



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Tuesday 27 February 2024 at 6:00 pm

Notice is hereby given to Electors and Elected members of the
Ordinary Council Meeting

to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

Cameron Woods
CHIEF EXECUTIVE OFFICER

DATE 22/02/2024

Meeting Information

Recording and Live-streaming

All participation in the meeting, except for confidential business, will be audio recorded and live-streamed on the Town's website. The live stream will be archived and made available on the Town's website after the meeting.

Conduct at meetings

The Town is committed to ensuring our Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community. Any person attending is required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.

For any questions regarding the Ordinary Council meeting or any item presented in the agenda, please contact the Town of Bassendean at:
mail@bassendean.wa.gov.au.

Tune in to live streaming from the comfort of your own home by going to:
Town of Bassendean Council - YouTube

or if you miss it live, go to:
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

Council Seating Plan



Minute Secretary



Manager Governance and Strategy

Joanne Burges



Chief Executive Officer

Cameron Woods



Mayor

Cr Kathryn Hamilton

E: crhamilton@bassendean.wa.gov.au

Director of Corporate Services
Paul White



Director Community Planning

Luke Gibson



Acting Executive Manager Infrastructure

Doug Pearson



Executive Manager Sustainability and Environment

Nicole Davey



Cr Jennie Carter
E: crcarter@bassendean.wa.gov.au



Cr Emily Wilding
E: crwilding@bassendean.wa.gov.au

Cr Tallan Ames
E: crames@bassendean.wa.gov.au



Cr Jamayne Burke
E: crburke@bassendean.wa.gov.au

Cr Ken John
E: crjohn@bassendean.wa.gov.au



Cr Paul Poliwka
E: crpoliwka@bassendean.wa.gov.au

Council Role

Each Report presented will identify what Council's Role is in the item

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
Quasi-Judicial	When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by the State Administrative Tribunal.
Information	For the Council/Committee to note.

Table of Contents

1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer	8
2 Announcements by The Presiding Person Without Discussion	8
3 Attendances, Apologies and Applications for Leave of Absence	8
4 Declarations of Interest	8
5 Presentations or Deputations	8
6 Statements by Members of the Public	8
7 Questions from Members of the Public	9
8 Petitions	9
9 Confirmation of Minutes	9
10 Business Deferred from Previous Meeting	9
11 External Committee Reports and Updates	11
11.1 External Committee Reports and Updates.....	11
12 Officer Reports	12
12.1 Adoption of Recommendations En Bloc.....	13
12.2 Monthly Financial Report - December 2023 and January 2024.....	14
12.3 Application for Development Approval - Single House - 1B (Lot 21) Walter Road East, Bassendean.....	20
12.4 Town of Bassendean Council Plan.....	27
12.5 Fleet - Disposal of surplus vehicles through auction.....	31
12.6 Town Centre (Area 2) Parking Review.....	34
12.7 Proposed Tree Preservation Order - 11 (Lot 1119) Ashfield Parade, Ashfield.....	41
12.8 Proposed Tree Preservation Order - 21 (Lot 44) Nurstead Avenue, Bassendean.....	48
12.9 Draft amended Local Planning Policy 13 - Tree Retention and Provision.....	53
12.10 Draft amended Local Planning Policy 8 - Car Parking and End of Trip Facilities.....	60
12.11 Draft Public Open Space Strategy.....	63
12.12 Corporate Business Plan Reporting.....	69
12.13 Accounts Paid - December 2023 and January 2024.....	71
12.14 Mid-Year Budget Review - Annual Budget 2023/24.....	73



13 Motions of which Previous Notice has been given	77
14 Announcements of Notices of Motion for the next meeting	77
15 Urgent Business	77
16 Confidential Business	77
17 Closure	77

1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer

Acknowledgement of Traditional Owners

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

2 Announcements by The Presiding Person Without Discussion

3 Attendances, Apologies and Applications for Leave of Absence

4 Declarations of Interest

5 Presentations or Deputations

6 Statements by Members of the Public

Public statement time will be limited to two minutes per person.

Members of the public are encouraged to submit their statements in advance by completing the relevant form:

Online Form - Public Statement Time » Town of Bassendean

Please complete this form and submit it to the Town's Chief Executive Officer by no later than 12noon on the day of the meeting.

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

7 Questions from Members of the Public

15 minutes will be allocated for questions by members of the public any question that relates to the district.

Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Questions can be submitted prior to the Council meeting to:
www.bassendean.wa.gov.au/forms/public-question-time/36

If a person asking a question is not present at the meeting, then the Mayor can choose to deal with it at the meeting or arrange a response by email.

8 Petitions

9 Confirmation of Minutes

9.1 Confirmation of Minutes	
Attachments	<ol style="list-style-type: none"> 1. Special Council Meeting Tuesday-6- Feb-24-final [9.1.1 - 5 pages] 2. Ordinary Council Meeting Tuesday-19- December-2023- Minutes [9.1.2 - 27 pages]

Officer Recommendation – Item 9.1

That the minutes of the Special Council meeting held on 6 February 2024, be received and confirmed as a true and correct record.

Voting requirements: Simple Majority

Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on 19 December 2023, be received and confirmed as a true and correct record.

Voting requirements: Simple Majority

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

11.1 External Committee Reports and Updates	
Property Address	NA
Landowner/Applicant	NA
File Reference	GOVN/CCLMEET/1
Author	Cameron Woods
Department	CEO'S Office
Previous Reports	N/A
Authority/Discretion	Information For the Council/Committee to note.
Attachments	Nil

Purpose

The purpose of this report is for Council to note that no minutes from external Committees and organisations have been received.

Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

Comment

There have been no minutes received from external Committees and organisations.

Officer Recommendation – Item 11.1

That Council notes that no documents from external Committees have been received within the reporting period.

Voting requirements: Simple Majority

12 Officer Reports

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 Council Meeting Procedures Local Law 2020.

Council Meeting Procedures Local Law 2020, 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

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 4.0, Declarations of Interest, they should do so at this point of the agenda.

Officer Recommendation Item 12.1

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

Item	Report
12.3	Application for Development Approval – Single House – 1B (Lot 21) Walter Road East, Bassendean
12.5	Fleet – Disposal of surplus vehicles through auction
12.6	Town Centre (Area 2) Parking Review
12.7	Proposed Tree Preservation Order – 11 (Lot 1119) Ashfield Parade, Ashfield
12.8	Proposed Tree Preservation Order – 21 (Lot 44) Nurstead Avenue, Bassendean
12.9	Draft amended Local Planning Policy 13 – Tree Retention and Provision
12.10	Draft amended Local Planning Policy 8 – car Parking and End of Trip Facilities
12.11	Draft Public Open Space Strategy
12.12	Corporate Business Plan Reporting
12.13	Accounts Paid – December 2023 and January 2024

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

12.4	Town of Bassendean Council Plan
12.2	Monthly Financial Report- December 2023 and January 2024
12.14	Mid-Year Budget Review – Annual Budget 2023/24

12.2 Monthly Financial Report - December 2023 and January 2024	
Property Address	NA
Landowner/Applicant	NA
File Reference	FINM/AUD/1
Author	Paul White
Department	Director Corporate Services
Previous Reports	N/A
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Statement of Financial Activity at 31 December 2023 [12.2.1 - 10 pages] 2. Statement of Financial Activity at 31 January 2024 [12.2.2 - 10 pages]

Purpose

The purpose of this report is for Council to receive the Monthly Financial Reports for December 2023 and December 2024 which incorporates the Statement of Financial Activity.

Background

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

The Statement of Financial Activity is to show a comparison of the budget estimates with the actual revenue and expenditure figures for the year-to-date and can be presented by nature and type classification, program or business unit. The Statement of Financial Activity hereby presented to Council is by nature and type classification.

The Statement of Financial Activity and accompanying documents must be presented to Council within two months after the end of the month to which the statement relates. The variance report compares to the current budget which was adopted by Council on 28 June 2023.

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted \$15,000 or 10% whichever is higher, as part of its 2023/24 Annual Budget.

Proposal

For Council to receive the Monthly Financial Reports for December 2023 and January 2024.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

- 4.1 Ensure there is sufficient, effective and sustainable use of assets
- 4.2 Ensure community facilities are accessible to and well utilised by a diverse range of community members
- 4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.5 Foster an environment of innovation and leadership

Comment

The Monthly Financial Reports contain the Statement of Financial Activity, which represents the adopted 2023/24 Annual Budget and any subsequent amended estimates and actual income and expenditure amounts to the month.

Statement of Financial Activity (by nature or type)

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on year-to-date basis. The accompanying notes provide a detailed breakdown of the amounts and commentary is based on the January 2024 year-to-date figures.

Item	Current Budget	YTD Budget	YTD Actual	Variance to YTD Budget	Variance to YTD Budget
	\$m	\$m	\$m	\$m	%
Revenue (including General Rates)	24.1	22.1	22.3	0.2	1
Expenditure	28.4	17.4	16.4	1.0	6
Capital Works	5.7	3.1	1.3	1.8	40
Non-Operating Grants, Subsidies and Contributions	2.3	0.7	0.5	0.2	23

Operating Revenue

Revenue year-to-date is slightly higher than budget, primarily due to insurance recoveries.

Operating grants, subsidies and contributions are under budget due to a timing difference in the recognition of the MRRG direct grant and the Financial Assistance Grants Scheme worth \$114K which were received in advance in June 2023 and reflected in the opening surplus position.

Interest income is higher than budget by \$187K due to early investment from adoption of the annual budget in June and higher interest rates on investments.

Operating Expenditure

Expenditure year-to-date is under budget by \$1.2m. This is primarily due to materials and contracts spend, which is expected to be a timing difference as capital works projects momentum builds during the second half of the financial year.

Other expenditure is over budget by \$181K with ICT Licences being paid for the full year.

All other reporting lines are within budget.

Non-Operating Grants

Non-operating grants are under budget by \$191K with timing for grants from MRRG \$200K and Sandy Beach foreshore stabilisation by \$115K.

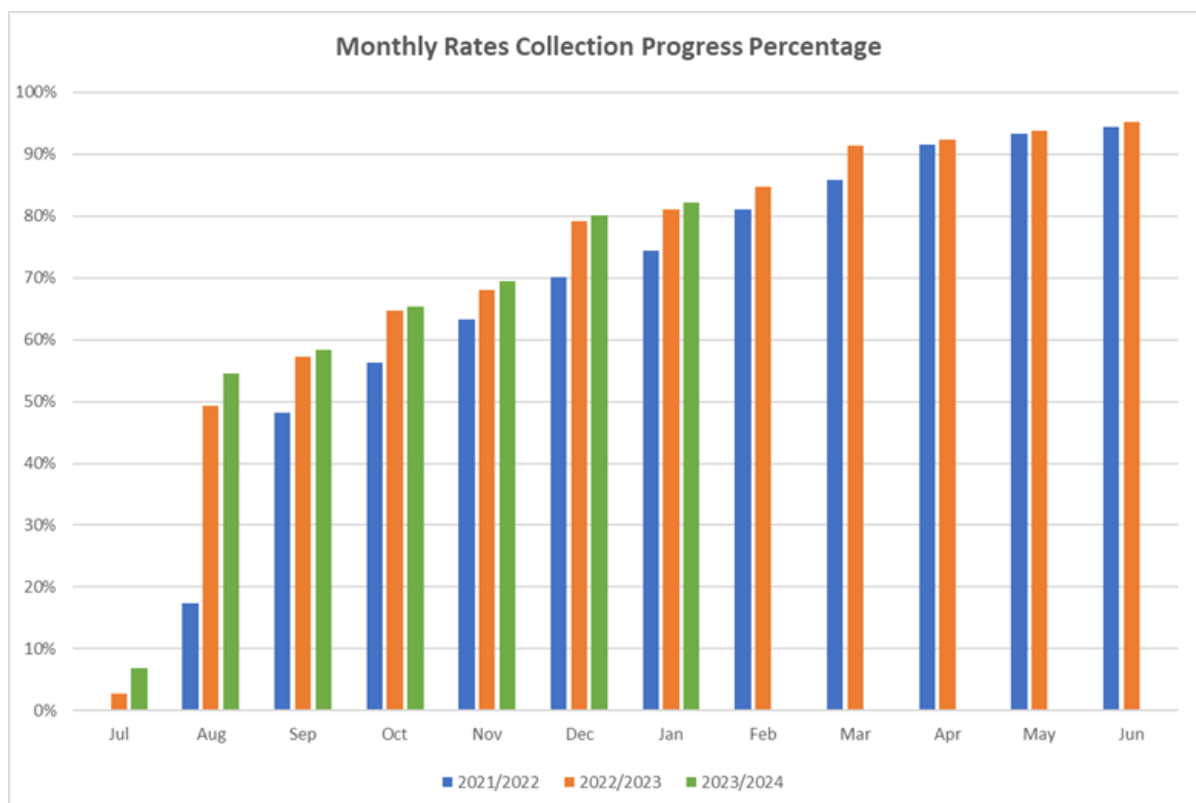
Capital Works

Actual spend totals \$1.3m, which equates to 22.3% of the current budget with a further \$1.4m (24.5%) committed with purchase orders having been raised.

Rates Collection Report

The chart below shows collection at 82% as at January 2024, continuing the improving trend toward earlier collection.

The final instalment is due on 12 March 2024.



Monthly Investment Report

The overall balance of the Town’s investments is \$22.1m. This is comprised of municipal investments of \$11.1m (including restricted cash), reserve investments of \$9.7 million and trust investments (public open space) of \$0.3m.

The administration uses *Marketforces.org.au* to assist in assessing whether financial institutions invest funds in fossil fuel related industries. The Town currently has 79% of its funds invested in non-fossil fuel ADIs.

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

The Monthly Financial Report provides an overview of income and expenditure for the appropriate period.

Budget Amendments

The following budget amendments are proposed in the Monthly Financial Report for December 2023, following Resolution of Council OCM 2023-12-19/16:

GL Account Code	Description	Current Budget (\$)	Amended Budget (\$)	Budget Movement (\$)

AB2401	Caledonian Soccer Club – Upgrade Verandah	69,000	96,400	27,400
	Asset Enhancement Reserve	431,799	404,399	-27,400

The purpose of the amendment was to provide funding for the full expected cost of the works to address localised flooding during rain events impacting on the Town's assets including the club changeroom and access to the playing field.

No budget amendments are recommended in the Monthly Financial Report for January 2024.

Risk Management Implications

Financial Risk
Low

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.2

That Council:

- Notes the Explanation of Material Variances in the Statements of Financial Activity; and
- Receives the Monthly Financial Report for the period ending 31 December 2023, which incorporates the Statement of Financial Activity for the period to December 2023.
- Receives the Monthly Financial Report for the period ending 31 January 2024, which incorporates the Statement of Financial Activity for the period to January 2024.
- Approves the following budget amendments:

GL Account Code	Description	Current Budget (\$)	Amended Budget (\$)	Budget Movement (\$)
AB2401	Caledonian Soccer Club – Upgrade Verandah	69,000	96,400	27,400
	Asset Enhancement Reserve	431,799	404,399	-27,400

Voting requirements: 1 to 3 Simple Majority; 4 Absolute Majority

12.3 Application for Development Approval - Single House - 1B (Lot 21) Walter Road East, Bassendean	
Property Address	1B (Lot 21) Walter Road East, Bassendean
Landowner	Carnaby Management Pty Ltd
Applicant	Trendsetter Homes
File Reference	2023-081
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	<p>Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
Attachments	<ol style="list-style-type: none"> 1. Development plans [12.3.1 - 5 pages] 2. Schedule of Submissions [12.3.2 - 5 pages]

Purpose

The purpose of this report is for Council to consider an application for development approval for a 'Single House' and 'Ancillary Dwelling' at 1B (Lot 21) Walter Road East, Bassendean. The application is presented to Council due to the number and nature of public submissions received.

Background

The subject site is vacant, has an area of 352m² and is zoned Residential R20/40 under Local Planning Scheme No. 10 (LPS 10). The site is located 50m from Success Hill Reserve and 700m from Success Hill Train Station. Surrounding properties are also zoned Residential R20/40 and comprise predominantly low-density housing. A location plan follows.



Proposal

The proposal involves the construction of two dwellings on the land, as follows.

- Single House - a two storey dwelling with an internal floor area of 185m²; comprising four bedrooms, four bathrooms and attached carport capable of accommodating two cars.
- Ancillary Dwelling - a single storey dwelling with an internal floor area of 83m²; comprising two bedrooms and two bathrooms.

Communication and Engagement

The proposal was advertised to the owners of the adjoining property (3 Water Road East, Bassendean) as the single house does not comply with the minimum lot boundary setbacks prescribed by the R-Codes. The owners objected to the proposal based on its impact on solar access and visual amenity (building bulk).

The following general concerns were also raised in the submission:

- Land use and permissibility
- Residential density
- Built form
- Noise
- Parking
- Removal of tree canopy

In addition, four other objections were also received from nearby properties; citing parking and the density of the development as concerns.

These matters are discussed further below.

Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts
 3.2 Increase the residential population close to centres and train stations

Comment

Land Use Classification and Permissibility

The proposal involves has been presented as two dwellings that are intended to each accommodate up to six people in a formalised and structured co-living arrangement. This is supported by each bedroom being relatively large and having a dedicated ensuite, although, without any kitchen or laundry facilities which would have the effect of causing each room to be a dwelling in its own right.

Under *State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)*, such an arrangement falls within the definition of a “Dwelling”, which is “*a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.*” (emphasis added)

Based in the above, the proposal is classified as a Single House and Ancillary Dwelling, both of which are “P” (permitted) uses within the Residential zone. Council cannot refuse a permitted use because of the unsuitability of the use for the zone, although it may impose conditions on the use of the land to comply with any relevant development standards or requirements.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

The R-Codes include ‘deemed-to-comply’ Criteria (prefixed by “C”) and Design Principles (prefixed by “P”). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The subject proposal complies with all relevant deemed-to-comply provisions of the R-Codes (including car parking) with the exception of those detailed in the table below.

R-Code and Policy Provision	Assessment/Comment
5.1.3 – Lot Boundary Setback	
C3.1 Buildings set back from lot boundaries in accordance with Table 1 and Tables 2a and 2b (refer to Figure Series 3 and 4);	The western ground wall floor (adjacent the kitchen and living room) is setback 1m from western boundary in lieu of 1.5m. The carport is setback 1.14m from western boundary in lieu of 1.5m

<p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. 	<p>If the kitchen window was removed or modified, the setback of the wall would comply with the prescribed lot boundary setback requirements. Given the window is located on the ground floor and will be largely screened by a standard dividing fence; its presence is not considered to have an unreasonable impact on the adjoining property with respect to building bulk, access to sunlight, ventilation or privacy and can therefore be supported.</p> <p>The carport is finished in a contrasting face brick to remainder of the western elevation. Varied roof forms and articulation also assists to ameliorate the impact of building bulk as viewed from the adjoining property. The carport is open sided and therefore, has no implications for ventilation to the adjoining property.</p> <p>The shadow cast by the carport over the adjoining property will not extend beyond that of the upper floor, which meets the deemed to comply requirement for solar access.</p> <p>The carport is not considered to have an unreasonable impact on the adjoining property with respect to building bulk, access to sunlight, ventilation or privacy and can therefore be supported.</p>
---	--

Local Planning Policy 13 – Tree Retention and Provision

The policy requires the provision of one medium or large tree on site. The proposal complies by virtue of the provision of a medium tree within the front setback area. It is noted that a portion of the tree growth zone is impacted by the proposed driveway, but it is considered acceptable on the basis that the driveway is proposed to be constructed so as to be permeable.

The owners of the adjoining property raised concerns that the development would require the removal of a portion of the canopy of a mature tree extending into the site. The tree subject to their concerns is not protected by a Tree Preservation Order and therefore, the pruning of the tree (where it extends into the subject site) is acceptable.

Noise

Concern regarding noise of air conditioning units was raised by the owner of a neighboring property. The number and type of air conditioning units likely to be installed is not expected to exceed that typical of a single house and ancillary dwelling. Notwithstanding, the development is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Statutory Requirements

In accordance with Clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council may determine an application for development approval by:

- (a) Approving the application without conditions; or
- (b) Approving the application with conditions; or
- (c) Refusing the application.

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council refuse the application, the applicant may seek to have the application reviewed by the State Administrative Tribunal.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.3

That Council approves the application for development approval for a ‘Single House and Ancillary Dwelling’ at 1B (Lot 21) Walter Road East, Bassendean, subject to the following conditions:

1. The Single House shall be constructed to a 7-Star Rating under the Nationwide House Energy Rating Scheme and in accordance with the NatHERS Certificate No. 0009189200 approved by Sustainability WA (dated 19 January 2024).
2. The Ancillary Dwelling shall be constructed to a 7-Star Rating under the Nationwide House Energy Rating Scheme and in accordance with the NatHERS Certificate No. 0009189325 approved by Sustainability WA (dated 19 January 2024).
3. The roof structure of the dwelling shall have a maximum solar absorptance rating of 0.5. Documentation confirming this rating shall be submitted prior to or in conjunction with a building permit application, and it must be implemented and maintained on site for the life of the development to the satisfaction of the Town of Bassendean.
4. All stormwater being contained and disposed of on site.

5. External fixtures, including but not limited to air-conditioning units, clothes drying facilities, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street.
6. The driveway must be constructed of a permeable paving system, to the Town's satisfaction.
7. Prior to the occupation of the development a minimum 6.6kw photovoltaic solar panel system is required to be installed to the satisfaction of the Town of Bassendean. The solar panel system is to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
8. Prior to the occupation of the development water tank/s with a minimum (aggregate) 6,000 litre capacity shall be installed onsite and plumbed to either a toilet or laundry within the dwelling to the satisfaction of the Town of Bassendean. Alternatively an approved grey-water reuse system that collects grey water from the laundry and bathrooms and re-directs it for garden irrigation / ground water recharge must be installed prior to the initial occupation of the development to the satisfaction of the Town of Bassendean. The system is to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
9. Prior to the occupation of the development, 3-phase power shall be installed to enable the installation of vehicle charging points and/or the capacity for electric vehicle charging points to be installed at a later date, to the satisfaction of the Town of Bassendean.
10. Prior to the occupation of the development, a rain garden with an area of no less than 2% of the area of the roof cover of the house, must be provided on site. The rain garden is to be depicted on plans submitted in association with a building permit application and maintained on site for the life of the development.
11. Prior to the occupation of the development, the proposed medium tree (which, is have the potential, upon maturity, to have a canopy diameter in excess of 6m) is to be planted in the location depicted on approved plans. At the time of planting, the tree must be a minimum of 2m in height and 100-litre pot size, and the tree and associated tree growth zone must be retained for the life of the development to the satisfaction of the Town of Bassendean.
12. Prior to the occupation of the development, a notification must be registered on the Certificate of Title under Section 70A of the *Transfer of Land Act 1893* advising prospective purchasers that the site contains a tree which is required to be retained on site in perpetuity in accordance with a condition of development approval.

13. Prior to the occupation of the development, a notification must be registered on the Certificate of Title under Section 70A of the *Transfer of Land Act 1893* advising prospective purchasers that the site is subject to a development approval for a 'Single House' and 'Ancillary Dwelling' only, as defined by State Planning Policy 7.3 - Residential Design Codes (Volume 1). Further information can be obtained from the Town of Bassendean.
14. The street number must be prominently displayed at the front of the development.

Voting requirements: Simple Majority

12.4 Town of Bassendean Council Plan	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	CORM/POLCY/1
Directorate	CEO and Council Support
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. 23-058 - Community Workshop Notes [12.4.1 - 11 pages] 2. Final Council Plan Community Consultation-v 2 [12.4.2 - 18 pages] 3. 23-058 - Council Plan Inserts [12.4.3 - 23 pages] 4. 23-058 - FUTYR Council Plan - design - 231221 [12.4.4 - 28 pages]

Purpose

The purpose of this report is for Council to adopt the Town of Bassendean Council Plan 2023-33.

Background

Section 5.56. Planning for the future of the *Local Government Act 1995* requires:

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The *Local Government (Administration) Regulations 1996* outlines the requirements to comply with Section 5.56 of the Act via 19C. Strategic Community Plans and 19DA. Corporate Business Plans and the associated clauses.

Further 19D. Public notice of adoption of strategic community plan of the *Local Government (Administration) Regulations 1996* states:

- (1) If a strategic community plan is adopted, the CEO must —
 - (a) give local public notice that the plan has been adopted; and
 - (b) publish the plan on the local government's official website.

The Town of Bassendean Council Plan integrates the Strategic Community Plan and Corporate Business Plan into one succinct document.

The plan follows the Integrated Planning and Reporting Framework guidelines and satisfies the legislative requirement for all local governments to have a plan for the future.

In 2022, Council commenced its journey to review the Strategic Community Plan by inviting community members to complete a MARKYT Community Scorecard. In 2023, the Town extended the review program to embrace the FUTYR approach for integrated planning and reporting. This community led, integrated and streamlined approach designed specifically for local government involved:

- Desktop research
- Detailed review of current plans and strategies to align and integrate outcomes and actions
- Detailed review of the MARKYT Community Scorecard and VoiceBank to consider and integrate community driven actions, and
- Workshops with councillors, staff, key stakeholders and local community members

The Regulations require a local government to review the current strategic community plan for its district at least once every 4 years.

Further, a local government is to review the current corporate business plan for its district every year.

The Council Plan integrates both the Strategic Community Plan and the Corporate Business Plan; therefore, the plan will be reviewed annually, and results reported on quarterly.

Communication and Engagement

In 2022 the Town commissioned CATALYSE to conduct an independent MARKYT Community Scorecard.

All community members were invited to take part.

Scorecard invitations were sent to all households and residential PO Boxes in the Town of Bassendean. Further CATALYSE sent email invitations to the Town of Bassendean's customer contacts and supporting promotions were provided through various communication channels.

- 1,125 community members participated in the 2022 MARKYT Community Scorecard.
- The MARKYT Community VoiceBank provided a 62,929-word count of ideas and suggestions.
- 70 RSVPs were received for Community Workshops held in November 2023.
- Consultation on the draft Council Plan was sought via the Town of Bassendean website between 10 – 24 January 2024 resulting in eleven submissions.

Attachment 9.2.1 Community Workshop Notes - provides the raw data collated by Catalyse from the Community Workshops on 14 November 2023.

Attachment 9.2.2 Final Council Plan Community Consultation - provides a summary of the public consultation undertaken in January 2024

The Community Scorecard 2022 is available to view on the Town of Bassendean website at: <https://www.bassendean.wa.gov.au/documents/1226/markyt-community-scorecard-2022>

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.2 Ensure major decision making is informed by community feedback

6.3 Ensure operational activities reflect the strategic focus of Council

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

Comment

The community, Council and the Administration have contributed significant time and effort to the development of the Council Plan, guiding the integration of the Strategic Community Plan and Corporate Business Plan into one succinct document, providing a strategic overview with annual review to guide the Annual Budget and organisational outputs.

The draft plan as attached to this report is presented in two documents:

Attachment 9.2.3 Council Plan Inserts - provides an overview of each of the Performance areas:

- People
- Planet
- Place
- Prosperity, and
- Performance

These are presented in sections and include the current situation, recent achievements and what we do. These overviews are then followed by the actions for each performance area developed from the various consultations.

Attachment 9.2.4 FUTYR Council Plan - provides the Design version of the final document.

Following adoption of the Council Plan 2023-33, these two sections will be brought together in one final document to guide Council and the Administration to deliver on the actions. The 2023-24 financial year commits to delivering 37 of the 87 actions included in the plan.

Statutory Requirements

Local Government Act 1995

Local Government (Administration) Regulations 1996

Financial Considerations

Consultant Fees of \$40,000 for the development of the plan. Implementation of the Plan's actions will be considered in development of the Long-Term Financial Plan and the Annual Budget process.

Risk Management Implications

Medium

The *Local Government (Regulations) 1996* require adoption of this plan to ensure it meets statutory timelines, therefore reputational and legislative risk exists. The impacts of the implementation of the actions within the plan will require consideration in the development of the Long-Term Financial Plan and the 2024-25 Annual Budget therefore a low – medium risk exists on the delivery timeframes within the plan.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.4

That Council adopt the Town of Bassendean Council Plan 2023-33.

Voting requirements: Absolute Majority

12.5 Fleet - Disposal of surplus vehicles through auction.	
Property Address	
Landowner/Applicant	
File Reference	TBA
Directorate	Infrastructure
Previous Reports	Nil
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	Nil

Purpose

The purpose of this report is for Council to consider the sale of three heavy fleet vehicles, currently surplus to requirements. The matter is referred to Council for determination as the expected income for each vehicle may exceed the \$20,000 threshold prescribed in the *Local Government (Functions and General) Regulations 1996*.

Background

Council approved the purchase of two tip trucks to replace existing trucks as part of the 2022/23 Annual Budget. The trucks were procured in 2022/23 but not delivered by the end of the financial year due to worldwide supply issues, and the budget was carried forward to 2023/24. Both trucks were delivered in January 2024 and are now operational. Consequently, the three tip trucks outlined in the following tables are now surplus to operational need and can be disposed.

Tip Truck 1. (Plant #PW7043)

Make and Model	Isuzu NQR450 Tip Truck
Purchased	2008 – 16 years old
Odometer	211,043kms

Tip Truck 2. (Plant #PW7049)

Make and Model	Mitsubishi Fuso
Purchased	2012 – 12 years old
Odometer	184,063kms

Tip Truck 3. (Plant #PP7117)

Make and Model	Isuzu NQR450 Tip Truck
Purchased	2008 – 16 years old
Odometer	145,324kms

All vehicles are operational; however, all are beyond reasonable asset management life due to considerable age and km's travelled. All vehicles show moderate wear and tear and light (surface) to heavy (structural frame) rust within the tipper bodies which is expectant of vehicles of this nature, age, and use. As replacement vehicles have been deployed, disposal is now appropriate.

Proposal

With the successful deployment of replacement fleet already purchased, the Administration proposes to dispose of, through public auction, the following heavy fleet:

- Tip Truck 1.
- Tip Truck 2.
- Tip Truck 3.

Upon endorsement, the Administration will prepare the vehicles (including removal of all Town decals and equipment) and arrange for sale through an auction house. Proceeds from disposal will be placed in the Fleet and Plant Reserve.

Communication and Engagement

Nil required.

Strategic Implications

Priority Area 4: Driving Financial Sustainability

4.1 Ensure there is sufficient, effective and sustainable use of assets.

Statutory Requirements

Local Government Act 1995 (s3.58)

Local Government (Functions and General) 1996 30. (3) (a)

Financial Considerations

Proceeds from sale of the vehicles will be placed in the Town's Fleet and Plant Reserve.

Risk Management Implications

Retaining the identified fleet will result in continued depreciation and additional expenses associated with licensing and housing vehicles surplus to requirements.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.5

That Council authorise the disposal of the following three heavy fleet vehicles through public auction:

- Tip Truck Plant 1.
- Tip Truck Plant 2.
- Tip Truck Plant 3.

Voting requirements: Simple Majority

12.6 Town Centre (Area 2) Parking Review	
File Reference	LAWE/REPRNG/3
Directorate	Community Planning
Previous Reports	23 November 2021 23 May 2023
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	1. Schedule of Submissions [12.6.1 - 13 pages] 2. Proposed parking restrictions (amended following consultation) [12.6.2 - 1 page]

Purpose

The purpose of this report is for Council to consider the parking restrictions within the Bassendean Town Centre and surrounds (Parking Area 2).

Background

On 23 November 2021, Council resolved to make various modifications to parking restrictions in the vicinity of Bassendean Oval (Parking Area 1). Line marking in accordance with the restrictions made has since been completed.

In late 2022, the Town undertook an audit of parking signage and restrictions of all thoroughfares located within Parking Area 2; being the area bounded by Guildford Road, West Road and Palmerston Street as detailed on the following map.



The audit included:

- Compilation of observational evidence from the Town's Ranger Services as to the use and occupancy of car parking bays.
- Site inspections (including parking counts); and
- A review of any existing complaints, comments and requests received for the community related to parking within Parking Area 2.

The audit identified that in some locations, existing parking restrictions or provisions are either no longer meeting the needs of the community or should be amended. Some areas are experiencing street parking with a low turnover rate of vehicles, obstruction of accessways and intersections and reports of increased difficulty in accessing thoroughfares due to an increase in street parking and/or the way street parking is utilised.

As a result of the audit, on 23 May 2023, Council considered various parking control measures and resolved to advertise them for community feedback, as below.

Hamilton Street

- Corner of Old Perth Road – 'No Stopping' yellow edge line markings to show the prohibited corner parking areas as per the Parking Local Law.

Whitfield Street

- Corner of Old Perth Road – 'No Stopping' yellow edge line markings to show the prohibited corner parking areas as per the Parking Local Law.
- Corner of Old Perth Road northwestern side – 'No Stopping' yellow edge line in front of the unit at 80 Old Perth Road up to and including 30 Whitfield Street.
- Corner of Old Perth Road southeastern side – 'No stopping' yellow edge line markings from the corner to the end of the first tree embayment to highlight 'No Stopping' on the corner and entrance to Whitfield Street.
- Remove the existing 'Motorcycle Only' bays outside 89 Old Perth Road and replace them with a street tree, to mirror the northern side of the crossover.

Old Perth Road – Senior Citizens car park

- Removal of the existing 'Seniors Centre Parking' only sign. The sign often creates conflict between centre attendees and other users of the car park resulting in altercations between users.

In addition to the above, Council resolved to authorise the Town to undertake targeted consultation with affected owners and occupiers of properties on Kenny Street, to inform future decisions regarding the potential installation of timed or permit parking restrictions.

Communication and Engagement

In accordance with Council's 23 May 2023 resolution, the Town undertook public consultation from 28 November 2023 to 22 December 2023, by way of the following:

- letters to potentially affected and/or nearby property owners and occupiers; and
- display on the Town's website.

In response, the Town received 39 submissions, as below.

- Hamilton Street - 1 submission (comment with no objection).
- Whitfield Street - 4 submissions (2 in support, 1 objection and 1 objection solely to the tree planting component of the proposal).
- 50 Old Perth Road - 19 submissions (all objections).
- Kenny Street - 15 submissions (6 requesting no change, 6 requesting permit parking, 1 requesting either no change or permit parking, 1 requesting both timed and permit parking and 1 objection).

A schedule of submissions is attached to the report. Relevant concerns raised in the submissions are subsequently discussed further in the report.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.1 Fostering a culture of collaboration and trust between the organisation and community

Comment

Hamilton Street

No objections were received to the proposed installation of 'No Stopping' yellow edge line markings to show the prohibited corner parking areas as per the local law. The installation of the yellow edge line marking will give drivers clear instruction as to where parking is prohibited and will alleviate many of the reported issues.

A comment was received regarding extending the yellow marking on the western side of Hamilton Street. The comment is reasonable as this section of the Hamilton Street cannot accommodate two vehicles parked on either side of the street. It is therefore now proposed to extend the western yellow line marking to the southern extent of the crossover to 28 Hamilton Street. It is also proposed, for the sake of consistency, to convert the existing signed restrictions on the eastern side to yellow edge line markings.

Whitfield Street

One submission objected to the yellow edge line markings proposal, however, it was more in relation to removing street parking rather than the yellow line markings. The component of the proposal would involve the line extending to, but not impacting, the first existing on-street parking bay adjacent to 30 Whitfield Street. This will simply be a visual instruction for where it is currently illegal to park, i.e. within 10m of the intersection, double parking and obstructing driveways.

One submission raised concerns in relation to the proposed removal of the existing 'Motorcycle Only' bays outside of 89 Old Perth Road and subsequent replacement with a street tree. The objection was focused on the planting of a tree rather than the removal of the bays or the installation of yellow edge line markings; raising concerns about the maintenance of the tree and waste service vehicles having clear access to the verge for bin collection. **A review of aerial photography confirms that the subject area is used for roadside bin placement and collection.**

In considering the matter, the Town supports an alternative approach that would involve removing the motorcycle bays and continuing the 'No Stopping' yellow edge line markings to the existing on-street vehicle parking bay adjoining 27 Whitfield Street. Whilst this is installing a new parking restriction in the location, it is a cheaper alternative to installing a tree, will not restrict bin collection from the adjoining property, and would provide a clear, visual instruction of where it is illegal to stop a vehicle.

Given the change is particularly minor and does not impact the intent or the function of the previous Safe Active Street project, it is not considered necessary to seek the approval of the Department of Transport.

Seniors and Community Centre Car Park (50 Old Perth Road)

During the advertising period, the Town received 19 objections to the proposed removal of the sign at the entrance to the carpark which states 'Senior Centre Parking Only'. All objections were received from users of the senior centre and were based upon the loss of 'reserved' parking near the hall and inability for hall users / seniors to find parking in close proximity, with many noting mobility issues as their reasons for needing the parking close to the hall.

It is noted that, at present, the subject sign is simply a general request of the community, and not an enforceable restriction under the Local Law. As such, it does not prevent the bays from being used by parents associated with St Michaels School, the public or Town staff on an ad hoc basis throughout the day. This has created conflict between Centre attendees and other users of the car park. It is therefore recommended that a change be made, with the removal of the sign still the recommended approach.

Alternatively, it is open to Council to pursue permit parking, with permits granted only to regular users of the centre. Should Council pursue the latter option, it will require administrative, monitoring and infrastructure resources, including the installation of appropriate signage, and education and enforcement of the restriction.

Kenny Street

The section of Kenny Street, between Palmerston Street and Guildford Road is subject to reported issues of vehicles parking all day in association with the Bassendean Railway Station and the results of the initial consultation suggested that it may benefit from the installation of some form of parking control.

In accordance with Council's May 2023 resolution, the Town sought targeted feedback in relation to what the preferred approach to dealing with the issues would be. A total of six submissions requested no change, whilst six submissions requested permit parking, one requested combined timed and permit parking and one submission indicated no change as a preferred response and permit parking as a secondary response. One submission objected to all proposals.

The request to have both timed parking and permit parking to allow residents to park contrary to the time restrictions is not permissible, as a permit would not allow permit holders to park contrary to signed restrictions or other provisions of the local law.

With the even split of responses between no change and parking permits and the initial consultation identifying the need for some type of control measure, consideration should be given to parking permits for this location. This may have less of an impact on residents in the area, still allowing them to have access to street parking, however it will deter parking associated with the train station. It should be noted that this option will require administrative, monitoring and infrastructure resources, including the installation of appropriate signage, and education and enforcement of the restriction.

Statutory Requirements

Clause 1.9 of the Parking Local Law 2019 states that Council can prohibit or regulate the stopping or parking of any vehicle within the district.

Financial Considerations

The installation of the 'No Stopping' yellow line marking is estimated to cost \$2,000. This expense is not provided for in the current 2023/2024 budget and will need to be included in the 2024/2025 budget.

The removal of the motorcycle parking bays, and the installation of a tree pit and tree is estimated to cost \$4,000. This expense is not provided for in the current 2023/2024 budget and will need to be included in the 2024/2025 budget.

Should council resolve to install 'No Stopping' yellow line marking in lieu of the installation of the tree, that line marking is expected to cost \$200. This is the recommended approach.

Risk Management Implications

If the final proposed amendments are not implemented, there is a risk that parking issues will continue to occur in the identified locations, affecting residents.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.6

That Council

1. Pursuant to Clause 1.9 of the *Parking Local Law 2019*, makes the following modifications to parking restrictions within Parking Area 2:
 - Hamilton Street – installation of 'No Stopping' yellow edge lines at the intersection of Old Perth Road (all corners):
 - Hamilton Street – southwest corner of Old Perth Road - installation of 'No Stopping' yellow edge line to the southern extent of the crossover to 28 Hamilton Street.
 - Hamilton Street – eastern side - converting the existing signed restrictions to yellow edge line markings.
 - Whitfield Street – installation of 'No Stopping' yellow edge lines at the intersection with Old Perth Road (all corners):
 - Whitfield Street – northwestern corner of Old Perth Road – installation of 'No Stopping' yellow edge line in front of the unit complex at 80 Old Perth Road up to and including the frontage of 30 Whitfield Street (up to and excluding existing street parking bay).
 - Whitfield Street – remove the existing 'Motorcycle Only' bays outside 89 Old Perth Road.
 - Whitfield Street – southeastern corner of Old Perth Road – installation of 'No Stopping' yellow edge line from the corner to the existing street parking bay adjoining 27 Whitfield Street.

- 50 Old Perth Road (Seniors and Community Centre Car Park) – remove the existing signage.
3. Notes that the Town will undertake targeted consultation with affected owners and occupiers of properties impacted by the proposed change to the existing parking control measures to implement a permit parking restriction for the section of Kenny Street, between Guildford Road and Palmerston Street.

Voting requirements: Simple Majority

12.7 Proposed Tree Preservation Order - 11 (Lot 1119) Ashfield Parade, Ashfield	
Property Address	11 (Lot 1119) Ashfield Parade, Ashfield
Applicant	Peter Robinson (nominator)
File Reference	TPO/2023/003 TPO/2023/006 TPO/2023/007
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.
Attachments	1. Arboricultural Report - 11 Ashfield Parade Ashfield [12.7.1 - 18 pages]

Purpose

The purpose of this report is for Council to consider making Tree Preservation Orders (TPO's) for three trees located at 11 (Lot 1119) Ashfield Parade, Ashfield.

Background

On 15 August 2023, a member of the public submitted TPO nominations for the following trees, based on aesthetic quality, rarity, habitat and contribution to urban tree canopy.

- 1 x Tasmanian Blue Gum (Tree 1)
- 1 x Northern River Red Gum (Tree 2)
- 1 x Northern River Red Gum (Tree 3)

The photograph of the trees and a site plan follow.

The delay in presenting this matter to Council is due to the property being a deceased estate.



It should be noted that the canopies of the trees extend over the following adjoining properties:

- 13 Ashfield Parade
- 23 Kenmure Avenue
- 21A Kenmure Avenue

Communication and Engagement

In accordance with Clause 4.7.7.3 of Local Planning Scheme No 10 (LPS 10), the Town gave written notice of the nomination to the owners of the land on which the trees (including canopies) are located.

In response, an objection was received on behalf of the owner on 11 Ashfield Parade, citing the following:

- The trees subject to the nomination are not rare
- Similar trees have previously been cleared in the locality
- A tree preservation order will restrict any future development and negatively impact on the value of the property.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.4 Conserve, protect and enhance our natural environment and biodiversity

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.2 Ensure major decision making is informed by community feedback

Comment

Arboriculture Assessment

Given the landowner did not nominate the tree and the Town received an objection to the nomination, the Town engaged an arborist to undertake independent assessments of the trees. All the trees were found to be of satisfactory structure and in good health. The life expectancy of the Tasmanian Blue Gum (Tree 1) is estimated at 5-15 years; and the Northern River Red Gums (Trees 2 and 3) at 15-40 years. The arborist advised the species are common throughout the Perth metropolitan region, despite not being native to the area. None of the trees were noted as having any outstanding significance that would warrant a TPO as per the criteria outlined in LPS 10.

A copy of the arboriculture assessment is attached to this report.

Local Planning Scheme No. 10

Clause 4.7.7.2(i) of LPS10 provides the local government the ability to order the preservation and maintenance of a tree via a TPO. Where the local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

- aesthetic quality;
Those trees that due to their context in and contribution to the landscape, are considered to be of aesthetic, location and/or landmark significance.
- historical association;
Those trees that are of importance to the Aboriginal community, European significance, association with a significant heritage site, or commemorative plantings.
- rarity;
Those trees that are of an outstanding size or age, horticultural significance, or contain curious growth forms.
Rarity is to be considered from a state-wide and Town of Bassendean context.
Outstanding size or age and horticultural significance is based on the size and age of the tree relative to normal mature size and age of trees of that species in the Town.
Curious growth forms include abnormal outgrowths, fused branches or unusual root structures.
- any other characteristics which make the tree worthy of preservation.
Other significance includes, but is not limited to, habitat significance. Although all trees have some habitat value, in undertaking assessments under this policy the habitat value of a tree is only deemed significant if it provides a breeding, feeding or roosting site regularly used by fauna protected under state or federal legislation.

Local Planning Policy No. 13 – Tree Retention and Provision provides further guidance with respect to consideration of those characteristics prescribed under LPS10; stating that Council will not support the establishment of a TPO unless the tree meets at least of the prescribed detailed criteria. These matters are discussed below.

Policy Criteria	Comment
Tree 1 - Tasmanian Blue Gum	
Aesthetic Quality	<p>The tree is situated at the rear of the existing house on the site. Due to its height it is visible from the street. Notwithstanding, it does not make a significant contribution to the streetscape or public realm, nor present as a significant feature on the landscape or a landmark.</p> <p>The arborist report states the tree has an amenity tree value of \$19,986. This is considered a low amenity value and would suggest that the tree does not have significant aesthetic quality.</p>
Historical Association	There is no historical association identified which would warrant the grant of a TPO.
Rarity	<p>Tasmanian Blue Gums are common throughout Perth and under ideal conditions will typically grow up to 45m in height. At 17m; the tree is not considered to be of outstanding size; nor an outstanding example of the species.</p> <p>The tree is not of horticultural significance and does not display curious growth forms.</p>
Other Significance	<p>The tree is not identified as one which provides a breeding, feeding or roosting site for protected fauna.</p> <p>While the tree's contribution to the urban tree canopy and general habitat value are acknowledged, neither are of such significance to warrant a TPO.</p>
Summary	Tree 1 is not considered to have any outstanding significance that would warrant the granting of a TPO.
Tree 2 - Northern River Red Gum	
Aesthetic Quality	<p>The tree is located to the rear of the existing house on the site. Visibility from the street is obscured by other mature trees on the site. Future development of 13 Ashfield Parade will further obscure view of the tree from public view. The tree does not make a significant contribution the streetscape or landscape.</p> <p>The arborist report states the tree has an amenity tree value of \$10,630. This is considered a low amenity value and would suggest that the tree does not have significant aesthetic quality.</p>
Historical Association	There is no historical association identified which would warrant the grant of a TPO.
Rarity	<p>Northern River Red Gums are common throughout Perth and typically grow up to 20m in height. At 16m, the tree is not considered to be of outstanding size; nor an outstanding example of the species. In addition, the tree is not of horticultural significance and does not display curious growth forms.</p>
Other Significance	<p>The tree is not identified as one which provides a breeding, feeding or roosting site for protected fauna. While the tree's contribution to the urban tree canopy and general habitat value are acknowledged, neither are of such significance to warrant a TPO.</p>

Summary	Tree 2 is not considered to have any outstanding significance that would warrant the granting of a TPO.
Tree 3 – Northern River Red Gum	
Aesthetic Quality	The tree is located to the rear of the existing house on the site, visibility from the street is obscured by other mature trees on the site. Future development of 13 Ashfield Parade (currently vacant) will further obscure view of the tree from public view. The tree does not make a significant contribution the streetscape or landscape. The arborist report states the tree has an amenity tree value of \$13,338, this is considered a low amenity value and would suggest that the tree does not have significant aesthetic quality.
Historical Association	There is no historical association identified which would warrant the grant of a TPO.
Rarity	Northern River Red Gums are common throughout Perth and typically grow up to 20m in height. At 16m, the tree is not considered to be outstanding in size; nor an outstanding example of the species. In addition, the tree is not of horticultural significance and does not display curious growth forms.
Other Significance	The tree is not identified as one which provides a breeding, feeding or roosting site for protected fauna. While the tree's contribution to the urban tree canopy and general habitat value are acknowledged, neither are of such significance to warrant a TPO.
Summary	Tree 3 is not considered to have any outstanding significance that would warrant the granting of a TPO.

Subdivision / Development Potential

The site is zoned Residential R20 under LPS 10 and with a site area of 1,168m² has subdivision/development potential for two lots/dwellings. Due to the location of the trees at the rear of the site, it is likely that there will be opportunities to support additional development while retaining the trees; however retention of the existing house and the trees through subdivision may prove problematic.

Conclusion

In accordance with *Local Planning Policy 13 – Tree Retention and Provision*, Council will not support the establishment of a TPO unless the trees meet specific criteria. As outlined above, the trees under consideration are not considered to have any outstanding aesthetic quality, historical association, rarity, nor other significance and therefore, is recommended that TPOs not be made in this instance.

Statutory Requirements

If Council resolves to make a TPO, the local government is, in accordance with clause 4.7.7.6 of LPS 10, to include the tree(s) in the registry of TPOs.

Financial Considerations

The commissioning of an arborist report to inform Council's consideration of this matter cost \$990.

More broadly in relation to protection of trees on private land, allowing TPO nominations to be made by third parties without the payment of an appropriate fee results in the Town bearing a financial loss associated with costs of both (i) the internal resourcing and (ii) engaging specialist arborist services. Therefore, in preparing the next budget, the Town will consider the introduction of nomination fees to assist in generating appropriate cost recovery.

Risk Management Implications

In the absence of a TPO, trees on private property can be removed without the need for prior approval from the Town.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.7

That Council, pursuant to clause 4.7.7.2 of Local Planning Scheme No. 10, does not make Tree Preservation Orders for the Tasmanian Blue Gum (*Eucalyptus globulus*) and two Northern River Red Gums (*Eucalyptus camaldulensis* var. *obtus*) located at 11 (Lot 1119) Ashfield Parade, Ashfield.

Voting requirements: Simple Majority

12.8 Proposed Tree Preservation Order - 21 (Lot 44) Nurstead Avenue, Bassendean	
Property Address	21 (Lot 44) Nurstead Avenue, Bassendean
Applicant	Katharina Wolf (nominator)
File Reference	TPO/2023/004
Directorate	Community Planning
Previous Reports	N/A
Authority/Discretion	<p>Quasi-Judicial When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences.</p>
Attachments	1. Arboricultural Report - 21 Nurstead Avenue Bassendean [12.8.1 - 12 pages]

Purpose

The purpose of this report is for Council to consider making a Tree Preservation Order (TPO) for a Rose Gum tree (*Eucalyptus Grandis*) located at 21 (Lot 44) Nurstead Avenue, Bassendean.

Background

On 2 November 2023, a TPO nomination was received from a nearby landowner for the subject tree based on its habitat significance to local wildlife and aesthetic quality, and to ensure the tree would be retained in the future. A photograph of the tree is shown below:



Communication and Engagement

In accordance with Clause 4.7.7.3 of Local Planning Scheme No. 10 (LPS 10), the Town gave written notice to the landowner of the subject site of the nomination as well as the adjoining landowners at 23 (Lot 45) Nurstead Avenue where the tree overhangs.

In response, the landowner of the subject site lodged an objection to the proposed TPO, suggesting that the tree fails to satisfy the requirements of Clause 4.7.7.2(i) of LPS 10 and that the tree's maturity and large canopy pose a safety hazard.

These matters are discussed in this report further.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability
2.4 Conserve, protect and enhance our natural environment and biodiversity

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
6.2 Ensure major decision making is informed by community feedback

Comment

Arboriculture Assessment

Given that the landowner did not nominate the tree and objected to the nomination, the Town engaged an arborist to undertake an independent assessment of the tree. The arboriculture report identified that the tree was in satisfactory structural condition and the health of the tree is high. The tree has a useful life expectancy of 15 to 40 years. The report identified that dead wood pruning should be undertaken urgently and recommended ongoing pruning.

Whilst the report acknowledges that the tree does provide a range of benefits to the urban environment (as most trees do), due to the species being common throughout Perth and condition of the tree, the report suggests that the tree is not considered to have any outstanding significance.

A copy of the arboriculture assessment is attached to this report.

Local Planning Scheme No. 10

Clause 4.7.7.2(i) of LPS 10 provides the local government the ability to order the preservation and maintenance of a tree via a TPO. Where a Local Government is considering making an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

- aesthetic quality;
- historical association;
- rarity; and
- any other characteristics which make the tree worthy of preservation.

These matters are discussed below.

Aesthetic Quality

The tree does have aesthetic quality due to its size and canopy coverage and it is acknowledged that the tree does provide benefits to the natural and urban environment. This includes shading for the subject site and adjoining property, cooler air temperatures, fauna habitat and a food source. The tree can be seen from Nurstead Avenue by adjoining properties and the public.

The arborist report states that the tree has an amenity tree value of \$91,115, which suggests that the tree does have considerable aesthetic value.

Historical Association

The subject property or tree does not have any historical associations as it is not listed on the Town's Local Heritage Survey or Heritage List.

It is noted within the Town's Built Form and Character Study that this area is characterised by mature street tree plantings including Eucalypts.

Rarity

The arborist confirms that the tree is not considered rare due to the species being commonly planted throughout the Perth Metropolitan area.

Other Characteristics

The arborist report notes that mature urban trees benefit the natural environment including providing shade and cooler air temperatures, greenhouse gas reduction, fauna habitat and a food source. As it is a large tree, it provides more benefits than many others. This tree offers nesting places to cockatoos, galahs, parrots, kookaburras, and many other species. It also provides shelter to a wide range of marsupial and insect species.

Safety Hazard

The tree has height of 29.9m and a canopy spread ranging between 22m and 23m; with part of the tree overhangs the dwelling, vehicle access leg and a portion of the adjacent site.

The arborist report suggests that the tree is in good health and therefore, the Town does not consider the tree to represent any immediate danger, although it is noted that deadwood pruning is required urgently. The TPO will not prevent the pruning of the tree in the future but will simply require the Town's approval prior to pruning being undertaken.

As with all trees on private property (either the subject of a TPO or not), damage caused by trees is a civil matter between the neighbouring landowners, although the Town can, on request, provide advice on the health of the tree and the extent of any pruning required.

Subdivision / Development Potential

The subject site is zoned Residential R25 under LPS 10 and with a site area of 1,012m², has subdivision / development potential for two lots / dwellings.

The subject site is proposed to be coded R60 under draft Local Planning Scheme No. 11, which would enable multiple dwellings (apartments) or six lots/dwellings.

Given the location of the tree being in the northwestern corner of the lot, it is likely that there will be opportunities to support additional development potential whilst retaining the tree.

Conclusion

Given the tree is considered to have a high aesthetic value, is in fair structural condition and is healthy, it is recommended that the tree be protected via a TPO.

Statutory Requirements

In accordance with clause 4.7.7.6 of LPS 10, the local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this section.

Financial Considerations

The commissioning of an arborist report to inform Council's consideration of this matter cost \$495.

More broadly in relation to protection of trees on private land, allowing TPO nominations to be made by third parties without the payment of an appropriate fee results in the Town bearing a financial loss associated with costs of both (i) the internal resourcing and (ii) engaging specialist arborist services. Therefore, in preparing the next budget, the Town will consider the introduction of nomination fees to assist in generating appropriate cost recovery.

Risk Management Implications

In the absence of a TPO, trees on private property can be removed without the need for prior approval from the Town.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.8

That Council resolves, pursuant to clause 4.7.7.2 of Local Planning Scheme No. 10 to make a Tree Preservation Order for the Rose Gum Tree (*Eucalyptus Grandis*) located at 21 (Lot 44) Nurstead Avenue, Bassendean.

Voting requirements: Simple Majority

12.9 Draft amended Local Planning Policy 13 - Tree Retention and Provision	
File Reference	TBA
Department	Community Planning
Previous Reports	23 June 2020
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Existing Local Planning Policy 13 - Tree Retention and Provision [12.9.1 - 4 pages] 2. Draft amended Local Planning Policy 13 - Tree Retention and Provision [12.9.2 - 5 pages] 3. Draft alternative amended Local Planning Policy 13 - Tree Retention and Provision [12.9.3 - 6 pages]

Purpose

The purpose of this report is for the Council to consider a draft amended Local Planning Policy 13 – Tree Retention and Provision (LPP 13).

Background

In June 2020, the Council resolved to adopt LPP 13, which applies to all applications for development approval involving Single Houses and Grouped Dwellings, where the estimated cost of development is \$100,000 or more.

In June 2021, the Western Australian Planning Commission resolved to approve the local planning policy modifications to the deemed-to-comply requirement of the *State Planning Policy 7.3 – Residential Design Codes, Volume 1 (R-Codes)*.

In August 2023, Council considered the below Notice of Motion regarding “tree protection on private property” and unanimously resolved to support it.

“That Council requests the CEO to, upon gazettal of Town of Bassendean Local Planning Scheme 11, immediately initiate a Scheme Amendment to achieve tree protection on private property through the insertion of the following into Schedule A: Supplemental Provisions to the Deemed Provisions.”

Clause 60A

No person shall remove a tree (which includes ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or willful destruction) on a lot zoned Residential with a density code of R30 or below that meets the following criteria unless development approval has been granted in accordance with Part 8 of the deemed provisions:

- a) *Tree height of 8m or greater; or*
- b) *Canopy width of 6m or greater; or*
- c) *A total trunk circumference of 1.5m, and where the tree has multiple trunks average trunk circumferences of 625mm, measured at 1.4m above ground level; or*
- d) *On a Significant Tree Register.*

Clause 61 (Development for which development approval is not required)

Column 1 Works	Column 2 Conditions
<p><i>The removal of a tree (which includes ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or wilful destruction.</i></p>	<p><i>Either</i></p> <ul style="list-style-type: none"> a) <i>Tree pruning which does not remove more than 10% of the tree canopy within any 12 month period, and which does not remove a tree limb or branch with a diameter of more than 50mm, and will not damage or effect the health or structural stability of the tree; or</i> b) <i>Pruning or removal of a tree identified as a noxious weed or as a diseased tree by an authorised Government agency; or</i> c) <i>Tree pruning or tree removal approved by the Local Government to address a safety risk identified by a registered Arborist as part of a tree risk assessment; or</i> d) <i>Tree pruning or removal required for bushfire management in accordance with the Bush Fires Act 1954; or</i> e) <i>Tree pruning or removal to the extent required by an authorised Government service provider to achieve necessary clearance from utilities; or</i> f) <i>Tree pruning or removal in accordance with a clearing permit issued by an authorised Government Agency.</i>

In September 2023, the Town, as part of its participation in the WALGA Urban Forest Working Group, was provided legal advice with respect to Local Governments' approach to tree retention in urban areas of Western Australia.

Communication and Engagement

In mid-2023, draft Local Planning Scheme No. 11 (LPS 11) was advertised for public comment. As part of that process, the Town received a large number of submissions that advocated for increased statutory controls regarding existing trees. It should be noted that in addition to the local community submissions, 70 of those submissions were received from people from outside the district.

The draft amended Local Planning Policy was provided to Councillors via the 17 November 2023 CEO Bulletin. No comments were received.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

2.6 Support the creation of a more green and shaded Town

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

Comment

Given that the Town's draft LPS 11 is nearing gazettal, it is appropriate to now review LPP 13 to ensure it aligns with that future scheme.

The proposed amendments to the Policy are as follows:

- Referencing LPS 11 rather than Local Planning Scheme No. 10.
- Referencing the Significant Tree Register rather than Tree Preservation Orders.
- Adding reference to a "small tree"
- Providing the Policy position that any works impacting a tree (referred to as "Tree Works") constitutes development.
- Exempting most "Tree Works" from the requirement to obtain development approval.

A copy of the draft amended Policy is contained as Attachment 2.

This Policy review will also provide Council the opportunity to consider implementing its August 2023 resolution, albeit via a Local Planning Policy rather than the Local Planning Scheme. To that end, if Council wishes to pursue greater statutory control over trees on private property (as is the clear intent of the August 2023 resolution) it is able to support the draft (alternative) amended Policy contained as Attachment 3. The additional provisions in that version of the Policy would effectively require a development approval to remove (or undertake works to or on) a far greater number of mature trees on private property throughout the district.

Whilst provided for Council's consideration, the draft (alternative) amended Policy contained as Attachment 3 is not supported on the basis that it does not involve the necessary level of specificity that would normally be required to underpin increased statutory control over private land. Once a tree is removed from a site, it may be difficult for the Town to prove (for the purposes of a prosecution) that the former tree met one or more of the relevant criteria, and therefore required a development approval prior to removal. **Whilst the Town could, to some degree, rely on aerial and street photography, there is no guarantee that a prosecution action would ultimately be successful.**

It is considered that any tree protection should be based on specific inclusion in a relevant public document. That approach would broadly align with the process used for heritage buildings; being that for Council to require a development approval for the removal of an existing dwelling, it is required to either (i) include the specific site on the local government's formal Heritage List or (ii) designate a specific spatial area as a Heritage Area (which is supported by the requisite Local Planning Policy document).

Further, any proposal to provide for broad protection of trees on private property would be plainly contrary to the views recently expressed by the Minister for Planning, which included his clear objection to any "punitive" approach to tree protection.

Statutory Requirements

Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to advertise the amendment to the policy.

Financial Considerations

The cost of advertising the draft amended policy can be met from the Town's current operating budget.

Risk Management Implications

If Council seeks to further amend the draft policy to provide greater statutory control over trees on private property, there is a potential reputational risk in that the approach may not be supported by the community and/or State Government, **although it must be acknowledged that at this stage, Council is only considering the draft Policy for the purposes of advertising** and that the results of the consultation process will be subsequently considered by Council in the future.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.9

That Council, pursuant to Clause 5(1) and 4(1) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended *Local Planning Policy 13 – Tree Retention and Provision*, as contained as Attachment 2, for the purposes of advertising.

Voting requirements: Simple Majority

12.10 Draft amended Local Planning Policy 8 - Car Parking and End of Trip Facilities	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	TBA
Department	Community Planning
Previous Reports	25 May 2021
Authority/Discretion	Legislative Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. Existing Local Planning Policy 8 - Car Parking and End of Trip Facilities [12.10.1 - 7 pages] 2. Draft Interim Guidance document - Car parking requirements for non-residential land uses in Perth and Peel (DPLH, February 2023) [12.10.2 - 14 pages] 3. Draft amended Local Planning Policy 8 - Car Parking and End of Trip Facilities [12.10.3 - 6 pages] 4. Comparison of car parking requirements [12.10.4 - 2 pages]

Purpose

The purpose of this report is for Council to consider a draft amended Local Planning Policy 8 – Car Parking and End of Trip Facilities (LPP 8).

Background

In May 2021, Council resolved to adopt a draft amended LPP 8, which stipulate the minimum number of parking and end of trip facilities to be provided to support development, as well as the circumstances in which the Town will consider a reduction in parking bays.

Given that the Town’s draft LPS 11 is nearing gazettal, it is appropriate to now review LPP 8 to ensure it aligns with that future scheme.

Communication and Engagement

The draft amended Local Planning Policy was provided to Councillors via the 25 January 2024 CEO Bulletin, seeking any comments prior to the matter being formally considered by Council. No comments were received.

Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.5 Foster an environment of innovation and leadership

Comment

The review of LPP 8 was guided by the Department of Planning, Lands and Heritage's (DPLH) draft Interim Guidance document relating to Car parking requirements for non-residential land uses in Perth and Peel (attached).

The proposed amendments to the Policy are as follows:

- Referencing LPS 11 rather than Local Planning Scheme No. 10.
- Making reference to, of Part 9A of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which contains provisions about car parking.
- The car parking requirements for the Bassendean Town Centre have been simplified so as to be one bay per 100m² of Net Lettable Area, irrespective of the specific use. It is intended that this requirement would apply until such time as the Town Centre is subject to a Precinct Structure Plan (which may contain precinct-specific car parking provisions). This approach will provide greater flexibility and simplicity in terms of changes of use within the town centre, as the change from one use to another would not result and in change in parking requirements. Further, the approach is considered reasonable in the context of the town centre being served by two railway stations and over 550 public car parking bays (**excluding the bays currently available at the Wilson Street car park site**). Such a change will assist the Town in attracting new development and businesses to the town centre; creating an active and vibrant precinct in accordance with the community's stated aspiration for the district.
- The car parking requirements for land outside the Town Centre has been amended to broadly align with the DPLH's draft guidance document, which in most cases, reduces the car parking requirement.

A copy of the draft amended Policy is contained as Attachment 2. A comparison table illustrating the proposed changes for each specific land use is contained as Attachment 3.

Statutory Requirements

Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to advertise the amendment to the policy.

Financial Considerations

The cost of advertising the draft amended policy can be met from the Town's current operating budget.

Risk Management Implications

If Council's policy settings regarding car parking are too onerous, it may impact the ability to attract new development to the area. Equally, if Council's policy settings regarding car parking are too lenient, it may result in car parking issues within the district. The Town has sought to mitigate any risks by aligning the draft amended LPP with DPLH's draft Interim Guidance document relating to Car parking requirements for non-residential land uses in Perth and Peel.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.10

That Council, pursuant to Clause 5(1) and 4(1) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft amended *Local Planning Policy 8 – Car Parking and End of Trip Facilities*, as contained as Attachment 2, for the purposes of advertising.

Voting requirements: Simple Majority

12.11 Draft Public Open Space Strategy	
Property Address	Various
Landowner/Applicant	Town of Bassendean
File Reference	TBA
Directorate	Community Planning
Previous Reports	26 April 2022
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Draft POS Strategy [12.11.1 - 80 pages]

Purpose

The purpose of this report is for the Council to consider a draft Public Open Space (POS) Strategy, for the purpose of advertising.

Background

On 26 April 2022, the Council considered a draft POS Strategy and resolved to defer the matter.

Since that time, the Town's main land use planning priority has been the Local Planning Strategy and draft Local Planning Scheme No. 11; with the former being approved and the latter with the Minister for final approval.

Communication and Engagement

On 1 February 2022, the draft Strategy was discussed at a Councillor workshop, with a copy of the presentation provided to Councillors in the 3 February 2022 CEO Bulletin. In that Bulletin, feedback was sought on various aspects of POS planning and the various responses received from Councillors, have been considered as part of the preparation of the draft POS Strategy.

On 4 March 2022, the draft Strategy was provided to Councillors via the CEO Bulletin.

Following Council's decision to defer consideration of the matter, the draft Strategy (as amended) was provided to Councillors via the 15 December 2023 CEO Bulletin. No comments were received.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

1.4 Creating an environment where people feel welcome and safe

Priority Area 2: Leading Environmental Sustainability

2.6 Support the creation of a more green and shaded Town

Priority Area 4: Driving Financial Sustainability

4.1 Ensure there is sufficient, effective and sustainable use of assets

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

Comment

Requirement for a POS Strategy

The need for a POS Strategy stems from the Town's adopted Local Planning Strategy, which provides for the following action:

“Undertake a public open space needs assessment to determine the standard, distribution and any deficiencies of, the Town's public open space”.

The Town has undertaken a review of POS throughout the district and has prepared a draft POS Strategy for the ongoing management and coordination of POS. The draft Strategy contains a series of actions, which are intended to enable the Town to deliver an integrated and functional POS network.

A copy of the draft POS Strategy is attached.

Existing POS

The Town conducted a detailed evaluation of the current POS provision in terms of its quality; based upon design, functionality, infrastructure provision, accessibility, surveillance and maintenance standard.

The results of the evaluation are contained in the Strategy document. The findings of the assessment revealed an overall underperformance in the quality of POS throughout the Town. The key areas of concern included functionality, with lack of infrastructure constraining sports and recreation usages. Some POS had infrastructure, however displayed signs of ageing and degradation, indicating a maintenance issue. POS with infrastructure also somewhat lacked safety and amenity including lighting and shading. This issue was exacerbated by a lack of passive surveillance.

Strategy Recommendations

The draft Strategy contains a series of recommendations, ranging from short to long term, as summarised below.

Action	Recommendation	Timeframe
1.	<p>Cash-in-Lieu</p> <p>To pursue appropriate “cash-in-lieu” conditions on development and subdivision approvals that seek to create three or more dwellings. This position may be formalised via a Local Planning Policy.</p>	Ongoing
2.	<p>Hierarchical Assessment to Guide Service Levels</p> <p>That the Town, as funding and resources allow, enhances open spaces throughout the district. This will be guided by the minimum and optional amenities as set out in Appendix 1 of the Strategy document. The POS is categorised as Small, Local, Neighbourhood and District and this classification, will determine levels of service provided i.e. bins, toilets playgrounds etc.</p>	Ongoing
3.	<p>Subdivision and Development</p> <p>When determining subdivision and development proposals for land abutting POS, apply CPTED/passive surveillance principles, particularly in relation to major openings and fencing.</p>	Ongoing
4.	<p>Pedestrian Access</p> <p>Where possible, improve pedestrian access to existing areas of POS throughout the district.</p>	Ongoing
5.	<p>Environmentally Sensitive Areas</p> <p>Ensure linkages and access to environmentally sensitive areas is appropriately managed to minimise environmental impacts.</p>	Ongoing
6	<p>Play Equipment</p> <p>For various reserves, retire play equipment infrastructure when infrastructure reaches the end of its economic life:</p>	Subject to infrastructure life
7.	<p>Urban Greening</p> <p>For various reserves, undertake extensive planting to create mini-urban forests; increasing tree canopy within the district:</p>	Short and in some cases, subject to 6. above
8.	<p>Dog Areas</p> <p>Review the existing on and off-leash designations for reserves.</p>	Short
9.	<p>School sites</p> <p>Advocate to the Department of Education for active sporting and recreational play-spaces on school sites to be available for broader community use.</p>	Short
10.	<p>Maintenance Program</p> <p>Review Levels of Service to ensure maintenance is responsive to community values and changing needs, and ensure that the POS maintenance program is appropriate based on the hierarchy and</p>	Short and periodically

	purpose of each area of POS.	
11.	Intersection of Old Perth Road and Surrey Street Reconfiguring the above intersection in accordance with the Council-adopted Town Centre Masterplan.	Medium
12.	Development Controls Investigate the opportunities to provide bespoke development controls for sites directly abutting areas of POS, so as to improve the public/private interface and to maximise passive surveillance of those spaces.	Medium

Given the long-term nature of the strategy, a staged approach to implementation would occur as and when funding is available, with the Town seeking to implement the short-term actions in the first instance.

Public Consultation

Should Council resolve to advertise the draft POS Strategy, the Town intends to advertise the document for at least 28 days by various means including (but not limited to) the following :

- Copies being made available in the Town’s Customer Service Centre and Library;
- The draft Strategy being made available on the Town’s website;
- Promotion of the consultation process on the Town’s social media platforms; and
- Direct referral to the various environmental groups and community action network groups within the district.

Following the conclusion of the consultation period, the matter will be formally presented to Council for final adoption.

Statutory Requirements

Nil.

Financial Considerations

The cost of advertising the draft POS Strategy can be met from the 2023/24 operating budget.

In future, implementation of the draft POS Strategy will require budget allocations over several years.

Risk Management Implications

Not having a contemporary strategy will compromise The Town's ability to seek financial contributions to POS.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.11

That Council adopts the draft Public Open Space Strategy, as attached to this report, for the purposes of advertising.

Voting requirements: Simple Majority

12.12 Corporate Business Plan Reporting	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	CORM/POLCY/1
Directorate	CEO and Council Support
Previous Reports	N/A
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	1. Final Half Year Report 1 July 2023 - 31 December 2023 [12.12.1 - 24 pages]

Purpose

The purpose of this report is for Council to receive the Corporate Business Plan Half Year Report for the period ending 31 December 2023.

Background

The Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Framework and Guidelines states that is good practice to provide to Council, at least quarterly, implementation reports linked to the Corporate Business Plan (CBP). The Half Year Report for the period ending 31 December 2023 is the first report for the 2023/24 financial year and provides an update on the projects/actions contained within the adopted Corporate Business Plan 2022-2026 for Quarters 1 & 2.

Communication and Engagement

Nil

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions
6.3 Ensure operational activities reflect the strategic focus of Council

Comment

As detailed in the attachment, of the 59 actions / projects covered by this report, 27 have been completed, 14 are on-track, seven (7) are off-track, three (3) have not started and eight (8) are under Monitor / Review.

The Council will consider the 2023-2033 Council Plan in February 2024. Should this be adopted all future reporting will be undertaken against this Plan.

Statutory Requirements

Local Government Act 1995

Financial Considerations

Nil

Risk Management Implications

Low

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.12

That Council:

1. Receive the 1 July 2023 – 31 December 2023 Half Year Report updating the projects / actions set out in the Town of Bassendean Corporate Business Plan.
2. Note that all future reporting will be aligned to the 2023-2033 Council Plan.

Voting requirements: Simple Majority

12.13 Accounts Paid - December 2023 and January 2024	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/CREDTS/4
Directorate	Corporate Services
Previous Reports	
Authority/Discretion	Legislative Includes adopting local laws, local planning schemes & policies.
Attachments	<ol style="list-style-type: none"> 1. December 2023 Accounts Paid [12.13.1 - 17 pages] 2. January 2024 Accounts paid [12.13.2 - 14 pages]

Purpose

The purpose of this report is for Council to receive the list of accounts paid for December 2023 and January 2024.

Background

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, requires a list of accounts paid by the CEO each month to be presented to Council at the next ordinary meeting of Council after the list is prepared.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

4.3 Support the local economy

Comment

Payments made during December 2023 and January 2024 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Statutory Requirements

Local Government (Financial Management) Regulations 1996

Financial Considerations

All payments are authorised prior to disbursement in accordance with the Town's Purchasing Policy, Procurement Guidelines and allocated budgets.

Risk Management Implications

Financial Risk

Low

The Town has adequate controls in place to mitigate external and internal risks in accounts payable.

As an extra measure, the Town uses EftSure to independently check bank account details of suppliers paid by the Town.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.13

That Council receives the list of accounts paid for December 2023 and January 2024.

Voting requirements: Simple Majority

12.14 Mid-Year Budget Review - Annual Budget 2023/24	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	FINM/BUGTG/1
Department	Corporate Services
Authority/Discretion	Executive The substantial direction setting and oversight role of the Council.
Attachments	<ol style="list-style-type: none"> 1. MYR Financial Report Final [12.14.1 - 4 pages] 2. CONFIDENTIAL REDACTED - Materials and Contracts - Summary [12.14.2 - 1 page] 3. CONFIDENTIAL REDACTED - F Y 23-24 MYR Capex - 31.12.23 [12.14.3 - 4 pages] 4. CONFIDENTIAL REDACTED - F Y 23-24 MYR Opex - 31.12.23 [12.14.4 - 2 pages]

Purpose

The purpose of this report is to present the 2023/24 Annual Budget Mid-Year Review to Council for adoption (“Statutory Budget Review”).

Background

The *Local Government Act 1995* and Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

The Town has carried out its Statutory Budget Review and in doing so, has considered the Town’s financial performance in the period from 1 July 2023 to 31 December 2023, the Town’s financial position as at the date of the review, and the outcomes for the end of that financial year that are forecast in the budget.

The Statutory Budget Review must be submitted to Council before 31 March, and to the Department of Local Government, Sport and Cultural Industries (the Department) within 14 days after the Council has made its determination.

Communication and Engagement

The Chief Executive Officer, Directors, Managers and relevant staff were consulted about current and future projects and cost pressures and changes attributed to their functional area of responsibility.

The draft Statutory Budget Review was distributed to Councilors via the CEO Bulletin on 2 February 2024 and a workshop was held with Councilors on 6 February 2024, with minor adjustments made as a result.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective, and sustainable use of assets

Comment

The Statutory Budget Review reflects actual year to date income and expenditure to 31 December 2023 and considered the following areas:

- Budget re-alignments and corrections;
- Review of variances to identify timing and structural adjustments;
- New items; and
- Review of Reserve transfers considering the status of capital works projects and the concluded 2022/23 financial position, following completion of the external audit by the Office of the Auditor General in December 2023.

The proposed amended Annual Budget 2023/24 is presented as the Statement of Financial Activity (formerly known as the Rate Setting Statement) (**Attachment 1**). The statement shows:

- The Current 2023/24 Annual Budget (the full year budget adopted by Council in June 2023 and any subsequent amendments to December 2023);
- The Proposed 2023/24 Annual Budget; and
- The variance between the two, reflected in both dollar and percentage terms.

The Current Annual Budget forecast (2023/24 Proposed Budget) net surplus is \$3,179.

The following is a summary of the key variations:

Amounts Attributable to Operating Activities

Operating Revenue

Operating revenue is \$139,560 higher than the current budget, primarily due to insurance recoveries.

Operating Expenditure

Operating expenditure is \$74,472 higher than budget, primarily due to very small variances in Employee Costs, Materials and Contracts, Depreciation and Insurance

expenses. In terms of Employee costs, the variance is due to workers compensation reimbursements due but not claimed. A schedule of variances for Materials and Contracts is attached at **Confidential Attachment 1**.

Investing Activities

Investing Activities is proposed to increase by \$204,490, primarily due to the expected completion of carry forward projects.

The Capital Expenditure budget (**Confidential Attachment 2**) is proposed to increase by \$219,695 primarily due to budget amendments adopted to date.

Transfer to Reserves

There was a small movement in the Fleet and Plant Reserve, due to adjusted trade in values.

Transfer from Reserves

Transfers from Reserves are proposed to increase by \$111,489, largely due to additional funding required to complete the Ashfield Reserve lighting project.

Key Operating Projects

Operating projects are shown in **Confidential Attachment 3**. Two key operating projects were included:

- Sandy Beach Foreshore Restoration Plan
- Bassendean Oval Redevelopment Feasibility Study.

Statutory Requirements

**Absolute majority required.*

33A. Review of budget

- (1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
 - (d) *include the following —*
 - (i) *the annual budget adopted by the local government;*

- (ii) *an update of each of the estimates included in the annual budget;*
 - (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*
- (2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required.*
- (4) *Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Financial Considerations

Amendment of the 2023/24 Annual Budget in accordance with the recommended adjustments, as contained in this report and attachments, results in an increase in the budgeted closing surplus from nil to \$3,179.

Risk Management Implications

Financial Risk
Medium

Should Council resolve not to adopt the Statutory Budget Review, further amendments can be made in accordance with Council's direction and the Statutory Budget Review re-submitted for the March Ordinary Council meeting. While that will allow the Town to comply with its statutory obligations, it will delay development of the 2024/25 Annual Budget and the Long-Term Financial Plan.

Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

Officer Recommendation – Item 12.14

That Council adopts the Statutory Budget Review, as outlined in this report and detailed in the attachments to this report.

Voting requirements: Absolute Majority

13 Motions of which Previous Notice has been given

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

16 Confidential Business

Officer Recommendation

That the following matters be considered with members of the public excluded from the Chamber under Clause 5.23 (2) of the Local Government Act 1995, in the list below.

17 Closure

The next Briefing Session will be held on Tuesday 19 March 2024 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 26 March 2024 commencing at 6pm.