

# **ATTACHMENTS**

## **ORDINARY COUNCIL AGENDA**

### **25 FEBRUARY 2020**

#### **Attachment No. 1**

Ordinary Council Minutes of 17 December 2019

#### **Attachment No. 2**

Additions and Alterations to Shop (Chemist) and Medical Centre at Lot 37, (No. 1B) Colstoun Road, Ashfield

- Advertised landowner map
- Objections received from advertised landowners or occupiers (3 pages total)
- Car parking audit
- Local Planning Policy No.7 – Local Shopping Zone Design Guidelines
- Development application plans
- Development application business details
- Feedback from owner after Briefing Session 18/2/20

#### **Attachment No. 3:**

- (Undated) WALGA Third Party Appeal Rights in Planning Discussion Paper (considered by Council at its Ordinary Meeting (OCM) held 27 June 2017);
- Officer Report titled “Third Party Appeal Rights in Planning – WALGA Discussion Paper (considered at OCM held 27 June 2017);
- Extract of Minutes from June 2017 OCM;
- Letter from WALGA dated 1 December 2017 titled “Consultation with Members – Third Party Appeal Rights in Planning” and accompanying report titled “Outcomes of Consultation – Third Party Appeal Rights in Planning”;
- Officer Report titled “Third Party Appeal Rights in Planning – WALGA Consultation with Members (considered OCM held 30 January 2018);
- Extract of Minutes from 30 January 2018 OCM;
- Extract of Minutes from WALGA State Council Meeting held 8 May 2019 (Agenda Item 5.2 ‘Preferred Model’ for Third Party Appeal Rights for Decisions Made by Development Assessment Panels); and
- Extract of Minutes from WALGA Annual General Meeting held 7 August 2019 (Agenda Item 3.9 Third Party Appeal Rights).

#### **Attachment No. 4:**

- Operational Arrangements – Old Perth Road Markets (OPRM) - Updated
- Management Agreement – Rotary Club Swan Valley (RCSV)
- Event Review of the Old Perth Road Markets (June 2016)

#### **Attachment No. 5:**

- New Council Meeting Procedures Local Law 2020.
- Local Government Act 1995 – Section 3.12 review requirements: Flowchart of Making a Local Law.
- Information Sheet (Example Only) – Meeting Procedures Local Law Series: Deputations and Petitions.

#### **Attachment No. 6:**

List of payments made under delegated authority for December 2019 and January 2020.

**Attachment No. 7:**

Monthly Financial Report, containing the Statement of Financial Activity, for December 2019 and January 2020.

**Attachment No. 8:**

Minutes of the Bassendean Local Emergency Management Committee meeting held 5 February 2020.

**Attachment No. 9:**

Quarterly Report Period Ended 31 December 2019.

# **ATTACHMENT NO. 1**

# TOWN OF BASSENDEAN

## MINUTES

### ORDINARY COUNCIL MEETING

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

ON TUESDAY 17 DECEMBER 2019 AT 7.00PM

---

#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

Cr McLennan also took the opportunity to remind the public of appropriate conduct and behaviour when attending meetings.

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

##### 2.1 Public Question Time

Ms Genevieve Errey, 36 Anzac Terrace, Bassendean

*With reference to Item 11.1, why are we considering such a motion at this point in time. It's not an accurate representation of what was in the summary report. It pre-empt's Council's consideration of a proper overall plan and promotes itsy bitsy planning.*

The Mayor commented that this matter has come forward as a notice of motion from a Councillor and thanked Ms Errey for her comments and concerns.

Ms Fran Phelan, 15 River Street, Bassendean

*What are the boundaries of Success Hill.*



The Director Community Planning advised that there is no formal definition of the area known as Success Hill. The Notice of Motion referenced the area bound by Guildford Road, Lord Street, the river and railway line.

Mr Bruce Keay, 11 Earlsferry Court, Bassendean

*With reference to Item 10.11, is the Men's Shed a joint use community facility and will there be a requirement for them to sub-lease an area of the building to the community.*

The CEO advised that there is space at the front of the building for community use which can be hired by the Men's Shed group.

The Mayor advised that it is a requirement of the lease agreement that anyone else who wishes to use the facility cannot be reasonably refused.

*With reference to Item 11.1, I am concerned that the report that comes to Council in February is adequate so that Council can make a decision on the night and press on.*

The Director Community Planning commented that the report due in February will mostly set out the steps needed to complete the process it's not intended to be a report on which Council needs to make any decisions.

The Mayor commented that it is frustrating that this process has taken longer than expected.

Resident - 82B West Road, Bassendean

*The latest draft of the Verge Policy and Guidelines does not include such things as bench seating, Little Libraries etc.*

The Mayor advised that the version included in the Briefing Session required further work and has been withdrawn from the agenda.

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

*In reference to Item 10.6, could you clarify what is being done to deal with the contamination issue.*

The Director Community Planning advised that the site is being remediated. We have an environmental report that confirms this and it is currently with the Department for consideration.

Mr Moss Johnson, 6 Barton Parade, Bassendean

*With regard to Item 10.5, were the adjoining owners to 27 Hyland Street asked about acquisition.*

The Mayor responded that she doesn't believe so.

## **2.2 Address by Members of the Public**

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

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

### **Present**

#### **Councillors**

Cr Renee McLennan, Mayor  
Cr Kathryn Hamilton, Deputy Mayor  
Cr Chris Barty  
Cr John Gangell  
Cr Hilary MacWilliam  
Cr Sarah Quinton  
Cr Jai Wilson

#### **Officers**

Ms Peta Mabbs, Chief Executive Officer  
Mr Paul White, Director Corporate Services  
Mr Luke Gibson, Director Community Planning  
Mr Ayden Mackenzie, Youth Development Officer (until 8.21pm)  
Ms Deanie Carbon, Corporate Communications Coordinator  
Mr Brice Campbell, Recycling and Waste Coordinator (from 9.00pm)  
Mrs Amy Holmes, Minute Secretary

#### **Public**

Approximately 30 members of the public were in attendance.

Press

Nil

Apologies

Mr Phil Adams, Executive Manager Infrastructure

Leave of Absence

**OCM – 1/12/19** MOVED Cr Quinton, Seconded Cr Gangell, that Cr MacWilliam be granted a leave of absence for 20 December 2019 – 27 January 2020.

CARRIED UNANIMOUSLY 7/0

**4.0 DEPUTATIONS**

4.1 Ms Avril White of 81 North Road, Bassendean, addressed Council regarding Item 11.1.

4.2 Mr John Passarelli of 99 Old Perth Road Bassendean, addressed Council regarding Item 11.1.

**5.0 CONFIRMATION OF MINUTES**

**5.1 Ordinary Council Meeting held on 26 November 2019**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 5.1(a)

**OCM – 2/12/19** MOVED Cr Wilson, Seconded Cr Quinton, that the minutes of the Ordinary Council Meeting held on 26 November 2019, be received.

CARRIED UNANIMOUSLY 7/0

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 5.1(b)

**OCM – 3/12/19** MOVED Cr Wilson, Seconded Cr Quinton, that the minutes of the Ordinary Council Meeting held on 26 November 2019, be confirmed as a true record.

CARRIED UNANIMOUSLY 7/0

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

Results of the Catalyse Community Scorecard received and we are pleased with response from the community. Of the 45 local governments in WA that have used this tool, the Town of Bassendean rated in the top three.

Thank you to the staff for the great work they have done this year.

The Town administration will commence its shut down period for the holidays this Friday at 12 noon and will reopen on Thursday 2 January 2020.

**7.0** **PETITIONS**

Nil

**8.0** **DECLARATIONS OF INTEREST**

Cr Barty declared a Proximity Interest for Item 10.5.

Cr Gangell declared an Impartiality Interest for Item 13.1.

**9.0** **BUSINESS DEFERRED FROM PREVIOUS MEETING**

Nil

**10.0** **REPORTS**

**10.1** **Adoption of Recommendations En Bloc**

It was agreed that items 10.3, 10.4, 10.5, 10.6, 10.7, 10.11, 10.14 & 10.17 be removed from the en-bloc table and considered separately.

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

**OCM – 4/12/19** **MOVED** Cr Barty, Seconded Cr Hamilton, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda of 17 December 2019:

Item	Report
10.15	Determinations Made by the Principal Building Surveyor
10.16	Determinations Made by Development Services
10.18	Monthly Financial Report – November 2019
10.19	Use of the Common Seal
10.20	Calendar for December 2019 to February 2020

CARRIED UNANIMOUSLY 7/0

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

Item	Report
10.2	Annual Report for the Year Ended 30 June 2019
10.3	Point Reserve Jetties Update
10.4	Bassendean Skate Park – Installation of Shade
10.5	Finalisation of Town Planning Scheme No. 4A
10.6	Disposal of 246 (Lot 5) Morley Drive East, Eden Hill
10.7	Safe Active Street for Whitfield Street, Bassendean
10.8	RFT 05/2019 Tree Pruning Services
10.9	RFT 07/2019 Road Profiling and the Supply and Laying of Asphalt
10.10	RFT 02/2019 Cleaning Services for Council Facilities
10.11	Proposal to enter into a lease agreement with the Bassendean Community Men's Shed Inc
10.12	Audit & Governance Committee Meetings held on 13 and 27 November 2019
10.13	Nomination of Local Government Members for the Metropolitan Central Joint Development Assessment Panel
10.14	Bassendean Local Emergency Management Committee Meeting Dates 2020
10.17	Accounts Paid – November 2019
11.1	Notice of Motion – Cr Gangell: Local Planning Scheme 10
11.2	Notice of Motion – Cr Wilson: FOGO Bin System
11.3	Notice of Motion – Cr Hamilton: Alternate Formats for the Bassendean Visual Arts Award
13.1	2020 Australia Day Council WA (Auspire) – Community Citizen of the Year Awards
13.2	CEO Performance and Remuneration Review 2018-2019

**10.2     Annual Report for the Year Ended 30 June 2019 (Ref: FINM/AUD/7 – Peta Mabbs, Chief Executive Officer)**

*Cr Gangell left the meeting at 7.50pm.*

**APPLICATION**

The purpose of this report was to Adopt the 2018/19 Annual Report, that includes the Audited Annual Financial Statements for the year ended 30 June 2019, and set a date for the General Meeting of Electors.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.2**

**OCM – 5/12/19     MOVED** Cr Wilson, Seconded Cr Quinton, that Council:

1.     Receives the Town of Bassendean's 2018/19 Annual Report for the year ended 30 June 2019; and
2.     Holds its General Meeting of Electors on Monday, 10 February 2020 in the Bassendean Community Hall, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

**CARRIED BY AN ABSOLUTE MAJORITY 6/0**

*Cr Gangell returned to the meeting at 7.52pm.*

**10.3     Point Reserve Jetties Update (Ref: PARE/MAINT/52 – Jeremy Walker, A/Executive Manager Infrastructure)**

**APPLICATION**

The purpose of this report was to:

- Provide an update to the Ordinary Council Meeting (OCM) report held on the 26 November 2019;
- Outline future considerations for the Point Reserve jetties including further investigations, regulatory approval requirements and associated options and costs;
- Seek approval for the expenditure of condition and structural integrity testing of North and South Jetties;
- Seek approval for expenditure for the design to reinstate North Jetty if the piles are proven to be structurally sound;
- Seek endorsement of a provision in the Long Term Financial Plan and Annual Budget for the renewal and future maintenance of marine assets including jetties.



OFFICER RECOMMENDATION — ITEM 10.3

That Council:

1. Notes the update from Officers on both Jetties, including dependencies and critical success factors;
2. Allocates funding for the condition and structural assessment of South Jetty;
3. Allocates funding for the condition and structural assessment of North Jetty piles including jetty upgrade design; and
4. Endorses provision in the Long Term Financial Plan and Annual Budget for reserves to fund the renewal and future maintenance of marine assets i.e. jetty, pontoons and boat ramps, to the value of \$50,000 per annum.

*Cr Hamilton moved the officer recommendation with amendments, as shown in bold.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —  
ITEM 10.3

**OCM – 6/12/19** MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Notes the update from Officers on both Jetties, including dependencies and critical success factors;
2. Allocates funding for the condition and structural assessment of South Jetty;
3. Allocates funding for the condition and structural assessment of North Jetty piles including jetty upgrade design;
4. Endorses provision in the Long Term Financial Plan and Annual Budget for reserves to fund the renewal of marine assets ie. jetty, pontoons and boat ramps **and associated river bank restoration projects** to the value of \$50,000 per annum;
5. **Requests staff submit applications for grant funding to facilitate the reinstatement of North Jetty as soon as is practicable after upgrade design is finalised; and**

6. **Requests staff provide an update to Council once the condition and structural assessment of South Jetty is completed.**

CARRIED UNANIMOUSLY 7/0

**10.4 Bassendean Skate Park – Installation of Shade (Ref: PARE/DESCONT/13 - Ayden Mackenzie, Youth Development Officer)**

APPLICATION

The purpose of this report was to inform Council on the potential of installing shade sails around the Bassendean Skate Park following a Notice of Motion at the August 2019 Ordinary Council Meeting.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.4

**OCM – 7/12/19** MOVED Cr Quinton, Seconded Cr Wilson, that:

1. Notes the report on the installation of shade sails at the Bassendean Skate Park;
2. If deemed a priority, investigates the potential for Lotterywest or other funding sources to contribute to any future shade sail development at the site; and
3. Subject to above, allocates funds in the 2020/21 Budget for the design and installation of shade sails at the Bassendean Skate Park above the northern grassed area and/or the eastern end of the park.

CARRIED 5/2

*Crs Quinton, Wilson, Barty, Gangell & MacWilliam voted in favour of the motion. Crs McLennan & Hamilton voted against the motion.*

*The Youth Development Officer left the meeting at 8.21pm and did not return.*

**10.5 Finalisation of Town Planning Scheme No. 4A (Ref: LUAP/PLANNG/16 – Luke Gibson, Director Community Planning and Brian Reed, Manager Development Services)**

*Cr Barty declared a Proximity Interest and left the meeting at 8.21pm.*

## APPLICATION

The purpose of this report was for Council to consider actions to facilitate the finalisation of Town Planning Scheme No. 4A (TPS 4A).

*Cr Hamilton moved the officer recommendation with amendments, as shown in bold.*

## COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.5

**OCM – 8/12/19** MOVED Cr Hamilton, Seconded Cr Quinton, that Council proceeds with the finalisation of Town Planning Scheme No. 4A on the following basis:

1. Staff will advocate to the Department of Planning, Lands and Heritage that it purchases the 10 properties previously acquired by the Town which are reserved for Parks and Recreation under the Metropolitan Region Scheme.
2. Staff will obtain estimates of the likely costs associated with the remediation **and subdivision into two lots of 14 (Lot 103) Iveson Place**, as well as land valuations for those sites.
3. Staff will obtain estimates of the likely costs associated with creation of the proposed Hamilton Street lot, as well as a land valuation for that site.
4. That the following be considered for inclusion in the 2020/21 budget:
  - The cost of the remediation of 14 (Lot 103) Iveson Place;
  - The sale of **the two lots created from 14 (Lot 103) Iveson Place**, following remediation;
  - The purchase of part of 97 (Lot 1003) Kenny Street and part of 13 (Lot 12) Hatton Court;
  - The cost of creating the proposed Hamilton Street lot; and
  - The sale of the proposed Hamilton Street lot.
5. That the following be considered for inclusion in the Corporate Business Plan for the 2021/22 financial year:
  - The purchase of parts of 18 (Lot 130) Anstey Road and 17 (Lot 113) Harcourt Street **after obtaining sworn land valuations.**

6. That the owners of 29 (Lot 206) Hyland Street, 18 (Lot 130) Anstey Road and 17 (Lot 113) Harcourt Street be advised of the need to subdivide their land to facilitate acquisition by the Town;
7. **That the potential of a land swap or purchase of 29 (Lot 206) Hyland Street be investigated by Town staff with all neighbouring and adjoining property holders and be the subject of a report to Council;**
8. **That a report be provided to Council reviewing all financial considerations after points 1 through 7 are substantially completed, where Council will further consider the future of 17 (Lot 163) and 19 (Lot 162) Anstey Road.**

CARRIED 5/1

*Crs Hamilton, Quinton, McLennan, MacWilliam & Wilson voted in favour of the motion. Cr Gangell voted against the motion.*

*Cr Barty returned to the meeting at 8.44pm.*

**10.6 Disposal of 246 (Lot 5) Morley Drive East, Eden Hill – Owners: Town of Bassendean and Birmingham Properties Pty Ltd/Ladrift Pty Ltd /Matax Pty Ltd (Ref: A3693 & A3714 – Luke Gibson, Director Community Planning)**

**APPLICATION**

The purpose of this report was for Council to consider its options in relation to the potential disposal of 246 (Lot 5) Morley Drive East, Eden Hill.

**OFFICER RECOMMENDATION – ITEM 10.6**

That Council:

1. Provides an in principle agreement to disposing of 246 (Lot 5) Morley Drive East, Eden Hill, in accordance with the terms offered by the owner of the abutting site; and
2. Notes that the Administration will now give public notice of the proposed disposition of 246 (Lot 5) Morley Drive East, Eden Hill, in accordance with Section 3.59 of the Local Government Act 1995.

*Cr McLennan moved an alternative motion.*

COUNCIL RESOLUTION – ITEM 10.6

- OCM – 9/12/19** MOVED Cr McLennan, Seconded Cr Wilson, that Council gives public notice of the proposed disposal of 246, Lot 5 Morley Drive East Eden Hill in accordance with Section 3.58 of the Local Government Act 1995 and the terms of the owner of the abutting site.

CARRIED UNANIMOUSLY 7/0

**10.7** **Safe Active Street for Whitfield Street, Bassendean (Ref: ROAD/DESCONT/7 – David Dwyer, Engineering Technical Coordinator)**

APPLICATION

The purpose of this report was to:

1. Present the results of community consultation held in September 2019
2. Inform Council of design amendments arising from the September community consultation
3. Inform Council of design amendments arising from pre-tender cost estimation and request for additional funding from Department of Transport.
4. Seek Council approval of the revised design and commencement of tendering for project construction subject to the Department of Transport approving additional funding.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.7

- OCM – 10/12/19** MOVED Cr Quinton, Seconded Cr Barty, that Council:

1. Notes the Whitfield Safe Active Street, September 2019, Consultation Analysis Report;
2. Notes design amendments identified through community consultation September 2019 and to reduce construction costs; and
3. Approves the Amended Whitfield Safe Active Street Design December 2019 as attached to the Ordinary Council Meeting Agenda of 17 December 2019 for tendering and construction, subject to adequate funding being secured from Department of Transport.

CARRIED 4/3

*Crs Quinton, Barty, McLennan & MacWilliam voted in favour of the motion. Crs Gangell, Hamilton & Wilson voted against the motion.*

*Cr Wilson requested his reason for voting against Item 10.7 be recorded, as follows: He believes that this is the right project in the wrong location and has voted against the project at every stage.*

**10.8 RFT 05/2019 Tree Pruning Services (PARE/TENDNG/76)  
Paul White, Director Corporate Services**

*Cr Gangell left the meeting at 9.09pm and returned at 9.13pm.*

**APPLICATION**

The purpose of this report was to present to Council a summary of tenders received against Request for Tender 05/2019 Tree Pruning Services for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.8**

**OCM – 11/12/19** MOVED Cr Quinton, Seconded Cr MacWilliam, that Council appoints Beaver Tree Services Australia Pty Ltd to provide the Tree Pruning Services for the Town of Bassendean as specified in Tender 05/2019 for a period of three (3) years at the submitted schedule of rates with annual price variations, subject to the percentage change in the Perth Consumer Price Index (All Groups), to commence upon Council Approval and Contractor Acceptance.

**CARRIED BY AN ABSOLUTE MAJORITY 7/0**

**10.9 RFT 07/2019 Road Profiling and the Supply and Laying of  
Asphalt (Ref: ROAD/TENDNG/48 - Paul White, Director  
Corporate Services**

**APPLICATION**

The purpose of this report was to present to Council a summary of tenders received against Request for Tender 07/2019 Road Profiling and the Supply and Laying of Asphalt for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.



COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.9

- OCM – 12/12/19** MOVED Cr Quinton, Seconded Cr MacWilliam, that Council appoints Asphaltech Pty Ltd to provide the road profiling and the supply and laying of asphalt to the Town of Bassendean as specified in Tender 07/2019 for a period of three (3) years plus an offer to extend for a further two (2) years to commence upon Council Approval and Contractor Acceptance.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

**10.10** RFT 02/2019 Cleaning Services for Council Facilities (Ref: COUP/TENDNG/77 - Paul White, Director Corporate Services)

APPLICATION

The purpose of this report was to present to Council a summary of tenders received against Request for Tender 02/2019 Cleaning Services for Council Facilities for the Town of Bassendean and recommend appointment of the contractor considered to provide the best value for money to the Town.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.10

- OCM – 13/12/19** MOVED Cr Quinton, Seconded Cr Barty, that Council appoints Intelife Group Limited to provide the Cleaning Services for Council Facilities for the Town of Bassendean as specified in Tender 02/2019 for a period of three (3) years with an option to extend for a further two (2) years, to commence upon Council Approval and Contractor Acceptance.

CARRIED BY AN ABSOLUTE MAJORITY 5/2

*Crs Quinton, Barty, McLennan, Gangell & MacWilliam voted in favour of the motion. Crs Hamilton & Wilson voted against the motion.*

*Cr Wilson requested his reason for voting against Item 10.10 be recorded, as follows: He believes that cleaning services should be done by staff employed by the Town of Bassendean.*

**10.11 Proposal to enter into a lease agreement with the Bassendean Community Men's Shed Inc (Ref: A80337 – Paul White, Director Corporate Services)**

APPLICATION

The purpose of this report was to provide a draft lease agreement between the Town of Bassendean and the Bassendean Community Men's Shed Inc. for the premises situated on May Holman Drive, Bassendean, for Council consideration and approval.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.11

**OCM – 14/12/19** MOVED Cr Gangell, Seconded Cr Wilson, that Council:

1. Notes that the Town disclosed information to the Bassendean Community Men's Shed Inc., pursuant to section 68 of the *Contaminated Sites Act 2003* and provided a copy of that disclosure to the CEO of the Department of Water and Environmental Regulation on 2 December 2019.
2. Notes the approval of the Minister for Lands of the draft lease;
3. Endorses the Lease Agreement with the Bassendean Community Men's Shed Inc. as attached to the Ordinary Council Agenda of 17 December 2019; and
4. Instructs the Mayor and CEO to execute the Lease Agreement with the Bassendean Community Men's Shed Inc.

CARRIED 5/2

*Crs Gangell, Wilson, Barty, MacWilliam & Quinton voted in favour of the motion. Crs McLennan & Hamilton voted against the motion.*

**10.12 Audit & Governance Committee Meetings held on 13 and 27 November 2019 (Ref: GOVN/CCLMEET/18) – Paul White, Director Corporate Services**

*Cr Hamilton left the meeting at 9.38pm.*

### APPLICATION

The purpose of this report was for Council to receive the report on meetings of the Audit and Governance Committee held on 13 and 27 November 2019, and consider the recommendations from the Committee.

### COMMITTEE RECOMMENDATION – ITEM 10.12

**OCM – 15/12/19** MOVED Cr MacWilliam, Seconded Cr Wilson, that Council:

1. Acknowledges the 2018/19 Independent Auditor's Report and Audit Completion Report;
2. Adopts the 2018/19 Audited Annual Financial Statements; and
3. Endorses the following 2020 meeting dates of the Audit and Governance Committee to be held on a Wednesday commencing at 5.30pm to be held in the Council Chamber, 48 Old Perth Road, Bassendean:

11 March, 3 June, 5 August and 4 November.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

*Cr Hamilton returned to the meeting at 9.39pm.*

**10.13** **Nomination of Local Government Members for the Metropolitan Central Joint Development Assessment Panel (Ref: DABC/LIAIS/1 - Luke Gibson, Director Community Planning)**

### APPLICATION

The purpose of this report was for Council to consider extending the existing terms of the two members and two alternate members appointed to sit on the Metropolitan Central Joint Development Assessment Panel (JDAP).

### COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.13

**OCM – 16/12/19** MOVED Cr Gangell, Seconded Cr Quinton, that Council endorses Councillors McLennan and Hamilton as local members and Councillors Wilson and MacWilliam as deputy local members to sit on the Metro Central Joint Development Assessment Panel, for a term expiring on 26 January 2022.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

**10.14 Bassendean Local Emergency Management Committee Meeting Dates 2020 (Ref: GOVN/CCLMEET/12 - Luke Gibson, Director Community Planning)**

APPLICATION

For Council to consider endorsing the 2020 meeting dates for the Bassendean Local Emergency Management Committee.

*Cr McLennan moved the officer recommendation with the addition of a Point 2, as shown in bold.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.14

**OCM – 17/12/19** MOVED Cr McLennan, Seconded Cr Quinton, that:

1. Council endorses the following 2020 meeting dates of the Bassendean Local Emergency Management Committee to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 3.30pm:
  - 5 February 2020
  - 1 April 2020
  - 1 July 2020; and
  - 7 October 2020
2. **Cr Hamilton replaces Cr McLennan as a member of the Bassendean Local Emergency Management Committee, for the 2019/21 Term.**

CARRIED UNANIMOUSLY 7/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.15

**OCM – 18/12/19** MOVED Cr Barty, Seconded Cr Hamilton, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/12/19 7/0

**10.16 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Acting Manager Development Services (Planning))**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.16

**OCM – 19/12/19** MOVED Cr Barty, Seconded Cr Hamilton, that Council notes the decisions made under delegated authority by the Acting Manager, Development Services (Planning).

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/12/19 7/0

**10.17 Accounts Paid – November 2019 (Ref: FINM/CREDTS/4 – Paul White, Director Corporate Services)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.17

**OCM – 20/12/19** MOVED Cr Wilson, Seconded Cr Quinton, that Council receives the List of Payments for November 2019.

CARRIED UNANIMOUSLY 7/0

**10.18 Monthly Financial Report – November 2019 (Ref: FINM/AUD/1) – Paul White, Director Corporate Services**

APPLICATION

The Local Government (Financial Management) Regulations 1996, Regulation 34, requires that a statement of financial activity be prepared each month and presented to Council.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.18

**OCM – 21/12/19** MOVED Cr Barty, Seconded Cr Hamilton, that Council receive the monthly financial report for November 2019.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/12/19 7/0

**10.19 Use of the Common Seal (Ref: INFM/INTPROP/1 – Elizabeth Nicholls, Executive and Research Officer to CEO)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.19

**OCM – 22/12/19** MOVED Cr Barty, Seconded Cr Hamilton, that Council notes the affixing of the Common Seal during the reporting period.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/12/19 7/0

**10.20 Calendar for December 2019 to February 2020 (Ref: Elizabeth Nicholls, Executive and Research Officer to CEO)**

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –  
ITEM 10.20

**OCM – 23/12/19** MOVED Cr Barty, Seconded Cr Hamilton, that the Calendar for December 2019 to February 2020 be adopted.  
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –  
OCM-4/12/19 7/0

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

**11.1 Notice of Motion – Cr Gangell: Local Planning Scheme 10**

MOVED Cr Gangell, that Council receives a report to the 2020 February Ordinary Council Meeting for the Town to amend the Local Planning Scheme 10 text to include a table and conditions taken from the outcomes and summary recommendations of the Bassendream report, as accepted by Council in November 2019, namely certain zoning definitions and conditions for assembled development lands, related to the 3 transit oriented development rail stations of Ashfield, Bassendean and Success Hill. Table: Bassendream Report Section 4.2 – summary of recommendations

Zoning definition	R-AC1 Mixed Use	R-AC2 Mixed Use	R-AC3 Mixed Use	R-AC4 Mixed Use
Distance from a METRONET railway station (Metres)	0-200m	200-400m	400-600m	Above 600m
Minimum size of the assembled land area (sqm)	Minimum 1200 sqm	Minimum 1400 sqm	Minimum 1600 sqm	Minimum 2000 sqm
Minimum percentage 'open space'	10.00%	15.00%	20.00%	25.00%
Max plot ratio	3	2.5	2	1.2



Note: normal standards and conditions of State Planning Policies such as SPP 7.3 Residential Design Codes – Volume 2 Apartment designs are to be read with the above table.

2. That the Town of Bassendean acknowledges a possible 15,872 sqm of assembled land adjoining the Success Hill METRONET TOD Station, contained by the railway reserve on the north, Thompson Road on the east, Guildford Rd on the south and West Road (an extension of Lord Street) on the west, as having an indicative zoning definition of R-AC1 Mixed Use with a plot ratio of 3:1 as per the above if the Bassendream Report Section 4.2 – summary of recommendations table is adopted as part of the Bassendean Local Planning Scheme 10;
3. That the Town of Bassendean notes that any proposed developments that may be subject to this motion are to be presented to Council for consideration as part of any normal approval process.

LAPSED FOR WANT OF A SECONDER

#### **11.2 Notice of Motion – Cr Wilson: FOGO Bin System**

##### COUNCIL RESOLUTION – ITEM 11.2

**OCM – 24/12/19** MOVED Cr Wilson, Seconded Cr Quinton, that Council resolves that the FoGo bin system roll-out will include the following features:

1. Ratepayers of the Town will be provided with the option to opt-out of the default small general waste bin in favour of having either a large general waste bin or a second general waste bin prior to the delivery of the new FoGo bin system at their residence;
2. This opt-out option will be included in a mail-out to all households;
3. **That a communications timeline be triggered should someone return an opt out form in the mail-out;**
4. Ratepayers who choose to opt-out of the smaller general waste bin will be charged a fee no greater than cost recovery for the provision of the larger bin **or second general waste bin.**

CARRIED 4/3

*Crs Wilson, Quinton, Gangell and MacWilliam voted in favour of the motion. Crs McLennan, Barty & Hamilton voted against the motion.*

**11.3      Notice of Motion – Cr Hamilton: Alternate Formats for the Bassendean Visual Arts Award**

*Cr Hamilton withdrew her notice of motion.*

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

Nil

**13.0      CONFIDENTIAL BUSINESS**

COUNCIL RESOLUTION – ITEM 13.0(a)

**OCM – 25/12/19**      MOVED Cr Wilson, Seconded Cr Barty; that the meeting go behind closed doors in accordance with section 5.23 of the *Local Government Act 1995*. The time being 10.34pm.  
CARRIED UNANIMOUSLY 7/0

**13.1      2020 Australia Day Council WA (Auspire) – Community Citizen of the Year Awards (Ref: COMR/AWADP/2 – Salvatore Siciliano, Manager Recreation and Culture)**

*Cr Gangell declared an Impartiality Interest and left the meeting at 10.34pm.*

*This matter was considered with members of the public excluded from the Chamber under section 5.23 (2)(b) of the Local Government Act 1995, as the officer report discusses the personal affairs of a person; and if disclosed, would, at s 5.23(e)(iii), reveal information about the business, professional, commercial or financial affairs of a person.*

COUNCIL RESOLUTION – ITEM 13.1

**OCM – 26/12/19**      MOVED Cr Quinton, Seconded Cr Wilson, that Council:

1.      Endorses those nominees shown in the Confidential Report attached to the Ordinary Council Agenda of 17 December 2019; and
2.      Embargoes the details of the recipients until the ceremony to be held on 26 January 2020

CARRIED 5/1

*Crs Quinton, Wilson, McLennan, Barty and MacWilliam voted in favour of the motion. Cr Hamilton voted against the motion.*

*Cr Gangell returned to the meeting at 10.36pm.*

**13.2      CEO Performance and Remuneration Review 2018-2019**  
**(Renaë Maher, Manager Human Resources)**

*All staff left the meeting and did not return. Only Councillors remained to consider this item.*

*This matter was considered with members of the public excluded from the Chamber pursuant to section 5.23 (2)(b) of the Local Government Act 1995, as the officer report contains information about the personal affairs of a person; and if disclosed, would, at s 5.23(e)(iii), reveal information about the business, professional, commercial or financial affairs of a person.*

**COUNCIL RESOLUTION – ITEM 13.2**

Carried 6/1 that the officers report recommendations are accepted.

**COUNCIL RESOLUTION – ITEM 13.0(b)**

**OCM – 28/12/19**    **MOVED** Cr Barty, Seconded Cr Wilson, that the meeting come from behind closed doors, the time being 10.42pm.

**CARRIED UNANIMOUSLY 7/0**

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

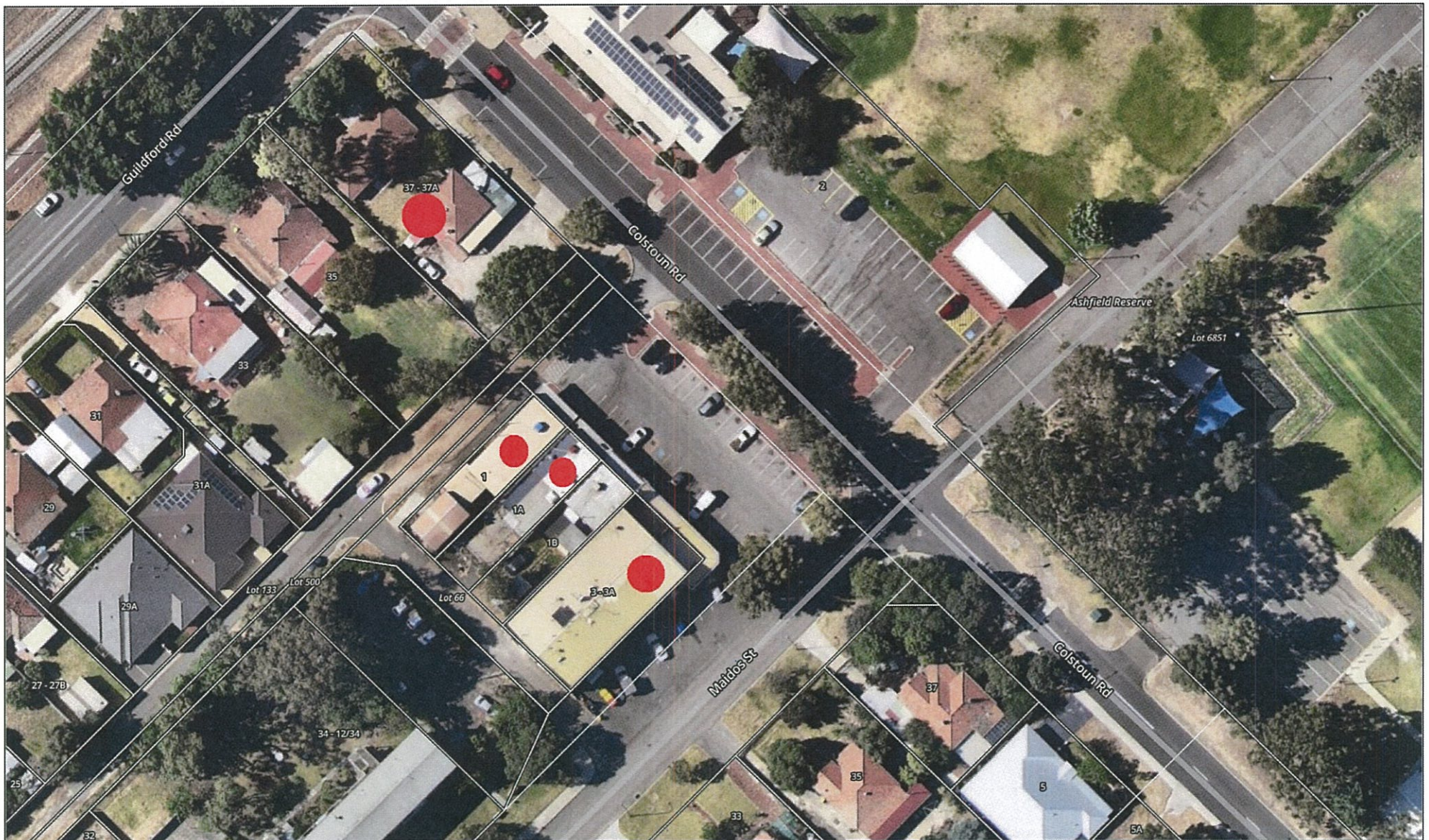
**14.0                      CLOSURE**

The next Briefing Session will be held on Tuesday 18 February 2020. The next Ordinary Council meeting will be held on Tuesday 25 February 2020 commencing at 7.00pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 10.42pm.

# **ATTACHMENT NO. 2**





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

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



Advertised to landowner and occupier

15/01/2020

Scale: 1:600









[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mr Cameron Hartley  
Planning Service  
Town of Bassendean  
PO Box 87  
BASSENDEAN WA 6054

By email  
CC: Peta Mabbs

Your reference: 2019-169

19 January 2020

Dear Mr Hartley

**DEVELOPMENT INCORPORATING VARIATIONS – PROPOSED ADDITIONS AND ALTERNATIONS TO SHOP (CHEMIST) AND MEDICAL CENTRE, (LOT 37), UNIT B No.1 COLSTOUN ROAD ASHFIELD 6054.**

We are writing to formally state our opposition to the proposed development at the above address (the "Chemist"), as detailed in your letter dated 6 January 2020. Our concerns are as follows:

1. Parking space. Currently, there is insufficient parking to support the existing adjacent businesses. It can be frequently observed that the car parking in this locality is at or near capacity. The provision of one additional car bay as stated in the application does not remedy this, and we submit that the 18 required bays must be provided.
2. The change of use to include two medical consultants (the "intended use") is both unnecessary and has the potential to cause social issues for the following reasons:

- 
- a. The intended use is sufficiently provided for by the 'Street Doctor' service available at Ashfield reserve. This established medical service has been well received by the community and adequately provides service to the residents in the Chemist's catchment area.
  - b. It is known that the Chemist intends to provide a Methadone program, and/or the dispensation of methadone prescriptions. It is our contention that this will have ramifications to the adjacent businesses and the residents within the vicinity. The assertion of the owner of the Chemist to "only deal with those that are almost cured" is unacceptable and disingenuous.

We submit that the application should be denied. Should the Town approve the application, we submit that the allowed use must expressly exclude the provision of a methadone or similar program and/or the dispensation of methadone or similar prescriptions.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: "Chemist" proposed Additions and Alterations. (LOT 37), UNIT B No 1 Colstoun Road  
ASHFIELD 6054.

CEO of the TOB & planning Dept

Dear Sir/Madam,

I am replying to thank you for advising us of the proposed development "CHEMIST" [REDACTED]

[REDACTED] I would like to express my disapproval based on two significant reasons:

Firstly - The current parking bays are insufficient at most times.

Secondly – Concern for how the consulting rooms will be used.

[REDACTED] I have personal experience with the parking issue, whereby the parking bays were shared between our [REDACTED] Staff and customers, the soccer club volunteer fire brigade, the training of amateur soccer clubs, Saturday sporting games, cricket on weekends and at one stage, even Grid Iron. Also, many train commuters would leave their vehicles in the parking bays for most of the day, while at work or otherwise. I have been informed this parking issue has not improved. I received many complaints from our customers over the years, that no parking was available so they would drive to another [REDACTED] With the growing population, this issue will only become more problematic.

I have been advised that the chemist intends to provide a methadone program and/or dispensation of methadone prescriptions. I strongly believe that this will have ramifications to the adjacent businesses and the residents within the vicinity. Also, a medical centre requires more adequate space to function. The present retailers are greatly concerned about the insufficient parking currently, let alone with the introduction of a medical centre. The TOB originally proposed that the consulting rooms within the Community Centre be used by general practitioners. I fully endorse the original plan for these consulting rooms. Why would the TOB consider anything else?

Kind regards

[REDACTED]



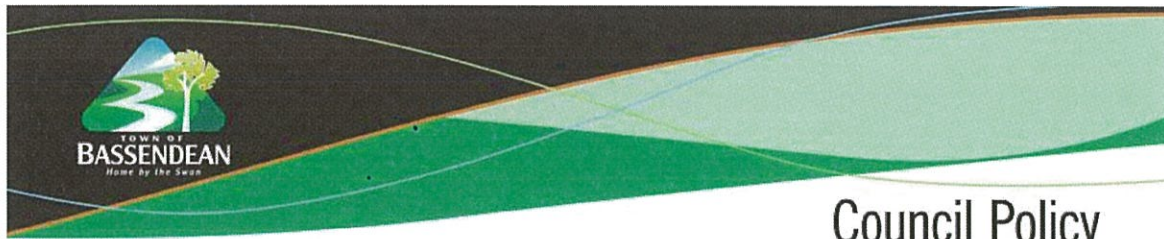
Document #: IPA-16691820  
Date: 28.01.2020  
Officer: CAMERON HARTLEY  
File: DABC/BDVAPPS/2019-169

Day	Time	Date	Bays Occupied	Bays available	Method
Thursday	12PM	30/01/2020	10	30	SV
Wednesday	9AM	29/01/2020	10	30	SV
Wednesday	12PM	29/01/2020	15	25	SV
Wednesday	12:30PM	29/01/2020	13	27	SV
Thursday	11AM	23/01/2020	9	31	SV
Wednesday	4PM	22/01/2020	9	31	SV
Wednesday	1PM	15/01/2020	11	29	SV
Monday	2PM	13/01/2020	10	30	SV
Wednesday	9AM	8/01/2020	11	29	SV
Wednesday	10AM	9/01/2020	11	29	SV
Thursday	4PM	9/01/2020	10	30	SV

Sunday	4PM	8/12/2019	12	28	NM
Thursday	11AM	17/10/2019	14	26	NM
Monday	12PM	12/08/2019	19	21	NM
Thursday	10AM	9/05/2019	14	26	NM
Sunday	1PM	24/02/2019	11	29	NM
Sunday	8AM	23/12/2018	9	31	NM
Tuesday	10AM	20/11/2018	10	30	NM
Sunday	2PM	23/09/2018	7	33	NM
Sunday	2PM	24/06/2018	9	31	NM
Friday	2PM	4/05/2018	10	30	NM
Monday	4PM	12/02/2018	6	34	NM

SV (Site visit)

NM (Near Map - I.e. desktop study)



## LOCAL PLANNING SCHEME NO. 10

### LOCAL PLANNING POLICY NO 7. LOCAL SHOPPING ZONE DESIGN GUIDELINES

#### OBJECTIVE

To promote and maintain a high standard of commercial development and strong retail hierarchy within the Town.

#### APPLICATION

This policy applies to all land zoned 'Local Shopping' under Local Planning Scheme No. 10.

#### POLICY

All development within the 'local Shopping' zone shall comply with the following development standards:

##### **Building setbacks**

All building setbacks within the 'Local Shopping' zone shall be determined at Council's discretion, having regard to existing setbacks in the locality, the impacts of the development on the streetscape, and the provision of adequate parking and landscaping areas.

##### **Vehicle parking**

Car parking spaces shall be provided, constructed and maintained in accordance with the provisions of Part 5 of the Scheme, Town Planning Scheme Policy No. \* (Parking Specifications) and the approved plan relating thereto.

##### **Landscaping**

All development within these zones shall be landscaped in accordance with the following requirements:

- a) the minimum width of front boundary landscaping shall be 2 metres, except in the case of a corner lot, in which case the minimum shall be 1.5 metres on the secondary street as nominated by Council;

- b) the minimum width of side boundary landscaping (excluding side street boundaries) shall be 1 metre, to be provided from the front boundary to the setback line; and
- c) landscaping is to be provided in accordance with Councils landscaping policy as amended from time to time, and shall be maintained by the owner of the lot thereafter.

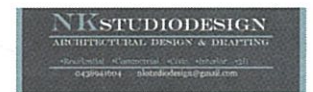
### **Storage and Refuse areas**

The Council may require the provision of one or more areas for the storage of refuse in a development. This area shall be:

- a) screened from view from any public street, and enclosed by a wall of masonry or other approved building material, and being of not less than 1.8 metres in height; and
- b) accessible to service vehicles.

Irrespective of whether a storage area is required for a development, no land shall be used for open storage purposes unless it is screened from view of any public street by a fence or wall built to the specifications and satisfaction of the Council.





PROJECT:  
Proposed Additions & Alterations  
to Ashfield Community Chemist

ADDRESS:  
Lot 37 (#1B) Colstoun Road,  
Ashfield

DWG:  
CONTEXT PLAN

Project No:	1944
Scale @ A2:	NTS
Date:	4.12.2019
DWG No:	REV:
A1.01	2

Drawing List			
Sheet Number	Sheet Name	Current Revision	Current Revision Date
A1.01	CONTEXT PLAN	2	4.012.2019
A1.02	SURVEY	2	4.012.2019
A1.03	PROPOSED DEMOLITION & SITE DEVELOPMENT PLAN	2	4.012.2019
A2.01	FLOOR PLAN & ELEVATIONS	2	4.012.2019
Grand total: 4			



POSITION OF FEATURES HAVE BEEN SURVEYED  
IN RELATION TO BOUNDARIES.  
REPEG RECOMMENDED PRIOR TO CONSTRUCTION.

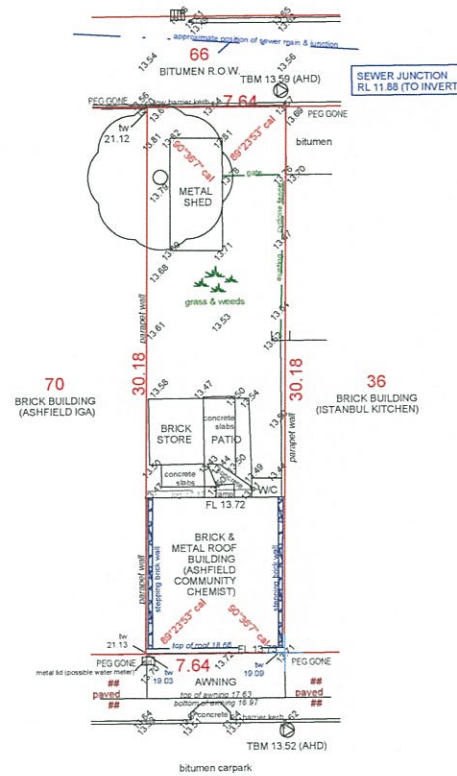
NOTE: THIS LOT MAY BE SUBJECT TO  
100 YEAR FLOOD PLAIN

LOT No: 37

AREA : 230m<sup>2</sup>



LOCATION  
REF (USD)



COLSTOUN ROAD

tog - DENOTES TOP OF GUTTER  
tw - DENOTES TOP OF WALL

ONLY OBVIOUS VISIBLE SERVICES HAVE BEEN LOCATED  
PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DEMOLITION.  
THE RELEVANT SERVICE AUTHORITIES MUST BE CONTACTED  
TO CONFIRM THE LOCATION OF ALL UNDERGROUND SERVICES.

IMPORTANT NOTE:  
CHECK TITLE FOR EASEMENTS, CAVEATS & COVENANTS  
PLUMBING CONTRACTORS TO CONFIRM SEWER DEPTHS BEFORE PIPE LAYING.

REF NO: 69344 FILE NO: 6933 DATE: 11.08.19 DRAWN: AC

**SURVEYOR SITE INSPECTION REPORT**

ELECTRICITY: NOT SIGHTED GAS: NOT SIGHTED

PHONE: NOT SIGHTED WATER: NOT SIGHTED

SEWERAGE: YES, ABOUT 1.65m DEEP (TO INVERT)

ROAD: BITUMEN

KERB: BARRIER

FOOTPATH: NIL

VEGETATION: NIL

SOIL: SAND

VIEWS: NIL

REPEG: REQUIRED

REPEG TYPE: OLD SURVEY AREA

**TITLE DETAILS**

LOT NO: 37 C/T VOL: 1207

Plan: 6853(2) FOL: 432

Block located more than 1 kilometre from the ocean.

LEGEND

T.B.M. TREE

POWER DOME PALM TREE

TELECOM FIT POWER POLE

STREET LAMP

GRATED DRAIN

SEWERAGE MANHOLE

SEWERAGE MANHOLE

SEWERAGE MANHOLE

R. G. LESTER & ASSOCIATES

REGISTERED LAND & ENGINEERING SURVEYORS

SHOP 7, NORTH BEACH PLAZA

1 NORTH BEACH ROAD

NORTH BEACH, VIC 3203

PH: 9448 5009 - FX: 9203 8722

email: rg@rglestersurveys.com.au

BUILDER:

NICOLAOU CONSTRUCTIONS

CLIENT / S:

SITE ADDRESS:

LOT 37 (#1B) COLSTOUN ROAD,

ASHFIELD

Local Authority: TOWN OF BASSEDEAN

VARIATION: (if any)

DWN DATE CHK

SHEET No: 1 of 1

JOB No: 69344

DATE

AUSTRALIAN HEIGHT DATUM (AHD)  
DERIVED FROM SSM BAYSWATER 12

SITE PLAN 1:200 at A3



PROJECT:  
Proposed Additions & Alterations  
to Ashfield Community Chemist

ADDRESS:  
Lot 37 (#1B) Colstoun Road,  
Ashfield

DWG:  
SURVEY

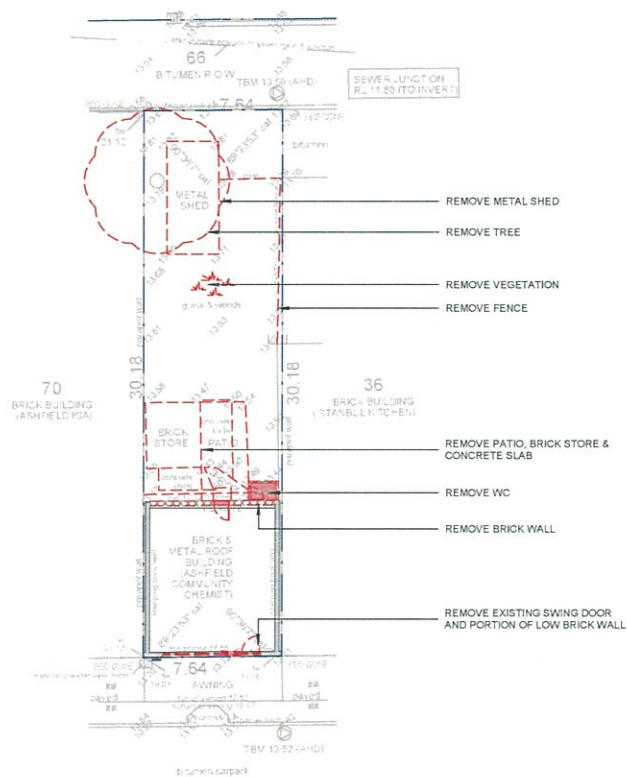
Project No: 1944

Scale @ A2: 1 : 200 Date: 4.12.2019

DWG No: REV:

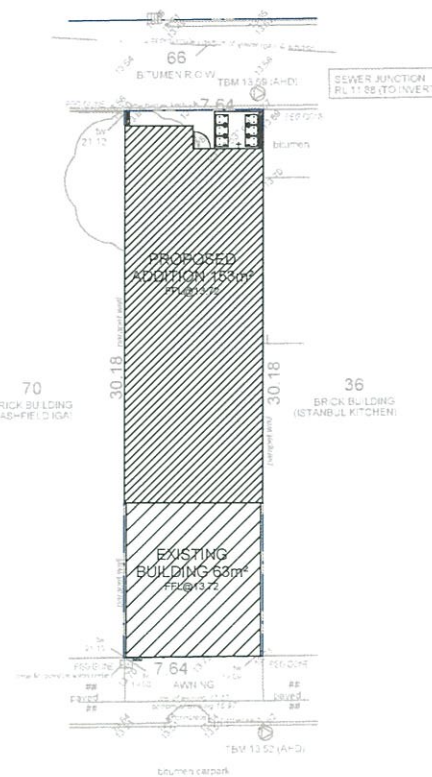
A1.02 2





COLSTOUN ROAD

① Demolition Plan  
SCALE 1:200



COLSTOUN ROAD

② Proposed Site Development Plan  
SCALE 1:200



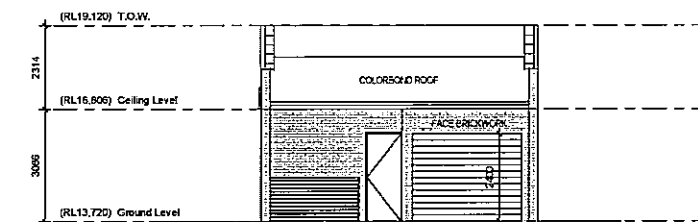
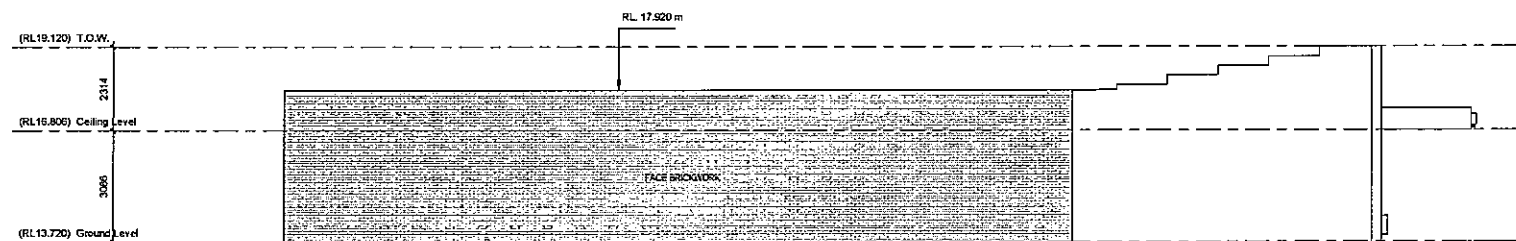
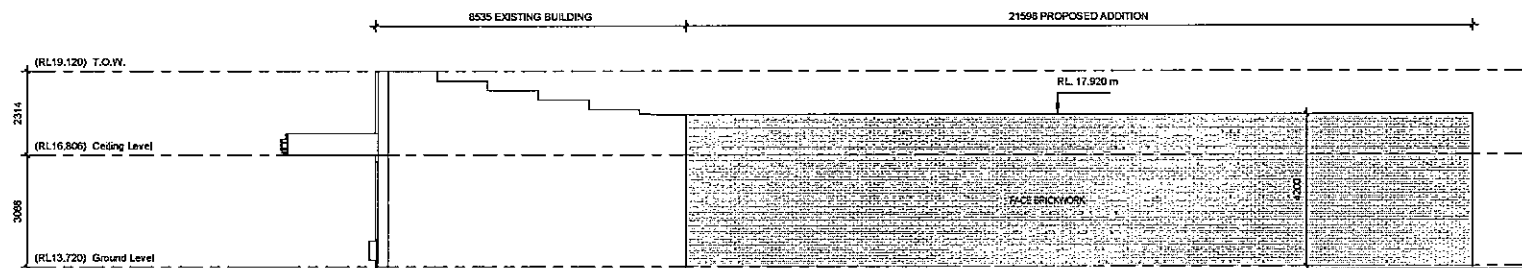
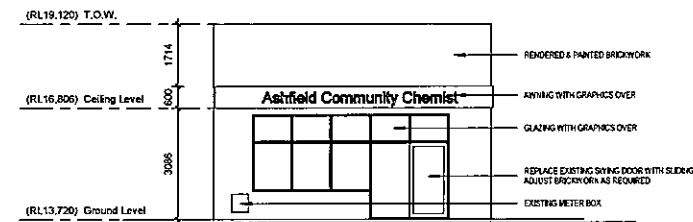
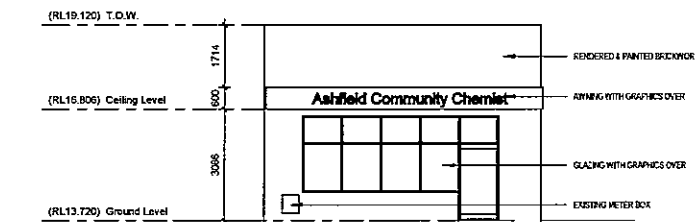
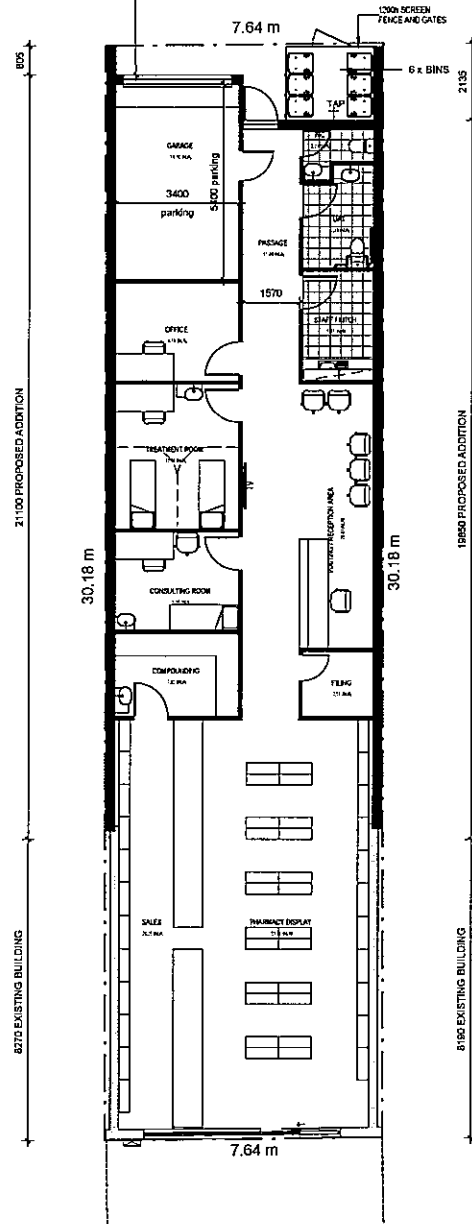
PROJECT:  
Proposed Additions & Alterations  
to Ashfield Community Chemist

ADDRESS:  
Lot 37 (#1B) Colstoun Road,  
Ashfield

DWG:  
PROPOSED DEMOLITION & SITE  
DEVELOPMENT PLAN

Project No:	1944
Scale @ A2:	1:200
Date:	30.01.2020
DWG No:	REV:
A1.03	4





PROJECT:  
Proposed Additions & Alterations  
to Ashfield Community Chemist

ADDRESS:  
Lot 37 (#1B) Colstoun Road,  
Ashfield

DWG:  
FLOOR PLAN & ELEVATIONS

Project No:	1944
Scale @ A2:	1:100
Date:	30.01.2020
DWG No:	REV:
A2.01	4



# DEVELOPMENT APPLICATION PLANNING REPORT

## PROPOSED MEDICAL CENTRE – CHEMIST DEVELOPMENT

Lot 37 (No. 1B) Colstoun Rd, Ashfield

DECEMBER 2019



## Contents

Contents .....	2
1.0 Summary .....	3
1.1 Development application details .....	3
1.2 Planning instrument details .....	3
2.0 Introduction.....	4
3.0 Site details .....	5
3.1 Site description .....	5
4.0 Proposed Development details .....	7
5.0 Planning Considerations.....	8
5.1 Metropolitan Region Scheme.....	8
5.2 Town of Bassendean Local Planning Scheme No. 10 (LPS No.10) .....	8
5.3 Local Planning Policy No.7 – Local Shopping Zone Design Guidelines. (LPP No.7) .....	10
5.3.1 Vehicle Parking .....	10
5.3.2 Storage and Refuse areas .....	11
6.0 Summary of supporting information .....	12
7.0 Conclusion .....	13
8.0 Appendices .....	14

Appendix A - RECORD OF CERTIFICATE OF TITLE

Appendix B - Certificate of Registration of a Company and Company Statements

Appendix C - 1B Colstoun Road Ashfield Plans



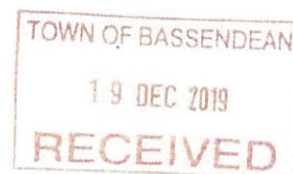
## 1.0 Summary

### 1.1 Development application details

<b>Proposed development:</b>	Proposed addition of 158 m <sup>2</sup> to existing Chemist of 63 m <sup>2</sup> . Building total of 221 m <sup>2</sup>
<b>Type of approval sought:</b>	Development permit for change of use to Medical centre and Chemist Preliminary Approval for Construction Works
<b>Site address:</b>	1B Colstoun Road, Ashfield WA 6054
<b>Real property description:</b>	Lot 37 on Plan 6853 Vol 1207 Folio 432
<b>Site area:</b>	230 m <sup>2</sup>
<b>Assessment manager:</b>	Town of Bassendean Christian Buttle - A/Manager Development Services (Planning)
<b>Owner details:</b>	IQD INVESTMENT PTY LTD Thi Loan Tuyet Nguyen Dinh Bao Tran

### 1.2 Planning instrument details

<b>Planning scheme:</b>	Town of Bassendean - Local Planning Scheme No. 10
<b>Zone:</b>	Local Shopping Zone
<b>Local plan:</b>	Local Planning Policy No. 7





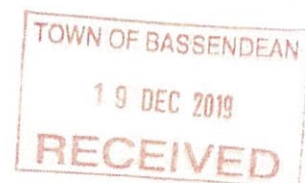
## 2.0 Introduction

The directors Dinh Bao Tran and Thi Loan Tuyet Nguyen of IQD INVESTMENT PTY LTD hereby prepared the following report in support of an Application for Development Approval for the construction of a Medical Centre addition to the Ashfield Community Chemist site, located at 1B Colstoun Road Ashfield.

This report provides details regarding the following:

- Site details
- Proposed development and use of the land; and
- Planning Considerations

We respectfully request the Town of Bassendean favorable consideration and conditional approval of the application at their earliest possible convenience.



## 3.0 Site details

### 3.1 Site description

The subject site is currently known as the Ashfield Community Chemist, site located at 1B Colstoun Road, Ashfield and contains all land within Lot 37 on Plan 6853 Vol 1207 Folio 432. Full copies of title are provided at Appendix A of this report.

Lot 37 is situated within the local shopping precinct of the suburb of Ashfield. Approximately 9 km north-east of the Perth CBD and is situated within an established residential precinct with a mixture of commercial uses that include an IGA Supermarket and Kebab shop . (See Figure 1)

North-east of the site is the local Primary school, Community Civic Centre, Reserve and three medium size parking lot are within walking distance.

It is significant to note that the area is well serviced by a public transport network being in close proximity to Ashfield train station and bus route along Guildford road. This convenient access to the existing public transport network provides an alternative mode of transportations to private car usage for patrons and staff associated with the proposed development on the land.

**Table 1: Site description**

Site characteristic	Description
Existing land use	Ashfield Community Chemist – Retail Shop
Existing structures	Single Story Brick and Metal Roof building, Brick Store Room and Metal Shed
Frontage and access	7.64 metre frontage with local shopping centre Carpark, street access to Colstoun Road and Bitumen R.O.W.
Topography and views	Flat Topography

**Table 2: Surrounding land uses**

Surrounding land uses	
North	Parks and Recreational
South	Residential
East	Parks and Recreational
West	Residential

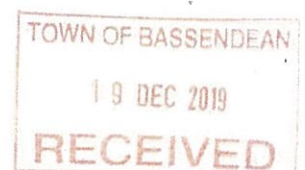




**Figure 1: Aerial view and site identification**  
Source: Google Maps



**Figure 2: Satellite view and site identification**  
Source: Google Maps





## 4.0 Proposed Development details

This application proposes the partial demolition of the rear existing single building on Lot 37 along with the removal of all associated structures and the construction of a new development comprising the following key elements:

- Extension to the existing Chemist with the addition of a compounding room
- Addition of a Medical centre which comprises of waiting reception area, a consulting room and a treatment room.
- Office space and kitchen staff room.
- Two wash rooms, one being accessible for people with disabilities.
- Garage with waste storage area.

The external facade of the proposed new development will be constructed using high quality finishes and the existing store front will be updated with the new addition of an automatic sliding door. (See attached Floor Plan & Elevations)

Details of the Medical Center use are as follows:

- Operating hours will be from 8.30am to 7.00pm Monday to Friday and 8.30am to 6.00pm on Saturday.
- The complex will be managed on-site through the reception area
- The medical centre will provide medical services to the Ashfield Community
- Whilst commercial demand isn't a relevant planning consideration, there is no medical services residing in the Ashfield precinct beside the Ashfield community chemist. The closest medical centres in the area are Bayswater Medical Centre and Bassendean Family Practice which are approximately 2km from the subjects' site.

With growing numbers of residents in the Ashfield community and the recent expansion of the industrial areas in the west. Having the addition of a medical centre in the Ashfield area, will improve the level of service available to local Ashfield residents.

**Table 3: Summary of development aspects**

Building work	
Building height	5.4m
Gross floor area (GFA)	221 m <sup>2</sup>
Car parking	1 Garaged onsite car bay
Building work	Partial demolition of the rear existing single building and extension.
Value of proposed work	\$150,000



## 5.0 Planning Considerations

### 5.1 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS). The proposed development is consistent with the 'Urban' MRS zoning applicable to the subject site. It should be noted that the zones and reservations prescribed by the MRS are broad categories only that are intentionally not precisely defined or limited in order to enable a flexible approach to town planning. The following definition is provided as a guide to its stated purpose/s in the MRS:

"Urban Zone - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry."

The proposed development and use of the land for Medical Centre and Chemist purposes is considered to be consistent with the defined intent of its current 'Urban' zoning classification under the MRS and has scope to be approved.

### 5.2 Town of Bassendean Local Planning Scheme No. 10 (LPS No.10)

The subject site is classified 'Local shopping' zone with an applicable density coding of R60, under the Town of Bassendean current operative Local Planning Scheme No.10 (LPS No.10).

Schedule 1 of LPS No.10 provides defines the proposed uses as follows:

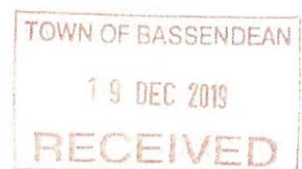
**"Medical Centre"** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

**"Shop - Chemist"** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

It is contended the proposed development and use of the new Medical Centre and Chemist falls comfortably within these land use definitions.

Currently the subject site is operating as Chemist which is permitted by the Scheme under the land use "Shop".

However, under the terms LPS No.10 the use of land classified 'Local Shopping' zone can also allow for a 'Medical Centre' purposes, it is identified as a discretionary ("D") use, meaning that the use is not permitted unless the Council has exercised its discretion by granting planning approval.







**Figure 3: Zone Map**

Source: IntraMaps Town of Bassendean

According to LPS NO.10 Clause 3.2.2 describes "Local Shopping Zone" objectives as follows:

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

It is contended the proposed new development for Medical Centre and Chemist purposes is consistent with the objectives of the land's current 'Local Shopping Zone' zoning classification in LPS No.10 for the following reasons:

- The proposed use will provide additional medical services to the Ashfield local residents, whilst maintain the retail hierarchy of the Town Centre Zone 2km away.
- The proposed development will provide additional employment opportunities within the Ashfield locality.
- The proposed development will be constructed of high quality materials and will reflect the residential amenity of the surrounding neighbourhood.
- The new development will be compliant with the applicable LPS10 and Local Planning Policy No.7 provisions, as detailed in subsequent sections.

### 5.3 Local Planning Policy No.7 – Local Shopping Zone Design Guidelines. (LPP No.7)

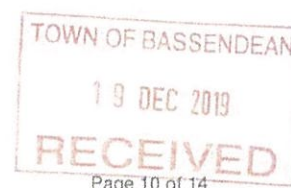
#### 5.3.1 Vehicle Parking

The new development will comprise one (1) on-site garaged car parking bays with access from the rear right of way for the building.

Vehicle Parking of the subject site for the purposes of a 'Medical Centre and Chemist' requirements outlined in the following planning documents LPS No.10 and have been summarized in the Table 4&5.

**Table 4: Summary of Vehicle Parking Requirements**

Land Use		Parking Bays Required
Consulting Room/Medical Clinic 5 spaces per consultant	1 Consultant	5
Shops - Chemist 8 per 100m <sup>2</sup> gross floor area	221 m <sup>2</sup>	18
Total No. of bays required		23





**Table 5: Summary of Available Vehicle Parking**

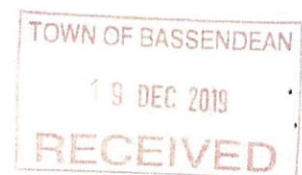
Existing		Parking Bays Available
Car parks	Local Shopping Zone Carpark	40
	Community Centre Carpark	50
	Community Centre Overflow Carpark	36
Onsite parking	Garaged	1
Total No. of bays Available		127

In light of the assessment of the proposal provided in the above tables, it is clear that the proposed development is largely compliant with the applicable development requirements outlined in LPS no.10 with the consideration of joint use of parking facilities 200m from the subject site. In addition, the subject land is well serviced by a comprehensive public transport network that offers an alternative method of transportation to private car usage.

### **5.3.2 Storage and Refuse areas**

Given the relatively small volume of waste being generated by the Chemist, it is proposed as part of this application that the development be supplied with one (1) 240 litre mobile bins for general refuse, one (1) 240 litre mobile bins for recycling. This will provide for the total weekly capacity of 480L.

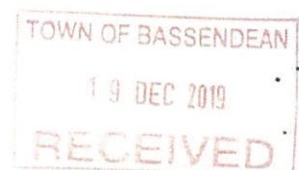
The new development will comprise of a storage area for two (2) 240 litre bins and a service tap within the onsite garage. This will area will be screened away from public view, yet still accessible by services vehicles. Which is compliant to compliant with the applicable development requirements outlined in LPS no.10.



## 6.0 Summary of supporting information

Having regard for all of the above, it is contended the proposed new Medical Center and Chemist development on Lot 37 (No. 1B) Colstoun Rd, Ashfield is suitable and capable of being approved by the Town for the following reasons:

- It is consistent with the general objectives of the land's current "Urban" zoning classification under the Metropolitan Region Scheme.
- It is consistent with the stated objectives of the land's current "Local shopping" zoning classification in LPS No.10.
- The Town has the discretion to approve the use of land classified 'Local shopping' zoning for "Medical centre" purposes.
- Furthermore, there is sufficient parking available to service the demand likely to be generated by the proposed use of the site. In addition, the subject land is well serviced by a comprehensive public transport network that offers an alternative method of transportation to private car usage.
- The proposed development will not negatively impact the amenity of surrounding residents.



## 7.0 Conclusion

This report accompanies an application to approve the proposed Development Plan for the land at Lot 37 (No. 1B) Colstoun Rd, Ashfield.

This report has identified the issues relevant to considering and approving the proposed Development Plan and has logically addressed the requirements of the Town of Bassendean Local Planning Scheme No.10.

It has also has demonstrated the positive contribution that future development in accordance with the proposed Development Plan will have on the surrounding area.

It is considered that there will be no adverse impacts resulting from the proposed Development Plan. Rather, the approval of the Development Plan will facilitate the timely and efficient urban renewal of the subject land, in-turn providing a benefit to the community and the character of the surrounding environs.

The Applicant is committed to the delivery of this project in accordance with the proposed Development Plan and supporting assessments.

We trust that the information provided is appropriate for Council to consider the Development Plan favourably and respectfully request that Council approve the Development Plan as proposed.

Yours faithfully,



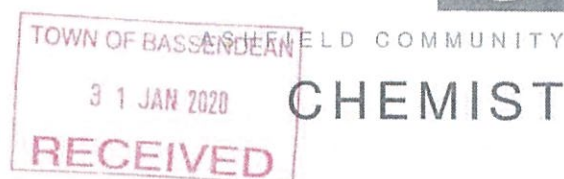
Dinh Bao Tran 16/12/19.



Thi Loan Tuyet Nguyen 16/12/19







Cameron Hartley,  
Planning Officer  
Town of Bassendean  
T: (08) 9377 8098  
E: [chartley@bassendean.wa.gov.au](mailto:chartley@bassendean.wa.gov.au) | W: [www.bassendean.wa.gov.au](http://www.bassendean.wa.gov.au)

Dear Cameron Hartley,

I writing to clarify with council in regard to the development being used as Methadone treatment clinic. The development does **not** have the intention to turn it into a Drug and Alcohol Treatment Clinic such as Next Step organisation where patient is accessed by clinicians and put on various treatment program. We do not have Federal Approval for such operation by the Health Department.

Like most other pharmacies in WA, including some surrounding suburbs' pharmacies Bassendean, Bayswater and Kiara are registered with the Community Program for Opioid Pharmacotherapy. It requires a referral and prescriptions from the registered Doctor, just like any other treatment which are currently in operation in our pharmacy. Doctors will refer local patients, with prescriptions whom are fighting Opioid addiction to the pharmacies to be dispensed with various medication including Methadone and Suboxone.

Currently we have only one local patient who is on the program. During the seven years in operation at Ashfield Community Chemist, there have been a total of three referred patients. Hence the proposed development is not intended to increase the scope in this area. Our intention is to increase health services to the community, which is currently inadequate in Ashfield.

If you required any further clarification about the program please let me know and I'll be happy to address any issue.

Sincerely,

Dinh Bao (Ben) Tran  
Pharmacist



ASHFIELD COMMUNITY  
CHEMIST

1B Colstoun Rd, ASHFIELD WA 6054  
Ph/Fax: (08) 6161 9958  
Email: [ashfieldchemist@optusnet.com.au](mailto:ashfieldchemist@optusnet.com.au)

OPEN 6 DAYS

MON - SAT  
8AM - 7PM



## Cameron Hartley

---

**From:** Ashfield Chemist  
**Sent:** Wednesday, 19 February 2020 11:34 AM  
**To:** Cameron Hartley  
**Subject:** IEM-16803620 - Re: 1B Colstoun Road Ashfield

**SynergySoft:** IEM-16803620

Hi Cameron

Could you forward this email to all the Councillors to address the concerning issues.

Kind regards

Dear Councillors

After attending the briefing session on the 18/2/20, I became aware that there were a few issues raised.

- 1) About the possibility of turning the Chemist and Medical Centre into a Drug and Alcohol Treatment Clinic (misinformation due to objecting letters),
- 2) Possibility of considering Female Doctor.
- 3) Working closely with current St Doctor to promote health services to the local area.

In relation to issue 1)

The propose development site can never be a Drug and Alcohol Treatment Clinic for the following reasons

1. Needs Federal Government Approval and Licensing, (which not will be granted)
2. The Development does not have the capacity.

What we are currently is a CPOP (Community Program for Opioid Pharmacotherapy) Pharmacy.

I would like to clarify to you the differences between the two types of services:

1. Drug and Alcohol Treatment Clinic (NEXT STEP).

Provides a range of treatment services for people experiencing problems associated with their alcohol and other drug use, as well as support for families. Services includes

- Outpatient services at East Perth and via integrated Community Alcohol and Drug Services at six metropolitan locations.
- Inpatient Withdrawal Unit.
- Outpatient and medical support for young people via the integrated Drug and Alcohol Youth Service.
- Community Pharmacotherapy Program.

2. Registered CPOP pharmacy.

Service is to provide daily dosing of medication for opioid dependent patient in the community, prescribed by the registered CPOP prescriber.

Example of registered CPOP pharmacies in surrounding suburbs includes Home Care Pharmacy Bassendean, Pharmacy 777 Bayswater, Kiara Pharmacy and Amcal Drive In Pharmacy Bayswater.

During 7 years, as a registered CPOP pharmacy, I have been referred a total of 3 patients. Currently there is only one local patient on the program. Hence the proposed development does not intend to increase the scope in this area. However my intention is to increase other health services, which has been insufficient in Ashfield for many years.

In relation to issue 2)

My initial plan was to have a two consultation rooms to ensure there was a male and a female doctor to meet the local demand. However I had to amend the design to have only one consult room due to car park constrain. If council would consider 2 consultation rooms for the medical center this would warrant a Female doctor for the area.

In Relation to issue 3)

Currently my pharmacy is working closely with the Street Doctor to provide health services to the local community. Hopefully with the new development we can further collaborate to provide more health services to the community.

So I hope with these information, you could better understand that the proposed development does not have the capacity or licence to become a Drug and Alcohol Clinic. The differences between the two services, CPOP program is operating within many pharmacies throughout WA. It requires a referral and prescriptions from the doctor just like any other treatment which are currently in operation in my pharmacy. Finally, my intention for the propose development is to increase other health services in Ashfield.

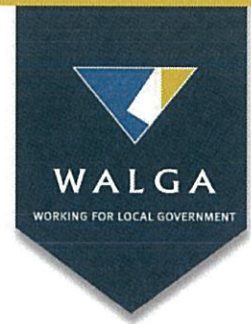
If you required any further clarification please let me know and I'll be happy to address any issue.

Kind regards

(Owner)

Ashfield Community Chemist

# **ATTACHMENT NO. 3**



# Third Party Appeal Rights in Planning **Discussion Paper**

## Contents

1.0	In Brief.....	3
2.0	Background .....	3
2.1	Background to WALGA Policy Position .....	3
2.2	Changes to the Planning Framework .....	4
3.0	Current Third Party Appeal Rights in Australia.....	5
3.1	Development Assessment Forum (DAF).....	5
3.2	Third Party Appeal Rights by State and Territory .....	6
3.3	Western Australia State Government Position .....	7
3.4	Judicial Review .....	8
4.0	Arguments For and Against Third Party Appeal Rights.....	8
4.1	Arguments Against Third Party Appeals.....	8
4.2	Arguments For Third Party Appeals .....	10
4.3	Competing Viewpoints .....	10
5.0	Issues to Consider.....	11
5.1	Criteria for Third Party Appeal Rights in other States .....	11
5.2	Implications for Local Government.....	12
6.0	Conclusion – What is right for Western Australia? .....	12
6.1	Feedback Sought.....	12
7.0	References.....	14



## 1.0 In Brief

At its December 2016 meeting, State Council requested a review of the WALGA Policy position in relation to Third Party Appeal Rights for planning decisions. The decision making environment has changed since the WALGA made its policy position in 2008, and therefore a review of the current position is warranted.

This paper provides background on the development of WALGA's current policy position and a review of the arguments both for and against third party appeals. A literature review was carried out to establish the basis of each argument.

## 2.0 Background

### 2.1 Background to WALGA Policy Position

Unlike most of the other jurisdictions in Australia, Western Australia is unique in that no Third Party Appeal Rights exist under the *Planning and Development Act 2005*, although in the past some Local Government planning schemes allowed them. The last Local Government to allow Third Party Appeals was the City of Albany, however with the introduction of the City's new local planning scheme in 2014, which removed Third Party Appeal Rights, there is no longer any Third Party Appeal Rights for planning in Western Australia.

The introduction of Third Party Appeal Rights has been considered by member Councils on several occasions over the last few decades. For instance, Third Party Appeal Rights were considered in 2001 during debate on the new planning appeal system and again the following year during the State Government's consolidation and development of the new *Planning and Development Legislation*.

In 2007, a Private Member's Bill was proposed by Dr Janet Woollard, MLA Member for Alfred Cove, which was modeled on Victoria's *Planning and Development Act 1987*. The justification for the introduction of the Bill was primarily based on Western Australia being the only state without third party appeals and failed to acknowledge that significant differences exist between the Victorian and Western Australian planning system.

At the February 2008 meeting of State Council, WALGA formed a Policy position against the introduction of Third Party Appeal Rights. The report noted that the main arguments against the proposal were:

1. The current strategic and statutory planning processes, and consideration of applications by Councils, already takes into account the views of affected parties and the community generally;
2. Third party appeals could be lodged because of vexatious or commercial interests, not because of genuine planning matters;
3. Such appeals would cause significant delays and additional costs for development, as even lodgment of an appeal would put a development on hold;

4. Additional planning appeals would place a further burden on already stretched Local Government resources. Local Governments would incur additional costs for new administrative steps in processing development applications, preparing for and responding to appeals lodged with the State Administrative Appeals Tribunal (SAT) and legal representation. This is particularly the case since the establishment of the State Administrative Tribunal which has seen planning appeals become more legalistic, costly and resource intensive for Local Governments.

Additionally, the existing State Administrative Tribunal (SAT) system was considered efficient at reconsidering the merits of planning applications and there are currently four ways in which a third party may participate in a planning matter being considered by SAT. These are:

- Being called as a witness by the respondent;
- Making a submission under section 242 of the *Planning and Development Act 2005*;
- Intervening under section 37(3) of the State Administrative Tribunal Act 2004, whereby the third party acquires rights and responsibilities as a party a party under the act; and
- Possible participation in mediation.  
(SAT)

Subsequently, State Council resolved in February 2008 (326.1/2008), the following position:

That:

1. the member for Alfred Cove, Dr Janet Woollard MLA and the Minister for Planning and Development, Hon Alannah MacTiernan be advised of the inaccuracies and duplications contained in the proposed Planning and Development Amendment (Third Party Appeals) Bill 2007; and
2. as there is no justification for the proposed legislation and there are significant negative implications for Local Government, industry and the community, Local Government continues to be opposed to the introduction of third party appeal rights in Western Australia.

While the above arguments for WALGA's position remain, the decision making environment in WA has changed since the formation of the position in 2008 with changes to legislation arising from the State's planning reform 'Planning Makes it Happen: Phases 1 and 2', and the introduction of Development Assessment Panels (DAPs).

## 2.2 Changes to the Planning Framework

Historically Local Government in Western Australia has been the main authority tasked with decision-making for development applications, under delegation arrangements from the Western Australian Planning Commission (WAPC).



Since 2009 a number of changes have been implemented to the planning framework, directly impacting on the decision-making powers of Local Government, including:

- The establishment of the Metropolitan Redevelopment Authority (MRA);
- Changes to Structure Planning processes;
- Changes to section 76 of the *Planning and Development Act 2005* to give the Minister for Planning the power to order a Local Government to prepare or adopt an amendment to a local planning scheme;
- The introduction of Improvement Schemes and Plans; and
- The introduction Development Assessment Panels (DAPs).
- The introduction of 'Deemed Provisions' for local planning schemes in the *Planning and Development (Local Planning Schemes) Regulations 2015*;

Given the substantial changes that have occurred within the decision-making environment in Western Australia, and the recent community concerns over the creation of the DAP system to determine development applications in place of Local Governments, it is appropriate to initiate a discussion on the possible role of Third Party Appeal Rights in the Western Australian planning system.

### 3.0 Current Third Party Appeal Rights in Australia

Third party appeal rights vary by state, with no common 'best practice'. Nationally, the Development Assessment Forum (DAF) a federal government advisory body, provides a Leading Practice Model, which sets out 'tracks' for different development assessment processes.

#### 3.1 Development Assessment Forum (DAF)

The Development Assessment Forum (DAF) was formed in 1998 to bring key stakeholders together to reach agreement on ways to streamline the processes used for development approval while preserving high quality decision making. The DAF published its *Leading Practice Model for Development Assessment* in March 2005, which aims to provide a blueprint for jurisdictions to create a simpler, more effective approach to development assessment. The practice model achieves this by defining ten leading practices that a development assessment system should exhibit, and applying the ten leading practices to six development assessment pathways or tracks.

With regards to Third Party Appeal Rights, DAF's Leading Practice Model states that "opportunities for third-party appeals should not be provided where applications are wholly assessed against objective rules and tests", and that "opportunities for third-party appeals may be provided in limited other cases". In this way, the DAF model hopes to avoid unnecessary review where objective criteria has already been established by a consultative process. Elements of DAF's *Leading Practice Model for Development Assessment* are used in some jurisdictions.



### 3.2 Third Party Appeal Rights by State and Territory

State/Territory	Scope of Third Party Appeal Rights	Number & effects of Third Party Appeal Rights (cost, timeframes, etc.)
New South Wales	Appeal rights limited to uses such as major developments where the development is high impact and possibly of state significance <sup>i</sup> . A third party objector can bring a merit based appeal in the Land and Environmental Court against a decision to grant development consent only if the development is designated development (development listed as such in the EP & A Regulation).	Third parties have 28 days to lodge an appeal. Court cases can last several days, or weeks for complex cases.
South Australia	Appeal rights limited to 'Category 3' <sup>iii</sup> developments. A third party who makes a written representation on a proposed Category 3 development has a right to appeal against that decision or any conditions attached to it. A person who disagrees with a decision of a relevant authority, but is a third party who has not taken the opportunity to lodge a written representation during the public comment period is not entitled to appeal.	The number of all appeals lodge with the ERD Court trends between 191-200 appeals per year, with 78% of appeals lodged withdrawn or resolved without going to a full hearing. (LGA SA 2014).
Queensland	DAF based - Appeal rights limited to 'impact assessable' <sup>iii</sup> developments. The person making the third party appeal must have lodged a 'properly made submission' with the local council within the public notification period for the development application.	No information available.
Tasmania	Broad appeal rights, but third parties can only object to a planning application if it is a 'discretionary' application, which must be advertised. To appeal the third party must have lodged a representation (objection) to an application within the 14-day advertising period, and may lodge an appeal with the tribunal within 14-days of receiving notice of the council decision.	For the 2013-2014 year 117 appeals in total were lodged under the Land Use Planning and Approvals Act (RMPAT 2014)  Cost to lodge an appeal with the Resource Management and Planning Appeal Tribunal is \$350, but if appeal proceeds to full hearing, cost for lawyers and expert witnesses may be incurred (RMPAT).  RMPAT has 90 days to complete an appeal (RMPAT 2014).
Northern Territory	Appeal rights limited to developments in residential zones, unless the land is adjacent to or opposite a residential zone, in limited circumstances. Third party appeal rights apply only to those persons who made submissions on a Development Application.	No information available
Australian Capital Territory	DAF based - Appeal rights limited to available for those merit or impact track <sup>iv</sup> development applications that went through the major notification process, unless exempt by regulation.	Third party appellants must lodge appeals no later than four weeks after the decision was made.

		For the 2015-2016 year 22 applications were received in total for administrative review under Planning and Development. The cost to apply for review is \$325 and cases are subject to 120 day limit (ACAT 2016)
Victoria	Broad appeal rights. Provision of third party appeal rights cover most developments in Victoria. To appeal the third party must have lodged an objection to an application within the advertising period. Anyone who may be affected can make an objection, objectors do not have to show they will be personally affected and may object on broad public interest issues. If, for good reason, a person was unable to lodge an objection, may be able to apply for a review of the decision if VCAT <sup>v</sup> gives permission.	For the 2014/2015 year 4% (2,292) of development applications had a review lodged with VCAT.  Hurley et al (2013) found appeals from third parties accounted for 19% of VCAT cases.  An objector who lodged an objection in writing must make an application for review (appeal) within 21 days of decision to grant a permit.

i – Examples include chemical factories, large-scale breweries, resource projects such as coal mines and quarries, and turf farms.

ii - In *Category 3* development applications, notice must be given to adjacent owners and occupiers as well as those considered by the relevant authority to be significantly affected by the proposed development. Also, the general public must be notified by publication of a notice in a local or state-wide newspaper.

iii – Act or local planning instruments will dictate the category of a development.

iv – Assessment tracks which are to be followed for the assessment of different kinds of development proposals include; 'merit track' for development proposals that can be assessed using rules and criteria in the code that applies to the proposals, and 'impact track' for development proposals that can be assessed using rules and criteria in the code that to the proposals, relevant environmental impact statements and the statement of strategic directions.

v- Victoria Civil and Administrative Tribunal

### 3.3 Western Australia State Government Position

In its 2015 report on the review of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the Western Australia Legislative Council noted that the State's position on Third Party Appeal Rights was set out on 3 June 2009, by the then Minister for Child Protection, representing the Minister for Planning, who advised the Legislative Council of the Government's position on third party appeals:

*The Government does not currently have any plans to introduce third party appeal rights in Western Australia.*

*The Government does not believe that the introduction of third party appeal rights in Western Australia is consistent with current attempts to simplify and streamline the planning approvals process. The Planning and Development Act 2005 requires public consultation in relation to the planning framework established in local and regional areas, with public consultation mandated for local and region planning scheme amendments, as well as State Planning Policies, local planning policies and structure plans. As such, the Government believes that the current planning process provides sufficient opportunity for the local community to have a say in what happens in their neighbourhoods. (p.31)*

The report states that this remains the Government's policy.



### 3.4 Judicial Review

The ability for third parties to appeal the process behind an administrative planning decision via judicial review is open in each jurisdiction in Australia, even where merit based Third Party Appeal Rights are present. Judicial reviews are heard by a Judge in a Court of Law, and are a review of the legality of the decisions under challenge, not a review of the merits of a development. This process has a much narrower focus than a planning review, in that the question that the Court is concerned with is about the process and manner in which the decision was made, as opposed to was the decision the correct or best outcome.

To date, the recourse for an affected party in Western Australia has been to pursue the matter through the Supreme Court as a matter of Judicial Review. Over the past two years, there appears to have been an increase in the number of individuals and Councils applying for Judicial Review, most notably *Nairn v Metro-Central JDAP* where the approval of a mixed use tower was disallowed. The continual perusal of such Judicial Reviews may not be in the long term best interest of communities, as they are prohibitively expensive and is focused on the decision making process, rather than the outcome.

## 4.0 Arguments For and Against Third Party Appeal Rights

A literature review was conducted to establish the most common arguments both for and against third party appeals as well as examine the issues and benefits that may arise from their use. Victoria has the broadest third party appeal rights, and therefore much of the current literature examining third party appeals is focused on that state's experience.

### 4.1 Arguments Against Third Party Appeals

**Legitimate interest and third party appeals** – Many authors note that the traditional view of appeal rights holds that the only parties with a direct interest in a development application are the applicant and the responsible authority; meaning property owners are the only ones who should have the right to appeal over their land and that they should be able to use their property with minimal external interference. Therefore, Third Party Appeal Rights, if not clearly defined, may allow individuals to take part in planning decisions in which they have no direct interest. This can lead to opposition on non planning grounds, rather than because of an issue with the merit or substance of the proposal (Ellis2006) (Willey 2006) (Hurley et al 2011).

**Loss of representation** – This arguments states that the appeals process shifts decision making for development applications away from Local Government and therefore away from the locally elected representation. This shift may reduce accountability and transparency in the planning decisions process for the local community. A large amount of decision making power has been removed from Local Government with the introduction of DAPs. It is argued that Third Party Appeal Rights further weaken the representative nature of Local Government decision making (Ellis 2006) (Willey 2006) (Hurley et al 2011).



**Current planning processes provide opportunities to participate** – A strong argument against Third Party Appeal Rights is that proactive public engagement, participation and collaboration in policy formation and strategic planning is preferable as these processes focus on higher order engagement which leads to better policy and greater certainty in the process and outcome. Third party appeals tend to encourage adversarial rather than collaborative debate on planning issues. The effect of Third Party Appeal Rights may be to promote short-term decision making and could create planning outcomes that are not in the longer term interest of the community (Ellis 2006) (Willey 2006) (Hurley et al 2011) (Cook et al 2012) (Hurley et al 2013).

**Not representative of the broader community-** The idea of equity of access to planning decisions is often cited in the literature as a justification for third party appeal rights, however some research reviewed found that the majority of people lodging third party appeals come from a well-organised, well-connected and well-resourced segment of the community, which raises the question of how representative these objections are of the wider community's views (Ellis 2006) (Willey 2006) (Cook et al 2012) (Hurley et al 2013). For example, in their review of Third Party Appeals against multi-unit developments in Victoria, Hurley et al (2013) found that the number of objections against applications increase in more socio-economically advantaged areas, which indicates that developments in these areas are facing more organised community resistance, either by greater propensity for individuals to object, or by effective resident mobilisation (Hurley et al (2013) p.4).

**Impact on the decision making process** – Researchers argue that the introduction of Third Party Appeal Rights will lead to increased cost and delays, and the possibility of appeals being lodged because of vexatious or commercial interests, not because of genuine planning matters. As a result, the planning approval processes will experience delays which will create inefficiency, uncertainty, increased costs, and could ultimately act as a brake on investment and economic growth (Ellis 2006) (Willey 2006) (Hurley et al 2011).

**Failure to determine/Deemed Refusal** – While researching multi-unit development in Victoria, Cook et al (2012) found that as the volume of objections to a development application increases, so too does the likelihood of appeal to VCAT. Additionally, failure to determine (where council fails to render a decision within the prescribed timeframes, equivalent to deemed refusal in Western Australia) cases are strongly related to high objection numbers. Therefore, applications which receive the highest number of objections are also the applications which are most likely to be appealed, and are also most likely to be the applications which Council fails to determine. While failures to determine may be instances where the local authority is unable to process applications due to resource constraints, the results and anecdotal evidence suggest that often these cases involve the authority declining to make a decision where there is significant resident opposition (Cook et al (2012) p.39).

**Turning planning into a 'numbers game'** – Some researchers noted the existence of third party appeals may lead members of the community to believe that the number of objections in and of itself is a way of engaging in the planning process and prevent developments they do not support (Planning Institute of Australia (NSW Division) 2012) (Hurley et al 2013). However, in order to be considered by the responsible authority, an objection needs to be about a valid planning concern. As a result the community's expectations about how it can influence the planning system may not be met.



## 4.2 Arguments For Third Party Appeals

**Legitimate interest** – A strong argument is made that neighbouring landowners, occupiers and members of the community often have a very legitimate interest in whether development occurs and the form of that development, as any new development has impacts on existing neighbourhood character, amenity, infrastructure and property values. Equity in the development process is also important, if an applicant has rights of appeal, the argument is that a third party should also have right of appeal to maintain equity. Without Third Party Appeal Rights the wider community is removed as a stakeholder (Ellis 2006) (Willey 2006) (Trenorden 2009).

**Improved participation and decision making** – It is often noted that planning is a communicative process which needs to embrace the public in meaningful ways. Third party appeals would have the potential to increase avenues for public engagement with planning, and may deliver better planning decisions as an empowered public, with increased opportunities for participation, can result in improved planning outcomes. Therefore, Third Party Appeal Rights affords the combination of a broader base of input, increased debate and the ability for 'local knowledge' to inform planning approvals which can lead to improved outcomes (Morris 2005) (Ellis 2006) (Willey 2006). As an example, Willey (2006) notes that it is comparatively rare in Victoria for an objector to completely succeed in overturning a decision, but often their involvement is considered to lead to a better planning decision.

**Improved consultation** – Third party appeal rights may encourage developers to deal with the local community in a more engaging manner and places pressure to concede or improve design elements where appropriate and reasonable to do so (Willey 2006).

**Improved transparency** – Applicant appeals are a means by which decision-making can be checked and provide property owners a recourse to an independent review body as a safeguard against inconsistent decisions. An argument for Third Party Appeal Rights is that they provide the same opportunity for third parties to scrutinise and challenge decision-making, thus keeping decision-makers accountable. Additionally, Third Party Appeal Rights are purported to discourage corrupt behaviour between developers and local government (Morris 2005) (Willey 2006) (Trenorden 2009).

## 4.3 Competing Viewpoints

There are strong arguments both for and against third party appeals. The research notes that which side of the argument one lands on often has a great deal to do with the planning culture in which they are operating (Willey 2006) (Trenorden 2009). In Victoria, where third party appeals have become an embedded practice, most stakeholders are supportive of the practice, even while acknowledging negative aspects may be associated with them.

In contrast in places such as Western Australia where third party appeal rights are not a part of the planning culture, views tend to focus predominately on the negative aspects of Third Party Appeal Rights. For example, a concern often expressed is that allowing third party appeals would lead to a 'flood' of appeals, however evidence from Victoria shows that Third Party Appeals account for only 19% of VCAT cases (Hurley et al 2013). So while allowing Third Party Appeals would lead to an increase in appeals, the effect may be overemphasized.



In a 2009 paper, Judge Christine Trenorden, Senior Judge of the Environment, Resources & Development Court in South Australia, argued that the issue of whether Third Party Appeal Rights are necessary may be resolved by the answers to the following questions:

1. *Does the community have confidence that the policy document for a particular area sufficiently describes the desired future character, and contains a comprehensive set of objectives and principles for development in the area, relevant to the local context including the environment?*
2. *Does the community have confidence in the decision-makers to make a decision in the best interests of the community now and in the future?*
3. *Is there a transparency about the decision-making?*
4. *Is there a guarantee that the decision-makers will assess the development in the context of the desired future character, objectives and principles of development for the area (assuming the adequacy of these policy statements)?*  
(Trenorden, 2009 p. 13)

The questions put forward by Judge Trenorden speak not to the capability of the decision maker to determine an application, but the “community’s confidence” in their ability. These are not necessarily the same thing. When the decision-maker is appointed by an external body, the community’s confidence in them to make a decision in the best interests of the community now and in the future is diminished. Any lack of transparency around the decision-making process further erodes confidence.

## 5.0 Issues to Consider

### 5.1 Criteria for Third Party Appeal Rights in other States

After considering the arguments for and against Third Party Appeal Rights, as well as Judge Trenorden’s questions on determining the necessity of such rights, there may be further debate on what limitations, if any, should be placed on Third Party Appeal Rights were they to be introduced. For instance, it may be that Third Party Appeals be limited to only certain types of applications involving the use of discretionary powers, or instances where the decision-maker has advertised the development. If this were to be the case, then Third Party Appeal Rights would apply to determinations made by both Local Government and DAPs.

Based on the summary of Third Party Appeals processes that exist in other jurisdictions, the primary criteria for allowing Third Party Appeal Rights include:

- Excluding vexatious or commercial interests appeals, and any appeals made on none-genuine planning matters,
- Excluding appeals by those parties who did not previously make a submission.
- Excluding appeals where an application meets ‘deem-to-comply’ requirements, and no discretion has been excised.
- Excluding appeals for some cases of minor development.
- Having a short window in which to appeal (example 14 days).

## 5.2 Implications for Local Government

Whilst the introduction of third party appeal rights would give the community the ability to appeal decisions made by DAPs, it would also result in the majority of appeals being lodged against decisions made by Local Government. Staff would be impacted as officers would require additional time to prepare for and attend third party appeals, which would likely have an effect on the ability of Local Government officers to complete development application assessment within the required statutory timeframes.

Additional resources would likely be required to administer, resource and potentially engage legal counsel to defend these decisions and this would most likely create an additional financial burden for Local Government. Without proper resources, such a situation could lead to delays in making planning decisions, which in turn, would create inefficiency, uncertainty, increased costs, and could ultimately act as a brake on investment and economic growth.

While limitations could be placed on the type and scope of Third Party Appeal Rights, it is likely that any system which allows Third Party Appeals would result in increased workload and cost for Local Government.

## 6.0 Conclusion – What is right for Western Australia?

Since WALGA formulated its policy position on Third Party Appeal Rights in 2008, there have been significant changes to the planning system, including the introduction of DAPs as the decision-making body for a range of development applications. By removing the decision-making abilities of democratically elected Local Government representatives and placing it in the hands of appointed panel members, the general public's confidence that planning decisions are being made that are in the best interests of the community has been substantially reduced. This loss of confidence coincides with increased anxiety amongst the community over the changing amenity of suburbs due to increasing density and population pressures.

Third Party Appeal Rights are a complex issue, with strong arguments both for and against their implementation. Property rights must be balanced against the community's rights of participation, and the desire for transparency and accountability in government and decision-making bodies. Local Government must also consider the likely impacts in terms of cost, resourcing and the timely delivery of services.

### 6.1 Feedback Sought

In order to help WALGA review its position, feedback from the Local Government planning community and Elected members is sought. In light of the information presented, and considering the possible implications for Local Government if some form of Third Party Appeal Rights were to be adopted, WALGA welcomes any feedback or comments on the topic including:

- Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or Why not?
- Do you feel your Council is likely to support some form of Third Party Appeal Rights?
- Any other comments relating to Third Party Appeal Rights.



Feedback can be sent to [planning@walga.asn.au](mailto:planning@walga.asn.au) or on 9213 2000 to discuss with one of the Planning and Development Team.

## 7.0 References

Australian Capital Territory Civil and Administrative Tribunal (ACAT), (2016), *2015-2016 Annual Review*, Canberra, Australia,  
[http://www.acat.act.gov.au/data/assets/pdf\\_file/0003/1018092/ACAT-2015-16-Annual-Review.pdf](http://www.acat.act.gov.au/data/assets/pdf_file/0003/1018092/ACAT-2015-16-Annual-Review.pdf)

Cook, N. Taylor, E. Hurley, J. and Colic-Peisker, V. (2012b), 'Resident third party objections and appeals against planning applications: implications for higher density and social housing - AHURI Final Report No. 197', in *AHURI Final Report Series*, Australian Housing and Urban Research Institute, Melbourne, Australia, vol. 197, pp. 1-98, ISSN: 1834-7223.

Ellis, Geraint (2006). 'Third party appeals: Pragmatism and principle.' *Planning Theory and Practice* 7.3: pp. 330-339.

Hurley, J. Taylor, E. Cook, N. and Colic-Peisker, V. (2011), 'In the fast lane: Bypassing third party objections and appeals in third party planning process', in *State of Australian Cities National Conference 2011*, Australian Sustainable Cities and Regions Network (ASCRN), Melbourne, Australia, pp. 1-10.

Hurley, J, Cook, N and Taylor, E (2013), 'Examining three planning pathways in the mediation of resident opposition to compact city', in Nicole Gurran and Bill Randolph (ed.) *Proceedings of the State of Australian Cities National Conference 2013*, Sydney, Australia, 26 - 29 November 2013, pp. 1-12.

Local Government Association of South Australia, (2014), 'Planning and Appeals Review – Planning Reform Issues Paper',

Morris, S. (2005), 'Third Party Participation in the Planning Permit Process, Victorian Civil and Administrative Tribunal', Melbourne, Australia  
<http://www.austlii.edu.au/au/journals/VicJSchol/2005/5.pdf>.

Parliament of Western Australia, (2015), 'Uniform Legislation and Statutes Review Committee – Public Hearings on Submissions, Question on D MCLeod Submission', Perth, Australia, pp. 1-11

Planning Institute of Australia (NSW Division), (2012), 'A New Planning Act for New South Wales – Submission', North Sydney, Australia

Resource Management and Planning Appeal Tribunal of Queensland, (2014), *Annual Report 2013-2014*, Brisbane, Australia,  
[http://www.rmpat.tas.gov.au/data/assets/pdf\\_file/0011/298640/Annual\\_Report\\_for\\_2014\\_.pdf](http://www.rmpat.tas.gov.au/data/assets/pdf_file/0011/298640/Annual_Report_for_2014_.pdf)

State Administrative Tribunal, 'Info Sheet 6 – Third party participation in planning matters', Perth, Australia <http://www.sat.justice.wa.gov.au/files/Info%20Sheet%206%20-%20Third%20party%20participation%20in%20planning%20matters.pdf>

Trenorden, C. (2009), 'Third-Party Appeal Rights: Past and Future', Town Planning Law Conference 2009, Perth, Australia  
[http://www.sat.justice.wa.gov.au/files/10\\_Hon\\_Judge\\_Christine\\_Trenorden\\_Presentation.pdf](http://www.sat.justice.wa.gov.au/files/10_Hon_Judge_Christine_Trenorden_Presentation.pdf)

Victoria State Government, *Planning Permit Activity Annual Report: 2014-15*, Department of Environment, Land, Water and Planning, Melbourne, viewed 30 March 2017,  
<https://www.planning.vic.gov.au/publications/planning-permit-activity-in-victoria/planning-permit-activity-annual-report-2014-15>

Western Australia Local Government Association (WALGA), (2016), 'Development Assessment Panels – 2011-2016 Review', West Leederville, Australia,  
[http://api.ning.com/files/RBh5pTSdbmvNZvRPEdzQPcKFeEqAMAPBF0tfEEYoPiDy8IHu5FRuuTsz1\\*46DwUfWSC-m6uCViT4NuqVgkE6dfxZNVMS1LW/DAPs201116Review.pdf](http://api.ning.com/files/RBh5pTSdbmvNZvRPEdzQPcKFeEqAMAPBF0tfEEYoPiDy8IHu5FRuuTsz1*46DwUfWSC-m6uCViT4NuqVgkE6dfxZNVMS1LW/DAPs201116Review.pdf)

Western Australia Legislative Council, (2015), 'Report 93 – Standing Committee on Uniform Legislation and Statutes Review, Review of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Perth, Australia

Willey, S. (2006), 'Planning Appeals: Are Third Party Rights Legitimate? The Case Study of Victoria, Australia', *Urban Policy and Research*, 24(3), pp. 369–389.



10.6 Third Party Appeal Rights in Planning – WALGA Discussion Paper (Ref: DABC/LEGLTN/1 - Christian Buttle, Acting Manager Development Services)

APPLICATION

To give consideration to a discussion paper prepared by the Western Australian Local Government Association (WALGA) titled “Third Party Appeal Rights in Planning”.

ATTACHMENTS

Attachment No. 6:

WALGA discussion paper titled “Third Party Appeal Rights in Planning”.

BACKGROUND

At its December 2016 meeting, WALGA State Council requested a review of WALGA’s policy position on Third Party Appeal Rights relating to planning decisions.

The review was requested noting that the legislative environment relating to planning had changed since WALGA had established a policy position in 2008. Noting this changed legislative environment, it was determined that a review was warranted.

COMMUNICATION & ENGAGEMENT

WALGA is seeking feedback from the Local Government planning community and Elected members which will be used to consider any review of WALGA’s policy position on third party appeal rights.

While welcoming comment on the issue generally, WALGA is seeking particular comment from local government on the following:

- Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or Why not?
- Do you feel your Council is likely to support some form of Third Party Appeal Rights?
- Any other comments relating to Third Party Appeal Rights.

## STRATEGIC IMPLICATIONS

While the subject matter of this report does not align directly with any of the Objectives contained within the Town's Strategic Community Plan, it sits broadly under the Leadership and Governance heading.

## COMMENT

Since WALGA last considered its position in relation to this matter in 2008, the State Government has introduced a number of changes to the planning framework which have directly affected (weakened) the decision making powers of Local Government as identified in the discussion paper. These changes include, amongst others:

- The introduction of Development Assessment Panels (DAPs). Opt in capacity for DAP applications has already been adjusted down (now \$2M opt in) since the system was first established;
- The introduction of 'Deemed Provisions' for local planning schemes which had the effect of automatically amending all local authority town planning schemes; and
- Changes to section 76 of the Planning and Development Act 2005 to give the Minister for Planning the power to order a Local Government to prepare or adopt an amendment to a local planning scheme

The discussion paper which is attached to this report provides detailed comment on the matter of third party appeal rights, including:

- A comparison with arrangements in place in other states and territories;
- Arguments 'for' and 'against'; and
- Other issues to consider.

While the discussion paper should be referred to for detailed commentary in relation to each of these matters, a summary for each of these areas is provided below:

### **Third Party Appeal Rights by State and Territory**

While the scope of appeal rights varies, some form of third party appeal right exists in all other states and territories. The Table at clause 3.2 (pages 6 and 7 of the attachment) provides detail and comparison between each state and territory.

In its 2015 report on the review of the Planning and Development (Development Assessment Panels) Regulations 2011, the (previous) state government stated that there was no intention to introduce third party appeal rights in Western Australia.

### **Arguments 'For' and 'Against'**

The following arguments 'for' and 'against' third party appeals are discussed in detail within the attached report and summarized below:

#### For

##### Legitimate Interest:

Neighbouring owners / occupiers and others within the local community have a legitimate interest in proposed development and its impact on the local area. Without third party appeal rights the wider community is removed as a stakeholder.

##### Improved Participation and Decision Making:

Third party appeal rights offer the capacity for the public generally to become more engaged in the planning process which offers the potential for improved planning outcomes to result.

##### Improved Consultation:

The existence of third party appeal rights may lead to developers engaging in more meaningful dialogue with a local community.

##### Improved Transparency:

Third party appeal rights improve accountability and reduce the potential for corrupt behaviour.

#### Against:

##### Legitimate Interest:

Appeal rights should be restricted to property owners and they should be able to use their property with minimal external interference. Unless clearly defined, third party appeal rights may allow parties with no direct interest in a matter to become involved in the planning process.

##### Loss of Representation:

The appeals process shifts decision making for development applications away from Local Government and therefore away from locally elected representation.



Current Planning Processes Provide Opportunities to Participate:

It is preferable for public participation to occur in relation to 'higher order' policy formulation and strategic planning as opposed to individual development proposals.

Not Representative of the Broader Community:

Some research has found that the majority of people lodging third party appeals come from a well-organised, well-connected and well-resourced segment of the community (i.e. the number of objections increases in more socio-economically advantaged areas with a lower number of objections in more socio-economically disadvantaged areas).

Impact on the Decision Making Process:

It is argued that the introduction of third party appeal rights will lead to increased cost and delays and the possibility of appeals being lodged for commercial (and non-genuine planning) purposes.

Failure to Determine / Deemed Refusal:

It is argued that there is an increased potential for Local Governments not to determine an application for development approval as the number of objections received increases, as it is these applications which are the most likely to be the subject of an appeal.

Turning Planning into a 'Numbers' game:

There is a thought that the existence of third party appeal rights may lead some members of the community to think that the number of objections (as opposed to the content or veracity of those objections) may influence the outcome of planning decisions.

**Other Issues**

If Third Party Appeals were to be introduced, and after considering the arguments for and against, the following primary criteria have been recommended against which an appeal must fit:

- *"Excluding vexatious or commercial interests appeals, and any appeals made on none-genuine planning matters.*
- *Excluding appeals by those parties who did not previously make a submission.*
- *Excluding appeals where an application meets 'deem-to-comply' requirements, and no discretion has been excised (stet).*
- *Excluding appeals for some cases of minor development.*

- *Having a short window in which to appeal (example 14 days)."*

If Third Party Appeals were introduced, it is anticipated that this would lead to the following implications for Local Government:

- Increased workload which could have knock on effects in relation to slowing development application processing generally;
- Increased financial burden, particularly as a result of the need to engage additional legal representation; and
- The need for additional resourcing within planning departments.

The following implications could result for the private sector:

- Uncertainty, increased costs and a potential for reduced investment and economic growth.

#### STATUTORY REQUIREMENTS

The legislative framework which applies to the planning system within WA does not (with the exception of the limited capacity described below) provide for third party appeal rights within the planning system.

A third party may currently become involved in a matter which is the subject of an application for review to the State Administrative Tribunal in the following capacity:

- Being called as a witness;
- Making a submission pursuant to the provisions contained within section 242 of the Planning and Development Act;
- Intervening under section 37(s) of the State Administrative Tribunal (SAT) Act 2004; and
- Possible participation in mediation of an application for review before the SAT.

The purpose of this report is for Council to formulate a position as to whether or not the planning framework should be changed to allow for third party appeals, and to advise WALGA of its position in this respect.

## FINANCIAL CONSIDERATIONS

While there are no immediate financial considerations associated with this matter, the introduction of third party appeal rights has the potential to increase the number of appeals within the planning system generally. This has the potential to:

- Add additional cost associated with the development which is the subject of a third party appeal; and
- Impose an additional cost burden to each local government.

## Conclusion

As identified at the commencement of this report, WALGA is seeking feedback on the following:

- Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or Why not?
- Do you feel your Council is likely to support some form of Third Party Appeal Rights?
- Any other comments relating to Third Party Appeal Rights.

Since the matter was last considered by WALGA, the legislative framework within which planning decisions are made has changed quite dramatically, and there has been a general trend by the State Government to erode Local Government planning powers.

This is particularly the case in relation to the introduction of DAP's and their associated structure (weighted with 3 specialist members to 2 Local Government members). While there have not been any controversial DAP decisions that have affected the Town of Bassendean, there have been many which have involved other Local Governments across the metropolitan area.

Western Australia is also unique in not allowing for third party appeal rights, and there is no identified reason as to why this should remain the case.

Noting the above, it is considered that there may be some merit in allowing for the introduction of Third Party Appeal Rights subject to the recommended criteria identified in the report.

**OFFICER RECOMMENDATION — ITEM 10.6**

That in response to the invitation by WALGA to provide input into the topic of Third Party Appeals in Planning, Council advises WALGA that the Town of Bassendean supports in principle the introduction of some form of Third Party Appeal Right being introduced in Western Australia, subject to any such arrangement giving consideration to the following:

1. Excluding vexatious or commercial interest appeals, and any appeals made on none-genuine planning matters;
2. Degree of involvement (or exclusion) in the appeals by those parties who did not previously make a submission;
3. Excluding appeals where an application meets 'deemed-to-comply' requirements, and no discretion has been exercised;
4. Excluding appeals for some cases of minor development (to be determined); and
5. Having a short window in which to appeal (timeframe to be determined).

**Voting requirements: Simple Majority**

**10.6 Third Party Appeal Rights in Planning – WALGA Discussion Paper (Ref: DABC/LEGLTN/1 - Christian Buttle, Acting Manager Development Services)**

**APPLICATION**

To give consideration to a discussion paper prepared by the Western Australian Local Government Association (WALGA) titled "Third Party Appeal Rights in Planning".

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.6**

**OCM – 11/06/17** MOVED Cr Pule, Seconded Cr Bridges, that in response to the invitation by WALGA to provide input into the topic of Third Party Appeals in Planning, Council advises WALGA that the Town of Bassendean supports in principle the introduction of some form of Third Party Appeal Right being introduced in Western Australia, subject to any such arrangement giving consideration to the following:

1. Excluding vexatious or commercial interest appeals, and any appeals made on none-genuine planning matters;
2. Degree of involvement (or exclusion) in the appeals by those parties who did not previously make a submission;
3. Excluding appeals where an application meets 'deemed-to-comply' requirements, and no discretion has been exercised;
4. Excluding appeals for some cases of minor development (to be determined); and
5. Having a short window in which to appeal (timeframe to be determined).

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-3/06/17 5/0**







1 December 2017

Our Ref: 06-06-01-0001 GC

Cr Renee McLennan  
Mayor  
Town of Bassendean  
PO Box 87  
**BASSENDEAN WA 6054**

Document #: ILET-13053017  
Date: 01.12.2017  
Officer: SUE PERKINS  
File: GOVR/LREGLIA/23



Dear Mayor McLennan

### **CONSULTATION WITH MEMBERS – THIRD PARTY APPEAL RIGHTS IN PLANNING**

Please find attached the Western Australian Local Government Association's (WALGA) report on the outcomes of consultation with members on Third Party Appeal Rights in Planning.

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding its current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the Local Government sector for comment and feedback.

Feedback was presented to State Council at its 8 September 2017 meeting, where it was resolved that (92.9/2017) -

1. *State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
2. *WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
3. *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
4. *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

The submissions received on the discussion paper were collated into four options which broadly capture the range of responses in support of Third Party Appeals (see accompanying report for the complete list of options). Two workshops were held on 1 November 2017, and a webinar held on 9 November 2017 to review these options with members and determine a preferred model for any proposed rights. The workshops had 40 attendees (35 officers and 5 Elected members), representing 25 local governments. The attached report discusses the outcomes of this consultation process.

ONE70

LV1, 170 Railway Parade, West Leederville, WA 6007

PO Box 1544, West Perth, WA 6872

T: (08) 9213 2000 F: (08) 9213 2077 [info@walga.asn.au](mailto:info@walga.asn.au)

[www.walga.asn.au](http://www.walga.asn.au)

The purpose of the consultation was to determine members' preferred model for any proposed appeal rights. Based on the outcomes of the workshops, the Association is requesting that members consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

***Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels***

Members are requested to advise their support or otherwise of this model of Third Party Appeal Rights by Council Resolution, to be returned to the Association no later than **15 March 2018**.

Upon receipt of the resolutions, a report will be presented to State Council for further consideration.

Council resolutions can be sent to the Planning and Development Team via email at [planning@walga.asn.au](mailto:planning@walga.asn.au) or by mail to WALGA directly at PO Box 1544, West Perth WA 6872, Attention Planning and Development Team.

Any questions or comments can be sent to the above email or call on 9213 2000 to discussion with a member of the Team.

Yours sincerely



**Cr Lynne Craigie**  
**President**





1 December 2017

Our Ref: 06-06-01-0001 GC

Mr Bob Jarvis  
Chief Executive Officer  
Town of Bassendean  
PO Box 87  
**BASSENDEAN WA 6054**

Dear Mr Jarvis,

### **CONSULTATION WITH MEMBERS – THIRD PARTY APPEAL RIGHTS IN PLANNING**

Please find attached the Western Australian Local Government Association's (WALGA) report on the outcomes of consultation with members on Third Party Appeal Rights in Planning.

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding its current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the Local Government sector for comment and feedback.

Feedback was presented to State Council at its 8 September 2017 meeting, where it was resolved that (92.9/2017) -

1. *State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
2. *WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
3. *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
4. *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

The submissions received on the discussion paper were collated into four options which broadly capture the range of responses in support of Third Party Appeals (see accompanying report for the complete list of options). Two workshops were held on 1 November 2017, and a webinar held on 9 November 2017 to review these options with members and determine a preferred model for any proposed rights. The workshops had 40 attendees (35 officers and 5 Elected members), representing 25 local governments. The attached report discusses the outcomes of this consultation process.

The purpose of the consultation was to determine members' preferred model for any proposed appeal rights. Based on the outcomes of the workshops, the Association is requesting that members consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

***Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels***

Members are requested to advise their support or otherwise of this model of Third Party Appeal Rights by Council Resolution, to be returned to the Association no later than **15 March 2018**.

Upon receipt of the resolutions, a report will be presented to State Council for further consideration.

Council resolutions can be sent to the Planning and Development Team via email at [planning@walga.asn.au](mailto:planning@walga.asn.au) or by mail to WALGA directly at PO Box 1544, West Perth WA 6872, Attention Planning and Development Team.

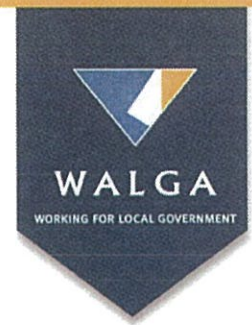
Any questions or comments can be sent to the above email or call on 9213 2000 to discussion with a member of the Team.

Yours sincerely



**Ricky Burges**  
**Chief Executive Officer**





# Outcomes of Consultation

## **Third Party Appeal Rights in Planning**

## Contents

1.0	In Brief .....	3
2.0	Background .....	3
3.0	Consultation .....	3
3.1	Voting and Preferred Model .....	6
4.0	Feedback Sought and Next Steps .....	7
5.0	Attachment 1: Third Party Appeals Workshops and Webinar collected comments .....	2

## 1.0 In Brief

At its September 2017 meeting, State Council noted that there is increased support for the introduction of some form of Third Party Appeal Rights in Planning in Western Australia. State Council requested that:

1. Further consultation with members be undertaken on the various concerns and suggestions which were raised in response to WALGA's *Third Party Appeal Rights in Planning Discussion Paper* ([link](#)); and
2. A review of the various forms of third party appeal rights which were proposed by members to develop a preferred model.

Two workshops were held on 1 November 2017, and a webinar held on 9 November 2017. This paper will discuss the outcomes of the consultation.

## 2.0 Background

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding the current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's current policy position and a review of the arguments both for and against third party appeals which was circulated to the Local Government sector for comment and feedback.

The feedback received from members was presented to State Council at its 8 September 2017 meeting, where it was resolved that (92.9/2017) -

1. *State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
2. *WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
3. *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
4. *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

## 3.0 Consultation

The submissions received on the discussion paper were closely divided between support for some form of Third Party Appeals and opposition to their introduction. Further, amongst the submissions in favour of Third Party Appeals, the level of support varied from limiting its application to specific circumstances, such as DAP decisions, to broad appeal rights similar to the Victorian system. The range of options and ideas presented were incredibly varied, and there was no clear consensus on the form and/or scope any such rights should take.



This feedback was collated into four options which broadly capture the range of responses in support of Third Party Appeals. These four options were then used to guide workshop discussions. The options discussed, from narrowest to most broad, are as follows:

1. **Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels:** Under this system, third party appeals would be broadly similar to the New South Wales system ([link](#)) whereby appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance. This would include the ability to appeal amendments to an existing approval.
2. **Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes:** Under this system, third party appeals would be broadly similar to the Tasmanian system ([link](#)) whereby third party appeals are limited to development applications where discretion has been exercised. This would include the ability to appeal an amendment to an existing approval.
3. **Support the introduction of Third Party Appeal Right against development approvals:** Including all development application approvals made by Local Governments, JDAPs and the Perth DAP, MRA or WAPC. This would include appeal rights for affected neighbours and community groups for applications and the ability to appeal amendments to an existing approval.
4. **Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval:** Under this system, third party appeals would be broadly similar to the Victorian system ([link](#)) whereby the provision of third party appeal rights cover most development applications and the use of, or lack of, any conditions being imposed. This would include the ability to appeal an amendment to an existing approval.
5. **Other** – as a range of options were provided by members, any alternate versions to the above, or combination of the above could be proposed, including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.

It should be noted that any form of Third Party Appeals which could be introduced into the Western Australian planning system would need to include criteria that:

- Ensures that appeals are only made on valid planning grounds and are not made for commercial or vexatious reasons.
- Limits Third Party Appeals Rights to those parties which previously made a submission on that development application during the advertising period.
- Require a short window in which to appeal (for example 14 days).

The exact details of such criteria would need to be established before any system of Third Party Appeals in Planning is implemented, however the focus of the workshops was to discuss the possible scope and form any such appeal rights should take in order to determine a preferred model.



The workshops followed a 'market place' format, whereby each of the options had its own table and facilitator to guide discussion. Workshop participants circulated between tables so that they could discuss the strengths and weaknesses of each option. There was also an opportunity for participants to provide a 'fifth option' if they had a preferred model which was not captured by the four options provided. Webinar participants were presented and provided an opportunity to discuss each option, and were given the opportunity to present their own preferred models.

During the workshops, there was a general consensus on the benefits that the introduction of Third Party Appeal Rights would provide. These included:

- Greater accountability of decision-makers, including Local Government, Development Assessment Panels and the State;
- Greater transparency in the planning decision-making process;
- Improved consultation by applicants;
- Increased community confidence in the planning system and planning decisions; and
- More equity between applicants and appellants.

There was also general agreement on areas of concern should some form of Third Party Appeals be introduced. These included:

- Increased costs, in terms of both staff resources and financial requirements;
- More time required for a development to receive a planning approval in order to allow for third party appeals;
- Introduction of Third Party Appeal Rights would be counter to current efforts to streamline the planning process;
- Introduction of Third Party Appeal Rights would create uncertainty for the development industry;
- Removal of decision making power from Local Government;
- Raises community expectations which may not be met in practice;
- Creates an adversarial/litigious environment around planning decisions; and
- Introduction of Third Party Appeals does not address most of the underlying concerns regarding the current planning system.

It was also clear from the discussions that any system of Third Party Appeals would need to be carefully constructed and provide clear guidance on several issues, including:

- When and how a third party can lodge an appeal, and the types of appeals that would be supported;
- Ensuring appeals are only lodged for proper planning grounds, and not for vexatious or competitive purposes;
- Whether 'deemed-to-comply' decisions would be appealable; and
- Would third party appellants be provided some form of 'legal aid' to assist in lodging appeals, to keep the process from being cost prohibitive?

A complete list of comments for each option, as well as possible modifications and suggested 'Fifth Options' is included in **Attachment 1**.

After reviewing all of the options and discussing the advantages and disadvantages of each, participants were asked to vote for their preferred model. Voting was via secret ballot for workshop attendees and via confidential messaging for webinar participants. Participants were also asked to indicate whether they were Elected Members or Officers, so that the results could be captured separately.



### 3.1 Voting and Preferred Model

In total, 30 votes were cast by participants, 27 by officers and three by Elected Members.

A breakdown of the votes are as follows:

- **Option 1** = 9 votes
- **Option 2** = 6 votes
- **Option 3** = 3 votes (includes 2 Elected Member votes)
- **Option 4** = 1 vote (includes 1 Elected Member vote)
- **Option 5** = 11 votes

It must be noted that although Option 5 received the most votes, this option allowed members to provide their own Third Party Appeal Rights model. Subsequently, of the 11 votes for Option 5, six of these votes were in support of no Third Party Appeal Rights of any kind, while the remaining five votes were each for differing versions of Third Party Appeal rights which those participants supported.

As such, the option which received the greatest level of clear support was Option 1 in support of the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels. A summary of the most common remarks, both for and against, is provided below (for a complete list see Attachment 1).

#### Option 1: Third Party Appeal Rights for decisions made by Development Assessment Panels

For	Against
Local Government would be able to appeal a DAP decision and defend the merits of their policies and enforceability of their conditions.	Will still require increased staff and resources.
Addresses community concerns that decisions are being made 'removed' from the local community, leading to improved community confidence in the system.	Possibility that the minister could remove Elected Members from DAPs if Local Government can appeal anyway. Possible conflict of interest for Elected Member panellists.
More transparent process with more accountable DAP members, in both decision making and condition setting.	Elected Members may be pressured to initiate an appeal, rather than the community initiating an appeal.
Could allow for appeal on conditions that may have been removed from a RAR.	Reduces certainty in the decision making process.
A good first stage approach for the introduction of Third Party Appeal Rights - could be expanded later.	Possibility for more than one person to want to appeal - how to manage multiple appeals/appellants, and determine degree of impact?
Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden system.	Only applies to DAP determinations, does not include applications for \$2-\$10 million that are determined by Council. If applicant does not opt in to DAPs then they avoid Third Party Appeal Rights.

May rarely be used in rural areas, is almost the status quo.	Could undermine the reason for DAPs being set up originally.
Likely that more applications will be decided by Council.	Adds another layer to an already complex system.

As can be seen, Option 1 generated strong arguments both for and against the introduction of Third Party Appeal Rights, even in limited scope.

#### 4.0 Feedback Sought and Next Steps

As noted, the purpose of the consultation was not to develop the full details and criteria by which any system of Third Party Appeal Rights in Planning would operate, but to determine a preferred model for any proposed rights.

As such, the Association is requesting that members consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

***Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels***

Members are requested to advise their support or otherwise of this model of Third Party Appeal Rights by Council Resolution, to be returned to the Association no later than **15 March 2018**.

Upon receipt of the resolutions, the outcome will be reported back to State Council.

Council resolutions can be sent to the Planning and Development Team via email at [planning@walga.asn.au](mailto:planning@walga.asn.au) or by mail to WALGA directly at PO Box 1544, West Perth WA 6872, Attention Planning and Development Team.

Any questions or comments can be sent to the above email or call on 9213 2000 to discussion with a member of the Team.



## 5.0 Attachment 1: Third Party Appeals Workshops and Webinar collected comments

Workshops attendance: 40 Attendees, 35 Local Government Officers, and 5 Elected Members, from 25 Local Government areas including:

- City of Stirling
- City of Wanneroo
- City of Vincent
- City of Subiaco
- City of Fremantle
- City of Kalamunda
- City of Cockburn
- City of Belmont
- City of Bayswater
- City of South Perth
- City of Rockingham
- City of Mandurah
- City of Joondalup
- Town of Mosman Park
- Town of Cambridge
- Town of East Fremantle
- Town of Cottesloe
- Shire Wyndham East Kimberley
- Shire of Wongan
- Shire of Beverley
- Shire of Toodyay
- Shire of Serpentine Jarrahdale
- Shire of Peppermint Grove
- Shire of Albany
- Shire of Kalgoorlie-Boulder

### Option 1 Comments

#### Pros

- Local Government would be able to appeal a JDAP decision + can defend the merits of their policies created (developed under construction) - and enforceability of the conditions.
- Could address community concerns that decisions are made 'removed' from the local community – more influence in the process.
- Confidence in the decision making process - reinstate community confidence in the decision making process - different at each Local Government depending on the make-up/location.
- More transparent process + more accountable JDAP members, in decision making + condition setting.
- Community members can appeal decisions.
- Form 2's included in the process - ability to appeal the amendment + the conditions setting.
- More applications will come back to council.
- Legal nexus between Local Government /State policies + decision making -> TPAR would give this.
- Spread the costs between the applicants/developers/appellants/third parties.
- Could appeal on conditions that may have been removed from a RAR - (i.e. cash-in-lieu conditions removed from RAR).
- Submissions of more compliant applications /outcomes of better developments -> possible costs and time savings for developers.
- 1st stage approach for TPAR - could be expanded later.
- Community satisfaction that JDAPs' can be appealable - feeling of loss of inclusion in the process.
- Community can appeal to JDAP to enable better transparency of decisions.



- Local Government can appeal a decision (particularly when RAR is overturned + conditions).
- JDAPs - can appeal any decisions that don't align with strategic vision.
- Being limited to those complex applications/complicated issues.
- Justify the argument against the development before an appeal can be lodged - direct impact needs to be shown.
- Direct impact needs to be shown.
- Good balance.
- Appellants would have to pay for their own costs.
- Takes out the decisions that are political.
- Applications could then just go to council in the \$2-\$10 range.
- Would filter out 'smaller' impact applications which could potentially overburden system.
- May be rarely used in rural areas - almost status quo – (is it even worth having?).
- Not supportive of Third Party Appeal Rights - BUT would reluctantly support this option.

#### Cons

- Only DAPs - not includes \$2-10 for council determinations.
- Political only fix.
- Form 2 process back into Local Government now - so decision could then be appealed? Even if Local Government originally didn't like it. Quantitative measure for whether it is then appealable.
- Resource hungry for all involved - particularly for Local Governments.
- Not all JDAP members would be brought to SAT - only Chair.
- If Local Government supports - but the item is appealed - Local Government would be dragged in.
- Lack of certainty in the decision making process.
- Possibility for more people to be attending an appeal - how to manage? Does it become a numbers game?
- Elected Members may be pressured to put in an appeal rather than the community initiating an Appeal.
- Possibility that the minister could remove Elected Members from JDAP if Local Government can appeal anyway.
- Conflict of interest for Elected Member who sits on the panel if the Local Government appeals it.
- Conditions - in or out?
- More applications will come back to council.
- Odd paradigm to be appeal a decision - Local Government appealing JDAP when they are making a decision on their behalf.
- Could undermine the whole reason for DAPs being set up in the beginning.
- Who would prepare the appeal? Independent? Or Local Government?
- What level of strategic oversight would be included - is it local or regional benefits.
- Multiple appeals? Degrees of appeal issues.
- State or regional policy provisions/what takes precedence?
- Connection to structure planning provisions within the system - 'due regard' less weight.
- Costs unknown.
- Uncertainty for development industry.

- Advertised applications only - would JDAP then have all applications as 'advertised'? Greenfield sites/deemed to comply.
- Resources of JDAP's - who submit the appeal and manages the process?
- Could undermine the purpose of DAPs.
- Could reduce the pool of quality DAP panel members.
- Another layer to add to the system.
- Don't get many DAP applications in smaller areas.
- If applicant does not opt in to DAPs then they avoid Third Party Appeal Rights.

### Modifications

- Would have to review the \$ amount? - If they opt in then all should be considered for review.
- Change new Form 2 'amendment of conditions' changes to the Regulations would be needed.
- Clarify that it's back through SAT.
- All JDAP panellists would have to be part of the appeal.
- Removal of compulsory nature of all JDAP's.
- Clarify around 'petitions' versus 'individual' vs 'interest groups'.
- Modification to what JDAP actually looks at -> review of the criteria and \$ levels-> State/regional Significance.
- RAR's to council/RAR's to have a council input.
- RAR's to include departures from policy.
- Review of DAPS/Abolish DAPs.
- Structure planning regulations.
- Clarity around the levels/type of developments.
- Renew of JDAP \$\$ types -> what should be appealable.
- Criteria for the type of appellants & JDAP consideration of whether they can appeal – possible independent panel to review before it goes to an appeal.
- Joining of appeals (relates to above). Does it impact type of applicants?
- Only ones with discretion can be appealed, - this would need to be clarified/clearly defined. Is there a threshold of discretion significance?
- Danger of including optional thresholds would be a disincentive for applicants to go to DAPs.
- Possibly modify triggers for regional areas - either dollar value lowers or have size triggers such as XXX square metres.

### Option 2

#### Pros

- Gives ability to challenge objectivity.
- Maximise compliant applications.
- May encourage early applicant engagement with neighbours.
- Limits number of appeals, compared to other models.
- Gives better understanding within council about their decisions.
- Holds councils accountable for their use of discretion.
- Reasonable balance between applicant cost and community involvement.
- Better discussion between neighbours.
- Improve the quality of decision making – accountability of decision makers.
- One step better than the Victorian system.
- Staged approach – 'dipping toe' in to Third Party Appeals.



- Improved criticisms/content of Policy.
- Provides the community with some assurance.
- If delegation is used less – people present to council – maybe reduce number of appeals.

#### **Cons**

- Lack of clarity on what is discretion.
- Does the nature of the planning system, with its broad discretion, make this model redundant?
- Poorly framed model - But could be improved if only utilised against discretion against state & local policy.
- It's undemocratic - lesser rights than an applicant.
- It's not the Victorian model.
- Doesn't foster orderly and proper planning.
- Resource intensive - cost, delays, certainty.
- Lack of clarity around what is a discretion.
- There is a large number of discretionary decisions.
- Resource issue for council/staff resources.
- Lack of clarity around who is an affected party.
- Undermines existing discretionary mechanisms.
- Doesn't allow for appeal against incorrect assessments – would still need to go to Supreme Court.
- Too open for abuse.
- Limit creativity – is deemed provisions always the best outcome?
- Flow-on effect to tighten up discretion, leading to more prescriptive outcomes.
- Not all discretionary decisions are advertised.
- Vexatious.
- Using a planning issue to hide the real reason for appeal – appeal for non-reason.
- Could lead to officers using their delegation less, give the responsibility back to council – 'unstreamlines' Planning/leads to more political bias.
- Doesn't apply to non-LG decision makers.
- Unless the application is advertised prior to the decision being made, it is unlikely that neighbours would even know to appeal.
- Local Governments use a lot of discretion - opens a lot of applications to Third Party Appeals.
- Discretion used to manage areas with difficult landscape (e.g. slope & overlooking) and areas such as beach from development - these are always contentious and TPAR will make them very difficult to deal with.
- Opens 'run of the mill' applications to Third Party Appeals, slows the process up.
- Cost of defending decisions to the Local Government will be large.

#### **Modifications**

- A clearer framework on where it applies (advertised, in policy, LDP).
- Excludes ability to appeal on amendment.
- Application of costs - to reduce vexatious appeals.
- Limited to applications that are advertised – appeals then limited to those who were advertised to.
- Appeal limited to people who are directly affected.

- Party lodging the appeal must demonstrate that they are adversely affected – decided by SAT.
- Applicant has to defend the proposal – council can opt out?
- Independent assessment body to determine if an appeal is valid.
- Defining what a significant variation is – this is a whole other topic of discussion.
- Categories? Thresholds?
- Scope needs to be constrained – SAT should only assess the matter of discretion.

### Option 3

#### Pros

- MRA + WAPC inclusion -> (Local Government would have some involvement) in State planning decisions with some access to decision making process.
- Community opportunity to be involved with/on WAPC/State Gov decisions.
- Limits the number of vexatious issues (compared with Option 4).
- Encourage JDAPs to give greater consideration to community value/local planning policies.
- Foster orderly and proper planning.
- Faster compliant applications (reduce time for staff) and costs.
- Local Governments made more accountable.
- MRA + WAPC and JDAP - decision makers more accountable.
- Consistent approach to "accountability". -> Both State and Local.
- Clear to the community as to what can be appealed -> every decision made rather than limited value/size?
- Should improve quality of applications
- Should improve planning processes - consultation etc., - clear strategic direction, - education of community.

#### Cons

- Broad in scale and range. No understanding of what the impact may be.
- Resourcing the system.
- The inclusion of amendments makes the model more complicated.
- Would require robust assessment process for determining who has Third Party Appeal Rights. Who has rights (directly affected/adjacent to?) to make submission? [formal system to determine who has third party appeal rights]
- Wonder about costs? Could have a profound impact on Local Government -> additional costs on planning + development. All costs -> substantial!
- Overlap with Building Act?
- What is the point of appealing deemed to comply?
- Not Victorian model.
- Not 'equal rights' between applicants and 3rd parties, same access to the system.
- On 'planning grounds'.
- Development uncertainty.
- Everything could go to SAT.
- Costs of going to appeal for third party
- Equity of access.



## Modifications

- Deemed to comply out.
- Clear criteria - applicable/clearly understood -> 'grounds and rights'.
- Clearer system for determining appeal rights (right to appeal decisions...).
- SAT -> would need someone to assess 'rights'/leave to appeal, - 3 member panel review?
- What about the costs? Who pays? Should you award cost against? Need to consider nature of Third party appellant.
- Education on what is 'valid planning grounds'.
- Advocacy 'legal aid'.
- Modest fee, 'to be determined'.
- Accessible/understandable/affordable - [shouldn't be free].
- Seek advice 'practitioner' [independent bureau to provide advice to appellant].
- Multiple third parties -> who takes precedence? -> how do you determine priority of appellants?
- Should be some criteria on what 'value' of development could be (rather than everything).

## OPTION 4

### Pros

- Gives community absolute + complete community engagement.
- \*Will/'Might' get better outcome if issues surface that weren't previously considered.
- \*\*Will' (above) improve the whole process (more considered) - circumvent approvals that shouldn't be given.
- That may go beyond those who have already made a decision.
- Considers community values & 'buy-in' to ultimate decision.
- Enables community to engage with the planning system at a level they can relate to.
- Makes developer more accountable about what is presented.
- It will hold the decision makers accountable.
- Could address the disillusionment of the community - those that don't feel they have a 'say' – not aware of process until decision has been made.
- Allows community the option to engage where comfortable.
- Assessment process will improve.
- Didactic role with the community - (they) gain understanding of process and are involved.
- Brings the 'local' into the current JDAP system. Makes JDAP accountable to the community.
- Would be positive to have a system that allows appellant to be 'heard'.
- Councillors (EM) would become better informed - be a part of the planning process (proper justification).
- Acknowledge community involvement in planning and policy development.
- Only legal nexus available to the individual (third party).
- Disengaged in the development process.
- Makes the system accountable/transparent.
- Costs = initial spike for 2 years, then it flattens out so only 'early' costs - will get more and consistent compliant DA applications.
- Leave provisions would 'weed' out the vexatious claims. Third Party Appeal Rights allows there to be equally between applicants and appellants.
- Appeal is the tail end of the process - community should be at the start.

- Provides 'balance' as some approvals are made as can't resource going to SAT.
- No confusion about what can be appealed.
- Applicant will pay more attention to application.
- Makes developer more accountable at the start with community.
- Make a decision making body more careful of their process - i.e. not risk their reputation.
- Lawyers/expert witnesses will do well.
- Merit in someone appealing when new information comes forth.
- Benefits to the community - can appeal anything - currently seen as silent.
- Allowing the community to have their say on issues for the greater good even if not overly affected.
- Encourage planners, JDAPs etc., to be more transparent - i.e. an appellant would be more aware of what to appeal.
- Bringing it in as Victorian model gets through the pain of strain - however equitable.
- Should be able to appeal against amendments (e.g. form 2) - minor amendments.

### Cons

- Resources required to appeal a decision particularly conditions - would require extra staff/people.
- Has potential to frustrate 'all' development.
- Has potential to delay decisions.
- Adds cost to development.
- Planning system is already guided by community.
- Potentially flawed as only those who have already had an opportunity to contribute can appeal.
- Becomes a neighbourhood dispute or forum for stakeholder to 'vent' and address 'other' issues rather than 'planning'.
- Conditions - becomes very subjective about what is a valid or invalid appeal (justification) e.g. amenity, e.g. not to do with the structure more about the use of the structure.
- So many conditions are 'standard'.
- No option for a 'deemed to comply' examples shouldn't be able to be appealed.
- No certainty for a developer.
- Could allow appellants more 'creative' in their appeals.
- Takes power away from Local Government.
- Decisions that are made in good faith are challenged.
- Could act as a 'policing' option - a pressure to act differently - don't always have the threat of appeal hanging over head.
- Admission that the current system is flawed - more people saying that they are voiceless. Does that mean policies currently developed don't reflect?
- Higher level planning is currently strong and represents communities views - have due regard to Community.
- Application against the DA.
- All decisions would be advertised.
- Why another level of appeal for decisions - timing/costs/etc.?
- Logistics of how community would engage in the DA process.
- Additional costs to SAT as well as LG + community - What are the resources going to be needed?
- Large developers lodging appeals to edge out smaller developers - availability to \$.



- Developers likely to pass on any potential costs to the end user/quality of products/unexpected Consequences.
- Generally goes against the whole streamlining of the planning process.
- Concerns around raising expectations of community that they can change something they can't.
- If you place this much pressure at the end, does it detract from the strategic planning at the start?
- Takes away the applicants rights in some instances.
- Creates a litigious environment.
- Community is represented by council - therefore decisions by councils should not be included.
- What about non-discretionary decisions? Goes against broader strategic aims.
- Considering non-planning issues to satisfy community.
- Implications of costs/efficiencies - massive cost to the system.
- Implications of third parties appealing after the fact who haven't objected already - do they actually have a valid reason for appeal?
- How long is the review period going to be? Longer?
- Loss of certainty for applicants - approval doesn't always mean approval with appeals.
- Inequitable - e.g. affluent areas may have more \$\$ ability to initiate appeals.
- May attract the attention of large community groups. (Community involvement vs. activism).
- Reactive to the 'short term' rather than taking a positive approach early in the strategic process.
- Unrealistically raising community expectations to fully change a decision.
- What about multiple third parties?
- Who is directly affect? Direct impact?
- The case by case mature of 'carte blanche' approach.
- Concern around third parties coming up with conditions - e.g. non-planning basis.
- Contradictory to moves towards streamlining planning processes.
- From nothing to fully appealable is a stretch - massive shift.
- Elongated process currently don't support satisfaction with outcomes, i.e. tokenistic.
- Not a problem with the system, it's the perception of the system.
- Developers 'may' put up 'best of' hoping something will slip through.
- Local Government becoming too conservative.
- End up with a lot of 'deemed to comply' - doesn't always result in good planning outcomes.
- To open to abuse.
- Could stifle innovation in design.
- Creates an atmosphere of distrust in decision makers.
- Puts into question the whole consultation process.

### Modifications

- Winding back - e.g. not including conditions in the appealable rights - i.e. standard planning conditions that protect amenity e.g. 'stormwater condition'.
- Require a balance between cost & community's right to appeal - this option goes too far.
- Requires the ability to award cost.
- The paper base (document trail) would remain the key.

- Local Government gets to appeal against WAPC decisions on sub-divisions that affect the locality/finances/budget.
- Any third party appellant may do so in their own right (i.e. without lawyers).
- Perhaps a combination of experts & community/individual.
- More decisions to be published to keep community more informed & transparent.
- Third part appeal parameters as long as better planning outcomes.
- Where there is a decision made? Connect the appellant & applicant with the decision maker stepping back.
- Mediation rather than appeal.
- [Triangle diagram with decision maker/applicant/appellant as points] :-
  - When decision is made in the affirmative, do not defend the decision, the applicant has to defend.
  - If successful costs are borne by the decision maker.
  - Leads to correct decisions being made in the first instance (sound).
- Decision maker needs to be able to set the parameters.
- Should be able to appeal against amendments.
- Creates even greater uncertainty, especially at the strategic level.
- Don't know how people will use TPAR - the cost/time associated are unknown - So fear of unknown and broadening scope increases uncertainty.

## OPTION 5

- No Third Party Appeals but improve the existing decision making process. E.g. (below):
  - Compulsory training for decision makers in planning;
  - Better policy basis - should be included;
  - scheme provisions consistency;
  - community education in planning;
  - transport planning at State level to establish planning framework;
  - upfront consultation or draft of scheme + LP Strategies -(scheme as a community document);
  - Scheme amendments - what will it look like - honest representation.
- New Options (below)
  - Option 2 + Conditions + all agencies (decision makers).
  - Option 2 + all other planning decisions including subdivision, rezoning, structure plans, LDPs WITH the following features (below):
    - 21 days to submit to SAT appeal;
    - SAT refers to decision making to applicant, decision maker and consultation agencies;
    - 21 days to respond;
    - appeal on the papers only;
    - total time is set as per original approval;
    - SAT fresh decision.
- Option- for decisions made under delegation by council. - SAT consider reconsider by council. - Also could apply to private certifiers' discussion in the future (not 1-4).
- Option 1 + SAT decisions - Minister (bodies not elevated by community).
- Option 2 - Discretion however third party needs to demonstrate that they directly impacted and how the use of discretion impacted on the appellant.
- Improved consultation will address a lot of community concerns.



- Status Quo OR Option 1 with modified triggers for country areas.
- Would Option 1 really matter for country areas?
- SAT members would require better training on planning matters.

### **Parked Items**

- Give LSP the force and effect of the Scheme in Development zones.
- Planning Ombudsman -> for small scale objections.
- Review of the planning system (independent).
- More education of decision makers on their role in the planning decision making process.
- Define what 'due regard' is.
- Give reasons how an alternative achieves the policy outcomes.
- Link between strategic directions (objectives) and decisions.

10.3 Third Party Appeal Rights in Planning – WALGA Consultation with Members (Ref: DABC/LEGLTN/1 Christian Buttle, Senior Planning Officer)

APPLICATION

To give consideration to the Western Australian Local Government Association's (WALGA) report on outcomes of consultation with members on Third Party Appeal Rights in Planning.

ATTACHMENTS

**Attachment No. 2:**

(Undated) WALGA Third Party Appeal Rights in Planning Discussion Paper (considered by Council at its Ordinary Meeting held 27 June 2017);  
Officer Report titled "Third Party Appeal Rights in Planning – WALGA Discussion Paper) considered by Council at its meeting held 27 June 2017;  
Extract of Minutes from June 2017 Council Meeting; and  
Letter from WALGA dated 1 December 2017 titled "Consultation with Members – Third Party Appeal Rights in Planning" and accompanying report titled "Outcomes of Consultation – Third Party Appeal Rights in Planning".

BACKGROUND

At its December 2016 meeting, WALGA State Council requested a review of WALGA's policy position on Third Party Appeal Rights relating to planning decisions.

The review was requested as it was noted that the legislative environment relating to planning had changed since WALGA had established a policy position on this matter in 2008. Noting this changed legislative environment, it was determined that a review was warranted.

WALGA sought comment from member Council's and an Officer report was considered by the Council of the Town of Bassendean at its Ordinary Meeting held 27 June 2017.

Feedback from local government was subsequently considered by the WALGA State Council at its September 2017 meeting, where it was resolved that:

- "1. State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*

2. *WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
3. *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
4. *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process."*

The submissions received by local government were collated into four options and discussed at two workshops and a webinar held in November 2017.

Based on the outcomes of the workshops, WALGA is now asking each local government to consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

That the Town of Bassendean:

**Support the introduction of Third Party  
Appeal Rights for decisions made by  
Development Assessment Panels.**

#### COMMUNICATION & ENGAGEMENT

As a result of submissions made by local government in 2017, WALGA collated submissions into four broad areas, being:

1. **Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAP) only:**  
Under this system, appeals would be limited to larger proposals which fall within the category of application to be determined by a DAP.
2. **Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised in making a decision under the R-Codes, a Local Planning Policy or a Local Planning Scheme:**

Under this system, appeals would extend to almost every decision made under the planning system as almost every planning determination made involves the exercise of discretion.

**3. Support the introduction of Third Party Appeals against development approvals:**

Under this system, third party appeals would exist in relation to any development approval made by any responsible authority (Local Government, a DAP, the Metropolitan Redevelopment Authority and the Western Australian Planning Commission).

**4. Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of approval:**

Under this system, third party appeal rights would cover most development approvals and the imposition of, or lack of, conditions of approval.

**5. Other**

A range of other options were also provided which included alternate suggestions to those identified above, a combination of arrangements identified above or maintaining the current position of no Third Party Appeal Rights.

In any of the models identified, WALGA noted that it would be necessary to ensure that controls were introduced to ensure that:

- Appeals were made only on valid planning grounds and not for commercial or vexatious purposes;
- Appeal rights were limited only to those parties who had made a submission on a proposal during its advertising period; and
- A short window of time (for example 14 days) be applied to the right to lodge an appeal.

Detailed discussion regarding the matters discussed at the workshop is included within the correspondence provided by WALGA in December 2017, which has been provided as an attachment to this report.

**STRATEGIC IMPLICATIONS**

While the subject matter of this report does not align directly with any of the Objectives contained within the Town's Strategic Community Plan, it sits broadly under the Leadership and Governance heading.



## COMMENT

Since WALGA last considered its position in relation to this matter in 2008, the State Government has introduced a number of changes to the planning framework which have directly affected (and weakened) the decision making powers of Local Government as identified in the discussion paper attached to the June 2017 Officer report. These changes include, amongst others:

- The introduction of Development Assessment Panels (DAPs). Opt in capacity for DAP applications has already been adjusted down (now \$2M opt in) since the system was first established;
- The introduction of 'Deemed Provisions' for local planning schemes which had the effect of automatically amending all local authority town planning schemes; and
- Changes to section 76 of the Planning and Development Act 2005 to give the Minister for Planning the power to order a Local Government to prepare or adopt an amendment to a local planning scheme

The discussion paper attached to the June 2017 report provides detailed commentary on the matter of third party appeal rights, including:

- A comparison with arrangements in place in other states and territories;
- Arguments 'for' and 'against'; and
- Other issues of relevance.

At the briefing session held 23 January 2018, two Councillor queries were 'taken on notice'. Further information in relation to each of these queries is provided below:

### Intervening under section 37(3) of the State Administrative Tribunal (SAT) Act 2004.

Section 37(3) of the SAT Act does not currently provide a third party appeal right as such, but does give SAT the discretion to allow a third party to intervene in a proceeding on conditions, if any, that the Tribunal thinks fit. This means that a third party cannot instigate an appeal, but may become involved in an appeal against conditions at the SAT's discretion.

The capacity for any third party involvement in this scenario is very limited.

### Could more than one appeal be lodged?

WALGA is seeking support for the general concept of their preferred model only. The full detail and criteria of how any of the models would operate has not yet been considered.

The scenario of how multiple appeals / appellants would be managed has been flagged as a matter that would need to be considered in detail at a future time, along with a range of other specific matters. At the present time, however, this matter has not been considered in detail and there is not a preferred WALGA position on how this matter would be dealt with. This is reinforced in WALGA's most recent communication within which they advise *"the purpose of the consultation was not to develop the full details and criteria by which any system of Third Party Appeal Rights in Planning would operate, but to determine a preferred model for any proposed rights."*

### STATUTORY REQUIREMENTS

The legislative framework which applies to the planning system within WA does not (with the exception of the limited capacity described below) provide for third party appeal rights within the planning system.

A third party may currently become involved in a matter which is the subject of an application for review to the State Administrative Tribunal in the following capacity:

- Being called as a witness;
- Making a submission pursuant to the provisions contained within section 242 of the Planning and Development Act;
- Intervening under section 37(3) of the State Administrative Tribunal (SAT) Act 2004; and
- Possible participation in mediation of an application for review before the SAT.

If WALGA's preferred model were adopted, third party appeal rights would be extended to also include determinations made by Development Assessment Panels.

### FINANCIAL CONSIDERATIONS

While there are no immediate financial considerations associated with this matter, the introduction of third party appeal rights has the potential to increase the number of appeals within the planning system generally. This has the potential to:

- Add additional cost associated with the development which is the subject of a third party appeal; and
- Impose an additional cost burden to each local government.

On average over the last 6 years the Town has had involvement with one Joint Development Assessment Panel (JDAP) application approximately every 6 months, so the likelihood of cost implications impacting the Town are low, noting that:

- The Town has historically had involvement in a relatively low number of JDAP applications (especially compared to some other Council's);
- JDAP determinations have generally aligned with recommendations contained within the Responsible Authority Report (RAR), and in the main (there have been exceptions) both the Town's administration and Council have been aligned in their recommendations made to the JDAP; and
- JDAP applications (to date at least) have not generally been contentious in nature within the community.

JDAP applications that the Town has had involvement with since 2012 include applications for the following:

- Hawaiian Bassendean Shopping Centre Extensions (along with consideration of two amended proposals subsequent to the original approval);
- Mixed Development at No. 85 Old Perth Road;
- Mixed Development at Nos. 7-11 Parker Street / 2-4 Wilson Street (along with consideration of an amended proposal subsequent to the original approval (Note: This approval has not yet been acted upon);
- Multiple Dwellings at Nos. 72-74 Railway Parade (along with consideration of an amended proposal subsequent to the original approval (Note: This approval has not yet been acted upon);
- Multiple Dwellings at No. 8 Walter Road East (along with consideration of an amended proposal that has been scheduled for a JDAP meeting on 25 Jan 2018);
- Convenience Store (Petrol Station) at No. 300 Collier Road (along with consideration of an amended proposal subsequent to the original approval); and
- Convenience Store (Petrol Station) at No. 335 Collier Rd (Note: This approval has not yet been acted upon).

The Town is also anticipating that an application will be received shortly for redevelopment of the former car yard site at Nos. 68-70 Old Perth Road. This proposal will be a mandatory DAP application.

### Conclusion

Although a range of differing opinions have been put forward in relation to the matter of Third Party Appeal Rights, WALGA has established its preferred position and is seeking a recommendation on that single position only, being:

**Support the introduction of Third Party  
Appeal Rights for decisions made by  
Development Assessment Panels.**

If this position were to gain support at a State level and Third Party Appeal Rights were introduced into the planning system for DAP applications, it is likely that such a change would be subject to subsequent review to gauge its effectiveness at a later date. It is possible that the extent of any such appeal rights would be looked at again at such time.

Noting that the position advocated by WALGA aligns with a component of appeal rights for which the Town has previously indicated its support, it is recommended that Council provide WALGA with support in relation to its preferred position.

**OFFICER RECOMMENDATION — ITEM 10.3**

That in response to the letter from WALGA dated 1 December 2017 within which it requests that the Town of Bassendean consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

**Support the introduction of Third Party  
Appeal Rights for decisions made by  
Development Assessment Panels.**

Council advises the Western Australian Local Government Association that it supports its recommended position.

**Voting requirements: Simple Majority**



**10.3 Third Party Appeal Rights in Planning – WALGA Consultation with Members (Ref: DABC/LEGLTN/1 Christian Buttle, Senior Planning Officer)**

**APPLICATION**

To give consideration to the Western Australian Local Government Association's (WALGA) report on outcomes of consultation with members on Third Party Appeal Rights in Planning.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.3**

**OCM – 7/01/18** MOVED Cr Mykytiuk, Seconded Cr Hamilton, that in response to a letter from WALGA dated 1 December 2017, Council advises WALGA that it supports its recommended position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.  
**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-4/01/17 7/0**

# State Council

## Full Minutes

Wednesday  
8 May 2019



# Agenda Items

## **5.2 'Preferred Model' for Third Party Appeal Rights for Decisions Made by Development Assessment Panels (05-073-01-0002 VJ)**

*By Vanessa Jackson, Policy Manager Planning and Improvement*

*President Cr Ronnie Fleay declared an interest in Items 5.2 and 5.3 and left the room at 4:26pm.*

Moved: President Cr Michelle Rich  
Seconded: President Cr Malcolm Cullen

That WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the third party appeals process for decisions made by Development Assessment Panels.

### AMENDMENT

Moved: Cr Paul Kelly  
Seconded: Cr Jenna Ledgerwood

- 2 Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the third party appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions

CARRIED

### MOTION AS AMENDED

That WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the third party appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.

RESOLUTION 44.4/2019

THE MOTION AS AMENDED WAS PUT AND CARRIED



## **In Brief**

- At the May 2018 WALGA State Council meeting, it was resolved to amend the policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs).
- State Council also resolved to further consult with members to provide more clarity on the exact details of the criteria that need to be established, before any system is implemented by the State Government. A preferred model was prepared at a workshop with members, then circulated for members to provide comment on the specific details before the 29 March 2019.
- A wide range of comments have been received from members, therefore, the 'Preferred Model' has now been refined and is attached for State Council's endorsement.

## **Attachment**

Attachment 1 – Summary of Members Submissions

Attachment 2 – 'Preferred Model' circulated for comment

## **Relevance to Strategic Plan**

### Sustainable Local Government

- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

## **Policy Implications**

The Local Government sector supports the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs)

## **Budgetary Implications**

Nil.

## **Background**

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding its current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the Local Government sector for comment and feedback during 2017.

At the May 2018 WALGA State Council meeting, it was resolved to amend the policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs) (Resolution 37.2/2018). The following resolutions were made: -





## WALGA

1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;
2. Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;
3. Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and
4. Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.

### Comment

The new policy position was submitted to the State Government and also included in the submission of the Independent Review of the Planning System in July 2018 (the Green paper).

The Hon Minister for Planning has provided a response, indicating that Third Party Appeal Rights are not included in the Green paper, as they would *"add unnecessary complexity and red tape to the planning framework, contrary to the intent of the review"*. This statement could perhaps be challenged as the objectives of the Review were also about providing a modern and accountable planning system.

As State Council resolved to further consult with members to provide more clarity on the exact details of the criteria that need to be established, before any system is implemented by the State Government, a preferred model was prepared following discussions with members at a workshop in November 2018. The preferred model was then circulated in December 2018, for members to provide comment on the specific details before the 29 March 2019.

Attachment 1 provides all of the comments received on the Preferred Model from the 18 Local Governments who provided comments.

In summary,

- Support for the model was provided from 3 Local Governments
- Support for the model, with amendments, was provided from 7 Local Governments
- Support for third party appeals to be expanded to other decisions from 2 Local Governments.
- Do not support the introduction of the preferred model of third party appeals or any model of third party appeals from 6 Local Governments

In regard to the comments for Third Party Appeal Rights to be broader than the preferred model, suggestions included: -

- Support for widening of Third Party Appeal Rights to other decisions, not just DAPs
- Support for the issue to be included in the State's Planning Reform process.
- Support for the Preferred Model but not further expansion without further consultation.

The following comments or queries were provided on the specific details of the Preferred Model: -

- Supportive of Local Governments being able to lodge an application for review to the SAT of DAP decisions, to include submissioners and other interested parties in their process raises other planning considerations
- Recommends that the scope of those who can appeal is broadened so it does not have the effect of excluding appeals lodged for valid planning reasons
- Third party appeal rights only being provided to a public authority where DAP has made a decision contrary to their advice; and Third party appeal rights not being provided to any other interested party which previously made a submission



## WALGA

- Third party appeal rights only be extended to a responsible authority for applications determined by the Development Assessment Panel in a manner inconsistent with a recommendation prepared by those parties
- Support for the principle of Local Governments being able to challenge and seek review of DAP decisions that are made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position
- Support for the principle of other third parties being able to challenge and seek review of DAP decisions only when decisions are made contrary to the recommendations of a RAR or Council decision
- Support for the principle of generally improving the accountability and transparency of Development Assessment Panel decisions
- The model does not however outline if there is a further legal process against the outcome of any third party appeal. Currently any SAT decision can be appealed to the Supreme Court. It is believed to limit ongoing delays this should be excluded from this process
- How to manage multiple appeals?
- Is there to be a limit on the number of Third Party Appeals that may be lodged in regard to a particular application?
- How would simultaneous Third Party Appeals, from different applicants be managed?
- Why are Form 2 DAP applications for extensions of time exempt from Third Party Appeals? Recommends that the draft preferred model also be modified to allow for third party appeal rights to apply to all Form 2 decisions
- Support for a 28 day appeal submission process
- Support for a 42 day appeal submission timeline
- Support for a 60 day appeal submission timeline
- This Preliminary Hearing needs to be undertaken in a simple and efficient way, and the City therefore recommends that the practicalities of this be given more consideration by WALGA
- The draft preferred model provides little detail with respect to the cost implications of third party appeal rights for DAP decisions
- The Preliminary Hearing should be integrated into the existing Directions Hearing process
- The preferred model lacks specific detail regarding the following matters:
  - Limiting Third Party Appeal applicants to those who made a submission may exclude adjoining/nearby owners and residents who are legitimately adversely affected by a development from lodging an application
  - What specifically is defined as "valid planning grounds" i.e. definitions are required
  - What specific process is followed during a Preliminary Hearing where applicants may be required to submit evidence to justify whether they have sufficient grounds to lodge an appeal
  - What process Local Government should follow to determine whether they should lodge an appeal or not
  - Why multiple parties can't lodge Third Party Appeals (e.g. respondent, community members and the local government),
  - What qualifications are required by a "Planning Assessor" who will be assessing whether a Third Party has reasonable grounds for appeal?

Other comments received on Third Party Appeal Rights more generally:

- Considers that it would inconsistent with principles of natural justice for a third party to be able to lodge an appeal against a decision made by a DAP but not be able to lodge an appeal against the same decision made by a Local Government on an identical development proposal.



#### WALGA

- Considers that alternative planning reform measures associated with DAP function and processes, would be a more appropriate method of addressing issues associated with DAP decision making.
- WALGA should undertake a detailed analysis of other planning systems which have third party appeal rights therefore requested that WALGA undertake this analysis before committing only to third party appeal rights for DAP decisions.
- The scope of a Third Party Appeal Rights system should be limited to a review of decisions on development proposals that involve matters of substantial public interest to the local community and/or involve the exercise of significant discretionary assessment by the decision-maker under the relevant statutory and policy framework.
- Suggest that WALGA is extremely cautious about advocating in favour of Third Party Appeal Rights. The topic could easily be introduced with the support of WALGA and then morphed to a model that would provide for Third Party Appeal Rights against Council decisions. Such a system would provide for additional manipulation of Local Government planning processes and would reduce surety for applicants.

### Concluding comment

The purpose of this round of member consultation was to consider the exact details of the draft 'Preferred Model'. Having a preferred model would assist in advocacy with the State Government in outlining how the introduction of Third Party Appeal Rights for decisions made by DAPs could occur.

In reviewing the comments received, the following amendments to the preferred model have been incorporated: -

- Only a Local Government will be able to challenge and seek review of DAP decisions that is made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.
- Third Party Appeals not to be extended to decisions made by any other Authorities, just decisions made by DAPs
- Other submissioners and other interested parties would not be included in this model, removing any multiple appeals being lodged for the same application
- Allow for third party appeal rights to apply to all Form 2 decisions including extensions of time
- Proposed preliminary hearing to be aligned/combined with the existing Directions Hearing process
- Include within the model the existing right of appeal of the SAT decisions to Supreme Court
- Discuss with SAT the definition of 'valid planning grounds' to determine whether the submission has reasonable grounds for appeal

It is therefore recommended that the Association continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels, with a Preferred Model, with the modifications as suggested by members.



WALGA

# Attachment 1 – Members Submissions on the specific details of the preferred model

#	Local Government	Comments
1	City of Joondalup	In response to the Western Australian Local Government Association's preferred model for third party appeal rights for decisions made by Development Assessment Panels, ADVISES the preferred model is supported subject to: 1. consideration being given to how multiple appeals on a single decision would be managed; 2. consideration being given to an increase in the period for a local government to lodge an appeal, to 42 days; 3. consideration being given to limiting appeals on decisions on amended applications to the extent of the amendment, and not permitting the amended approval in its entirety to be the subject of an appeal.
2	City of Cockburn	(1) support the draft Preferred Model prepared by the Western Australian Local Government Association (WALGA) for Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs) subject to the following modifications being undertaken: 1. Third party appeal rights only being provided to a public authority where DAP has made a decision contrary to their advice; and 2. Third party appeal rights not being provided to any other interested party which previously made a submission.
3	Shire of Northampton	That Council notify the Western Australian Local Government Association that it supports the preferred model of Third Party Appeals to the decisions made by a Development Assessment Panel, but does not support further expansion of Third Party Appeals without further consultation.
4	Shire of Cunderdin	That Council advises WALGA that it supports the introduction of third party appeal rights for decisions made by Development Assessment Panels.
5	City of South Perth	That Council endorses, the proposed WALGA Third Party Appeal Rights in Planning model for decisions made by the Development Assessment Panels, subject to clarification being provided on the following matters prior to presentation to the WALGA Zones and State Council for endorsement and with the following changes: 1. a. Is there to be a limit on the number of Third Party Appeals that may be lodged in regard to a particular application? b. How would simultaneous Third Party Appeals, from different applicants be managed? c. Why are Form 2 DAP applications for extensions of time exempt from Third Party Appeals?  2. That Council support Third Party Appeal Rights being extended to State Administrative Tribunal and Western Australian Planning Commission decisions; and 3. That WALGA seek to review Third Party Appeal Rights on a regular basis so that further refinement and review of the appeals process can be undertaken
6	Town of Victoria Park	That Council: 1. Advises the Western Australian Local Government Association of its support for the proposed model for the introduction of 'Third Party Appeal Rights for decisions made by Development Assessment Panels', as included in Appendix 1. 2. Proposes to the Western Australia Local Government Association that further consultation regarding specific details, and operation, of the model be undertaken with local government and the community, should it be considered for introduction into legislation.
7	Shire of Toodyay	That Council, in relation to the Western Australian Local Governments Preferred Model for Third Party Appeal Rights for decisions made by Development Assessment Panels, advises it supports this proposal.





# WALGA

8	City of Subiaco	<p>That Council</p> <ol style="list-style-type: none"> <li>1. Supports WALA's preferred model for Third Party Appeal Rights for decisions made by Development Assessment Panels other than in respect of the proposal that appeal rights not be available for DAP decisions relating to applications for extensions of time;</li> <li>2. Directs the Chief Executive Officer to amend the comments in Table 2 of this report to convey that the City of Subiaco considers that appeal rights should be available, against DAP decisions relating to applications for extension of time, and authorises the Chief Executive Officer to then forward the comments in Table 2 of this report (as amended) to WALGA with the Council resolution.</li> <li>3. Recommends that, if third party appeal rights are adopted into the Western Australian Planning system that WALGA seek to review third party appeal rights on a regular basis, so that further refinements and review of the appeals process can be undertaken.</li> </ol>
9	City of Rockingham	<p>In August 2016, the Council adopted an advocacy position to support the abolition of Development Assessment Panels. In the event that they remained, the Council adopted a secondary position to advocate for a number of reforms to DAPS, which included enabling local government to seek review of DAP decisions by the State Administrative Tribunal (SAT). This and other reforms were supported to ensure greater accountability, transparency and procedural fairness of DAP decisions.</p> <p>The City's understanding of the preferred model for third party appeal rights, is to allow local governments to be able to consider lodging an application for review to SAT, to defend the merits of their policies and enforceability of their conditions, when aggrieved by a determination of DAP. The WALGA preferred model also provides for '<i>other interested parties</i>' community members and public authorities, who made a submission, to lodge an application for review.</p> <p>While the Council is supporting of local governments being able to lodge an application for review to the SAT of DAP decisions, to include submissioners and other interested parties in their process raises other planning considerations. The following comments are provided by City officers, given the timing for submissions to WALGA.</p> <p><u>Other interested parties</u></p> <p>With respect to the ability of other interested parties being able to lodge a third party appeal, Councils and Local Governments may have a different view on the relevance of submissioners concerns and how they could be managed through the imposition of conditions for development approval. Submissioner intervention in the SAT review process does not appear to be warranted, given the following: -</p> <ul style="list-style-type: none"> <li>- Community consultation is already provided for in accordance with the Local Planning Scheme, which affords an opportunity for submissions to be lodged and considered before an application for development approval is considered by Council and determined by a DAP.</li> <li>- The City is cognisant of the need for applicants seeking certainty in the application of planning laws and requirements. The establishment of third party appeal rights for aggrieved submissioners on DAP decisions could increase uncertainty and create further delays in the over development approval process. The WA Planning system is already criticised for being slow, unresponsive and complex.</li> <li>- The City of Concerned that submissioner applications for SAT review are more likely to originate from well-organised, well-connected and well-resourced individuals that no not necessarily represent wide community views. Some individuals may have access to more resources but would be motivated by self-interests which do not necessarily represent a broader community interest.</li> <li>- DAP applications, when advertised for public comment, can generate a significant number of submissions. This potentially means that multiple applications for SAT review may be lodged on the same DAP decision by competing parties with differing interests. It is unclear from WALGA's preferred model how this is intended to be considered.</li> </ul>



# WALGA

		The City supports the ability for third party appeals on DAP applications for Councils, but it does not support the process being broadened to include aggrieved submissioners for the above reasons.
10	City of Fremantle	<p>Thank you for providing the opportunity for WALGA members to comment on the draft preferred model for Third Party Appeal Rights for decisions made by Development Assessment Panels which has been developed following a resolution passed at the May 2018 WALGA State Council meeting. The following comments are submitted on behalf of the City of Fremantle, and are based on a position of the City of Fremantle Council as resolved at the Ordinary Meeting of Council on 26 July 2017 and subsequently submitted to WALGA at that time.</p> <ul style="list-style-type: none"> <li>▪ 1. The City of Fremantle does not support a model which restricts Third Party Appeal Rights (TPAR) to decisions made by Development Assessment Panels only. The City considers that any TPAR system should apply on the basis of the type of decision, irrespective of which decision-making body made the decision to be reviewed by appeal. In other words, decisions on development approvals made by local governments and the WA Planning Commission as well as decisions made by Development Assessment Panels should be open to appeal.</li> <li>▪ 2. The right to appeal should be limited to third parties who are demonstrably interested in and affected by a decision, e.g. parties who made a submission on an application prior to its determination and who reside or own property in the same local government district.</li> <li>▪ 3. Any TPAR system should include safeguards to prevent appeals being lodged for vexatious or other reasons not based on legitimate planning considerations, e.g. commercial competition interests. The inclusion of a provision to this effect in the draft referred model under the heading 'If any appellant makes a submission' is supported.</li> <li>▪ 4. The City supports the proposal that the timeframe for lodging a third party appeal should be the same 28 day period from the date of the decision as already applies to applications for review by the SAT which may be submitted by applicants for development approval.</li> <li>▪ 5. The scope of a TPAR system should be limited to a review of decisions on development proposals that involve matters of substantial public interest to the local community and/or involve the exercise of significant discretionary assessment by the decision-maker under the relevant statutory and policy framework. The City of Fremantle does not support the proposal in the draft preferred model to limit appealable decisions to those made on proposals which are mandatory or optional DAP determinations or amendments to previous DAP applications ('Form 2' applications). Particularly in the case of applications which fall within the threshold for applicants to exercise the option for local government or DAP determination, the City considers it would inconsistent with principles of natural justice for a third party to be able to lodge an appeal against a decision made by a DAP but not be able to lodge an appeal against the same decision made by a local government on an identical development proposal.</li> </ul>
11	City of Wanneroo	<p>I wish to advise that the City of Wanneroo's Council considered the preferred model at its 5 February 2019 Ordinary Council Meeting, and resolved the following: That Council:-</p> <p>1. REAFFIRMS its previous resolution made at the 22 August 2017 Ordinary Council Meeting (PS04-08/17), which was as follows:</p> <p>"That Council:-</p> <ul style="list-style-type: none"> <li>1. ADVISES WALGA that it does not support a comprehensive introduction of Third Party Appeals into the Western Australian planning framework, however, considers that there would be some merit in the introduction of Third Party Appeal Rights in limited circumstances where determinations have been issued by the Development Assessment Panels (DAPS); and</li> <li>2. NOTES that public confidence in the DAPs decision making process is likely to be enhanced by introducing Third Party Appeal Rights in limited circumstances, particularly when transparency and accountability is clearly demonstrated in the determination process."; and</li> </ul>



# WALGA

		2. ADVISES the Western Australian Local Government Association that 'limited circumstances' in the context of the previous resolution relates to extending Third Party Appeal Rights to a responsible authority for applications determined by the Development Assessment Panel in a manner inconsistent with a recommendation prepared by those parties.
12	City of Stirling	<p>The City of Stirling Council previously considered the broader matter of Third Party Appeal Rights in Planning (in response to the WALGA discussion paper) at its meeting on 4 July 2017, where it was resolved that they support, in principle, the introduction of third party appeal rights in Western Australia. In response to a request from WALGA as to whether there would be any support for the introduction of third party appeal rights for decisions made by Development Assessment Panel decisions, Council on 20 February 2018 resolved as follows:</p> <ol style="list-style-type: none"> <li>1. That Council REAFFIRMS to the Western Australian Local Government Association its previous position of in-principle support for third party planning appeal rights.</li> <li>2. That Council RECOMMENDS to the Western Australian Local Government Association that third party planning appeal rights be referred to the State Government for incorporation into the current review of the planning system.</li> <li>3. That Council RECOMMENDS to the Western Australian Local Government Association that third party planning should apply also to Structure Plans, Activity Centre Plans and Local Development Plans.</li> </ol> <p>As a preliminary comment, the City wishes to advise that it does not support the draft preferred model because it only allows for third party appeal rights for DAP decisions. The City wishes to reinforce its previous position that if third party appeal rights are to be introduced, they should be introduced universally, and also include for Structure Plans, Activity Centre Plans and Local Development Plans. The introduction of third party appeal rights for Development Assessment Panel (DAP) decisions only may contribute to the further marginalisation of local communities and their local representatives as it is an inequitable arrangement which only benefits a minority of third parties.</p> <p>Notwithstanding, the City is pleased to provide the following feedback on the draft preferred model prepared by WALGA.</p> <p><u>Benefits of Third Party Appeal Rights for DAP Decisions</u></p> <p>The City believes that other benefits that could be explored for inclusion, such as:</p> <ul style="list-style-type: none"> <li>- Resultant improvements on the quality of decision making and accountability to the local planning framework;</li> <li>- The removal of real or perceived influence of lobbyists; and</li> <li>- It would address a perceived failure in the existing DAP process to properly consider third parties.</li> </ul> <p>The draft preferred model identifies one of the benefits is the ability to appeal in cases where the DAP is over utilising the deferral process. The rationale of this is accepted, given that this results in decisions on applications that have been assessed and ready to be determined being instead deferred and repeatedly modified without further public consultation before finally being determined. However the practicalities of appeals in such circumstances needs to be given further consideration, given it would essentially amount to a third party appealing a deemed refusal. A more appropriate solution to this issue may instead be to advocate for changes to the DAP Regulations and/or Standing Orders to limit the number of deferrals able to be granted for the same application.</p> <p>The City is otherwise supportive of the benefits identified in the draft model. However, in order to present the document in a more balanced light, it is recommended that the disadvantages to the introduction of such third party appeal rights also be explored.</p> <p>The City believes one of the major disadvantages to the draft model is that it is an inequitable solution as it only provides third party appeal rights to applications determined by a DAP. The effect of this is that many other types of applications, including non-DAP development applications, activity centre plans, structure plans and local development plans are excluded from having third party appeal rights. In the case of the City of Stirling, over the past three years only 0.7% of development applications were determined by Development Assessment Panel; the notion that 99.3% of applications will not have access to third party appeal rights under the</p>



## WALGA

proposed draft model is arguably unfair. The City reiterates its previous position that third party appeal rights should apply regardless of the decision maker.

A further disadvantage to the draft model is that by only introducing third party appeal rights for DAP decisions, it fails to pursue the wider reform necessary to fix the planning system in Western Australia. As identified in the City's 10 July 2017 submission on WALGA's Third Party Appeal Rights in Planning Discussion Paper (and reinforced by resolution number 4 of the WALGA State Council on 8 September 2017), the wider issue is how the planning system can be reformed in a way which puts a stop to the ongoing erosion of local government planning authority. It is this erosion which is compromising the ability for local governments to plan for the needs of their communities, which is what has led to calls for third party appeal rights to be introduced. If the planning system were more responsive to local needs and the exercise of discretion were more clearly defined, then the need for third party appeal rights may well fall away. Further consideration of this by the WALGA State Council is considered necessary, particularly given the Government of Western Australia has since released the Green Paper on Modernising Western Australia's Planning System in May 2018.

### Appellants in a Third Party Appeal

The rights of a person or authority to lodge a third party appeal should be related to the merits of the grounds of appeal. As identified in the draft preferred model, consideration of whether there are grounds for review should be undertaken by a SAT Member as part of a Preliminary Hearing. Consequently there is no benefit to limiting third party appeals to those who have previously made a submission on a DAP application, as whether or not somebody lodges a submission has no relevance to whether or not that third party appeal is based on proper planning grounds. The City therefore recommends that the scope of those who can appeal is broadened so it does not have the effect of excluding appeals lodged for valid planning reasons.

### What can be Appealed?

As already identified, the City is of the opinion that third party appeal rights should apply equitably to all planning decisions, not just DAP decisions. It is therefore recommended that the draft preferred model be modified to consider third party appeals for all planning decisions. Additionally, in the case of Form 2 applications (typically made in cases where amendments or extensions to the term of planning approval are being sought), the City recommends that the draft preferred model also be modified to allow for third party appeal rights to apply to all Form 2 decisions.

### Timeframe to Lodge an Appeal

A 28 day timeframe in which to lodge an appeal is in many cases unlikely to be sufficient. Additionally it is the City's experience that the SAT routinely allow (within reason) appeals lodged after the current 28 day deadline. It is therefore recommended that the appeal timeframe for third party appellants be 60 days to provide them with sufficient time, which may need to include taking instructions from Elected Members, obtaining legal advice, appointing consultants (in cases where the Council's position is different to the officer's recommendation) and/or consulting with the community. The additional administrative burden to local governments in deciding whether to appeal a DAP decision, let alone the resources required to manage that appeal, is something which the City feels requires further consideration by WALGA within the draft preferred model. For example, could WALGA not explore the following:

- Whether WALGA would recommend that each local government obtain legal advice on the merits of a potential third party appeal prior to lodging such an application; and
- Whether WALGA would be prepared to draft a Guidance Paper for local governments (informed by legal advice) to assist them in determining whether or not a third party appeal should be lodged.

WALGA represent the majority of local governments in Western Australia. Should this proposal be progressed by the State Government it is reasonable to expect that member local governments be provided with some general guidance on when it may be appropriate to lodge a third party appeal against a DAP decision.

### Parties to be Involved

The City recommends that this section be modified to make it clear that local governments should be involved in all third party appeals,





## WALGA

regardless of who is the responsible authority or the appellant. Even if the local government is not a party to the appeal, the City's experience in being involved in SAT appeals of DAP decisions is that local government staff do contribute to the process, in particular by way of providing important background information on local strategic and statutory planning matters.

### The Preliminary Hearing Process

The draft preferred model identifies the need for a Preliminary Hearing in order to determine the validity of a third party appeal i.e. that it has been made on proper planning grounds. While the City supports the notion of such a Preliminary Hearing, further consideration of the practicalities and resourcing implications of such a process is considered necessary. Holding a separate Preliminary Hearing has the potential to become a time-consuming and expensive process which could risk the successful implementation of third party appeal rights for DAP decisions. Instead the City would recommend that this Preliminary Hearing be aligned with the normal SAT process by integrating it with the current initial Directions Hearing held for all new appeals. Appellants and respondents are typically present at Directions Hearings and would have the opportunity to address the SAT member on the matter. Similarly, SAT Members who run the 'Directions Hearing would be qualified to make a decision on the preliminary matter of whether or not the third party appeal is valid or not. This Preliminary Hearing needs to be undertaken in a simple and efficient way, and the City therefore recommends that the practicalities of this be given more consideration by WALGA.

### Costs

The draft preferred model provides little detail with respect to the cost implications of third party appeal rights for DAP decisions. It acknowledges that the appellants' costs in making a third party appeal will need to be borne by them, and that they open themselves up to costs being awarded against them in the case of an unsuccessful appeal. However the cost implications for all other parties need to at least be acknowledged. It is therefore recommended that the draft model provide further detail on cost implications for others — for local governments, for the State government in administering the SAT process, and for respondents who will have to spend money on defending a third party appeal which may cause project delays as a result of having to defend a third party appeal. This will at least allow the final preferred model to address the inevitable concerns regarding costs. However in acknowledging the potential cost implications, it is also appropriate to identify that it would only be a very small proportion of applications that are likely to end up at the SAT as a result of a third party appeal of a DAP decision. In this context, cost implications are likely to be minimal.

### Appeals Process

As suggested earlier in this submission, it is recommended that under the Preliminary Hearing bubble, the text be modified to identify that the Preliminary Hearing should be integrated into the existing Directions Hearing process. It is also recommended that the term "Planning Assessor" is deleted and replaced with "SAT Member". It is expected that it will be a SAT Member who undertakes the Preliminary Hearing, as they already perform the role of planning assessor. Appointing a separate planning assessor would only add to the bureaucracy of the proposed third party appeals process.

### Other Issues

The City's 10 July 2017 submission on the Third Party Appeal Rights in Planning Discussion Paper of April 2017 recommended that if third party appeal rights were to be pursued, WALGA should undertake a detailed analysis of other planning systems which have third party appeal rights. In reviewing the Minutes from the relevant State Council meetings, it is unclear whether this further analysis has occurred. In the context of only investigating third party appeal rights for DAP decisions, it would be useful to know whether any other jurisdictions have taken such a narrow approach to third party appeal rights, and whether such rights have led to an improvement in the planning system. It is therefore requested that WALGA undertake this analysis before committing only to third party appeal rights for DAP decisions.

### Conclusion

The City has reviewed the draft preferred model and, if WALGA are to pursue the model as proposed (i.e. to apply to DAP decisions only), then modifications as identified in this submission should be considered. However, the City reiterates its previous position that



# WALGA

		third party appeal rights should be introduced so that they are able to be exercised for all planning decisions, not just those made by DAPs. To do otherwise would appear inequitable.
13	Shire of Cuballing	<p>Council considered WALGA's preferred Model at its meeting on the 20 February 2019, where it was resolved not to support Third Party Appeals for decisions made by Development Assessment Panels. While noting the benefits set out by WALGA, the Shire of Cuballing raises several concerns with the Preferred Model. It is highlighted that there are various issues and implications, that are expected to have far reaching consequences, if the preferred model is adopted and implemented. Some of the Shire's concerns with the preferred model include</p> <ul style="list-style-type: none"> <li>- it is expected to make the planning system even more complex, increase red tape and reduce efficient which is contrary to the current efforts to streamline the planning process.</li> <li>- It is resource intensive and will require increase local government staff and resources.</li> <li>- Limited local government resources will be redirected from strategic planning and project development initiatives</li> <li>- It will pass to local government and development sector costs. Local Government costs include initiating the appeal, attending SAT directions, mediation and hearings and obtaining expert advice</li> <li>- It provides less certainty to the decision making process and less certainty to the development industry</li> <li>- It will add to time delays with costs passed onto consumers</li> <li>- It will generally work against investment, job creation and economic development</li> <li>- It creates an adversarial/litigious environment around planning decisions</li> <li>- It raised community expectations, which may not be met in practice, further frustrating sections of the community and raising issues within the planning systems and</li> <li>- It appears that the push for third party appeal rights is being driven by some Metropolitan local governments that have a very different context, community and economics profile and resourcing than most non metropolitan local governments.</li> </ul> <p>The Shire is also concerned that the Preferred model could be the start of the expansion of Third Party Appeal rights in Western Australia, noting your statement that 'the model provides a good test for the introduction of Third Party Appeal rights , which could possibly be expended later if it process to be beneficial'. This will exasperate concerns and take Western Australia down the path of planning jurisdictions such as Victoria. Any more to widen Third Party Appeal rights could potentially overburden the planning systems. Subject to how far Third Party Appeal rights were taken, it may further limit the role of local government through challenging local government decisions.</p> <p>Given non metropolitan local government resources (financial, staff and specialist/experienced planners) are limited, it is suggested that other methods be explored to increase the effectiveness, efficiency and transparency of the planning system. It is recommended that scarce local government funds and planning resources be focused at the strategic/policy and planning 'rule' stages (local planning schemes) in providing an increasingly sound, balanced and transparent planning framework that contributed to desired community, economic development and environmental outcomes. Proactive community engagement at the strategic/policy and local planning scheme stages, is expected to be more collaborative and provide greater certainty in process and outcomes compared to challenging individual decisions through Third Party Appeals.</p> <p>It is considered far more beneficial if local governments throughout WA and the WAPC increasingly undertook a more strategic approach to assist in enhancing the effectiveness and efficiency of the WA Planning system. This includes assistance in developing and assessing Local Planning Strategies, Local Planning Schemes, town site/housing strategies and infrastructure planning, It would be helpful is the WAPC provided additional planning guidance for various matters including sustainable economic development, tourism, prompting good urban design and natural resource management.</p>
14	Town of East Fremantle	<p>At its meeting on the 19 March 2019, Council resolved to advise that the Town of East Fremantle:</p> <ol style="list-style-type: none"> <li>1. Does not support Third Party Appeal Rights for planning and therefore does not support the WALGA Preferred Model "Third</li> </ol>



# WALGA

		<p>Party Appeal Rights for decision made by Development Assessment Panels" received on the 12 December 2018;</p> <ol style="list-style-type: none"> <li>2. Supports the principle of Local Governments being able to challenge and seek review of DAP decisions that are made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.</li> <li>3. Supports the principle of other third parties being able to challenge and seek review of DAP decisions only when decisions are made contrary to the recommendations of a RAR or Council decision;</li> <li>4. Supports the principle of generally improving the accountability and transparency of Development Assessment Panel decisions; and</li> <li>5. Considers that alternative planning reform measures associated with DAP function and processes, would be a more appropriate method of addressing issues associated with DAP decision making.</li> </ol>
15	City of Albany	<p>The City of Albany is of the view that the introduction of third party appeals in general should be subject to an overall review, and that the introduction of third party appeals to the Joint Development Assessment Panel (JDAP) process would be somewhat ad hoc and is currently not supported. The City of Albany submits the following points in respect to the matter;</p> <ul style="list-style-type: none"> <li>• It would appear that a number of the points within the WALGA preferred model relate to the JDAP model itself rather than introducing third party appeals to address the matters.</li> <li>• The ability for a local government to appeal a JDAP decision would appear to be somewhat paradoxical when considering the reasoning for the introduction of development assessment panels. Furthermore, it is often the case that shortcomings or a lack of understanding of the development rights conferred within a Local Governments Planning Scheme are the cause of the issue.</li> <li>• In a number of instances, increased community engagement when planning schemes and structure plans are being developed will reduce circumstances where the community or local government are aggrieved by a decisions made by JDAP.</li> <li>• The City of Albany had the last third party appeal to be heard in Western Australia under the now rescinded Town Planning Scheme No.3. This appeal made it clear that third party appeals can cause significant delays to projects and add an additional level of uncertainty to applicants who have followed due process. .</li> <li>• Referral agencies need to be aware of the weight a referral holds in the planning process. They must understand that information received in a referral must be given due consideration against the test for planning conditions and will not automatically be applied.</li> <li>• It is considered that third party appeal rights that apply to JDAP decisions only would further create a divide between the regular development application process and that of JDAPs. For example, why would an applicant opt in to the JDAP process when it would open their proposal to third party representation?</li> </ul> <p>The City of Albany is of the view that if there is at any stage in the future an impetus to introduce third party appeals, it should be instigated by Department of Planning Lands and Heritage subject to the following;</p> <ul style="list-style-type: none"> <li>• A clear and defined scope of application;</li> <li>• Undertaken in conjunction with a review of the planning appeals process in general;</li> <li>• Subject to significant public consultation;</li> <li>• In conjunction with a review of Joint Development Assessment Panels; and</li> <li>• A review of the input of State Government Departments into the development application process, especially in areas where they are providing 'advice' in a planning referral which is essentially determinative.</li> </ul> <p>The City of Albany continues to appreciate the work WALGA has undertaken to advocate for the improvement of the Western Australian Planning system and providing the opportunity to comment on the matter of third party appeals.</p>
16	City of Gosnells	<p>This submission summarises the viewpoint of the City of Gosnells relating to WALGA's Third Party Appeal Rights Preferred Model. The City has previously registered its views with WALGA relating to the potential for success of a third party appeals model. By way of context, the State introduced Development Assessment Panels (DAP's) with the aim of;</p>

		<ul style="list-style-type: none"> <li>• Reducing timeframes for decision making</li> <li>• Providing more technical knowledge and less local knowledge at a decision making level</li> <li>• Streamlining processes, and</li> <li>• Providing a suggested line of sight through processes (as a principle of reform)</li> </ul> <p>Regardless of its success with those objectives, the State's intent was to diminish local representation in decision making through the introduction of the DAP process.</p> <p>The introduction of a third party appeal model that would target the DAP process is directly contradictory to those principles. The preferred model would reduce surety for applicants, extend time periods until decisions are absolute, and would provide for the involvement of random factors that are outside the planning process.</p> <p>The City's recommended method of working with the JDAP process is to maintain a relevant and up to date suite of planning controls including the Local Planning Scheme and Policies that would assist good decision making.</p> <p><b>The Preferred WALGA Model</b></p> <p>The model presented in the WALGA flowchart provides a generally logical sequence of events to facilitate third party review of DAP decisions.</p> <p>However, even with the model, an applicant would be required to wait an additional 28 days after a decision has been made before proceeding to enact a planning approval. There are some refinements that could be made which would improve transparency or guarantee early awareness by parties to the appeal.</p> <p>Firstly, it is recommended that "parties to the appeal" are defined, and that the parties include;</p> <ol style="list-style-type: none"> <li>1. The local government within which the appeal site is located</li> <li>2. The responsible authority</li> <li>3. The appellant.</li> </ol> <p>Further, when an appeal is lodged, all parties to the appeal should be notified (rather than the applicant only as suggested in the draft flowchart). This change would facilitate early awareness of issues by all parties. In terms of a preliminary hearing between the State administrative Tribunal (SAT) and the appellant, it is suggested that the parties to the appeal are invited to attend as observers. This change would provide an opportunity for the SAT to make orders and seek clarification on a more informed basis if parties to the appeal are all present at the preliminary hearing. The above measures may provide for reduced timeframes and shared communication at the start of the process, all of which may expedite the consideration of issues at hand.</p> <p>In addition to the comments listed above, it is suggested that WALGA is extremely cautious about advocating in favour of third party appeal rights. The topic could easily be introduced with the support of WALGA and then morphed to a model that would provide for third party appeal rights against Council decisions. Such a system would provide for additional manipulation of local government planning processes and would reduce surety for applicants.</p> <p>A third party appeal system that targeted the local government sector would reduce its efficiency and objectivity to a significant extent. This is a common area of concern for, and in, local governments. Advocacy for changes to the planning system should improve areas of concern, and not widen the risk of adverse outcomes.</p>
17	Town of Port Hedland	<p>On further consideration of the preferred model of Third Party Appeal rights, is not supported for the following reasons: -</p> <ul style="list-style-type: none"> <li>- third party appeals would contradict streamlining of the development process, contrary to the Green paper for Planning reform objectives.</li> </ul>





WALGA

		<ul style="list-style-type: none"><li>- The system would burden local government planners and would only serve to benefit consultants and legal representatives.</li><li>- Issues relating to the Development Assessment Panel process would be better addressed through investigating reform to that process, focusing on addressing development issues upfront prior to a decision rather than introducing appeal processes post decision.</li></ul>
18	Shire of Plantagenet	The WALGA be advised that the introduction of third party appeal rights in the planning legislation is not supported.

## Attachment 2 - Preferred Model

### Third Party Appeal Rights for decisions made by Development Assessment Panels (circulated to members in December 2018 – Amendments in BOLD and ITALIC)

#### Benefits of Third Party Appeal Right for decisions made by Development Assessment Panels

- ~~The model provides a good test for the introduction of Third Party Appeal Rights, which could possibly be expanded later if it proves to be beneficial.~~
- ***Only Local Governments will be able to challenge and seek review of DAP decisions that are made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position***
- Local Government would be able to appeal a DAP decision and defend the merits of their policies and defend the enforceability of their conditions.
- ~~Other interested parties and community members would be able to appeal a DAP decision.~~
- ~~Addresses community concerns that decisions are being made by those 'removed' from the local community, leading to improved community confidence in the system.~~
- More transparent process in both decision making and condition setting, resulting in more accountable DAP members.
- Would allow for an appeal to be made on the conditions of approval or refusal
  - i) that may have been removed from a RAR; or
  - ii) added to the decision, particularly where no liaison has occurred with the ***Local Government*** authority responsible for clearing or enforcing the condition; or
  - iii) applied inappropriately i.e. the condition would change the intent or design of the development and therefore a new application should have been lodged.
- Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden the system.
- Provides the opportunity for additional information to be included in the appeal process, particularly if information was not received before the DAP meeting.
- Provides the ability to challenge any new information being presented at the DAP meeting without the ***Local Government*** responsible authority being able to undertake any assessment of the new information (unassessed revised plans are currently being lodged and approved at meetings).
- Able to appeal the 'Deferral' process being over utilised; i.e. DAPs are tending to defer applications multiple times rather than making a decision to approve or refuse the proposal.
- Can give the Local Government more confidence that the developer will provide a fully complete application and discuss the application with the Local Government first, rather than relying on the DAP to condition the proposal requiring additional critical information.

#### Appellants in a Third Party Appeal

~~Should not be open to any interested party but be limited to those parties which previously made a submission.~~

- ~~Should be available for a Responsible Authority where DAP has gone against the RAR; or~~
- ~~Should be available for A Local Government where DAP has gone against the position of Council itself; or~~
- ***A Local Government where DAP has gone against the Responsible Authority Report (RAR)***
- ~~Should be available to a public authority (e.g. Main Roads WA, Department of Transport) where DAP has made a decision contrary to their advice.~~



WALGA

### **If Local Government any appellant makes a submission**

- SAT would need to ensure that appeals are made on valid planning grounds and are not made for commercial or vexatious reasons.
- ***The existing Directions Hearing process*** A Preliminary Hearing could be used to see if the appeal has reasonable planning merit, which would assist in providing clarity for an appellant on what constitutes a valid planning consideration and what would be an invalid planning consideration. The ***Directions*** Preliminary Hearing could consider the appellant's justification for submitting the appeal, in particular, whether the grounds of appeal are supported by documentary evidence or other material (a similar process for justifying the lodgement of an appeal already exists through Section 76 of the *Planning and Development Act 2005*).
  - ***\*\* Will need to discuss with SAT the definition of 'valid planning grounds' to determine whether the submission has reasonable grounds for appeal\*\****

### **What can be appealed?**

- DAP applications that are compulsory over \$10 million for JDAPs and \$20 million for City of Perth DAP; or
- DAP applications in the optional threshold \$2m – 10m for JDAPs and in the City of Perth \$2 million - \$20 million; or
- DAP applications seeking amendments to approvals *i.e.* Form 2 applications proposing a change to the development application, ~~but should not include~~ ***and including*** applications for an extension of time

### **Timeframe to lodge an appeal**

- As per the existing timeframe, an appeal on a decision made by a Development Assessment Panel should be lodged within 28 days of the decision being made public, ie publishing of the DAP minutes.
- Local Governments would need to determine within their own organisation what process to follow in order to decide whether or not to lodge an appeal against a DAP decision. In many cases this may require a Special Council meeting to determine this.

### **~~For procedural fairness reasons all parties should be involved.~~**

- ~~The third party Local Government or~~
- ~~The third party another interested party~~
- ~~The respondent (DAP)~~
- ~~The applicant~~

~~If the appellant is another interested party, then the Local Government should be invited as an observer.~~

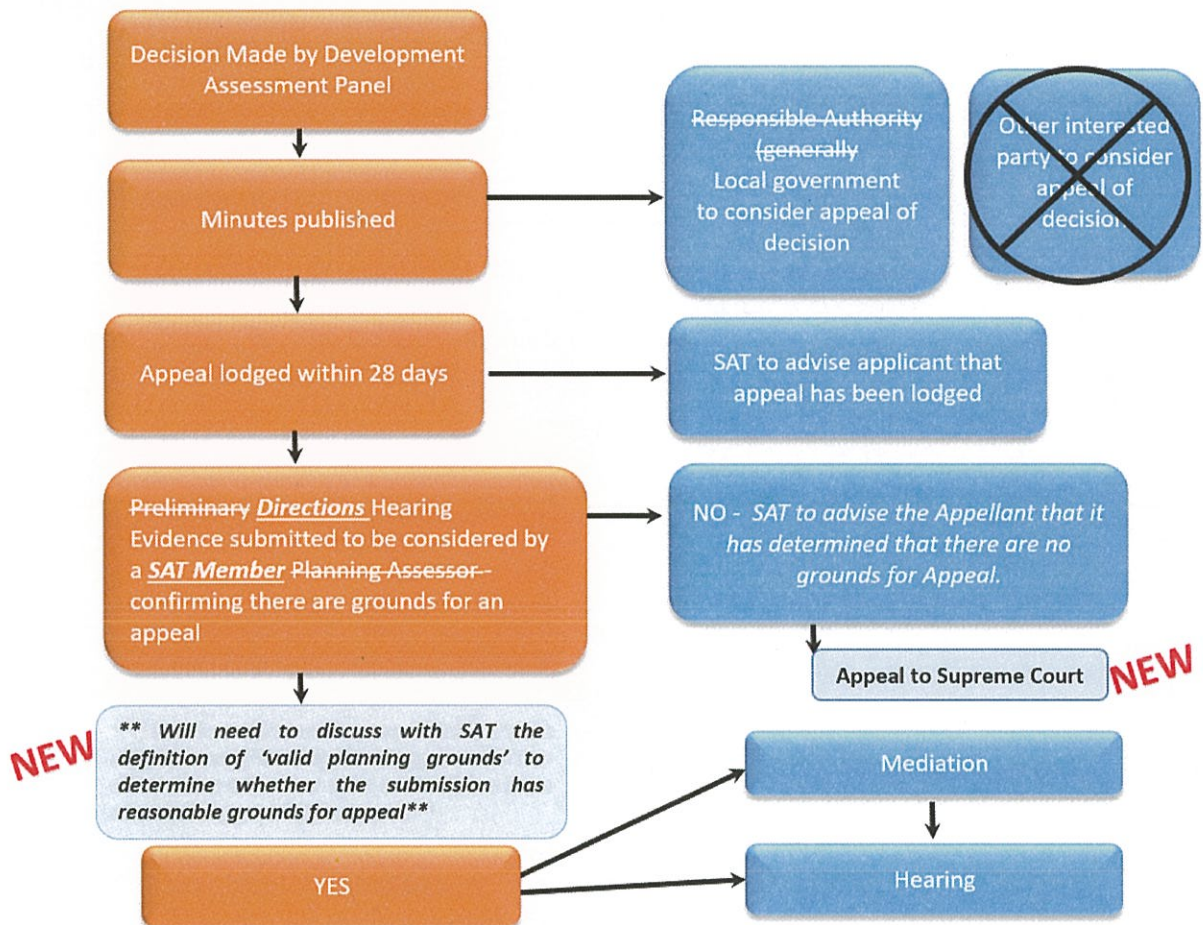
### **Costs**

- Any appellant ***Local Government*** would need to cover their costs of initiating the appeal, attending SAT directions, mediation and hearings, and costs could also include obtaining expert advice.
- ~~A third party appellant should be counselled as part of the Preliminary Hearing in relation to the potential for costs being awarded against them in the case of an unsuccessful appeal.~~

## Appeals Process

Flowchart

### Third Party Appeals Rights for decisions made by Development Assessment Panels





### 3.9 Third Party Appeal Rights

#### MOTION

Moved Cr Georgia Johnson, City of Bayswater  
Seconded Cr Julie Mathison, City of Subiaco

#### IN BRIEF

- Further amendments proposed to the Preferred Model for Third Party Appeals Process

1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.
2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

CARRIED

#### MEMBER COMMENT

The Council has taken a particularly strong stand on this important issue and it is requested that this matter be given further consideration.

#### SECRETARIAT COMMENT

At its May 2019 meeting, WALGA's State Council considered a 'Preferred Model' and resolved that WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels, and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.

(Resolution 44.4/2019)

The above resolution was sent to the Minister for Transport: Planning with a copy of the proposed model (as attached).

The May 2019 Agenda item sought to finalise a 'Preferred Model' for appeals on Development Assessment Panel decisions. WALGA's State Council considered several alternative WALGA Zone resolutions, as several Zones proposed alternative 'Preferred Models' for decisions made by DAPs, preferred types of Third Party Appeals and one Zone indicated its opposition to any Third Party Appeals model being introduced, as follows: -

#### SOUTH METROPOLITAN ZONE

That the Position Statement be referred back to WALGA officers to provide an evidence case to support the need for change, the expected benefits, and an analysis of the implications of change in terms of cost, resource and timeframes by utilising the experience of other States where third party appeals exist and applying that to the system proposed.

#### GREAT SOUTHERN COUNTRY ZONE

That the Zone opposes Third Party Appeals in relation to Item 5.2 in the May 2019 WALGA State Council Agenda.

#### EAST METROPOLITAN ZONE

That there be an amendment to the Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

#### CENTRAL METROPOLITAN ZONE

That WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and
2. Endorses the original December 2018 'Preferred Model' as the third party appeals process for decisions made by the Development Assessment Panels with the following amendments:
  - a. DOT POINT 1 "which could possibly be expanded later if it proves to be beneficial" to be removed
  - b. DOT POINT 4 to be replaced with "Other affected parties would be able to appeal a DAP decision"

Based on the formal resolutions received and members discussions at Zone meetings, there were a range of options available for State Council to consider at its meeting in May: -

1. Not adopt a Preferred Model until more information on cost and resource implications is provided;
2. Adopt the Preferred Model as presented in the May 2019 Agenda;
3. Adopt the Preferred Model as presented in the May 2019 Agenda, with the amendments suggested by the East Metropolitan Zone, ie ability to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels;
4. Adopt the Preferred Model as circulated to members in December 2018;
5. Adopt the Preferred Model as circulated to members in December 2018, with the amendments suggested by the Central Metropolitan Zone;
6. Adopt the Preferred Model with different amendments (any amendments discussed by State Council);
7. Not adopt any Preferred Model but still advocate for Third Party Appeal Rights for DAPs decisions
8. Adopt a different Third Party Appeal model (ie wider than just for DAPs);
9. Consult the sector again on what model of Third Party Appeal rights is considered acceptable given the wide range of views;
10. Return to the pre-May 2018 position, where any Third Party Appeal rights are not supported

The preferred approach by State Council was to adopt the Preferred Model as presented in the May 2019 Agenda, as it would provide the starting point for discussion with the State Government about the introduction of Third Party Appeals for Development Assessment Panel decisions.

WALGA provided this position to the Minister for Transport, Planning and the Minister's response was as follows:

*I note WALGA's State Council endorsed Preferred Model on this matter, however I maintain concerns regarding the unnecessary complexity and red tape third party appeal rights would add to the*

*planning system, which is contrary to the objectives of the Government's commitment to planning reform.*

*The Department of Planning, Lands and Heritage received 254 submissions in response to the Green Paper, including many which confirmed the issues and views identified in the Green Paper regarding the current DAP system.*

*An Action Plan for planning reform which contains a program of initiatives to address the concerns identified by the Green Paper and submissions is currently being finalised by the Department for consideration by Government.*

*I will make announcements regarding the content of the Action Plan and reform initiatives in the near future.*

# Preferred Model

## Third Party Appeal Rights for decisions made by Development Assessment Panels

### Benefits of Third Party Appeal Right for decisions made by Development Assessment Panels

- Only Local Governments will be able to challenge and seek review of DAP decisions that are made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.
- In future, possible consideration to a broadening of Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.
- Local Government would be able to appeal a DAP decision and defend the merits of their policies and defend the enforceability of their conditions.
- More transparent process in both decision making and condition setting, resulting in more accountable DAP members.
- Would allow for an appeal to be made on the conditions of approval or refusal
  - i) that may have been removed from a RAR; or
  - ii) added to the decision, particularly where no liaison has occurred with the Local Government for clearing or enforcing the condition; or
  - iii) applied inappropriately i.e. the condition would change the intent or design of the development and therefore a new application should have been lodged.
- Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden the system.
- Provides the opportunity for additional information to be included in the appeal process, particularly if information was not received before the DAP meeting.
- Provides the ability to challenge any new information being presented at the DAP meeting without the Local Government being able to undertake any assessment of the new information (unassessed revised plans are currently being lodged and approved at meetings).
- Able to appeal the 'Deferral' process being over utilised, i.e. DAPs are tending to defer applications multiple times rather than making a decision to approve or refuse the proposal.
- Can give the Local Government more confidence that the developer will provide a fully complete application and discuss the application with the Local Government first, rather than relying on the DAP to condition the proposal requiring additional critical information.



## Appellants in a Third Party Appeal

Should be for

- A Local Government where DAP has gone against the position of Council itself; or
- A Local Government where DAP has gone against the Responsible Authority Report (RAR)

## Local Government makes a submission

- SAT would need to ensure that appeals are made on valid planning grounds and are not made for commercial or vexatious reasons.
- The existing Directions Hearing process could be used to see if the appeal has reasonable planning merit, which would assist in providing clarity on what constitutes a valid planning consideration and what would be an invalid planning consideration. The Directions Hearing could consider the appellant's justification for submitting the appeal, in particular, whether the grounds of appeal are supported by documentary evidence or other material (a similar process for justifying the lodgement of an appeal already exists through Section 76 of the *Planning and Development Act 2005*).

- *\*\* Will need to discuss with SAT the definition of 'valid planning grounds' to determine whether the submission has reasonable grounds for appeal\*\**

## What can be appealed?

- DAP applications that are compulsory over \$10 million for JDAPs and \$20 million for City of Perth DAP; or
- DAP applications in the optional threshold \$2m – 10m for JDAPs and in the City of Perth \$2 million - \$20 million; or
- DAP applications seeking amendments to approvals *i.e.* Form 2 applications proposing a change to the development application, and including applications for an extension of time

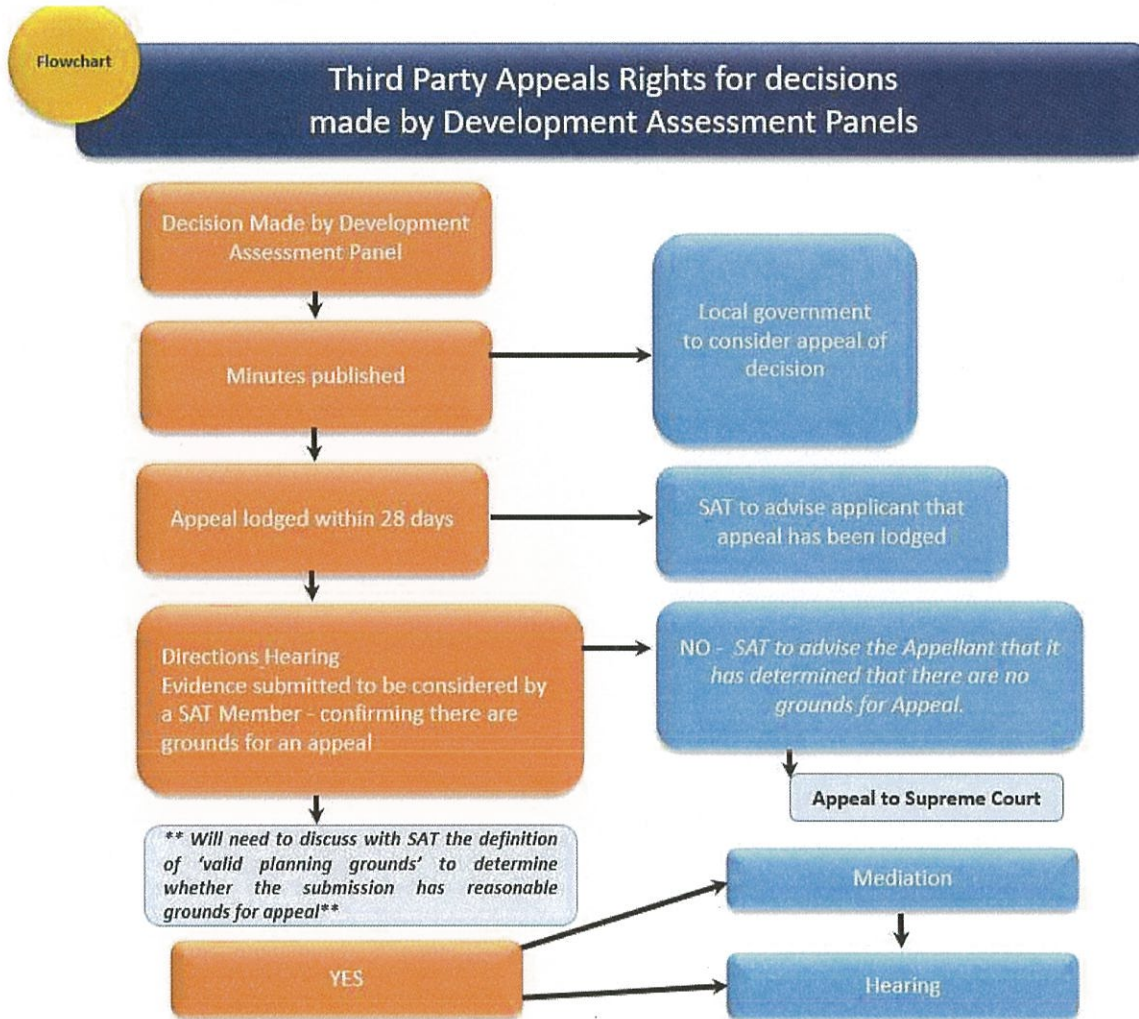
## Timeframe to lodge an appeal

- As per the existing timeframe, an appeal on a decision made by a Development Assessment Panel should be lodged within 28 days of the decision being made public, ie publishing of the DAP minutes.
- Local Governments would need to determine within their own organisation what process to follow in order to decide whether or not to lodge an appeal against a DAP decision. In many cases this may require a Special Council meeting to determine this.

## Costs

- Any Local Government would need to cover their costs of initiating the appeal, attending SAT directions, mediation and hearings, and costs could also include obtaining expert advice.

## Appeals Process



# **ATTACHMENT NO. 4**

# **Operational Arrangements Old Perth Road Markets (OPRM)**

February 2020

## **Logistics/Parameters for Operation of the OPRM**

Stallholder eligibility includes the following:

- Arts and crafts that have been handmade or handcrafted locally
- Local produce i.e. fruit, vegetables, honey, cheese, breads, baked goods, wine/spirits, pet food/treats etc.
- Hot foods, beverages, and desserts.

### **Ineligibility to become a stallholder:**

- Any network marketing goods i.e. Tupperware, doTerra, Isagenix, Avon
- Mass produced/imported goods

The OPRM may accept or reject any application at its sole discretion. Acceptance will be based on locality, quality and diversity.

Public liability insurance is mandatory (\$10 m public liability & \$10 m product liability, where applicable). Stall holders can either; purchase cover through an insurance provider or pay an additional \$15 per market for casual insurance.

Once stall holder application is approved, stall holders selling products intended for human consumption must apply and be granted a Temporary Food Permit prior to booking market dates. Town of Bassendean Health Services can take up to 21 days to process each permit.

Power is available at every market. At a morning market, if power is required there is an additional \$10 fee which must be selected at the time of booking. At an evening market, power is included in your site fee.

The OPRM supply each stallholder 5 amps from a single supply.

Stallholders are only allowed to park alongside their site to offload their goods into their site.

Vehicles are then required to leave the market area and park in the designated stallholder parking area at the end of James Street on the reserve.

All vehicles should be removed from the markets area 30 minutes prior to the market start time.

## **Morning Markets**

A single site is \$40.



A 15% discount is applied for 3 or more consecutive markets

Power may be purchase for an additional \$10.

The provision of electrical power is an ongoing issue that requires careful load management to reduce the incidence of power surges and ultimate damage to food vendor/stall holder equipment. The OPRM power policy is currently being reviewed to ensure that food vendors/stallholders supply correct and up to date information regarding their power needs, as well as the Town through the Coordinator and RCSV to manage the allocation of power in a safe and effective manner. The Town has sought the advice of an experienced electrical contractor in this regard.

### **Twilight Markets**

A single stall is \$50.

Power is include in the fee.

It should be noted that the Town's OPRM stallholder fees are one of the cheapest in Perth and there is potential for an increase. Canvassing of stallholders has revealed that they would be willing to pay a higher fee.

### **Payment arrangements**

Only payment through the online booking system using PayPal or a debit/credit card are accepted. Stallholders book through the Town's website with the online payment facility being administered by a separate site/provider. The Town is currently reviewing this arrangement to reduce the number of multiple payments being processed incorrectly.

### **Management Arrangements**

Whilst the Town has overall oversight of the markets it is a community led four-way arrangement which includes the RCSV, the BMS and a Market Coordinator directly contracted by the Town.

<b>Organisation</b>	<b>Role</b>	<b>Current Agreement period</b>	<b>Details</b>
Town of Bassendean	Owner	N/A	The SEDO was responsible for: <ul style="list-style-type: none"><li>• The overall markets program;</li><li>• Total budget from Council for the delivery of the program;</li><li>• The authorisation officer for the payment of service on behalf of the Town;</li><li>• Waste collection arrangements; and</li><li>• Traffic Management.</li></ul>

Rotary Club of Swan Valley (RCSV)	Marshalling	01/05/17-30/04/20	<p>Overall work undertaken for both Sunday morning and Twilight Markets include:</p> <p>Install &amp; Remove Large Street Banners Advertising Markets</p> <p>Bump Out Morning &amp; Night Markets 1.5 hours each ( 4 Marshalls)</p> <p>Collect &amp; Drop off Electrical Equipment at TOB Depot</p> <p>Provide Tables, Chairs &amp; Umbrellas for Market</p> <p>Set Out &amp; Return Rubbish Bins</p> <p>Provide Licensed Electrician For Night Markets</p> <p>Provide 2 Trouble Shooters for duration of Market</p> <p>Open Toilets Behind Shire Office</p> <p>Open &amp; Close Parking on BIC Reserve</p> <p>Provide 10amp cords for power to verandah stalls.</p>
Bassendean Men's Shed (BMS)	Traffic Management	No formal agreement found	TOB contracts out the traffic management to Men's shed at Men's Shed spend approximately 3 hours for dropping off and picking up signs. They are required to be there for the entire event approx 9-11 hours.
Market Coordinator:	Contracted by the Town to coordinate the markets	September 2019-April 2020	<p>Penny Tuedt was Coordinator till August 2019. She resigned and Lizzie Richardson who backfilled for Penny for 3 months has been contracted from September 2019 to April 2020 in line with RCSV agreement.</p> <p>Approximately 11 hours on market day</p> <p>Plus approx 25+ hours a week of daily phone calls, emails, booking system, social media, visiting other markets and businesses, organising entertainers and activities, stall holder bookings, writing newsletters, marketing material design, permit coordination, updating policies and procedures &amp; other meetings</p>
General Marketing/Entertainment,	Coordinated by the	Ongoing	Buskers, Facebook boost, general entertainment.

	Coordinator in liaison with Town Officers		
--	--	--	--

## Costs/Income

Town Officers time (hours) each month that the OPRM are staged was estimated as follows across the areas of Recreation & Culture (R&C), Environmental Health Officers (EH), Building Maintenance (BM), Parks & Gardens (P&G), Rangers (Rgrs), Youth Services (YS), Waste & Recycling (W&R) and Volunteering (V):

R & C	EH	BM	P&G	Rgrs	YS	W&R	V	Total
11	2	1	0	2	0	5	1	22

In summary, the cost to the Town in staging the OPRM is represented by the following:

### Income:

Annual Stallholder Fees Income (2018/2019) \$26,000

Total Income **\$26,000**

### Expenditure:

RCSV, Bassendean Men's Shed and Coordinator \$38,000  
(Based on 11 markets per year)

Town Officers costs \$12,100  
(Based on 22 hours per month. Includes a, pro-rata of salaries and overhead costs ie, superannuation & workers compensation.  
\$1,100 per month per market @ 11 markets)

Hire of equipment \$ 3,000  
ie. Generator for night markets, other equipment

Promotions/Entertainment \$ 4,600  
ie. Buskers, face painters, other entertainment, FBook boosts, Roadside signage, website - stallholders

Waste Management \$ 2,000  
Additional bins & 2 compostable bins

Total Expenditure **\$59,700**

Cost to the Town **\$33,700**

## Current Internal Arrangements

Under the current agreement with RCSV the Town is responsible for:

- Equipment infrastructure and support; and
- Marketing, publicity and in-kind support

Prior to the TOB organisation restructure the OPRM sat within the Economic Development Business Unit within the Community Development Directorate. The responsible officer was the Senior Economic Development Officer (SEDO).

Under the new structure, in the absence of a dedicated position or a reallocation of the former SEDO's duties, the oversight of the markets has defaulted to Manager Recreation and Culture (MRC) as an interim measure.

Workload includes:

- Attendance on site at the markets
- Logistical support e.g. provision of equipment
- Liaison/communication with RCSV, BMS and Market Coordinator
- Dispute resolution
- Regular meetings
- Budget oversight and payment of accounts

The Town's Volunteer Centre through the Senior Community Development Officer also organise volunteers to support the staging of the OPRM and when the opportunity arises, financially contribute to the staging of activities that support the *Act Belong Commit* message. The Volunteer Centre also facilitate the opportunity for the Town's various community groups to participate in the OPRM to promote and showcase their services and activities.

#### **Desk top audit of other LGA's**

In terms of potential management models, a desk top review of other Local Government Authorities has revealed the following:

<b>LGA</b>	<b>Management Model</b>
City of Bayswater	<ul style="list-style-type: none"> <li>• Based on community feedback, an EOI process was conducted for two one off Twilight markets. These markets will be staged at Robert Thompson Reserve in Noranda on 8/2/20 and Barden Park, Maylands on 14/3/20.</li> <li>• Future Bayswater (a local Community Group) stage an independent weekly market on King William Street, Bert Ryde Park.</li> </ul>
City of Kalamunda	<ul style="list-style-type: none"> <li>• The City of Kalamunda has an MOU in place with the Kalamunda Chamber of Commerce Industry (CCI) for a Farmers Markets (fresh food, fish, and meat) each week on a Sunday for 12 months. Night markets in summer have food trucks. The Kalamunda CCI apply through the City's events application process. The City waives the applicable fees and charges and pays for waste management. The Kalamunda CCI pay for traffic management for night markets.</li> <li>• The City of Kalamunda also has an MOU in place with Kalamunda Rotary to run a monthly artisanal markets – arts &amp; crafts, food, works are local to WA. Run on 1<sup>st</sup> Saturday of each month.</li> </ul>



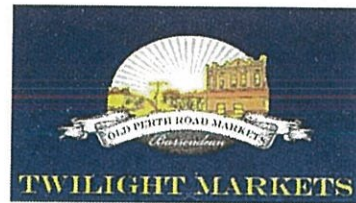
	<ul style="list-style-type: none"> <li>• Local resident runs a Vintage market that happens twice a year.</li> <li>• School Parents &amp; Friends run various markets throughout the year.</li> </ul>
City of South Perth	<ul style="list-style-type: none"> <li>• Manning Farmers Markets are staged on a weekly basis on a Saturday morning by a private business who hire the land and pay the applicable fees and charges. The City assist with parking and marketing support. The Business approached the City, at previous location at Clontarf, booking agreement in place with a booking permit issued for 12 months and reviewed annually.</li> </ul>
Town of Victoria Park	<ul style="list-style-type: none"> <li>• Millen Park markets and Vic Park farmers market run independently.</li> </ul>
City of Vincent	<ul style="list-style-type: none"> <li>• Kyilla Primary School Parents and Friends board run an independent farmers market. Markets have a manager and have been running for 4 years. Mostly organic food and other products.</li> <li>• Through the City's Mt Hawthorn Place Manager, an external private business has been engaged to run a Hawkers Market.</li> </ul>



## OLD PERTH ROAD COMMUNITY MARKETS

### MANAGEMENT AGREEMENT

(1<sup>st</sup> May 2017 to 30<sup>th</sup> April 2020)



BETWEEN

TOWN OF BASSENDEAN

AND

ROTARY CLUB OF SWAN VALLEY

## Contents

INTRODUCTION.....	3
Community Engagement .....	3
Local Economy .....	3
Constant Refresh & Renewal .....	3
PARTICULARS .....	3
OPERATIONAL DETAILS.....	4
OCCUPATIONAL HEALTH AND SAFETY .....	4
EQUIPMENT, INFRASTRUCTURE AND SUPPORT .....	4
MARKETING, PUBLICITY AND IN-KIND SUPPORT .....	4
OPERATIONAL REQUIREMENTS OF ROTARY CLUB OF SWAN VALLEY .....	5
FINANCES .....	5
MEETINGS .....	5
INSURANCE .....	5
REVIEW .....	6
AMENDMENT OF AGREEMENT.....	6
TERMINATION OF AGREEMENT .....	6
ATTACHMENT.....	6



## INTRODUCTION

The Town of Bassendean holds a recurring Community Market Event eleven months of the year. The final responsibility of the markets rests with the Town.

The key principles of the markets are community engagement, local economy and constant refresh and renewal.

### Community Engagement

The operation of the markets is significantly driven and managed through the endeavours of our community. The markets collaborate and support community groups, volunteer organisations and champion community principles and values. The markets supports a community fund created from stall holder fees which is available for the community groups and activities based in the town.

### Local Economy

The financial commitments and outcomes from the markets are deliberately targeted for the benefit of the local economy. The stall holders are mainly local, the services used are sourced locally.

### Constant Refresh & Renewal

Excluding these principals, nothing about the markets is carved in stone. Any and all aspects, from size, frequency, entertainment, stall types, publicity is open to review, refresh and renewal. All participants working on the markets are encouraged to take a full and active interest in the overall operation of the markets. This includes engaging with local community groups, researching new ideas and initiatives at other markets and festivals and sharing this knowledge, making recommendations on setting of fees, marketing and publicity, system and policy development and logistical support.

## PARTICULARS

This agreement sets out services required from the Rotary Club of Swan Valley (Rotary Club), PO Box 82, Midland, WA 6932 to facilitate the regular operation of the markets held on Old Perth Rd, Bassendean.

All of the provisions of this Agreement, any attached documents/project proposals/addenda and any future addendum are subject to

- mutual agreement of the parties,
- the availability of appropriate funding at each organisation and



- informing the partner in writing 14 days prior to it being formalised in this Agreement.

This Agreement is valid for the period 1 May 2017 to 30 April 2020.

## OPERATIONAL DETAILS.

- 11 Markets per annum (No market in January)
  - Sunday Morning Markets x 6  
April, May, June, July, August, and September.  
9.00am – 1.30pm.  
Road closed from 6.30am and opened by 3.00pm
  - Saturday Twilight Markets x 5  
October, November, December, February, March  
5.30pm – 9.00pm  
Road Closed from 2.00pm and opened by 11.00pm

## OCCUPATIONAL HEALTH AND SAFETY

Prior to setting up of markets and allowing access for stall holders, a Site Risk Analysis form duly completed must be received from the Traffic Management group authorising the set up to proceed.

The Risk Management Plan (Addendum 1) is the principle direction for the safe operation of the markets.

## EQUIPMENT, INFRASTRUCTURE AND SUPPORT

- The Town will provide all electrical equipment including, cables, distribution boxes. This equipment is stored on a council trailer when not required and parked at the depot.
- The Town will hire a generator for all Twilight markets.
- The Town will provide rubbish bins for every market.
- The Town will set out temporary parking restrictions in advance of Twilight Markets.
- The Town will provide access to the Library toilet facilities for all markets.
- The Town will provide a Risk Management Plan

## MARKETING, PUBLICITY AND IN-KIND SUPPORT

- The Town will provide all marketing and publicity collateral including
  - street banners and street posters and
  - hosting the web site and Facebook.
- The Town will use all publicity channels available to it to promote the activities of the markets and all community groups involved in the operation.

- An Information Point for the markets including becoming a stallholder, marketing collateral etc. to be available from the Rotary Stall (no stall fee charged).

## OPERATIONAL REQUIREMENTS OF ROTARY CLUB OF SWAN VALLEY

- Set out, remove and store two canvas banners announcing markets in alignment to
  - Main Roads regulations
  - agreed Council policy and
  - marketing plans for the markets
- Pick up and return generator from hire company in Midland (Twilight Markets only)
- Pick up and return electrical equipment from Council Depot (Twilight Markets only)
- Implement stallholder locations as presented in stallholder plan and control the circulation and movement of stallholders during set up and breakdown of markets.
- Set out and close down the market precinct and adjacent area including
  - Opening the public toilets
  - Opening and monitoring the stall holder parking area (BIC Reserve, James St)
  - Setting out and returning rubbish bins
  - Reporting and recording all incidents
- Implement the Risk Management Plan, including providing a First Aid responder at all markets
- Provide a qualified electrician at all Twilight Markets (for set up).

## FINANCES

For the provision of the operation requirements above, the Town will pay \$1,400.00 (inc GST) per market to the Rotary Club.

- The fee offered by the Town is per market. If a market is cancelled due to unforeseen circumstances, (e.g. weather) no fee will be paid to Rotary.

## MEETINGS

A representative of Rotary Club will be available for regular meetings after each market to discuss any issues that have arisen and agree on proposals, themes for following markets.

## INSURANCE

The Rotary Club must hold their own Public Liability Insurance policy to the value of \$10,000,000. A certificate of currency is required at the anniversary of this agreement.

## REVIEW

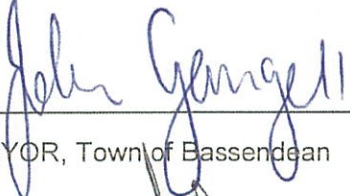
The Markets are subject to budgetary allocation and this agreement is subject to that funding being maintained. In the event of cancellation or any reduction in funding the terms of this agreement will be subject to review.

## AMENDMENT OF AGREEMENT

This Agreement may be amended at any time by mutual agreement of the parties. Such amendment shall not be binding upon either party unless they are in writing and signed by persons authorised to bind each of the parties.


## TERMINATION OF AGREEMENT

Either party may terminate this Agreement upon 60 days from written notification to the other party. If this Agreement is to be terminated, the parties shall be liable only for cost incurred in accordance with the terms of the Agreement prior to the effective date of termination.

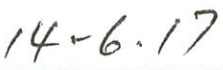
  
\_\_\_\_\_  
MAYOR, Town of Bassendean

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
CEO Town

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
PRESIDENT, Rotary Club of Swan Valley

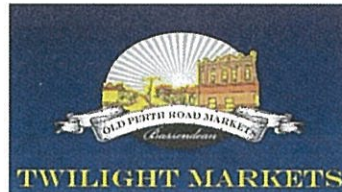
  
\_\_\_\_\_  
Date

## ATTACHMENT

Addendum 1: Old Perth Road Community Markets, Risk Management Plan

# OLD PERTH ROAD COMMUNITY MARKETS

## RISK MANAGEMENT PLAN



This plan identifies the risks and health and safety issues associated with running the Old Perth Road Community Markets and sets out how those issues will be addressed.

### GENERAL MANAGEMENT OF RISKS

All operational participants at the markets are covered by public liability insurance. Stallholders are required to have their own public liability insurance and checks are in place to see that this is complied with.

The Rotary Club will nominate a Risk Officer for each market day to carry out the responsibilities set out in this Risk Management Plan.

The Risk Officer will be supported by a minimum of two members throughout the market operations. The number of supporting members will be increased in line with stall holder bookings up to a maximum of four members.

All support members will be given an operations note, outlining their duties and providing contact telephone numbers.

A comprehensive list of stallholders' details, including vehicle registration numbers, will be available on site at all times. Support members will be in mobile phone contact with each other.

An incident report book will be maintained and its contents relayed to the Town after each market.



## SECURITY

Stallholders are responsible for the security of their own stalls and takings. Rotary members will patrol the markets at all times. Police will be called in the event of any trouble that threatens the proper conduct of the markets.

## ENVIRONMENTAL ISSUES

### Rubbish

The Town of Bassendean will provide sufficient rubbish bins for each market. Rotary will be responsible for their location during the markets and their return to the collection site at the end of the day. Rotary will also be responsible for clearing up litter at the end of each market.

### Car Parking

The Town will provide car parking at the BIC reserve at the end of James St. for the exclusive use of stallholders and, in the event of inclement weather or conflicting events will make every effort to provide an alternative.

### Toilets

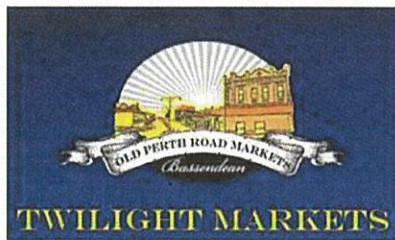
Public toilets will be available behind the Community Centre off James Street and in the public library at the corner of Old Perth Road and Wilson Street

### Noise

Volume of entertainment public address systems are to be maintained to allow normal conversation within close proximity. Buskers will be located so their music does not impinge on each other.

### Disabled Access

The markets are on flat paved ground and there are ramps from the pavement into the road at frequent intervals.



# Event review of the Old Perth Road Markets

For William Barry, Town of Bassendean

Prepared by Heart Inspired Events

June 2016



## **TABLE OF CONTENTS**

Background of the Project	3
Introduction – Old Perth Road Markets	4
Methodology	4
General Findings	5
Engaging Stakeholders	7
Customer Interview Findings	8
Summary of Customer Interview Findings and Musings	11
Customer Feedback Survey Findings	12
Summary of Customer Findings and Musings	15
Stallholder Survey Findings	17
Summary of Stallholder Findings and Musings	19
Conclusions	19
Recommendations	21
Appendices	

## **BACKGROUND TO THE PROJECT**

The Old Perth Road Markets has been operating very successfully for over five years, as a partnership between the Town of Bassendean and the Swan Valley Rotary Club.

The markets were set up in 2010 to sell 'produce and crafts of the local region'. Stallholders were amateurs and informal traders with handmade, homegrown, and homemade items to sell direct to the public. Food vendors also sold their fare to market goers, whilst performers entertained the crowds.

The event partners deliver the markets on Old Perth Road every month. Three summers ago, the Twilight Markets format was introduced and the markets are delivered on a Saturday evening during the summer months (5 months of the year) and during the cooler months, the markets are still being delivered on a Sunday morning.

The markets have anywhere between 40 and 120 stalls and average around 55 stalls for the Sunday Morning Markets and the Twilight Markets on Saturday nights average around 80 stalls.

As with all events, the markets have gone through the phases of a lifecycle – introductory, growth, maturity and decline. The dwindling attendance numbers and the diminishing stallholder numbers, especially at the Sunday Morning Markets, demonstrates that the markets may now be in the decline phase.

Heart Inspired Events was engaged by the Town of Bassendean to review the markets and to make recommendations for 'tweaks and improvements' to ensure the markets continue to remain relevant to their target audience. It was felt the markets lacked a 'certain spark' and that a review with the intent of 'refreshing the markets' was required.



## **INTRODUCTION – OLD PERTH ROAD MARKETS**

The Old Perth Road Markets are a Bassendean institution and the Council and the community love them. The markets are in their sixth year of operation and will celebrate their sixth birthday in August 2016.

Over the years, the 'mix' of stallholders has changed dramatically. The 'essence' of the markets has changed. It has 'morphed' from a locally handmade/handcrafted market, to one where the stall criterion seems to have lapsed and there is now a 'raft' of stallholders that do not fit the original stall criteria of handmade, homegrown or homemade. This change has had a detrimental effect on the caliber of stalls operating at the market. Sadly, the market now seems to be a 'mish mash' of stalls ranging from direct selling, imported goods and clothing, information stalls organised by religious groups and political parties and some handmade stalls. There is also the issue that handmade stalls and imported stalls do not mix well in a marketplace, because they are not competing on a level playing field. This in turn discourages stallholders making handmade items from trading at the markets. This lapse of criterion has diluted the market and has made it less attractive to trade in and even visit by those customers that frequent handmade and other unique markets.

The Old Perth Road Markets are divided between Twilight Markets and Sunday Morning Markets. The markets operate the last Sunday of the month during the cooler months or in the summer months, on the last Saturday night of the month (Twilight Markets). These two market formats also represent very different events and attract slightly different audiences, so they are addressed as such in this review.

## **METHODOLOGY**

The Town of Bassendean engaged Heart Inspired Events to review the Old Perth Road Markets with the intention making recommendations that will 'refresh' the markets and keep them relevant.

This project involved reviewing the aims and objectives of the Old Perth Road Markets, reviewing the current management/committee structure, assessing the current market operations, evaluating the current promotional plan, identifying and engaging key stakeholders of the markets, and researching other market models to identify current trends.

### **GENERAL FINDINGS**

The Old Perth Road Markets have changed over time. This is natural for ongoing events to change their structure and content over time. The most obvious changes include splitting the markets into Twilight Markets and Sunday Morning Markets and changing the 'mix' of stallholders trading at the markets.

The introduction of the Twilight Markets format was pure genius. There is an emerging trend of Hawker's Markets popping up all over Australia. In particular, Perth has experienced an increasing amount of Twilight Hawkers Markets popping up in local areas, including the CBD, Maylands, East Victoria Park and Mt. Hawthorn, to name a few. The mix of food vendors at the Old Perth Road Markets fits this trend, as the cuisine is from many corners of the globe and there is also the added bonus of the market stalls.

There is also a myriad of farmers' markets popping up all over Perth on Saturday and Sunday mornings. This trend has seen all types of established markets lose some of their customers, as customers now have so much more choice and many choose to frequent their local weekly or fortnightly farmers' market to purchase their fresh produce and other staples. This market experience not only allows them to buy produce and other products straight from the growers and makers/producers but it also offers them a friendly, community-based shopping experience.

There is a trend of smaller handmade/handcrafted markets popping up all over Perth. These are being held over weekends, Saturdays and Sundays and also on Friday nights. These smaller events are supplementing existing larger and long

established handmade markets like Perth Upmarket and Treasured Craft Creations. These smaller markets include MiLi Markets, Ladies Night Markets, Market Girl, Made on the Left, Hillarys Markets and Kalamunda Markets, to name just a few of the more well known handmade markets. These markets are thriving and most weekends you will find a handmade market operating somewhere in Perth. One of the reasons these markets are so successful is because they are offering customers an opportunity to purchase a unique handcrafted piece of jewellery, or handmade homewares or skincare and actually speak with the artisans about their items and the products they have made.

Having shadowed the Market Committee while they have managed a market, and reviewing their bump in and bump out processes they seem to have it working like a well-oiled machine. They are aware of their OHS responsibilities and have processes in place should the 'unthinkable' happen.

Speaking with stallholders at multiple events, both the morning and twilight markets, it seems some stallholders are feeling 'a little unloved' and not 'special'. From our experience it is common practice for market staff to check on all stallholders at least once at each event to see how they are getting on and making sure they don't have any issues. This is also the best way to find out if there are any issues and to sort them out before they become bigger problems. Various committee members could be allocated this task of communicating with each and every one of the market stallholders. If you want to grow your market, or keep the numbers sustainable, you really need to ensure your current stallholders are happy and content with their communications with the organising group and that they feel a part of something bigger. They will in turn then share what a fabulous market they're involved with and this will spread and encourage other stallholders to apply for stalls. Sharing with stallholders where the market funds are being spent (specific projects) would be a good strategy (if they don't already) and would most likely make them feel good about participating in the event, even if their sales expectations were not met.

## **ENGAGING STAKEHOLDERS**

There are many stakeholders involved in the Old Perth Road Markets. The following major stakeholders were identified as The Town of Bassendean, the Swan Valley Rotary Club, the market stallholders, the market customers, and the local businesses impacted by the markets.

To undertake the review it was necessary to engage these stallholders and ask them for their thoughts, opinions and ideas relating to the market. Depending on the stakeholders this was achieved with various methods.

There were several meetings with William Barry, the Senior Economic Development Officer to scope the review and obtain a background on the markets. There was a meeting with the Swan Valley Rotary Club Market Management Team to discuss market with the intention of gaining an understanding of the market, specifically the market elements and how it operates.

Market customers were surveyed in two ways. The first survey used the interview technique where six event team members interviewed customers at a Twilight Market. The second survey involved surveying customers via Facebook using Survey Monkey. This second survey was far more comprehensive and asked more in-depth questions of the market customers. Stallholders were also chatted to at the markets informally.

Market stallholders were also surveyed using Survey Monkey and talked to informally whilst the team was at the markets.

A few very local businesses were also approached informally and asked about the impact the markets had on their businesses but they were not very forthcoming. They did admit that the markets did have an overflow effect on their businesses and was good for their profile and for bringing people into the area.



The results of these customer surveys and interviews are detailed below.

### **CUSTOMER INTERVIEW FINDINGS**

Six event team members attended a Twilight Market and between them interviewed 105 customers. It was estimated that up to 1000 people attended that night market, so a sample of 105 was reasonable and valid. The team was instructed to approach random customers of various age groups. As a result, respondents from teenagers through to older people were interviewed. The team was also instructed to follow a 'script' so that all those interviewed were given the same information and were not influenced by the interviewers own opinions. Please refer to appendix 1 for a copy of the interview questions. The interview findings are detailed below.

- For 56% of respondents, this was their first time they had visited the markets
- Of the 42% that had visited the markets previously, 25% attended monthly, 59% attended 2-5 times and 32% attended 6 or more times
- 35% of respondents attend the Sunday Morning Markets with 55% of respondents had never visited the Sunday Morning Markets
- Of the 105 respondents, 41% preferred the Twilight Markets and 9% preferred the Sunday Morning Markets, 50% of respondents didn't respond to the question.
- When asked where did they hear about the markets the following answers were given:
  - Facebook – 35%
  - Bassendean Website – 16%
  - Flyers/poster – 12%
  - Local paper – 3%
  - Word of mouth 15%
- When asked what they like best about the market the responses were:
  - Stalls – 53%
  - Food – 62%
  - Entertainment – 33%

- Location – 50%
  - Atmosphere - 50%
  - Stores/Business – 17%
- Respondents were asked how they would rate the above market elements (out of a score of 10, with 10 being excellent):
  - Stalls – 7.14 out of 10
  - Food – 7.23 out of 10
  - Entertainment – 6.98 out of 10
  - Location – 8.47 out of 10
  - Atmosphere – 7.77 out of 10
  - Stores/Business – 6.70 out of 10
  - Other - 5.53 out of 10
- Of those above rated with the lowest score, the majority of respondents commented that they would like more variety of stalls
- When respondents were asked, “What do you like least about this market” the majority of respondents commented the lack of seating and places to sit at the market.
- When asked “What would you like to see more of at this market” the major comments were:
  - More variety
  - More handmade stalls
  - Better food
  - Books
  - More parking
  - More Australian made items
  - Fruit and veg
  - Plants and herbs
- When asked on average how much they spend on the Markets and Local Shops, respondents on average would spend \$45.25 at the markets and \$19.07 at the local shops.
- When asked “Overall, do the markets live up to your expectations” respondents rated the markets 7.74 out of 10

- When asked what area they came from, the majority of respondents were local. Below is a list of the postcodes the customers resided in.

<i>Postcode</i>	<i>No.</i>
4164	1
6011	1
6012	1
6018	2
6021	1
6027	3
6051	1
6052	5
6053	3
6054	28
6055	3
6056	9
6057	1
6061	1
6062	3
6065	4
6066	1
6076	1
6081	1
6102	1
6104	1
6105	2
6151	1
6154	1
6160	1
6168	1
6554	1

## **SUMMARY OF CUSTOMER INTERVIEW FINDINGS AND MUSINGS**

- There are still new people attending the Old Perth Road Markets. This is good news but it's important to remember it is less costly to keep an existing customer than to find a new one. Past customers need to have many reasons to keep returning to the same market.
- A quarter of the respondents attend the market monthly. This is also good news, however that number needs to increase to make the market more sustainable and to keep it growing. See point above.
- Over half of the respondents had not visited the Sunday Morning Markets. Perhaps the two markets are being viewed as two completely different events, operated by a different group? Ensuring that the community knows that both events are hosted and ultimately managed by the Town of Bassendean and the Swan Valley Rotary Club is very important, as the continued success from one event can flow over into the other event.
- The majority of respondents preferred the Twilight Markets. Again, this could be due to the fact that there is now so much more competition on a Sunday morning. The Old Perth Road Markets are competing with many other activities on offer including, but not limited too, regular farmers' markets, handmade/makers markets and kids sporting commitments.
- Facebook is the most effective communication tool with over 35% customers hearing about the markets via this social media platform. This needs to continue however market management should consider setting up an Instagram account, as this is a very popular social platform right now, and it's growing at a really fast rate.
- Food is what the customers rated as what they liked best about the markets. That's very positive, but consider mixing up the offering every second month i.e. swapping out 50% of the food vendors for others, so those customers have the option of trying different cuisines.
- When respondents were asked how they would rate the following market elements – stalls, food, entertainment, location, atmosphere, store/business, other – location and atmosphere received the highest scores out of 10. The



scores for the other elements need improvement. Better quality stalls would lift the score and perhaps less 'in your face' stalls promoting religion and politics would also contribute to an improvement in market.

- Of those elements that rated the lowest score, more variety of stalls would lift the overall rating of that market element. Bring back the handmade market!
- The least favourable element of the market was reported as the lack of seating and places to sit down. This needs to be addressed, as it will encourage more people to stay longer at the market, which may in turn be reflected in increased sales.
- When asked what the respondents would like to see more of at the market, the top answers were more variety, more handmade stalls and better food. The customers need to be listened to, the mix of stalls needs to change, and the food options need to be reviewed and changed up.
- Those surveyed spend more money at the markets than they do at the local store/business. This is good news for the market, although it would be great to increase the funds spent at the markets, and this can be achieved again with going back to the original intent of the market – a handmade, homegrown market, that is different from your standard Rotarian or Lions fete/fair.
- When asked whether the markets lived up to their expectations the average score was 7.74 out of 10.
- The majority of respondents are local, from postcodes 6054 and 6056 – Bassendean and neighbouring suburbs.

### **CUSTOMER FEEDBACK SURVEY FINDINGS**

A customer survey was created in Survey Monkey (refer to Appendix 2) to elicit feedback from market customers. This survey was linked to Facebook and posted a few times. Incentives to go into a prize draw to win vouchers from a local café Cork and Bottle Small Bar were also offered to encourage feedback from market customers.

The survey findings are detailed below.

- The majority of customers view the market's personality as cheerful (50%), down to earth (46%) and charming (35%).
- Customers that attend the market and completed the survey live in the following suburbs – Morley, Kiara, Ellenbrook, The Vines, High Wycombe, Perth, Ashfield, Cockburn, Caversham, Helena Valley, Bayswater, Aveley, Eden Hill, Lockridge, South Guildford, Thornlie, Maylands, Bedford, Beechboro, Noranda, Greenmount, Statton.
- On the family and demographic spectrum the market customers pin themselves in 'the partner, young kids (and dog)' category (44%), 'partner and settling down' category (21%), 'partner and the kids have grown up' category (19%) and 'unhitched and footloose' category (15%).
- Respondents were asked how many times they had been to the market. 45% had been 2-5 times, 41% had been 6 times or more and 13% had been there once.
- The majority of customers (81%) indicated that they had been at the market in the last six months.
- This question (and responses) related to the Sunday Morning Markets – "How do you rate the markets for...." (with 10 being excellent and 1 being poor).
  - Variety of stalls – 26% responded ok to this market element
  - Choice of food options – 31% responded ok
  - Entertainment and activities for children or young at heart – 38% responded ok
  - Entertainment and activities for adults – 37% responded ok
  - Atmosphere – 27% responded very good to this market element
- This question (and responses) related to the Twilight Markets only – "How do you rate them for"…
  - Variety of stalls – 32% responded very good to this element
  - Choice of food options – 29% responded very good

- Entertainment and activities for children and young at heart – 36% responded ok
- Entertainment and activities for adults – 30% responded ok
- Atmosphere – 30% responded excellent
- Respondents were asked about their awareness of the shops, cafes, hotel, bar etc around the markets and down the street and their responses were 44% already knew about them and 30% usually check them out when they are at the markets.
- The majority of the customers surveyed (58%) spent between \$15 and \$50 at the markets.
- Over 70% of the respondents said that the market banners and posters were good and they would forget about the markets without them.
- The last time the respondents visited the markets, they did indeed steal their time away. Over 45% responded they spent more than 30 minutes+ at the markets and 30% indicated they couldn't get away and spent an hour or more.
- The other markets that the market customers like are the Fremantle Markets, Night Markets, Perth Upmarket, Inglewood Monday Night Markets and other food and handmade markets.
- The favourite markets as voted by the market customers are the Inglewood Food Markets, the Mundaring Markets, the Maylands Twilight Markets, the Kalamunda Markets and the Guildford Markets.
- When customers were asked how close to the Old Perth Road Markets live up to your expectations 34% shared that their expectations were met, with 4% sharing their expectations were not met and 7% sharing their expectations were exceeded.
- Other comments shared included they would like food trucks at the event, fresh food and produce, more small businesses, and more family entertainment.

These results can also be viewed in more depth in Appendix 3.

#### **SUMMARY OF CUSTOMER FINDINGS AND MUSINGS**

- The majority of market customers find the market cheerful and down to earth, and the 'market's personality' is encouraging the majority of customers to spend up to an hour at the market each time they visit.
- Many market customers are local however the market is attracting customers from as far away as Cockburn. The market, although a very local event (and well patronized by locals) is attracting customers further afield. This will allow the market to grow in both stallholder numbers and attendance, as you're 'pulling' from a wider geographical location.
- The majority of market customers have a partner and a kid/s. It's imperative that these customers are entertained with low cost or free kids activities, so they will then promote the market by word-of-mouth to their friends and family, growing the customer base.
- Almost half of the market customers had visited the market 6 times or more and only 13% had been there once. The markets are attracting repeat customers, so it's important to keep the market 'fresh' and 'interesting' with new and different offerings each month.
- Over 80% of the customers had visited the markets in the last six months. This is good news but if you want them to attend every month, see the point above.
- The market customers rated all the Sunday Morning Market elements as ok, except for the atmosphere, which was rated as very good. Again the market atmosphere is a real draw card but the other market elements can be improved.
- The market customers rated all the Twilight Market elements as either ok, very good or excellent. The entertainment was rated as ok, the variety of stalls and the choice of food options were rated as very good, and the atmosphere was rated as excellent. To go with that excellent atmosphere, and good food, the market entertainment needs to be improved or developed (kids activities).
- Nearly half of the market customers that responded are aware of the local businesses near the market space and about 30% check them out when they

visit the market. Customers are venturing into the local stores and establishments when they're visiting the market. Having the markets in the street has probably also increased the profile of the local businesses that 'flank' the market space and would most likely contribute to repeat business when the market is not operating.

- The majority of the market customers' spend is between \$15-\$50. This is probably ok considering the challenging economic climate we're in, but ultimately this spend could be increased. Having a better variety of stalls and more quality stalls will foster this increased spend.
- The market promotion, especially the banners and posters are working, as this form of advertising reminds the customers of when the markets are on.
- 75% of market customers spent more than 30 minutes+ at the market. So the market is keeping them engaged either with the stalls, food or entertainment.
- Market customers appear to like the food events and handmade markets. To keep the market interesting, especially the twilight markets you could rotate the food vendors through and get them to trade every second month. Offering cultural food is also a winner and a real trend happening at other food events, including hawkers markets and farmers' markets.
- A small percentage of customers are not having their expectations met by attending the market, whereas a larger percentage have indicated that their expectations are being met and a small percentage are having their expectations exceeded. Expectation are very subjective and it's very hard to capture data on all the elements that would make up an 'expectation'. It would be worth noting that if customers expectations are also exceeded, it will almost guarantee repeat customers.
- Customers are also asking for new event element such as food trucks, fresh produce and more family entertainment. This feedback again is demonstrating the trends that are occurring in Perth at the moment. Food Trucks are a big trend and adding some to the mix may increase the market's following, as foodies do follow their favourite food to different marketplaces.



## **STALLHOLDER SURVEY FINDINGS**

A stallholder survey was created in Survey Monkey (refer to Appendix 4) to collect feedback about the market and its operations, from a seller's point of view. Eighty-two stallholders were invited to participate in the survey and twenty-two stallholders responded. This is a valid sample and equates to just over 25% of the stallholders that were invited to provide their feedback. The survey findings are detailed below.

- Of the stallholders that responded, 45% rate the Old Perth Road Markets good and 36% as excellent.
- 50% of the stallholders heard about the market through a friend. The others heard about it through Facebook, the website, by signs or they were invited to trade.
- Stallholders were attracted to the market by its reputation, through friends, the location, the market ambiance, fundraising opportunity, promotional opportunity, and friendly environment.
- Stallholders reported that the following when asked what they most liked about the Old Perth Road Markets. The street location and the atmosphere, the people, it's well run, shops staying open in the area, friendly stallholders and staff, and that's it is a twilight market and/or a Sunday market.
- When asked what stallholders least liked about the Old Perth Road Markets they shared the following. Imported stalls and religious stalls, not enough people attending, the gas smell from cooking, lack of night lighting, limited parking, too many similar stalls at the same time, not being located in the same location even though the booking was for four months and not enough seats.
- When asked to rate their market experience, with 1 being poor and 5 being terrific, stallholders rated all the following tasks with a 4 – booking a stall space, paying for a stall space, being aware of basic market information, bump in, bump out, friendliness, support and general understanding,

entertainment, themes, activities, overall communication between the organisers and you. The stallholders rated stallholder parking as a 3.

- The types of stalls the stallholders are operating are handmade items, old clothes, jewellery, handmade bags, pre-package food, homemade preserves and cakes, homewares, food and gifts.
- When asked to rate stall fees, 54% of stallholders reported that the fees were just right, 31% that the fees were average and 14% reported the fees were too high.
- Stallholders, when asked whether their sales, were average, better or worse than other markets they attend, 48% responded by saying the same, and 19% said better and 14% said worse.
- Stallholders shared their ideas on how the market could be improved.
  - Good back to a handmade market. Artisans shouldn't have to compete with stallholders importing goods from developing countries.
  - We need more people to attend
  - More advertising
  - Don't have lots of one type of stall
  - Improved lighting
  - Places to sit
  - Extend the Twilight Market season
  - Our Sunday Market sales were awful and we don't attend that market anymore
  - Seating/eating areas at both ends of the street, so people will pause, rest and walk down the other side.
- 77% of stallholders surveyed still attend the market.
- Of those stallholders that left the market, 33% found a better market, 16% moved and it's a challenge to get there, and 50% reported that they only do twilight markets now or that the food approval process was too onerous for their community group.
- When stallholders were asked if they had anything else to add they said they were looking forward to next Twilight Market season. A stallholder

responded and said they wanted organisers not to duplicate the stall offerings i.e. six candle stallholders.

- Some stallholders had an issue with the stall refund process, if there is one.

These results can also be viewed in more depth in Appendix 5.

### **SUMMARY OF STALLHOLDER FINDINGS AND MUSINGS**

- 45% of stallholders rated the markets as good, and 36% excellent, which a great score
- New stallholders mostly hear about the market through friends
- Location plays in a big part in why stallholders are attracted to the market
- The stallholders most like the street location and the atmosphere, which is a great selling point for future stallholders
- Lack of attendance numbers was the most least like bit about the market and parking as a 3.
- Stallholders rated the admin side of the market as a 4 (out of 5), so that appears to be working.
- The fees are reasonable and fair according to the majority of the stallholders
- Sales are about average compared with other markets.
- The stallholders had some good ideas about improving the market.

### **CONCLUSIONS**

All events go through a lifecycle and often after some years tend to be 'old hat' and no longer attracting the customers they used too.

All events need to be 'refreshed' or 'tweaked' to ensure they are meeting stakeholder expectations and to ensure they are still relevant and attractive to their customers. In community events, there are many stakeholders including the event owners, the event organisers, the stallholders and other vendors, the customers etc. These stakeholders were engaged to elicit their the views, opinions and ideas on the market as it currently stands.

The Old Perth Road Markets has changed its concept from handmade, homegrown or homemade, to put it bluntly, to 'almost anything goes'. Precedents have been set and stallholders that import goods from overseas are trading, along with one or two direct selling businesses. However when asked if other direct selling businesses or franchises can join the market and trade, and the answer is no, so there are double standards occurring. Politicians and religious groups have also joined the market to promote their causes, which in all honesty, may be off-putting to some market goers.

The food vendors seem popular and of a good quality although the market would benefit from rotating different food vendors through each month, to keep it fresh and interesting, especially for regular market customers.

This current mix of stallholders, especially at a Sunday Morning Market has really diluted the quality of the market. It's common practice for events change over time however this should be done consciously to meet identified expectations, not just to sell stall spaces and generate revenue.

The market is also not offering activities for all the age groups attending the market, so there are gaps that need to be filled, so the event is seen as an well-rounded event that will appeal to all members of the family.

The main musical entertainment and the buskers create a good vibe, and although it may not appeal to everyone's tastes, it is an important element of the market. Again ensuring that a variety of musical entertainment is engaged will assist the market in appealing to more people.

Adding a farmers' market element to the Old Perth Road Markets isn't an option, as the market is only operated once a month and be successful farmers' markets need to operate every week, or at the very least on a fortnightly basis to ensure that the locals can source their fresh produce and other staples on a regular basis.

## **RECOMMENDATIONS**

### **Recommendation 1:**

That the Old Perth Road Markets goes back to it's original intent/charter – a handmade market for artisans to sell their art and craft and gourmet food and ensure there is plenty of variety across all the handmade categories.

### **Recommendation 2:**

To remove the current stall holders that do not fit this handmade stall criteria.

### **Recommendation 3:**

Develop a comprehensive operations manual – booking procedures, stall criteria to assist the Booking Officer is judging what it and what is not appropriate for a handmade market.

### **Recommendation 4:**

Re-launch this market as a handmade market.

### **Recommendation 5:**

The market can be so much more than just stalls and live music. Incorporate activities for different age groups to appeal to a wider audience and strongly promote these elements i.e. kids craft workshops. The market has the potential to be incorporate activities that target children and teenagers, making the market experience that much more engaging, appealing and interesting to all market goers.

### **Recommendation 6:**

Theme some of the markets, as they will attract more interest and that should translate into increased foot traffic. Theming also gives the market a focus. The stallholders could also be asked to help deliver the theme as well.

### **Recommendation 7:**



Add more variety to the food offerings by rotating food vendors through the markets. Incorporate a well-known food truck or two, with a good following, to bring potential new customers to the market.

Recommendation 8:

Continue to build the Facebook likes and communicate through this responsive social media channel.

Recommendation 9:

Continue to use banners, signs and posters to promote the events to the community.

Recommendation 10:

Set up an Instagram account for the markets. Visual content is becoming more popular on Social Media, and Instagram will allow the market to communicate more visually with its customers. Instagram is known for increasing customer engagement and is being 'plugged' as the new Facebook.

Recommendation 11:

Install more seating for customer comfort and to encourage customers to spend more time at the market.

# **ATTACHMENT NO. 5**



***LOCAL GOVERNMENT ACT 1995***

**Council  
Meeting Procedures**

**LOCAL LAW 2020**

**Adopted by Council [25 February 2020]**

**Gazetted [insert date]**

## Contents

<b>PART 1 – PRELIMINARY .....</b>	<b>6</b>
1.1 Citation.....	6
1.2 Commencement.....	6
1.3 Purpose and effect.....	6
1.4 Application .....	6
1.5 Interpretation .....	6
1.6 Repeal .....	7
<b>PART 2 – ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES.....</b>	<b>7</b>
2.1 Establishment of committees .....	7
2.2 Types of committees .....	7
2.3 Delegation of some powers and duties to certain committees.....	7
2.4 Limits on delegation of powers and duties to certain committees .....	8
2.5 Appointment of committee members .....	8
2.6 Tenure of committee membership .....	8
2.7 Resignation of committee members.....	8
2.8 Register of delegations to committees.....	8
2.9 Committees to report.....	8
<b>PART 3 – CALLING AND CONVENING MEETINGS.....</b>	<b>8</b>
3.1 Ordinary and Special Council meetings.....	8
3.2 Calling Council meetings .....	8
3.3 Convening Council meetings .....	8
3.4 Calling committee meetings .....	8
3.5 Public notice of meetings .....	8
<b>PART 4 – PRESIDING MEMBER AND QUORUM .....</b>	<b>9</b>
4.1 Who presides .....	9
4.2 When the deputy mayor can act.....	9
4.3 Who acts if no mayor.....	9
4.4 Election of Presiding members of committees.....	9
4.5 Election of deputy presiding members of committees.....	9
4.6 Functions of deputy presiding members .....	9

4.7	Who acts if no presiding member .....	9
4.8	Quorum for meetings .....	9
4.9	Reduction of quorum for Council meetings.....	9
4.10	Reduction of quorum for committee meetings.....	9
4.11	Procedure where no quorum to begin a meeting .....	9
4.12	Procedure where quorum not present during a meeting .....	9
4.13	Names to be recorded .....	9

## **PART 5 – BUSINESS OF A MEETING..... 10**

5.1	Business to be specified .....	10
5.2	Order of business .....	10
5.3	Motions of which previous notice has been given.....	11
5.4	Adoption by En Bloc Voting .....	12
5.5	Urgent business .....	12

## **PART 6 – PUBLIC PARTICIPATION..... 13**

6.1	Meetings generally open to the public .....	13
6.2	Meetings not open to the public.....	13
6.3	Question time for the public .....	13
6.4	Question time for the public at certain meetings .....	13
6.5	Minimum question time for the public .....	13
6.6	Procedures for question time for the public .....	14
6.7	Other procedures for question time for the public .....	14
6.8	Statements by members of the public.....	14
6.9	Distinguished visitors .....	15
6.10	Deputations .....	15
6.11	Petitions .....	16
6.12	Presentations .....	16
6.13	Participation at committee meetings .....	16
6.14	Public Inspection of agenda materials .....	17
6.15	Confidentiality of information withheld .....	17
6.16	Recording of proceedings .....	18
6.17	Prevention of disturbance.....	18



<b>PART 7 – CONDUCT OF MEMBERS.....</b>	<b>18</b>
7.1 Members to be in their proper places .....	18
7.2 Respect to the presiding member.....	18
7.3 Titles to be used.....	19
7.4 Advice of entry or departure.....	19
7.5 Members to indicate their intention to speak .....	19
7.6 Priority of speaking .....	19
7.7 Presiding member may take part in debates .....	19
7.8 Relevance .....	19
7.9 Speaking twice .....	19
7.10 Duration of speeches .....	20
7.11 No speaking after conclusion of debate.....	20
7.12 No interruption .....	20
7.13 Personal explanations .....	20
7.14 No re-opening of discussion .....	20
7.15 Adverse reflection.....	20
7.16 Offensive Language.....	21
7.17 Withdrawal of offensive language.....	21
<b>PART 8 – PRESERVING ORDER .....</b>	<b>21</b>
8.1 Presiding member to preserve order.....	21
8.2 Point of order .....	21
8.3 Procedures on a point of order .....	22
8.4 Calling attention to breach.....	22
8.5 Ruling by the presiding member .....	22
8.6 Continued breach of order.....	22
8.7 Right of presiding member to adjourn .....	22
<b>PART 9 – DEBATE OF SUBSTANTIVE MOTIONS .....</b>	<b>23</b>
9.1 Motions to be stated and in writing .....	23
9.2 Motions to be supported .....	23
9.3 Unopposed business.....	23
9.4 Only one (1) substantive motion at a time .....	23

9.5	Order of call in debate .....	23
9.6	Limit of debate .....	24
9.7	Member may require motion to be read .....	24
9.8	Consent of seconder required for alteration.....	24
9.9	Order of amendments.....	24
9.10	Form of an amendment .....	24
9.11	Amendment must not negate original motion .....	24
9.12	Relevance of amendments.....	24
9.13	Mover of motion may speak on amendment.....	24
9.14	Effect of an amendment .....	24
9.15	Withdrawal of motion or amendment .....	24
9.16	Right of reply .....	24
<b>PART 10 – PROCEDURAL MOTIONS .....</b>		<b>25</b>
10.1	Permissible procedural motions .....	25
10.2	No debate.....	25
10.3	Who may move.....	25
10.4	Procedural motions – right of reply on substantive motion .....	25
10.5	Meeting to proceed to the next business .....	26
10.6	Debate to be adjourned .....	26
10.7	Meeting now adjourn .....	26
10.8	Motion to be put.....	26
10.9	Member to be no longer heard .....	26
10.10	Ruling of the presiding member to be disagreed with.....	27
<b>PART 11 – DISCLOSURE OF INTERESTS .....</b>		<b>27</b>
11.1	Disclosure of interests .....	27
<b>PART 12 – VOTING .....</b>		<b>27</b>
12.1	Motion – when put .....	27
12.2	Voting .....	27
12.3	Majorities required for decisions .....	27
12.4	Method of taking vote.....	27
<b>PART 13 – MINUTES OF MEETINGS .....</b>		<b>27</b>

13.1	Keeping of minutes.....	27
13.2	Content of minutes .....	27
13.3	Public inspection of unconfirmed minutes .....	28
13.4	Confirmation of minutes .....	28
<b>PART 14 – ADJOURNMENT OF MEETING.....</b>		<b>28</b>
14.1	Meeting may be adjourned.....	28
14.2	Effect of adjournment.....	28
<b>PART 15 – REVOKING OR CHANGING DECISIONS .....</b>		<b>28</b>
15.1	Requirements to revoke or change decisions .....	28
15.2	Limitations on powers to revoke or change decisions.....	29
15.3	Implementing a decision .....	29
<b>PART 16 – SUSPENSION OF MEETING PROCEDURES LOCAL LAW .....</b>		<b>30</b>
16.1	Suspension of Meeting Procedures Local Law .....	30
16.2	Where standing orders do not apply .....	30
16.3	Cases not provided for in Meeting Procedures Local Law .....	30
<b>PART 17 – MEETINGS OF ELECTORS.....</b>		<b>30</b>
17.1	Electors' general meetings .....	30
17.2	Matters for discussion at electors' general meetings.....	30
17.3	Electors' special meetings .....	30
17.4	Requests for electors' special meetings .....	30
17.5	Convening electors' meetings.....	30
17.6	Who presides at electors' meetings.....	30
17.7	Procedure for electors' meetings .....	31
17.8	Participation of non-electors .....	31
17.9	Voting at electors' meetings .....	31
17.10	Minutes of electors' meetings .....	31
17.11	Decisions made at electors' meetings .....	31
<b>PART 18 – ENFORCEMENT .....</b>		<b>31</b>
18.1	Penalty for breach.....	31
18.2	Who can prosecute .....	31

## LOCAL GOVERNMENT ACT 1995

### Town of Bassendean

#### Standing Orders Local Law 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on 25 February 2020 to make the following Local Law.

#### Part 1 – Preliminary

##### 1.1 Citation

This Local Law may be cited as the *Town of Bassendean Council Meeting Procedures Local Law 2020*.

##### 1.2 Commencement

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

##### 1.3 Purpose and effect

- (1) This Local Law is to provide the rules for the conduct of meetings of the Council, Committees and Electors.
- (2) The effect of this Local Law is intended to result in –
  - (a) better decision making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) the more efficient and effective use of time at meetings.

##### 1.4 Application

All meetings of the Council, Committees and the electors are to be conducted in accordance with the Act, the Regulations and the Local Law.

##### 1.5 Interpretation

- (1) Unless otherwise defined in this Local Law, the terms and expressions used in this Local Law are to have the meaning given to them in the Act and Regulations.
- (2) In this Local Law unless the context otherwise requires –
  - 75% majority** has the meaning given to it in the Act
  - absolute majority** has the meaning given to it in the Act
  - Act** means the *Local Government Act 1995*
  - CEO** means the Chief Executive Officer of the Town of Bassendean
  - committee** means a committee of the Council established under section 5.8 of the Act
  - committee meeting** means a meeting of a committee
  - council** means the Council of the Town of Bassendean
  - district** means the District of the Local Government
  - local government** means the Town of Bassendean

**mayor** means the mayor of the Town or other presiding member at a Council meeting under section 5.6 of the Act

**meeting** means a meeting of the Council or a committee, as the context requires

**member** has the meaning given to it in the Act

**presiding member** means –

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act

**regulations** means the *Local Government (Administration) Regulations 1996 unless otherwise specified*

**simple majority** means more than 50% of the members present and voting

**substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

## 1.6 Repeal

The *Town of Bassendean Standing Orders Local Law 2011*, published in the *Government Gazette* on 21 April 2011, is repealed.

## Part 2 – Establishment and membership of committees

### 2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include –
  - (a) the terms of reference of the committee;
  - (b) the number of council members, officers and other persons to be appointed to the committee;
  - (c) the names or titles of the council members and officers to be appointed to the committee;
  - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

### 2.2 Types of committees

The types of committees are dealt with in the Act.

### 2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.



## **2.4 Limits on delegation of powers and duties to certain committees**

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

## **2.5 Appointment of committee members**

The appointment of committee members is dealt with in the Act.

## **2.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

## **2.7 Resignation of committee members**

The resignation of committee members is dealt with in the Regulations.

## **2.8 Register of delegations to committees**

The Registration of delegations to committees is dealt with in the Act.

## **2.9 Committees to report**

A committee –

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

# **Part 3 – Calling and convening meetings**

## **3.1 Ordinary and Special Council meetings**

- (1) Ordinary and Special Council meetings are dealt with in the Act.
- (2) An Ordinary Meeting of Council, held on a monthly basis or otherwise as determined by Council, is for the purpose of considering and dealing with the ordinary business of Council.
- (3) A Special Meeting of Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose, or confidential.

## **3.2 Calling Council meetings**

The calling of Council meetings is dealt with in the Act.

## **3.3 Convening Council meetings**

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a Special Meeting of the Council.
- (3) Where, in the opinion of the mayor or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a Special Council Meeting.

## **3.4 Calling committee meetings**

The CEO is to call a meeting of any committee when requested by the mayor, the presiding member of a committee or any two (2) members of that committee.

## **3.5 Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

## **Part 4 – Presiding member and quorum**

### **Division 1 – Who presides**

#### **4.1 Who presides**

Who presides at a Council meeting is dealt with in the Act.

#### **4.2 When the deputy mayor can act**

When the deputy mayor can act is dealt with in the Act.

#### **4.3 Who acts if no mayor**

Who acts if there is no mayor is dealt with in the Act.

#### **4.4 Election of Presiding members of committees**

The election of presiding members of committees and their deputies is dealt with in the Act.

#### **4.5 Election of deputy presiding members of committees**

The election of Deputy presiding members of committees is dealt with in the Act.

#### **4.6 Functions of deputy presiding members**

The functions of deputy presiding members are dealt with in the Act.

#### **4.7 Who acts if no presiding member**

Who acts if no presiding member is dealt with in the Act.

### **Division 2 – Quorum**

#### **4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

#### **4.9 Reduction of quorum for Council meetings**

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

#### **4.10 Reduction of quorum for committee meetings**

The reduction of a quorum for committee meetings is dealt with in the Act.

#### **4.11 Procedure where no quorum to begin a meeting**

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

#### **4.12 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present, the presiding member is –

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

#### **4.13 Names to be recorded**

At any meeting –

- (a) at which there is not a quorum present; or

- (b) which is adjourned for want of a quorum, the names of the members then present are to be recorded in the minutes.

At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

## **Part 5 – Business of a Meeting**

### **5.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of Council other than that specified in the agenda, without the approval of the presiding member or the Council.
- (2) No business is to be transacted at a special meeting of Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of Council other than that –
  - (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of Council then, unless Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with at that Ordinary Meeting, before considering Reports.

### **5.2 Order of business**

- (1) Unless otherwise decided by the presiding member, the order of business at any Ordinary Meeting of Council is to be as follows:
  - (a) Declaration of opening; acknowledgement of country; acknowledgement of visitors; disclaimer
  - (b) Announcements by the presiding person without discussion
  - (c) Attendances, apologies and applications for leave of absence
  - (d) Declarations of interest
  - (e) Presentations or deputations
  - (f) Statements by members of the public on agenda items
  - (g) Questions from members of the public
  - (h) Petitions
  - (i) Confirmation of minutes
  - (j) Business deferred from previous meeting
  - (k) External committee reports/updates
  - (l) Reports
  - (m) Motions of which previous notice has been given
  - (n) Announcements of notices of motion for the next meeting
  - (o) Urgent business
  - (p) Confidential business
  - (q) Closure.

- (2) The items of business to be dealt with at an Ordinary Meeting of a Committee are:
  - (a) Declaration of opening; announcement of visitors; acknowledgement of country
  - (b) Announcements by the presiding person without discussion
  - (c) Attendances, apologies and applications for leave of absence
  - (d) Declarations of interest
  - (e) Presentations or deputations
  - (f) Public question time and statement by members of the public
  - (g) Confirmation of minutes
  - (h) Business deferred from previous meeting
  - (i) Reports
  - (j) Motions of which previous notice has been given
  - (k) Announcements of notices of motion for the next meeting
  - (l) Confidential business
  - (m) Closure.
- (3) The order of business at any Special Meeting of Council or of a Committee shall be in the order in which it appears in the agenda.

### **5.3 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or this Local Law otherwise provide, a member may raise at a meeting –
  - (a) such business as he or she considers appropriate;
  - (b) in the form of a motion;
  - (c) of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least ten (10) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the Local Government.
- (4) The CEO –
  - (a) may, with the concurrence of the mayor, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of this Local Law or any other written law;
  - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) may, after consultation with the member where this is practicable, make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
  - (d) provide an officer report to accompany the notice of motion that has relevant and material facts and circumstances pertaining to the notice of motion on such matters as strategic direction within the Council's adopted Strategic Plan, policy, budget and law.

- (5) A motion of which notice has been given is to lapse unless –
  - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
  - (b) the Council on a motion determines to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lost under subclause (5), a notice of a motion in substantially the same terms or of substantially the same effect is not to be given again for at least three months from the date of such lapse.

#### **5.4 Adoption by En Bloc Voting**

- (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 recommendation.

#### **5.5 Urgent business**

- (1) In accordance with 5.2(1)(o) a member may move a motion to consider an item of urgent business that is not included in the agenda for that meeting provided that –
  - (a) the presiding member has first consented to the urgent business being raised;
  - (b) the presiding member considers that either –
    - (i) the urgency of the business cannot wait for inclusion in the agenda for the next Ordinary Meeting of Council; or
    - (ii) the delay caused by referring the business to the next Ordinary Meeting of Council may have adverse legal, reputational or financial implications for the local government; and
    - (iii) other than a motion to revoke a decision, the item of urgent business is presented in the form of a report generated by an officer or the CEO, a copy of which is to be provided to members prior to the commencement of the meeting.
- (2) Where Council agrees to consider such item of urgent business, then it is to be dealt with in accordance with the order of business at clause 5.2(1)(o).
- (3) In this clause, urgent business includes –



- (a) matters that have arisen after the preparation of the agenda; and
- (b) that are considered by the Presiding Officer, or the CEO, or a member moving a motion referred in clause 5.3, to be of such urgency that the matters cannot be dealt with administratively by the Local Government, and must be considered and dealt with by Council before the next meeting.

## **Part 6 – Public participation**

### **6.1 Meetings generally open to the public**

Meetings being generally open to the public is dealt with in the Act.

### **6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one (1) or more of the circumstances dealt with in the Act, may at any time by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried –
  - (a) the presiding member is to direct everyone to leave the meeting except –
    - (i) the members;
    - (ii) the CEO; and
    - (iii) any officer or other person specified by the presiding member.
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 7.9 (speaking twice) is to be suspended unless the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under subclause (5) may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is re-opened to members of the public, the presiding member is to ensure that any resolution of the Council, made while the meeting was closed, is to be read out, including a vote of a Member to be included in the minutes.

### **6.3 Question time for the public**

Question time for the public is dealt with in the Act.

### **6.4 Question time for the public at certain meetings**

Question time for the public at certain meetings is dealt with in the Regulations.

### **6.5 Minimum question time for the public**

Minimum question time for the public is dealt with in the Regulations.

## **6.6 Procedures for question time for the public**

Procedures for question time for the public are dealt with in the Regulations.

## **6.7 Other procedures for question time for the public**

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that –
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to –
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to two (2) questions before other members of the public will be invited to ask their questions.
- (6) Questions to be considered by Council are to be respectful and temperate in language.
- (7) The presiding member may decide that a public question shall not be responded to where –
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two (2) minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

## **6.8 Statements by members of the public**

- (1) Each person wishing to make a statement to the Council on items listed on the agenda, will be invited by the presiding member to do so, stating their name and address, and to which item(s) listed on the agenda.
- (2) The presiding member may rule that the subject matter does not relate to the current agenda, and that the statement not be heard.
- (3) The presiding member will determine the order of speakers to address the Council.

- (4) The public statement session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise.
- (5) Each person is restricted to one (1) statement of up to two (2) minutes unless the Council, by decision, determines that they may speak for no more than a further two (2) minutes.
- (6) Statements to be considered by Council are to be respectful and temperate in language.
- (7) The presiding member may suspend or adjourn the statement session, at any time, and any person addressing the Council will resume their seat when called upon to do so by the presiding member.
- (8) The presiding member shall suspend the public address session if the person making the statement resorts to personal denigration of any person or persons.
- (9) The presiding member may –
  - (a) comment on the statement given; or
  - (b) call upon a Councillor or Officer to comment.
- (10) The Councillor or Officer may decline to comment.
- (11) If the subject matter of the statement has not been considered by the Council, no substantive comment shall be offered.
- (12) Any comments shall not exceed three (3) minutes.
- (13) Any breach of the Meeting Procedures Local Law 2019 may result in the person being prohibited from addressing the meeting at which the breach occurs.

## **6.9 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

## **6.10 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council is to either:
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the presiding member, address the Council.
- (2) The CEO may either –
  - (a) approve the request and invite the deputation to attend a meeting of the Council; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting –
  - (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from members;

- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
  - (c) additional members of the deputation may be allowed to speak with the leave of the presiding member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

#### 6.11 Petitions

- (1) A petition is to –
- (a) be addressed to the Mayor;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the legible names, addresses and signatures of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request;
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
  - (g) be respectful and temperate in language; and
  - (h) comply with any prescribed form pursuant to the Act or any other written law.
- (2) On presentation of a petition, the petition is to be received and referred for CEO report.
- (3) At any meeting, the Council is not to vote on a matter the subject of a petition, unless –
- (a) the matter is the subject of a CEO report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

#### 6.12 Presentations

- (1) In this clause, a **presentation** means the acceptance of a gift or an award by the Council on behalf of the Town or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

#### 6.13 Participation at committee meetings

- (1) In this clause a reference to a **person** is to a person who –
- (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.
- (3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to three (3) minutes.

- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

#### **6.14 Public Inspection of agenda materials**

- (1) The right of the public to inspect the documents referred to, and in accordance with the regulation 14, of the Regulations may be exercised at the Town of Bassendean –
  - (a) Administration Office, 35 Old Perth Road, Bassendean;
  - (b) Memorial Library; and
  - (c) website.

#### **6.15 Confidentiality of information withheld**

- (1) Information withheld by the CEO from members of the public under the Regulations is to be –
  - (a) identified in the agenda of a Council or committee meeting under item *confidential business*;
  - (b) marked as *confidential* in the agenda; and
  - (c) kept confidential by members and employees until the Council or Committee resolves otherwise.
- (2) A member or an employee who has –
  - (a) confidential information under subclause (1); or
  - (b) information that is provided or disclosed for the purpose of or during a meeting, or part of a meeting, that is closed to the public,
 is not to disclose any of that information to any person, other than another member or an employee, to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or an employee from disclosing information –
  - (a) at a closed meeting;
  - (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
  - (c) that is already in the public domain;
  - (d) to an officer of the Department;
  - (e) to the Minister;
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.



#### **6.16 Recording of proceedings**

- (1) A person is not to use any form of audio, visual or other recording device to record the proceedings of Council, without the expressed permission of the presiding member.
- (2) Council will record the meeting for minute taking purposes.
- (3) Council cannot guarantee the accuracy or the quality of recordings.
- (4) Recordings of a Council meeting cannot be assumed to be a complete record of proceedings.

#### **6.17 Prevention of disturbance**

- (1) A reference in this clause to a *person* is to a person other than a member.
- (2) A person addressing the Council must extend due courtesy and respect to the Council or the Committee, and the processes under which it operates.
- (3) A person present at or observing a meeting must not create a disturbance at a meeting by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person addressing or present at a meeting must comply with any direction by the presiding member.
- (5) A person shall ensure that his or her mobile telephone, or any other audible device, is switched off and is not used during any meeting of the Council.
- (6) The presiding member may warn a person who fails to comply with this clause.
- (7) If, after being warned, the person –
  - (a) acts contrary to this clause, or to this Local Law; or
  - (b) refuses or fails to comply with a direction by the presiding member,the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (8) A person who is ordered to leave the meeting room, and fails to do so may, by order of the presiding member –
  - (a) be removed from the meeting room; and
  - (b) from the premises, by further order of the presiding member.

### **Part 7 – Conduct of members**

#### **7.1 Members to be in their proper places**

- (1) At the first meeting held after each Election Day, the CEO is to draw lots for the seating arrangements of the Councillors in the Chamber.
- (2) Each member is to occupy his or her allotted position at each Council meeting.

#### **7.2 Respect to the presiding member**

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

### **7.3 Titles to be used**

A speaker, when referring to the mayor, deputy mayor or presiding member, or a member or officer, is to use the title of that person's office.

### **7.4 Advice of entry or departure**

- (1) During the course of a meeting of the Council, a member is not to enter or leave the meeting without first advising the presiding member.
- (2) The time of entry or departure is to be recorded in the minutes.

### **7.5 Members to indicate their intention to speak**

- (1) A member of the Council who wishes to speak is to indicate his or her intention to speak by –
  - (a) raising his or her hand; or
  - (b) by another method agreed by Council.

### **7.6 Priority of speaking**

- (1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member must cease speaking immediately after being asked to do so by the presiding member.

### **7.7 Presiding member may take part in debates**

The presiding member may take part in a discussion of any matter before the Council, subject to compliance with this Local Law.

### **7.8 Relevance**

- (1) A member is to restrict his or her remarks to –
  - (a) the motion or amendment under discussion; or
  - (b) to a personal explanation or point of order.
- (2) The presiding member, at any time, may call the attention of the meeting to –
  - (a) any irrelevant, repetitious, offensive or insulting language by a member; or
  - (b) any breach of order by a member; anddirect that member, if speaking, to discontinue his or her speech.
- (3) A member is to comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

### **7.9 Speaking twice**

- (1) A member is not to address the Council more than once on any motion or amendment except –
  - (a) as the mover of a substantive motion, to exercise a right of reply;

- (b) to raise a point of order; or
- (c) to make a personal explanation.

#### **7.10 Duration of speeches**

- (1) A member is not to speak on any matter for more than three (3) minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed five (5) minutes.

#### **7.11 No speaking after conclusion of debate**

- (1) A member is not to speak on any motion or amendment –
  - (a) after the mover has replied; or
  - (b) after the motion has been put.

#### **7.12 No interruption**

A member is not to interrupt another member who is speaking unless –

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.9).

#### **7.13 Personal explanations**

- (1) A member who wishes to make a personal explanation, relating to a matter referred to by another member who is then speaking, is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

#### **7.14 No re-opening of discussion**

A member is not to re-open discussion on any Council decision, except to move that the decision be revoked or changed.

#### **7.15 Adverse reflection**

- (1) A member is not to reflect adversely on a decision of Council or of a committee except on a motion that the decision be revoked or changed.
- (2) A member must not –
  - (a) reflect adversely on the character or actions of another member or of an officer; or
  - (b) impute any motive to a member or an officerunless the meeting resolves, without debate, that the matter then before the meeting cannot otherwise be adequately considered.

### **7.16 Offensive Language**

- (1) A member must not use offensive or insulting expressions in reference to any member, officer or other person.
- (2) If a member or the CEO specifically requests, immediately after the use, that –
  - (a) any particular words used by a member, that are in breach of this clause, be recorded in the minutes;
  - (b) the member making the request is to provide the words to the meeting for verification; and
  - (c) the presiding member is to cause the words used to be taken down and recorded in the minutes.

### **7.17 Withdrawal of offensive language**

- (1) A member who, in the opinion of the presiding member, uses an expression which –
  - (a) reflects adversely on the character or actions of another member or an officer;
  - (b) imputes any motive to a member or officer; or
  - (c) uses an expression that is offensivemust, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter under discussion, and call on the next speaker.

## **Part 8 – Preserving Order**

### **8.1 Presiding member to preserve order**

- (1) The presiding member is to preserve order and, whenever he or she considers it is necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present is to preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member, to exercise the right provided in clause 7.7, but to preserve order.

### **8.2 Point of order**

- (1) A member may only object, by way of a point of order, to a breach of –
  - (a) this Local Law; or
  - (b) any other written law.
- (2) Despite anything in this Local Law to the contrary, a point of order –
  - (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.

### **8.3 Procedures on a point of order**

- (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.
- (2) A member interrupted on a point of order is to resume his or her seat until –
  - (a) the member raising the point of order has been heard; and
  - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

### **8.4 Calling attention to breach**

- (1) A member may, at any time, draw the attention of the presiding member to any breach of this Local Law.

### **8.5 Ruling by the presiding member**

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that –
  - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) if a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

### **8.6 Continued breach of order**

- (1) If a member –
  - (a) persists in any conduct that the presiding member had ruled is out of order; or
  - (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 8.5(3)(b),the presiding member may direct the member to refrain from taking any further part in that item, other than by voting, and the member is to comply with that direction.

### **8.7 Right of presiding member to adjourn**

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.



## **Part 9 – Debate of Substantive Motions**

### **9.1 Motions to be stated and in writing**

- (1) Any member who wishes to move a substantive motion or an amendment to a substantive motion –
  - (a) is to state the substance of the motion before speaking to it; and
  - (b) if required by the presiding member, is to put the motion or amendment in writing.

### **9.2 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

### **9.3 Unopposed business**

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no Member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

### **9.4 Only one (1) substantive motion at a time**

- (1) When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted.
- (2) The Council is not to consider more than 1 substantive motion at any time.

### **9.5 Order of call in debate**

- (1) The presiding member is to call speakers to a substantive motion in the following order –
  - (a) the mover to state the motion;
  - (b) a seconder to the motion;
  - (c) the mover to speak to the motion;
  - (d) the seconder to speak to the motion;
  - (e) a speaker against the motion;
  - (f) a speaker for the motion;
  - (g) other speakers against and for the motion, alternating where possible; and
  - (h) mover takes right of reply which closes debate.

## **9.6 Limit of debate**

- (1) The presiding member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all members may not have spoken.

## **9.7 Member may require motion to be read**

- (1) A member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

## **9.8 Consent of seconder required for alteration**

- (1) The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

## **9.9 Order of amendments**

- (1) Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

## **9.10 Form of an amendment**

- (1) An amendment must add, delete, or substitute words to the substantive motion.

## **9.11 Amendment must not negate original motion**

- (1) An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

## **9.12 Relevance of amendments**

- (1) Each amendment is to be relevant to the motion in respect of which it is moved.

## **9.13 Mover of motion may speak on amendment**

- (1) Any member may speak during debate on an amendment.

## **9.14 Effect of an amendment**

- (1) If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

## **9.15 Withdrawal of motion or amendment**

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

## **9.16 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised –

- (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply –
- (c) no other member is to speak on the motion;
  - (d) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

## **Part 10 – Procedural motions**

### **10.1 Permissible procedural motions**

- (1) In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move the following procedural motions –
- (a) that the meeting proceed to the next item of business;
  - (b) that the debate be adjourned;
  - (c) that the meeting now adjourn;
  - (d) that the motion be now put;
  - (e) that the member be no longer heard;
  - (f) that the ruling of the presiding member be disagreed with;
  - (g) that the meeting be closed to the public (see clause 6.2);
  - (h) that the motion be deferred.

### **10.2 No debate**

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f), (g) or (h) of clause 10.1 may speak to the motion for not more than three minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

### **10.3 Who may move**

- (1) No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

### **10.4 Procedural motions – right of reply on substantive motion**

- (1) The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

### **10.5 Meeting to proceed to the next business**

- (1) The motion 'that the meeting proceed to the next item of business', if carried, has the effect that –
  - (a) the debate on the substantive motion or amendment ceases immediately;
  - (b) no decision is made on the substantive motion;
  - (c) the Council moves to the next item of business; and
  - (d) there is no requirement for the matter to be raised again for consideration.

### **10.6 Debate to be adjourned**

- (1) A motion 'that the debate be adjourned' –
  - (a) is to state the time to which the debate is to be adjourned; and
  - (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

### **10.7 Meeting now adjourn**

- (1) A member is not to move or second more than 1 motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the presiding member may seek leave of the Council to deal first with matters that may be the subject of an adoption by en bloc voting (see clause 5.4).
- (3) A motion 'that the meeting now adjourn' –
  - (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the Council determines otherwise.

### **10.8 Motion to be put**

- (1) If the motion 'that the motion be now put', is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion 'that the motion be now put' is carried during discussion of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

### **10.9 Member to be no longer heard**

- (1) If the motion "that the member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further

on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

#### **10.10 Ruling of the presiding member to be disagreed with**

- (1) If the motion 'that the ruling of the presiding member be disagreed with', is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

### **Part 11 – Disclosure of interests**

#### **11.1 Disclosure of interests**

- (1) Disclosure of interests is dealt with in the Act.

### **Part 12 – Voting**

#### **12.1 Motion – when put**

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member –
  - (a) is to put the motion to the Council; and
  - (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.

#### **12.2 Voting**

- (1) Voting is dealt with in the Act and the Regulations.

#### **12.3 Majorities required for decisions**

- (1) The majorities required for decisions of the Council and committees are dealt with in the Act.

#### **12.4 Method of taking vote**

- (1) In taking the vote on any motion or amendment the presiding member –
  - (a) is to put the motion, first in the affirmative, and then in the negative;
  - (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on the voices or may require a show of hands; and
  - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.

### **Part 13 – Minutes of meetings**

#### **13.1 Keeping of minutes**

- (1) The keeping and confirmation of minutes are dealt with in the Act.

#### **13.2 Content of minutes**

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include where –



- (a) an application for approval is refused;
- (b) the authorisation of a licence, permit or certificate is withheld; or
- (c) is cancelled; and
- (d) the reasons for the decision.

### **13.3 Public inspection of unconfirmed minutes**

- (1) The public inspection of unconfirmed minutes is dealt with in the Regulations.

### **13.4 Confirmation of minutes**

- (1) When minutes of an ordinary meeting of Council are distributed for consideration prior to their confirmation at the next meeting and a member is dissatisfied with the accuracy of the minutes –
  - (a) the member may provide the Town with a written copy of the alternative wording to amend the minutes;
  - (b) within 7 clear working days before the next Ordinary Meeting of Council.
- (2) At the next Ordinary Meeting of Council, the member who provided the alternative wording shall, at the time for confirmation of minutes –
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than as to the accuracy of the minutes as a record of the proceedings.

## **Part 14 – Adjournment of meeting**

### **14.1 Meeting may be adjourned**

- (1) The Council may adjourn any meeting –
  - (a) to a later time on the same day; or
  - (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

### **14.2 Effect of adjournment**

- (1) Where any matter, motion, debate or meeting is adjourned under this Local Law –
  - (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
  - (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
  - (c) the provisions of clause 7.9 *speaking twice* apply when the debate is resumed.

## **Part 15 – Revoking or changing decisions**

### **15.1 Requirements to revoke or change decisions**

- (1) The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

## 15.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision –
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.3 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

## 15.3 Implementing a decision

- (1) In this clause –
  - (a) **authorisation** means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) **implement**, in relation to a decision, includes –
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) **valid notice of revocation motion** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Meeting Procedures Local Law 2019 and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until after 10.00am of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person –
  - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation –
  - (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

## **Part 16 – Suspension of Meeting Procedures Local Law**

### **16.1 Suspension of Meeting Procedures Local Law**

- (1) A member may at any time move that the operation of 1 or more of the provisions of this Local Law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is –
  - (a) seconded; and
  - (b) carried by an absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **16.2 Where standing orders do not apply**

- (1) In situations where –
  - (a) One (1) or more provisions of this Local Law have been suspended; or
  - (b) a matter is not provided for under the Act, the Regulations or this Local Law,the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 10.10.

### **16.3 Cases not provided for in Meeting Procedures Local Law**

- (1) The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this Local Law, the Act or Regulations are silent.
- (2) The decision of the presiding member is final, except where a motion is moved and carried under clause 10.10.

## **Part 17 – Meetings of Electors**

### **17.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

### **17.2 Matters for discussion at electors' general meetings**

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

### **17.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

### **17.4 Requests for electors' special meetings**

Requests for electors' special meetings are dealt with in the Regulations.

### **17.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

### **17.6 Who presides at electors' meetings**

Who presides at electors' meetings is dealt with in the Act.

### **17.7 Procedure for electors' meetings**

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this Local Law.

### **17.8 Participation of non-electors**

A person who is not an elector of the Town shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

### **17.9 Voting at electors' meetings**

Voting at electors' meetings is dealt with in the Regulations.

### **17.10 Minutes of electors' meetings**

Minutes of electors' meetings are dealt with in the Act.

### **17.11 Decisions made at electors' meetings**

Decisions made at electors' meetings are dealt with in the Act.

## **Part 18 – Enforcement**

### **18.1 Penalty for breach**

A person who breaches a provision of this Local Law commits an offence.

**Penalty – up to \$1,000**

### **18.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

On \_\_\_\_\_ [insert date] \_\_\_\_\_

The Common Seal of the  
**Town of Bassendean**  
was affixed by resolution of the Council in the presence of –

\_\_\_\_\_  
**Renee McClennan, Mayor**

\_\_\_\_\_  
**Peta Mabbs, Chief Executive Officer**

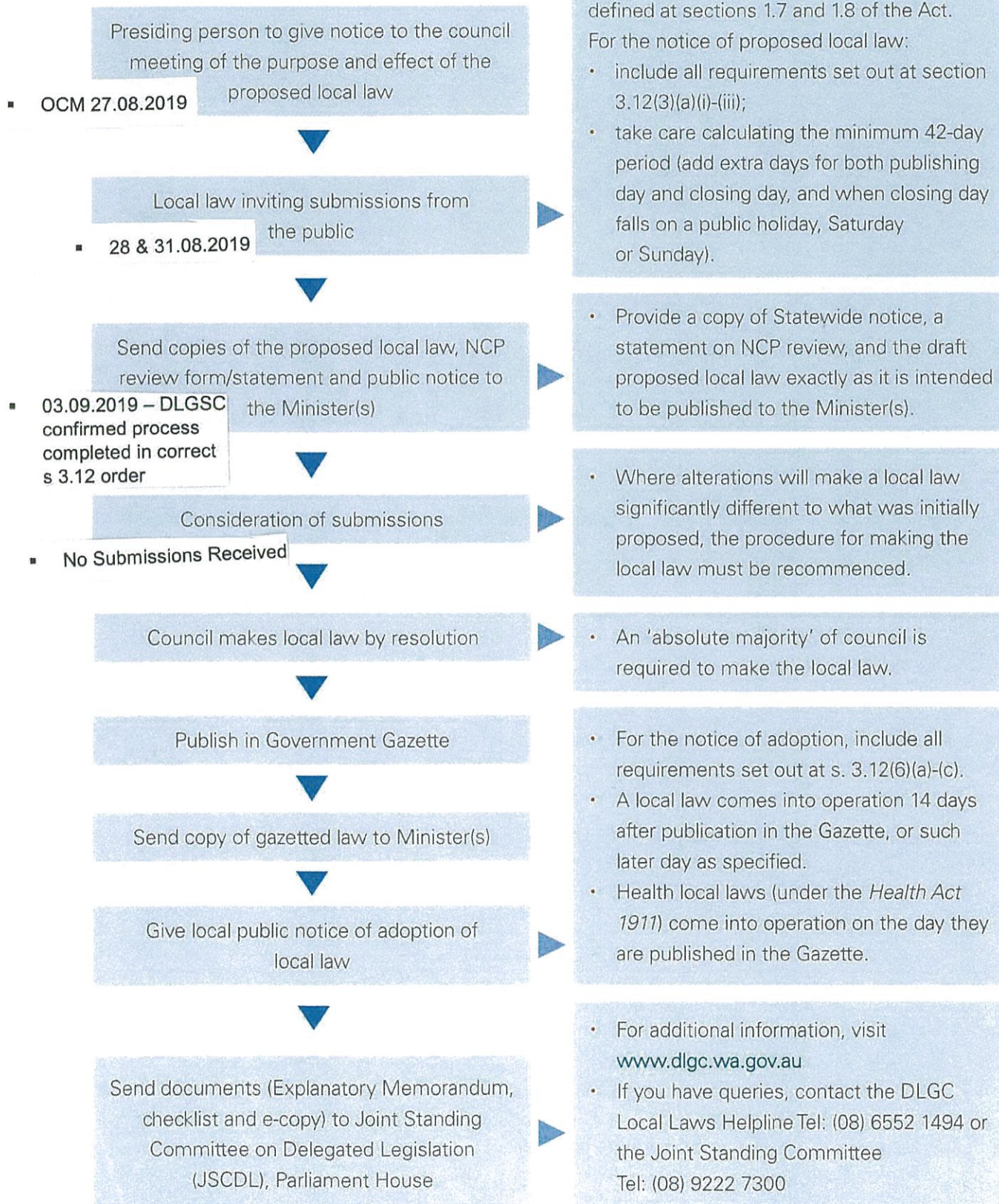




# Appendix 1

## Local Government Act 1995 – Section 3.12 and NCP review requirements

### Flow Chart of Local Law-Making Process







## INFORMATION SHEET (EXAMPLE ONLY)

### COUNCIL MEETING PROCEDURES SERIES

February 2020

#### DEPUTATIONS

##### What is a deputation?

A deputation to Council provides members of the community with the opportunity to make a statement or response to an item on the Council Meeting Agenda.

Deputations are an important part of the democratic process of Council as they provide groups or individuals with the opportunity to present their views and be heard at a Council Meeting.

##### Is approval required to make a deputation?

Yes! Before an individual or group can make a deputation to Council they must seek approval. There are two ways that this can be done.

##### What is the process to obtain approval?

The first, and preferred way to obtain approval is to write to the Chief Executive Officer (CEO). The request for approval should be submitted in writing at least five (5) hours prior to the scheduled Council Meeting and include the following information:

- Description of deputation;
- Number of intended deputies (maximum five);
- The names of deputies; and
- The name of the spokesperson.

The second way to seek approval is to ask the presiding member at the relevant meeting for approval to address the Council. The request for approval must still include the above information to enable the presiding member to fully consider the request.

The second way is to ask the presiding member at the meeting for approval to address the Council.

##### Presenting a deputation

Deputations to Council must not exceed five persons, only two (2) of whom may address the Council. A deputation to Council cannot exceed ten (10) minutes. The presiding member may agree to extend the time.



#### PETITIONS

##### What is a petition?

A petition provides members of the community the opportunity to petition Council to take action on a particular item of interest. A petition must relate directly to a matter that Local Government can act on.

##### How do I make a petition to Council?

All petitions to Council must be addressed to the Mayor.

The format and presentation of petitions is set out at Clause 6.11 of the Town's Council Meeting Procedures Local Law 2020.

- (1) On presentation of a petition, the petition is to be received and referred for CEO report.

Once received the Mayor refers the petition to the CEO to provide a report for Council. A petition must be included on the Council Meeting Agenda and cannot be considered or voted on unless a CEO report accompanies it.

- Send your request for approval for a deputation to:  
[mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)
- Send your petition to the Mayor by email to: [crreneemclennan@gmail.com](mailto:crreneemclennan@gmail.com)

# **ATTACHMENT NO. 6**

**LIST OF PAYMENTS**  
**FOR PERIOD**  
**ENDED 31<sup>st</sup> DECEMBER 2019**

## SUMMARY OF SCHEDULE OF ACCOUNTS

FUND	VOUCHERS	AMOUNT \$
MUNICIPAL / TRUST		
EFT and Direct Debits 01-31 December 2019	39658 – 39904	3,082,253.47
TRUST FUND		
Cheques Commonwealth 6100-1015-9136	6140 – 6140	2768.00
MUNICIPAL BANK		
Cheques Commonwealth 6100-1015-9128	86144 – 86163	28,350.88
		<hr/>
		\$3,113,372.35
		<hr/>

### DIRECTOR CORPORATE SERVICES' DECLARATION:

This list of payments, covering vouchers as above, will be submitted to Council on 25<sup>th</sup> February 2020. The List of Payments has been checked and is fully supported by vouchers and invoices, which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings, and the amounts shown have been paid.



A/DIRECTOR CORPORATE SERVICES



1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39658	10/12/2019	101 RESIDENTIAL PTY LTD	Security Bond Refund	-2,768.00
EFT39659	10/12/2019	BUILDCOM CONSTRUCTION (WA) PTY LTD	Security Bond Refund	-9,000.00
EFT39660	10/12/2019	LORRAINE BURTON	Reserve & Key Bond Refund	-500.00
EFT39661	10/12/2019	PAULINE BASSO	Reserve & Key Bond Refund	-350.00
EFT39662	10/12/2019	TANGENT NOMINEES T/AS EASY START HOMES	Security Bond Refund	-2,805.00
EFT39663	10/12/2019	A. M BOLTS & NUTS	Depot - Minor Supplies - November 2019	-131.45
EFT39664	10/12/2019	ABSOLUTELY SETTLEMENTS	Rates Refund	-199.56
EFT39665	10/12/2019	ALSCO PERTH	Office Linen And Laundry Services	-157.97
EFT39666	10/12/2019	ASHFIELD CAN EDEN HILL COMMUNITY ACTION NETWORK INC	Community Group Funding	-5,000.00
EFT39667	10/12/2019	BCITF	Building & Construction Industry - Levy -November 2019	-467.51
EFT39668	10/12/2019	BIKEDR CYCLE SERVICES PTY LTD	Greentrail Event - Promote Cycling And Bike Repairs	-715.00
EFT39669	10/12/2019	BRICKS 4 KIDZ GOSNELLS	Library - Activities - Lego Briks For Kids	-250.00
EFT39670	10/12/2019	C & L GRACE	Rates Refund	-1,000.00
EFT39671	10/12/2019	C.E. NICHOLLS & SON PTY LTD	Building - Pool Inspection Contract Services 2019/2020	-14,701.50
EFT39672	10/12/2019		Cancelled	0.00
EFT39673	10/12/2019	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	Building Services Levy Collected -November 2019	-4,904.82
EFT39674	10/12/2019	MERRIL FOURMILE	Rates Refund	-102.40
EFT39675	10/12/2019	MT LAWLEY MILK	Milk Supplies - 35, 46 & 48 Old Perth Road & Depot	-199.40
EFT39676	10/12/2019	NATALIE ONG	Reimbursement - Staff Training - Introduction To Local Govt	-320.00
EFT39677	10/12/2019	NAYTON COMMUNICATION PTY LTD	Annual Report - Production	-1,925.00
EFT39678	10/12/2019	NETLINK GROUP PTY LTD	Depot - New Phone Data Points And Cabling	-1,872.75
EFT39679	10/12/2019	NIKKI DENNERLEY	Children Services - Happy Feet Incursion	-125.00
EFT39680	10/12/2019	NRH EARTHMOVING	Guildford Road Mulching - Equipment Hire	-6,831.00
EFT39681	10/12/2019	SEGAFREDO ZANETTI AUSTRALIA PTY LTD	Coffee Machine - Office 35 Old Perth Road - Repairs & Service	-237.95
EFT39682	10/12/2019	SHOREWATER MARINE PTY LTD	North & South Jetty - Removal Of Timber	-19,782.82
EFT39683	10/12/2019	SWAN DISTRICTS FOOTBALL CLUB	Room Hire For Weed Management Forum	-655.00
EFT39684	10/12/2019	SYNERGY	Various Sites Synergy Account - Electricity Supply Charges	-42,873.69
EFT39685	10/12/2019	T & C COURIER & TRANSPORT SERVICES	Courier Services - Document Delivery - November 2019	-75.56
EFT39686	10/12/2019	UNITED PETROEUM PTY LTD	Depot - Fuel Supplies	-14,478.82
EFT39687	10/12/2019	W & M ELLISS	Depot - Minor Plant Parts	-81.40

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39688	10/12/2019	WATER2WATER PTY LTD	Water Dispenser Rental Maintenance Agreement	-49.50
EFT39689	10/12/2019	WESTERN AUSTRALIAN GENEALOGICAL SOCIETY INC.	Local History - Membership Renewal 2019/2020	-100.00
EFT39690	10/12/2019	WINC. AUSTRALIA PTY LTD	Various Business Units - Office Stationery	-65.04
EFT39691	10/12/2019	ZIRCODATA PTY LTD	Records - Document Bin Rental & Storage Fees - November 2019	-71.44
EFT39692	10/12/2019	AUSTRALIAN SERVICES UNION	Payroll Deductions	-181.30
EFT39693	10/12/2019	AUSTRALIAN TAX OFFICE (PAYG)	Payroll Deductions	-96,820.00
EFT39694	10/12/2019	CHILD SUPPORT AGENCY	Payroll Deductions	-253.97
EFT39695	10/12/2019	LGRCEU	Payroll Deductions	-41.00
EFT39696	10/12/2019	TOWN OF BASSENDEAN PAYROLL DEDUCTIONS	Payroll Deductions	-1,220.58
EFT39697	10/12/2019	ANDANTINO PTY LTD	Mens Shed Supply & Install Kit Shed	-164,601.80
EFT39698	10/12/2019	AUSTRALIAN OFFICE	Various Business Units - Self Seal Window Envelopes	-253.11
EFT39699	10/12/2019	BASSENDEAN MEN'S SHED INC	Traffic Management - Markets	-1,000.00
EFT39700	10/12/2019		Cancelled	0.00
EFT39701	10/12/2019	BROADREACH CONSULTING	Information Systems Review - Architecture Services / Consultants	-39,600.00
EFT39702	10/12/2019	CITY OF KWINANA	Transfer Long Service Leave Entitlements	-2,642.45
EFT39703	10/12/2019	CLEANAWAY (TOX FREE)	Disposal Of Illegally Dumped Dangerous Goods	-550.06
EFT39704	10/12/2019	COLES SUPERMARKETS AUSTRALIA	Various Business Units - Groceries Supplies	-885.66
EFT39705	10/12/2019	COMMAND-A-COM PTY LTD	Telephone System Maintenance & Repairs	-407.00
EFT39706	10/12/2019	CRACKAJACK PARTY HIRE	Green Trail Event - Table And Chair Hire	-433.40
EFT39707	10/12/2019	CTI RISK MANAGEMENT	Customer Service - Banking Collection - November 2019	-272.25
EFT39708	10/12/2019	DANIELE FOTI CUZZOLA	Public Relations Work - Naidoc Day 2019	-2,475.00
EFT39709	10/12/2019	DANIELLE MAREE PHOTOGRAPHY	Green Trail Event - Photography	-400.00
EFT39710	10/12/2019	DIAL A NAPPY (BUSICLEAN)	Wind In The Willows - Laundry Supplies	-2,344.50
EFT39711	10/12/2019	ELLIOT LANGDON	Library - Afternoon Affair With Elliot Langdon (Author Of Built Perth)	-375.00
EFT39712	10/12/2019	FOOD TECHNOLOGY SERVICES PTY LTD	Food Safety Services - Contractor - November 2019	-870.10
EFT39713	10/12/2019	GINO'S ALL ROUND HANDYMAN SERVICE	Seniors - Home Garden & Maintenance	-605.00
EFT39714	10/12/2019	HARVEY NORMAN AV/IT SUPERSTORE MIDLAND	Hyde Ret Village - Unit - New Stove	-1,099.00
EFT39715	10/12/2019	HATCHET PTY LTD ATF DM TRUST	Keen On Halloween - Photo Gallery	-1,353.00
EFT39716	10/12/2019	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Various Business Units - Labour Hire	-12,206.76
EFT39717	10/12/2019	KINDY MANAGER PTY LTD	Children Services - Kindy Manager Annual Subscription	-605.00

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39718	10/12/2019	LADYBIRD ENTERTAINMENT	Green Trail Event - Children Entertainers	-1,164.79
EFT39719	10/12/2019	LO-GO APPOINTMENTS	Various Business Units - Labour Hire	-3,301.85
EFT39720	10/12/2019	LORRAINES PARTY PONIES	Green Trail Event - Supply Pony For Photos	-450.00
EFT39721	10/12/2019	PLE COMPUTERS	Various Business Units - Computer Supplies	-887.00
EFT39722	10/12/2019	PROGRAMMED PROPERTY SERVICES	Various Sites - Streetscape Watering	-6,661.03
EFT39723	10/12/2019	SAFEMASTER SAFETY PRODUCTS	Various Sites - Roof Anchor Inspections	-3,644.66
EFT39724	10/12/2019	SEEK LIMITED	Various Business Units - Employment Advertising	-940.50
EFT39725	10/12/2019	STATE LIBRARY OF WA	Library - Better Beginnings Program 2019/2020 Packs	-1,490.50
EFT39726	11/12/2019	ABCO PRODUCTS PTY LTD	Depot - Toilet & Office Supplies	-601.25
EFT39727	11/12/2019	ACTION GLASS AND ALUMINIUM	Various Sites - Window Replacements	-802.07
EFT39728	11/12/2019	ADVANCE PRESS (2013) PTY LTD	Various Business Units - Printing	-297.00
EFT39729	11/12/2019	ASHFIELD COMMUNITY CHEMIST	Seniors - Client - Pharmaceutical Supplies	-249.00
EFT39730	11/12/2019	AUSTRALIA POST	Various Business Units - Postal Charges - November 2019	-5,043.62
EFT39731	11/12/2019	BASSENDAN WELLNESS CLINIC	Seniors - Client - Podiatry Home Visit	-180.00
EFT39732	11/12/2019	BBC ENTERTAINMENT	Remembrance Day - Welcome To Country	-715.00
EFT39733	11/12/2019	CAPTURE IMAGES	New Councillors - Single And Group Photos	-600.00
EFT39734	11/12/2019	DAILY LIVING PRODUCTS	Seniors - Client Independent Living Supplies	-285.00
EFT39735	11/12/2019	E FIRE & SAFETY (WA)	Various Sites And Library - Panel Testing	-121.00
EFT39736	11/12/2019	EASTERN METROPOLITAN REGIONAL COUNCIL	Various Domestic & Council Rubbish	-37,264.89
EFT39737	11/12/2019	EMILY PAULL	Library - Literary Salon With Emily Paull	-357.00
EFT39738	11/12/2019	GUILDFORD PODIATRY CLINIC	Seniors - Client - Podiatry Home Visit	-115.00
EFT39739	11/12/2019	HILLS NEUROLOGICAL REHABILITATION	Seniors - Client - Physiotherapy Session	-150.00
EFT39740	11/12/2019	IMPRESSIONS CATERING	End Of Year Staff Function - Catering	-4,142.05
EFT39741	11/12/2019	INDUSTRY DINER	Various Council Functions - Catering	-1,120.00
EFT39742	11/12/2019	JORDAN PHILIP ANDONOVSKI	Australia Day 2020 - Graphic Design	-780.00
EFT39743	11/12/2019	LANDCARE WEED CONTROL	Various Sites - Application Of Weed Control	-3,630.80
EFT39744	11/12/2019	LIFE CARE HOME CARE	Seniors - Client - Physiotherapy Session	-148.50
EFT39745	11/12/2019	LIFE READY MOBILE PTY LTD	Seniors - Client - Physiotherapy Session	-119.00
EFT39746	11/12/2019	LJR MAINTENANCE SERVICES	Depot - Day Hire - Excavator	-880.00
EFT39747	11/12/2019	MACRI PARTNERS	Independent Auditors Report - Roads To Recovery Programme	-990.00

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39748	11/12/2019	MAXIMUM INDEPENDENCE OCCUPATIONAL THERAPY	Seniors - Independent Living - Initial Assessment	-148.50
EFT39749	11/12/2019	MCDOWALL AFFLECK PTY LTD	Bill Walker Stand - Condition Inspection Report	-4,713.50
EFT39750	11/12/2019	MCL COMMERCIAL SERVICES	Various Sites - Mowing	-7,220.00
EFT39751	11/12/2019	MOORE STEPHENS	Attendance At Audit & Risk Committee Meetings	-1,172.20
EFT39752	11/12/2019	PERTH AIRPORTS MUNICIPALITIES GROUP	Perth Airports Municipalities Group - Membership Fee 2019/2020	-500.00
EFT39753	11/12/2019	READY INDUSTRIES PTY LTD	Jetties - Temp Fencing Hire	-484.00
EFT39754	11/12/2019	WALKERS PEST & LAWN MANAGEMENT	Various Sites - Ant Inspections And Treatments	-550.00
EFT39755	17/12/2019	BREE JENNINGS	Security Bond Refund	-2,805.00
EFT39756	17/12/2019	BUILDCOM CONSTRUCTION (WA) PTY LTD	Development Bond - Partial Refund	-85,000.00
EFT39757	17/12/2019	CAROL BONNER	Hall & Key Bond Refund	-1,050.00
EFT39758	17/12/2019	COLLEEN MAY RYAN	Reserve & Key Bond Refund	-350.00
EFT39759	17/12/2019	CR CHRIS BARTY	Council Elections Nomination Fee Refund	-80.00
EFT39760	17/12/2019	CR HILARY MACWILLIAM	Council Elections Nomination Fee Refund	-80.00
EFT39761	17/12/2019	DIANNE KRUGER	Hall & Key Bond Refund	-350.00
EFT39762	17/12/2019	JAMES HIGGINS	Hall & Key Bond Refund	-1,050.00
EFT39763	17/12/2019	KAREN ROSS	Security Bond Refund	-2,250.00
EFT39764	17/12/2019	KEITH HALL	Crossover Bond Refund	-2,000.00
EFT39765	17/12/2019	KIRSTY PLOEG	Hall & Key Bond Refund	-1,050.00
EFT39766	17/12/2019	SHAISHAV ADHIKARI	Hall & Key Bond Refund	-1,050.00
EFT39767	17/12/2019	VIEW 26 PTY LTD	Security Bond Refund	-2,805.00
EFT39768	17/12/2019	AUSTRALIAN SERVICES UNION	Payroll Deductions	-181.30
EFT39769	17/12/2019	AUSTRALIAN TAX OFFICE (PAYG)	Payroll Deductions	-96,547.00
EFT39770	17/12/2019	CHILD SUPPORT AGENCY	Payroll Deductions	-253.97
EFT39771	17/12/2019	LGRCEU	Payroll Deductions	-41.00
EFT39772	17/12/2019	TOWN OF BASSENDEAN PAYROLL DEDUCTIONS	Payroll Deductions	-1,220.58
EFT39773	17/12/2019	CR CHRIS BARTY	Meeting Fees - October, November & December 2019	-3,941.00
EFT39774	17/12/2019	CR HILARY MACWILLIAM	Meeting Fees - October, November & December 2019	-3,941.00
EFT39775	17/12/2019	CR JAI WILSON	Meeting Fees - October, November & December 2019	-4,966.75
EFT39776	17/12/2019	CR JRH GANGELL	Meeting Fees - October, November & December 2019	-4,966.75
EFT39777	17/12/2019	CR KATHRYN HAMILTON	Meeting Fees - October, November & December 2019	-6,799.49

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39778	17/12/2019	CR RENEE MCLENNAN	Meeting Fees - October, November & December 2019	-16,449.75
EFT39779	17/12/2019	CR SARAH QUINTON	Meeting Fees - October, November & December 2019	-4,966.75
EFT39780	17/12/2019	ACTION GLASS AND ALUMINIUM	Various Sites - Window Replacement	-526.57
EFT39781	17/12/2019	ADVANCE PRESS (2013) PTY LTD	Health - Manufacture - Food Business Risk Assessment Books	-660.00
EFT39782	17/12/2019	ALSCO PERTH	Office Linen And Laundry Services	-86.80
EFT39783	17/12/2019	AMAZING BRICK PAVING	Various Sites - Repair Verge And Walkway Brick Paving	-5,362.00
EFT39784	17/12/2019	ASSET INFRASTRUCTURE MANAGEMENT	Consulting Fee - Asset Management	-7,573.50
EFT39785	17/12/2019	AUSTRALIAN AIRCONDITIONING SERVICES PTY LTD	Various Sites - Air Conditioning Repairs & Maintenance	-975.15
EFT39786	17/12/2019	AUSTRALIAN OFFICE (AUSTRALIAN PAPER)	Various Business Units - Self Seal Window Envelopes	-84.83
EFT39787	17/12/2019	AUSTRALIAN RAILWAY HISTORICAL SOC.	Community Group Funding	-726.00
EFT39788	17/12/2019	AUSTRALIAN RED CROSS	Depot Staff - First Aid Training	-2,400.00
EFT39789	17/12/2019	BAILEYS FERTILISER	Various Sites - Fertiliser Applications	-3,448.50
EFT39790	17/12/2019	BASSEDEAN BOWLING CLUB INC	Seniors - Client Christmas Party Hall Hire & Catering	-3,463.00
EFT39791	17/12/2019	BASSEDEAN CRICKET CLUB	Jubilee Turf Wicket Maintenance - Second Instalment	-19,085.00
EFT39792	17/12/2019	BASSEDEAN NEWSAGENCY	Library - Subscriptions - November 2019	-124.38
EFT39793	17/12/2019	BASSEDEAN SETTLEMENTS	Acting As Settlement Agency For Land Swap	-1,462.00
EFT39794	17/12/2019	BATTERY SPECIALTIES (AUST) PTY LTD-WA	Depot - Minor Consumable Items	-70.95
EFT39795	17/12/2019	BEAVER TREE SERVICES	Various Sites - Street Tree Pruning	-30,969.40
EFT39796	17/12/2019	BIDVEST FOOD SERVICE	Seniors - Client Related Expenses - Groceries	-200.07
EFT39797	17/12/2019	BOC LIMITED	Depot - Bottled Gas Supplies & Equipment	-57.12
EFT39798	17/12/2019	BOWDEN TREE CONSULTANCY	Various Sites - Tree Inspection - Arborist Reports	-429.00
EFT39799	17/12/2019	BUDGET PEST CONTROL	Depot - Transportable Office - Black Ant Treatment	-181.50
EFT39800	17/12/2019	BUNNINGS GROUP LIMITED	Various Sites - Maintenance Supplies And Equipment	-1,033.67
EFT39801	17/12/2019	CALAMUNDA CAMEL EVENTS	Old Perth Road Christmas Markets - Camels	-1,050.00
EFT39802	17/12/2019	CELTIC CEILINGS	Ashfield Soccer Club Hall - Replace Ceiling	-6,490.00
EFT39803	17/12/2019	CHURCH OF CHRIST BASSEDEAN	Community Sponsorship - Carols By Candlelight	-2,500.00
EFT39804	17/12/2019	HOUSING AUTHORITY	Rates Refund	-1,303.63
EFT39805	17/12/2019	LUCAS LIAN-JUN AING	Visual Art Awards - Casa Mia Montessori School Winner	-100.00
EFT39806	17/12/2019	LUKA PAVLINOVICH	Rates Refund	-431.70
EFT39807	17/12/2019	POTTERKIN PTY LTD	Vibrancy Project - Old Perth Road - Mural Painting On Pavement	-2,000.00

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39808	17/12/2019	ROBERT KING	Procurement Assistance Contractor	-2,925.00
EFT39809	18/12/2019	CAPITAL RECYCLING	Illegally Dumped - Pick Up And Dispose Of Asbestos Sheets	-2,429.35
EFT39810	18/12/2019	CASA SECURITY PTY LTD	Various Sites - Security Alarm Repairs And Monitoring	-156.75
EFT39811	18/12/2019	CDM AUSTRALIA PTY LTD	Depot Admin Office - Multifunction Printer	-892.99
EFT39812	18/12/2019	CHARSLEY DENVER ANTHONY LOURENSZ	Seniors - Client Christmas Function - Music/Band	-300.00
EFT39813	18/12/2019		Cancelled	0.00
EFT39814	18/12/2019	CLEANDUSTRIAL SERVICES PTY LTD	Various Buildings Cleaning - November 2019	-23,656.72
EFT39815	18/12/2019	COLES SUPERMARKETS AUSTRALIA	Various Business Units - Groceries Supplies	-2,152.40
EFT39816	18/12/2019	COMMUNITY CINEMAS	Telethon Community Cinemas Season - Contribution	-11,130.00
EFT39817	18/12/2019	COMPLETE CORPORATE HEALTH - ASCOT	Various Business Units - Recruitment - Pre Employment Check	-198.00
EFT39818	18/12/2019	COVS - COVS PARTS PTY LTD	Depot - Minor Fleet Vehicle Parts	-1,288.95
EFT39819	18/12/2019	CREATING COMMUNITIES AUSTRALIA PTY LTD	Community Engagement Strategy - Consulting	-7,160.59
EFT39820	18/12/2019	DATA3	Office 365 Services - User Lease	-1,197.24
EFT39821	18/12/2019	DEPARTMENT OF FIRE & EMERGENCY SERVICES	Emergency Services Levy - 2019/2020 Esl Quarter 2 Contribution	-804,671.10
EFT39822	18/12/2019	MARIA DANIELS	Relax Instructor - Samba Drumming - Term 4 2019	-1,200.00
EFT39823	18/12/2019	DS WORKWEAR & SAFETY	Depot - Staff Uniforms	-649.46
EFT39824	18/12/2019	DULUX AUSTRALIA	Depot - Minor Consumable Items	-138.26
EFT39825	18/12/2019	DVG MORLEY CITY	Depot - Fleet Vehicle - Parts	-1,164.32
EFT39826	18/12/2019	EASTERN METROPOLITAN REGIONAL COUNCIL	Various Domestic & Council Rubbish	-64,125.65
EFT39827	18/12/2019	ECOSCAPE (AUSTRALIA) PTY LTD	Weed Management Strategy - Develop Draft Strategy	-4,928.00
EFT39828	18/12/2019	ELISABETH RICHARDSON	Old Perth Road Markets - Coordinator - September To November	-5,229.00
EFT39829	18/12/2019	ELLIOTTS IRRIGATION PTY LTD	Bic Reserve - Iron Filter Service / Maintenance	-490.60
EFT39830	18/12/2019	FUJI XEROX AUSTRALIA PTY LTD	Various Business Units - Photocopier Lease And Charges	-2,866.94
EFT39831	18/12/2019	GHD PTY LTD	Success Hill Spillway - Presentation To Council	-826.10
EFT39832	18/12/2019	GINO'S ALL ROUND HANDYMAN SERVICE	Seniors - Home Garden & Maintenance	-770.00
EFT39833	18/12/2019	GUILDFORD PODIATRY CLINIC	Seniors - Client - Podiatry Home Visit	-230.00
EFT39834	18/12/2019	HARVEY NORMAN	Hyde Ret Village - Unit 14 - New Stove	-1,099.00
EFT39835	18/12/2019	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Various Business Units - Labour Hire	-6,167.24
EFT39836	18/12/2019	HEATLEY SALES PTY LTD	Depot - Minor Supplies	-160.61
EFT39837	18/12/2019	HELEN DOBBIE	Relax Instructor - Hatha Yoga - Term 4 2019	-1,050.00



1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39838	18/12/2019	CITY OF SOUTH PERTH	Ranger Services - Pound Fees - November 2019	-399.60
EFT39839	18/12/2019	HOIST SALES & HYDRAULIC REPAIRS	Depot - Service & Repair Hoist	-1,908.50
EFT39840	18/12/2019	HOME CHEF	Seniors - Clients - Meals On Wheels	-203.78
EFT39841	18/12/2019	INDUSTRY DINER	Various Council Functions - Catering	-140.00
EFT39842	18/12/2019		Cancelled	0.00
EFT39843	18/12/2019	JOSH BYRNE & ASSOCIATES	Community Consultation & Verge Policy Review	-2,769.25
EFT39844	18/12/2019	KENNARDS HIRE	Twilight Markets - Generator & Equipment Hire	-1,134.60
EFT39845	18/12/2019	KLEENIT PTY LTD	Various Sites - Graffiti Removal	-28,866.81
EFT39846	18/12/2019	LANDGATE	Gross Rental Evaluation & Land Queries	-225.30
EFT39847	18/12/2019	LIFE READY MOBILE PTY LTD	Seniors - Client - Physiotherapy Session	-119.00
EFT39848	18/12/2019	LO-GO APPOINTMENTS	Various Business Units - Labour Hire	-3,668.37
EFT39849	18/12/2019	LOCKDOC	Various Sites - Key & Lock Repairs	-230.00
EFT39850	18/12/2019	MARKETFORCE PTY LTD	Various Business Units - Advertising	-9,269.85
EFT39851	18/12/2019	MARTINS TRAILER PARTS	Various Fleet Vehicles - Parts	-61.48
EFT39852	18/12/2019	MAXIMUM INDEPENDENCE OCCUPATIONAL THERAPY	Seniors - Independent Living - Initial Assessment	-148.50
EFT39853	18/12/2019	MCDOWALL AFFLECK PTY LTD	Bassendean Oval - Repairs To Cantilever Stand	-1,100.00
EFT39854	18/12/2019	MCLEODS & CO	Professional Fees - Legal Advise	-2,960.05
EFT39855	18/12/2019	MIDLAND MINICRETE	Various Sites - Crossover, Road And Footpath Maintenance	-2,570.70
EFT39856	18/12/2019	MINT CIVIL PTY LTD	Various Sites - Street Sweeping Services	-9,347.09
EFT39857	18/12/2019	MORLEY MOWER CENTRE	Depot - Minor Plant Parts	-553.95
EFT39858	18/12/2019	MORLEY SIGNWORKS	Various Sites - Streets Signs	-266.00
EFT39859	18/12/2019	MT LAWLEY MILK	Milk Supplies - 35, 46 & 48 Old Perth Road & Depot	-99.70
EFT39860	18/12/2019	NATURAL AREA HOLDINGS	Various Sites - Bushland Management	-14,584.69
EFT39861	18/12/2019	NELLA FITZGERALD	The 2020 Wonderrealm Sponsorship	-5,000.00
EFT39862	18/12/2019	NEXXT FRAME	Bindaring Park Photography	-590.25
EFT39863	18/12/2019	NORTH LAKE ELECTRICAL PTY LTD	Various Sites - Electrical Repairs & Maintenance	-1,048.40
EFT39864	18/12/2019	OARS ACROSS THE WATERS PTY LTD	Staff Training - Accountability And Ethical Decision Making	-7,221.51
EFT39865	18/12/2019	OCP SALES	Ranger Services - Staff Summer Polo Shirts	-359.92
EFT39866	18/12/2019	OFFICEWORKS SUPERSTORES PTY LTD	Various Business Units - Office Stationery	-1,165.13
EFT39867	18/12/2019	JOANNA BROWN	Arts & Cultural Plan - Final Graphic Design	-4,250.00

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
EFT39868	18/12/2019	PARAMOUNT BUSINESS SUPPLIES PTY LTD	Heat Binder Machine - Supplies	-264.00
EFT39869	18/12/2019	PARAMOUNT ELECTRICAL SERVICES	Various Sites - Electrical Repairs & Maintenance	-396.30
EFT39870	18/12/2019	PERTH SAFETY PRODUCTS PTY LTD	Depot - Safety Equipment And Signage	-1,133.00
EFT39871	18/12/2019	PILATES FLOW	Relax Instructor - Pilates - Term 4 2019	-1,900.00
EFT39872	18/12/2019	PROGRAMMED PROPERTY SERVICES	Various Sites - Streetscape Watering	-6,519.30
EFT39873	18/12/2019	QUALITY TRAFFIC MANAGEMENT PTY LTD	Various Road Closures And Traffic Management	-11,634.18
EFT39874	18/12/2019	QUICK CORPORATE AUSTRALIA PTY LTD	Various Business Units - Stationery & Electronic Whiteboard	-140.49
EFT39875	18/12/2019	READY INDUSTRIES PTY LTD	Jetties - Temp Fencing Hire	-156.09
EFT39876	18/12/2019	RELATIONSHIPS AUSTRALIA (WESTERN AUSTRALIA) INC	Employee Assistance Program - Counselling	-660.00
EFT39877	18/12/2019	REPLANTS PTY LTD	Surrey Street - Design Sketches For New Consideration	-1,188.00
EFT39878	18/12/2019	RESOURCE RECOVERY SOLUTIONS	Council Recycle Waste - Concrete, Bricks, Sand & Hotmix	-326.70
EFT39879	18/12/2019	RICKY ARNOLD AND ASSOCIATES	Arts & Culture Plan - Consultant Services	-2,500.00
EFT39880	18/12/2019	RICOH AUSTRALIA PTY LTD	Various Business Units - Photocopier Lease And Charges	-1,712.49
EFT39881	18/12/2019	RICOH FINANCE AUSTRALIA PTY LTD	Various Business Units - Photocopier Lease And Charges	-206.80
EFT39882	18/12/2019	RIDGE CREATIVE	International Volunteer Day - Volunteer Stories - Video Production	-600.00
EFT39883	18/12/2019	ROTARY CLUB OF SWAN VALLEY	Old Perth Road Markets - Marshalling Services - October & November	-2,800.00
EFT39884	18/12/2019	RUBY 9 PTY LTD	Relax Instructor - Thursday Morning Yoga - Term 4 2019	-810.00
EFT39885	18/12/2019	SHAUN CHANDRAN	Relax Instructor - Uke 123 - Term 4 2019	-1,040.00
EFT39886	18/12/2019	SINGTEL OPTUS PTY LTD	Seniors - Support Workers - Mobile Phone Charges - October 2019	-929.90
EFT39887	18/12/2019	ST JOHN AMBULANCE AUSTRALIA	Children Services - First Aid Kit Replenishment	-114.53
EFT39888	18/12/2019	STEP INTO LIFE BASSENDEAN	Relax Instructor - Outdoor Exercise And Run Club	-440.00
EFT39889	18/12/2019	SUEZ RECYCLING & RECOVERY PTY LTD	Various Sites - Bin Rubbish Collection	-2,062.14
EFT39890	18/12/2019	T-QUIP	Depot - Fleet Vehicle - Parts	-1,681.75
EFT39891	18/12/2019	TOTAL EDEN PTY LTD	Various Sites - Reticulation Supplies	-1,283.53
EFT39892	18/12/2019	TUNA BLUE PTY LTD	Facilitate Weed Management Forum	-2,365.00
EFT39893	18/12/2019	VENUS PLUMBING	Various Sites - Plumbing Repairs	-3,608.32
EFT39894	18/12/2019	WALKERS PEST & LAWN MANAGEMENT	Various Sites - Ant Inspections And Treatments	-605.00
EFT39895	18/12/2019	WATTS WESTERN RUBBER	Various Fleet Vehicle - Tyre Repairs & Replacements	-751.50
EFT39896	18/12/2019	WESTBOOKS	Library - Book Purchases	-412.69
EFT39897	18/12/2019	WESTERN AUSTRALIAN ELECTORAL COMMISSION	Local Government Council Elections 2019	-44,908.86

1st December 2019  
to  
31st December 2019

[illegible]

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
DD17888.1	02/12/2019	ONHOLD MAGIC	Messages On Hold - November 2019	-138.80
DD16919.2	05/12/2019	COMMONWEALTH CREDIT CARDS	Credit Card - November 2019	-20,517.07
DD17894.1	10/12/2019	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Payroll Deductions	-45,244.91
DD17894.2	10/12/2019	VIC SUPER	Superannuation Contributions	-161.12
DD17894.3	10/12/2019	MLC SUPER FUND	Superannuation Contributions	-400.18
DD17894.4	10/12/2019	COLONIAL FIRST STATE	Superannuation Contributions	-54.57
DD17894.5	10/12/2019	SUPER DIRECTIONS FUND	Superannuation Contributions	-230.17
DD17894.6	10/12/2019	ANZ SMART CHOICE SUPER	Payroll Deductions	-575.60
DD17894.7	10/12/2019	AMP SUPERLEADER	Payroll Deductions	-489.71
DD17894.8	10/12/2019	REST SUPERANNUATION	Payroll Deductions	-1,284.38
DD17894.9	10/12/2019	NGS SUPER	Superannuation Contributions	-307.04
DD17894.10	10/12/2019	MLC SUPER FUND	Superannuation Contributions	-172.40
DD17894.11	10/12/2019	SUN SUPER	Superannuation Contributions	-110.01
DD17894.12	10/12/2019	DIY MASTER PLAN	Superannuation Contributions	-192.20
DD17894.13	10/12/2019	COMMONWEALTH ESSENTIAL SUPER	Superannuation Contributions	-150.71
DD17894.14	10/12/2019	AUSTRALIAN ETHICAL SUPER	Superannuation Contributions	-273.71
DD17894.15	10/12/2019	CBUS INDUSTRY SUPERFUND	Superannuation Contributions	-160.54
DD17894.16	10/12/2019	BT SUPER FOR LIFE	Superannuation Contributions	-208.87
DD17894.17	10/12/2019	Q SUPER	Superannuation Contributions	-328.50
DD17894.18	10/12/2019	MLC WRAP SUPER	Superannuation Contributions	-39.29
DD17894.19	10/12/2019	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	Superannuation Contributions	-58.42
DD17894.20	10/12/2019	HESTA SUPER FUND	Payroll Deductions	-2,305.43
DD17894.21	10/12/2019	PLUMMER SUPERANNUATION FUND	Superannuation Contributions	-1,015.56
DD17894.22	10/12/2019	B & L SUPER FUND	Superannuation Contributions	-222.42
DD17894.23	10/12/2019	AUSTRALIAN/WESTSCHEME SUPER	Superannuation Contributions	-6,836.78
DD17894.24	10/12/2019	HOST PLUS	Superannuation Contributions	-657.28
DD17894.25	10/12/2019	TWU SUPERANNUATION	Superannuation Contributions	-282.94
DD17913.1	16/12/2019	SG FLEET AUSTRALIA PTY LTD	Fleet Vehicles Leases - December 2019	-15,834.06
DD17917.1	24/12/2019	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Payroll Deductions	-45,839.94
DD17917.2	24/12/2019	VIC SUPER	Superannuation Contributions	-230.17

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
DD17917.3	24/12/2019	MLC SUPER FUND	Superannuation Contributions	-225.74
DD17917.4	24/12/2019	COLONIAL FIRST STATE	Superannuation Contributions	-54.57
DD17917.5	24/12/2019	SUPER DIRECTIONS FUND	Superannuation Contributions	-230.17
DD17917.6	24/12/2019	ANZ SMART CHOICE SUPER	Payroll Deductions	-662.47
DD17917.7	24/12/2019	AMP SUPERLEADER	Payroll Deductions	-520.50
DD17917.8	24/12/2019	REST SUPERANNUATION	Payroll Deductions	-1,288.40
DD17917.9	24/12/2019	NGS SUPER	Superannuation Contributions	-319.11
DD17917.10	24/12/2019	MLC SUPER FUND	Superannuation Contributions	-220.91
DD17917.11	24/12/2019	SUN SUPER	Superannuation Contributions	-62.86
DD17917.12	24/12/2019	DIY MASTER PLAN	Superannuation Contributions	-220.64
DD17917.13	24/12/2019	COMMONWEALTH ESSENTIAL SUPER	Superannuation Contributions	-44.79
DD17917.14	24/12/2019	AUSTRALIAN ETHICAL SUPER	Superannuation Contributions	-382.89
DD17917.15	24/12/2019	CBUS INDUSTRY SUPERFUND	Superannuation Contributions	-160.55
DD17917.16	24/12/2019	BT SUPER FOR LIFE	Superannuation Contributions	-216.18
DD17917.17	24/12/2019	Q SUPER	Superannuation Contributions	-335.68
DD17917.18	24/12/2019	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	Superannuation Contributions	-56.34
DD17917.19	24/12/2019	PLUMMER SUPERANNUATION FUND	Superannuation Contributions	-1,015.56
DD17917.20	24/12/2019	HESTA SUPER FUND	Payroll Deductions	-2,371.34
DD17917.21	24/12/2019	B & L SUPER FUND	Superannuation Contributions	-192.49
DD17917.22	24/12/2019	AUSTRALIAN/WESTSCHEME SUPER	Superannuation Contributions	-6,886.85
DD17917.23	24/12/2019	HOST PLUS	Superannuation Contributions	-636.05
DD17917.24	24/12/2019	TWU SUPERANNUATION	Superannuation Contributions	-282.94

1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
	31/12/2019	PAYROLL CREDITORS	TOTAL FOR MONTH DECEMBER 2019	-859,554.11
TOTAL MUNICIPAL & TRUST EFT PAYMENTS				-3,082,253.47

Chq/EFT	Date	Name	Description	Amount
6140	18/12/2019	GEMMILL HOMES	Security Bond Refund	-2768.00
TOTAL TRUST CHEQUE PAYMENTS				-2,768.00



1st December 2019  
to  
31st December 2019

Chq/EFT	Date	Name	Description	Amount
86144	05/12/2019	ALEXANDER JARVIS	Scholarship Award 2019	-500.00
86145	05/12/2019	ASHFIELD PRIMARY SCHOOL	School Citizenship Awards 2019	-100.00
86146	05/12/2019	BASSENDAN PRIMARY SCHOOL	School Citizenship Awards 2019	-100.00
86147	05/12/2019	EDEN HILL PRIMARY SCHOOL	School Citizenship Awards 2019	-100.00
86148	05/12/2019	MARCUS GORDON	Scholarship Award 2019	-500.00
86149	05/12/2019	MIRAH SUGIARTHA	Scholarship Award 2019	-500.00
86150	05/12/2019	SCARLETT SMITH	Scholarship Award 2019	-500.00
86151	05/12/2019	ST MICHAEL'S SCHOOL	School Citizenship Awards 2019	-100.00
86152	05/12/2019	SUZANNE SEINOR & WILLIAM BUSBY	Rates Refund	-1,727.26
86153	05/12/2019	THEA MASTERS	Scholarship Award 2019	-500.00
86154	05/12/2019	TOWN OF BASSENDEAN-PETTY CASH	Various Business Units - Petty Cash	-233.50
86155	05/12/2019		Cancelled	0.00
86156	05/12/2019	WATER CORPORATION	Various Sites - Water Rates & Usage Charges	-14,915.29
86157	05/12/2019	ANZAC TERRACE PRIMARY SCHOOL	School Citizenship Awards 2019	-100.00
86158	18/12/2019	GARY & MARGARET DAVEY	Rates Refund	-708.14
86159	18/12/2019	KENNETH YOUNG	Rates Refund	-965.91
86160	18/12/2019	LORAINA AUSTEN	Rates Refund	-171.38
86161	18/12/2019	TELSTRA	Telstra Telephone & Mobile Account - November 2019	-6,091.52
86162	18/12/2019	TOWN OF BASSENDEAN-PETTY CASH	Various Business Units - Petty Cash	-253.30
86163	18/12/2019	WATER CORPORATION	Cost To Repair/Replacement Of Water Meter	-284.58
TOTAL MUNICIPAL CHEQUES				-28,350.88
TOTAL PAYMENTS FOR DECEMBER 2019				-3,113,372.35

**LIST OF PAYMENTS**  
**FOR PERIOD**  
**ENDED 31<sup>st</sup> JANUARY 2020**

## SUMMARY OF SCHEDULE OF ACCOUNTS

FUND	VOUCHERS	AMOUNT \$
MUNICIPAL / TRUST		
EFT and Direct Debits 01-31 January 2020	39905 – 40113	2,214,767.79
TRUST FUND		
Cheques Commonwealth 6100-1015-9136	0	0.00
MUNICIPAL BANK		
Cheques Commonwealth 6100-1015-9128	86164 – 86172	9,112.85
		<hr/>
		\$2,223,880.64
		<hr/>

### DIRECTOR CORPORATE SERVICES' DECLARATION:

This list of payments, covering vouchers as above, will be submitted to Council on 25<sup>th</sup> February 2020. The List of Payments has been checked and is fully supported by vouchers and invoices, which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings, and the amounts shown have been paid.

---

DIRECTOR CORPORATE SERVICES

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT39905	07/01/2020	AUSTRALIAN TAX OFFICE (PAYG)	Payroll Deductions	-95,468.00
EFT39906	07/01/2020	CHILD SUPPORT AGENCY	Payroll Deductions	-253.97
EFT39907	07/01/2020	LGRCEU	Payroll Deductions	-41.00
EFT39908	07/01/2020	TOWN OF BASSENDEAN PAYROLL DEDUCTIONS	Payroll Deductions	-1,220.58
EFT39909	07/01/2020	AUSTRALIAN SERVICES UNION	Payroll Deductions	-155.40
EFT39910	14/01/2020	SHERIFFS OFFICE	Ranger Services - Fines To Be Lodged	-70.00
EFT39911	15/01/2020	BUILDCOM CONSTRUCTION (WA) PTY LTD	Security Bond Refund	-5,000.00
EFT39912	15/01/2020	GERALDINE PILLINGER	Hall & Key Bond Refund	-350.00
EFT39913	15/01/2020	JENNIFER MANININ	Reserve Key Bond Refund	-50.00
EFT39914	15/01/2020	MICHELLE BOURKE	Security Bond Refund	-2,805.00
EFT39915	15/01/2020	NICK RAMSWELL	Security Bond Refund	-3,000.00
EFT39916	15/01/2020	SECUREWEST BUILDING COMPANY PTY LTD	Security Bond Refund	-8,500.00
EFT39917	15/01/2020	ACTION GLASS AND ALUMINIUM	Various Sites - Window Replacement	-1,505.57
EFT39918	15/01/2020	ADAMAS CORPORATE SOLUTIONS	Seniors - Traccs Business Software Lease 2019/2020	-3,885.73
EFT39919	15/01/2020	ALSCO PERTH	Office Linen And Laundry Services	-183.36
EFT39920	15/01/2020	ANTONIO CONIGLIO	Rates Refund	-456.46
EFT39921	15/01/2020	APEX GATES	Depot Gate - Remotes And Programing	-697.00
EFT39922	15/01/2020	ASHFIELD COMMUNITY CHEMIST	Seniors - Client - Pharmaceutical Supplies	-425.00
EFT39923	15/01/2020	AUSTRALIA POST	Various Business Units - Postal Charges - December 2019	-1,569.38
EFT39924	15/01/2020	AUSTRALIAN AIRCONDITIONING SERVICES PTY LTD	Various Sites - Air Conditioning Repairs & Maintenance	-2,960.98
EFT39925	15/01/2020	AXIIS CONTRACTING	Various Sites - Crossover And Footpath Maintenance & Construction	-13,846.93
EFT39926	15/01/2020	B&A SMASH REPAIRS	Fleet Vehicle - Repairs	-914.80
EFT39927	15/01/2020	BANK OF QUEENSLAND FINANCE (AUST) LIMITED	Lease - New Servers / Equipment	-2,247.43
EFT39928	15/01/2020	BASSENDEAN BOWLING CLUB INC	Insurance Claim - Fused Bore Pump	-13,219.25
EFT39929	15/01/2020	BASSENDEAN MEN'S SHED INC	Old Perth Road Christmas Party - Sausage Sizzle	-863.00
EFT39930	15/01/2020	BASSENDEAN NEWSAGENCY	Library - Subscriptions - December 2019	-108.65
EFT39931	15/01/2020	BASSENDEAN TENNIS CLUB	Bassendean Tennis Courts - Maintenance - November & December	-4,582.60
EFT39932	15/01/2020	BCITF	Building & Construction Industry - Levy Collected - December 2019	-1,817.55
EFT39933	15/01/2020	BETTY LUDLOW	Library - Activity- Making Christmas Baskets	-400.00
EFT39934	15/01/2020	BREATHE-EASY CARPET & FABRIC CARE	Infant Health Clinic - Clean Carpets	-385.00

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT39935	15/01/2020	BRICKS 4 KIDZ GOSNELLS	Library - School Holidays Activities	-450.00
EFT39936	15/01/2020	BUNZL LTD	Depot - Toilet & Office Supplies	-883.65
EFT39937	15/01/2020	CAI FENCING	Jubilee Reserve - Bush Area - Fence Repairs	-616.00
EFT39938	15/01/2020	CARLOS YANEZ	Council Crossover Contribution	-592.00
EFT39939	15/01/2020	CATALYSE PTY LTD	Markyt Community Scorecard Survey And Report	-7,936.50
EFT39940	15/01/2020	CHILDREN'S BOOK COUNCIL OF AUSTRALIA	Library - Membership Fee - 2019/2020	-75.00
EFT39941	15/01/2020	CLEAN NRG PTY LTD	Hyde Retirement Village - Unit 2 - Solar Panel Inverter Checks	-165.00
EFT39942	15/01/2020	COLES SUPERMARKETS AUSTRALIA	Various Business Units - Groceries Supplies	-2,024.90
EFT39943	15/01/2020	COMMAND-A-COM PTY LTD	Phone Lines Repair - Telstra Lines Cancelled Early	-946.00
EFT39944	15/01/2020	CTI RISK MANAGEMENT	Customer Service - Banking Collection - December 2019	-181.50
EFT39945	15/01/2020	MACDONALD RUDDER	Rates Refund	-2,151.88
EFT39946	15/01/2020	DATA3	Office 365 Services - User Lease	-1,197.24
EFT39947	15/01/2020	DESIGN 2 SOLUTION	Children Services - Ashfield - Minor Works	-3,000.00
EFT39948	15/01/2020	DYMOCKS HAY STREET	Library - Book Purchases	-275.29
EFT39949	15/01/2020	E FIRE & SAFETY (WA)	Hyde Retirement Village - All Units Fire Equipment Checks	-1,300.20
EFT39950	15/01/2020	EASTERN METROPOLITAN REGIONAL COUNCIL	Various Domestic & Council Rubbish	-54,535.63
EFT39951	15/01/2020	FOOD TECHNOLOGY SERVICES PTY LTD	Food Safety Services - Contractor - December 2019	-353.10
EFT39952	15/01/2020	GARRARDS PTY LTD	Environ Services - Rat Bait Supplies To Residents	-174.92
EFT39953	15/01/2020	GINO'S ALL ROUND HANDYMAN SERVICE	Seniors - Home Garden & Maintenance	-777.75
EFT39954	15/01/2020	GUILDFORD PODIATRY CLINIC	Seniors - Client - Podiatry Home Visit	-115.00
EFT39955	15/01/2020	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Various Business Units - Labour Hire	-8,593.99
EFT39956	15/01/2020	HILLS NEUROLOGICAL REHABILITATION	Seniors - Client - Physiotherapy Session	-300.00
EFT39957	15/01/2020	HOME CHEF	Seniors - Meals On Wheels - December 2019	-1,435.55
EFT39958	15/01/2020	IMPRESSIONS CATERING	End Of Year Celebration - Additional Catering	-584.38
EFT39959	15/01/2020	INSTANT WINDSCREENS	Various Fleet Vehicle - Windscreen Repairs	-85.00
EFT39960	15/01/2020	J & K HOPKINS	Various Business Units - Office Furniture	-776.00
EFT39961	15/01/2020	LGIS WORKCARE	Depot Staff - Workcover Audiometric Hearing Tests	-2,079.00
EFT39962	15/01/2020	LIFE CARE HOME CARE	Seniors - Client - Physiotherapy Session	-126.50
EFT39963	15/01/2020	LIFE READY MOBILE PTY LTD	Seniors - Client - Physiotherapy Session	-357.00
EFT39964	15/01/2020	LO-GO APPOINTMENTS	Various Business Units - Labour Hire	-3,668.37

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT39965	15/01/2020	MCL COMMERCIAL SERVICES	Various Business Units - Labour Hire	-6,500.00
EFT39966	15/01/2020	MILLS WILSON	Communication Services - Jetties	-594.00
EFT39967	15/01/2020	MINT CIVIL PTY LTD	Various Sites - Street Sweeping Services	-21,447.85
EFT39968	15/01/2020	MOORE STEPHENS	Internal Audit Services - 2019-2020	-9,970.35
EFT39969	15/01/2020	MORLEY MOWER CENTRE	Depot - Minor Plant Parts	-133.75
EFT39970	15/01/2020	MOWMASTER TURF EQUIPMENT	Depot - Minor Plant Parts	-152.00
EFT39971	15/01/2020	MT LAWLEY MILK	Milk Supplies - 35, 46 & 48 Old Perth Road & Depot	-160.00
EFT39972	15/01/2020	N & N J HAEUSLER	Library & Volunteer - Daily/Weekly Newspaper Subscriptions	-42.25
EFT39973	15/01/2020	NAMISARTROOM	Library - Activity- School Holidays - Bag Decorating	-400.00
EFT39974	15/01/2020	NEXXT FRAME	Bindaring - Helicopter Photography	-590.25
EFT39975	15/01/2020	NIKKI DENNERLEY	Children Services - Happy Feet Incursion	-125.00
EFT39976	15/01/2020	NOISE & VIBRATION MEASUREMENT SYSTEMS PTY LTD	Health Services - Calibration Of Noise Meter	-968.00
EFT39977	15/01/2020	NORTH LAKE ELECTRICAL PTY LTD	Various Sites - Electrical Repairs & Maintenance	-3,308.45
EFT39978	15/01/2020	OFFICE OF THE AUDITOR GENERAL	Audit For Year Ended 30 June 2019	-44,000.00
EFT39979	15/01/2020	PRICE CONSULTING GROUP PTY LTD	Consultancy Services - Facilitation Of Ceo Performance Review	-4,778.40
EFT39980	15/01/2020	PROGRAMMED PROPERTY SERVICES	Various Sites - Streetscape Watering	-6,519.30
EFT39981	15/01/2020	PROMPT ENTERPRISES PTY LTD	Depot Lunchroom - New Hot Water System	-1,100.00
EFT39982	15/01/2020	RECOMMENDED TOWING PTY LTD	Ranger Services - Abandoned Vehicles	-176.00
EFT39983	15/01/2020	RIDGE CREATIVE	Gravit8 - Video Editing	-70.00
EFT39984	15/01/2020	SAFE T CARD AUSTRALIA PTY LTD	Ranger Services - Safe T Card Device Monitoring Fee	-264.00
EFT39985	15/01/2020	SANYATI PROPERTY SERVICES	Library - Cleaning Of Keyboards, Mice And Monitors	-176.00
EFT39986	15/01/2020	SCM EARTHMOVING CONTRACTORS	Telethon Summer Movies -Screen Installation	-671.00
EFT39987	15/01/2020	SHOFER PTY LTD	Seniors - Transport For Clients - November 2019	-2,988.02
EFT39988	15/01/2020	ST JOHN AMBULANCE AUSTRALIA	Various Sites - First Aid Kits - Replenishment	-883.43
EFT39989	15/01/2020	STAINLESS FABRICATION (WA) PTY LTD	Depot - Fleet Vehicle - Parts	-825.00
EFT39990	15/01/2020	STRATAGREEN	Various Sites - Fertiliser Applications	-1,085.18
EFT39991	15/01/2020	SUCCESS PRINT	Ranger Services - Parking Infringement Books	-1,860.00
EFT39992	15/01/2020	SUEZ RECYCLING & RECOVERY PTY LTD	Various Sites - Bin Rubbish Collection & Bulk Rubbish Collection	-136,829.60
EFT39993	15/01/2020	SURESHANK PTY LTD	Children Services - Ashfield - Planters Installation	-783.20
EFT39994	15/01/2020	SYNERGY	Various Sites Synergy Account - Electricity Supply Charges	-38,919.09



1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT39995	15/01/2020	T & C COURIER & TRANSPORT SERVICES	Courier Services - Document Delivery - December 2019	-77.45
EFT39996	15/01/2020	TPG NETWORK PTY LTD	Various Sites - Telephone Charges	-5,818.28
EFT39997	15/01/2020	ULLRICH ALUMINIUM	Depot - Minor Supplies	-88.79
EFT39998	15/01/2020	UNITED PETROEUM PTY LTD	Depot - Fuel Supplies	-9,331.66
EFT39999	15/01/2020	URBAQUA	Community - Land & Water Solutions	-1,760.00
EFT40000	15/01/2020	VENUS PLUMBING	Various Sites - Plumbing Repairs	-11,884.95
EFT40001	15/01/2020	WATER2WATER PTY LTD	Water Dispenser Rental Maintenance Agreement	-49.50
EFT40002	15/01/2020	WRITE SOLUTIONS AUSTRALIA PTY LTD	Events - Organic Bins	-396.00
EFT40003	15/01/2020	ZIRCODATA PTY LTD	Records - Document Bin Rental & Storage Fees - December 2019	-34.86
EFT40004	21/01/2020	AUSTRALIAN SERVICES UNION	Payroll Deductions	-155.40
EFT40005	21/01/2020	AUSTRALIAN TAX OFFICE (PAYG)	Payroll Deductions	-101,771.00
EFT40006	21/01/2020	CHILD SUPPORT AGENCY	Payroll Deductions	-253.97
EFT40007	21/01/2020	LGRCEU	Payroll Deductions	-41.00
EFT40008	21/01/2020	TOWN OF BASSENDEAN PAYROLL DEDUCTIONS	Payroll Deductions	-1,335.58
EFT40009	28/01/2020	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan No. 1608 - Library Redevelopment	-6,037.49
EFT40010	29/01/2020	CLAIRE DADA	Hall & Key Bond Refund	-400.00
EFT40011	29/01/2020	JUDE RODRIGUES	Hall & Key Bond Refund	-1,050.00
EFT40012	29/01/2020	LAURA MOULTON	Hall & Key Bond Refund	-550.00
EFT40013	29/01/2020	ROBYN PICKERING	Key Bond Refund	-50.00
EFT40014	29/01/2020	A. M BOLTS & NUTS	Depot - Minor Supplies - December 2019	-108.77
EFT40015	29/01/2020	ACTION GLASS AND ALUMINIUM	Various Sites - Window Replacement	-900.30
EFT40016	29/01/2020	ADELBY PTY LTD	Fire Season Contract Works - 2019/2020 Season	-1,001.00
EFT40017	29/01/2020	ADVANCED SPATIAL TECHNOLOGIES PTY LTD	Depot Engineering Office - Bluebeam Revv Standard Software Subscrip	-2,024.00
EFT40018	29/01/2020	ALSCO PERTH	Office Linen And Laundry Services	-134.98
EFT40019	29/01/2020	AMAZON SOILS & LANDSCAPING SUPPLIES	Various Sites - Fertiliser Applications	-336.05
EFT40020	29/01/2020	ANNE YARDLEY	Library - Local Studies - Oral History Transcript With Carol Seidel	-825.00
EFT40021	29/01/2020	ARGENTA PROJECTS P/L	Rates Refund	-1,461.97
EFT40022	29/01/2020	AUSTRALIAN AIRCONDITIONING SERVICES PTY LTD	Various Sites - Air Conditioning Repairs & Maintenance	-2,561.90
EFT40023	29/01/2020	BANK OF QUEENSLAND FINANCE (AUST) LIMITED	Lease - New Servers / Equipment	-4,494.86
EFT40024	29/01/2020	BASSONOVAS INC	Australia Day - Performance	-500.00

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT40025	29/01/2020	BOC LIMITED	Depot - Bottled Gas Supplies & Equipment	-59.03
EFT40026	29/01/2020	BUDGET PEST CONTROL	Seniors Office - Treat Black Ant Infestation	-668.50
EFT40027	29/01/2020	BUNNINGS GROUP LIMITED	Various Sites - Ant Inspections And Treatments	-1,859.52
EFT40028	29/01/2020	CABCHARGE AUSTRALIA LIMITED	Seniors Client - Transportation	-111.36
EFT40029	29/01/2020	CARDILE INTERNATIONAL FIREWORKS PTY LTD	Australia Day - Fireworks	-18,000.00
EFT40030	29/01/2020	CASA SECURITY PTY LTD	Various Sites - Security Alarm Repairs And Monitoring	-2,914.00
EFT40031	29/01/2020	CITY OF SOUTH PERTH	Ranger Services - Pound Fees - December 2019	-1,557.95
EFT40032	29/01/2020	COLES SUPERMARKETS AUSTRALIA	Various Business Units - Groceries Supplies	-108.40
EFT40033	29/01/2020	COMPLETE CORPORATE HEALTH - ASCOT	Various Business Units - Recruitment - Pre Employment Check	-990.00
EFT40034	29/01/2020	CONSTABLE CARE CHILD SAFETY FOUNDATION INC	Australia Day - Constable Care Lost Children Stand	-1,679.70
EFT40035	29/01/2020	COTERRA ENVIRONMENT	Bushland Management - Concept Design	-506.00
EFT40036	29/01/2020	CURTAIN DECOR	Administration Building - Install Decor Shade Blinds	-474.00
EFT40037	29/01/2020	DAILY LIVING PRODUCTS	Seniors - Client Independent Living Supplies	-2,910.00
EFT40038	29/01/2020	DAVID A HEANEY	Various Sites - Repair Verge And Walkway Brick Paving	-495.00
EFT40039	29/01/2020	DEMPSEY'S FLOORING & SANDING	Stan Moses Pavillion - Sanding & Sealing Floor	-6,875.00
EFT40040	29/01/2020	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	Building Services Levy Collected - December 2019	-3,017.98
EFT40041	29/01/2020	NETTA THOMPSON	Refund Dog Registration - Puppy Desexed Now	-150.00
EFT40042	29/01/2020	YOUSUF DIAS	Rates Refund	-1,691.56
EFT40043	29/01/2020	DS WORKWEAR & SAFETY	Depot - Staff Uniforms	-478.80
EFT40044	29/01/2020	E FIRE & SAFETY (WA)	Library - Service Fire Detection & Alarm Panel Testing	-226.60
EFT40045	29/01/2020	EASTERN METROPOLITAN REGIONAL COUNCIL	Various Domestic & Council Rubbish	-143,143.48
EFT40046	29/01/2020	ELLIOTTS IRRIGATION PTY LTD	Bic Reserve - Iron Filter Service / Maintenance	-490.60
EFT40047	29/01/2020	FUJI XEROX AUSTRALIA PTY LTD	Various Business Units - Photocopier Lease And Charges	-4,740.11
EFT40048	29/01/2020	GALLERIA MOTORS PTY LTD	Depot - Minor Fleet Vehicle Parts	-143.13
EFT40049	29/01/2020	GREENACRES TURF GROUP	Various Reserves - Turf Repairs	-17,550.00
EFT40050	29/01/2020	HARVEY NORMAN	Bore - Reticulation Control - Samsung Galaxy Tablet	-499.00
EFT40051	29/01/2020	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Various Business Units - Labour Hire	-5,583.36
EFT40052	29/01/2020	HEATLEY SALES PTY LTD	Depot - Minor Supplies	-1,544.38
EFT40053	29/01/2020	HOME CHEF	Seniors - Clients - Meals On Wheels	-76.00
EFT40054	29/01/2020	JOYCE TASMA	Old Perth Road Christmas Party - Christmas Decoration Workshop	-200.00

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT40055	29/01/2020	KBEST MARINE PTY LTD	Old Perth Road - Repairs To Flag Pole	-891.00
EFT40056	29/01/2020	LANDGATE	Rates - Gross Rental Evaluations	-406.40
EFT40057	29/01/2020	LG SOLUTIONS PTY LTD	Annual Maintenance And License Fee	-4,400.00
EFT40058	29/01/2020	LIFE READY MOBILE PTY LTD	Seniors - Client - Physiotherapy Session	-238.00
EFT40059	29/01/2020	MARKETFORCE PTY LTD	Various Business Units - Advertising	-754.50
EFT40060	29/01/2020	MCLEODS & CO	Professional Fees - Legal Advise	-338.38
EFT40061	29/01/2020	MICRO PRODUCTS AUSTRALIA	Ranger Services - New Microchip Readers	-565.00
EFT40062	29/01/2020	MT LAWLEY MILK	Milk Supplies - 35, 46 & 48 Old Perth Road & Depot	-226.20
EFT40063	29/01/2020	NAMISARTROOM	Library - School Holiday Activities - Anime Bag Making	-400.00
EFT40064	29/01/2020	NORTH LAKE ELECTRICAL PTY LTD	Various Sites - Electrical Repairs & Maintenance	-214.90
EFT40065	29/01/2020	OFFICEWORKS SUPERSTORES PTY LTD	Various Business Units - Office Stationery	-1,062.46
EFT40066	29/01/2020	PARAMOUNT ELECTRICAL SERVICES	Various Sites - Electrical Repairs & Maintenance	-7,759.85
EFT40067	29/01/2020	PERTH SAFETY PRODUCTS PTY LTD	Depot - Safety Equipment And Signage	-605.00
EFT40068	29/01/2020	PHASE 3 LANDSCAPE CONSTRUCTION PTY LTD	Mary Crescent Playground Construction- Progress Payment	-1,057.50
EFT40069	29/01/2020	PLE COMPUTERS	Various Business Units - Computer Supplies	-318.00
EFT40070	30/01/2020	ANDANTINO PTY LTD	Mens Shed Supply & Install Kit Shed - Claim # 3	-90,648.91
EFT40071	30/01/2020	CLEANDUSTRIAL SERVICES PTY LTD	Various Buildings Cleaning - December 2019	-22,011.27
EFT40072	30/01/2020	COVS - COVS PARTS PTY LTD	Depot - Minor Fleet Vehicle Parts	-933.69
EFT40073	30/01/2020	INSTANT WINDSCREENS	Various Fleet Vehicle - Windscreen Repairs	-175.00
EFT40074	30/01/2020	JEFF GREEN TREE LOPPING	Various Sites - Street Tree Pruning	-1,760.00
EFT40075	30/01/2020	KLEENIT PTY LTD	Various Sites - Graffiti Removal	-1,393.15
EFT40076	30/01/2020	MIRRABOOKA AUTO ELECTRICS	Depot Fleet Vehicle - Repairs	-759.00
EFT40077	30/01/2020	MORLEY MOWER CENTRE	Depot - Minor Plant Parts	-529.23
EFT40078	30/01/2020	NATURAL AREA HOLDINGS	Various Sites - Bushland Management	-21,525.43
EFT40079	30/01/2020	NETLINK GROUP PTY LTD	Depot - On Site Visit - Change Over Phone Service	-280.50
EFT40080	30/01/2020	QUALITY TRAFFIC MANAGEMENT PTY LTD	Various Road Closures And Traffic Management	-3,175.95
EFT40081	30/01/2020	QUICK CORPORATE AUSTRALIA PTY LTD	Various Business Units - Stationery Supplies	-705.32
EFT40082	30/01/2020	RALPH BEATTIE BOSWORTH PTY LTD	Bike Boulevard - Whitfield Safe Active Street - Pre-Tender Drawings	-3,080.00
EFT40083	30/01/2020	READY GARDEN SERVICES	Jubilee Reserve - Upgrade Piping And New Solenoid Wiring	-19,550.00
EFT40084	30/01/2020	READY INDUSTRIES PTY LTD	Jetties - Temp Fencing Hire	-156.09

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
EFT40085	30/01/2020	RELATIONSHIPS AUSTRALIA (WESTERN AUSTRALIA) INC	Employee Assistance Program - Counselling	-495.00
EFT40086	30/01/2020	RESOURCE RECOVERY SOLUTIONS	Council Recycle Waste - Concrete, Bricks, Sand & Hotmix	-265.10
EFT40087	30/01/2020	RICOH AUSTRALIA PTY LTD	Various Business Units - Photocopier Lease And Charges	-2,536.35
EFT40088	30/01/2020	RICOH FINANCE AUSTRALIA PTY LTD	Various Business Units - Photocopier Lease And Charges	-206.80
EFT40089	30/01/2020	ROADS 2000	Various Sites - Road Repairs - Supply Ashphalt	-117.30
EFT40090	30/01/2020	SEEK LIMITED	Various Business Units - Employment Advertising	-627.00
EFT40091	30/01/2020	SHOFER PTY LTD	Seniors - Transport For Clients - December 2019	-1,229.01
EFT40092	30/01/2020	SIFTING SANDS	Various Sites - Reserves - Sand Clean	-4,879.81
EFT40093	30/01/2020	SINGTEL OPTUS PTY LTD	Seniors - Support Workers - Mobile Phone Charges - December 2019	-929.90
EFT40094	30/01/2020	SOILS AINT SOILS	Various Sites - Garden Soil Supplies	-611.00
EFT40095	30/01/2020	ST JOHN AMBULANCE AUSTRALIA	Library - First Aid Kits - Replenishments	-137.56
EFT40096	30/01/2020	STANTONS INTERNATIONAL	Surrey Street Project - Probity Services In Relation To Tender	-798.60
EFT40097	30/01/2020	STARLET NAPERY	Depot - Uniforms & Safety Gear	-71.50
EFT40098	30/01/2020	SUEZ RECYCLING & RECOVERY PTY LTD	Various Sites - Bin Rubbish Collection	-22,487.77
EFT40099	30/01/2020	SUNSHINE AIR CONDITIONING	Administration Building - New Office - Airconditioner Installation	-1,837.00
EFT40100	30/01/2020	SUPERCHARGE BATTERIES	Depot - Minor Consumable Tools	-547.22
EFT40101	30/01/2020	SWAN DISTRICTS FOOTBALL CLUB	End Of Year Staff Function - Venue Hire	-2,762.50
EFT40102	30/01/2020	SWAN VALLEY GALLERY	Change To Council Chamber Photo - Freeperson	-30.01
EFT40103	30/01/2020	SYNERGY	Various Sites Synergy Account - Electricity Supply Charges	-14,723.81
EFT40104	30/01/2020	T-QUIP	Depot - Fleet Vehicle - Parts	-2,922.10
EFT40105	30/01/2020	THE POSTER GIRLS	Australia Day - Distribution Posters And Flyers	-388.30
EFT40106	30/01/2020	TOTAL EDEN PTY LTD	Various Sites - Reticulation Supplies	-2,708.49
EFT40107	30/01/2020	VENUS PLUMBING	Various Sites - Plumbing Repairs	-2,475.28
EFT40108	30/01/2020	WATTS WESTERN RUBBER	Various Fleet Vehicle - Tyre Repairs & Replacements	-1,230.00
EFT40109	30/01/2020	WESTBOOKS	Library - Book Purchases	-318.96
EFT40110	30/01/2020	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	Local Government - New Councillors Training	-585.00
EFT40111	30/01/2020	WOODLANDS DISTRIBUTORS & AGENCIES PTY LTD	Reserves /Parks - Dog Poo Bags	-1,380.06
EFT40112	30/01/2020	ZIPFORM PTY LTD	Rates Notices - Printing 3Rd Instalment	-4,954.35
EFT40113	31/01/2020	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan No. 156 - Library Redevelopment	-13,223.83

1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
DD17943.1	02/01/2020	ONHOLD MAGIC	Messages On Hold - January 2020	-138.80
DD17919.2	06/01/2020	COMMONWEALTH CREDIT CARDS	Credit Card - December 2019	-11,533.03
DD17939.1	07/01/2020	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Payroll Deductions	-45,731.63
DD17939.2	07/01/2020	VIC SUPER	Superannuation Contributions	-225.46
DD17939.3	07/01/2020	MLC SUPER FUND	Superannuation Contributions	-225.75
DD17939.4	07/01/2020	COLONIAL FIRST STATE	Superannuation Contributions	-56.48
DD17939.5	07/01/2020	SUPER DIRECTIONS FUND	Superannuation Contributions	-242.25
DD17939.6	07/01/2020	ANZ SMART CHOICE SUPER	Payroll Deductions	-673.50
DD17939.7	07/01/2020	AMP SUPERLEADER	Payroll Deductions	-529.03
DD17939.8	07/01/2020	REST SUPERANNUATION	Payroll Deductions	-1,154.49
DD17939.9	07/01/2020	NGS SUPER	Superannuation Contributions	-320.28
DD17939.10	07/01/2020	MLC SUPER FUND	Superannuation Contributions	-229.07
DD17939.11	07/01/2020	COMMONWEALTH ESSENTIAL SUPER	Superannuation Contributions	-133.58
DD17939.12	07/01/2020	DIY MASTER PLAN	Superannuation Contributions	-168.00
DD17939.13	07/01/2020	AUSTRALIAN ETHICAL SUPER	Superannuation Contributions	-343.69
DD17939.14	07/01/2020	CBUS INDUSTRY SUPERFUND	Superannuation Contributions	-198.40
DD17939.15	07/01/2020	BT SUPER FOR LIFE	Superannuation Contributions	-212.53
DD17939.16	07/01/2020	Q SUPER	Superannuation Contributions	-346.77
DD17939.17	07/01/2020	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	Superannuation Contributions	-58.07
DD17939.18	07/01/2020	PLUMMER SUPERANNUATION FUND	Superannuation Contributions	-1,015.56
DD17939.19	07/01/2020	B & L SUPER FUND	Superannuation Contributions	-230.17
DD17939.20	07/01/2020	HESTA SUPER FUND	Payroll Deductions	-2,000.30
DD17939.21	07/01/2020	AUSTRALIAN/WESTSCHEME SUPER	Superannuation Contributions	-6,578.94
DD17939.22	07/01/2020	HOST PLUS	Superannuation Contributions	-655.28
DD17939.23	07/01/2020	TWU SUPERANNUATION	Superannuation Contributions	-292.74
DD17966.1	08/01/2020	SHERIFFS OFFICE	Ranger Services - Fines To Be Lodged	-70.00
DD17980.1	15/01/2020	SG FLEET AUSTRALIA PTY LTD	Fleet Vehicles Leases - January 2020	-15,125.84
DD17987.1	21/01/2020	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Payroll Deductions	-48,241.90
DD17987.2	21/01/2020	REST SUPERANNUATION	Payroll Deductions	-1,568.92
DD17987.3	21/01/2020	VIC SUPER	Superannuation Contributions	-230.17

31st January 2020

[illegible]



1st January 2020  
to  
31st January 2020

Chq/EFT	Date	Name	Description	Amount
	31/01/2020	PAYROLL CREDITORS	TOTAL FOR MONTH JANUARY 2020	-866,363.93
			TOTAL MUNICIPAL & TRUST EFT PAYMENTS	-2,214,767.79

Chq/EFT	Date		Description	Amount
			TOTAL TRUST CHEQUE PAYMENTS	

1st January 2020  
to  
31st January 2020

[illegible]