a report on the first Hazard Risk Assessment: Heatwave;
3. A report on the State Emergency Management Exercise Framework Development Project and associated revised Policies;
4. Presentation of a draft Business Plan for the Committee for 2019;
5. Presentation of the revised Local Emergency Management Arrangements and Recovery Plan, amended in-line with the current list of amendments to State Policy and Procedures as approved by the SEMC on 7 December 2018;
6. Emergency Management Agencies Reports;
7. Post incident and post exercise reports;
8. Committee contact and key holder details updated; and
9. A draft document “Volunteering During and Following Local Emergencies – Registration kit for spontaneous volunteers” prepared by the Acting Senior Community Development Officer (Volunteers) was presented. This document will be further considered at the next meeting.

10. Other preparedness, prevention, response and recovery issues including: Fire break monitoring continues; and that risk assessments for events is continuing.

OFFICER RECOMMENDATION – ITEM 10.14

That Council:

1. Notes that the Local Emergency Management Arrangements and Recovery Plan have been amended in line with the current list of amendments to State Policy and Procedures as approved by the SEMC on 7 December 2018; and
2. Receives the report on the meeting of the Bassendean Local Emergency Management Committee held on 6 March 2019.

Voting requirements: Simple majority.

10.15 People Services Committee Meeting held on 6 March 2019
(Ref: GOVN/CCL/MEET/ – Graeme Haggart, Director
Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the People Services Committee held on Wednesday 6 March 2019, and to adopt the following recommendations from the Committee:

PSC – 1/03/19 Arts and Cultural Plan 2019-2023.
PSC – 3/03/19 Community Groups Funding Application
PSC – 6/03/19 Garage Sale Trail

ATTACHMENTS

Attachment No. 11:

- People Services Committee Minutes of 6 March 2019.
- Town of Bassendean Arts and Cultural Plan 2019-2023

COMMENT

The following items were considered at the meeting:

Arts and Cultural Plan 2019-2023

The People Services Committee considered a report recommending that Council adopts the Town of Bassendean's Arts and Cultural Plan 2019-2023.

The report noted that the Council endorsed Arts and Cultural Plan had been advertised for public comment and the presented version incorporated the feedback. A summary of the feedback was circulated as an attachment Committee members.

The Arts and Cultural Plan has been in development since August 2017 and is the result of extensive consultation.

Committee members were invited to give feedback on the content of the plan by Friday 8 March.

Comment was received from the Bassendean Historical Society seeking hooks to history and heritage be embedded within the Arts and Cultural Plan.

The Committee resolved (PSC – 1/03/19), that it:

1. Endorses, in principle, the final version of the Arts and Cultural Plan 2019-2023, subject to minor edits;

2. Recommends that Council adopts the final Arts and Cultural Plan 2019-2023; and
3. Requests staff investigate a framework that reflects the objectives of the Arts and Cultural Plan to allow interested parties to deliver events in the Town.

Policy on Transgender and Gender Diverse Individuals

A progress report was presented for the Committee's consideration, following the adopting of a Notice of Motion at the last Committee meeting. It was reported the policy position that clearly outlines the rights afforded to transgender and gender diverse staff is to be brought to the next meeting of Committee.

Community Events Sponsorship Applications

Applications for Community Event Sponsorship were received from the Bassendean Church of Christ for \$1,000 for staging of the "Easter Fair" on Sunday 14 April 2019.

The People Services Committee recommends Council approves sponsorship of \$1,000 to the Bassendean Church of Christ for the staging of the Easter Fair event on Sunday 14 April 2019, and a funding agreement be developed and signed between the applicant and the Town.

Projects for the Term of the Committee

An update report was circulated with the Committee agenda on the list of projects in the Corporate Business Plan 2018 – 2022 in the Social Strategic Priority Area that are relevant to Committee.

Ongoing Activity Progress Reports

Officers reported on activities relevant to Committee under their Business Units:

- Recreation and Culture;
- Youth Services;
- Volunteer Centre;
- Library and Information Services (including a report on Local Studies Collection);
- Seniors and Disability Services; and
- Children's Services.

Garage Sale Trail

An officer report seeking a recommendation for the Town of Bassendean to continue participating in the annual National Garage Sale Trail was considered by Committee.

The report advised the three-year term Agreement entered into by the Town to participate in the event has now lapsed. Options for renewal of the Agreement were presented.

The People Services Committee recommends that:

1. Council endorse the Town's participation in the Garage Sale Trail for a four year term from 2019 to 2022 at a cost of \$3,791 per annum; and
2. The cost of the Town's participation be included in the 2019/2020 Budget process.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

If the Officer recommendation is supported, the financial implications include:

1. The Community Event/Community Group Sponsorship funding to the value \$1,000. Council allocated \$30,000 for Community Groups Sponsorship in the budget. This amount includes Community Event Sponsorship. Less than \$9,000 of the budget has been committed at this time; and
2. Funding to continue participation in the National Garage Sale Trail event of \$3,791 per year for four years is to be referred for consideration in the draft 2019/20 budget and the subsequent three years.

COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.15

That Council:

1. Adopts the final Arts and Cultural Plan 2019-2023 as attached to the Ordinary Meeting Agenda of 26 March 2019;
2. Approves sponsorship of \$1,000 to the Bassendean Church of Christ for the staging of the Easter Fair event on Sunday 14 April 2019, and a funding agreement be developed and signed between the applicant and the Town;

3. Endorses the Town's participation in the Garage Sale Trail for a four year term from 2019 to 2022 at a cost of \$3,791 per annum and refers the funding for consideration in the draft 2019/2020 Budget and subsequent three budgets;
4. Receives the report of the meeting of the People Services Committee held on 6 March 2019.

Voting requirement: Simple Majority

10.16 Audit & Governance Committee Meeting held on 18 March 2019 (Ref: GOVNCCL/MEET/3 – Jill Brazil, Acting Director Corporate Governance)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Audit & Governance Committee held on 18 March 2019, and adopt the recommendations from the Committee.

ATTACHMENTS

Attachment No. 12:

Minutes of the Audit & Governance Committee held on 18 March 2019.

COMMUNICATION & ENGAGEMENT

To ensure openness, accountability and integrity, Council has appointed two community representatives to be members of the Audit & Risk Committee.

COMMENT

The following items were discussed:

Local Government Compliance Audit Return 2018

The report presents the Local Government Compliance Audit Return 2018, 1 January to 31 December 2018 to Council in order that the report be adopted.

Moore Stephens - Proposal for the Provision of Audit Regulation 17: Risk Management Review.

The report presents the proposal from Moore Stephens to undertake an organisational risk assessment, and review of internal controls and legislative compliance, in order the proposal be adopted.

COMMITTEE RECOMMENDATION – ITEM 10.16

That Council:

1. Receives the report on the Audit and Governance Committee meeting held on 18 March 2019;
2. Receives the Compliance Audit Return 2018 for the period 1 January to 31 December 2018, as attached to the Ordinary Council Agenda of 22 March 2019; and
3. Endorses the engagement of Moore Stephens to undertake the Audit Regulation 17: Risk Management Review and Regulation (5) (2) (c) of the Local Government Financial Management Regulations 1996.

Voting requirement: Simple Majority

10.17 Accounts for Payment – February 2019 (Ref: FINM/CREDTS/4 – Jill Brazil, Acting Director Corporate Services)

APPLICATION

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

ATTACHMENTS

Attachment No. 13:

List of Payments made under delegated authority for the period February 2019

BACKGROUND

The monthly payments made for the period February 2019 are presented to Council, with details of payments made by the Town in relation to goods & services received.

STRATEGIC IMPLICATIONS

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people	Community / Stakeholder Satisfaction Survey (Governance)
	5.1.2 Ensure financial sustainability	
	5.1.3 Strengthen governance, risk management and compliance	Compliance Audit
	5.1.4 Improve efficiency and effectiveness of planning and services	Risk Management Profile
	5.1.5 Ensure optimal management of assets	Financial Ratio Benchmarked. Asset Ratio Benchmarked

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

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

OFFICER RECOMMENDATION - ITEM 10.17

That in accordance with Regulation 13(3) Local Government (Financial Management Regulations 1996) the List of Accounts paid for February 2019, be received.

Voting Requirements: Simple majority

**10.18 Financial Statements – January 2019 and February 2019
(Ref: FINM/AUD/1 – Jill Brazil, Acting Director Corporate Services)**

APPLICATION

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

ATTACHMENTS:

Attachment No. 14

Financial Reports for January 2019 and February 2019

BACKGROUND

Regulations require a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget. In accordance Regulation 34(3), the reports can be presented by nature & type classification, statutory program or Business Unit.

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2018/19 financial year the variance amount is \$5,000 or 5% whichever is the greater.

STRATEGIC IMPLICATIONS

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people 5.1.2 Ensure financial sustainability 5.1.3 Strengthen governance, risk management and compliance	Community / Stakeholder Satisfaction Survey (Governance) Compliance Audit Risk Management Profile Financial Ratio Benchmarked Asset Ratio Benchmarked

COMMENT

The attached monthly financial statements represent the adopted 2018/19 Budget estimates & actual income and expenditure amounts for the periods ending 31 January 2019 and 28 February 2019.

The February Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is on target.

Expenditure by nature & type is 9% lower than budget forecasts. Materials & contracts is well under budget estimates, Depreciation & Insurance costs are marginally over budget with utilities; Interest expenses and other expenditure are all under budget expectations in the current reporting period.

Capital Expenditure Summary:

Expenditure on Infrastructure Capital projects has commenced, it is anticipated that significant progress will be made in the next few months.

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

Budget Amendments

There are no budget amendments identified in these statements for 31 January 2019 or 28 February 2019.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the appropriate period. There are no direct financial implications arising from this report.

OFFICER RECOMMENDATION – ITEM 10.18

That the Financial Reports for the period ended January 2019 and February 2019 be received.

Voting Requirements: Simple majority

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

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

The Common Seal was attached to the following documents during the reporting period:

- 26/02/2019 Restrictive Covenant between Frank Bertoli & Sarah Louise Bertoli. Lot 1, 2 and 3: Survey-Strata Plan 80187 being whole of the land comprised in Certificate of Title Volume.
- 5/03/2019 Restrictive Covenant under the Transfer of Land Act 1893, as amended, between Mark Anthony Fleskens & Trent Anthony Fleskens and the Town of Bassendean in relation to 56 Cyril Street, Bassendean.
- 5/03/2019 Restrictive Covenant under the Transfer of Land Act 1893, as amended, between Urbanewal Pty Ltd and the Town of Bassendean, in relation to 58 Cyril Street, Bassendean.
- 8/03/2019 Section 129BA Restrictive Covenant between Aaron James Locke and Abbey Le Noury Brown and the Town of Bassendean, in relation to Lot 55 Anzac Terrace, Bassendean, so that any development complies with LPP No 2, Energy Efficient Design.

OFFICER RECOMMENDATION – ITEM 10.19

That Council notes the affixing of the Common Seal to the documents during the reporting period.

Voting Requirements: Simple majority

10.20 Calendar for April 2019 (Ref: Sue Perkins, Executive Assistant)

Thu	4 Apr	5.00pm	EMRC Resource Recovery Meeting – If required – EMRC (Cr Mykytiuk)
Thu	4 Apr	6.30pm	EMRC Audit Committee Meeting – If required – EMRC (Cr Mykytiuk)
Tue	9 Apr	6.00pm	Concept Workshop – Council Chamber
Wed	10 Apr	10.00am	Town Assets Committee Meeting – Council Chamber (Crs McLennan, Wilson & Hamilton)
Tue	16 Apr	7.00pm	Briefings Session – Council Chamber
Thu	18 Apr	6.00pm	EMRC Council Meeting – If required – EMRC (Crs Mykytiuk & Wilson)
Fri	19 Apr		Good Friday Public Holiday – Offices closed
Mon	22 Apr		Easter Monday Public Holiday – Offices closed
Tue	23 Apr	7.00pm	Ordinary Council Meeting – Council Chamber
Thu	25 Apr		Anzac Day Public Holiday – Offices closed
Thu	25 Apr	11.00am	Anzac Day Service & March – Bassendean War Memorial – Civic Gardens (March commences at 10.45am from the Bassendean Hotel carpark)
Tue	30 Apr	6.00pm	Concept Workshop – Council Chamber

OFFICER RECOMMENDATION - ITEM 10.20

That the Calendar for April 2019 be adopted.

Voting Requirements: Simple majority

10.21 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 – Yvonne Zaffino, Council Support Officer)

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

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

REC NO.	OFFICER	BRIEF DESCRIPTION	ACTION TAKEN
ROC18/64602	GRAEME HAGGART	OCM-14/02/19 - TOWN OF BASSENDEAN ACCESS AND INCLUSION PLAN 2019 – 2024	THE TOWN'S NEW ACCESS AND INCLUSION PLAN 2019-2024 WAS ADOPTED BY COUNCIL AT THE FEB OCM. COPY HAS BEEN FORWARDED TO THE DEPARTMENT OF COMMUNITIES IN ACCORDANCE WITH REQUIREMENTS. RESOLUTION COMPLETED. RECOMMEND DELETION.
ROC18/63851	GRAEME HAGGART	OCM-22/09/18 - ACCESS AND INCLUSION COMMITTEE	COUNCIL RESOLVED TO NOT PROCEED WITH THE WORKING GROUP AND FOR THE DIRECTOR COMMUNITY DEVELOPMENT TO REPORT PERIODICALLY TO THE PEOPLE SERVICES COMMITTEE ON THE ACCESS AND INCLUSION PLAN IMPLEMENTATION PROGRESS. RESOLUTION COMPLETE. RECOMMEND DELETION.
ROC17/53450	GRAEME HAGGART	OCM-13/3/17 - RECONCILIATION ACTION PLAN	LAUNCHED ON 22 MARCH. TASK COMPLETED. RECOMMEND DELETION.
ROC19/66005	GRAEME HAGGART	OCM-15/02/19 - APPOINTMENT OF COMMUNITY MEMBERS TO WORKING GROUPS	SUICIDE PREVENTION WORKING GROUP MATTERS COVERED IN ROC18/61616. ALL OTHER MATTERS COMPLETED. RECOMMEND DELETION.
ROC19/66009	GRAEME HAGGART	OCM-27/02/19 - NOMINATIONS FOR FREEMAN OF THE	THE SUBJECT OF THIS RESOLUTION IS COVERED IN ROC18/64869. RECOMMEND DELETION.

ROC18/63102	SIMON STEWERT-DAWKINS	OCM-15/08/18 (PREVIOUSLY 89619 TRANSFERRED FROM INTRANET) - TOWN ASSETS COMMITTEE MEETING HELD ON 7 AUGUST 2018	IN ACCORDANCE WITH OCM-15/08/18 A WORKSHOP WAS CONDUCTED WITH MANAGING DIRECTOR OF ARBOR CARBON AND THE DIRECTOR OF THE FOREVER PROJECT TO SEEK ADVICE ABOUT THE FORMULATION OF A BRIEF FOR THE TOWN'S URBAN FOREST STRATEGY. IN FEBRUARY 2019 THE TOWNS ASSET COMMITTEE WAS PROVIDED WITH A DRAFT COMMUNITY ENGAGEMENT SIGN FOR PALMERSTON SQUARE. THE MANAGER ASSET SERVICES WILL PRESENT THE REVISIONS OF THE DRAFT THOROUGHFARES LOCAL LAW ALONG WITH THE REVISED DRAFT VERGE TREATMENT POLICY AND REVISED DRAFT VERGE MANAGEMENT POLICY TO THE 10 APRIL TOWNS ASSET COMMITTEE.. A BETTER BINS (FOGO) REPORT IS INCLUDED INTO THE MARCH 2019 ORDINARY COUNCIL MEETING AGENDA. RECOMMEND DELETION.
ROC18/61593	BRIAN REED	OCM-8/10/18 - ADOPTION OF TOWN OF BASSENDEAN BEE KEEPING LOCAL LAW 2018	COUNCIL RESOLVED TO MAKE BEE KEEPING LOCAL LAW AT ITS OCTOBER 2018 OCM. RECOMMEND DELETION.
ROC18/64786	BRIAN REED	OCM-9/7/15 (PREVIOUSLY 84973 FROM INTRANET) - UNAUTHORISED FRONT FENCE – LOT 837 (NO. 76) MAY HOLMAN DRIVE BASSENDEAN	SUBJECT TO A REPORT TO THE MARCH COUNCIL MEETING. RECOMMEND DELETION.
ROC18/64871	BRIAN REED	OCM-3/12/18 - GUILDFORD ROAD AND KENNY/KATHLEEN STREET	THIS ISSUE HAS BEEN DEALT WITH BY A SUBSEQUENT COUNCIL RESOLUTION(ROC19/660020 RECOMMEND DELETION.
ROC17/53982	JEREMY WALKER	OCM-11/5/17 - WATER CORPORATION DRAINAGE FOR LIVEABILITY PROGRAM	OFFICERS HAVE BEEN LIAISING WITH WATER CORPORATION TO DISCUSS POTENTIAL PROJECTS AT RAILWAY MUSEUM SITE AND 3RD/4TH AVENUE DRAIN THE TOWN HAS INVITED WATER CORPORATION TO PRESENT TO COUNCIL AT 14TH MAY COUNCIL WORKSHOP TO DEFINE COMMITMENTS AND UPDATE COUNCIL ON WATER CORPORATIONS PROGRESS. OFFICERS HAVE FULFILLED MOTION. RECOMMEND DELETION.

ROC18/64878	MIKE COSTARELLA	OCM-11/12/18 - ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2018	ANNUAL MEETING OF ELECTORS CONDUCTED 5/2/2019 WITH ANNUAL REPORT BEING RECEIVED. RECOMMEND DELETION.
ROC18/64885	SALVATORE SICILIANO	OCM-28/12/18 - APPLICATION FROM SPARX EARLY LEARNING CENTRE FOR A NEW LEASE/LICENCE PERIOD AT THE EXPIRATION OF THE CURRENT LEASE/LICENCE AGREEMENT IN 2021	LESSEE HAS BEEN ADVISED OF COUNCIL'S POSITION. RECOMMEND DELETION.
ROC18/63849	TIM DAYMAN	OCM--19/08/18 - RFT 082 2018-19 SUPPLY INSTALLATION AND CONSTRUCTION OF NATURE BASED PLAYGROUND AT MARY CRESCENT RESERVE	POWER SUB MAIN HAS BEEN UPGRADED. RECOMMEND DELETION.

OFFICER RECOMMENDATION – ITEM 10.21

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 26 March 2019 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

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

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

13.0 **CONFIDENTIAL BUSINESS**

It should be noted that that the audio and live streaming will be turned off whilst confidential items are being discussed.

13.1 **Service Review – Seniors and Disability Services Business Unit (Ref: COMS/SVPOVN/12 - Peta Mabbs, CEO & Graeme Haggart, Director Community Development)**

This matter is to be 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.

13.2 **Probationary Period Review – Chief Executive Officer (Renaë Maher, Manager Organisational Development)**

This matter is to be 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.

13.3 **Draft Performance Agreement – Chief Executive Officer (Renaë Maher, Manager Organisational Development)**

This matter is to be 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.

14.0 **CLOSURE**

The next Briefings Session will be held on Tuesday 16 April 2019 commencing at 7.00pm.

The next Ordinary Council meeting will be held on Tuesday 23 April 2019 commencing at 7.00pm.