

TOWN OF BASSENDEAN

NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 25 August 2015 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

21 August 2015

Councillors, please note that the Briefing Session will commence at 5.00pm; a meal will be provided at 6.15pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Pule will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Members of the public are requested to please sign the Attendance Sheet located in the Council Chamber.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice

At the July Ordinary Council Meeting, Mrs Tina Klein asked a question relating to the funding source for the auditing of Ashfield CAN accounts.

Mr Haggart, Director Community Development, responded to Mrs Klein in an email dated 19 August 2015, as follows:

“Having enquired with Ashfield CAN, I can now advise that the Auditor fees were paid from the Associations operations account. No distinction was made in so doing as to the source of the funds. While the Association did receive funds from the Town in that financial period, it was not the Associations only source of revenue. The Auditor fees are a legitimate operational cost and it is deemed the explanation meets requirements of the Town. The audited accounts will be presented for adoption at the Association’s Annual General Meeting to be held in September.

Should you have further queries into this matter, you may consider referring them to the Ashfield CAN President.”

2.2 Public Question Time

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

2.3 Address by Members of the Public

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 28 July 2015 **(Attachment No. 1)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 28 July 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 28 July 2015, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

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

Standing Orders Local Law 2011, Clause 5.4 states:

- (1) In this clause adoption by en bloc voting means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 25 August 2015:

Item	Report
10.2	Proposed Outdoor Dining Permit adjacent to Lot 144 Nos 77-83 Old Perth Road Bassendean
10.3	Pedestrian Crossing Report – Intersection Old Perth Road and Whitfield Street, Bassendean
10.6	Vandalism of Various Street Verge Trees Within the Town of Bassendean
10.7	Annual Schools' Scholarship & Citizenship Awards
10.9	City of Perth Bill 2015 Support for the Concerns Raised by the City of South Perth
10.10	Determinations Made by the Principal Building Surveyor
10.11	Determinations Made by Development Services
10.13	Cultural Development Advisory Committee 22 July 2015
10.14	Accounts for Payment – July 2015
10.15	Financial Statements – July 2015
10.16	Implementation of Council Resolutions
10.17	Use of the Common Seal
10.18	Calendar for September 2015

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

Item	Report
10.4	RFT CO 033 2014-15 - Provision of Maintenance Services
10.5	RFT CO 028 2014-15 - Installation of a New Artesian Bore, Steel Blue Oval, Bassendean
10.8	Children's Services 2015-2016 Budget Amendment
10.12	Bassendean Local Studies Collection Management Committee Meeting held on 6 August 2015

10.2 Proposed Outdoor Dining Permit adjacent to Lot 144 Nos 77-83 Old Perth Road Bassendean, Applicant: Mr Steve Fletcher, Cork and Bottle (Ref:DABC/BDVAPPS/ALF5 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to consider an application for an outdoor eating facility that incorporates:

- Four fixed wooden beam structures to “frame” the alfresco area;
- The potential removal of a recently planted street tree;
- The potential relocation of the visitor bicycle parking facilities required as part of the planning approval for the small bar, approved by Council.

ATTACHMENTS

Attachment No. 2:

- Concept Plans of Alfresco Area.
- Council Policies 3.2 - Outdoor Eating Facilities on Public Places Policy and 1.10 - Street Tree Protection Policy

BACKGROUND

At its meeting held in August 2014, Council granted approval for the change of use and additions to the above property to become a small bar: By definition a small bar is restricted to no more than 120 persons (including staff), on the licensed premises at any one time. A small bar may serve alcohol without a meal.

The approval issued by Council did canvass the notion of the alfresco dining area, but required the applicant to lodge a separate application for the required permit.

The application for the Permit is discussed further in the comment section.

STRATEGIC IMPLICATIONS

The following components of the Town’s Strategic Plan have relevance to the proposed development:

Town Planning and Built Environment
Objective

The Town Centre is a vibrant hub for community.

Strategy

Strive for the Town Centre to be a vibrant hub of mixed uses including: dining, entertainment, retail, commercial, civic facilities, family services, and residential apartments.

Economic Wellbeing and Prosperity

Objective

Redevelop and revitalise local centres.

Strategy

Engage with redevelopment plans for shopping centres and developments in Old Perth Road.

Objective

Build small business growth.

Strategy

Adopt a welcoming stance and attitude to businesses, and showcase local business capabilities.

COMMENT

The proposal generally accords with the objectives and provisions of the Town's Outdoor Eating Facilities on Public Places Policy, and is supported. However, the proposal involves certain elements which require Council discretion which are discussed below.

Structure within the alfresco area

The proposal includes four fixed wooden beam structures to "frame" the alfresco area. The four beams are approximately 7.9m wide with a maximum height of 3.0m, and include a further two support posts forming an entry to the area facing Old Perth Road. The proposal also includes an externally illuminated double sided sign with an area of 0.25m² which would project over the footpath outside the alfresco area.

In support of this element the applicant makes the following points:

"The posts to be installed are a very simple structure designed to facilitate lighting which is required by insurances. The idea is to create a point of interest publically that falls under the renew old Perth road incentive. The pet food shop custom would be most welcome to use posts to secure dogs for convenience."

From a policy perspective, Council's policy on Outdoor Eating Facilities states the following:

*"All outdoor eating facilities shall be of a movable nature, not be fixed to the public footpath paving material and shall be removed from the public footpath area in accordance to the specified time frames, unless otherwise approved. **If specifically requested by the applicant, or where positive benefits to the public and the Council can be seen, then fixing may be considered but only subject to detailed conditions on the method of fixing and, the costs of any subsequent removal and restoration being borne by the permit holder.**"*

The authority to approve the fixed structure in the verge area comes from the Local Government (Uniform Local Provisions) Regulations 1996. In essence Council may approve the structure providing that the use of the public place is not permanently or unreasonably restricted and the structure is maintained by the applicant and insurance is obtained indemnifying the Town against any claim for damages which may arise in, or out of, its construction, maintenance or use.

In terms of precedence, Council has previously approved a breezeway at the Ashfield IGA using the above Regulations.

The Manager Development Services supports the proposed structure and makes the following points:

- In terms of precedence, this verge is particularly wide and the opportunity to provide similar structures within the road reserve is limited in the Town.
- It is not intended to enclose the structure and when the alfresco area is not in use pedestrians will enjoy unimpeded use of the area, when the removable fences designed to delineate the area are removed.
- The proposed structure will become a focal point in this part of Old Perth Road.

The proposal also includes a relatively small sign with an area of 0.25m² which would project over the footpath outside the alfresco area. The sign is supported by the Manager Development Services, providing minimum headroom is applied to the sign, as applies to signs located under awnings, which also are positioned over footpaths throughout the Town. This simple sign will negate the need for further signage to be provided in the alfresco area.

The proposal also includes applying fairy lighting to the two box trees located adjacent to the alfresco area and this element is supported by Council Officers.

Relocation of recently planted Chinese tallow tree

The application includes a request for the possible relocation of a newly planted tallow tree, and the applicant would accept the associated costs to allow for proposed tables. If this is not feasible, plan B is to leave Tallow insitu. However, as space is limited within the alfresco, relocation would be preferred.

The request to remove the Chinese Tallow tree is not supported by Council Officers. It is considered that the use of alfresco areas should fit in with existing infrastructure and streetscape elements, including landscaping.

In addition to the above, removal of the tree is inconsistent with Council's Street Tree Protection Policy.

If Council takes a different view on this issue, an appropriate alternative recommendation would be (in place of recommendation 2):

“Authorises the removal of the exiting Chinese tallow tree subject to the applicant paying the reasonable costs to the Town of the tree’s removal, its replacement with an alternative tree, if the tree cannot be replanted, and the reinstatement of the brick paving.”

The potential relocation of the visitor bicycle parking facilities.

The applicant has indicated a desire not to provide the required visitor bicycles facilitates with the alfresco area. This request has been made as concern is expressed that providing bicycle facilities would be inconsistent with the safe service of alcohol. Providing the facilities would also cut down on the useable space for the alfresco area.

The applicant has indicated his preparedness to provide the bicycle parking facilities adjacent to the Old Trout, which is one shop removed from the alfresco area to the east.

The Manager Development Services supports this arrangement, or alternatively, a contribution could be made to the Town for the Town to provide the facilities in a nearby location. This would allow a bike rack to be provided consistent with the themed racks that are being provided throughout the Town Centre.

STATUTORY REQUIREMENTS

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, and the Health (Food & Hygiene) Regulation 1993 relating to Outdoor Eating.

Local Government (Uniform Local Provisions) Regulations 1996

The following is reproduced from the above Regulations:

*“17.Private works on, over, or under public places — Sch. 9.1
cl. 8*

(1) A person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property.

Penalty: a fine of \$5 000.

(2) Subregulation (1) does not apply to the construction of things by or on behalf of the Crown.

(3) A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.

(4) Permission granted by the local government under this regulation —

(a) must be in writing; and

(b) must specify the period for which it is granted; and

(c) must specify each condition imposed under subregulation (5); and

(d) may be renewed from time to time; and

(e) may be cancelled by giving written notice to the person to whom the permission was granted.

(5) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —

(a) a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction;

- (b) *a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.*
- (6) *It is a condition of the permission granted under this regulation that —*
 - (a) *the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed; and*
 - (b) *the person carrying out the construction work ensures that a footpath of a public thoroughfare or other public place that is local government property is covered during the period specified in writing by the local government so as to —*
 - (i) *prevent damage to the footpath; or*
 - (ii) *prevent inconvenience to the public or danger from falling materials;*
 - and*
 - (c) *damage to the public thoroughfare or public place resulting from the construction is repaired to the satisfaction of the CEO of the local government.*
- (7) *A person granted permission under this regulation must comply with each condition of the permission.*

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

- (8) *A person who constructs anything in accordance with permission granted under this regulation must — .*
 - (a) *maintain it; and*
 - (b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*

Penalty: a fine of \$5 000.

- (9) *For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a thing constructed on, over, or under a public thoroughfare or other public place that is local government property.*

Note: This regulation is of the kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 3. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender. Schedule 9.1 item 8(4) is relevant.

See also Schedule 3.1 Division 1 item 3 which allows a similar notice to be given even when no offence has been committed.”

FINANCIAL CONSIDERATIONS

Council currently charges a \$50 fee for the determination of permits of this type. This fee to date is very low, in comparison with other Councils, and has been designed to encourage economic vitality in the Town.

It is considered that the applicant should be advised that the fee of outdoor dining permits may increase in the future and may include a fee per m² or a fee based on the number of chairs and or tables provided.

OFFICER RECOMMENDATION - ITEM 10.2

That Council:

1. Approves the application for the installation of four fixed wooden beam structures within the footpath associated with the application for the Proposed Outdoor Dining Permit adjacent to Lot 144; Nos 77-83 Old Perth Road Bassendean, subject to the following conditions:
 - a. The structure shall be maintained to the satisfaction of the Town of Bassendean at the expense of the operators of the adjacent Small Bar;
 - b. Any damage to the public thoroughfare resulting from the construction shall be repaired at the applicants' expense;

- c. The applicant shall pay to the Town of Bassendean a bond of \$2112 to cover the costs of any damage to the public thoroughfare;
 - d. The structure shall be removed on written notice of the Town, if it no longer required for use in connection with the Small Bar;
 - e. The structural designs must be certified by a Structural Engineer. Furthermore, the completed works must be inspected by the Engineer who shall certify that they are structurally sufficient before the area can be opened for use;
 - f. The applicant shall obtain from an insurance company approved by the Town of Bassendean an insurance policy, in the joint names of Town of Bassendean and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use;
 - g. No additional advertising shall be placed on the structure beyond the extent of advertising approved as part of the application; and
 - h. the structure shall at no times be enclosed;
2. Does not approve the removal of the recently planted Chinese tallow tree in front of Lot 144 Nos 77-83 Old Perth Road Bassendean;
 3. Endorses the applicant providing the required visitor bicycle facilities adjacent to one of the adjoining shops forming part of Lot 144 Nos 77-83 Old Perth Road Bassendean, or alternatively making a monetary contribution of the value of the bike rack to the Town;
 4. Issues an annual Outdoor Dining Permit for the Cork and Bottle trading from 77 Old Perth, Bassendean, subject to the following conditions:
 - a) Compliance with the following Acts, Regulations, Local Laws and Policies:
 - i. Local Government Act 1995;
 - ii. Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010;

- iii. Town of Bassendean Economic Wellbeing and Prosperity Policy No. 3.2 – Outdoor Eating Facilities on Public Places Policy (Alfresco Dining); and
- b) No more than 12 tables and 40 chairs shall be provided or permitted to remain in the outdoor eating area.
- c) The outdoor eating area shall not be set up or conducted except on the following days and during the following hours:

5.00pm – 11.00pm Monday to Saturday;
2.00pm- 11.00pm Sundays;
- d) The movement of all path users, with or without disabilities, within the road reserve shall not be impeded. The area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width of 1.8 metres) shall be maintained for all users at all times in accordance with Asset Services requirements.
- e) All furniture, barriers and other structures must be removed from public areas at the close of each business day, unless otherwise specified in writing by the Town, and the Town may require that any furniture, barrier or other structure be removed at any time to allow street works, maintenance or cleaning to be undertaken.
- f) The consumption of alcohol is not permitted within the approved delineated outdoor eating area, unless the permit holder has obtained an appropriate approval from the Department of Racing, Gaming and Liquor (DRGL). The permit holder must ensure ongoing compliance with permit conditions, DRGL requirements, and effectively control noise and antisocial behaviour.
- g) All permits issued will be conditional upon the permit holder continuously maintaining acceptable public liability cover in accordance with Council Policy 3.2 – Outdoor Eating Areas (Alfresco Dining). The Certificate of Currency for Public Liability Insurance cover is be not less than \$10 million, and be from a reputable Insurance Underwriter acceptable to the Chief Executive Officer.

The proprietor must submit a copy of the Certificate of Currency for the annually renewed public liability. In the case that the required liability lapses, this permit is invalid, and the tables and chairs must be removed from Council property immediately.

- h) The outdoor eating area is to be appropriately managed by the permit holder, to prevent nuisances in relation to cigarette smoke entering the premises, animals, trip hazards, anti-social behaviour, graffiti and litter. The outdoor eating area, furniture and structures within, is to be maintained in a clean, safe and structurally sound manner.
- i) Routine inspections will be undertaken of outdoor eating areas to determine compliance with the Local Law, Policy, and permit conditions. Should non-compliance be identified, the Authorised Officer may recommend any of the following enforcement provisions: issue an infringement notice (modified penalty); impound furniture or other structures; cancel the permit; issue notice requiring works to remedy a breach of any provision of a permit; or initiate proceedings in the Magistrates Court
- j) Smoking is not permitted in an outdoor eating area, with the exemption of an outdoor eating area that is also defined as a “break out” area by the Department of Racing, Gaming and Liquor. Permit holders are responsible for ensuring that patrons do not smoke within the approved outdoor eating area, nor within a 5 metre radius of the approved outdoor eating area, but does not include a pedestrian passing momentarily by the outdoor eating area.

Advice to applicant:

The applicant is advised that:

1. The fees charged by the Town for outdoor dining permits may increase in the future and may include a fee based on the area of the permit and or the number of tables and chairs provided; and
2. The Town will accept one insurance policy for not less than \$10 million to cover the insurance required by resolutions 1 and 4 above.

Voting requirements: Simple Majority

10.3 Pedestrian Crossing Report – Intersection Old Perth Road and Whitfield Street, Bassendean (Ref: RECC/EVMNGT/9 - Ben Moore, Engineering Technical Coordinator & Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to provide Council with an assessment of the current pedestrian crossing location and an overview as to additional measures which may be considered to improve pedestrian safety.

ATTACHMENT

Attachment No. 3:

- Current Intersection Arrangement
- Vehicle/Pedestrian Survey
- LATMP Exert OPR Whitfield
- Bike Plan Exert OPR Whitfield

BACKGROUND

Prepared as response to Notice of Motion OCM-40/6/15 (Cr Pule):

“Officers investigate and report to Council with the objective to improve pedestrian crossing safety at Old Perth Road in front of the Professionals Estate Agents, to improve the current crossing by installing full white pedestrian crossing lines when possible and all other suitable safety measures.”

The current intersection arrangement can be seen in the attachments. This arrangement was submitted and approved for construction in June 2014, allowing for the modification of the central median island/pedestrian crossing and lighting to facilitate left turn movements for semi-trailers from Whitfield Street onto Old Perth Road in accordance with the conditions of approval for the upgrade of the Bassendean Village Shopping Centre for delivery trucks to exit the Town Centre without entering the residential area.

COMMENT

Officers have communicated with Main Roads WA, reviewed the Local Area Management Plan and undertaken a study of Old Perth Road in their investigation to seek opportunities to improve pedestrian crossing at this location.

The regulatory body responsible for the approval and installation of road line marking and signage within Western Australia is Main Roads Western Australia.

Officers sought information from Main Roads WA to get an understanding of what warrants were required to install line marking (commonly referred to as Wombat or Zebra Crossings) at the identified location. Main Roads WA advised that the following specific warrants are to be met:

“A zebra/wombat crossing may be considered if in two separate hours on an average weekday:

- *The number of pedestrians crossing in close proximity of the site (generally within 30m) exceeds 60 per hour;*
- *The number of vehicles exceeds 600 per hour; and*
- *the product of the number of pedestrian crossings and vehicles passing the site exceeds 90,000 in the same hour.”*

Officers conducted a spot survey of the intersection/location on 10 June 2015 between 8am and 9am. The data details are shown in the attachments.

The survey was conducted to ascertain if Main Roads warrants would be met and if the Town could request formalisation of a Wombat or Zebra Crossing. The survey showed these warrants would not be met at this time. A total of 438 vehicles and 45 pedestrians and with a product of 19,710 fell well short of the numbers required to gain approval, from Main Roads WA, for the formalisation of a Wombat/Zebra Crossing.

It is the intention of Officers to undertake this survey, at strategic times, in the future to gauge if these Main Roads WA warrants will be met once current building developments have been completed.

Within the Town's Local Area Traffic Management Plan (2012), a guiding document, Opus Consulting Engineers, provided the following summary regarding this location in Old Perth Road.

“Old Perth Road is very well designed and while data indicates a speeding trend, the feel of the road environment is one of a slower, safer road.”

Further to this, OPUS recommended the following to complement the existing treatments along the road and contribute to reduced speeds and encouraging a pedestrian priority feel to the Town Centre:

“The existing pedestrian crossing located on OPR near to its intersection with Whitfield Street should be upgraded to a Wombat Style crossing to match the existing Wombat Style Crossing further along OPR (nearer to the Library). This will not only afford more confidence to pedestrians, but also act as a speed calming device to slow vehicles down travelling along OPR”.

It was noted in the report that OPUS received this information during the survey period and did not seek feedback from Main Roads WA (MRWA) at the time. Officers wish to highlight that whilst it is possible to install these Wombat “Style” crossings in Old Perth Road around the intersection of Whitfield Street; MRWA highlights the following as disadvantages of these devices:

“May only be used on relatively straight and flat streets away from intersections”.

In relation to the above, the proposal to locate a Wombat Style Crossing (plateau) at the intersection of Whitfield Street and Old Perth Road, is clearly in contradiction with the Main Roads recommendations to utilise “away from intersections” and it is the opinion of officers that the OPUS recommendation should not be followed in this instance.

The Officer’s recommendation is that consideration to pedestrian movements should be made with this style of crossing on the entry path to the Bassendean Village Shopping Centre. This location falls at a mid-block location within the road straight when MRWA warrants are met.

This option can be pursued during the planning phase for the Old Perth Road resurfacing program scheduled for 2017/18 identified in the Asset Management Program.

The Town of Bassendean Local Bike Plan also makes recommendations that the intersection of Whitfield Street and Old Perth Road, (See attachment) should be considered in conjunction with the Local Area Traffic Management Plan (see attachment).

The Old Perth Road project draft “combined planning” will be referred to Council for consideration, in conjunction with the submission for road rehabilitation, prior to drafting the 2017-18 Capital Budget.

STRATEGIC IMPLICATIONS

Bassendean Community Strategic Plan 2015-2023
Town Planning and Built Environment:

Objectives:

Provide safe access for all road Users

Strategies:

Plan for bicycle paths and bicycle lanes to be provided, where possible to reduce vehicle traffic.

Continue to monitor traffic flows and intervene where necessary to ensure safety

FINANCIAL CONSIDERATIONS

There are no financial requirements in the 2015-16 financial year.

OFFICER RECOMMENDATION – ITEM 10.3

That:

1. Council receives the Safer Pedestrian Crossing – Old Perth Road report; and
2. Officers provide Council with an Old Perth Road project draft “combined planning”, in conjunction with the submission for road rehabilitation, prior to drafting the 2017-18 Capital Budget.

Voting requirements: Simple majority

10.4 RFT CO 033 2014-15 - Provision of Maintenance Services (Ref: COUP/TENDNG/55 – Ken Cardy Manager Asset Services)

APPLICATION

The purpose of this report is to present to Council a summary of tenders received against Request for Tender (RFT) CO 033 2015-16 - Provision of Maintenance Services, and appoint the most advantageous panel of contractors.

ATTACHMENTS

Confidential Attachment

BACKGROUND

Contractors were invited to tender for RFT CO 033 2015-16 - Provision of Maintenance Services via an advertisement in the Western Australian Newspaper on 4 July 2015.

There is no current contract for maintenance services.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objectives:

Foster enhance public space and street appearance and Preserve our heritage for future generations.

Strategies:

Plan for improved streetscapes which include better footpaths, street furniture, and Strive to ensure heritage building will be preserved and showcased.

COMMENT

In response to RFT CO 033 2015-16 - Provision of Maintenance Services, 11 tender offers were received prior to the tender deadline 2.30pm, 20 July 2015. The contract is for a 3 year period commencing 1 September 2015.

The Tender evaluation panel consisted of the following three officers; Building Services Supervisor, Parks & Garden Supervisor and Environmental Officer. The panel was required to assess each tender against the selection criteria.

All eleven Tenderers met the RFT compliance requirements and the following index represents the selection criteria and weighting for this contract.

The typical maintenance work to be undertaken by the maintenance panel will be small capital works projects and operational works, where current Town of Bassendean staff do not have the experience or qualifications, such as:

1. Limestone Walls
2. Small Bricklaying projects
3. Welding
4. Building Maintenance (carpentry, painting etc)
5. Installation of Street Furniture.

Index

Selection Criterion 1: Relevant Experience (20% weighting)

Selection Criteria 2: Key Personnel & Resources (20% weighting)

Selection Criteria 4: Pricing (60% weighting)

Pricing is regarded as commercial in confidence and therefore between the parties involved. Tables containing full pricing and selection criteria weighting is contained in a confidential attachment.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment:

Objectives:

Foster enhanced public space and street appearance

Strategies:

Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well developed and maintained street trees.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 2007

Town of Bassendean Tendering Procedures Manual

FINANCIAL CONSIDERATIONS

The recommended contractor's estimated total dollar value for the provision of this service is \$35,000 per annum. Projects and Maintenance programmes were listed as items within the 2015 -16 Capital and Operational Budgets.

OFFICER RECOMMENDATION – ITEM 10.4

That Council appoints J & J Swift Maintenance, John Griffin and LJR Maintenance as the panel of contractors to undertake the work as required in RFT CO 033 2015-16 - Provision of Maintenance Services in accordance with the specifications, and terms for a three year period commencing 1 September 2015.

Voting Requirement: Absolute majority

10.5 RFT CO 028 2014-15 - Installation of a New Artesian Bore, Steel Blue Oval, Bassendean (WATR/TENDNG/1 – Ken Cardy – Manager Asset Services)

APPLICATION

The purpose of this report is to seek Council approval to appoint a contractor, in line with WALGA's recommendation, and as per tender specifications (RFT CO 028 2014-15) for the installation of a new Artesian Bore at Steel Blue Oval, Bassendean.

ATTACHMENTS

Confidential Attachment

Full pricing and selection criteria weighting
WALGA Email
Tenderers' emails

BACKGROUND

In January 2015, contractors were invited to tender for RFT CO 028 2014-15 - Installation of a new artesian bore at Steel Blue Oval via an advertisement in the Western Australian Newspaper on Saturday 10 January 2015.

In response RFT CO 028 2014-15 - Installation of a new Artesian Bore at Steel Blue Oval, two tender offers were received prior to the tender deadline Friday 30 January 2015 at 10:30am.

The Tender evaluation panel consisted of the following three officers; A/Contracts Officer, Asset Services Parks & Garden Supervisor and Manager Asset Services. The panel was required to assess each tender against the selection criteria.

All Tenderers met the RFT compliance requirements and the following index represents the selection criteria and weighting for this contract.

Index

Selection Criteria 1: Experience with Similar Work (30% weighting)

Selection Criteria 2: Key Personnel (10% weighting)

Selection Criteria 3: Resources & Understanding (20%Weighting)

Selection Criteria 4: Pricing (40% weighting)

Pricing is regarded as commercial in confidence and therefore between the parties involved. Tables containing full pricing and selection criteria weighting is contained in a confidential report to the Council.

At the February 2015 OCM, due to insufficient funds in the 2014-15 Capital Budget, it was resolved (OCM-19/2/15) that Council:

1. Does not appoint a contractor at this time to construct a new Artesian Bore at Steel Blue Oval, Bassendean;
2. Allocates sufficient funds in the draft 2015/16 Town of Bassendean Budget to construct an artesian bore at Steel Blue Oval, Bassendean.

As part of the 2015/16 Budget, Council allocated \$550,000 for the installation of a new artesian bore at Steel Blue Oval, Bassendean. This amount was derived at from the tender submissions received in the February Request for Tender process.

In January 2015, the Town received permission from the State Heritage Office for the bore to proceed and advice from Department of Water (WA) that a license to construct a new artesian bore had been issued. This license is currently being renewed as it expired recently.

STRATEGIC IMPLICATIONS

Town of Bassendean Corporate Business Plan 2014-2018:

Town Planning and built environment:

Objectives:

Foster enhanced public space and street appearance

Strategies:

Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well developed and maintained street trees.

COMMENT

Prior to recommencing a new tender process, Officers contacted WALGA regarding the possibility of accepting the tenderer previously selected and recommended at the February 2015 Ordinary Council meeting.

WALGA advised *“that as the Town of Bassendean advertised request for tenders in February 2015, evaluated tenders received and determined the most advantageous tenderer for Council to accept. Council did not appoint a contractor at the time for reasons that all bids were beyond the Town’s allocated budget for this project and to allocate sufficient funds in the 2015/16 budget.*

Given that no tender was accepted at the time, Regulation 18(6) would not apply in this circumstance. However, there is question over the validity of tenders received, as a condition of tender. Without evidencing the Request for Tender document or knowing any other circumstances that may impact on a decision, it is presumed that the nominal 90 day validity period was offered and has now expired.

Should the Town want to consider awarding a tender beyond the validity period, it must seek an extension from all Tenderers to do so, so as to affect the award of a contract to the most advantageous tenderer within the agreed timeframe. Should this tenderer not agree to an extension, the Town may then award a contract to the next most advantageous (and valid) tender? It is important to note that the Town cannot accept any alteration to the tender from what was originally submitted for evaluation”.

As per WALGA’s recommendation, Officers contacted all tenderers and all responded stating that their offers would be still valid if the period was extended to the August Ordinary Council meeting.

Western Irrigations were the Evaluation Committee’s recommendation during the February tender process and are within the 2015-16 Capital Budget.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations 2007
Town of Bassendean Tendering Procedures Manual

FINANCIAL CONSIDERATIONS

The offer from Western Irrigation is within the 2015-16 Budget allocation.

OFFICER RECOMMENDATION – ITEM 10.5

That Council appoints Western Irrigation as the contractor to construct a new artesian bore at Steel Blue Oval, Bassendean.

Voting Requirement: Absolute majority

10.6 Vandalism of Various Street Verge Trees Within the Town of Bassendean (Ref: COUP/MAINT/1 – Simon Stewart-Dawkins, Director Operational Services & Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to advise Council that over the last two months an increased number of street verge trees have been removed, interfered with or pruned without permission from the Town.

ATTACHMENT

Confidential Attachments:

- Street Tree Investigation Reports
- Locations of Damaged Trees

BACKGROUND

Not including the two street verge trees that Council was advised of at the April OCM - 115 Broadway and 20 Wicks Street, a further ten street verge trees have been interfered with or totally removed.

Council's Amenity Tree Evaluation Policy provides a framework for a structured, consistent and effective method to determine the amenity value of trees. Staff have referred to a 2009 Street Tree Audit and applied the policy to the audit details for the locations shown in the Confidential Attachment.

After extensive public consultation, Council adopted the following policies:

- Significant Tree;
- Verge Treatment and Maintenance;
- Street Tree Protection;
- Street Tree Pruning, Removal and Replacement; and
- Amenity Tree Evaluation.

These policies are in place to clearly articulate the value trees have to our community and the contribution they bring to the amenity, aesthetics and sense of place for the residents of the Town.

As a result, the Town's Ranger's have undertaken a door knock of the neighbours surrounding the illegally removed, damaged and pruned street trees. Five residents advised they were the persons responsible for the pruning of the tree adjacent to their property. In other locations, no-one was aware of who was responsible for the interference.

On all occasions, each resident advised they were unaware they were unable to prune their verge tree, and on one occasion, a resident advised that over twenty years ago he had planted the street trees and was of the opinion he would therefore prune the trees in the Council thoroughfare. A copy of each investigation report is attached.

Of the two removed trees listed in the table above, one was removed without the authority of the Town prior to the sale of the adjacent property and the other was removed prior to submitting a planning application. The street trees that have been pruned occurred during the Town's greenwaste collection program, again without the authority of the Town of Bassendean.

Under Council Policy, the removal of street trees shall not be permitted for any of the following reasons:

- The tree obscures or has the potential to obscure views other than traffic/pedestrian line of sight.
- The tree species is disliked.
- The tree species causes nuisance by way of leaf, fruit, and/or bark shedding or the like.
- The tree causes allergy and or health problems.
- The tree is in the way of a non-essential crossover or verge paving option.
- The tree shades a private garden, solar hot water systems, or the like.

In the event of a person illegally removing damaging, pruning or poisoning a street tree, Council may prosecute the offender under the Local Government Act 1995 - Schedule 9.1, clause 2.

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

At the April 2015 OCM, it was resolved (OCM-15/04/15) that Council:

1. Approves the usage of vandalism awareness signs should a tree be destroyed by a selfish act of vandalism;
2. Approves the retention of the vandalised street trees until newly planted trees are sufficiently established; and
3. Notes that the vandalised trees may require some minor pruning while in place to reduce any public risk issues, and that these trees will be monitored for their safety.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023:

Environmental sustainability and adaption to climate change:

Objectives: *Maintain a healthy environment which supports a diverse range of flora and fauna.*

Strategies: *Continue to develop and maintain biodiversity corridors to provide breeding places and food sources for native flora and fauna.*

COMMENTS

Considering all street trees contribute to environmental benefits, the amenity, aesthetics and sense of place for the residents of the Town, at the April 2015 OCM, Council resolved to erect signage to send a clear message that illegal pruning, removal or poisoning of trees within the Town will not be tolerated.

Due to the recent unauthorised pruning and/or removal, Officers have undertaken an investigation with reference to an internal checklist for investigating breaches of a local law or Council policy and considered the value of some of the street trees using the Amenity Tree Evaluation Policy.

While amenity value of some of the trees may be low, the cost to Council to initially purchase the tree, plant the tree, provide fertilizer, water the tree for a minimum of two years until established and provide formative pruning, is expensive and has not been considered in the above costs.

A number of the residents interviewed by Rangers throughout the investigation process, have advised that they were unaware of the Town's Policy regarding pruning of street trees.

In the past, Council advertised all street tree policies in the local newspaper seeking community comment. Information regarding street trees can be found under the Town of Bassendean's website at www.bassendean.wa.gov.au - *Information & Feedback/General Information sheets* and if residents have questions regarding the street trees located in public thoroughfares, they have telephoned and sought clarification.

Whenever possible, the Town has an educational approach when dealing with breaches of Local Laws or Council Polices. In the future, the Bassendean Briefings and the 2016 Greenwaste information brochure will reiterate that residents and contractors are not permitted to prune or remove street trees.

Due to the alleged breach of Council's Local Law and street tree policies, Town of Bassendean Officers have investigated the unauthorised tree pruning and removal.

The outcome of the investigation indicates that the street trees listed were removed/damage or pruned and therefore it is suggested that the appropriate response be taken to send a clear message to residents, contractors and developers that street trees are protected.

If Council resolves to proceed, infringement letters will be forwarded to those persons who have been identified as breaching the Local Law or Council policy.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

All income received, regarding this matter, will go into the following account – Contributions to Work - GL 212161.

The cost for required Arborist Reports or to remove or prune trees, can be met from the Street Tree Operating Budget.

OFFICER RECOMMENDATION – ITEM 10.6

That Council notes that Officers will proceed with issuing infringement letters to those persons that have been identified in the Confidential Attachment of the Ordinary Council Agenda of 25 August 2015, as having breached the Local Government Act 1995 - Schedule 9.1, clause 2 Disturbing local government land or anything on it and the Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1, Interfering with, or taking from, local government land or other relevant provisions under the Act.

Voting requirement: Simple majority

10.7 Annual Schools' Scholarship & Citizenship Awards (Ref: COMR/AWADP/2 Sue Perkins, Executive Assistant)

APPLICATION

The purpose of this report is for Council to consider changes to the scholarship and citizenship grant amounts provided annually to the five primary schools in the Town.

ATTACHMENTS

Nil.

BACKGROUND

Council's previous policy 1.29, "Recognition of the Special Achievements of Individuals or Groups within the Town of Bassendean", included a category for "Educational Achievement" and another category for "Citizenship".

The educational achievement category involved a cash grant of \$250 per annum for three years, payable on satisfactory reports each year on achievements and progress to five Year 7 students, and subject to the recipient remaining a student in a high school in Western Australia.

The citizenship award was provided to two students from each of the five primary schools in the Town to a value of \$30 each.

Council's current policy, 5.2 – Community Awards, states:

"The Town of Bassendean recognises that "community awards" refers to recognition provided to individuals or groups for outstanding achievement or excellence within the local community in sporting, artistic, humanitarian or other fields. Community awards can take various forms, including: certificates, medals, financial/monetary awards etc.

Objective

The Town of Bassendean's objectives for the Community Awards Policy are:

- 1. To foster the continued involvement of individuals/groups in the pursuit of excellence within their chosen field of endeavour.*
- 2. To recognise ongoing commitment and raise the awareness about the achievements of awardees living within our community.*

3. *To provide incentives to stimulate achievement and excellence.*

Strategy

The Town of Bassendean strives to achieve these objectives by:

1. *Facilitating opportunities for community awards.*
2. *Ensuring community awards are provided in a range of pursuits.*
3. *Aiming to provide community awards to assist in creating a “sense of place” and community identity.*

STRATEGIC IMPLICATIONS

Nil.

COMMENT

Due to the local government reform process last year, Council made changes to the scholarship grant amounts provided as part of the schools' annual scholarship and citizenship awards.

As the reform process did not proceed, Council is now requested to consider the amount allocated to the scholarship and citizenship awards.

Previously, the scholarship achievement category involved a cash grant of \$250 per annum for three years, making a total payment of \$750.

To simplify the process, it is suggested that a one-off cash grant of \$500 be paid to one student from each of the five primary schools in the Town as a scholarship award.

It is also suggested that a citizenship award of \$50 be paid to two students from each of the five primary schools in the Town.

One student from each of the five primary schools in Bassendean is to be selected by the respective school on the basis of academic achievement. The names of the selected students are forwarded to Council.

The citizenship category promotes good citizenship by presenting awards to two students from each of the five primary schools who have shown good citizenship throughout the year.

The presentations will be made by the Mayor, or another Councillor, at the school's end of year assembly.

Council will also provide scholarship and citizenship certificates for each student.

STATUTORY REQUIREMENTS

Nil.

FINANCIAL IMPLICATIONS

The total annual cost will be \$3,000 and sufficient funds exist in the General Donations Account 391392, which has \$8,000 allocated in the budget.

OFFICER RECOMMENDATION — ITEM 10.7

That:

1. Council provides a Scholarship Award each year by way of a one-off payment of \$500 to one student from each of the five primary schools in the Town;
2. Council provides a \$50 Citizenship Award each year to two students from each primary school in the Town; and
3. The Funds be allocated from the General Donations Account No. 391392.

Voting requirements: Simple Majority

10.8 Children's Services 2015-2016 Budget Amendment (Ref: CONS/SVPROVN/1 - Michelle Hillary, Manager of Children's Services and Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to consider an amendment to the Children's Services Budget to fund the employment of two additional part time Educators.

BACKGROUND

In July the Town was informed by the Education and Care Regulatory Unit that a new Regulation requiring 100% staffing ratios to be maintained at all times will come in to effect as from 1 August 2015.

In 2012 COAG signed the National Agreement on the Early Years Learning Framework, the driver of national standard child care industry reforms.

Many of the reforms have been enacted.

An outstanding reform relates to 100% children in care to staff ratios being maintained at all-time, including over the lunch periods.

The Regulation has been enforced in other states but the effective date for enforcement in Western Australia has until the notification in July, been uncertain. In May, industry advocate, Care West, communicated an understanding that the new regulation would not commence in Western Australia until 1 August 2016.

To achieve compliance, the Town will require employing an additional four (4) half time Educators across the two Centres.

The Workforce Plan adopted in 2014/15 accommodates the staffing needs to achieve the 100% lunchtime cover with the inclusion of two (2) additional FTE Educator positions.

The 2015/16 budget was premised on the Regulation not being enforced in Western Australia in the current financial year, and staff planned to gear for the requirement, budgeting to employ two half-time Educators in the current year, with the additional two being budgeted in the 2016/17 financial year.

This strategy was implemented to lessen the financial burden for families in care.

Due to the regulation being brought into effect from 1 August 2015, a budget amended is required to facilitate employing the additional two half time Educators in the current year.

COMMENT

Wind in the Willows is only operating compliant with regulations by juggling staff rosters. This is a short term solution only and not sustainable given staff are working additional time and under constant pressure. Currently no non contact or respite time is possible.

Recent publicity has been given to the growing instances of non-compliances in the industry. If breached for non compliance at a random audit by the Education and Care Regulatory Unit, the Town could be subject to a fine of up to \$50,000.

A policy position has been taken by the Regulatory Unit to not approve requests for exemption from the new regulation and so the positions are required to be filled in the near term.

As the Service operates in a commercially competitive environment, it is required to operate financially at break-even or better and so not require any ratepayer subsidy.

To meet this objective and comply with the implementation of the Early Year's Learning Framework obligations, fees were required to be raised in the current financial year.

Further fee increases are therefore not being contemplated.

For the 2014/15 year, the Children Services' operating surplus was \$95,631 having generated \$1,869,631 in income and having maintained expenditure at \$1,774,000. The operating surplus assisted in the funding of capital works totalling \$47,853 and included kitchen renovations, cubby house and pergola.

STRATEGIC IMPLICATIONS

The employment of two part-time Educators will facilitate Wind in the Willows to operate within legislative requirements.

STATUTORY REQUIREMENTS

Local Government Act 1995
Education and Care Service National Regulations 2012
(Amended July 2015)
Children and Family Services Regulations 2006

Section 6.8 Local Government Act 1995 provides that a Local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is included in the adopted budget or is authorised in advance by resolution.

FINANCIAL IMPLICATIONS

The cost to salaries for the additional two part time staff over a full year is \$59,404 (plus 9.5% SGC and leave loading). Funding the positions for the residual period in the year will therefore require \$50, 036 (including superannuation).

Included in the budget is a \$50,000 contribution from the Town to a proposed capital works program for the Business Unit, The capital works are estimated will cost \$270,000. The balance of the funds (\$220,000) is budgeted to be received from Lotterywest as a grant.

At this time, an application to Lotterywest is being prepared, desirably for submitting in September. Given the Lotterywest processes require a minimum 4-month period from submission to notification, the Town is unlikely to be informed of the success or otherwise of the application until January 2016 at the earliest.

It is proposed the necessary funds be sourced by deleting the capital works program from the budget.

Staff will continue to pursue funding from Lotterywest for the project, and should the application be successful, the capital works will be referred for reconsideration in the February 2016 Budget Review. The source of any contribution to the project by the Town will be considered within that process.

OFFICER RECOMMENDATION – ITEM 10.8

That:

1. Council amends the 2015/16 Budget to reflect the following changes:

Deletes Account AB1510 - Building Renewal WITW	\$150,000
Deletes Account AB1511 - Ashfield Fence	\$40,000
Deletes Account AB1512 - Ashfield Shed	\$74,000
Deletes Account AE1503 - CCTV Ashfield	\$6,000
	<u>\$270,000</u>
Reduces Income Account 802011 – Grants	(\$220,000)

2. Council increases the Wind in the Willows salaries account by \$50,000 to facilitate the employment of two additional part-time Educators;
3. The expenditure be authorised in accordance with Section 6.8 of the Local Government Act; and
4. Subject to the successful grant applications being approved, the capital works program be referred to the 2015/16 budget review.

Voting requirements: Absolute Majority

10.9 City of Perth Bill 2015 Support for the Concerns Raised by the City of South Perth (Ref: GOVR/REGLIA/2 – Bob Jarvis, CEO)

APPLICATION

Council's consideration of the concerns raised by the City of South Perth about extraordinary provisions with the proposed City of Perth Act 2015 which may have unnecessary and negative impacts on all local governments.

ATTACHMENTS

Attachment No: 4: Correspondence from City of South Perth

BACKGROUND

A letter was received by the Town, on 4 August 2015, from the City of South Perth which highlighted clauses within the proposed City of Perth Act 2015 which it considers to be unnecessary and likely to cause negative or unwanted impacts on other local governments.

Specifically, the clauses and the concerns are as follows:

- City of Perth Boundaries (clauses 17 -18) which would see 1,800 residents from the City of Subiaco included in the City of Perth with no say in this decision, and a revenue loss to Subiaco of \$1.8 million. The clauses also allow for the City's boundary to be shifted to the centre of the Swan River with no explanation as to why this should be so.
- City of Perth Electoral matters (clauses 20 – 21) which proposes different eligibility provisions for electors than those that apply to all other local governments. The argument put by South Perth is: if the changes are seen to be beneficial why do they apply only to Perth, and why should Perth have different provisions than other local governments.
- City of Perth Restructuring Act 1993 repealed (clause 27) Councillors will be aware that this Act was made to restructure the old City of Perth and form the Towns of Victoria Park Vincent and Cambridge. It is not clear what the implications might be for those Towns if the Act is repealed.

- Botanic Gardens and Parks Authority Act 1998, clauses 28 – 29 which will give extraordinary powers and delegates to the Executive Director of Public Health and delegates over portions of Kings Park. Those powers would be those of a local government, and the concern is that those powers may well be used to expand the hospitals on Thomas Street into Kings Park.
- City of Perth Act 2015, Schedule 2.1, clause 5 amended (Clause 37) seeks to amend Schedule 2.1 of the Local Government Act to allow the Local Government Advisory Board to give regard to the special significance of the City of Perth, and there is a concern that this could lead to neighbouring councils losing land to the City of Perth using this special provision. South Perth suggest that the Burswood Peninsula is a potential target.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

We will provide leadership and build a sustainable place through our regional and government partnerships.

STATUTORY IMPLICATIONS

Any instance where current legislation for local government is amended to provide different rules for some local government without a clear rationale for doing so, should be opposed.

COMMENT

The concerns of South Perth appear valid with respect to the consequences of the proposed Act, treating the City of Perth in a manner which is significantly different to other local governments and with the possibility that neighbouring local governments could be affected and their communities having little or no say in any changes proposed. It is suggested that the Council pass resolutions which are similar in intent to those passed by the City of South Perth. It is understood that this Bill is likely to be dealt with by the Parliament this month, and, providing that it is not passed with or without amendments prior to Council's meeting, it will show support for the City in its concerns and provide useful input to the debate.

OFFICER RECOMMENDATION – ITEM 10.9

That Council instructs the CEO to write to the Minister for Local Government, the Premier, the Leader of the Opposition and WALGA expressing the following concerns about the proposed City of Perth Act 2015:

1. That Clause 37 of the proposed Bill is unnecessary and that the communities of all local governments should be treated equally with respect to proposals to change boundaries;
- 2, That Clauses 12 – 15 and 19 – 21 seek to treat the City of Perth differently to other local governments without proper explanation of the benefits of doing so, or why those changes should not apply to all local governments; and
3. That Clause 17 – 18, 28 – 29, and clause 27 all appear to have potential negative impacts on other local governments because of the ambiguity of the drafting of those clauses, and the need for those clauses to be redrafted to ensure that other local governments and their communities are provided with procedural fairness, and proper process, and that those local governments and communities are not adversely affected by those clauses with little or no say in the consequences.

Voting requirement: Simple majority

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

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

Building Applications Determined in the Month of July 2015		
Applicati on No	Property Address	Description
201500186	3D HARDY ROAD, BASSENDEAN	DOUBLE STOREY DWELLING
201500182	63 ESTHER STREET, EDEN HILL	SWIMMING POOL
201500180	12 LYNEHAM PLACE, BASSENDEAN	TWO NEW DWELLINGS
201500188	2/1 ANZAC TERRACE, BASSENDEAN	SINGLE TWO STOREY DWELLING
201500184	57 IVANHOE STREET, BASSENDEAN	GARAGE
201500183	63 ESTHER STREET, EDEN HILL	POOL FENCE
201500187	102 FIRST AVENUE, BASSENDEAN	DEMOLITION HOUSE DWELLINGS SHED
201500189	25 JACKSON STREET, BASSENDEAN	ASBESTOS ROOF AND WALL REPLACEMENT
201500181	61 SCADDAN STREET, BASSENDEAN	PATIO
201500143	28 FAULKNER WAY, EDEN HILL	PATIO
201500169	21 LUKIN WAY, BASSENDEAN	PATIO
201500165	127 KENNY STREET, BASSENDEAN	RE-ROOF AND ALFRESCO
201500152	148 WHITFIELD STREET, BASSENDEAN	PATIO
201500194	16 ROSETTA STREET, BASSENDEAN	PATIO
201500198	13 CHESTERTON ROAD, BASSENDEAN	PATIO
201500190	137 FIRST AVENUE, EDEN HILL	DEMOLITION EXISTING HOUSE AND OUTBUILDINGS
201500192	31 IRELAND WAY, BASSENDEAN	CARPORT/PATIO
201500199	45 LORD STREET, EDEN HILL	SINGLE DWELLING
201500191	5 STEELE STREET, EDEN HILL	TILE ROOF TO METAL ROOF
201500195	85 BROADWAY, BASSENDEAN	SHED
201500193	31 ASHFIELD PARADE, ASHFIELD	DWELLING
201500197	13 CARMAN WAY, BASSENDEAN	SINGLE STOREY GROUP DWELLING WITH GARAGE AND RETAINING WALL

201500176	82 SECOND AVENUE, BASSENDEAN	CARPORT
201500174	61 NORTH ROAD, BASSENDEAN	RENOVATION AND EXTENSION OF EXISTING RESIDENCE
201500178	WEST ROAD, BASSENDEAN	CANOPY ADDITIONS
201500177	109 KENNY STREET, BASSENDEAN	PATIO
201500175	WEST ROAD, BASSENDEAN	INTERNAL FIT OUT FOR JETTS FITNESS
201500201	48 PARKER STREET, BASSENDEAN	PATIO
201500203	3 ASHFIELD PARADE, ASHFIELD	DOUBLE STOREY RESIDENCE
201500207	10 FRENCH STREET, ASHFIELD	PATIO/CARPORT
201500206	16 CHESTERTON ROAD, BASSENDEAN	DEMOLITION
201500200	7 MARGARET STREET, ASHFIELD	DEMOLITION
201500217	13 MARY CRESCENT, EDEN HILL	CARPORT
201500214	65 WEST ROAD, BASSENDEAN	ALTERATIONS/ADDITIONS - OFFICE ADMINISTRATION BUILDING
201500216	27 BLACKTHORN ROAD, EDEN HILL	CARPORT
201500212	6 ESTHER STREET, EDEN HILL	PATIO

OFFICER RECOMMENDATION – ITEM 10.10

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

Voting requirement: Simple majority

10.11 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Development Services)

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

Planning and Subdivision Applications Determined to 14 Aug 2015			
Applic No	Property Address	Type of Development	DETERMINATION
	Applications for Planning Approval		
2014-241	23 IDA STREET BASSENDEAN 6054	14 MULTIPLE DWELLINGS	DELEGATE APPROVED
2015-052	83 KATHLEEN STREET BASSENDEAN 6054	ADDITIONAL DWELLING TO SIDE OF EXISTING TO FORM TWO GROUPED DWELLINGS	DELEGATE APPROVED
2015-062	46 GERALDINE STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2015-063	42 THIRD AVENUE BASSENDEAN 6054	FOUR GROUPED DWELLINGS	DELEGATE APPROVED
2015-086	25 SCHOFIELD STREET EDEN HILL 6054	TWO GROUPED DWELLINGS	DELEGATE APPROVED
2015-101	22 NORTH ROAD BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2015-106	19 IVANHOE STREET BASSENDEAN 6054	HOME OCCUPATION (HAIRDRESSING STUDIO)	DELEGATE APPROVED
2015-111	Unit 1 15 DYER ROAD BASSENDEAN 6054	MEZZANINE STORAGE AREA	DELEGATE APPROVED
2015-114	29 JACQUELINE STREET ASHFIELD 6054	PATIO (RETROSPECTIVE)	DELEGATE APPROVED
2015-122	41 DEVON ROAD BASSENDEAN 6054	RETAINING WALL	DELEGATE APPROVED
2015-124	13 CHESTERTON ROAD BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-125	48 PARKER STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-126	17 CHAPMAN STREET BASSENDEAN 6054	DEMOLITION	STATUTORY ADVICE
	Subdivision Applications		
72301	19 PURSER LOOP BASSENDEAN 6054	BUILT STRATA SUBDIVISION (FORM 24 & Form 26)	DELEGATE APPROVED
633-15	49 IVANHOE STREET BASSENDEAN 6054	FOUR LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE
702-15	35 SEVENTH AVENUE BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE

745-15	51 FOURTH AVENUE BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
752-15	44 SCHOFIELD STREET EDEN HILL 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
760-15	15 BRADSHAW STREET EDEN HILL 6054	FIVE LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE
809-15	47 PENZANCE STREET BASSENDEAN 6054	THREE LOT SURVEY STRATA	STATUTORY ADVICE
859-15	1 MARY CRESCENT EDEN HILL 6054	THREE LOT SURVEY STRATA	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 10.11

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

Voting requirement: Simple majority

10.12 Bassendean Local Studies Collection Management Committee Meeting held on 6 August 2015 (Ref: GOVNCCL/MEET/3, Allan Caddy, Manager Library and Information Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Local Studies Collection management Committee held on 6 August 2015.

ATTACHMENTS

Attachment No. 5:

Local Studies Collection Management Committee Meeting held on 6 August 2015

COMMENT

At its meeting on 6 August 2015, the BLSCMC dealt with the Local Studies Librarian's report.

The Committee also addressed the implications arising from the Reconciliation Action Plan. The Committee discussed the options for ensuring an ATSI representative is either a member of the Committee or is available to the Committee so that there is balance in matters impacting or relating to the ATSI community.

The Committee recommended that Council reviews the Instrument of Appointment and Delegation to amend the membership from four to five members with the additional member being an ATSI representative.

OFFICER RECOMMENDATION – ITEM 10.12

That:

1. Council amends the Bassendean Local Studies Management Committee's Instrument of Appointment and Delegation to increase the membership from four members to five Committee members with the additional member being drawn from the local ATSI community; and

2. The report on a meeting of the Bassendean Local Studies Collection Management Committee held on 6 August 2015, be received.

Voting requirement:

Point 1: Absolute majority

Point 2: Simple majority

10.13 Cultural Development Advisory Committee 22 July 2015
(Ref: GOVN/CCL/MEET/8 - Salvatore Siciliano, Manager
Recreation and Culture)

APPLICATION

The purpose of the report is for Council to note that the Cultural Development Advisory Committee scheduled to be held on Wednesday 22 July 2015, did not achieve a quorum.

ATTACHMENTS

Attachment No. 6: Cultural Development Advisory Committee Minutes of 22 July 2015

BACKGROUND

The Cultural Development Advisory Committee was scheduled to be held on Wednesday 22 July 2015. Three Committee members and two staff were in attendance. The meeting did not achieve a quorum and consequently did not proceed. In accordance with the current Instrument of Appointment and Delegation for the Committee, to achieve a quorum, at least 50% of the number of offices, whether vacant or not are required to be in attendance. Given that membership of the Committee comprises of two Councillors and seven community members, at least five Committee members were required to be in attendance to achieve a quorum.

STRATEGIC IMPLICATIONS

The Cultural Development Advisory Committee meets the following objective of the Bassendean 2023 Strategic Community Plan:

Encourage and support community connections and Strategy:

Provide opportunity and actively encourage community members to participate in community life through artistic and cultural expressions.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION – ITEM 10.13

That Council notes that meeting of the Cultural Development Advisory Committee scheduled to be held on Wednesday 22 July 2015, did not achieve a quorum.

Voting requirement - Simple Majority

10.14 Accounts for Payment – July 2015 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

ATTACHMENTS:

Attachment No. 7: List of Accounts

BACKGROUND

The Monthly payments made for the period 1st July 2015 to 31st July 2015 are presented to Council, with details of payments made by the Town in relation to goods & services received.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with the allocated budgets.

OFFICER RECOMMENDATION - ITEM 10.14

That Council receives the List of Accounts paid for July 2015 as attached to the Ordinary Council Agenda of 25 August 2015.

Voting Requirements: Simple majority

10.15 Financial Statements – July 2015 (Ref: FINM/AUD/1 - Ken Lapham, Manager Corporate Services)

APPLICATION

The purpose of this report is to present to Council various Financial reports in accordance with Local Government Financial Management Regulations.

ATTACHMENTS:

Attachment No 8: Financial Statements for July 2015.

BACKGROUND

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget.

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2015/16 financial year, the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

COMMENT

Income

The Summary of Financial Activity (Nature & type) is indicating that the total income for the year to date is \$15.8 million, which is 1.95% over budget.

Individually, Grants, Subsidies and Contributions are 6.10% ahead of budget estimates, with Fees & Charges being marginally ahead of budget forecasts.

Expenditure

The total operating expenses at the end of July were \$1.4 million, which is 38% under Budget estimates. Materials and contracts is 61% behind budget estimates. Employee costs are 11.5% under budget estimates. Utilities charges are 37% behind budget estimates.

Capital Expenditure

Infrastructure Capital projects and Property Plant & equipment have not commenced yet, as project planning by Asset Services is being undertaken.

The Monthly Financial Statements for July 2015 are attached to the agenda.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

The Financial Statements provide a comparison between actual and budget income and expenditure estimates for the period ended the 31st July 2015. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.15

That the Financial Reports for the period ended 31 July 2015, as attached to the Ordinary Council Agenda of 25 August 2015, be accepted.

Voting requirement: Simple majority

10.16 Implementation of Council Resolutions (Ref: Sue Perkins, Executive Assistant)

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

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

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

50869	Graeme Haggart	OCM1-16/4/11 - Ashfield Community Action Network Funding	Superseded by CR8203 - Ashfield Community Action Network funding. Recommend deletion
84969	Graeme Haggart	PQT July OCM - Mrs Tina Klein, 2 Wicks Street, Eden Hill	Response provided to Mrs Klein. Recommend deletion
84663	Michael Costarella	OCM-13/7/15, scm-1/7/15 - Integrated Planning and Reporting Framework - Review of the 2014-2018 Corporate Business Plan and Adoption of the 2015-2019 Corporate Business Plan	Document updated and now with Stylus Design for publication. Recommend deletion.
84664	Michael Costarella	SCM 2/7/15 - Adoption of the 2015/16 Budget	Copies provided to Councillors, staff and the website. Recommended deletion
84162	Michael Costarella	OCM-39/6/15 - Notice of Motion: Cr Bridges – Electronic Screen or Whiteboard for Council Meetings	Lists included on overhead projection in Council Chambers. Recommend Deletion

84553	Simon Stewert-Dawkins	PQT July OCM - Mrs Phelan	On 3 July 2015, the Mayor received a letter from Mrs Fran Phelan suggesting a number of trees be included into the Significant Tree Register. On 21 July the Director Operational Services wrote to Mrs Phelan and asked that she complete the Significant Tree nomination forms and submit to Council for consideration. Recommend deletion
84151	Brian Reed	OCM-12/6/15 - Metropolitan Region Scheme Proposed Amendment 1275/57- Central Districts Omnibus 4	Western Australian Planning Commission advised of Council Resolution. Recommend Deletion
84974	Brian Reed	OCM-10/7/15 - Draft Perth and Peel @3.5 Million	Western Australian Planning Commission advised of Council Resolution Recommend Deletion
84970	Christian Buttle	OCM-6/7/15 - Section 31 – Reconsideration for Proposed Three (3) Multiple Dwellings on Lot 41 (No. 11B) Fifth Avenue, Bassendean	Notice of refusal issued in accordance with Council's resolution. Recommend Deletion
84971	Christian Buttle	OCM - 8/7/15 - (a) Application for Retrospective Approval for Front Fence – Lot 830 (No. 11) Purser Loop, Bassendean, Owner: Special Piping Materials (WA) Pty Ltd, Applicant: Vespoli Constructions (Ref: 2015-025)	Notice of approval issued in accordance with Council's resolution. Recommend Deletion

84163	Ken Cardy	OCM-40/6/15 - Notice of Motion – Cr Pule: Safer Pedestrian Crossing Old Perth Road	Report being presented to Council at its August 2015 OCM. Recommend Deletion
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OFFICER RECOMMENDATION – ITEM 10.16

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 25 August 2015 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

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

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

06/08/15 Lease between Foundation Housing Ltd and the Town of Bassendean for Lot 948; 4 Somerton Road & Lot 1032; 6 Elsfield Way, Bassendean.

14/08/15 Development Agreement Bassendean Activity Centre between the Western Australian Land Authority, the Town of Bassendean and the Swan Districts Football Club Inc.

18/08/15 Grant of Easement between Abid Alagic of 19 Bassendean Road, Bayswater, and the Town of Bassendean, on Lot 19; 10 & 12 Brook Street, Bassendean.

OFFICER RECOMMENDATION – ITEM 10.17

That Council authorises the affixing of the Common Seal to the documents listed in the Ordinary Council Meeting Agenda of 25 August 2015.

Voting Requirements: Simple majority

10.18 Calendar for September 2015 (Ref: Sue Perkins, Executive Assistant)

Thu	3 Sep	5.00pm	Perth Airports Municipalities Group Meeting – City of Belmont (Cr Lewis)
Wed	9 Sep	10.00am	Access & Inclusion Committee Meeting Council Chamber (Cr Pule)
Wed	9 Sep	3.30pm	Local Emergency Management Committee Meeting – Council Chamber (Crs Pule & Bridges)
Thu	10 Sep	6.00pm	EMRC Strategic Planning Workshop – EMRC (Crs Pule & Carter)
Thu	17 Sep	6.00pm	EMRC Council Meeting – If required – EMRC (Crs Pule & Carter)
Tue	22 Sep	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	25 Sep	5.00pm	Youth Advisory Council Meeting – Youth Services
Mon	28 Sep		Queen’s Birthday Public Holiday – Offices closed
Tue	29 Sep	6.00pm	Citizenship Ceremony – Community Hall

OFFICER RECOMMENDATION - ITEM 10.18

That the Calendar for September 2015 be adopted.

Voting Requirements: Simple majority

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Carter

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

“That the Town of Bassendean supports the intent of Mayor of Vincent John Carey’s motion to the WALGA AGM on 5 August 2015 and that Council:

- 1. Sets up a publicly accessible register of Council Member contact with developers;*
- 2. Prohibits donations from developers to Bassendean local government election candidates;*
- 3. Sets up a publicly accessible register of gifts and hospitality to Bassendean Councillors and employees; and*
- 4. Reports annually on travel undertaken by Bassendean Councillors and employees.”*

COMMENT – CR CARTER

Vincent Mayor John Carey moved the following motion at the 2015 WALGA AGM:

“That the Western Australian Local Government Association:

- 1. Advocates for reforms to the Local Government Act 1995 and related Regulations to enhance governance, transparency, accountability and consistency in Local Government, particularly in relation to:*
 - a) Recording of Council Member contact with Developers;*
 - b) Prohibition of donations from developers to local government election candidates;*
 - c) Reporting and publicising of gifts and hospitality to Council Members and local government employees;*
 - d) Reporting and publicising of travel undertaken by Council Members and local government employees;*
 - e) Appointment and review of performance of the Chief Executive Officer and prescribed contract renewal procedures;*
 - f) Any other areas which lead to improved governance and transparency.*

2. *Develops the suite of reforms referred to in 1. above in consultation with members by no later than 3 months before the February 2017 State Election for consideration by all political parties in Western Australia.”*

The motion was defeated.

In supporting key aspects of Mayor Carey’s motion, Councillors of the Town of Bassendean affirm their belief in the importance of increased government accountability and transparency.

OFFICER COMMENT

Both Cr Carter’s and Cr Pule’s Notice of Motions (Items 11.1 and 11.2) are similar in intent and Council will need to resolve which way it wishes to proceed.

11.2 Notice of Motion – Cr Pule: Greater Transparency

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

“That:

1. *The Town of Bassendean joins other Progressive Councils in preparing a set of protocols, in the Code of Conduct, to define official contacts with developers by Councillors and establish a publicly accessible register for Councillors to register other known contacts with developers.*

The official protocols would be contacts:

- a) *at sittings of Council.*
 - b) *at the State Administration Tribunal and remediation sessions to improve planning designs. These to be mentioned in the Officer reports.*
 - c) *at inspections of sites.*
 - d) *defines developers.*
2. *Prohibits donations from developers to Bassendean local government election candidates.*
 3. *Set up a publicly accessible register of gifts as defined under the Code of Conduct to Bassendean Councillors and employees.*

3. *Report annually on travel undertaken by Bassendean Councillors and employees where a claim has been lodged for expenses.*
4. *Prohibit Councillors and employees to accept travel funding from developers.”*

COMMENT – CR PULE

1. This is an alternate motion that adds better clarity and better defines the specifics of the intent to give better transparency on these issues. These matters need to be carefully defined so that there is a clear understanding of the parameters and there is no ambiguity.
2. This needs to be a voluntary initiative taken by Councillors to better inform the public and it should be common across Councils that seek to be Progressive in public informing.
3. These better transparencies need to be compatible with the number of legislations, regulations and codes of conduct across Councils.
4. Please note that the Local Government Act of 1995 mentions gifts at 5.62 and 5.82. The Code of Conduct mentions gifts at 5 - Gifts and Acts of Hospitality.
5. This is part of the long term Strategic Plan ... *“to improve the quality of life in Bassendean by informing and including the residents”*.

OFFICER COMMENT

Both Cr Carter’s and Cr Pule’s Notice of Motions (Items 11.1 and 11.2) are similar in intent and Council will need to resolve which way it wishes to proceed.

11.3 Notice of Motion – Cr Pule: ALGA Report

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

“That Council notes the ALGA President’s Report and determines possible responses and that officers prepare a report accordingly.”

COMMENT – CR PULE

Council may decide to hold a workshop as there are a number of key issues presented that can be addressed by Council. Below are some areas of importance.

1. Community Infrastructure Ideas Register. (12 WA Councils have already submitted ideas).
2. Financial Assistance Grants (FAGs). The current campaign to restore indexation has already produced an extra \$1.105B in Roads to Recovery Funding. However, it should be noted that in 1996 Local Government share of Commonwealth taxation was a full 1.0%. Currently it is 0.7% and at the end of the freeze it will be less than 0.6%. This means in dollars a cost to Local Government of \$925m over the three year period and a reduction of \$300m next year and every year after that.

This reduction in cash needs to be seen in the light that the public are expecting:

- a) An increasing focus on human services.
 - b) The infrastructure renewal backlog, estimated at \$14.5B in 2006 will be in 2015 to the order of \$25B.
 - c) Integrated Planning now demands that maintenance and replacement costs must be met and thus reducing the potential spend on public expectations issues.
3. Council to note submissions for the Green Papers on Taxation and the White Paper Policy positions. Council is invited to present submissions.
 4. Council notes that Local Government Revenue in 2013-14 was \$38.6B and main sources of revenue for Local Government were limited to:
 - a) Rates. Local Government only tax bas 38%
 - b) Sales of Goods and Services 28%
 - c) Current Grants 7%
 - d) Other (grants, fines, developer charges etc) 27%

This is part of the long term Strategic Plan...”to improve the quality of life in Bassendean”.

OFFICER COMMENT

It is ambiguous as to what a report from Officers will address. It should be noted that WALGA is actively lobbying the Federal Government over the Financial Assistance Grants issue, and a previous Notice of Motion from Cr Pule asking for letters to go to WALGA and the Federal Minister on this issue, has already been implemented.

11.4 Notice of Motion – Cr Pule: Additional changes to the Omnibus of Changes to be undertaken to the Local Planning Scheme 10

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

- “1. That the Town of Bassendean add to the Omnibus of Changes to be undertaken to the Local Planning Scheme 10, to amend the relevant parts of the Scheme that relate to subdivisions of properties in the Town, so that the current intent of a minimum 20 metre frontage is clearly defined, is specific and there can be no ambiguity that may allow the State Administration Tribunal to permit subdivisions in the Town of 10 metres frontage;*
- 2. Additionally, further changes be made to the Local Planning Scheme No. 10 that include measures and standards of Urban Heat Island impact and set measures and standards similarly, as those applying to overshadowing and others aspects of the Scheme that relate to developments.”*

COMMENT – CR PULE

1. Change number 1 is to address the lack of clarity in TPS10 that has recently allowed the SAT to approve a 10 metre frontage subdivision and that Council has recently not approved. This has highlighted that changes need to be made to TPS10 to better define these parts.
2. Change number 2 - Current Planning Policy addresses issues such as overshadowing and other neighbour impacts, but does not address the impact of development on Urban Heat Island effect by developments. There needs to be measurable standards to assess these effects on planning grounds.

Urban Heat Island effect has a huge impact on the built environment, maintenance of roads, amenities, additional emissions costs, overall financial costs to Local Governments and Residents and quality of life issues.

3. This is part of the long term Strategic Plan...*to improve the quality of life in Bassendean* and part of the Bassendean Climate Change Adaptation Plan.

OFFICER COMMENT

The whole issue of multiple dwelling developments needs to be discussed via the Town Planning Scheme Review Committee, as each Councillor will have a financial and proximity interest in any Scheme Amendment. The issue also needs to be considered in the context of Council's ability to restrict multiple dwellings on minimum frontage requirements, and whether there is the scope to add additional controls for this form of development away from the train stations. The suggested 20m frontage will do little to curtail the incidences of multiple dwelling developments in areas intended largely for family accommodation.

The recently adopted Corporate Plan includes a measure of success, that a research project, gathering together relevant literature and best practice examples of urban heat projects assembled, and presented to Council for consideration during the next twelve months. It is suggested that it would be premature to resolve to introduce an amendment to the Scheme at this time.

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13.0 CONFIDENTIAL BUSINESS

14.0 CLOSURE

The next Ordinary Council meeting will be held on Tuesday 22 September 2015.